Chapter 388

SCHOOLS AND SCHOOL AID

SCHOOL AID

Act 26 of 1948 (1st Ex. Sess.)

388.1-388.41 Repealed. 1951, Act 212, Imd. Eff. June 14, 1951;—1954, Act 209, Imd. Eff. May 10, 1954;—1955, Act 238, Eff. July 1, 1955.

SCHOOL AID

Act 238 of 1955

388.51-388.95 Repealed. 1956, Act 188, Eff. July 1, 1956.

SCHOOL DISTRICT IN INCORPORATED VILLAGE

Act 201 of 1929

388.121-388.125 Repealed. 1955, Act 269, Eff. July 1, 1955.

ORGANIZATION OF SCHOOL DISTRICT IN CITY

Act 169 of 1927

388.131-388.134 Repealed. 1976, Act 451, Imd. Eff. Jan. 13, 1977.

ORGANIZATION OF SCHOOL DISTRICT IN CITY

Act 279 of 1927

388.141,388.142 Repealed. 1955, Act 269, Eff. July 1, 1955.

ANNEXATION OF SCHOOL DISTRICTS

Act 247 of 1941

388.151-388.160 Repealed. 1955, Act 269, Eff. July 1, 1955.

DIVISION OF FIRST CLASS SCHOOL DISTRICTS INTO REGIONS

Act 244 of 1969

388.171-388.187 Repealed. 1949, Act 217, Eff. Sept. 23, 1949;—1955, Act 269, Eff. July 1, 1955;—1970, Act 48, Imd. Eff. July 7, 1970;—1976, Act 451, Imd. Eff. Jan. 13, 1977.

LOANS TO COUNTY SCHOOL DISTRICTS

Act 44 of 1937

388.191,388.192 Repealed. 1983, Act 174, Imd. Eff. Oct. 14, 1983.

EMERGENCY FINANCIAL ASSISTANCE FOR INSOLVENT SCHOOL DISTRICTS

Act 32 of 1968

388.201-388.220 Expired. 1968, Act 32, Eff. June 30, 1970.

EMERGENCY FINANCIAL ASSISTANCE FOR INSOLVENT SCHOOL DISTRICTS

Act 225 of 1972

388.221-388.240 Expired. 1972, Act 225, Eff. June 30, 1973.

COUNTY COMMISSIONER OF SCHOOLS

Act 147 of 1891

388.242-388.250 Repealed. 1949, Act 217, Eff. Nov. 7, 1949.

EMERGENCY LOANS FOR SCHOOL DISTRICTS

Act 12 of 1973

388.251-388.271 Repealed. 2002, Act 60, Imd. Eff. Mar. 15, 2002.

TOWNSHIP SCHOOL DISTRICT

Act 127 of 1937

388.301-388.303 Repealed. 1955, Act 269, Eff. July 1, 1955.

TOWNSHIP SCHOOL DISTRICT BUILDING PROGRAM

Act 323 of 1941

388.311 Repealed. 1956, Act 33, Eff. Aug. 11, 1956.

TOWNSHIP CONTINGENT FUND

Act 238 of 1939

388.321,388.322 Repealed. 1976, Act 451, Imd. Eff. Jan. 13, 1977.

RURAL SCHOOLHOUSE NAMES AND MAILBOXES

Act 81 of 1931

388.351-388.353 Repealed. 1976, Act 451, Imd. Eff. Jan. 13, 1977.

SCHOOL MEAL PROGRAMS AND SERVICES

Act 454 of 1976

388.361-388.365 Repealed. 1977, Act 43, Imd. Eff. June 29, 1977.

TEACHING OF CIVICS AND POLITICAL SCIENCE

Act 205 of 1931

388.371-388.373 Repealed. 1976, Act 451, Imd. Eff. Jan. 13, 1977; Repealed. 2016, Act 539, Eff. Apr. 9, 2017.

CRITICAL HEALTH PROBLEMS EDUCATION ACT

Act 226 of 1969

AN ACT to create a critical health problems education program in the state department of education; and to define the powers and duties of the department.

History: 1969, Act 226, Eff. Mar. 20, 1970

The People of the State of Michigan enact:

388.381 Critical health problems education act; short title.

Sec. 1.

This act may be cited as the "critical health problems education act".

History: 1969, Act 226, Eff. Mar. 20, 1970

388.382 Critical health problems education act; definitions.

Sec. 2.

As used in this act:

(a) "Critical health problems education program" means a systematic and integrated program designed to provide appropriate learning experiences based on scientific knowledge of the human organism as it functions within its environment and designed to favorably influence the health, understanding, attitudes and practices of the individual child which will enable him to adapt to changing health problems of our society. The program shall be designed to educate youth with regard to critical health problems and shall include, but not be limited to, the following topics as the basis for comprehensive education curricula in all elementary and secondary schools: drugs, narcotics, alcohol, tobacco, mental health, dental health, vision care, nutrition, disease prevention and control, accident prevention and related health and safety topics.

(b) "Superintendent" means the superintendent of public instruction of the state department of education.

History: 1969, Act 226, Eff. Mar. 20, 1970

388.383 Education program; creation, promotion, scope.

Sec. 3.

A critical health problems education program is created in the state department of education. The superintendent is authorized to promote, support and conduct programs to carry out the purposes of this act. These programs shall include, but not be limited to:

(a) Establishing guidelines to help local school districts develop comprehensive health education programs.

(b) Establishing special inservice programs to provide professional preparation in health education for teachers throughout the state.

(c) Providing leadership for institutions of higher education to develop and extend curricula in health education for professional preparation in both inservice and preservice programs.

(d) Developing cooperative programs between school districts and institutions of higher education whereby the appropriate health personnel of such institutions would be available to guide the continuing professional preparation of teachers and the development of curricula for local programs.

(e) Adding to the staff of the department of education competent specialists in the field of school health education to work with local school districts in the development of curricula and the preparation of teachers in

health education.

(f) Employing, on a contractual basis, authorities in health education to provide assistance to the department of education in its inservice programs for teachers.

(g) Assisting in the development of plans and procedures for the evaluation of health education curricula and determining that a program of comprehensive health education is being carried out which meets the needs of the children and youth within the local school district.

History: 1969, Act 226, Eff. Mar. 20, 1970

388.384 Advisory committee; appointment, purpose; federal agencies; federal funds.

Sec. 4.

(1) The department of education may appoint an advisory committee from universities and colleges, the various fields of education, the voluntary health agencies, the department of public health, the department of mental health, the professional health associations and other groups or agencies it deems appropriate to advise it on the implementation of this act, including teachers, administrators and local boards of education.

(2) The department of education shall cooperate with agencies of the federal government and receive and use federal funds for the purposes of this act.

History: 1969, Act 226, Eff. Mar. 20, 1970

388.385 Rules; promulgation, effective date.

Sec. 5.

The department of education shall promulgate, prior to the effective date of this act, rules to implement this act in accordance with the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.80 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948, but such rules shall not become effective until approved by concurrent resolution of the legislature.

History: 1969, Act 226, Eff. Mar. 20, 1970
Admin Rule: R 388.271 et seq. of the Michigan Administrative Code.

EDUCATION OF PREGNANT STUDENTS

Act 242 of 1970

388.391-388.394 Repealed. 1976, Act 451, Imd. Eff. Jan. 13, 1977.

OATH OF TEACHERS

Act 23 of 1935

AN ACT to require all teachers, instructors and professors in educational institutions, junior colleges, colleges and universities to take and subscribe an oath or affirmation to support the constitution of the United States and the

constitution of the state of Michigan, to provide the manner for the taking of such oath or affirmation, and to repeal all acts or parts of acts in conflict with the provisions of this act.

History: 1935, Act 23, Imd. Eff. Apr. 19, 1935 ;-- Am. 1939, Act 55, Eff. Sept. 29, 1939

The People of the State of Michigan enact:

388.401 Oath of college faculty members; filing.

Sec. 1.

From and after September 1, 1935, it shall be unlawful for any citizen of the United States to serve as a teacher, instructor or professor in any state educational institution or any educational institution supported in whole or in part by public funds, or in any junior college, college or university of this state or any junior college, college or university whose property, or any part thereof, is exempt from taxation unless and until he or she shall have taken and subscribed the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the constitution of the United States of America and the constitution of the state of Michigan, and that I will faithfully discharge the duties of my position, according to the best of my ability."

The oath required by this section shall be notarized and transmitted to the superintendent of public instruction, who shall file it in his office, where it shall be subject to public inspection. It shall be unlawful for an officer, person or board having control of the employment, dismissal or suspension of teachers, instructors or professors in any such educational institution, junior college, college or university to permit a person to serve in any such capacity therein in violation of the provisions of this section. This section shall not be construed to require a person to take such oath more than once during the time he or she is employed in the educational institutions in this state, though there be a change in the title or duties of the position: Provided, however, That this requirement shall not be construed as prohibiting such officer, person or board from employing for limited periods instructors or lecturers who are citizens of foreign countries.

History: 1935, Act 23, Imd. Eff. Apr. 19, 1935 ;-- Am. 1939, Act 55, Eff. Sept. 29, 1939 ;-- CL 1948, 388.401

388.402 Unlawful employment; penalties.

Sec. 2.

Any educational institution, junior college, college or university which shall employ any such person in violation of the terms of this act shall, during the continuance of such unlawful employment

(a) If such be an institution supported wholly or in part by state funds, not receive any state moneys for any purpose whatsoever.

(b) If such institution be a private, charitable and/or denominational college or university whose property, or any part thereof, is exempt from taxation, immediately forfeit all right to such tax exemption.

History: 1935, Act 23, Imd. Eff. Apr. 19, 1935 ;-- Am. 1939, Act 55, Eff. Sept. 29, 1939 ;-- CL 1948, 388.402

REEMPLOYMENT OF TEACHERS HONORABLY DISCHARGED FROM MILITARY SERVICE

Act 145 of 1943

AN ACT to provide for the reemployment by school districts of teachers who are honorably discharged from military service.

History: 1943, Act 145, Eff. July 30, 1943

The People of the State of Michigan enact:

388.421 Reemployment of school teachers honorably discharged from military service.

Sec. 1.

Any teacher who has left or leaves a teaching position, other than a temporary teaching position, in any school district in Michigan in order to serve in any branch of the armed services of the United States and who upon termination of such services (1) receives an honorable discharge from the armed forces; (2) is still qualified and competent to perform the duties of such teaching position; and (3) makes application to said school district for reemployment within 90 days after he is relieved from such military service shall be restored at the beginning of the semester or term following the application to such teaching position or to a position of like nature, seniority, status, and pay unless circumstances have so changed as to make it impossible or unreasonable to do so.

History: 1943, Act 145, Eff. July 30, 1943 ;-- CL 1948, 388.421

388.422 Restoration without loss of status or seniority; benefits.

Sec. 2.

Any teacher who is restored to a position in accordance with the provisions of this act shall be considered as having been on leave of absence during his period of training and service in the military forces of the United States, shall be restored without loss of status or seniority, shall be entitled to participate in any benefits under the established rules and regulations of the school district and shall not be discharged from such position without cause within 1 year after such restoration.

History: 1943, Act 145, Eff. July 30, 1943 ;-- CL 1948, 388.422

BEHAVIOR PROBLEMS OF CHILDREN

Act 38 of 1944 (1st Ex. Sess.)

388.451-388.455 Repealed. 1958, Act 145, Eff. Sept. 13, 1958.

ADULT EDUCATION

Act 46 of 1944 (1st Ex. Sess.)

388.501-388.504 Repealed. 1966, Act 39, Eff. Mar. 10, 1967.

POSTSECONDARY ENROLLMENT OPTIONS ACT

Act 160 of 1996

AN ACT to establish a postsecondary enrollment options program for certain students enrolled in Michigan schools; to prescribe certain duties of public schools, certain nonpublic schools, and certain postsecondary institutions; to prescribe certain powers and duties of certain state departments, officials, and agencies; and to repeal acts and parts of acts.

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996 ;-- Am. 2012, Act 134, Eff. July 1, 2012

The People of the State of Michigan enact:

388.511 Short title.

Sec. 1.

This act shall be known and may be cited as the "postsecondary enrollment options act".

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996

388.512 Purpose of act.

Sec. 2.

The purpose of this act is to provide a wider variety of options to high school pupils by encouraging and enabling qualified pupils to enroll in courses or programs in eligible postsecondary institutions.

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996

388.513 Definitions; rules; scope.

Sec. 3.

(1) As used in this act:

(a) "Community college" means a community college established under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195, or under part 25 of the revised school code, 1976 PA 451, MCL 380.1601 to 380.1607, or a federal tribally controlled community college located in this state that is recognized under the tribally controlled colleges and universities assistance act of 1978, 25 USC 1801 to 1864, and is determined by the department to meet the requirements for accreditation by a recognized regional accrediting body.

(b) "Department" means the department of education.

(c) "Eligible charges" means tuition and mandatory course fees, material fees, and registration fees required by an eligible institution for enrollment in an eligible course. Eligible charges also include any late fees charged by an eligible postsecondary institution due to the school district's or department of treasury's failure to make a required payment according to the timetable prescribed under this act. Eligible charges do not include transportation or parking costs or activity fees. For eligible students enrolled in an out-of-state college that is an eligible postsecondary institution, eligible charges must not exceed the lesser of the in-district rate for the community college located in the district in which the eligible student resides or the in-district rate for the out-of-state college in which the eligible student is enrolled.

(d) "Eligible course" means a course offered by an eligible postsecondary institution that is offered for postsecondary credit; that is not offered by the school district or state approved nonpublic school in which the

eligible student is enrolled, or that is offered by the school district or state approved nonpublic school but is determined by its governing board to not be available to the eligible student because of a scheduling conflict beyond the eligible student's control; that is an academic course not ordinarily taken as an activity course; that is a course that the postsecondary institution normally applies toward satisfaction of degree requirements; that is offered in whole or in part when the school district or state approved nonpublic school is in session or, if approved by the school district or state approved nonpublic school, that is offered in whole when the school district or state approved nonpublic school is not in session; that is not a hobby, craft, or recreational course; and that is in a subject area other than physical education, theology, divinity, or religious education. However, for an eligible student who has not achieved a qualifying score in each subject area on a readiness assessment or the Michigan merit examination, as applicable for the student, excluding an eligible student who enrolls in an eligible course that begins after April 30, 2020 and ends before the start of the 2020-2021 academic year or enrolls in an eligible course offered during the 2020-2021 academic year during the period beginning on the effective date of the amendatory act that added this sentence and ending on the last day of the 2020-2021 academic year and who has a grade point average of at least 2.5, as determined by the school district or state approved nonpublic school in which he or she is enrolled, an eligible course is limited to a course in a subject area for which he or she has achieved a qualifying score, a course in computer science or foreign language not offered by the school district, or a course in fine arts as permitted by the school district. For each individual eligible student, unless there is a written agreement between the eligible student's school district and the eligible postsecondary institution to waive these limits, a course described in this subdivision is not an eligible course if the eligible student's enrollment in, and the payment of eligible charges under this act for, the course would exceed the following limits:

(i) Not more than 10 courses overall. This limit and the limits under subparagraphs (ii) to (iv) do not apply to a course if the eligible student does not receive tuition and fee support under this act for that course.

(ii) If the eligible student first enrolls in a course under this act when the eligible student is in grade 9, not more than 2 courses during each academic year in the eligible student's first, second, or third academic year of enrollment under this act in an eligible postsecondary institution and not more than 4 courses during the academic year in the eligible student's fourth academic year of enrollment under this act in an eligible postsecondary institution.

(iii) If the eligible student first enrolls in a course under this act when the eligible student is in grade 10, not more than 2 courses during the academic year in the eligible student's first academic year of enrollment under this act in an eligible postsecondary institution, not more than 4 courses during the academic year in the eligible student's second academic year of enrollment under this act in an eligible postsecondary institution, and not more than 4 courses during the academic year in the eligible student's third academic year of enrollment under this act in an eligible postsecondary institution.

(iv) Subject to the overall course limit under subparagraph (i), if the eligible student first enrolls in a course under this act when the eligible student is in grade 11 or 12, not more than 6 courses during either of those academic years of enrollment in an eligible postsecondary institution.

(e) "Eligible postsecondary institution" means a state university, community college, or independent nonprofit degree-granting college or university that is located in this state and that chooses to comply with this act. However, an out-of-state college that is located within 20 miles of a border with this state and that chooses to comply with this act is also an eligible postsecondary institution for an eligible student if at least 1 of the following is met:

(i) The eligible student is enrolled in a school district, as that term is defined in section 6 of the revised school code, 1976 PA 451, MCL 380.6, that shares a border with the state in which the out-of-state college is located.

(ii) The eligible student is enrolled in a public school academy, as that term is defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5, that is located in a school district described in subparagraph (i).

(iii) The eligible student is enrolled in a state approved nonpublic school that is located in a school district described in subparagraph (i).

(f) "Eligible student" means, except as otherwise provided in this subdivision, a student enrolled in at least 1 high school class in a school district or state approved nonpublic school in this state, except a foreign exchange pupil enrolled under a cultural exchange program or a student who does not have at least 1 parent or legal guardian who is a resident of this state. However, subject to subsection (2), the student must not have been enrolled in high school for more than 4 school years including the school year in which the student seeks to enroll in an eligible course under this act. To be an eligible student, except as otherwise provided in this subdivision, a student who has not taken the Michigan merit examination must have achieved a qualifying score in all subject areas on a readiness assessment and a student who has taken the Michigan merit examination must have achieved a qualifying score in all subject areas on the Michigan merit examination, and, subject to subsection (2), the student must not have been enrolled in high school for more than 4 school years including the school year in which the student seeks to enroll in an eligible course under this act. Except as otherwise provided in this subdivision, if the student has not achieved a qualifying score in all subject areas on a readiness assessment or the Michigan merit examination, as applicable for the student, the student is an eligible student only for the limited purpose of enrolling in 1 or more eligible courses under this act in a subject area for which he or she has achieved a qualifying score, in computer science or foreign language not offered by the school district, or in fine arts as permitted by the school district. For enrollment in eligible courses that begin after April 30, 2020 and end before the start of the 2020-2021 academic year and for

enrollment in eligible courses offered during the 2020-2021 academic year during the period beginning on the effective date of the amendatory act that added this sentence and ending on the last day of the 2020-2021 academic year, a student is an eligible student and is not subject to the limitation described in the immediately preceding sentence if the student has achieved a grade point average of at least 2.5, as determined by the school district or state approved nonpublic school in which he or she is enrolled, regardless of whether or not the student has achieved a qualifying score in all subject areas on a readiness assessment or the Michigan merit examination. For the purposes of determining the number of years a pupil has been enrolled in high school, a pupil who is enrolled in high school for less than 90 days of a school year due to illness or other circumstances beyond the control of the pupil or the pupil's parent or guardian is not considered to be enrolled in high school for that school year.

(g) "Intermediate school district" means that term as defined in section 4 of the revised school code, 1976 PA 451, MCL 380.4.

(h) "Michigan merit examination" means that examination developed under section 1279g of the revised school code, 1976 PA 451, MCL 380.1279g.

(i) "Out-of-state college" means a state university, community college, or independent nonprofit degree-granting college or university that is located in another state and that is legally established under the laws of that other state.

(j) "Qualifying score" means a score on a readiness assessment or the Michigan merit examination that has been determined by the superintendent of public instruction to indicate readiness to enroll in a postsecondary course in that subject area under this act.

(k) "Readiness assessment" means assessment instruments that are aligned with state learning standards; that are used nationally to provide high school students with an early indication of college readiness proficiency in English, mathematics, reading, social studies, and science and may contain a comprehensive career planning program; and that are approved by the superintendent of public instruction for the purposes of this act.

(l) "School district" means that term as defined in section 6 of the revised school code, 1976 PA 451, MCL 380.6, or a public school academy as that term is defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5, except as provided in subdivision (e).

(m) "State approved nonpublic school" means that term as defined in section 6 of the revised school code, 1976 PA 451, MCL 380.6.

(n) "State university" means a state institution of higher education described in section 4, 5, or 6 of article VIII of the state constitution of 1963.

(2) The superintendent of public instruction shall promulgate rules establishing criteria and procedures under which a student who has been enrolled in high school for more than 4 years but not more than 5 years may be considered to be an eligible student. The rules must address special circumstances under which a student may qualify to be considered an eligible student under this subsection and may limit the number of courses in which a student who qualifies under this subsection may enroll. For the purposes of determining the number of years a pupil has been enrolled in high school, a pupil who is enrolled in high school for less than 90 days of a school year due to illness or other circumstances beyond the control of the pupil or the pupil's parent or guardian is not considered to be enrolled for that school year.

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996 ;-- Am. 1997, Act 178, Imd. Eff. Dec. 30, 1997 ;-- Am. 2004, Act 594, Imd. Eff. Jan. 5, 2005 ;-- Am. 2005, Act 180, Imd. Eff. Oct. 20, 2005 ;-- Am. 2012, Act 131, Eff. July 1, 2012 ;-- Am. 2018, Act 11, Eff. May 7, 2018 ;-- Am. 2020, Act 131, Imd. Eff. July 8, 2020

388.513a Readiness assessment; duties of superintendent of public instruction.

Sec. 3a.

(1) Not later than July 1, 2005, the superintendent of public instruction shall do both of the following:

(a) Approve 1 or more readiness assessments that may be used for the purposes of determining eligible students beginning with participation in the 2006-2007 school year. Readiness assessments shall be aligned with state learning standards and shall provide high school students with an early indication of proficiency in the subject areas of English, mathematics, reading, social studies, and science and contain a comprehensive career planning program.

(b) Determine qualifying scores for each subject area component of a readiness assessment that indicate readiness to enroll in a postsecondary course in that subject area under this act.

(2) Not later than July 1, 2006, the superintendent of public instruction shall determine qualifying scores for each subject area component of the Michigan merit examination that indicate readiness to enroll in a postsecondary course in that subject area under this act.

(3) Unless the school district or state approved nonpublic school in which the student is enrolled elects to pay these costs, a student who takes a readiness assessment for the purposes of this act is responsible for paying all costs for taking and obtaining qualifying scores on a readiness assessment for the purposes of this act. This state is not responsible for any of these costs.

History: Add. 2004, Act 594, Imd. Eff. Jan. 5, 2005 ;-- Am. 2012, Act 134, Eff. July 1, 2012

388.514 Student eligibility; letter signed by student's principal; application for enrollment; notice to be sent by postsecondary institution; bill detailing eligible charges; payment by school district or department of treasury; late fee; attendance verification; refund; availability of correspondence; books as school property; section inapplicable to certain courses; transportation and parking costs not required; guidelines prorated percentage of average foundation allowance.

Sec. 4.

(1) The school district or state approved nonpublic school in which an eligible student is enrolled shall provide to the eligible student a letter signed by the student's principal indicating the student's eligibility under this act.

(2) An eligible student may apply to an eligible postsecondary institution to enroll in 1 or more eligible courses offered by that eligible postsecondary institution and, if accepted, may enroll in 1 or more of those courses.

(3) For an eligible student enrolled in a school district, within a reasonable time after registration, the eligible postsecondary institution shall send written notice to the eligible student and his or her school district. For an eligible student enrolled in a state approved nonpublic school, within a reasonable time after registration, the eligible postsecondary institution shall send written notice to the eligible student and his or her state approved nonpublic school and to the department. The notice must indicate the course or courses and hours of enrollment of that eligible student. The eligible postsecondary institution shall notify the eligible student about tuition, fees, books, materials, and other related charges, as determined by the postsecondary institution, in the customary manner used by the eligible postsecondary institution, and shall notify the eligible student of the estimated amount of the eligible charges that will be billed to the school district or the department, as applicable, under subsection (4).

(4) For an eligible student enrolled in a school district, unless otherwise agreed between the eligible postsecondary institution and the school district, after the expiration of the institution's drop/add period for the course, an eligible postsecondary institution shall send a bill to the eligible student's school district detailing the eligible charges for each eligible course in which the eligible student is enrolled under this act. For an eligible student who is enrolled in a state approved nonpublic school, after the expiration of the eligible postsecondary institution's drop/add period for the course, both of the following apply:

(a) The eligible postsecondary institution shall send a bill to the department detailing the eligible charges for each eligible course in which the eligible student is enrolled under this act.

(b) The department shall determine the amount of the eligible charges to be paid by the department of treasury to the eligible postsecondary institution on behalf of the eligible student under this act and shall deliver this information to the department of treasury by appropriate electronic means.

(5) For an eligible student enrolled in a school district, upon receiving the bill under subsection (4), the school district shall cause to be paid to the eligible postsecondary institution on behalf of the eligible student an amount equal to the lesser of the amount of the eligible charges or the prorated percentage of the statewide pupil-weighted average foundation allowance, as calculated under this subsection and section 20 of the state school aid act of 1979, 1979 PA 94, MCL 388.1620, for all school districts for the state fiscal year that begins on October 1 immediately preceding the academic year of enrollment in the eligible postsecondary institution, with the proration based on the proportion of the school year that the eligible student attends the eligible postsecondary institution. In determining the proportion of the school year that an eligible student attends an eligible postsecondary institution under this subsection, a school district shall take into account, according to guidelines published by the department under subsection (16), an eligible student's attendance at an eligible postsecondary institution for an eligible course that occurs in whole or in part when the school district is not in session during the summer immediately following that regularly scheduled school year. However, in the calculation of the statewide pupil-weighted average foundation allowance for the purposes of this subsection, if a school district's foundation allowance is above the target foundation allowance under section 20 of the state school aid act of 1979, 1979 PA 94, MCL 388.1620, then the school district's foundation allowance must be considered to be the target foundation allowance. Not later than September 1 of each year, the department shall notify the department of treasury of the amount of the statewide pupil-weighted average foundation allowance as calculated for the purposes of this subsection. A school district may pay more money to an eligible postsecondary institution on behalf of an eligible student than is required under

this act, and may use local school operating revenue for that purpose. The eligible student is responsible for payment of the remainder of the costs associated with his or her postsecondary enrollment that exceed the amount the school district is required to pay under this act and that are not paid by the school district. As used in this subsection, "local school operating revenue" means that term as defined in section 20 of the state school aid act of 1979, 1979 PA 94, MCL 388.1620.

(6) For an eligible student who is enrolled in a state approved nonpublic school, upon receiving from the department under subsection (4) the amount of the eligible charges to be paid on behalf of the eligible student, the department of treasury shall cause to be paid to the eligible postsecondary institution on behalf of the eligible student an amount equal to the lesser of the amount of the eligible charges or the prorated percentage of the statewide pupil-weighted average foundation allowance, as calculated under this subsection and section 20 of the state school aid act of 1979, 1979 PA 94, MCL 388.1620, for all school districts for the state fiscal year that begins on October 1 immediately preceding the academic year of enrollment in the eligible postsecondary institution, with the proration based on the proportion of the school year that the eligible student attends the eligible postsecondary institution. In determining the proportion of the school year that an eligible student attends an eligible postsecondary institution under this subsection, the department shall take into account, according to guidelines published by the department under subsection (16), an eligible student's attendance at an eligible postsecondary institution for an eligible course that occurs in whole or in part when the state approved nonpublic school is not in session during the summer immediately following that regularly scheduled school year. However, in the calculation of the statewide pupil-weighted average foundation allowance for the purposes of this subsection, if a school district's foundation allowance is above the target foundation allowance under section 20 of the state school aid act of 1979, 1979 PA 94, MCL 388.1620, then the school district's foundation allowance must be considered to be the target foundation allowance. Not later than September 1 of each year, the department shall notify the department of treasury of the amount of the statewide pupil-weighted average foundation allowance as calculated for the purposes of this subsection. The eligible student is responsible for payment of the remainder of the costs associated with his or her postsecondary enrollment that exceed the amount the department of treasury is required to pay under this act and that are not paid by the department of treasury.

(7) An eligible postsecondary institution shall not charge a late fee to an eligible student, a school district, the department, or the department of treasury for a payment that is made in compliance with the timetable prescribed under this act even if the payment would otherwise be considered late by the postsecondary institution.

(8) A school district, state approved nonpublic school, or the department may require an eligible student to provide, on a form supplied by the school district, state approved nonpublic school, or the department, reasonable verification that the eligible student is regularly attending a postsecondary course.

(9) For an eligible student who is enrolled in a school district and who enrolls in an eligible course under this act, if the student does not complete the eligible course or, if the student enrolls in an eligible course for postsecondary credit only and the student does not successfully complete the eligible course, as determined by the eligible postsecondary institution, and if the school district has paid money for the course on behalf of the student, both of the following apply:

(a) The eligible postsecondary institution shall forward to the school district any funds that are refundable due to noncompletion of the course. The school district shall then forward to the eligible student any refunded money in excess of the amount paid by the school district for the course on behalf of the eligible student.

(b) The eligible student shall repay to the school district any funds that were expended by the school district for the course that are not refunded to the school district by the eligible postsecondary institution. If the eligible student does not repay this money, the school district may impose sanctions against the eligible student as determined by school district policy. This subdivision does not apply to an eligible student who does not complete the course due to a family or medical emergency, as determined by the eligible postsecondary institution.

(10) For an eligible student who is enrolled in a state approved nonpublic school, and who enrolls in an eligible course under this act, if the eligible student does not complete the eligible course or, if the eligible student enrolls in an eligible course for postsecondary credit only and the eligible student does not successfully complete the eligible course, as determined by the eligible postsecondary institution, and if the department of treasury has paid money for the course on behalf of the eligible student, both of the following apply:

(a) The eligible postsecondary institution shall forward to the department of treasury any funds that are refundable due to noncompletion of the course. If applicable, the eligible postsecondary institution shall then refund to the eligible student any funds that are refundable due to noncompletion of the course and are in excess of the amount paid by the department of treasury for the course on behalf of the eligible student.

(b) The eligible student shall repay to the department of treasury any funds that were expended by the department of treasury for the course that are not refunded to the department of treasury by the eligible postsecondary institution. This subdivision does not apply to an eligible student who does not complete the course due to a family or medical emergency, as determined by the eligible postsecondary institution.

(11) A school district, state approved nonpublic school, the department, or the department of treasury shall make available to an eligible student copies of all correspondence in the possession of the school district, state approved nonpublic school, department, or department of treasury regarding the eligible student's participation in

postsecondary enrollment under this act. The school district, state approved nonpublic school, department, or department of treasury shall keep correspondence described in this subsection for at least 1 year.

(12) If a school district pays for books for an eligible student for a postsecondary course under this section, the books are the property of the school district and must be turned over to the school district after the eligible student completes the course.

(13) This section does not apply to any postsecondary courses in which an eligible student is enrolled in addition to being enrolled full-time in that eligible student's school district or state approved nonpublic school; to a postsecondary course an eligible student is retaking after failing to achieve a satisfactory grade; or to a course contrary to the eligibility provisions of this act. In determining full-time enrollment in a school district under this section or a school district's full-time equated membership under the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1897l, for a pupil enrolled in a postsecondary institution under this act, the pupil's enrollment in both the school district and the postsecondary institution must be counted as enrollment in the school district and a pupil is not considered to be enrolled in a school district less than full-time solely because of the effect of the pupil's postsecondary enrollment, including necessary travel time, on the number of class hours provided by the school district to the pupil. In determining full-time enrollment in a state approved nonpublic school under this section for a student enrolled in a postsecondary institution under this act, the student's enrollment in both the state approved nonpublic school and the postsecondary institution must be counted as enrollment in the state approved nonpublic school and a student is not considered to be enrolled in a state approved nonpublic school less than full-time solely because of the effect of the student's postsecondary enrollment under this act, including necessary travel time, on the number of class hours provided by the state approved nonpublic school to the student.

(14) This act does not require a school district or the department of treasury to pay or otherwise provide financial support for transportation or parking costs necessary for an eligible student to participate in postsecondary enrollment under this act. A school district, state approved nonpublic school, or this state is not liable for any injury incurred by an eligible student that is related to transportation necessary for the eligible student to participate in postsecondary enrollment under this act.

(15) The legislature shall appropriate funds to the department of treasury for making payments required to be made by the department of treasury under this act.

(16) By September 1, 2020, the department shall publish guidelines regarding how to determine the prorated percentage of the statewide pupil-weighted average foundation allowance under subsections (5) and (6). By September 1, 2021 and by September 1 each year thereafter, the department shall update and republish the guidelines described under this subsection.

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996 ;-- Am. 2012, Act 134, Eff. July 1, 2012 ;-- Am. 2020, Act 131, Imd. Eff. July 8, 2020

388.515 Participation in intercollegiate athletics prohibited; exceptions.

Sec. 5.

(1) Except as otherwise provided in this section, an eligible student enrolled in a postsecondary institution under this act shall not participate in intercollegiate athletics at the postsecondary institution while he or she is enrolled under this act. An eligible student who violates this subsection forfeits his or her eligibility under this act.

(2) This section does not apply to an eligible student to whom all of the following apply:

(a) The eligible student is enrolled in an early middle college program.

(b) The eligible student is in his or her fifth year of high school in the early middle college program described in subdivision (a).

(c) The eligible student is not eligible to participate in interscholastic athletic activities in the high school, but not because of academic ineligibility.

(3) As used in this section, "early middle college program" means a 5-year high school program.

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996 ;-- Am. 2022, Act 230, Imd. Eff. Dec. 13, 2022

388.516 Priority of students.

Sec. 6.

An eligible postsecondary institution may give priority to its postsecondary students when enrolling eligible students in postsecondary courses under this act for high school credit only. Once an eligible student has been enrolled in a postsecondary course under this act, the postsecondary institution shall not displace the eligible student with another student.

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996

388.517 Academic credit.

Sec. 7.

(1) An eligible student who is enrolled in a school district may enroll in, and receive payment by the school district under section 4(5) of all or part of eligible charges for, an eligible course under this act for high school credit or postsecondary credit, or both. At the time an eligible student who is enrolled in a school district enrolls in a postsecondary course under this act, he or she shall designate whether the course is for high school or postsecondary credit, or both, and shall notify both his or her high school and the eligible postsecondary institution of that designation. An eligible student taking more than 1 postsecondary course under this act may make different credit designations under this subsection for different courses.

(2) Except as otherwise provided in subsection (3), an eligible student who is enrolled in a state approved nonpublic school may enroll in, and receive payment by the department of treasury under section 4(6) of all or part of eligible charges for, an eligible course under this act only for postsecondary credit and may not receive high school credit for the course.

(3) If an eligible student who is enrolled in a state approved nonpublic school is enrolled in an eligible course that would have been considered a nonessential elective course under Snyder v Charlotte School Dist, 421 Mich 517 (1984), then the eligible student may enroll in, and receive payment by the department of treasury under section 4(6) of all or part of eligible charges for, an eligible course under this act for high school credit or postsecondary credit, or both. At the time an eligible student enrolls under this act in an eligible course described in this subsection, he or she shall designate whether the course is for high school or postsecondary credit, or both, and shall notify both his or her high school and the eligible postsecondary institution of that designation. An eligible student taking more than 1 eligible course described in this subsection under this act may make different credit designations under this subsection for different courses.

(4) An eligible student shall not audit a postsecondary course in which he or she is enrolled under this act.

(5) A school district shall grant academic credit to an eligible student enrolled in an eligible course for high school credit under this act if he or she successfully completes the course, as determined by the eligible postsecondary institution. The amount of high school credit granted by a school district for a postsecondary course completed under this act shall be determined by the school district.

(6) The high school credits granted to an eligible student under this act shall be counted toward the graduation requirements and subject area requirements of the school district. Evidence of successful completion of each course and high school credits granted shall be included in the eligible student's high school record. Subject to 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974, an eligible postsecondary institution shall provide the school district with a copy of the eligible student's grade in each course taken for high school credit under this act. Upon the request of an eligible student, his or her high school record and transcript shall also include evidence of successful completion and postsecondary credits granted for a course taken for postsecondary credit under this act. In either case, the eligible student's high school record and transcript shall indicate that the credits were earned at an eligible postsecondary institution and identify the postsecondary institution.

(7) If a student enrolls in an eligible postsecondary institution after leaving high school, the eligible postsecondary institution, in accordance with institutional policy, shall award postsecondary credit for postsecondary courses successfully completed by that student for high school credit under this act at that eligible postsecondary institution. An eligible postsecondary institution shall not charge a student for credit awarded under this subsection.

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996 ;-- Am. 2012, Act 134, Eff. July 1, 2012

388.518 Enrollment without tuition or fee support.

Sec. 8.

This act does not restrict the ability of an eligible student or any other pupil to enroll in any postsecondary institution without tuition and fee support under this act.

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996

388.519 Information and counseling services.

Sec. 9.

(1) Each school district or state approved nonpublic school shall provide information to all high school students on the postsecondary enrollment options under this act, including enrollment eligibility; the institutions and types of courses that are eligible for participation; the decision making process for granting academic credits; an explanation of eligible charges that will be paid by the school district or department of treasury, as applicable, and of financial arrangements for eligible charges and for paying costs not paid for by the school district or department of treasury; eligibility for payment of all or part of eligible charges by the school district or department of treasury, as applicable, under this act; an explanation that, if the student qualifies for payment of all or part of eligible charges by the school district or department of treasury under this act, the school district or department of treasury, as applicable, will pay that support directly to the eligible postsecondary institution upon being billed by the eligible postsecondary institution and that the student is not responsible for that payment but is responsible for payment of costs not paid for under this act; available support services; the need to arrange an appropriate schedule; consequences of failing or not completing a postsecondary course in which the eligible student enrolls, including the possibility of being required to repay the school district or department of treasury, as applicable, for money paid on behalf of the eligible student; the effect of enrolling in a postsecondary course on the eligible student's ability to complete the required high school graduation requirements; and the academic and social responsibilities that must be assumed by the eligible student and his or her parent or guardian.

(2) To the extent possible, a school district or state approved nonpublic school shall provide counseling services to an eligible student and his or her parent or guardian before the eligible student enrolls in postsecondary courses under this act to ensure that the eligible student and his or her parent or guardian are fully aware of the benefits, risks, and possible consequences of enrolling in a postsecondary course. The person providing the counseling shall encourage the eligible student and his or her parent or guardian to also use available counseling services at the eligible postsecondary institutions before the quarter or semester of enrollment to ensure that anticipated plans are appropriate. A school district or state approved nonpublic school may provide the counseling required under this section in a group meeting if additional personalized counseling is also made available.

(3) Before enrolling in an eligible course at an eligible postsecondary institution under this act, an eligible student and his or her parent or guardian shall file with the eligible postsecondary institution a signed form provided by the eligible student's school district or state approved nonpublic school stating that the student is an eligible student and has received the information and counseling specified in subsections (1) and (2) and that the student understands the responsibilities that must be assumed in enrolling in the course. Upon request, the department shall provide technical assistance to a school district or state approved nonpublic school and to an eligible postsecondary institution in developing appropriate forms and counseling guidelines for purposes of this section.

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996 ;-- Am. 2004, Act 594, Imd. Eff. Jan. 5, 2005 ;-- Am. 2012, Act 134, Eff. July 1, 2012

388.520 General information.

Sec. 10.

By March 1 of each year, a school district or state approved nonpublic school shall provide general information about the postsecondary enrollment options under this act to all pupils in grade 8 or higher.

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996 ;-- Am. 2012, Act 134, Eff. July 1, 2012

388.521 Annual comprehensive financial report; summary annual report.

Sec. 11.

(1) Each intermediate school district annually shall collect from each of its constituent school districts and provide to the department at the same time that it submits the annual comprehensive financial report required under section 18 of the state school aid act of 1979, 1979 PA 94, MCL 388.1618, information for the immediately preceding school year on all of the following:

(a) The amount of money expended by the school district for payments required under this act.

(b) The number of eligible students who were enrolled in the school district and the number of those eligible students who enrolled in 1 or more postsecondary courses and received payment of all or part of eligible charges under this act, both in the aggregate and by grade level.

(c) The percentage of the school district's enrollment represented by the eligible students described in subdivision (b), both in the aggregate and by grade level.

(d) The total number of postsecondary courses for which the school district made payment under this act, the number of those courses for which postsecondary credit was granted, the number of those courses for which high school credit was granted, and the number of those courses that were not completed by the eligible student.

(2) Each eligible postsecondary institution shall annually report to the department, in the form and manner prescribed by the department, all of the following information:

(a) The number of eligible students who enrolled in the eligible postsecondary institution under this act during the preceding academic year.

(b) The total number of eligible courses completed by eligible students under this act at the eligible postsecondary institution during the preceding academic year.

(c) The number of eligible courses under subdivision (b) for which the eligible postsecondary institution granted postsecondary credit to the eligible student.

(d) The number of eligible courses under subdivision (b) for which the eligible postsecondary institution declined to grant postsecondary credit to the eligible student.

(3) Not later than March 1 of each year, the department shall prepare and submit to the house and senate fiscal agencies and the department of technology, management, and budget a summary annual report on the information received under this section.

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996 ;-- Am. 2012, Act 134, Eff. July 1, 2012

388.522 Rules.

Sec. 12.

(1) The department may promulgate rules it considers necessary to implement this act. Rules shall be promulgated under the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

(2) If the Michigan supreme court rules that sections 45 and 46 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.245 and 24.246 of the Michigan Compiled Laws, are unconstitutional and a statute requiring legislative review of administrative rules is not enacted within 90 days after the Michigan supreme court ruling, the department may not promulgate rules under this section.

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996

Compiler's Notes: In separate opinions, the Michigan Supreme Court held that Section 45(8), (9), (10), and (12) and the second sentence of Section 46(1) (“An agency shall not file a rule ... until at least 10 days after the date of the certificate of approval by the committee or after the

legislature adopts a concurrent resolution approving the rule.") of the Administrative Procedures Act of 1969, in providing for the Legislature's reservation of authority to approve or disapprove rules proposed by executive branch agencies, did not comply with the enactment and presentment requirements of Const 1963, Art 4, and violated the separation of powers provision of Const 1963, Art 3, and, therefore, were unconstitutional. These specified portions were declared to be severable with the remaining portions remaining effective. Blank v Department of Corrections, 462 Mich 103 (2000).

388.523 Repealed. 2000, Act 258, Eff. Apr. 1, 2001.

Compiler's Notes: The repealed section pertained to effective date and repeal of act.

388.524 Conditional effective date.

Sec. 14.

This act shall not take effect unless all of the following bills of the 88th Legislature are enacted into law:
(a) House Bill No. 4640.
(b) House Bill No. 4642.

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996

ADULT EDUCATION

Act 18 of 1946 (1st Ex. Sess.)

AN ACT to authorize counties to provide a program of adult education; to provide personnel and equipment; to require approval of the superintendent of public instruction; and to authorize county appropriations therefor.

History: 1946, 1st Ex. Sess., Act 18, Imd. Eff. Feb. 25, 1946

The People of the State of Michigan enact:

388.531 Program of adult education by counties.

Sec. 1.

The county board of supervisors, through the office of the county commissioner of schools, may establish a program of adult education and may employ the necessary teachers and other personnel, and may purchase such equipment and instructional supplies as shall be required to provide an adequate program for the education of adults residing within the county: Provided, That the board of supervisors of any county proposing to establish such a program shall first furnish evidence concerning local or county needs for adult education satisfactory to the superintendent of public instruction.

History: 1946, 1st Ex. Sess., Act 18, Imd. Eff. Feb. 25, 1946 ;-- CL 1948, 388.531
Compiler's Notes: For transfer of powers and duties of superintendent of public instruction to administer adult education services to the department of career development to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

388.532 Instructors; training, approval.

Sec. 2.

All persons appointed as instructors or employed in any other capacity in the program established under this act shall have special training for such work. The proposed program and the qualifications of the personnel shall be approved by the superintendent of public instruction upon the basis of such reports and other information as he shall require.

History: 1946, 1st Ex. Sess., Act 18, Imd. Eff. Feb. 25, 1946 ;-- CL 1948, 388.532
Compiler's Notes: For transfer of powers and duties of superintendent of public instruction to administer adult education services to the department of career development to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

388.533 Budget.

Sec. 3.

Any county board of supervisors operating a program under this act shall include in its annual budget a sufficient sum to operate the program.

History: 1946, 1st Ex. Sess., Act 18, Imd. Eff. Feb. 25, 1946 ;-- CL 1948, 388.533

PRIVATE, DENOMINATIONAL, AND PAROCHIAL SCHOOLS

Act 302 of 1921

AN ACT to provide for the supervision of private, denominational and parochial schools; to provide the manner of securing funds in payment of the expense of such supervision; to provide the qualifications of the teachers in such schools; and to provide for the endorsement of the provisions hereof.

History: 1921, Act 302, Eff. Aug. 18, 1921

The People of the State of Michigan enact:

388.551 Private, denominational, and parochial schools; supervision by superintendent of public instruction; assistants; compensation; removal; intent of act.

Sec. 1.

The superintendent of public instruction has supervision of all the private, denominational, and parochial schools of this state in such matters and manner as provided in this act. The superintendent of public instruction shall employ assistants and employees as may be necessary to comply with the provisions of this act. The number of assistants and employees is subject to the approval of the state administrative board. The salaries and expenses shall be paid by the state treasurer from the fund designated in this act at the time and in the manner as other state officers and employees are paid. The superintendent of public instruction may remove any appointee under this act at any time that the superintendent of public instruction considers advisable. It is the intent of this act that the sanitary conditions of the schools subject to this act, the courses of study in those schools, and the qualifications of the teachers in those schools shall be of the same standard as provided by the general school laws of this state.

History: 1921, Act 302, Eff. Aug. 18, 1921 ;-- CL 1929, 8151 ;-- CL 1948, 388.551 ;-- Am. 2002, Act 701, Imd. Eff. Dec. 30, 2002
Constitutionality: Requiring all teachers in the state to be certified is not unconstitutional. Sheridan Road Baptist Church v Department of Education, 426 Mich 462; 396 NW2d 373 (1986).

388.552 Private, denominational or parochial schools; definition.

Sec. 2.

A private, denominational or parochial school within the meaning of this act shall be any school other than a public school giving instruction to children below the age of 16 years, in the first 8 grades as provided for the public schools of the state, such school not being under the exclusive supervision and control of the officials having charge of the public schools of the state.

History: 1921, Act 302, Eff. Aug. 18, 1921 ;-- CL 1929, 8152 ;-- CL 1948, 388.552

388.553 Private, denominational and parochial schools; teachers, qualifications, examinations.

Sec. 3.

No person shall teach or give instruction in any of the regular or elementary grade studies in any private, denominational or parochial school within this state who does not hold a certificate such as would qualify him or her to teach in like grades of the public schools of the state: Provided, however, That any person who shall have taught in any elementary school or schools of the standard specified in this act for a period of 10 years or more preceding the passage of this act, shall, upon filing proof of service with the superintendent of public instruction, be entitled to a certificate by said superintendent of public instruction in such form as he shall prescribe, to teach in any of the said schools within the state: Provided further, That teaching in such schools shall be equivalent to teaching in the public schools for all purposes in obtaining a certificate: Provided further, That the teachers affected by this act may take any examination as now provided by law and that the superintendent of public instruction may direct such other examinations at such time and place as he may see fit. In all such examinations 2 sets of questions shall be prepared in subjects ordinarily written on Saturday, 1 of which sets shall be available for use on Wednesday by applicants who observe Saturday as their Sabbath: Provided further, That any certificate issued under or by virtue of this act shall be valid in any county in this state for the purpose of teaching in the schools operated under this act: Provided further, That any person holding a certificate issued by the authorities of any recognized or accredited normal school, college or university of this or other state shall be entitled to certification as now provided by law: Provided, however, That teachers employed in such private, denominational or parochial schools when this act takes effect shall have until September first, 1925, to obtain a legal certificate as herein provided.

History: 1921, Act 302, Eff. Aug. 18, 1921 ;-- CL 1929, 8153 ;-- CL 1948, 388.553
Constitutionality: Michigan Supreme Court held that the "teacher certification requirement [for home schools] is an unconstitutional violation of the Free Exercise Clause of the First Amendment as applied to families whose religious convictions prohibit the use of certified instructors." People v DeJonge, 442 Mich 266; 501 NW2d 127 (1993).

388.554 Violation of act; hearing, closing of school, compulsory attendance.

Sec. 4.

In event of any violation of this act the superintendent of public instruction shall serve the person, persons, corporation, association or other agencies who operate, maintain and conduct a private, denominational or parochial school within the meaning of this act with a notice, time and place of hearing, such hearing to take place within 15 days after the date of said notice and at a place located in or conveniently near the county where such violation took place, accompanied by a copy of the complaint stating the substance of said violation: Provided, That

no person shall be called to attend any such hearing on any day observed by him as the Sabbath. If at such hearing the superintendent of public instruction shall find that the violation complained of has been established he shall then serve said person, persons, corporation, association or other agencies with an order to comply with the requirements of this act found to have been violated within a reasonable time not to exceed 60 days from the date of such order: Provided, That in the event that such order refers to sanitary conditions that the said person, persons, corporation, association or other agencies shall have 6 months in which to remedy the defect. If the order of the superintendent of public instruction as specified in said notice shall not have been obeyed within the time specified herein said superintendent of public instruction may close said school and prohibit the said person, persons, corporation, association or other agencies operating or maintaining such private, denominational or parochial school from maintaining said school or from exercising any of the functions hereunder until said order of the superintendent of public instruction has been complied with. The children attending a private, denominational or parochial school refusing to comply with the requirements hereof after proceedings herein set forth shall be compelled to attend the public schools or approved private, denominational or parochial school under the provisions of the compulsory education act, the same being Act No. 200 of the Public Acts of 1905, as amended. And it shall be the duty of the person or persons having charge of the enforcement of the said compulsory education act, upon notice from the superintendent of public instruction that said private, denominational or parochial school has not complied with the provisions hereof, to compel the attendance of the children of said school or schools at the public schools or approved private, denominational or parochial school.

History: 1921, Act 302, Eff. Aug. 18, 1921 ;-- CL 1929, 8154 ;-- CL 1948, 388.554
Compiler's Notes: Act 200 of 1905, referred to in this section, was repealed by Act 319 of 1927.

388.555 School investigation and examination; failure to permit, cause for suspension.

Sec. 5.

The superintendent of public instruction by himself, his assistants, or any duly authorized agent, shall have authority at any time to investigate and examine into the conditions of any school operating under this act as to the matters hereinbefore set forth and it shall be the duty of such school to admit such superintendent, his assistants or authorized agents and to submit for examination its sanitary condition, the records of enrollment of pupils, its courses of studies as set forth in section 1 of this act and the qualifications of its teachers. Any refusal to comply with provisions herein on the part of such school or teacher shall be considered sufficient cause to suspend the operation of said school after proceedings taken as stated in section 4 of this act.

History: 1921, Act 302, Eff. Aug. 18, 1921 ;-- CL 1929, 8155 ;-- CL 1948, 388.555

388.557 Construction of act.

Sec. 7.

Nothing in this act contained shall be construed so as to permit any parochial, denominational, or private school to participate in the distribution of the primary school fund.

History: 1921, Act 302, Eff. Aug. 18, 1921 ;-- CL 1929, 8157 ;-- CL 1948, 388.557

388.558 Schools for handicapped children; standards of instruction.

Sec. 8.

Any private, denominational or parochial school which maintains classes for the instruction of children below

the age of 16 years who are physically or mentally handicapped or who are socially maladjusted shall be required to meet the standards prescribed for instruction of handicapped children in the public schools under the provisions of section 2 of chapter 19 of part 2 of Act No. 319 of the Public Acts of 1927, as amended, in addition to standards required of private, denominational and parochial schools under sections 1 and 3 of this act.

History: Add. 1943, Act 140, Eff. July 30, 1943 ;-- CL 1948, 388.558
Compiler's Notes: Act 319 of 1927, referred to in this section, was repealed by Act 269 of 1955.

SCHOOL AID

Act 188 of 1956

388.561-388.602 Repealed. 1957, Act 312, Eff. July 1, 1957.

SCHOOL AID

Act 312 of 1957

388.611-388.666a Repealed. 1959, Act 267, Imd. Eff. Sept. 18, 1959;—1964, Act 285, Eff. July 1, 1964;—1966, Act 271, Imd. Eff. July 12, 1966;—1968, Act 21, Imd. Eff. Apr. 30, 1968;—1969, Act 22, Imd. Eff. June 20, 1969;—1970, Act 100, Imd. Eff. July 20, 1970;—1971, Act 134, Imd. Eff. Sept. 29, 1971;—1972, Act 258, Imd. Eff. Aug. 8, 1972.

SCHOOL AID

Act 230 of 1964

388.671-388.674 Repealed. 2016, Act 532, Eff. Apr. 9, 2017.

***** Act 289 of 1964 THIS ACT IS SUBJECT TO CONDITIONAL EXPIRATION: See 388.693 *****

REORGANIZATION OF SCHOOL DISTRICTS

Act 289 of 1964

AN ACT to provide for the study and development of plans for the reorganization of school districts and for elections to accomplish same; to provide for the creation of state and intermediate reorganization committees; to prescribe their powers and duties; to provide for hearings and elections on reorganization plans; and to prescribe the powers and duties of the superintendent of public instruction.

History: 1964, Act 289, Eff. Aug. 28, 1964

The People of the State of Michigan enact:

***** 388.681 THIS SECTION IS SUBJECT TO CONDITIONAL EXPIRATION: See 388.693 *****

388.681 Reorganization of school districts; definitions.

Sec. 1.

As used in this act:

(a) "Reorganization of school districts" means the formation of new school districts, the alteration of boundaries of established school districts, and the dissolution or disorganization of established school districts through or by means of any one or combination of the methods as set forth in this act.

(b) "State committee" means the state committee for the reorganization of school districts created in this act.

(c) "Intermediate committee" means the committee for the reorganization of school districts created in this act.

(d) "Plan of reorganization" means a concrete proposal for readjustment and realignment of the boundaries of school districts within an intermediate school district area.

(e) "Non-high school district" means a school district presently operating less than a kindergarten through twelfth grade program.

(f) "School code" means Act No. 269 of the Public Acts of 1955, as amended, being sections 340.1 to 340.984 of the Compiled Laws of 1948.

History: 1964, Act 289, Eff. Aug. 28, 1964

***** 388.682 THIS SECTION IS SUBJECT TO CONDITIONAL EXPIRATION: See 388.693 *****

388.682 State committee for reorganization of school districts; appointments, distribution; vacancies, compensation.

Sec. 2.

There is created, for the term of time necessary to complete the requirements of this act, a state committee for the reorganization of school districts, appointed by the governor, and composed of 7 members, at least 1 of whom shall represent the Upper Peninsula, 1 the area above the Bay City-Muskegon line, and 5 shall be appointed in such manner as to represent fairly the remainder of the state. The superintendent of public instruction shall be the nonvoting chairman of the committee. Vacancies shall be filled by appointment of the governor. Members of the state committee shall serve without compensation. The members of the committee shall be appointed within 60 days after the effective date of this act.

History: 1964, Act 289, Eff. Aug. 28, 1964

***** 388.683 THIS SECTION IS SUBJECT TO CONDITIONAL EXPIRATION: See 388.693 *****

388.683 State committee for reorganization of school districts; organization; election of vice-chairperson and secretary; vice-chairperson acting as chairperson; records of meetings; preparation and distribution of materials; availability of records and other writings to public; meetings; quorum; conducting business at public meeting; notice of meeting.

Sec. 3.

(1) By November 26, 1964, the state committee shall organize by electing a vice-chairperson and a secretary. The vice-chairperson shall act as chairperson at the request of the superintendent of public instruction. The secretary shall keep the records of official committee meetings and prepare and distribute materials as requested by the state committee. The records and any other writing prepared, owned, used, in the possession of, or retained by

the committee in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(2) A meeting of the committee shall be held upon the call of the chairperson or 3 members of the committee. Five members, which may include the superintendent of public instruction, constitute a quorum. The business which the committee may perform shall be conducted in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

History: 1964, Act 289, Eff. Aug. 28, 1964 ;-- Am. 1977, Act 250, Imd. Eff. Dec. 6, 1977

***** 388.684 THIS SECTION IS SUBJECT TO CONDITIONAL EXPIRATION: See 388.693 *****

388.684 School district reorganization program; surveys, approval of proposals, reports.

Sec. 4.

The state committee shall:

(a) Within 12 months after the effective date of this act, develop policies, principles and procedures for a statewide school district reorganization program planned so that all areas may become part of a school district operating or designed to operate at least 12 grades. In no case can an intermediate district committee plan be submitted under this act which would require the merger of 2 or more school districts of the third class or higher. There shall be created no less than 500 school districts operating 12 grades.

(b) Direct area surveys and develop a manual of procedure to be printed and distributed to all intermediate district superintendents of schools.

(c) Perform either by itself or by its authorized representative any or all of the duties required by this act to be performed by the intermediate school district superintendent, the intermediate district board of education, the intermediate district committee, or the probate judge or judges, in case of failure by any or all of them to perform these duties.

(d) Review and approve or reject intermediate district plans within 60 days after receipt of plans from the intermediate district committees.

(e) Report to each intermediate district the acceptance or rejection of the proposed plans with recommendations for changes.

(f) Present a progress report on reorganization under this act to the state legislature on or before March 1 of each year.

History: 1964, Act 289, Eff. Aug. 28, 1964

***** 388.685 THIS SECTION IS SUBJECT TO CONDITIONAL EXPIRATION: See 388.693 *****

388.685 Intermediate district committee for reorganization of school districts; membership, election, vacancies, organization.

Sec. 5.

(1) A committee shall be organized in each intermediate district in the state to be known as the intermediate district committee for the reorganization of school districts. The intermediate district superintendent of schools shall be nonvoting chairman of the intermediate district committee, and he shall preside over all meetings of the intermediate district committee. The intermediate district committee shall complete the requirements of this act and comply with the requests made by the state committee.

There shall be 18 members on the intermediate district committee each of whom shall be a registered resident elector. In intermediate districts containing no district operating 12 grades or more and in intermediate districts containing no non-high school districts the committee shall consist of 13 members.

(2) Members of the intermediate district committee shall be chosen as follows:

(a) The intermediate board of education shall appoint 3 of its members to serve on the committee.

(b) The intermediate district superintendent of schools, by notice sent by mail, shall call a meeting of the boards of education of all school districts operating a program of 12 grades or more in the intermediate district. The meeting shall be held at some convenient place within the intermediate district within 60 days after the effective date of this act. The intermediate district superintendent shall act as chairman of this meeting, and the board members shall elect by ballot 5 persons to serve on the intermediate district committee not more than 2 of whom shall be from any one constituent district, unless there are fewer districts than there are positions to fill. The 5 persons receiving the highest number of votes shall be declared elected. No person may be elected to or serve on the committee who is an employee of any constituent school district or of the intermediate school district. The chairman shall appoint 3 or more tellers to conduct the election and to canvass the vote. Whenever not more than 2 of the 5 members fail to serve on the committee, the remaining members shall fill the vacancy from the same constituent district in which the vacancy occurs. Whenever 3 or more vacancies occur at the same time, the vacancies shall be filled in the same manner as the original committee members were elected.

(c) The intermediate district superintendent of schools, by notice sent by mail, shall call a meeting of the boards of education of all school districts operating less than a twelve-grade program in the intermediate district. The meeting shall be held at some convenient place within the intermediate district within 60 days after the effective date of this act. The intermediate district superintendent shall act as chairman of this meeting, and the board members shall elect by ballot 5 persons to serve on the intermediate district committee not more than 2 of whom shall be from any one constituent district, unless there are fewer districts than there are positions to be filled. The 5 persons receiving the highest number of votes shall be declared elected. No person may be elected to or serve on the committee who is an employee of any constituent school district or of the intermediate school district. The chairman shall appoint 3 or more tellers to conduct the election and to canvass the vote. Whenever not more than 2 of the 5 members fail to serve on the committee, the remaining members shall fill the vacancy from the same constituent district in which the vacancy occurs. Whenever 3 or more vacancies occur at the same time, the vacancies shall be filled in the same manner as the original committee members were elected.

(d) The intermediate district superintendent of schools, by notice sent by letter, shall notify the probate judge of the area, who, within 60 days after the effective date of this act, shall appoint 5 members to the committee fairly representing all areas of the intermediate district. The qualifications of these members shall be the same as those of the other members of the committee. The probate judge shall fill all vacancies that may occur among his appointees. In any intermediate district where there are 2 or more probate judges the judges acting jointly shall make the appointments.

(3) Organization of the intermediate district committee shall be completed in each district within 6 months after the effective date of this act. If an intermediate district committee has not been organized within 6 months, the state committee shall appoint the members within 60 days thereafter. In which event the same limitations shall apply as provided in this section.

History: 1964, Act 289, Eff. Aug. 28, 1964

***** 388.686 THIS SECTION IS SUBJECT TO CONDITIONAL EXPIRATION: See 388.693 *****

388.686 Intermediate district reorganization committee; meetings, records, district reorganization plan, hearings, approval, revision, dissolution of committee.

Sec. 6.

Each intermediate district committee shall elect a secretary who shall keep the minutes and records of all official meetings. Meetings shall be held upon the call of the chairman or any 3 members of the committee. A majority of the committee shall constitute a quorum. The intermediate district committee shall follow the procedure guide provided by the state committee and prepare a district reorganization plan, which shall be submitted to the state committee for its approval or disapproval. The plan shall provide for the reorganization of school districts within the intermediate district so that all areas of the district may become a part of a school district operating or designed to operate at least 12 grades. The intermediate district committee shall hold at least 1 public hearing regarding the plan but may hold as many more as it deems necessary. Hearings shall be advertised by publication at least once in a newspaper of general circulation in the districts 10 days or more before the scheduled hearing. The intermediate district plan for reorganization shall be submitted to the state committee for its consideration within 9 months after receiving the manual of procedure from the state committee. If the intermediate district plan is approved by the

state committee, the plan shall be submitted to the electors as provided in section 7 of this act. If an intermediate district plan is rejected by the state committee, a revised plan shall be submitted by the intermediate district committee within 90 days after receipt of the rejection of the original plan. If the revised plan is not accepted by the state committee, the state committee shall submit a plan for the reorganization of the school districts in the intermediate school district and the intermediate committee shall also submit a plan for the reorganization of the school districts in the intermediate school district. The intermediate school district board shall submit both plans to the electors of the intermediate school district and the plan receiving the larger number of votes shall be submitted to the qualified electors of the intermediate school district in accordance with the requirements of method 2 provided in section 7 of this act. Following this election, the intermediate committee shall be dissolved and the requirements of this act shall have been met and no further plans shall be re-submitted for 5 years by either the state committee or the intermediate district. The intermediate district committee shall also be dissolved on completion and acceptance of the plan by the state committee and the vote or votes on the plan by the electors of the proposed school district.

History: 1964, Act 289, Eff. Aug. 28, 1964

***** 388.687 THIS SECTION IS SUBJECT TO CONDITIONAL EXPIRATION: See 388.693 *****

388.687 Optional election methods for adoption of reorganization plans; conduct.

Sec. 7.

Not less than 90 days nor more than 6 months following approval of an intermediate district plan as provided in section 6 of this act elections shall be held according to one of 2 methods. The intermediate district committee shall determine which election method shall be used.

Method 1. The entire area encompassed by the intermediate district plan shall vote as a unit on the question: "Shall the approved reorganization plan for the ..... intermediate district be adopted?

Yes ( )

No ( )"

If a majority of the qualified electors present and voting approve the plan it shall be declared adopted and shall become effective throughout the area on the date of the election if the election is held after April 30 but before September 1. The effective date shall be July 1 following if the election is held after August 31 but before May 1.

Method 2. The proposed districts provided for in the approved plan shall vote by proposed districts on the question: "Shall the approved reorganization plan for a proposed local district ..... within the intermediate district of ..... be adopted?

Yes ( )

No ( )"

If a majority of the qualified electors present and voting in a proposed district approve the plan for that proposed district it shall be declared adopted and shall become effective throughout the proposed district on the date of the election if the election is held after April 30 but before September 1. The effective date shall be July 1 following if the election is held after August 31 but before May 1.

If election method number 1 is adopted by the intermediate district committee and if the question voted on fails to obtain an affirmative majority, then another election using method number 2 shall be held not less than 90 days nor more than 6 months after the date of the first election. The results of this election using method number 2 shall be final and the requirements of this act shall have been met.

If the intermediate district plan provides that the boundaries of an existing school district shall remain the same such district shall not participate in an election held under either method number 1 or method number 2.

If the election is held under method number 1, the plan to be voted on shall not cause an existing school district to be divided between 2 intermediate districts but property transfers may be made later according to the provisions of chapter 5, part 2 of the school code. The plan may provide for division of districts within an intermediate district.

If and when voting method number 2 is used, the plan shall not cause an existing school district to be divided between 2 proposed local districts within the intermediate unit but property transfers may be made later according to chapter 5, part 2 of the school code.

No property transfers shall be made after the approval of the intermediate district plan by the state committee until after the elections provided for in this section have been held.

The question of assumption of bonded indebtedness shall not be included in any election held under the provisions of this act but the provisions of sections 412 and 413 of the school code regarding assumption of debt

shall apply.

The qualifications of electors shall be the same as now provided in the statutes for votes on consolidation and annexation and the provisions of the general election laws shall apply.

The board of education of the intermediate school district shall conduct the election or elections provided for in this section according to the general election laws and according to chapters 7 and 8 of part 2 of the school code.

History: 1964, Act 289, Eff. Aug. 28, 1964

***** 388.688 THIS SECTION IS SUBJECT TO CONDITIONAL EXPIRATION: See 388.693 *****

388.688 Classification of districts formed.

Sec. 8.

Districts formed under the provisions of this act shall be classified as second, third or fourth class districts depending upon the school census as provided for in chapters 3, 4 and 5, part 1 of the school code.

History: 1964, Act 289, Eff. Aug. 28, 1964

***** 388.689 THIS SECTION IS SUBJECT TO CONDITIONAL EXPIRATION: See 388.693 *****

388.689 Consolidation, annexation or division of districts.

Sec. 9.

After the effective date of this act, the superintendent of public instruction, when requested to approve a consolidation, annexation or division of a district, shall give careful consideration to the progress of the implementation of the requirements of this act.

History: 1964, Act 289, Eff. Aug. 28, 1964

***** 388.690 THIS SECTION IS SUBJECT TO CONDITIONAL EXPIRATION: See 388.693 *****

388.690 School aid; apportionment.

Sec. 10.

School districts formed under the provisions of this act shall be entitled to and receive financial aid from the state in the manner provided by legislative appropriation for school aid purposes except that the apportionments of state aid due any school district formed under this act in the 2 fiscal years next following reorganization shall not be less than the aggregate of state aid which would have been due proportionately to the component districts prior to the reorganization. It shall be the duty of the superintendent of public instruction in making apportionments of state aid to adjust the amount of state aid due each such school district accordingly.

History: 1964, Act 289, Eff. Aug. 28, 1964

***** 388.691 THIS SECTION IS SUBJECT TO CONDITIONAL EXPIRATION: See 388.693 *****

388.691 Board of education of newly-formed district.

Sec. 11.

Where the proposed district involves expansion of the boundaries of an existing twelve-grade district by addition of non-twelve-grade territory the board of education of the twelve-grade district shall continue as the board of the enlarged district.

Where the proposed district involves the merger of 2 or more twelve-grade districts with or without the addition of non-twelve-grade territory, or where the proposed district involves merger of non-twelve-grade districts into a new twelve-grade district a board of education fairly representing all areas of the new district shall be appointed by the intermediate district board to serve until a new board is elected as provided in section 410 of the school code.

History: 1964, Act 289, Eff. Aug. 28, 1964

***** 388.692 THIS SECTION IS SUBJECT TO CONDITIONAL EXPIRATION: See 388.693 *****

388.692 Board of education of district losing identity; records, property.

Sec. 12.

The boards of education of any district which lose identity shall turn over their books, records, funds and property to the new board within 10 days after the effective date of the reorganization. If any existing district is divided, the intermediate district board, or boards, shall specify the division of assets and liabilities.

History: 1964, Act 289, Eff. Aug. 28, 1964

***** 388.693 THIS SECTION IS SUBJECT TO CONDITIONAL EXPIRATION: See 388.693 *****

388.693 Final report; expiration of act.

Sec. 13.

The state commission shall make a final report to the state legislature on or before September 1, 1968, and this act shall expire on the date of filing the final report.

History: 1964, Act 289, Eff. Aug. 28, 1964
Compiler's Notes: As to validity of enactment of "sunset provision" under Const 1963, art 4, § 24, see OAG, 1987-1988, No 6438 (May 21, 1987).

THIRD CLASS SCHOOL DISTRICTS; BOUNDARIES

Act 254 of 1945

388.701 Repealed. 1976, Act 451, Imd. Eff. Jan. 13, 1977.

REORGANIZATION OF SCHOOL DISTRICTS

Act 239 of 1967

AN ACT to provide recognition of a state of emergency in certain school districts in the state; to provide for continuance of the state committee on reorganization of school districts; and to provide certain powers and duties of the state board of education in connection therewith.

History: 1967, Act 239, Imd. Eff. July 12, 1967

The People of the State of Michigan enact:

388.711 Reorganization of school districts; determination of emergency.

Sec. 1.

The state committee for the reorganization of school districts, created by Act No. 289 of the Public Acts of 1964, being sections 388.681 to 388.693 of the Compiled Laws of 1948 shall determine the existence of an emergency warranting immediate reorganization within any primary school district or school district of the fourth class not reorganized under the provisions of Act No. 289 of the Public Acts of 1964.

History: 1967, Act 239, Imd. Eff. July 12, 1967

388.712 Emergency school district; reorganization; applicability; determination of emergency.

Sec. 2.

This act applies only to school districts lying wholly in, or the major part of the territory of which lies wholly in, a county having a population of more than 1,000,000. The board of education or 5% of the school electors, but not less than 5 electors in a primary school district or less than 25 electors in a school district of the fourth class, of any primary school district or school district of the fourth class not reorganized under the provisions of Act No. 289 of the Public Acts of 1964, may petition the state board of education to determine if an emergency warranting immediate reorganization exists within the district.

History: 1967, Act 239, Imd. Eff. July 12, 1967 ;-- Am. 1968, Act 130, Imd. Eff. June 11, 1968

388.713 Determination of emergency; hearing.

Sec. 3.

Upon receipt of the petition, the state committee shall conduct, or cause to be conducted, an impartial study to determine if an emergency exists. Within 20 days following publication of the results of the study, a member of the state committee, or the secretary designated by the committee, shall hold a hearing in the district. Notice of the time and place of the hearing shall be given the voters of the district and the superintendent of the intermediate school district to which the district is constituent.

History: 1967, Act 239, Imd. Eff. July 12, 1967

388.714 Reorganization committee; findings, contents.

Sec. 4.

Within 20 days following receipt of a transcript of the hearing, the state committee shall make a finding relative to the existence of a condition or conditions warranting immediate reorganization of the district. The finding shall include consideration of the adequacy of the district to provide the following:

(a) An educational program meeting standards established by the state department of education or by accrediting agencies.

(b) A physical plant which can contain an acceptable school program.

(c) Transportation for students.

(d) Necessary tax base.

(e) Pupil services, administrative and teaching staff, and auxiliary services in compliance with rules prescribed by the department of education.

History: 1967, Act 239, Imd. Eff. July 12, 1967

388.715 Need for immediate reorganization; report and recommendations.

Sec. 5.

Upon a finding by the state committee that conditions in a school district warrant immediate reorganization, the state committee shall transmit its report with recommendations to the state board of education.

History: 1967, Act 239, Imd. Eff. July 12, 1967

388.716 State committee report and recommendations; publication; filing of objections and recommendations; determination of state board.

Sec. 6.

The state board of education shall publish the report and recommendations of the state committee and shall invite objections or comments to be filed with it within 20 days following publication of the report. The state board then shall consider the report of the state committee, together with the comments and objections filed, and make a determination as to endorsement of the finding of the state committee.

History: 1967, Act 239, Imd. Eff. July 12, 1967

388.717 Attachment of territory by annexation; effective date; finality; conclusiveness.

Sec. 7.

The state board of education, upon the finding that an emergency warrants immediate reorganization of a school district, shall attach the district by annexation or division to such other district or districts as will provide the most equitable educational opportunity for all of the students of the reorganized district and shall determine the effective date of attachment. Action of the state board of education shall be final. For the 4 fiscal years immediately

subsequent to the annexation, the receiving district may elect to compute and receive state aid for that portion of the district annexed based upon the per pupil state equalized valuation of the annexed portion.

History: 1967, Act 239, Imd. Eff. July 12, 1967 ;-- Am. 1968, Act 130, Imd. Eff. June 11, 1968

388.718 Reorganized school district; bonded indebtedness, levy of taxes.

Sec. 8.

If a district attached under the provisions of this act at the time of reorganization, has a bonded indebtedness incurred after December 8, 1932, its identity shall not be lost and its territory shall remain as an assessing unit for purposes of such bonded indebtedness until the indebtedness has been retired or the outstanding bonds refunded by the reorganized district. The board of the reorganized district, or the board of the district which has succeeded to the largest share of the state equalized valuation of the attached district, shall constitute the board of trustees for the original district having bonded indebtedness and the officers of the reorganized or successor district shall be the officers for the original district. The board of the reorganized or successor district shall certify and order the levy of taxes for the bonded indebtedness in the name of the original district, shall not commingle the debt retirement funds of the original district with funds of the reorganized or successor district and shall do all things relative to such bonded indebtedness required by law and by the terms under which the issue and sale of the bonds were originally authorized. All other tax levies for purposes of the reorganized district shall be spread over the entire area of the reorganized district.

History: 1967, Act 239, Imd. Eff. July 12, 1967

388.719 Reorganized school district; assumption of bonded indebtedness of original school district; effect; certification, levy of taxes; election.

Sec. 9.

Any time after 3 years following reorganization, the reorganized district, or that district which has succeeded to the largest share of the attached district's state equalized valuation, may assume the obligation of the bonded indebtedness incurred after December 8, 1932, of the original district which has become a part of the reorganization and pay the same from the proceeds of a debt retirement tax levy spread uniformly over the territory of the reorganized or successor district whenever the electors of the reorganized or successor district shall have approved an increase in the limitation on taxes for that purpose and the school tax electors of the district have approved the assumption of such bonded indebtedness. Assumption of the bonded indebtedness of an original school district shall not release the territory of the original district from the final responsibility of paying the obligation or rescind the increase in the limitation on taxes pledged to the bond issue or available to it in the original district, nor be construed as so doing. When the bonded indebtedness of an original district has been so assumed, the board of the reorganized or successor district shall certify and order the levy of taxes for the bonded indebtedness equivalent in terms of money to those required by the terms under which the indebtedness was originally incurred and carry out all provisions of the original bond contract. The election to assume the bonded indebtedness of an attached district may be held at any time after 3 years following the effective date of reorganization when a proposal is placed before the school tax electors to increase the bonded indebtedness of the combined district.

History: 1967, Act 239, Imd. Eff. July 12, 1967

388.720 Petitions for emergency reorganization; intermediate district superintendent to furnish; form; who may sign; circulation signatures.

Sec. 10.

The intermediate district superintendent upon request shall furnish any school district with petitions. The petitions shall be printed or duplicated and the first page shall be in the following form:

Petition no. ..... consisting of .....pages.

(Signed).....

Superintendent of intermediate district of.....

To the state committee on reorganization of school districts, Lansing, Michigan.

We, the undersigned, qualified (here insert "registered" in the case of a registration district) electors of ....

(name of school district)

declare that in the following school district there does exist an emergency calling for immediate reorganization, and we do call upon the state board of education to reorganize the district:

Name of school district to be reorganized to be listed here.

Signatures of petitioners

Name	Address	Date of signing

Each additional page of any such petition shall have at or near the top of the page the following:

Official petition

No. ..... Page no. .....

Signature of intermediate district superintendent.....

Each page shall have printed or duplicated the following statement below the space for signature for petitioners:

The undersigned certifies that he is a qualified (here insert "registered" in the case of a registration district) elector of .....

(name of school district)

and that each signature appearing on this page is the genuine signature of the person signing the same and that to his best knowledge and belief each such person was at the time of signing a qualified (here insert "registered" in the case of a registration district) elector of the school district.

Dated this .....day of.....19.....

Each petition shall be signed by the intermediate district superintendent as indicated in the foregoing form before being issued to any person for circulation.

Only qualified school electors of the districts in which signatures to the petitions are being sought shall circulate such petitions and the statement appearing below the signatures of petitioners shall be dated or signed on each page before returning to the state committee.

History: 1967, Act 239, Imd. Eff. July 12, 1967

388.720a State committee on reorganization of school districts; continuation.

Sec. 10a.

The state committee on reorganization of school districts shall continue in existence for purposes of this act, notwithstanding any expiration date otherwise provided by law.

History: Add. 1968, Act 130, Imd. Eff. June 11, 1968

388.721 Repealed. 1968, Act 130, Imd. Eff. June 11, 1968.

Compiler's Notes: The repealed section pertained to termination of school aid act July 1, 1968.

EMERGENCY FINANCIAL ASSISTANCE

Act 226 of 1978

388.731-388.750 Expired. 1978, Act 226, Eff. July 1, 1981.

EMERGENCY FINANCIAL ASSISTANCE

Act 221 of 1986

388.751-388.759 Repealed. 1986, Act 221, Eff. July 1, 1988.

EMERGENCY FINANCIAL ASSISTANCE

Act 8 of 1977

388.761-388.779 Expired. 1977, Act 8, Eff. July 1, 1983.

EMERGENCY FINANCIAL ASSISTANCE

Act 218 of 1977

388.781-388.799 Expired. 1977, Act 218, Eff. July 1, 1981.

FEDERAL GRANTS TO SCHOOLS

Act 16 of 1942 (1st Ex. Sess.)

AN ACT to designate the superintendent of public instruction as the state agency to apply to and receive from the federal government, or any agency thereof, grants in aid of the public schools of this state and educational activities in this state; and to provide for the disbursement thereof.

History: 1942, 1st Ex. Sess., Act 16, Imd. Eff. Jan. 28, 1942 ;-- Am. 1949, Act 233, Eff. Sept. 23, 1949

The People of the State of Michigan enact:

388.801 Federal grants to schools; superintendent of public instruction, sole agent to administer and receive.

Sec. 1.

Whenever the federal government or any agency thereof shall provide grants of general federal aid for the use and benefit of the public schools of the state, the superintendent of public instruction is hereby designated as the sole state agency to apply to and receive from the federal government, or any agency thereof, such grants which may now or hereafter be available to the state of Michigan or any school district therein: Provided, however, That funds made available through the provisions of Act No. 149 of the Public Acts of 1919, and Act No. 211 of the Public Acts of 1921 are excepted: Provided further, That the superintendent of public instruction shall enter into no agreement with any agency of the federal government whereby any such agency shall directly or indirectly control the administration of the state public schools or the courses of study therein.

History: 1942, 1st Ex. Sess., Act 16, Imd. Eff. Jan. 28, 1942 ;-- CL 1948, 388.801 ;-- Am. 1949, Act 233, Eff. Sept. 23, 1949
Compiler's Notes: Act 211 of 1921, referred to in this section, was repealed by Act 232 of 1964.

388.802 Superintendent of public instruction; powers and duties.

Sec. 2.

To these ends and purposes the superintendent of public instruction is authorized, directed and empowered:
(a) To originate the documentary data prerequisite to the disbursement of all funds made available at any time by the federal government to the state of Michigan for said purposes in accordance with existing and usual procedures covering disbursements from the state treasury.
(b) To adopt, carry out and administer a plan or plans for any such purposes not contrary to or inconsistent with the laws of this state. Such plan or plans so adopted shall be made statewide in application insofar as reasonably feasible, possible or permissible, and shall be so devised as to meet the approval of the federal government, or any of its agencies.

History: 1942, 1st Ex. Sess., Act 16, Imd. Eff. Jan. 28, 1942 ;-- CL 1948, 388.802

388.803 Deposit and disbursement of funds received.

Sec. 3.

A grant or grants received by this state from the federal government under this act shall be paid in to the state treasurer. Disbursement of the funds from the state treasury shall be by warrant of the state treasurer.

History: 1942, 1st Ex. Sess., Act 16, Imd. Eff. Jan. 28, 1942 ;-- CL 1948, 388.803 ;-- Am. 2002, Act 704, Imd. Eff. Dec. 30, 2002

388.804 Other acts inapplicable to educational grants.

Sec. 4.

Section 1 of Act No. 145 of the Public Acts of 1901 and an act of the Public Acts of the First Extra Session of 1942, entitled "An act to authorize the acceptance of federal equipment, supplies, materials and funds," shall not

apply to grants described in section 1 hereof.

History: 1942, 1st Ex. Sess., Act 16, Imd. Eff. Jan. 28, 1942 ;-- CL 1948, 388.804
Compiler's Notes: For provisions of section 1 of Act 145 of 1901, referred to in this section, see MCL 21.161. The act of 1942, 1st Ex. Sess., referred to in this section, was repealed by Act 124 of 1960.

388.805 Grants for vocational education and rehabilitation.

Sec. 5.

All funds made available to the state by federal appropriations for the purpose and operation of vocational education and vocational rehabilitation, including vocational training for defense workers, shall be received and administered by the state board of control for vocational education.

History: 1942, 1st Ex. Sess., Act 16, Imd. Eff. Jan. 28, 1942 ;-- CL 1948, 388.805
Compiler's Notes: For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

EMERGENCY FINANCIAL ASSISTANCE FOR CERTAIN SCHOOL DISTRICTS

Act 26 of 1982

388.811-388.829 Repealed. 2016, Act 537, Eff. Apr. 9, 2017.

NATIONAL FOREST SCHOOL AND HIGHWAY AID

Act 37 of 1933

388.831-388.833 Repealed. 1990, Act 182, Imd. Eff. July 18, 1990.

FARM-TO-SCHOOL PROCUREMENT ACT

Act 315 of 2008

AN ACT to provide for the coordination and development of certain farm-to-school procurement processes and procedures; to provide for procedures and recommendations for certain farm product producers to access school-related food programs; to provide for certain powers and duties for the departments of education and agriculture; and to provide for the dissemination of certain information to schools and farm product producers.

History: 2008, Act 315, Imd. Eff. Dec. 18, 2008

The People of the State of Michigan enact:

388.841 Short title.

Sec. 1.

This act shall be known and may be cited as the "farm-to-school procurement act".

History: 2008, Act 315, Imd. Eff. Dec. 18, 2008

388.842 Definitions.

Sec. 2.

As used in this act:

(a) "Farm product" means that term as defined in section 2 of the Michigan right to farm act, 1981 PA 93, MCL 286.472.

(b) "MDA" means the Michigan department of agriculture.

(c) "MDE" means the Michigan department of education.

History: 2008, Act 315, Imd. Eff. Dec. 18, 2008

388.843 Memorandum of understanding; execution between MDE and MDA; duties.

Sec. 3.

(1) The MDE and the MDA shall collaborate and cooperate by means of a memorandum of understanding executed between the departments in order to implement the provisions of this act.

(2) As part of the collaboration, the MDE shall do the following:

(a) Investigate the potential of various procurement procedures and tools for school food authorities to purchase local farm products and abide by federal regulations, including, but not limited to, the small purchase threshold and multiple or line-item awards to farmers, processors, and suppliers within larger food contracts.

(b) Educate food service directors on the small purchase threshold and other procurement procedures and tools and promote their use for farm-to-school initiatives.

(c) Implement food preparation training for food service staff to accommodate sourcing fresh and local foods.

(d) Encourage school food service directors to include local farmers, processors, and suppliers when taking bids for farm products that fall under the small purchase threshold.

(e) Encourage all new school construction projects to consider kitchen facilities capable of producing fresh and healthy school meals and opportunities for hands-on learning.

(3) As part of the collaboration, the MDA shall do the following:

(a) House a farm-to-school point person to coordinate efforts between MDA, MDE, and the Michigan department of community health, who would be responsible for identifying local farmers, processors, and suppliers and work with MDE to make that information available to school food service directors and for creating and disseminating information on the school food procurement process to help farmers, processors, and suppliers learn more about the process.

(b) Identify, target, and promote job creation around farm-to-school initiatives.

(c) In cooperation with commodity groups and growers associations, utilize existing web-based market development tools or adopt a voluntary web-based directory of farmers searchable by location. The directory should be updated and consistently maintained and usable by anyone interested in locating farmers and Michigan farm products.

(d) Investigate opportunities for farmers to supply their products to commercial distributors.

History: 2008, Act 315, Imd. Eff. Dec. 18, 2008

388.844 Funds from federal, state, or private sources.

Sec. 4.

The MDE and the MDA may accept funds from any federal, state, or private source to implement this act.

History: 2008, Act 315, Imd. Eff. Dec. 18, 2008

CONSTRUCTION OF SCHOOL BUILDINGS

Act 306 of 1937

AN ACT to promote the safety, welfare, and educational interests of the people of this state by regulating the construction, reconstruction, and remodeling of, and the installation of certain security devices at, certain public or private school buildings or additions to those buildings and by regulating the construction, reconstruction, and remodeling of, and the installation of certain security devices at, buildings leased or acquired for school purposes; to define the class of buildings affected by this act; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties for the violation of this act; and to repeal acts and parts of acts.

History: 1937, Act 306, Imd. Eff. July 23, 1937 ;-- Am. 1941, Act 148, Eff. Jan. 10, 1942 ;-- Am. 2002, Act 628, Imd. Eff. Dec. 23, 2002 ;-- Am. 2020, Act 45, Eff. June 1, 2020

The People of the State of Michigan enact:

388.851 School buildings; construction and remodeling requirements; rules; "department" defined.

Sec. 1.

(1) A school building, public or private, or any additions to a school building, must not be constructed or remodeled in this state unless all plans and specifications for buildings are prepared by any of the following:

(a) An architect or a professional engineer who is licensed in this state.

(b) An architect or a professional engineer who is licensed in this state working in conjunction with a design-builder. The architect or professional engineer and the design-builder described under this subdivision may form a design-build team.

(2) A school building, or any addition to the school building, constructed or remodeled in accordance with subsection (1) must comply with the Stille-DeRosett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531, and the rules promulgated under section 4 of the Stille-DeRosett-Hale single state construction code act, 1972 PA 230, MCL 125.1504.

(3) The director of the department shall promulgate rules that establish standards and requirements for the relocation and reuse of used modular classrooms. The rules shall require an inspection of a relocated used modular classroom at its original location, at its new location, or at any location where repairs are made to the used modular classroom.

(4) As used in this section, "department" means the department of licensing and regulatory affairs.

History: 1937, Act 306, Imd. Eff. July 23, 1937 ;-- Am. 1941, Act 148, Eff. Jan. 10, 1942 ;-- CL 1948, 388.851 ;-- Am. 1949, Act 231, Imd. Eff. May 31, 1949 ;-- Am. 1962, Act 175, Imd. Eff. May 17, 1962 ;-- Am. 1968, Act 239, Eff. Sept. 1, 1968 ;-- Am. 2002, Act 628, Imd. Eff. Dec. 23, 2002 ;-- Am. 2003, Act 254, Imd. Eff. Dec. 29, 2003 ;-- Am. 2004, Act 510, Imd. Eff. Jan. 3, 2005 ;-- Am. 2024, Act 67, Eff. Apr. 2, 2025

Compiler's Notes: For transfer of powers and duties of state fire marshal to department of labor and economic growth, bureau of construction codes and fire safety, by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

388.851a Definitions.

Sec. 1a.

As used in this act:

(a) "Addition" means added space that results in additional cubic contents to an existing school building.

(b) "Construction" means the construction, erection, reconstruction, alteration, conversion, demolition, repair, moving, or equipping of buildings or structures.

(c) "Design-build construction services" means a project delivery method that meets all of the following requirements:

(i) A school district engages the services of a design-criteria developer, an architect, or a professional engineer who is licensed in this state and is not employed by the design-builder to do both of the following:

(A) Assist the school district in the selection and compensation of a design-build team or design-builder.

(B) Provide for the scope of the services of a design-build team or design-builder.

(ii) A school district contracts with a single entity for both design services and construction services.

(iii) Design and construction of the project is either of the following:

(A) Sequential, with the entire design complete before construction commences.

(B) Concurrent, with the design produced in 2 or more phases and construction of some phases commencing before the entire design is complete.

(iv) Selection is a single-phase selection using price and qualification to determine best value.

(d) "Design build team" means a team that consists of both of the following:

(i) A design-builder.

(ii) An architectural or engineering firm providing professional services in accordance with section 2010 of the occupational code, 1980 PA 229, MCL 339.2010.

(e) "Design-builder" means an individual, a partnership, a joint venture, a corporation, or other legal entity that meets both of the following conditions:

(i) Furnishes design and general contracting services for a project.

(ii) Completes design services in accordance with article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014, or through a subcontract with a design firm that complies with article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014.

(f) "Design-criteria developer" means an individual or firm that meets both of the following requirements:

(i) Is a licensed architect or a licensed professional engineer in this state.

(ii) Is responsible for preparing a design-criteria package, and may provide construction inspection services.

(g) "Design-criteria package" means a set of documents that provides sufficient information to permit a design-builder to prepare a proposal in response to a school district's request for proposals.

(h) "Remodeling" means the alteration, construction, or remodeling of partitions, hallways, stairways, and means of egress, and the replacement, relocation, or reconstruction of heating, ventilating, and sanitary equipment.

(i) "School building" means a building used for school purposes.

(j) "Total cost" means the monetary worth of the building when ready for occupancy, regardless of the source of funds, labor, or material and includes the cost of general construction, plumbing, heating and ventilation, electrical work, all fixed equipment, and the cost of architects, engineers, and building superintending services.

History: Add. 1941, Act 148, Eff. Jan. 10, 1942 ;-- CL 1948, 388.851a ;-- Am. 1949, Act 231, Imd. Eff. May 31, 1949 ;-- Am. 2024, Act 67, Eff. Apr. 2, 2025

Compiler's Notes: For transfer of powers and duties of state fire marshal to department of labor and economic growth, bureau of construction codes and fire safety, by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

388.851b School building; administration and enforcement of act; inspection; methods; plan reviews; delegation of responsibilities; certificate of approval under fire prevention code; scope of act; definitions.

Sec. 1b.

(1) Except as otherwise provided in this act, the department is responsible for the administration and

enforcement of this act and the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531, in each school building in this state.

(2) Except as provided in subsection (5), a school building covered by bond issues that were approved by the department of treasury after July 1, 2003 shall not be constructed, remodeled, or reconstructed in this state until written approval of the plans and specifications is obtained from the department indicating that the school building will be designed and constructed in conformance with the code. This subsection does not apply to any school building for which construction is covered by bond issues that were approved by the department of treasury before July 1, 2003.

(3) Responsibility for inspections of school buildings shall be determined by 1 of the following methods:

(a) By an independent third party designated in the contract governing the construction, remodeling, or reconstruction of a school building. The independent third party shall be responsible for all inspections required to insure compliance with the code. The school authority shall verify that the independent third party named is knowledgeable about construction practices and codes and is otherwise qualified to conduct the inspections. The name of the independent third party to be responsible for conducting inspections shall be submitted to the department with the plans and specifications required by subsection (2). If the department determines that the independent third party is not qualified to conduct the inspections or is not an independent third party, it shall disapprove of the designation and notify the school authority. All inspection reports prepared by the person designated by the school authority under this subdivision shall be sent to the department upon completion of the inspection. The department may return the report for further work if there are questions relating to the scope of the inspection or whether the construction, remodeling, or reconstruction meets the requirements of the code.

(b) If a designation of an independent third party is not made as required under subdivision (a), the inspections required to insure compliance with the code will be performed by the department or as provided under subsection (5).

(4) Except as provided in subsection (5), the department shall perform for school buildings all plan reviews within 60 days from the date the plans are filed or considered approved and inspections within 5 business days as required by the code and shall be the enforcing agency for this act.

(5) The department shall delegate the responsibility for the administration and enforcement of this act to the applicable agency if both the school board and the governing body of the governmental subdivision have annually certified to the department, in a manner prescribed by the department, that full-time code officials, inspectors, and plan reviewers who are registered under article 10 of the skilled trades regulation act, MCL 339.6001 to 339.6023, will conduct plan reviews and inspections of school buildings.

(6) This section does not affect the responsibilities of the bureau of fire services under the fire prevention code, 1941 PA 207, MCL 29.1 to 29.33. The bureau of construction codes and the bureau of fire services in the department shall jointly develop procedures to use the plans and specifications submitted in carrying out the requirements of this act and the fire prevention code, 1941 PA 207, MCL 29.1 to 29.33. A certificate of occupancy shall not be issued by the appropriate code enforcement agency until a certificate of approval is issued under the fire prevention code, 1941 PA 207, MCL 29.1 to 29.33.

(7) This section applies to construction, remodeling, or reconstruction of school buildings that are covered by bond issues that were approved by the department of treasury after July 1, 2003. Construction, remodeling, or reconstruction of school buildings that are covered by bond issues approved before July 1, 2003 shall submit the plans and specifications to the department for approval under section 1. The department shall not grant approval until it has received the certification described in section 3 relative to fire safety and from the appropriate health department relative to water supply, sanitation, and food handling.

(8) As used in this section:

(a) "Code" means the state construction code provided for in the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

(b) "Construction" means that term as defined in section 2a of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1502a.

(c) "Department" means the department of licensing and regulatory affairs.

History: Add. 2002, Act 628, Imd. Eff. Dec. 23, 2002 ;-- Am. 2006, Act 199, Imd. Eff. June 19, 2006 ;-- Am 2016, Act 413, Eff. Apr. 4, 2017

Compiler's Notes: For transfer of powers and duties of state fire marshal to department of labor and economic growth, bureau of construction codes and fire safety, by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

388.851d Installation of temporary door locking device or system in school buildings; requirements; duties of administrative authority; notification of local fire department and law enforcement agency; construction

documents; definitions.

Sec. 1d.

(1) A temporary door locking device or system may be installed in accordance with the requirements of this section.

(2) All of the following apply to the installation and use of a temporary door locking device or system in a school building:

(a) The device or system is portable and will not be permanently affixed to the door. Individual parts of the locking assembly of the device or system, including, but not limited to, bolts, stops, brackets, and pins, that do not prevent normal ingress and egress through the door may be permanently mounted on a labeled fire door assembly.

(b) The locking means is capable of being engaged without opening the door.

(c) The door is capable of being unlocked and opened from outside the room with a required tool or key.

(d) The locking means does not modify the door closure, panic hardware, or fire exit hardware.

(e) The device or system may be disengaged by an individual on the interior side of the door without the use of a key or special tool.

(f) Installation and operation of the fixed elements of the device or system is in compliance with 1966 PA 1, MCL 125.1351 to 125.1356.

(g) A properly trained firefighter, law enforcement officer, or school official is able to release the locking device or system from the outside.

(h) The device or system may provide notification of its location and placement in the event of a lockdown.

(i) The device or system must not be installed on doors leading outside the building from a corridor.

(j) The device or system must be installed per the installation instructions submitted under subsection (3)(a) or (4)(a).

(k) Any fasteners or through-bolt-penetrations to a labeled fire door assembly must be made of steel.

(l) Holes, bolts, or fasteners made or used to install a device or system must be the same as stated in the installation instructions submitted under subsection (3)(a) or (4)(a).

(3) Except as otherwise provided in subsection (6), the administrative authority of the school building shall do all of the following:

(a) Before newly installing a device or system in the school building, submit to the enforcing agency 2 copies of the floor plans, drawings, diagrams, and installation instructions for plan review, obtain plan review approval, and obtain a permit for installation, as provided in the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531, and the fire prevention code, 1941 PA 207, MCL 29.1 to 29.33, and notify the local fire department and the law enforcement agency that has jurisdiction over the building of the intended installation or use, and location, of the device or system.

(b) Before using a newly installed device or system in the school building, notify the enforcing agency that the device or system is ready for inspection and receive written approval from the enforcing agency that the device or system is approved for use.

(c) In the school building where the device or system is installed or being used, provide in-service training to staff members working in the building on the use of the device or system. The administrative authority shall maintain on file a record verifying this training.

(d) Ensure that the device or system is engaged for only a finite period of time, as determined by the administrative authority of the school building in accordance with, beginning January 1, 2020, an emergency operations plan adopted under section 1308b of the revised school code, 1976 PA 451, MCL 380.1308b. The emergency operations plan described in this subdivision must include a description of the installation and use of the temporary locking devices or systems used by the administrative authority.

(4) Except as otherwise provided in subsection (6), if a school building has an existing temporary door locking device or system that was installed before June 1, 2020, the enforcing agency shall approve the device or system if all of the following are met:

(a) Not more than 1 year after June 1, 2020, the administrative authority of the school building submits to the enforcing agency 2 copies of the drawings, diagrams, and installation instructions showing that the device or system meets the requirements of subsection (2).

(b) The administrative authority of the school building applies for and obtains any necessary permits as described in subsection 3(a).

(c) The enforcing agency inspects the installed device or system and determines it meets the requirements of subsection (2).

(5) The administrative authority of a school building in which an existing temporary door locking device or system has been installed as described in subsection (4) shall comply with the requirements of subsection (3)(c) and (d) and shall notify the local fire department and the law enforcement agency that has jurisdiction over the building where the device or system is located.

(6) Notwithstanding any rules, regulations, or guidelines promulgated by the department to the contrary, an

administrative authority of a school building is not required to provide to the department or enforcing agency construction documents that are sealed and signed by a licensed architect or licensed professional engineer in accordance with article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014, before doing any of the following:

(a) Newly installing a temporary door locking device or system in a school building.

(b) Receiving approval for an existing temporary door locking device or system that was installed in a school building before June 1, 2020.

(7) For purposes of this act, the installation of a temporary door locking device or system is not considered construction, reconstruction, or remodeling of a school building or addition to a school building.

(8) As used in this section:

(a) "Administrative authority of a school building" or "administrative authority" means the superintendent, principal chief administrative officer, or other person having supervisory authority of a school building.

(b) "Department" means the department of licensing and regulatory affairs.

(c) "Enforcing agency" means that term as defined in section 2a of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1502a.

(d) "Panic hardware" means fire door hardware, handles, or push bars that allow for the opening of the door with a single movement.

(e) "Temporary door locking device or system" or "device or system" means an anchoring mechanism or system installed on the interior side of a door that, when engaged, secures the door against forced entry.

History: Add. 2020, Act 45, Eff. June 1, 2020 ;-- Am. 2022, Act 48, Imd. Eff. Mar. 23, 2022
Compiler's Notes: In subsection (4)(b), the reference to "subsection 3(a)" evidently should read "subsection (3)(a)."

388.852 Architect, professional engineer, design-build team, and design-builder; responsibilities; violation; penalty.

Sec. 2.

(1) The architect, professional engineer, design-build team, or design-builder described in section 1 preparing the plans and specifications of a school building is responsible for assuring that the design documents provide for a structure with sufficient structural strength and fire resistance and that the building will meet all applicable codes, standards, and regulations.

(2) The person supervising the construction of a school building is responsible for the construction of the school building in conformance with the approved plans and specifications prepared by the architect, professional engineer, design-build team, or design-builder described in section 1.

(3) A person that violates this section is subject to all of the following:

(a) A state civil infraction punishable by a civil fine of not more than $10,000.00.

(b) If the person knowingly violated this section, a misdemeanor punishable by a fine of not more than $10,000.00 or imprisonment for not more than 180 days, or both.

History: 1937, Act 306, Imd. Eff. July 23, 1937 ;-- CL 1948, 388.852 ;-- Am. 1949, Act 231, Imd. Eff. May 31, 1949 ;-- Am. 2002, Act 627, Imd. Eff. Dec. 23, 2002 ;-- Am. 2024, Act 67, Eff. Apr. 2, 2025
Compiler's Notes: For transfer of powers and duties of state fire marshal to department of labor and economic growth, bureau of construction codes and fire safety, by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

388.853 Inspection by bureau of fire services; notice; exception.

Sec. 3.

(1) Except as provided in subsection (2), the bureau of fire services created in section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b, shall inspect a school building to determine whether its construction complies with this act. The bureau of fire services shall inspect each building at least twice during construction, once to

inspect the framework of the building before plastering and once on the completion of the building. The person supervising construction of the school building shall notify the bureau of fire services when the building is ready for inspection. In making an inspection under this subsection, the bureau of fire services has the powers set forth in the fire prevention code, 1941 PA 207, MCL 29.1 to 29.34.

(2) The bureau of fire services is not required to inspect or make a determination of fire safety in an existing school building in relation to operation, maintenance, remodeling, or repairs, or to inspect a school building to determine whether its construction complies with this act, if the school building is located in a municipality where both the school board and the governing body of the municipality have certified to the superintendent of public instruction, in a manner prescribed by the superintendent, that the fire safety inspections and fire safety measures for the schools located in the municipality are provided for by a municipal code or ordinance administered and enforced by a full-time fire prevention and safety department, division, or bureau maintained by the municipality and are satisfactory to both the school board and the governing body. Either the school board or the governing body may rescind the certification. A certification under this subsection shall not be submitted to or accepted by the superintendent of public instruction unless the municipality has received from the bureau of fire services written attestation that the municipality has an ordinance or code for fire protection in schools equal to the minimum state requirements and has a full-time fire prevention inspection service with a qualified program of school plan review and inspection. The state fire safety board shall hear and decide an appeal from a decision made under this section as a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. After a hearing, the board, acting in accordance with its statutory authority and provisions, may vary the application of any school fire safety rule or may modify the ruling or interpretation of the municipal enforcing authority if the board decides that the enforcement would do manifest injustice and would be contrary to the public interest. A decision of the board to vary the application of any fire safety rule, or to modify or change a ruling of the municipal enforcing authority, shall specify in what manner the variation, modification, or change is made, the conditions upon which it is made, and the reasons for the variation, modification, or change.

History: 1937, Act 306, Imd. Eff. July 23, 1937 ;-- Am. 1941, Act 148, Eff. Jan. 10, 1942 ;-- CL 1948, 388.853 ;-- Am. 1949, Act 231, Imd. Eff. May 31, 1949 ;-- Am. 1962, Act 175, Imd. Eff. May 17, 1962 ;-- Am. 1968, Act 239, Eff. Sept. 1, 1968 ;-- Am. 2006, Act 199, Imd. Eff. June 19, 2006

Compiler's Notes: For transfer of powers and duties of the fire marshal division programs relating to plan review and construction inspections of schools, colleges, universities, school dormitories, as well as adult foster care, correctional, and health care facilities, from the department of state police to the department of consumer and industry services, see E.R.O. No. 1997-2, compiled at MCL 29.451 of the Michigan Compiled Laws.For transfer of powers and duties of state fire marshal to department of labor and economic growth, bureau of construction codes and fire safety, by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

388.854 Violation of act; penalty; injunction proceedings.

Sec. 4.

The license or registration of an architect or engineer convicted of violating this act shall be revoked. A school officer, member of a school board, or other person who neglects or refuses to do or perform any act required by this act, or who violates or knowingly permits or consents to any violation of this act, is guilty of a misdemeanor punishable by a fine of not more than $500.00 or imprisonment for not more than 3 months, or both. Any violation of this act may be enjoined in an action brought by the bureau of fire services created in section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b, in the circuit court for the county in which the school buildings are or will be situated.

History: 1937, Act 306, Imd. Eff. July 23, 1937 ;-- Am. 1941, Act 148, Eff. Jan. 10, 1942 ;-- CL 1948, 388.854 ;-- Am. 2006, Act 199, Imd. Eff. June 19, 2006

Compiler's Notes: For transfer of powers and duties of state fire marshal to department of labor and economic growth, bureau of construction codes and fire safety, by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

388.855a Applicability of act; exemptions.

Sec. 5a.

(1) Except as provided in this section, this act does not apply to 1-story school buildings, to 1-story additions to school buildings, or to the construction, reconstruction, or remodeling of a school building if the total cost of construction, reconstruction, or remodeling is less than $15,000.00.

(2) Section 1(1)(a) applies to the construction of all school buildings and additions to school buildings regardless of the number of stories of the buildings or additions if the total cost of construction exceeds $15,000.00.

(3) Section 1(1)(d) applies to the construction of all school buildings and additions to school buildings of 1 or more stories regardless of the cost of construction.

(4) This act applies to the reconstruction of a school building destroyed or partially destroyed by fire, windstorm, or other catastrophe if more than 50% of the entire building is destroyed. The bureau of fire services created in section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b, acting jointly with the superintendent of public instruction, may require that the damaged portion or the remaining portion of the building, or both, be remodeled or reconstructed in accordance with this act.

(5) This act applies to the remodeling of existing school buildings and other buildings to be used for school purposes.

(6) An existing building or part of an existing building, regardless of the number of stories or the cost to the school district of the building, that has not been used as a school building shall not be used as a school building unless it is approved by the superintendent of public instruction and the bureau of fire services.

(7) If the construction, reconstruction, or remodeling of a school building costs less than $15,000.00, it is not necessary to employ a registered architect or engineer, but the plans for the building must be submitted to the bureau of fire services and to the superintendent of public instruction or the superintendent's authorized agent for criticism, suggestions, and approval.

(8) A temporary door locking device or system, as described in section 1d, may be installed in any school building or addition to a school building, regardless of the number of stories of the building or addition, or as a component in the construction, reconstruction, or remodeling of a school building or addition to a school building regardless of the costs of that construction, reconstruction, or remodeling.

History: 1937, Act 306, Imd. Eff. July 23, 1937 ;-- Am. 1941, Act 148, Eff. Jan. 10, 1942 ;-- CL 1948, 388.855a ;-- Am. 1949, Act 231, Imd. Eff. May 31, 1949 ;-- Am. 1962, Act 175, Imd. Eff. May 17, 1962 ;-- Am. 2006, Act 199, Imd. Eff. June 19, 2006 ;-- Am. 2020, Act 45, Eff. June 1, 2020

Compiler's Notes: For transfer of powers and duties of state fire marshal to department of labor and economic growth, bureau of construction codes and fire safety, by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

ASBESTOS IN EDUCATIONAL FACILITIES

Act 51 of 1993

AN ACT to regulate levels of asbestos and asbestos-containing material in educational facilities; and to designate conditions under which response actions may be conducted.

History: 1993, Act 51, Imd. Eff. June 1, 1993

The People of the State of Michigan enact:

388.861 Definitions.

Sec. 1.

As used in this act:

(a) "Asbestos" means a group of naturally occurring minerals that separate into fibers, including chrysotile, amosite, crocidolite, asbestiform anthophyllite, asbestiform tremolite, and asbestiform actinolite.

(b) "Asbestos-containing material" means any material or product containing more than 1% asbestos.

(c) "Cost" means the discounted present value of all anticipated future expenditures associated with a course of action in an area where asbestos removal is being considered.

(d) "Educational facility" means a building owned, leased, or under the control of a public or nonpublic school or school system containing any of grades K-12.

(e) "Friable", when referring to asbestos-containing material, means material that can, by hand pressure, be crumbled, pulverized, or reduced to powder when dry.

(f) "Operations and maintenance plan" means a program of work practices designed to maintain asbestos or friable asbestos-containing material in good condition to ensure the cleanup of asbestos or friable asbestos-containing material previously released and to prevent the further release of asbestos or asbestos-containing material by minimizing and controlling the damage or disturbance of asbestos or asbestos-containing material.

(g) "Removal" means the taking out or stripping of asbestos or asbestos-containing material from an existing structure.

History: 1993, Act 51, Imd. Eff. June 1, 1993

388.862 Measurement of asbestos levels; methods.

Sec. 2.

(1) The measurement of asbestos levels shall be made by either or both of the following methods:

(a) Optical phase contrast microscopy in the manner described in the measurement protocol provided by the United States occupational safety and health administration in 29 C.F.R. part 1910.

(b) Transmission electron microscopy (TEM) in the manner described in the nonmandatory TEM protocol in appendix A to subpart E of part 763 of title 40 of the Code of Federal Regulations, counting only fibers longer than 5 microns.

(2) If the results of a laboratory analysis of air samples obtained using optical phase contrast microscopy as described in subsection (1)(a) indicate that asbestos levels exceed .01 fibers per cubic centimeter, air samples shall be recollected and analyzed using an electron microscope pursuant to subsection (1)(b), and the results of the laboratory analysis of air samples obtained using transmission electron microscopy control.

(3) If both methods are used and a question arises as to the presence of fibers that may not be asbestos, a measurement made by transmission electron microscopy controls.

History: 1993, Act 51, Imd. Eff. June 1, 1993

388.863 Implementation of operations and maintenance plans; compliance.

Sec. 3.

Educational facilities shall comply with the standards contained in title II of the toxic substances control act, Public Law 94-469, 15 U.S.C. 2641 to 2656, regarding the implementation of operations and maintenance plans for educational facilities found to contain asbestos or asbestos-containing material.

History: 1993, Act 51, Imd. Eff. June 1, 1993

388.864 Removal; circumstances.

Sec. 4.

Asbestos or asbestos-containing material shall not be removed from an educational facility unless 1 or more of the following circumstances exist:

(a) The removal is required under section 112 of part A of title I of the clean air act, chapter 360, 84 Stat. 1685, 42 U.S.C. 7412.

(b) The removal is required under title II of the toxic substances control act, Public Law 94-469, 15 U.S.C. 2641 to 2656.

(c) The exposure level of asbestos fibers in an educational facility exceeds .01 fibers longer than 5 microns per cubic centimeter of air calculated as an 8-hour time weighted average during periods of normal building occupancy as determined by the testing methods described in section 2.

(d) The cost of an operations and maintenance plan exceeds the cost of removal, and removal complies with standards as mandated under title II of the toxic substances control act, Public Law 94-469, 15 U.S.C. 2641 to 2656.

(e) Removal of the material is incidental to normal maintenance or repair.

History: 1993, Act 51, Imd. Eff. June 1, 1993

CONSTRUCTION OF SCHOOL BUILDINGS

Act 223 of 1941

388.881-388.884 Repealed. 1976, Act 451, Imd. Eff. Jan. 13, 1977.

EDUCATIONAL PROGRAMS FOR MENTALLY HANDICAPPED CHILDREN

Act 214 of 1949

388.901-388.905 Repealed. 1955, Act 269, Eff. July 1, 1955.

STATE LOANS TO SCHOOL DISTRICTS

Act 74 of 1955

AN ACT to authorize and provide for the issuance and sale of bonds of the state; to provide funds for making loans to school districts for payment of principal and interest on certain school bonds; and to provide for use of moneys repaid to the state by school districts.

History: 1955, Act 74, Imd. Eff. May 26, 1955

The People of the State of Michigan enact:

388.921 School loan bonds or notes; issuance, redemption, execution, interest, sale.

Sec. 1.

The people of the state of Michigan by constitutional amendments having authorized the state to borrow not to exceed $100,000,000.00, pledge its faith and credit and issue its bonds or notes therefor, for the purpose of making loans to school districts for the payment of principal and interest on school bonds heretofore or hereafter issued on certain conditions, the state administrative board is hereby authorized and directed to borrow on the full faith and credit of the state, from time to time, moneys not to exceed said aggregate sum, and to issue serial bonds of the state therefor. The amount to be borrowed from time to time shall not be less than such amount as shall be certified in writing by the superintendent of public instruction as being in his opinion necessary to provide funds for such

loans to school districts over the next ensuing 2 calendar years. Such bonds shall be designated school loan bonds, and may be issued in series from time to time as moneys are needed for such school loan purposes, with different dates of issuance for each such series, and the state administrative board may from time to time determine and by resolution prescribe, the date of issue of each such series, the amount of bonds to be included in such series, the maturities of such bonds so included, the maximum rate or rates of interest on the bonds, the place or places of payment thereof, and provisions relative to registration of bonds, if any. Such bonds or any portion thereof may be made subject to redemption prior to maturity upon such terms as may be prescribed prior to the issuance of the bonds by resolution of said state administrative board. Said bonds shall be executed for and on behalf of the state of Michigan by the state treasurer and the secretary of state, or their deputies, and the seal of the state shall be affixed thereto by the secretary of state. Interest coupons evidencing accrued interest to the respective dates of maturity of said bonds shall bear the facsimile signature of the state treasurer. The bonds herein authorized to be issued shall be sold by the state administrative board, at not less than par and accrued interest. Such sale or sales shall be public sales held from time to time at the discretion of the said state administrative board, after notice by publication at least 5 days before each such sale, in a publication printed in the English language and circulated in the state of Michigan which carries as part of its regular service, notices of sale of municipal bonds. The bonds so sold at each such sale shall be awarded to the bidder whose bid in the opinion of said state administrative board would result in the lowest interest cost to the state. The state administrative board shall have the right to reject any or all bids.

History: 1955, Act 74, Imd. Eff. May 26, 1955 ;-- Am. 1956, Act 192, Imd. Eff. Apr. 26, 1956
Compiler's Notes: For transfer of authority, powers, duties, functions, and responsibilities of the Department of Education under Act No. 108 of Public Acts of 1961, as amended, being Section 388.951 et seq. of the Michigan Compiled Laws, Act No. 74 of the Public Acts of 1955, as amended, being Section 388.921 et seq. of the Michigan Compiled Laws, Act No. 112 of the Public Acts of 1961, as amended, being Section 388.981 et seq. of the Michigan Compiled Laws, and Act No. 151 of the Public Acts of 1955, as amended, being Section 388.931 et seq. of the Michigan Compiled Laws, to the Department of Treasury, see E.R.O. No. 1993-10, compiled at MCL 388.990 of the Michigan Compiled Laws.

388.922 School loan bonds or notes; deposit of proceeds.

Sec. 2.

The proceeds of sale of the bonds or notes shall be deposited in the state treasury, and shall constitute a fund to be known as "the school bond loan fund", hereby created in the state treasury as a special trust fund, and shall be paid out in no other manner or for any other purpose than provided in section 27 of article 10 of the constitution of Michigan and laws enacted pursuant thereto.

History: 1955, Act 74, Imd. Eff. May 26, 1955 ;-- Am. 1956, Act 192, Imd. Eff. Apr. 26, 1956
Compiler's Notes: In this section, “section 27 of article 10 of the constitution” refers to the Constitution of 1908. See now Const. 1963, Art. IX, § 16.

388.923 School loan bonds or notes; continuing appropriation for payment.

Sec. 3.

For the prompt payment of the principal and interest upon each bond or note issued under this act, the full faith and credit of the state are pledged, and there is hereby appropriated each year during the life of these bonds or notes, from the general fund, a sufficient amount to pay the principal and interest on said bonds or notes maturing each year.

History: 1955, Act 74, Imd. Eff. May 26, 1955 ;-- Am. 1956, Act 192, Imd. Eff. Apr. 26, 1956

388.924 School loans; repayment, reimbursement.

Sec. 4.

Any moneys repaid by school districts on loans made from the school bond loan fund shall first be used to pay principal and interest on outstanding bonds or notes issued under the provisions of this act, and shall next be used to reimburse the general fund of the state to the extent of any appropriations made therefrom for the administration of acts pursuant to section 27 of article 10 of the state constitution. Any moneys remaining after the satisfaction of these 2 priorities may be deposited in the state bond loan fund and used for the purpose for which such fund is established, but the aggregate of all loans made pursuant to said section 27 of article 10 and laws enacted pursuant thereto shall not exceed $100,000,000.00.

History: 1955, Act 74, Imd. Eff. May 26, 1955 ;-- Am. 1956, Act 192, Imd. Eff. Apr. 26, 1956
Compiler's Notes: In this section, "section 27 of article 10 of the state constitution" refers to the Constitution of 1908. See now Const. 1963, Art. IX, § 16.

388.925 School loans; notes; interest; maximum.

Sec. 5.

As an alternative method of providing funds for the purpose of making loans to school districts for the payment of principal and interest on school bonds heretofore or hereafter issued on certain conditions, the state administrative board is hereby authorized and empowered on behalf of the state of Michigan to borrow from time to time upon the full faith and credit of this state, such sums of money as may be necessary therefor. As evidence of such loan or loans, the state administrative board may by resolution direct and cause to be issued serial notes of the state of Michigan and to renew the same. Such notes, or any renewals thereof, shall be made redeemable at the option of the state administrative board upon any interest payment date. They shall bear interest at such a rate as may be approved by the state administrative board and shall be in the form approved by the state administrative board. The notes shall be executed for and on behalf of the state of Michigan by the state treasurer and the secretary of state: Provided, That the total of such notes outstanding at any one time shall not exceed the sum of $1,000,000.00.

History: Add. 1956, Act 192, Imd. Eff. Apr. 26, 1956

STATE LOANS TO SCHOOL DISTRICTS

Act 151 of 1955

AN ACT to provide for loans by the state of Michigan to school districts for the payment of principal and interest upon school bonds; to prescribe the terms and conditions thereof, and the conditions upon which levies for bond principal and interest shall be included in computing the amount to be so loaned by the state; to prescribe the duties of the superintendent of public instruction in relation to such loans; to provide for the repayment of such loans; and to provide for other matters in respect to such loans.

History: 1955, Act 151, Imd. Eff. June 7, 1955

The People of the State of Michigan enact:

388.931 Purpose of act.

Sec. 1.

This act is for the purpose of implementing section 27 of article 10 of the Michigan constitution, adopted by the

electors of the state at the election held on the fourth day of April, 1955, hereinafter referred to as section 27.

History: 1955, Act 151, Imd. Eff. June 7, 1955
Compiler's Notes: In this section, "section 27 of article 10 of the Michigan constitution" refers to the Constitution of 1908. See now Const. 1963, Art. IX, § 16.For transfer of authority, powers, duties, functions, and responsibilities of the Department of Education under Act No. 108 of Public Acts of 1961, as amended, being Section 388.951 et seq. of the Michigan Compiled Laws, Act No. 74 of the Public Acts of 1955, as amended, being Section 388.921 et seq. of the Michigan Compiled Laws, Act No. 112 of the Public Acts of 1961, as amended, being Section 388.981 et seq. of the Michigan Compiled Laws, and Act No. 151 of the Public Acts of 1955, as amended, being Section 388.931 et seq. of the Michigan Compiled Laws, to the Department of Treasury, see E.R.O. No. 1993-10, compiled MCL 388.990 of the Michigan Compiled Laws.

388.932 State loans to school districts; basis; limitations.

Sec. 2.

If the minimum amount necessary to be levied in any calendar year for the payment of principal and interest on the bonds of a school district issued prior to July 1, 1962, after deducting any funds pledged to and available for the payment thereof, shall exceed 13 mills on each dollar of its assessed valuation as last equalized by the state, then the state of Michigan shall loan such school district the amount of such excess, but all loans so made shall not exceed in the aggregate the sum of $100,000,000.00 and shall be subject to the terms and conditions prescribed in this act.

History: 1955, Act 151, Imd. Eff. June 7, 1955

388.933 State loans to school districts; qualification of bonds by superintendent of public instruction.

Sec. 3.

The principal and interest on any issue of school district bonds issued prior to May 4, 1955, shall be automatically included in computing the amount to be loaned by the state under said section 27 and this act, but the principal and interest on any issue of school district bonds issued on or after May 4, 1955, shall not be included in making such computation, unless the said bonds have been qualified therefor by the superintendent of public instruction, which bonds, including both those automatically qualified and those qualified by the superintendent of public instruction, are sometimes hereinafter referred to as "qualified bonds". No issue of bonds shall be qualified by the superintendent of public instruction unless he shall find as follows, to-wit:

1. That the last maturity date on such issue of bonds is not less than 25 years from the issuance date appearing thereon and that the yearly principal maturity date is not less than 6 months after the major part of the taxes therefor become by law a lien upon the property assessed.
2. That the amount of principal maturing in any calendar year is not less than two-thirds of the amount of principal maturing in any prior calendar year.
3. That the cost of the project for which the bonds are to be issued is within such reasonable standards of costs as shall have been established by the state board of education, which standards may vary as to different localities in accordance with any variance in construction costs as between such localities.
4. That the project is designed to provide classrooms and furnishings, with the facilities necessarily connected therewith, including site, and is adequate for that purpose. A classroom is a room primarily used for teaching courses of study. Without limiting the foregoing, swimming pools, athletic fields and athletic stadiums shall not be deemed to be classrooms or primarily used for teaching courses of study. In addition, gymnasiums and auditoriums shall not be deemed to be classrooms except in those cases in which the school district provides adequate proof that the gymnasium and/or auditorium is necessary and will be used primarily for regularly scheduled instructional purposes.
5. That there exists a need for the project based upon current and probable future enrollment.
6. That there is reasonable evidence that the project will not hinder school district reorganization in the area in the foreseeable future.
7. That the project shall be for the purpose of construction of 6 or more classrooms, unless the superintendent of public instruction shall determine and certify that circumstances of location, or topography, or transportation, or population density are clearly such as to warrant construction of a school building or addition of a lesser number of

classrooms.

Provided, That if any project shall exceed the above limitations as to cost and/or purpose, the bonds therefor may be qualified by the superintendent of public instruction to the extent of that percentage which represents the percentage of the project cost which is within such limitations. If the superintendent of public instruction shall find as aforesaid, then he shall issue his certificate setting forth such findings and certifying that the bonds, or such percentage thereof, are qualified under the terms of said section 27 and this act, and that the minimum amount necessary to be levied in any calendar year for principal and interest on the bonds or such portion as may be qualified after deducting any funds pledged to and available for the payment thereof, shall be included in computing the amount, if any, to be loaned by the state under said section 27 and this act. In the case of refunding bonds issued on or after May 4, 1955, to refund bonds issued prior to May 4, 1955, the superintendent of public instruction shall issue his certificate of qualification if he finds that such refunding bonds comply with the qualifications set forth in paragraphs numbered 1 and 2 of this section.

In the case of refunding bonds to refund obligations originally incurred on or after May 4, 1955, the superintendent of public instruction shall not issue his certificate of qualification therefor unless the bonds representing the original indebtedness had been qualified by him. All such certificates shall be kept in a permanent file in the office of the superintendent of public instruction, and copies thereof shall be delivered to the school district and to the office of the municipal finance commission. Application for such a certificate of qualification shall be made on forms prepared and supplied by the superintendent of public instruction. He shall prescribe reasonable rules and regulations in respect thereto. If prior to the issuance of bonds, the school district does not secure such certificate of qualification from the superintendent of public instruction, it shall be deemed to have waived the right to have such bonds so qualified.

History: 1955, Act 151, Imd. Eff. June 7, 1955
Admin Rule: R 390.631 of the Michigan Administrative Code.

388.934 State loans to school districts; procedure; receipts.

Sec. 4.

In any school district where the amount necessary to be levied in any calendar year for principal and interest on qualified bonds, shall exceed 13 mills on each dollar of its assessed valuation as last equalized by the state, such school district on or before 60 days prior to the time of the certification of its tax levy to the assessing officer, may file with the superintendent of public instruction a preliminary application for a loan from the state: Provided, That if the excess over 13 mills is reached or increased by reason of bonds voted within said 60 day period, an original or amended application shall be filed within said period. Such application shall set forth the amount of the last state equalized valuation of the school district, the amount of principal and interest on qualified bonds necessary to be levied upon the tax roll of such year, the amount of any moneys on hand pledged to and available for the payment of such principal and interest, the probable delinquency in tax collections at the times such principal and interest will become due, the estimated amount of the loan which will be required from the state and any other pertinent facts which may be required to be included therein by the superintendent of public instruction. The superintendent of public instruction shall examine said application as soon as possible and notify the school district of any erroneous statements or assumptions therein. If a loan from the state shall become necessary for the payment of such principal and interest, then the school district shall file a supplemental application with the superintendent of public instruction setting forth the amount of the tax collections to the date of said application, an estimate of probable collections prior to the time when such principal and interest will become due and the amount of the loan necessary from the state. Such supplemental application shall be made not less than 30 days prior to the time when the proceeds of the loan will be necessary in order to pay maturing principal and/or interest. Upon receipt of such supplemental application it shall be the duty of the superintendent of public instruction after auditing the same, to forward to the state treasurer a statement setting forth the amount to be loaned to the school district for the payment of principal and interest and the date on or before which such loan shall be made. He shall also prepare the proper voucher as a basis for the issuance of the necessary warrant in accordance with state accounting practices. Upon receipt of such statement and warrant, it shall be the duty of the state treasurer to loan to the school district from "the school bond loan fund" the amount set forth in the statement of the superintendent of public instruction on or before the date specified therein. The state treasurer upon the making of said loan shall obtain from the school district a receipt for the amount so loaned, which receipt shall specify the terms of repayment in accordance with the provisions of said section 27 and this act. Upon receipt by any school district of such a loan it shall be the duty of the treasurer thereof to cause the same to be deposited in the debt retirement fund and used solely for the payment of principal and interest on qualified bonds.

History: 1955, Act 151, Imd. Eff. June 7, 1955

388.935 State loans to school districts; repayment to state; interest.

Sec. 5.

Any school district having received a loan from "the school bond loan fund" under the provisions of this act, shall continue thereafter to levy on its tax rolls not less than 13 mills on each dollar of its assessed valuation as last equalized by the state, exclusive of any levy for unqualified bonds, until all loans made to the school district by the state are repaid with interest rates to be annually adjusted by the state administrative board which shall represent the average interest cost to the state on the outstanding bonds issued under said section 27 and any implementing act, computed to the nearest 1/8 of 1%. The superintendent of public instruction shall annually certify to the several borrowing districts the rate of interest to be currently collected. The proceeds of each such levy shall be used first, for the payment of the minimum principal and interest requirements on the qualified bonds which shall become due prior to the time of the next tax collection, and any balance shall be paid to the state until the principal and interest due the state shall have been paid.

History: 1955, Act 151, Imd. Eff. June 7, 1955 ;-- Am. 1956, Act 96, Imd. Eff. Apr. 5, 1956

388.936 State loans to school district; false statements, concealment; penalty.

Sec. 6.

Any person who shall knowingly make any false statement or conceal any material information for the purpose of obtaining a loan under the provisions of this act, or use the proceeds of a loan or any portion thereof for any purpose not authorized by this act shall be guilty of a felony.

History: 1955, Act 151, Imd. Eff. June 7, 1955

388.937 State loans to school district; levy; default, nondistribution of primary school interest or school aid funds.

Sec. 7.

In case any school district obtaining a loan pursuant to this act shall fail to levy at least 13 mills upon its state equalized valuation for debt retirement purposes while any part of such loan is unpaid, or shall default in its agreement to repay the loan or any installment thereof, no money shall be distributed to such school district out of the primary school interest fund or out of the state school aid fund until satisfactory arrangements have been made with the superintendent of public instruction for the payment of the amount in default.

History: 1955, Act 151, Imd. Eff. June 7, 1955

388.938 State loans to school districts; qualification fee; rules and regulations.

Sec. 8.

Any school district applying for qualification of bonds, such bonds having been issued on or after May 4, 1955, shall pay a fee for such qualification, which fee shall be used toward defraying the administrative expenses in connection with this act. The fee shall be paid to the superintendent of public instruction within 30 days after the moneys obtained through the sale of bonds so qualified have been received by the treasurer of the board of education of the school district. The amount of the fee to be paid by the school district shall be based upon the total amount of the bond issue included in the application for qualification, and shall be determined by the superintendent of public instruction. The superintendent of public instruction shall prescribe necessary rules and regulations, in accordance with Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.82, inclusive, of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110, inclusive, of the Compiled Laws of 1948. The amount of the fee to be charged to the school district may vary according to the amount of the bond issue, except that in no case shall this amount be less than $100.00, and the total amount to be charged to all school districts in any one fiscal year shall be approximately equal to the estimated administrative expenses in connection with this act for the same fiscal year. Upon failure of any school district to pay such qualification fee within the time specified, the superintendent of public instruction is hereby authorized to withhold the amount of such fee from the payment of state school aid money next due the district: Provided, That the provisions of this section shall not apply to any issue of school district bonds qualified by the superintendent of public instruction prior to July 1, 1956.

History: Add. 1956, Act 96, Imd. Eff. Apr. 5, 1956

STATE LOANS TO SCHOOL DISTRICTS

Act 108 of 1961

388.951-388.963 Repealed. 2005, Act 92, Imd. Eff. July 20, 2005.

STATE LOANS TO SCHOOL DISTRICTS

Act 112 of 1961

AN ACT to authorize and provide for the issuance, sale, and refunding of bonds, notes, or commercial paper of the state; to provide funds for making loans to school districts for payment of principal and interest on certain school bonds; to provide for use of moneys repaid to the state by school districts; and to make an appropriation.

History: 1961, Act 112, Eff. Sept. 8, 1961 ;-- Am. 1991, Act 64, Imd. Eff. July 3, 1991 ;-- Am. 2000, Act 245, Imd. Eff. June 29, 2000

The People of the State of Michigan enact:

388.981 State loans to school districts; bonds, notes, or commercial paper.

Sec. 1.

(1) The people of this state by virtue of the provisions of section 16 of article IX of the state constitution of 1963 having authorized the state to borrow from time to time such amounts as shall be required, pledge its faith and credit, and issue its notes or bonds for the purpose of making loans to school districts as provided in that constitutional provision and legislation enacted to implement that constitutional provision, the state administrative board is authorized and directed to borrow on the full faith and credit of the state from time to time such sums of money as may be necessary for these purposes, including such sums as may be necessary to reimburse funds advanced or loaned by this state or the Michigan finance authority to the school bond loan fund or the school loan revolving fund established under section 16c of the shared credit rating act, 1985 PA 227, MCL 141.1066c, to make loans to school districts or to refund bonds, notes, or commercial paper issued under this act or to pay the

principal of and interest on any notes or renewals of notes issued pursuant to the provisions of section 5 to provide temporary financing of sums used for the purpose of making loans to school districts. The amount to be borrowed from time to time shall be not less than an amount certified in writing by the state treasurer as being in his or her opinion necessary to provide funds for the purposes of this act.

(2) The bonds, notes, or commercial paper issued under this act shall be designated school loan bonds, notes, or commercial paper, respectively, and may be issued in series from time to time as money is needed for purposes of this act, with different dates of issuance for each series. The state administrative board may from time to time determine, and by resolution prescribe, the date of issue of each series, the amount of bonds, notes, or commercial paper to be included in each series, the maturities of the bonds, notes, or commercial paper so included, the maximum rate or rates of interest on the bonds, notes, or commercial paper, the dates of payment of interest, the place or places of payment of principal and interest, and provisions relative to registration of bonds, notes, or commercial paper, if any. The bonds, notes, or commercial paper, or any portion thereof, may be made subject to redemption before maturity upon such terms as may be prescribed before the issuance of the bonds, notes, or commercial paper by resolution of the state administrative board.

(3) The bonds, notes, or commercial paper issued under this act shall be executed for and on behalf of this state by the state treasurer or a deputy state treasurer, and a facsimile of the seal of the state treasurer shall be printed or impressed on or affixed to the bonds, notes, or commercial paper. Interest coupons, if any, evidencing accrued interest to the respective dates of maturity of the bonds, notes, or commercial paper shall bear the facsimile signature of the state treasurer.

(4) The bonds, notes, or commercial paper issued under this act shall be sold by the state administrative board at a price determined by or pursuant to a resolution of the state administrative board. The sales shall be public or private sales, as determined by the state administrative board.

(5) The state administrative board may authorize payment of the costs of issuance from the proceeds of the bonds, notes, or commercial paper issued under this act, including, but not limited to, fees for placement and fees and charges for insurance, letters of credit, purchase of sale agreements or commitments, or agreements to provide security to assure timely payment of the bonds, notes, or commercial paper.

(6) As used in this act, except for this subsection, "state treasurer" means the state treasurer or his or her designee. This designation shall be in a written instrument signed by the state treasurer and maintained in a permanent file. The signature of any designee shall have the same force and effect as the signature of the state treasurer for all purposes of all other provisions of this act.

(7) As used in this act, "Michigan finance authority" means the Michigan finance authority created under MCL 12.194.

History: 1961, Act 112, Eff. Sept. 8, 1961 ;-- Am. 1963, 2nd Ex. Sess., Act 66, Eff. Jan. 1, 1964 ;-- Am. 1971, Act 14, Imd. Eff. Apr. 28, 1971 ;-- Am. 2000, Act 245, Imd. Eff. June 29, 2000 ;-- Am. 2012, Act 438, Eff. Mar. 28, 2013

Compiler's Notes: For transfer of authority, powers, duties, functions, and responsibilities of the Department of Education under Act No. 108 of Public Acts of 1961, as amended, being Section 388.951 et seq. of the Michigan Compiled Laws, Act No. 74 of the Public Acts of 1955, as amended, being Section 388.921 et seq. of the Michigan Compiled Laws, Act No. 112 of the Public Acts of 1961, as amended, being Section 388.981 et seq. of the Michigan Compiled Laws, and Act No. 151 of the Public Acts of 1955, as amended, being Section 388.931 et seq. of the Michigan Compiled Laws, to the Department of Treasury, see E.R.O. No. 1993-10, compiled at MCL 388.990 of the Michigan Compiled Laws.

388.981a Issuance of bonds by state administrative board.

Sec. 1a.

The state administrative board may issue bonds, notes, or commercial paper to refund bonds, notes, or commercial paper issued under this act by the issuance of new bonds, notes, or commercial paper, whether or not the bonds, notes, or commercial paper to be refunded have matured or are subject to prior redemption. The state administrative board may issue bonds, notes, or commercial paper partly to refund bonds, notes, or commercial paper issued under this act and partly for any other purpose provided by this act.

History: Add. 2000, Act 245, Imd. Eff. June 29, 2000

388.981b Security for payment or purchase of bonds, notes, or commercial paper; authorization and approval by state administrative board; authority of state treasurer or deputy treasurer.

Sec. 1b.

(1) The state administrative board may authorize and approve insurance contracts; agreements for lines of credit; letters of credit; commitments to purchase bonds, notes, or commercial paper; and any other transaction to provide security to assure timely payment or purchase of any bonds, notes, or commercial paper issued under this act. The state administrative board may authorize and approve an interest rate exchange or swap, hedge, or similar agreement or agreements in connection with the issuance of bonds, notes, or commercial paper issued under this act or in connection with outstanding bonds, notes, or commercial paper, or other obligations or evidence of indebtedness of this state under this act.

(2) The state administrative board may authorize the state treasurer or a deputy treasurer, but only within limitations that are contained in the authorizing resolution of the state administrative board, to do 1 or more of the following:

(a) Sell and deliver and receive payment for bonds, notes, or commercial paper issued under this act.

(b) Deliver bonds, notes, or commercial paper partly to refund bonds, notes, or commercial paper and partly for other authorized purposes.

(c) Select which outstanding bonds, notes, or commercial paper will be refunded, if any, by the new issue of bonds, notes, or commercial paper.

(d) Buy bonds, notes, or commercial paper issued under this act.

(e) Approve interest rates, if any, or methods for determining interest rates, including fixed or variable rates; prices; discounts; maturities; principal amounts; purchase prices; purchase dates; remarketing dates; denominations; dates of issuance; interest payment dates; redemption rights at the option of the state or the owner; the place and time of delivery and payment; and other matters and procedures necessary to complete the authorized transactions.

(f) Execute, deliver, and pay the cost of remarketing agreements; insurance contracts; agreements for lines of credit; letters of credit; commitments to purchase bonds, notes, or commercial paper; and any other transaction to provide security to assure timely payments or purchase of any bonds, notes, or commercial paper issued under this act.

(g) Determine the details of, execute, deliver, and pay the cost of any interest rate exchange or swap, hedge, or similar agreement or agreements.

History: Add. 2000, Act 245, Imd. Eff. June 29, 2000

388.981c Bonds and notes; revised municipal finance act inapplicable; agency financing reporting act applicable.

Sec. 1c.

(1) Bonds and notes issued under this act are not subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(2) The issuance of bonds or notes under this act is subject to the agency financing reporting act.

History: Add. 2002, Act 449, Imd. Eff. June 17, 2002

388.982 Sale of refunding bonds, notes, or commercial paper; disposition of proceeds; payment.

Sec. 2.

The proceeds of sale of refunding bonds, notes, or commercial paper issued under this act shall be applied as determined by the state administrative board. The proceeds of sale of bonds, notes, or commercial paper issued under this act for the purpose of reimbursing this state or the Michigan finance authority shall be applied as determined by the state administrative board. The proceeds of sale of other bonds, notes, or commercial paper issued under this act shall be deposited in the school loan revolving fund established under section 16c of the shared

credit rating act, 1985 PA 227, MCL 141.1066c, and shall be paid out in no other manner or for any other purpose than provided in section 16 of article IX of the state constitution of 1963 and laws enacted pursuant to that section.

History: 1961, Act 112, Eff. Sept. 8, 1961 ;-- Am. 1963, 2nd Ex. Sess., Act 66, Eff. Jan. 1, 1964 ;-- Am. 1991, Act 64, Imd. Eff. July 3, 1991 ;-- Am. 2000, Act 245, Imd. Eff. June 29, 2000 ;-- Am. 2005, Act 94, Imd. Eff. July 20, 2005 ;-- Am. 2012, Act 438, Eff. Mar. 28, 2013

388.983 Appropriation for payment of principal and interest on bonds or notes.

Sec. 3.

(1) For the prompt payment of the principal and interest upon each bond or note issued under this act, the full faith and credit of the state are pledged, and there is appropriated each year during the life of these bonds or notes from the general fund a sufficient amount to pay the principal and interest on the bonds or notes maturing each year.

(2) For the 1990-91 state fiscal year only, there is appropriated from the general fund a sufficient amount to pay in full the principal and interest upon each of the bonds or notes issued under this act, including the defeasance of the principal and interest and any redemption premium on each bond or note that matures after September 30, 1991. However, the state treasurer shall expend money from this appropriation for the defeasance of the principal and interest and any redemption premium on a bond or note that matures after September 30, 1991 only to the extent the state administrative board provides by resolution for that defeasance to be made from this appropriation.

(3) Loan repayments deposited in the general fund pursuant to section 4 on the settlement date, as determined under section 9c of 1961 PA 108, MCL 388.959c, shall be used as follows:

(a) For fiscal year 2003-2004, an amount determined by the state treasurer to be equal to the difference between the outstanding amount of general obligation debt incurred pursuant to this act and the outstanding amount of loans under 1961 PA 108, MCL 388.951 to 388.963, immediately preceding the settlement date, as reduced in accordance with section 9c(1) of 1961 PA 108, MCL 388.959c, is appropriated to the state school aid fund. This appropriation shall be used to make state school aid payments to school districts within 90 days after the settlement date.

(b) For fiscal year 2003-2004, there is appropriated from the general fund to the state school aid fund an amount equal to the amount of all school bond loan fund repayments that are received by the state treasurer from June 1, 2003 through the settlement date, that are determined by the state treasurer not to have been paid from proceeds of bonds of the school district, and that represent the difference between the outstanding amount of general obligation debt incurred by this state under this act and the outstanding amount of loans under 1961 PA 108, MCL 388.951 to 388.963, at the time of repayment. This appropriation shall be used to make state school aid payments to school districts within 90 days after the settlement date.

(c) The state treasurer shall use the balance of the deposits, if any, within 90 days after the settlement date to pay or prepay outstanding general obligation debt incurred under this act.

History: 1961, Act 112, Eff. Sept. 8, 1961 ;-- Am. 1991, Act 28, Eff. Mar. 30, 1992 ;-- Am. 1991, Act 64, Imd. Eff. July 3, 1991 ;-- Am. 2003, Act 110, Imd. Eff. July 24, 2003

388.984 Money repaid by school districts on loans from school loan revolving fund; deposit; assignment of loans or repayments on loans.

Sec. 4.

Any money repaid by school districts on loans made from the school loan revolving fund established under section 16c of the shared credit rating act, 1985 PA 227, MCL 141.1066c, other than loans or repayments that have been assigned to this state by the Michigan finance authority, shall be deposited in the school loan revolving fund. Unless amounts on deposit in the school loan revolving fund are insufficient for the purpose of making loans to school districts, the state treasurer may satisfy the requirements of section 16 of article IX of the state constitution of 1963 and laws enacted pursuant to that section by causing loans to be made from the school loan revolving fund. The state treasurer may assign repayments on loans previously made from the school bond loan

fund before July 20, 2005 to require the deposit of proceeds of sale to the school loan revolving fund. The state treasurer may accept the assignment to this state of loans or repayments on loans made from or payable to the school loan revolving fund.

History: 1961, Act 112, Eff. Sept. 8, 1961 ;-- Am. 1963, 2nd Ex. Sess., Act 66, Eff. Jan. 1, 1964 ;-- Am. 1991, Act 28, Eff. Mar. 30, 1992 ;-- Am. 1991, Act 64, Imd. Eff. July 3, 1991 ;-- Am. 2005, Act 94, Imd. Eff. July 20, 2005 ;-- Am. 2012, Act 438, Eff. Mar. 28, 2013

388.985 State loans to school districts; notes.

Sec. 5.

In addition to issuing bonds under section 1 for the purpose of making loans to school districts for the payment of principal and interest on school bonds heretofore or hereafter issued as provided by section 16 of article 9 of the state constitution, and legislation enacted to implement the constitutional provision, the state administrative board is authorized and empowered on behalf of the state of Michigan to borrow on a temporary basis from time to time upon the full faith and credit of this state, such sums of money as may be necessary therefor, and as evidence of such loan or loans, the state administrative board may by resolution direct and cause to be issued notes of the state of Michigan and to renew the same. The notes or any renewals thereof shall mature not more than 5 years from the date thereof and may be made redeemable prior to maturity at the option of the state administrative board at such times and in such a manner as shall be determined by the state administrative board. They shall bear interest at such a rate as may be approved by the state administrative board and shall be in the form approved by the state administrative board. The notes shall be executed for and on behalf of the state by the state treasurer. The notes issued under the provisions of this section may be sold at either public or private sale as shall be determined by the state administrative board. The principal of any notes or renewals thereof heretofore or hereafter issued pursuant to the provisions of this section may be paid either upon maturity or prior redemption from the proceeds of the sale of bonds issued pursuant to the provisions of section 1 to provide long-term financing of sums used for the purpose of making loans to school districts.

History: 1961, Act 112, Eff. Sept. 8, 1961 ;-- Am. 1963, 2nd Ex. Sess., Act 66, Eff. Jan. 1, 1964 ;-- Am. 1971, Act 14, Imd. Eff. Apr. 28, 1971

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1993-10

388.990 Transfer of powers and duties relating to school bond loan administration from the department of education to the department of treasury by a type II transfer.

WHEREAS, Article V, Section 2, of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, it is necessary in the interests of efficient administration and effective government to effect changes in the organization of the Executive Branch of government; and

WHEREAS, the Department of Education performs administrative functions and receives fees from school districts for expenses related to the qualification of school bonds under Act No. 108 of the Public Acts of 1961, as amended, being Section 388.951 et seq. of the Michigan Compiled Laws; and

WHEREAS, the Department of Treasury is responsible for the School Bond Loan Fund established under Act No. 74 of the Public Acts of 1955, as amended, being Section 388.921 et seq. of the Michigan Compiled Laws, and

Act No. 112 of the Public Acts of 1961, as amended, being Section 388.981 et seq. of the Michigan Compiled Laws, and continued under Article IX, Section 16 of the constitution of the State of Michigan of 1963; and

WHEREAS, the Department of Treasury is responsible for the School Loan Bond Redemption Fund established under Act No. 74 of the Public Acts of 1955, as amended, being Section 388.921 et seq. of the Michigan Compiled Laws, to account for debt service on general obligation bonds issued to finance loans to school districts; and

WHEREAS, state activities related to bond qualification and state borrowing functions for the provision of loans by the State of Michigan to school districts can be performed more efficiently by one agency; and

WHEREAS, the functions, duties and responsibilities related to school bonds can be more effectively organized and carried out under the supervision and direction of the State Treasurer as the head of the Department of Treasury.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

1. All authority, powers, duties, functions and responsibilities of the Department of Education under Act No. 108 of the Public Acts of 1961, as amended, being Section 388.951 et seq. of the Michigan Compiled Laws, Act No. 74 of the Public Acts of 1955, as amended, being Section 388.921 et seq. of the Michigan Compiled Laws, Act No. 112 of the Public Acts of 1961, as amended, being Section 388.981 et seq. of the Michigan Compiled Laws, and Act No. 151 of the Public Acts of 1955, as amended, being Section 388.931 et seq. of the Michigan Compiled Laws, are hereby transferred to the Department of Treasury by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The State Treasurer shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the State Treasurer.

3. The State Treasurer shall administer the assigned functions in such a way as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

4. All records, personnel, property, and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Education for the functions transferred to the Department of Treasury by this Order are hereby transferred to the Department of Treasury.

5. The State Treasurer and the Superintendent of Public Instruction shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Education.

6. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

7. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order shall become effective January 1, 1994.

History: 1993, E.R.O. No. 1993-10, Eff. Jan. 1, 1994

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1993-11

388.991 Rescinded. 1994, E.R.O. No. 1994-10, Feb. 27, 1995.

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1993-12

388.992 Transfer of powers and duties relating to disability determination services from the department of education to the department of social services by a type II transfer.

WHEREAS, Article V, Section 2, of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, it is necessary in the interests of efficient administration and effective government to effect changes in the organization of the Executive Branch of government; and

WHEREAS, Disability Determination Services was created pursuant to 42 USC 421, and 20 CFR, Section 404.1503(a), to make disability and blindness determinations for the United States Secretary of Health and Human Services pursuant to the federal Social Security Act of 1935, 42 USC 301 et seq.; and

WHEREAS, the Department of Education has administered the functions of Disability Determination Services; and

WHEREAS, the functions, duties and responsibilities assigned to Disability Determination Services can be more effectively organized and carried out under the supervision and direction of the Director of the Department of Social Services.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

1. All authority, powers, duties, functions and responsibilities of the Department of Education pursuant to 42 USC 421, and 20 CFR, Section 404.1503(a), are hereby transferred to the Department of Social Services by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The state agency referenced in 42 USC 421, and 20 CFR, Section 404.1503(a), shall be the Department of Social Services.

3. The Director of the Department of Social Services shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Social Services.

4. The Director of the Department of Social Services shall administer the assigned functions in such a way as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

5. All records, personnel, property, and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Education for the functions transferred to the Department of Social Services by this Order are hereby transferred to the Department of Social Services.

6. The Director of the Department of Social Services and the Superintendent of Public Instruction shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Education.

7. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

8. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order shall become effective January l, 1994.

History: 1993 E.R.O. No. 1993-12, Eff. Jan. 1, 1994

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1996-6

388.993 Transfer of administrative powers and duties of state board of education as administrative head of department of education to superintendent of public instruction by type II transfer; rescission of Executive Order No. 1965-9.

WHEREAS, Article 5, Section 2 of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, pursuant to Article 8, Section 3 of the Michigan Constitution of 1963 the State Board of Education provides leadership and general supervision over public education, including adult education and instructional programs in state institutions, serves as the general planning and coordinating body for all public education, including higher education, and advises the legislature as to financial requests in connection therewith; and

WHEREAS, as explained in the Address to the People accompanying Article 8, Section 3, the State Board of Education was to provide its constitutional leadership by being a state level policy-making body which was to emphasize two fundamental principles: (1) the concern of all people in the educational processes as a safeguard for democracy, and (2) greater public participation in the operation of educational institutions; and

WHEREAS, the State Board of Education provides its constitutional general supervision by developing and creating general guidelines and standards by which public education is provided; and

WHEREAS, as reflected in the Address to the People accompanying Article 8, Section 3, the State Board of Education exercises its constitutional general planning and coordinating authority by being the unifying and coordinating force for education within the state, by receiving and considering information from all levels of public education, and by advising local school boards, governing boards of colleges and universities and the legislature as to the total needs of education in this state; and

WHEREAS, the Department of Education was created as an executive department of state government by section 300 of Act No. 380 of the Public Acts of 1965, being section 16.400 of the Michigan Compiled Laws; and

WHEREAS, Article 8, Section 3 of the Constitution of the State of Michigan of 1963 provides that the Superintendent of Public Instruction shall be the principal executive officer of the State Department of Education; and

WHEREAS, as reflected in the Address to the People accompanying Article VIII, Section 3 of the Constitution of the State of Michigan of 1963, Article VIII Section 3 intended for the Superintendent of Public Instruction to be the administrative head of the Department of Education; and

WHEREAS, Article 8, Section 3 of the Constitution of the State of Michigan of 1963, section 14 of Act No. 287 of the Public Acts of 1964, as amended, being section 388.1014 of the Michigan Compiled Laws, and section 305 of Act No. 380 of the Public Acts of 1965, as amended, being section 16.405 of the Michigan Compiled Laws, provide that the Superintendent of Public Instruction is the principal executive and administrative officer of the Department of Education; and

WHEREAS, Article 5, Section 3 of the Michigan Constitution of 1963 provides that the head of each principal department shall be a single executive unless otherwise provided by the constitution or by law; and

WHEREAS, it is in the interest of the efficient administration of government for an executive department to be headed by a single executive; and

WHEREAS, because staff reductions at the Department of Education resulting from implementation of the state early retirement program may equal 10% of the Department's total staff, it will be necessary for the Department to analyze its organizational structure and prioritize its functions, which may best be accomplished by a single executive; and

WHEREAS, through the effects of this Order the State Board of Education will be alleviated from many statutory administrative functions which unnecessarily burden the time of the Board, thereby allowing the Board to continue its esteemed and focused leadership, general supervision, planning and coordinating for public education.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

1. All of the administrative statutory powers, duties, functions and responsibilities of the Board of Education as administrative head of the Department of Education, including but not limited to those set forth in or pursuant to section 301 of Act No. 380 of the Public Acts of 1965, as amended, being section 16.401 of the Michigan Compiled Laws; section 7(a) of Act No. 380 of the Public Acts of 1965, being section 16.107(a) of the Michigan Compiled Laws; and section 9 of Act No. 380 of the Public Acts of 1965, being section 16.109 of the Michigan Compiled Laws, which includes the power to establish the internal organization of the Department and to allocate and reallocate duties and functions to promote the efficient administration and operation of resources of the

Department, including the power to promulgate necessary rules and regulations to carry out such functions, are hereby transferred to the Superintendent of Public Instruction by a Type II transfer as defined by section 3 of Act No. 380 of the Public Acts of 1965, as amended, being section 16.103 of the Michigan Compiled Laws.

2. Nothing in this Executive Order should be construed to diminish the constitutional authority of the State Board of Education to provide leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, and its authority to serve as the general planning and coordinating body for all public education including higher education, and to advise the legislature as to the financial requirements in connection therewith.

3. Executive Order 1965-9 is hereby rescinded.

4. The Superintendent of Public Instruction, in cooperation with the State Board of Education, shall provide executive direction and supervision for the implementation of the transfer. The Superintendent of Public Instruction shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

5. All records, personnel, property and funds used, held, employed or to be made available to the State Board of Education for the activities transferred herein are, to the extent necessary, hereby transferred to the Superintendent of Public Instruction as administrative head of the Department of Education.

6. All rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or rescinded.

7. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by the Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

In fulfillment of the requirement of Article 5, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order shall become effective March 10, 1997.

History: 1996, E.R.O. No. 1996-6, Eff. Mar. 10, 1997

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1996-7

388.994 Transfer of administrative powers and duties of state board of education to superintendent of public instruction by type II transfer; retention of statutory policy making powers and duties by state board of education.

WHEREAS, Article 5, Section 2 of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, Article 8, Section 3 of the Constitution of the State of Michigan of 1963 provides that the leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, is vested in a State Board of Education; and

WHEREAS, as explained in the Address to the People accompanying Article 8, Section 3, the State Board of Education was to provide its constitutional leadership by being a state level policy-making body which was to emphasize two fundamental principles: (1) the concern of all people in the educational processes as a safeguard for democracy, and (2) greater public participation in the operation of educational institutions; and

WHEREAS, the State Board of Education provides its constitutional general supervision by developing and creating general guidelines and standards by which public education is provided; and

WHEREAS, Article 8, Section 3 of the Constitution of the State of Michigan of 1963 provides that the State Board of Education serves as the general planning and coordinating body for all public education, including higher

education, and advises the legislature as to the financial requirements in connection therewith; and

WHEREAS, as reflected in the Address to the People accompanying Article 8, Section 3, the State Board of Education exercises its constitutional general planning and coordinating authority by being the unifying and coordinating force for education within the state, by receiving and considering information from all levels of public education, and by advising local school boards, governing boards of colleges and universities and the legislature as to the total needs of education in this state; and

WHEREAS, Article 8, Section 3 of the Constitution of the State of Michigan of 1963 provides that the Superintendent of Public Instruction is to be appointed by the State Board of Education and is responsible for executing its policies; and

WHEREAS, Article 8, Section 3 of the Constitution of the State of Michigan of 1963 provides that the Superintendent of Public Instruction is the principle executive officer of a Department of Education which shall have powers and duties provided by law; and

WHEREAS, Executive Order 1996 - 11 transferred all the administrative statutory powers, duties, functions and responsibilities of the State Board of Education as administrative head of the Department of Education to the Superintendent of Public Instruction; and

WHEREAS, Article 8, Section 3 of the Michigan Constitution of 1963, section 14 of Act No. 287 of the Public Acts of 1964, as amended, being section 388.1014 of the Michigan Compiled Laws, and section 305 of Act No. 380 of the Public Acts of 1965, as amended, being section 16.405 of the Michigan Compiled Laws, provide that the Superintendent of Public Instruction is the principal executive and administrative officer of the Department of Education; and

WHEREAS, the Department of Education was created as an executive department of state government by section 300 of Act No. 380 of the Public Acts of 1965, being section 16.400 of the Michigan Compiled Laws; and

WHEREAS, Article 5, Section 3 of the Michigan Constitution of 1963 provides that the head of each principal department shall be a single executive unless otherwise provided by the constitution or by law; and

WHEREAS, it is in the interest of the efficient and effective administration of government for an executive department to be headed by a single executive; and

WHEREAS, through the effects of this Order the State Board of Education will be alleviated from many statutory administrative functions which unnecessarily burden the time of the State Board of Education, thereby allowing the State Board of Education to continue its esteemed and focused leadership, general supervision, planning, and coordinating for public education.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

1. All of the administrative statutory powers, duties, functions, and responsibilities of the State Board of Education set forth in the following provisions of the Michigan Compiled Laws:

a. 141.1201 et seq. regarding procedures for the state take-over of a district in financial distress;

b. 380.3 regarding the designation of service area boundaries for area vocational-technical programs;

c. 380.11b regarding a report to the legislature on legislative mandates;

d. 380.404b regarding the approval of voting district boundaries for first class school districts;

e. 380.451(1) regarding the definition of "operation costs" for purposes of first class tax levies;

f. 380.502(5) regarding the authority to suspend the power of authorizing bodies to authorize public school academies;

g. 380.503(3) and 380.513(4) regarding the receipt of copies of contracts with public school academies by authorizing bodies;

h. 380.516a(2) regarding the authority to reject public school academy contracts or incorporations, the authority to delay state aid, and the authority to mediate solutions and enforce laws;

i. 380.517(3) regarding the ability to revoke public school academy contracts under specified conditions;

j. 380.605 regarding the ability to determine the reorganization of consolidated intermediate school districts under limited circumstances;

k. 380.605(1) regarding responsibilities in local school district reorganization;

l. 380.626 regarding intermediate school districts reports' of local school district boundary changes;

m. 380.662(7) regarding the receipt of election canvass results;

n. 380.671(1), 684(2), 673, 688, 690 and 380.4(1) regarding the criteria for establishing Regional Educational Media Centers and area vocational technical programs;

o. 380.692(3) regarding approval of intermediate school district charter building authorities;

p. 380.701(3) regarding the approval of intermediate school district consolidation petitions;

q. 380.702(1) regarding the approval of intermediate school district annexation elections;

r. 380.702(3) regarding the receipt of notice of successful annexations and appointment power for new intermediate school district boards;

s. 380.703(5) regarding the approval of the dissolution of an intermediate school district;

t. 380.703(7) regarding the notice of an appointment of an intermediate school district's new board after

dissolution;

u. 380.852 and 380.854 regarding the receipt of notice and approval of local school district consolidations;

v. 380.901(1) regarding the approval of local school district annexations;

w. 380.902 regarding the receipt of notice of the annexation of local school districts;

x. 380.922 regarding the approval of annexation of nonoperating districts;

y. 380.932 regarding the approval of the division and attachment of local school districts;

z. 380.933 regarding the receipt of notice of local school district boundary changes;

aa. 380.971 regarding the approval of property transfers among local districts;

bb. 380.1157 regarding service training for limited English proficiency and the bilingual education teachers' endorsement;

cc. 380.1169(2) regarding the training of trainers for Acquired Immunization Deficiency Syndrome (AIDS) education;

dd. 380.1225(5)-(10) regarding the approval of financial notes under certain circumstances;

ee. 380.1226 regarding the receipt of county assessment rolls;

ff. 380.1233(2) regarding the receipt of lists of uncertified teachers teaching in constituent districts from intermediate school districts;

gg. 380.1251(2) regarding the authority to require reports about psychology programs;

hh. 380.1260(1) regarding the approval of deed restrictions of public school property;

ii. 380.1272c(b) regarding the approval of noncompliance with breakfast and lunch guidelines;

jj. 380.1279c regarding assurance that the Michigan Educational Assessment Program (MEAP) does not test values or attitudes;

kk. 380.1280 (3), (4), (5), (6), (7), (9), (10), (12) regarding the development and distribution of accreditation standards, sanctions for unaccredited schools, and annual reviews;

ll. 380.1281 regarding duties of supervision over specific local school districts and public school academies and intermediate school districts, including their observation of laws, the examination and audit of official records and accounts, and the authority to compel an accounting;

mm. 380.1297(3) regarding the approval of the operation and capital outlay costs for schools of the federal government;

nn. 380.1298 regarding the approval of the attachment of land for educational purposes for federal land;

oo. 380.1406 regarding the approval of high school eligibility to receive tuition;

pp. 380.1411 regarding the approval of tuition for transportation costs to vocational-technical schools under certain circumstances;

qq. 380.1474 regarding the annual publication and distribution of a college equivalent course directory;

rr. 380.1531 regarding the determination of requirements for licenses and certificates for teachers;

ss. 380.1532(4), (5) regarding the nullification of teacher certificates for specified reasons;

tt. 380.1535 regarding the confirmation or rejection of teacher certificates;

uu. 380.1535a (1), (2), (3), (4), (7) regarding duties involving teachers convicted of certain crimes;

vv. 380.1539a regarding duties involving school administrators convicted of certain crimes;

ww. 380.1539b regarding duties involving persons holding certification convicted of certain crimes;

xx. 380.1603 regarding the approval of the joint establishment by school districts of community colleges;

yy. 380.1605(1) regarding the approval of the discontinuation of a community college;

zz. 380.1702(3), (4) regarding oversight of local school districts and public school academies not providing special education services or those needing waivers;

aaa. 380.1711(1)(a) regarding the approval of intermediate school districts' special education plans;

bbb. 380.1711(1)(h) regarding the receipt of intermediate school districts' reports of the failures of constituent districts to comply with special education administrative rules;

ccc. 380.1711(1)(i) regarding the approval of intermediate school districts' special education contracts;

ddd. 388.712 regarding the receipt of petitions for the declaration of an emergency requiring district reorganization;

eee. 388.715 regarding the receipt of a report by the state committee on reorganization;

fff. 388.716 regarding the publication of a report by the state committee on reorganization and the determination of whether an emergency exists;

ggg. 388.717 regarding the reorganization of a district found to be in an emergency;

hhh. 388.851 et seq. regarding the construction of school buildings;

iii. 388.1010(a) and 388.1008b regarding the jurisdiction and control of the Michigan Schools for the Deaf and Blind and the acceptance of gifts, grants, and bequeaths for the schools;

jjj. 388.1010(a) and 395.151 et seq. regarding the jurisdiction and control over the State Technical Institute and Rehabilitation Center at Pine Lake;

kkk. 388.1010(b) regarding the regulation of school bus transportation, the review of annexation or attachment of nonoperating districts, and the hearing of appeals regarding school boundary alterations;

lll. 388.1010(c) regarding the inspection of educational corporations;

mmm. 388.1014a regarding the deposit and maintenance of records of nonoperating education agencies;

nnn. 388.1008a(2) regarding the authorization of the taking of necessary action to comply with a specific federal grant program (Higher Education Act of 1965 (20 USC 1001 et seq.));

ooo. 388.1031 et seq. regarding the authorization of the taking of necessary action to comply with a specific federal grant program (Elementary and Secondary Act of 1965 (20 USC 821)) and the use of federal funds for research, and reports to the legislature;

ppp. 388.1041 regarding the authorization of the taking of necessary action to comply with specific federal grant programs (Television Broadcasting Facilities Act of 1962 (47 USC 391 et seq.) and National Defense Education Act of 1958 (20 USC 541 et seq.));

qqq. 388.1061 regarding the authorization of the taking of necessary action to comply with a specific federal grant program (National Funding of the Arts and Humanities Act of 1965 (20 USC 951 et seq.));

rrr. 388.1701(1) regarding the requirement of intermediate school districts filing of pupil membership counts in accordance with administrative rules;

sss. 388.1704a(2), (8)-(9) regarding the requirement to develop high school proficiency tests;

ttt. 389.11, 389.31(1), 389.35a(1)(a), and 389.51(2) regarding the approval of community college districts and tax rates prior to submission to voters;

uuu. 389.21, 389.41(2), and 389.61(2) regarding the approval of community college annexation proposals prior to submission to voters;

vvv. 389.71 regarding the approval of petitions to establish community colleges;

www. 389.105(4) regarding the designation of territory outside of a community college district to become part of its vocational-technical service area;

xxx. 389.109(2) regarding the approval of a community college name;

yyy. 389.123(b) regarding the approval of tuition waivers in exchange for educational services rendered to community colleges;

zzz. 389.124(a) regarding minimal requirements for a community college administrator or director;

aaaa. 389.143 regarding the approval of the community college accounting system, the filing of audits, and inspection of books;

bbbb. 390.502 regarding the designation of a reciprocal agency to enter into agreements with other states;

cccc. 390.974(1)(b) regarding the determination of which General Educational Development programs are sufficient for the state competitive scholarship program;

dddd. 390.977 regarding the designation of institutions that can receive state competitive scholarships;

eeee. 390.991-992 regarding the designation of the independent colleges and universities that can receive tuition grants;

ffff. 390.1021 regarding the administration of and reporting about the allied health degree program;

gggg. 390.1152(d) regarding the designation of vocational schools eligible to receive student loans;

hhhh. 390.1283(d) regarding the designation of eligible post-secondary institutions for participation in the Part Time, Independent Student Grant Program;

iiii. 390.1323 regarding the designation of graduate and professional schools eligible to participate in the Michigan Graduate Work-Study Program;

jjjj. 390.1373 regarding the designation of post-secondary schools eligible for the Michigan Work-Study Program;

kkkk. 390.1403 regarding the designation of eligible post-secondary schools for the Michigan Educational Opportunity Grant Program;

llll. 390.1428(1) regarding the independent college/universities recognized on the state level as criteria to terminate Michigan Educational Trust Act contracts;

mmmm. 395.21, 395.31 et seq., 395.1 et seq., and 388.805 regarding the transfer of authority of the abolished state board of control for vocational education which includes the authority to accept and disburse federal funds for specific federal grant programs (Promotion of Vocational Education Act (20 USC 11 et seq.); and Federal Funds for Vocational Education (20 USC 15aa et seq. and 20 USC § 2301 et seq.);

nnnn. 395.84 regarding the provision of the vocational rehabilitation services;

oooo. 395.86 regarding the authorization to cooperate with the federal government to receive federal funds for such purposes;

pppp. 395.88 regarding the use of gifts and bequeaths for rehabilitation act purposes;

qqqq. 395.101-102 regarding the issuance, renewal, and revocation of temporary and permanent proprietary school licenses;

rrrr. 395.102a(2) regarding the receipt of reports and the collection of fees from proprietary schools;

ssss. 395.102a(3) regarding the exercise of jurisdiction and control over proprietary schools;

tttt. 395.102b regarding the receipt of evidence of surety and indemnification from proprietary schools;

uuuu. 395.123(6) regarding the authority to adjust fee schedules for solicitor permits for private schools; and

vvvv. 450.177 et seq. regarding the supervision, inspection, and visitation of educational corporations,

are hereby transferred to the Superintendent of Public Instruction by a Type II transfer, as defined by Section 3

of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws. The State Board of Education shall retain its policy making authority with regard to these statutory provisions by determining the policies, if any, on which the administration of these provisions shall be based.

2. All of the statutory rule making powers, duties, functions, and responsibilities of the State Board of Education set forth in the following provisions of the Michigan Compiled Laws:

a. 38.71-72 regarding teachers certified in accordance with administrative rules;

b. 257.1809 regarding the regulation of and administrative rule authority over pupil transportation;

c. 380.5(2) regarding the definition of pupil membership pursuant to administrative rules;

d. 380.516a(1) regarding administrative rule making authority involving public school academy applications, the application process, basic contract terms, and enforcement;

e. 380.517(1)-(2) regarding the recognition that public school academies are their own fiscal agent;

f. 380.622(1) regarding the approval of intermediate school district code accounts;

g. 380.1153(3) regarding administrative rules defining membership for intermediate school district bilingual education programs;

h. 380.1215(1) regarding the establishment of fund designations for general funds;

i. 380.1172 regarding administrative rules regulating personality testing;

j. 380.1246(2) regarding administrative rules for continuing education for administrators;

k. 380.1251(1) regarding psychology school personnel administrative rules;

l. 380.1252(1) regarding the certification of certain nursing services and administrative rules for certification;

m. 380.1281(1) regarding administrative rules authority over safety;

n. 380.1281(3) regarding waivers from compliance with administrative rules under certain circumstances;

o. 380.1284(3) and (6) regarding administrative rules defining the length of the school term and the minimum number of days and hours for State Aid purposes;

p. 380.1288(2) regarding administrative rules requiring protective eye devices;

q. 380.1296 regarding administrative rules to provide auxiliary services;

r. 380.1301(2), (4) regarding administrative rules regarding pregnant persons;

s. 380.1311(1) regarding administrative rules for classifying children as handicapped;

t. 380.1322(1) regarding administrative rules for pupil transportation;

u. 380.1333(6) regarding administrative rules for the use of school buses for nonschool purposes;

v. 380.1335 regarding administrative rules for the licensing and regulation of boarding schools;

w. 380.1701 regarding the creation and submission of a state special education plan and administrative rules therefore;

x. 380.1702 regarding the waiver of special education rules under emergency circumstances;

y. 380.1703(1), (3) regarding administrative rules promulgated for special education personnel;

z. 380.1711(1)(c) regarding administrative rules for special education personnel;

aa. 380.1741; 380.4(2) regarding administrative rules for special education membership for State Aid purposes;

bb. 380.1751(2)(c) regarding administrative rules for the local district contribution of special education funds;

cc. 380.1761 regarding administrative rules for reimbursement of special education boarding costs;

dd. 388.1015 and 388.1010 regarding administrative rule making authority to carry out the authority vested by the State Board Organizational Act;

ee. 388.1661a regarding administrative rules about vocational education consortiums for State Aid purposes;

ff. 388.1681(3) regarding administrative rules about Regional Educational Media Centers;

gg. 388.1701(6) regarding the waiver of the forfeiture of funds if the alternative scheduling of a kindergarten is approved;

hh. 388.1701(7)-(11) regarding the waiver of the 180 day requirement for experimental school years;

ii. 388.1701(3) regarding administrative rules defining school days and clock hours;

jj. 395.83 regarding the authority to administer the vocational rehabilitation act, including employment of staff;

kk. 395.84 regarding the collection of fees and promulgation of rules for the rehabilitation act;

ll. 395.102a(1) regarding the inspection of proprietary schools and administrative rules authority; and

mm. 397.136 regarding administrative rules involving the state library network,

are hereby transferred to the Superintendent of Public Instruction by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws. The State Board of Education shall retain its policy making authority with regard to these statutory provisions by determining the policies, if any, on which the rules shall be based.

3. In addition to, or consistent with all of the statutory policy making powers, duties, functions, and responsibilities reserved to the State Board of Education in paragraphs one (1) and two (2) above, all the statutory policy making powers, duties, functions, and responsibilities set forth in the following provisions of the Michigan Compiled Laws:

a. 380.7(4) regarding the definition of vocational education;

b. 380.501 regarding the recognition of the constitutional power of the State Board of Education with regard to public school academies;

c. 380.501a and 380.511a regarding an annual report to the Legislature on public school academies;

d. 380.513(6)(j) regarding that public school academies' contracts must have a list of legal remedies for noncompliance that includes reference to the State Board of Education's authority;

e. 380.517a regarding a report to the legislative education committees on public school academies;

f. 380.614(3) regarding the authority to fill vacancies on intermediate school district boards;

g. 380.623 regarding the performance of State Board of Education designated duties by intermediate school districts;

h. 380.1229a regarding the limitations involving the hiring and removal of the Superintendent of Public Instruction;

i. 380.1233(1) regarding the defining of the counselor endorsement;

j. 380.1233b(1) regarding the designation of subject areas for alternative teacher certification;

k. 380.1277(1)-(2) regarding school improvement plan criteria;

l. 380.1277(4) regarding the annual review of school improvement plans and a legislative report on school improvement plans;

m. 380.1278 regarding the development and implementation of the model core curriculum;

n. 380.1279(2), (8), (9), (10), (11) regarding the development of the high school proficiency tests;

o. 380.1280(3) and (8) regarding the approval of accreditation standards;

p. 380.1312(9) regarding the creation of a list of alternatives to the use of corporal punishment;

q. 380.1525(2)-(4) regarding the approval of state funds for specific professional development programs;

r. 380.1531a regarding the determination of positions in state agencies requiring valid teaching certificates;

s. 380.1531c regarding the administrative rules to approve fast track teacher preparation;

t. 380.1565 regarding guidelines for silent meditation;

u. 380.1809 regarding penalties for defrauding approval of employment status;

v. 388.1009 regarding the recognition of the State Board's constitutional authority and the conducting of research studies about general public school problems;

w. 388.1009a regarding the appointment of the special education advisory committee;

x. 388.1010(d) and 390.911 regarding the appointment of the State Board for Public Community and Junior Colleges;

y. 388.1011 regarding a report to the Legislature about State Board of Education operations and the financial requirements of public schools;

z. 388.1043 regarding the appointment of an advisory committee about the use of educational television;

aa. 388.1093 regarding the appointment of members to an advisory board about gifted students;

bb. 388.1313 regarding the appointment of members to the Career Education Advisory Committee;

cc. 388.1315 regarding the development of guidelines involving career education programs;

dd. 388.1661a(2) regarding the development of guidelines for defining administrative costs for reimbursement in vocational education;

ee. 388.1699(1) regarding funds allocated to districts to implement the State Board of Education comprehensive master plan for math and science;

ff. 388.1707f(12) regarding funds allocated to districts meeting State Board of Education adult education guidelines;

gg. 380.653 regarding the performance of State Board of Education duties, including reporting, by intermediate school district superintendents;

hh. 390.505 regarding annual reviews of reciprocal agreements for fiscal effects;

ii. 395.84(6)and 395.89 regarding the forwarding of biennial reports to the Governor and the Legislature regarding the rehabilitation act; and

jj. 395.85 regarding annual recommendations about the fiscal demands of the rehabilitation act,

shall remain with the State Board of Education.

4. To the extent the transfers set forth in paragraph one (1) and two (2) above are affected by the provisions of section 14 of Act No. 287 of the Public Acts of 1964, as amended, being section 388.1014 of the Michigan Compiled Laws, all of the statutory administrative powers, duties, functions and responsibilities transferred to the State Board of Education by section 14 are hereby transferred to the Superintendent of Public Instruction by a Type II transfer as defined by section 3 of Act No. 380 of the Public Acts of 1965, as amended, being section 16.103 of the Michigan Compiled Laws.

5. Nothing in this Executive Order should be construed to diminish the constitutional authority of the State Board of Education to provide leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, and its authority to serve as the general planning and coordinating body for all public education including higher education, and to advise the legislature as to the financial requirements in connection therewith.

6. The Superintendent of Public Instruction, in consultation with the State Board of Education, shall provide executive direction and supervision for the implementation of the transfers. The Superintendent of Public

Instruction shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

7. All records, personnel, property and funds used, held, employed or to be made available to the State Board of Education for the activities transferred are, to the extent necessary, hereby transferred to the Superintendent of Public Instruction as administrative head of the Department of Education.

8. All rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or rescinded.

9. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by the Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

10. If a court or other entity with proper jurisdiction finds any portion of this Order to be invalid, such invalidity shall not affect the remaining portions of the Order which can be given effect without the invalid portion. Any portions found invalid shall be severable from the remaining portions of this Order.

In fulfillment of the requirement of Article 5, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order shall become effective July 1, 1997.

History: 1996, E.R.O. No. 1996-7, Eff. July 1, 1997

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1999-7

388.995 Transfer of certain functions relating to career and technical education services, adult education services, and postsecondary services from the state board of education or the superintendent of public instruction to the department of career development by type II transfer; transfer of certain functions associated with MEAP assessments from the department of education to the department of treasury by type II transfer.

WHEREAS, Article V, Section 2 of the Constitution of the state of Michigan of 1963 empowers the Governor to make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, the Governor's authority to exercise his powers under Article V, Section 2 of the Constitution of the state of Michigan of 1963 and the Executive Reorganization Act, Section 16.101 et seq. of the Michigan Compiled Laws with respect to the organization of the executive branch and transfers among its units has been consistently upheld by the Michigan Supreme Court. Soap and Detergent Association v Natural Resources Commission, 415 Mich 728; 330 NW2d 346 (1982); House Speaker v Governor, 443 Mich 560; 506 NW2d 190 (1993); and Straus v Governor, 459 Mich 526; 592 NW2d 53 (1999); and

WHEREAS, Michigan's remarkable economic resurgence enhances the need for employers to find skilled workers in order to continue job growth, increase future investment and assure the ability of employees to have rising, real incomes; and

WHEREAS, on April 5, 1999, the Michigan Department of Career Development was created to focus on providing resources and supporting efforts to increase the skill levels of Michigan workers, with a special emphasis on providing students and first time job seekers with information, skills and requirements of specific careers; and

WHEREAS, Michigan's already successful career development programs will benefit from greater coordination which will improve their effectiveness and efficiency; and

WHEREAS, successful state career development programs require long-term continuity yet maximum flexibility for Michigan citizens to compete effectively in the national and international market place; and

WHEREAS, successful vocational and career development programs can be further improved and enhanced by close coordination with the state's Workforce Development Boards; and

WHEREAS, the state can more effectively and efficiently carry out the Career and Technical Education Services,

Adult Education Services, and the Postsecondary Services of the Department of Education by consolidating those services within the Department of Career Development; and

WHEREAS, strengthening and aligning these functions with career development and training opportunities will enhance Michigan's reputation as the state with the most highly skilled men and women; and

WHEREAS, the Michigan Merit Award Board was established within the Department of Treasury pursuant to Act No. 94 of the Public Acts of 1999, being Sections 390.1451 et seq. of the Michigan Compiled Laws, to increase access to postsecondary education and training, and to reward Michigan high school graduates who have demonstrated academic achievement; and

WHEREAS, pursuant to Act No. 94 of the Public Acts of 1999, being Sections 390.1451 et seq. of the Michigan Compiled Laws, the Michigan Merit Award Board is statutorily charged with administering the Michigan Merit Award Scholarship Program (the "Scholarship Program"), for which a primary eligibility requirement is that a student take and pass the Michigan Educational Assessment Program ("MEAP") subject area assessments in reading, writing, mathematics, and science; and

WHEREAS, pursuant to Section 7 of Act No. 94 of the Public Acts of 1999, being Section 390.1457 of the Michigan Compiled Laws, for assessments administered after January 1, 2000, the Michigan Merit Award Board shall review and approve the assessments before they may be used to determine eligibility under the Scholarship Program; and

WHEREAS, the Scholarship Program will be better coordinated and more effectively and efficiently administered by transferring the responsibility for certain functions associated with the MEAP assessments from the Department of Education to the Department of Treasury.

NOW, THEREFORE, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following:

I. DEFINITION

As used herein:

The State Board of Education means the State Board of Education created by Article 8, Section 3 of the Constitution of the state of Michigan of 1963.

The Department of Education is the Department of Education created by Section 300 of Act No. 380 of the Public Acts of 1965, being Section 16.400 of the Michigan Compiled Laws, as reorganized by Executive Order 1996-11 and Executive Order 1996-12.

The Department of Career Development is the Department of Career Development created by Executive Order 1999-1.

II.TRANSFER OF FUNCTIONS - DEPARTMENT OF CAREER DEVELOPMENT

A. All of the administrative statutory powers, duties, functions and responsibilities of the Superintendent of Public Instruction set forth in the following provisions of the Michigan Compiled Laws to administer all Adult Education Services, as set forth in the following sections of the Michigan Compiled Laws:

1. Section 388.531 regarding adult education programs by counties; and

2. Section 388.532 regarding training and approval of adult education instructors, are hereby transferred to the Department of Career Development by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws ("Type II transfer"). The State Board of Education shall retain its policy making authority with regard to these statutory provisions by determining the policies, if any, on which the administration of these provisions shall be based.

B. All of the administrative statutory powers, duties, functions and responsibilities of the State Board of Education set forth in the following provisions of federal law regarding vocational education:

1. The Carl D. Perkins Vocational and Applied Technology Education Act, 20 USC 2301 et seq.;

2. The School to Work Opportunities Act of 1994, 20 USC 6101 et seq.; and

3. The Job Training Partnership Act, 29 USC 1501 et seq., are hereby transferred to the Department of Career Development by a Type II transfer. The State Board of Education shall retain its policy making authority with regard to these statutory provisions by determining the policies, if any, on which the administration of these provisions shall be based.

C. All of the administrative statutory powers, duties, functions and responsibilities of the State Board of Education or Superintendent of Public Instruction, as applicable, set forth in the following provisions of the Michigan Compiled Laws to administer the following postsecondary services:

1. Sections 395.101 to 395.103 regarding proprietary schools;

2. Sections 395.121 to 395.124 regarding private trade or business schools;

3. Sections 450.170 to 450.177 and Section 388.1010(c) regarding educational corporations; and

4. The King-Chavez-Parks Program authorized in the Appropriations Act for Higher Education in 1986 (1999 PA 93, sections 118, 501-507), are hereby transferred to the Department of Career Development by a Type II transfer. The State Board of Education shall retain its policy making authority with regard to these statutory provisions by determining the policies, if any, on which the administration of these provisions shall be based.

D. All of the administrative statutory powers, duties, functions and responsibilities of the Superintendent of

Public Instruction as set forth in the following provisions of the Michigan Compiled Laws regarding the administration of postsecondary services:

1. Section 380.3 regarding the designation of service area boundaries for area vocational-technical programs;

2. Section 389.105(4) regarding the designation of territory outside of a community college district to become part of its vocational-technical service area;

3. Section 389.123(b) regarding the approval of tuition waivers in exchange for educational services rendered to community colleges;

4. Section 389.124(a) regarding the education reports for a community college;

5. Section 389.143 regarding the approval of the community college accounting system, the filing of audits, and inspection of books;

6. Section 390.1152(d) regarding the designation of vocational schools eligible to receive student loans;

7. Section 390.1283(d) regarding the designation of eligible postsecondary institutions for participation in the part-time, Independent Student Grant Program;

8. Section 390.1323 regarding the designation of graduate and professional schools eligible to participate in the Michigan Graduate Work-Study Program;

9. Section 390.1373 regarding the designation of postsecondary schools eligible for the Michigan Work-Study Program;

10. Section 390.1403 regarding the designation of eligible postsecondary schools for the Michigan Educational Opportunity Grant Program; and

11. Sections 395.21, 395.31 et seq., 395.1 et seq., and 388.805 regarding the transfer of authority of the abolished state board of control for vocational education that includes the authority to accept and disburse federal funds for specific federal grant programs [Federal Funds for Vocational Education (20 USC 2301 et seq.)], are hereby transferred to the Department of Career Development by a Type II transfer. The State Board of Education shall retain its policy making authority with regard to these statutory provisions by determining the policies, if any, on which the administration of these provisions shall be based.

E. All of the statutory rule making powers, duties, functions and responsibilities of the State Board of Education or the Superintendent of Public Instruction, as applicable, as set forth in the following provisions of the Michigan Compiled Laws or Michigan Administrative Code:

1. Section 388.1661a regarding administrative rules about vocational education consortiums for State Aid purposes; and

2. R 395.231 - 395.376 regarding reimbursed programs of vocational-technical education, are hereby transferred to the Department of Career Development by a Type II transfer. The State Board of Education shall retain its policy making authority with regard to these statutory provisions by determining the policies, if any, on which the administration of these provisions shall be based.

F. All of the administrative statutory powers, duties, functions and responsibilities of the Superintendent of Public Instruction regarding the administration of career preparation program as set forth in the following provisions of the Michigan Compiled Laws:

1. Section 388.1663 regarding the Michigan Manufacturing Technology Program;

2. Section 388.1667(6)(a) regarding the Advanced Career Academy; and

3. Section 388.1668 regarding the Michigan Career Preparation System, are hereby transferred to the Department of Career Development by a Type II transfer. The State Board of Education shall retain its policy making authority with regard to these statutory provisions by determining policies, if any, on which the administration of these provisions shall be based.

III. TRANSFER OF FUNCTIONS - DEPARTMENT OF TREASURY

A. All of the administrative statutory powers, duties, functions and responsibilities of the State Board of Education and the Superintendent of Public Instruction as they relate to state assessments as set forth in the following provisions of the Michigan Compiled Laws:

1. Section 388.1081 et seq. regarding assessment of educational progress;

2. Section 380.1279c and Section 380.1279(2)(3)(6)(7)(9)(10) and (12-16) regarding state assessments administered to high school pupils; and

3. Section 388.1704a(2)(3)(6)(7)(9)(11)(13)(14)(15) and (16) regarding state assessments administered to high school pupils, are hereby transferred to the Department of Treasury by a Type II transfer. The State Board of Education shall retain its policy making authority with regard to these statutory provisions by determining the policies, if any, on which the administration of these provisions shall be based.

IV. IMPLEMENTATION OF THE EXECUTIVE ORDER

A. Nothing in this Executive Order should be construed to diminish the constitutional authority of the State Board of Education to provide leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, and its authority to serve as the general planning and coordinating body for all public education including higher education, and to advise the legislature as to the financial requirements in connection therewith.

B. The Director of the Department of Career Development and the State Treasurer, in consultation with the Superintendent of Public Instruction, shall provide executive direction and supervision for the implementation of applicable functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

C. All records, personnel, property and funds used, held, employed or to be made available to the State Board of Education and Superintendent for Public Instruction for the activities transferred to the Department of Career Development and the Department of Treasury are hereby transferred to the Department of Career Development and the Department of Treasury, respectively.

D. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of this fiscal year.

E. All rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be in effect until revised, amended or rescinded.

F. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

G. If a court or other entity with proper jurisdiction finds any portion of this Order to be invalid, such invalidity shall not affect the remaining portions of the Order that can be given effect without the invalid portion. Any portions found invalid shall be severable from the remaining portions of this Order.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall take effect January 1, 2000.

History: 1999, E.R.O. No. 1999-7, Eff. Jan. 1, 2000

Compiler's Notes: For transfer of powers and duties relating to Michigan educational assessment program from department of treasury to superintendent of public instruction by type II transfer, see E.R.O. No. 2003-2, compiled at MCL 388.997.For transfer of powers and duties of superintendent of public instruction to administer adult education services to the department of career development to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2000-6

388.996 Rescinded. 2005, E.O. No. 2005-4, Eff. Feb. 15, 2005.

Compiler's Notes: Executive Reorganization Order No. 2000-6 was promulgated on July 28, 2000, as Executive Order No. 2000-9, Eff. Sept. 28, 2000. This Executive Reorganization Order was rescinded by Executive Order No. 2005-4, Eff. Feb. 15, 2005.

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2003-2

388.997 Transfer of powers and duties of department of treasury related to administration of Michigan educational assessment to the superintendent of public instruction by type II transfer; transfer of powers and duties of Michigan assessment governing board to superintendent of public instruction by type III transfer; transfer of certain powers and duties of merit award board to superintendent of public instruction by type II transfer; rescission of Executive Order No. 2000-11.

WHEREAS, Article V, Section 1 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Article V, Section 2 of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, the Department of Treasury was created as a principal department of state government under Section 75 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.175;

WHEREAS, the Department of Treasury is focused on the collection and investment of state revenue, managing state debt, and providing fiscal oversight of local governments;

WHEREAS, the Department of Education was created as a principal department of state government by Section 300 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.400;

WHEREAS, the Department of Education is focused on improving student achievement and administers state school aid payments and federal grants to Michigan public schools;

WHEREAS, the Michigan Educational Assessment Program was established to provide statewide assessment of the basic skills and educational progress of Michigan students using subject-based tests;

WHEREAS, administration of the Michigan Educational Assessment Program is a function requiring staff with educational content knowledge and expertise to measure and assess the educational progress of students, test development expertise, and other education-related skills conducive to measuring the educational progress of students;

WHEREAS, transferring primary responsibility for devising and administering statewide assessment testing programs to the Department of Education will lead to greater efficiency and accountability, foster greater coordination of educational functions, and result in more consistent programs and policies;

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of state government;

NOW THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, pursuant to the powers vested in me by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

A. As used in this Order:

1. "Department of Education" means the principal department of state government created under Section 300 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.400.

2. "Department of Treasury" means the principal department of state government created under Section 75 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.175.

3. "Merit Award Board" means the board created under Section 4 of the Michigan Merit Award Scholarship Act, 1999 PA 94, MCL 390.1454.

4. "Michigan Educational Assessment Program" or "MEAP" means the Michigan Educational Assessment Program for subject assessment of students, including but not limited to the statewide program of assessment of educational progress and remedial assistance in the basic skills of students in reading, mathematics, language arts, and/or other general subject areas, established under 1970 PA 38, MCL 388.1081 to 388.1086.

5. "State Board of Education" means the board created under Article VIII, Section 3 of the Michigan Constitution of 1963.

6. "Superintendent of Public Instruction" means the principal executive officer of the Department of Education required under Article VIII, Section 3 of the Michigan Constitution of 1963.

7. "Type II Transfer" means that type of transfer as defined in Section 3(b) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103(b).

8. "Type III Transfer means that type of transfer as defined in Section 3(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103(c).

II. TRANSFER OF MICHIGAN EDUCATIONAL ASSESSMENT PROGRAM (MEAP)

A. All authority, powers, duties, functions, responsibilities, and rule-making authority of the Department of Treasury related to the administration of the Michigan Educational Assessment Program are transferred by Type II Transfer to the Superintendent of Public Instruction, including but not limited to any authority, powers, duties, functions, responsibilities, or rule-making authority under any of the following:

1. Section III of Executive Order 1999-12, MCL 388.995 (codified as Executive Reorganization Order 1999-7).

2. Section 1279a of the Revised School Code, 1976 PA 451, MCL 380.1279a (reporting of suspected MEAP test irregularities).

3. Section 1279c of the Revised School Code, 1976 PA 451, MCL 380.1279c (prohibitions on use of MEAP test).

4. Section 1279d of the Revised School Code, 1976 PA 451, MCL 380.1279d (reporting of suspected MEAP test irregularities).

5. Sections 1 to 6 of 1970 PA 38, MCL 388.1081 to 388.1086 (assessment of educational progress and remedial assistance).

6. Section 104a of The State School Aid Act of 1979, 1979 PA 94, MCL 388.1704a (state assessments administered to high school pupils).

7. Section 951 of 2003 PA 161.

B. All authority, powers, duties, functions, responsibilities, or rule-making authority, if any, of the Michigan Assessment Governing Board, including but not limited to authority, powers, duties, functions, responsibilities, or rule-making authority under Section 104a of The State School Aid Act of 1979, 1979 PA 94, MCL 388.1704a, are transferred by Type III Transfer to the Superintendent of Public Instruction. The Michigan Assessment Governing Board is abolished.

C. All authority, powers, duties, functions, responsibilities and rule-making authority of the Merit Award Board under Sections 4(8), 5(c), and 9(f) of the Michigan Merit Award Scholarship Act, 1999 PA 94, MCL 390.1454(8), 390.1455(c), and 390.1459(f), are transferred by Type II Transfer to the Superintendent of Public Instruction. The Department of Education shall assist the Merit Award Board in the performance of the Board's authority, powers, duties, functions, and responsibilities under the Michigan Merit Award Scholarship Act, 1999 PA 94, MCL 390.1451 to 390.1459.

D. The State Board of Education shall retain its policy-making authority with regard to any statutory authority, power, duty, function, or responsibility transferred under this Section II, if any, on which the administration of such statutory authority, power, duty, function, or responsibility shall be based.

III. IMPLEMENTATION

A. The Department of Information Technology shall provide the Department of Education with management and information processing services related to the authority, powers, duties, functions, and responsibilities transferred under this Order, including but not limited to application development and maintenance; desktop computer support and management; mainframe computer support and management; server support and management; local area network support and management; information technology procurement; information technology-related contract selection and oversight; information technology project management; information technology planning and budget management; and telecommunications services, infrastructure, and security.

B. Nothing in this Executive Order shall be construed to diminish the constitutional authority of the State Board of Education to provide leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, to serve as the general planning and coordinating body for all public education, or to advise the Legislature as to the financial requirements in connection therewith.

C. The Superintendent of Public Instruction, in consultation with the State Treasurer, shall provide executive direction and supervision for the implementation of all transfers to the Department of Education under this Order. The functions transferred to the Department of Education under this Order shall be administered under the direction and supervision of the Superintendent of Public Instruction to the extent provided in this Order, including but not limited to, all prescribed functions of rule-making, licensing, registration, and the prescription of rules, regulations, standards, and adjudications.

D. All records, personnel, property, and funds used, held, employed, or to be made available to the Department of Treasury for the activities transferred to the Department of Education under this Order are transferred to the Department of Education.

E. Any authority, duties, powers, functions, and responsibilities transferred in this Order and not statutorily mandated may in the future be reorganized to promote efficient administration by the Superintendent of Public Instruction.

F. The Superintendent of Public Instruction, in addition to the other duties and responsibilities given to the Superintendent under this Order, shall be responsible for the oversight and supervision of the employees of the Department of Education and for the operations of the Department of Education. The Superintendent shall also perform other duties and exercise other powers as the Governor or the State Board of Education may prescribe.

G. The Superintendent of Public Instruction may perform a duty or exercise a power conferred by law or executive order upon the Superintendent at the time and to the extent the duty or power is delegated to the Superintendent by law or order.

H. The Superintendent of Public Instruction shall administer the assigned functions transferred by this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

I. The Superintendent of Public Instruction may by written instrument delegate a duty or power conferred by law or this Order and the person to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent the duty or power is delegated by the Superintendent.

IV. RESCISSION OF EXECUTIVE ORDER 2000-11

A. The MEAP Subject Area Blue Ribbon Advisory Committee for Reading and Writing required and established within the Department of Treasury under Executive Order 2000-11 but never appointed is abolished.

B. The MEAP Subject Area Blue Ribbon Advisory Committee for Math required and established within the Department of Treasury under Executive Order 2000-11 but never appointed is abolished.

C. The MEAP Subject Area Blue Ribbon Advisory Committee for Science required and established within the Department of Treasury under Executive Order 2000-11 but never appointed is abolished.

D. The MEAP Subject Area Blue Ribbon Advisory Committee for Social Studies required and established within the Department of Treasury under Executive Order 2000-11 but never appointed is abolished.

E. Executive Order 2000-11 is rescinded in its entirety.

V. MISCELLANEOUS

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary to implement this Order.

B. All rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or repealed.

C. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

History: 2003, E.R.O. No. 2003-2, Eff. Dec. 21, 2003

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2007-1

388.998 Transfer of powers and duties of state administrative board to administer Perkins act to state board of education; transfer of powers and duties of department of labor and economic growth regarding administration of Perkins act for secondary students to department of education by type II transfer.

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, to ensure that our students have the skills and knowledge needed for the jobs of the 21st Century global economy, Michigan recently enacted the Michigan Merit Curriculum, a rigorous new set of statewide graduation requirements for high school students;

WHEREAS, the Department of Education is creating content guidelines for the courses required by the Michigan Merit Curriculum to provide all educators and students with a common understanding of what high school students should know and be able to do at the completion of each required course;

WHEREAS, under Section 1278b of the Revised School Code, 1976 PA 451, MCL 380.1278b, students can meet the Michigan Merit Curriculum requirements by completing "career or technical education courses, industrial technology courses, or vocational education";

WHEREAS, Section 1278b of the Revised School Code, 1976 PA 451, MCL 380.1278b, requires the Department of Education to "[d]evelop and make available material to assist school districts and public school academies" to implement the requirements of the Michigan Merit Curriculum, including developing guidelines for career or technical education courses, industrial technology courses, or vocational education;

WHEREAS, career and technical education programs in secondary schools in Michigan are currently under the

administrative oversight of the Office of Career and Technical Preparation within the Department of Labor and Economic Growth and the State Administrative Board;

WHEREAS, transferring the responsibilities of administrative oversight of secondary career and technical education programs to the Department of Education will lead to greater efficiency and accountability, foster greater coordination of educational functions, and result in more consistent programs and policies regarding career and technical training programs in secondary schools;

WHEREAS, federal law requires the State of Michigan to designate a single state board to be responsible for the administration and supervision of career and technical education in Michigan;

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of state government;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in me by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

A. As used in this Order:

1. "Department of Education" means the principal department of state government created under Section 300 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.400.

2. "Department of Labor and Economic Growth" means the principal department of state government created as the Department of Commerce under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, renamed the Department of Consumer and Industry Services under Executive Order No. 1996-2, MCL 445.2001, and renamed the Department of Labor and Economic Growth under Executive Order No. 2003-18, MCL 445.2011.

3. "Perkins Act" means the Carl D. Perkins Vocational and Technical Education Act of 1998, as amended by the Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270, 20 USC 2301 to 2414.

4. "State Board of Education" means the board created under Section 3 of Article VIII of the Michigan Constitution of 1963.

5. "Superintendent of Public Instruction" means the principal executive officer of the Department of Education required under Section 3 of Article VIII of the Michigan Constitution of 1963.

6. "Type II transfer" means that type of transfer as defined in Section 3 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. ESTABLISHMENT OF THE STATE BOARD OF EDUCATION AS THE ELIGIBLE AGENCY UNDER THE PERKINS ACT

A. All of the administrative authority, powers, duties, functions, responsibilities, and rule-making authority of the State Administrative Board to administer the Perkins Act previously transferred from the Department of Career Development to the State Administrative Board by Executive Order No. 2000-12, MCL 17.61, are transferred to the State Board of Education.

B. The State Board of Education is designated the "eligible agency" for the supervision and administration of the responsibilities of career and technical education pursuant to the Perkins Act. The State Board of Education is the sole state agency responsible for the administration of career and technical education in Michigan.

C. The responsibilities of the State Board of Education shall include all of the following:

1. Coordination of the development, submission, and implementation of the state plan required by the Perkins Act, and the evaluation of the program, services, and activities assisted under the Perkins Act, including preparation for non-traditional fields.

2. Consultation with the Governor and appropriate agencies, groups, and individuals including parents, students, teachers, teacher and faculty preparation programs, representatives of businesses (including small businesses), labor organizations, eligible recipients, state and local officials, and local program administrators, involved in the planning, administration, evaluation, and coordination of programs funded under the Perkins Act.

3. Convening and meeting at such time as the State Board of Education determines necessary to carry out its responsibilities under the Perkins Act, but not less than four times annually.

4. The adoption of such procedures as the State Board of Education considers necessary to do any of the following:

a. Implement state level coordination with the activities undertaken by the State of Michigan under Section 121 of the federal Workforce Investment Act of 1998, Public Law 105-228, as amended, 29 USC 2841.

b. Make available to the service delivery system under 29 USC 2841 within Michigan a listing of all school dropout, postsecondary education, and adult programs assisted under this subchapter.

D. The responsibilities of the Department of Labor and Economic Growth under Section 511 of 2006 PA 341 that are required to be vested in the state's "eligible agency" by Section 121 of the Perkins Act, 20 USC 2341, are transferred to the State Board of Education.

III. ADMINISTRATIVE OVERSIGHT OF POSTSECONDARY CAREER AND TECHNICAL EDUCATION

A. The State Board of Education shall delegate to the Department of Labor and Economic Growth all responsibilities regarding postsecondary career and technical education that may be delegated under Section 121(b)

of the Perkins Act, 20 USC 2341.

B. Except as provided in Section II, the Department of Labor and Economic Growth shall retain all other administrative authority, powers, duties, functions, responsibilities, and rule-making authority relating to postsecondary career and technical education under state law and federal law.

IV. ADMINISTRATIVE OVERSIGHT OF SECONDARY CAREER AND TECHNICAL EDUCATION

A. All of the authority, powers, duties, functions, responsibilities, and rule-making authority of the Department of Labor and Economic Growth regarding the administration of the state's Career and Technical Education Program for secondary students are transferred by Type II transfer to the Department of Education, including but not limited to the following:

1. All of the authority, powers, duties, functions, responsibilities, and rule-making authority regarding the administration of the Perkins Act for secondary students that were delegated to the Department of Labor and Economic Growth by the State Administrative Board or otherwise remained in the Department of Career Development or the Department of Labor and Economic Growth subsequent to Executive Order 2000-12, MCL 17.61, and Executive Order 2003-18, MCL 445.2011.

2. Any remaining authority, powers, duties, functions, responsibilities, and rule-making authority regarding career and technical education for secondary students under 1919 PA 149, MCL 395.1 to 395.10.

3. Any remaining authority, powers, duties, functions, responsibilities, and rule-making authority regarding career and technical education for secondary students under Section 5 of 1942 (1st Ex Sess) PA 16, MCL 388.805.

4. Any remaining authority, powers, duties, functions, responsibilities, and rule-making authority regarding career and technical education for secondary students under 1964 PA 28, MCL 395.21.

5. Any remaining authority, powers, duties, functions, responsibilities, and rule-making authority regarding career and technical education for secondary students under 1964 PA 44, MCL 395.31 to 395.34.

6. All of the authority, powers, duties, functions, responsibilities, and rule-making authority regarding the designation of service area boundaries for area vocational-technical programs under Section 3 of 1976 PA 451, MCL 380.3.

7. All of the authority, powers, duties, functions, responsibilities, and rule-making authority under the Career and Technical Preparation Act, 2000 PA 258, MCL 388.1901 to 388.1913.

8. All of the authority, powers, duties, functions, responsibilities, and rule-making authority under Section 61a of the School Aid Act of 1979, 1979 PA 94, MCL 388.1661a.

9. All of the authority, powers, duties, functions, responsibilities, and rule-making authority regarding the designation of territory outside of a community college district to become part of an area vocational-technical education program under Section 105(a) of the Community Colleges Act of 1996, 1996 PA 331, MCL 389.105(a).

10. All of the authority, powers, duties, functions, responsibilities, and rule-making authority regarding the designation of vocational schools eligible to receive student loans under Section 2(d) of the Higher Education Loan Authority Act, 1975 PA 222, MCL 390.1152(d).

V. IMPLEMENTATION

A. Nothing in this Order shall be construed to diminish the constitutional authority of the State Board of Education to provide leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, to serve as the general planning and coordinating body for all public education, or to advise the Legislature as to the financial requirements in connection therewith.

B. The Superintendent of Public Instruction, in consultation with the Director of the Department of Labor and Economic Growth, shall provide executive direction and supervision for the implementation of all transfers under this Order.

C. All records, personnel, property, and funds used, held, employed, available or to be made available to the Department of Labor and Economic Growth or the State Administrative Board for the activities transferred to the Department of Education or the State Board of Education under this Order are transferred to the Department of Education.

D. The Superintendent of Public Instruction shall administer the assigned functions transferred by this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

E. The Superintendent of Public Instruction may by written instrument delegate a duty or power conferred by law or this Order and the person to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent the duty or power is delegated by the Superintendent.

VI. MISCELLANEOUS

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary to implement this Order.

B. All rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or repealed.

C. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action, or other proceeding may be

maintained by, against, or before the appropriate successor of any entity affected by this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

E. In fulfillment of the requirements under Article V, Section 2, of the Michigan Constitution of 1963, the provisions of this Executive Order are effective July 1, 2007 at 12:01 a.m.

History: 2007, E.R.O. No. 2007-1, Eff. July 1, 2007

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2007-19

388.999 Transfer of powers and duties of school district accountability board to state board of education; abolishment of school district accountability board.

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, Section 3 of Article VIII of the Michigan Constitution of 1963 vests leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, in an elected State Board of Education;

WHEREAS, 1999 PA 10 removed the elected school board for the Detroit Public School District and replaced the board with an appointed board consisting of six appointees and the State Superintendent of Public Instruction;

WHEREAS, 1999 PA 10 also created within the Department of Education a School District Accountability Board consisting of the State Superintendent of Public Instruction, the State Treasurer, the State Budget Director, and two persons appointed by Governor John M. Engler to review district improvement plans submitted by the appointed school board and monitor any progress being made in achieving goals and benchmarks under the plan;

WHEREAS, under 1999 PA 10, the powers of the School District Accountability Board were limited to a qualifying school district in which an appointed school reform board is in place, such as the board appointed for the Detroit Public School District in 1999;

WHEREAS, the takeover of the Detroit Public School District by an appointed board mandated under 1999 PA 10 was a failure, resulting in a $198 million deficit during Fiscal Year 2005;

WHEREAS, 2003 PA 303 amended 1990 PA 10 to end the state takeover of the Detroit Public School District, allowing Detroit voters, rather than Lansing lawmakers, to determine the powers of the Detroit School Board and what is best for their schools and their children;

WHEREAS, when given a choice, Detroit voters chose to govern their school district by an elected board in the same manner as other districts throughout this state, and the elected board they selected is now in place;

WHEREAS, return to an elected school board for Detroit Public Schools eliminates the need for a special School District Accountability Board to provide state oversight of an appointed board for the Detroit Public School District;

WHEREAS, the functions of the School District Accountability Board are best vested in elected officials directly accountable to the public;

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to change the organization of the executive branch of state government;

NOW THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in me by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Department" means the Department of Education, a principal department of state government created under Section 300 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.400.

B. "School District Accountability Board" means the board created within the Department under Section 376 of The Revised School Code, MCL 380.376, consisting of the Superintendent of Public Instruction, the State Treasurer, the State Budget Director, and gubernatorial appointees.

C. "State Board of Education" means the elected State Board of Education created under Section 3 of Article VIII of the Michigan Constitution of 1963.

D. "Superintendent of Public Instruction" means the principal executive officer of the Department appointed by the State Board of Education as provided under Section 3 of Article VIII of the Michigan Constitution of 1963.

II. ABOLISHMENT OF THE SCHOOL DISTRICT ACCOUNTABILITY BOARD FOR THE DETROIT PUBLIC SCHOOL DISTRICT

A. All of the authority, powers, duties, functions, responsibilities, rule-making authority, records, personnel, property, unexpended balances of appropriations, allocations, or other funds of the School District Accountability Board are transferred to the elected State Board of Education.

B. The School District Accountability Board is abolished.

III. IMPLEMENTATION

A. The Superintendent of Public Instruction shall immediately initiate coordination to facilitate the implementation of the transfers under this Order.

B. The Superintendent of Public Instruction shall provide executive direction and supervision for the implementation of all transfers to the State Board of Education under this Order. The functions transferred to the State Board of Education under this Order shall be administered under the direction and supervision of the State Board of Education, including, but not limited to, any prescribed functions of rule-making, licensing, registration, and the prescription of rules, regulations, standards, and adjudications.

C. All records, personnel, property, and funds used, held, employed, or to be made available to the School District Accountability Board for the activities transferred to the State Board of Education under this Order are transferred to the State Board of Education.

D. The Superintendent of Public Instruction and the Chairperson of the School District Accountability Board shall develop a memorandum of record identifying any pending settlements, issues of compliance with any applicable state or federal laws or regulations, or other obligations to be resolved by the School District Accountability Board.

E. The State Board of Education shall administer the assigned functions transferred under this Order in such ways as to promote efficient administration and the Superintendent of Public Instruction shall make organizational changes within the Department as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

F. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary to implement this Order.

IV. MISCELLANEOUS

A. All rules, orders, contracts, and agreements relating to the functions transferred under this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, or rescinded.

B. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective July 15, 2007 at 12:01 a.m.

History: 2007, E.R.O. No. 2007-19, Eff. July 15, 2007

STATE BOARD OF EDUCATION

Act 287 of 1964

AN ACT to provide for the organization and functions of the state boards of education under the constitutions of 1908 and 1963; to provide for the appointment and functions of the superintendent of public instruction under the constitution of 1963; and to repeal certain acts and parts of acts.

History: 1964, Act 287, Eff. Aug. 28, 1964

The People of the State of Michigan enact:

388.1001 State board of education; succession to powers; right to records; property, hearings.

Sec. 1.

The state board of education provided for in the constitution of 1908, hereinafter referred to as the "old board", shall continue to function until 12 noon on January 1, 1965, at which time it is abolished and the terms of its members shall expire. The old board shall then be succeeded by the state board of education provided for in article 8 of the constitution of 1963, hereinafter referred to as the "state board". As soon after that time as convenient for the state board all records, files, papers and property of the old board shall be delivered and transferred to the state board. A hearing or proceeding pending before the old board shall not abate but shall be continued and determined by the state board in accordance with the law governing such hearing or proceeding. Whenever in any law, including this act, reference is made to the state board of education, it is deemed to be made, except where otherwise specifically provided, to the old board prior to such hour and to the state board thereafter.

History: 1964, Act 287, Eff. Aug. 28, 1964

388.1002 State board of education; nomination, election, vacancies, membership.

Sec. 2.

Members of the state board shall be nominated and elected and vacancies in their offices shall be filled in accordance with the election laws of this state. The governor shall be ex officio a member of the state board, and the superintendent of public instruction appointed under the constitution of 1963 shall be its chairman, but neither of them shall have the right to vote.

History: 1964, Act 287, Eff. Aug. 28, 1964

388.1003 State board of education; president; secretary; treasurer, bond.

Sec. 3.

The state board of education shall elect a president, a secretary, a treasurer and such other officers as it deems necessary. The treasurer shall furnish a corporate surety bond in a sum determined by the board as adequate to cover the funds to be handled by him and conditioned upon the faithful discharge of his duties. The cost of the bond shall be paid by the state and the bond shall be filed in the office of the secretary of state.

History: 1964, Act 287, Eff. Aug. 28, 1964 ;-- Am. 1965, Act 317, Imd. Eff. July 22, 1965

388.1004 State board of education; quorum; transacting and conducting business; notice of meeting; service of process.

Sec. 4.

A quorum of the state board of education shall consist of a majority of the board's members. An affirmative vote by the majority of the members serving on the board shall be required to transact business. The business which the board may perform shall be conducted in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976. Process against the board shall be served on the chairperson or secretary.

History: 1964, Act 287, Eff. Aug. 28, 1964 ;-- Am. 1977, Act 244, Imd. Eff. Dec. 6, 1977 ;-- Am. 1979, Act 70, Imd. Eff. July 25, 1979

388.1005 State board of education; compensation and expenses.

Sec. 5.

The per diem compensation of members of the board and the schedule for reimbursement of expenses shall be established annually by the legislature.

History: 1964, Act 287, Eff. Aug. 28, 1964 ;-- Am. 1965, Act 317, Imd. Eff. July 22, 1965 ;-- Am. 1975, Act 57, Imd. Eff. May 20, 1975

388.1006 State board of education; members, interest in publication of books prohibited.

Sec. 6.

A member of the state board of education shall not act as the agent of any publisher of school books or school library books or be interested in the publication or sale of any such book as agent or otherwise.

History: 1964, Act 287, Eff. Aug. 28, 1964

388.1007 State board of education; body corporate; seal; ordinances, bylaws, regulations.

Sec. 7.

The state board of education is a body corporate and may purchase, have, hold, possess, enjoy, grant, alien, invest, sell, and dispose of real and personal property of every kind; may sue and be sued, plead and be impleaded in all the courts in this state; may have, use, alter and renew a seal; and may make such ordinances, bylaws and regulations as it deems proper for the government and conduct of the board and for the transaction of its business and the operation of the state institutions under its control if they are not repugnant to the constitution or laws of this state or of the United States.

History: 1964, Act 287, Eff. Aug. 28, 1964

388.1008 State board of education; gifts, grants; special funds.

Sec. 8.

The state board of education may take by gift, grant from federal or other sources, devise, bequest, or in any other lawful manner, property, money, pledges or promises to pay money for the purpose of carrying on any of its powers and duties and may, with the approval of the legislature, use the same for the purposes for which they were donated. The board may place such moneys in a special fund to be spent under its direction for the purposes for which they were donated subject to the conditions of such gift, grant, devise or bequest.

History: 1964, Act 287, Eff. Aug. 28, 1964

388.1008a Compliance with federal law; accepting and expending federal funds; rules; report; expenditure of state funds; compliance with fund accounting procedures.

Sec. 8a.

(1) The state board of education may take any necessary action consistent with state law to comply with the provisions of Public Law 85-864 (1958), as amended, being 20 U.S.C. sections 401 et seq., and known as the "federal national defense education act of 1958", and to accept and expend federal funds available under that act for the extension and improvement of the state's educational program, as outlined in state plans approved by the United States commissioner of education.

(2) The state board of education may take any necessary action consistent with state law to comply with the provisions of Public Law 89-329 (1965), as amended, being 20 U.S.C. sections 1001 et seq., and known as the "higher education act of 1965" to strengthen the educational resources of Michigan colleges and universities and to provide financial assistance for students in post-secondary and higher education through a program of administration, research, and consultation. The state board of education may accept and expend federal funds available under such provisions and promulgate rules necessary for the conduct of this program. The state board of education shall submit to the legislature on or before April 1 of each year a report of projects conducted during the preceding year under the federal higher education act of 1965, as amended.

(3) This shall not be construed as authorization to expend nor to incur any obligation to expend any state funds in excess of any amount which may be appropriated by the legislature for programs under subsections (1) and (2). Any funds appropriated shall be paid out of the state treasury in accordance with any fund accounting procedures necessary to assure proper distribution of and accounting for federal funds paid to the state for these programs.

History: Add. 1965, Act 413, Imd. Eff. Dec. 17, 1965 ;-- Am. 1976, Act 374, Eff. Jan. 13, 1977
Admin Rule: R 390.1001 et seq. of the Michigan Administrative Code.

388.1008b Acceptance of gifts, grants, devises, and bequests for students who are blind; special fund; report.

Sec. 8b.

The superintendent of public instruction may take by gift, grant from federal or other sources, devise, bequest, or in any other lawful manner, property, money, pledges, or promises to pay money for the benefit of students who are blind. Notwithstanding the provisions of section 8, the state treasurer shall transmit to the superintendent of public instruction all of this money that is held in the state treasury. The superintendent of public instruction shall place this money and grants in a special fund to be spent as authorized by the superintendent of public instruction for the purposes for which they were donated subject to the conditions of the gift, grant, devise, or bequest without further approval of the legislature unless additional costs to the state will be involved in the spending of these funds. The superintendent of public instruction shall submit a report of all funds received and expended under this section to the senate and house committees on appropriations.

History: Add. 1971, Act 199, Imd. Eff. Dec. 27, 1971 ;-- Am. 2016, Act 536, Eff. Apr. 9, 2017

388.1009 State board of education; supervision of public education; planning and coordinating body; research.

Sec. 9.

The state board of education has leadership and general supervision of all public education, including adult education and instructional programs of the state institutions, except as to institutions of higher education granting baccalaureate degrees. The board serves as the general planning and coordinating body for all public education, including higher education. The board may conduct research studies relating to general school problems of the public schools of this state.

History: 1964, Act 287, Eff. Aug. 28, 1964

388.1009a Special education advisory committee; creation; appointment and terms of members; ex officio members; chairperson; expenses; duty.

Sec. 9a.

The special education advisory committee is created in the department of education and shall consist of not less than 9 and not more than 33 members appointed by the state board of education for terms of 3 years. The person within the department directly responsible for special education programs and other persons as appointed by the committee to represent other departments, agencies, and 4-year colleges and universities, upon consultation with those departments, agencies, and colleges and universities, shall be ex officio members of the committee. Each year the committee shall elect a chairperson and other officers as it considers necessary. Members of the committee may be reimbursed, to the extent provided by the state board, for expenses incurred in performing their functions. The committee shall act as an adviser to the state board of education in the field of special education.

History: Add. 1966, Act 154, Imd. Eff. July 1, 1966 ;-- Am. 1983, Act 240, Imd. Eff. Dec. 1, 1983 ;-- Am. 2005, Act 137, Imd. Eff. Sept. 29, 2005

388.1010 Additional powers and duties.

Sec. 10.

The state board of education shall have the following powers and duties:

(a) Jurisdiction and control of the Michigan school for the deaf at Flint, the Michigan school for the blind at Lansing, and the Michigan rehabilitation institute for veterans and disabled adults at Pine lake, including power to make rules for the schools necessary to enforce discipline, preserve health, and provide for proper physical, intellectual, and moral training of their pupils.

(b) Regulation of school bus transportation, review of the annexation or attachment of nonoperating school districts to operating school districts, and the hearing of appeals from decisions on alterations of boundaries of school districts as may be provided by law. The board may appoint a hearing officer to hear the appeals from decisions on alterations of boundaries of school districts who shall prepare a written report for consideration of the board. A copy of the written report shall be furnished to the designated appellant and appellee, who within 20 days may file written objections to the report with the state board of education for its consideration. After considering the report of the hearing officer and any objections filed by interested parties, the board may determine the appeal or order a hearing by it of the appeal from the decision on alterations of boundaries of school districts.

(c) Inspection of educational corporations as may be provided by law.

(d) The appointment of the members of the state board for public community and junior colleges, as provided by law.

History: 1964, Act 287, Eff. Aug. 28, 1964 ;-- Am. 1965, Act 382, Imd. Eff. Aug. 18, 1965 ;-- Am. 1969, Act 229, Eff. July 1, 1971 ;-- Am. 1976, Act 374, Eff. Jan. 13, 1977

Compiler's Notes: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.
Admin Rule: R 390.1101 et seq. and R 390.1301 et seq. of the Michigan Administrative Code.

388.1011 State board of education; report to legislature; financial requirements of all public education.

Sec. 11.

The state board of education shall report to the legislature at each regular session as to its operations and recommendations including an itemized statement of its receipts and expenditures for its preceding fiscal year, and advise as to the financial requirements of all public education, including higher education.

History: 1964, Act 287, Eff. Aug. 28, 1964

388.1012 Superintendent of public instruction; continuance in office.

Sec. 12.

The superintendent of public instruction elected under the 1908 constitution shall serve as superintendent of public instruction until June 30, 1965.

History: 1964, Act 287, Eff. Aug. 28, 1964

388.1013 Superintendent of public instruction; appointment; removal; term.

Sec. 13.

The state board by the affirmative vote of a majority of its members shall appoint and may remove a superintendent of public instruction and determine the term of office.

History: 1964, Act 287, Eff. Aug. 28, 1964 ;-- Am. 1976, Act 374, Eff. Jan. 13, 1977

388.1014 Superintendent of public instruction; references in other laws.

Sec. 14.

After June 30, 1965, a reference in any law to the powers and duties of the superintendent of public instruction is deemed to be made to the state board unless the law names the superintendent as a member of another governmental agency or provides for an appeal to the state board of education from a decision of the superintendent, in which cases the reference is deemed to be made to the superintendent of public instruction appointed under the 1963 constitution. Such superintendent of public instruction shall be responsible for the execution of the policies of the state board. The state board may delegate any of its functions to him. He shall be the principal executive and administrative officer of the state department of education.

History: 1964, Act 287, Eff. Aug. 28, 1964
Admin Rule: R 340.1 et seq.; R 340.81 et seq.; R 340.201 et seq.; R 340.271 et seq.; R 340.471 et seq.; R 389.1 et seq.; and R 390.1051 et

seq. of the Michigan Administrative Code.

388.1014a Records of grades attained by students at former educational institutions; central depository; availability to public of records and other writings; custody of records; transcripts.

Sec. 14a.

(1) The trustees or officers of a college or other institution of learning, whether incorporated or not, upon going out of existence or ceasing to function as an educational institution, shall turn over the records of all grades attained by its students to the state board of education. The office of the superintendent of public instruction shall be the central depository for these records.

(2) The records and any other writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(3) The superintendent of public instruction shall have the supervision, care, custody, and control of these records, and shall, when requested, prepare transcripts necessary for a former student. The transcripts shall be certified by the superintendent of public instruction and shall be considered and accepted as evidence for all purposes, the same as the original record.

History: Add. 1976, Act 374, Eff. Jan. 13, 1977 ;-- Am. 1977, Act 244, Imd. Eff. Dec. 6, 1977

388.1015 State board of education; rules and regulations.

Sec. 15.

The state board of education shall prescribe rules and regulations that it deems necessary to carry out the provisions of this act, in accordance with Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.82 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948.

History: 1964, Act 287, Eff. Aug. 28, 1964
Admin Rule: R 340.81 et seq.; R 340.181 et seq.; R 340.201 et seq.; R 340.481 et seq.; R 388.261 et seq.; R 388.701 et seq.; R 390.561 et seq.; R 390.1001 et seq.; R 390.1101 et seq.; R 390.1301 et seq.; R 395.376; and R 397.1 et seq. of the Michigan Administrative Code.

388.1016 Saving clause.

Sec. 16.

All contracts and obligations of the old board shall continue and have the same effect under the state board as they had under the old board, except as otherwise provided by law.

History: 1964, Act 287, Eff. Aug. 28, 1964

388.1017 Repeal.

Sec. 17.

Act No. 194 of the Public Acts of 1889, as amended, being sections 390.401 to 390.421 of the Compiled Laws of 1948, Act No. 202 of the Public Acts of 1903, as amended, being section 390.431 of the Compiled Laws of 1948, Act No. 8 of the Public Acts of 1927, being section 15.81 of the Compiled Laws of 1948, sections 2 to 8 of Act No. 116 of the Public Acts of 1893, being sections 393.52 to 393.58 of the Compiled Laws of 1948, and sections 2 and 3 of Act No. 123 of the Public Acts of 1893, being sections 393.102 and 393.103 of the Compiled Laws of 1948, are repealed.

History: 1964, Act 287, Eff. Aug. 28, 1964

PARENT COOPERATIVE PRESCHOOLS

Act 143 of 1976

AN ACT to license and regulate parent cooperative preschools; to prescribe the powers and duties of certain state agencies; and to provide for the certification of parent cooperative preschool teachers.

History: 1976, Act 143, Eff. Mar. 31, 1977

The People of the State of Michigan enact:

388.1021 Definitions.

Sec. 1.

As used in this act:

(a) "Parent cooperative preschool" means a nonprofit, nondiscriminatory institution, maintained as a community service and administered by parents of children currently enrolled in the preschool, which institution provides an educational and developmental program for children younger than compulsory school age and which provides an educational program for parents, including active parental participation with children in preschool activities.

(b) "Child development course work" means child development course work, early childhood course work, child psychology course work, or any combination thereof.

History: 1976, Act 143, Eff. Mar. 31, 1977

388.1022 Licensing parent cooperative preschool; conditions.

Sec. 2.

The department of education shall license a parent cooperative preschool as an educational institution, if all of the following are satisfied:

(a) The parent cooperative preschool is duly licensed by the department of social services as a child care organization under Act No. 116 of the Public Acts of 1973, as amended, being sections 722.111 to 722.128 of the Michigan Compiled Laws.

(b) The parent cooperative preschool employs not less than 1 qualified parent cooperative preschool teacher, as provided in this act, to direct educational and development programs for the children.

History: 1976, Act 143, Eff. Mar. 31, 1977

388.1023 Certification of applicant as qualified parent cooperative preschool teacher; requirements.

Sec. 3.

The department of education shall certify an applicant as a qualified parent cooperative preschool teacher for purposes of this act if the applicant meets any of the following requirements:

(a) The applicant has earned 120 semester credit hours in an accredited institution of higher education, including not less than 15 semester hours of child development course work.

(b) The applicant has earned 60 semester credit hours in an accredited institution of higher education before July 1, 1979, including not less than 15 semester hours of child development course work.

(c) The applicant has taught in a parent cooperative preschool for not less than 5 years before the effective date of this act.

History: 1976, Act 143, Eff. Mar. 31, 1977

388.1024 Crediting teaching experience of qualified parent cooperative preschool teacher.

Sec. 4.

The department of education shall credit the successful teaching experience of a qualified parent cooperative preschool teacher holding from the department of education a current elementary certificate or a secondary certificate with a home economics endorsement, vocational endorsement in child care and guidance, or an early childhood endorsement for purposes of qualifying for continuing certification.

History: 1976, Act 143, Eff. Mar. 31, 1977

FEDERAL FUNDS FOR EDUCATION

Act 209 of 1965

AN ACT to authorize the state board of education to accept federal funds for the conduct of research, surveys and demonstrations in the field of education and to strengthen and improve educational policy and educational opportunities in elementary and secondary education.

History: 1965, Act 209, Imd. Eff. July 16, 1965

The People of the State of Michigan enact:

388.1031 State board of education; acceptance and expenditure of federal funds; rules and regulations to improve educational policy.

Sec. 1.

The state board of education may take any necessary action consistent with state law to comply with the provisions of Public Law 531 of the 83rd Congress, known as the "cooperative research act" to encourage research and related activities which are of significance to education and with the provisions of Public Law 10 of the 89th Congress, known as the "elementary and secondary education act of 1965". The state board of education may accept and expend federal funds available under such provisions and promulgate rules and regulations for the conduct of research, surveys and demonstrations in the field of education and for the purposes of strengthening and improving educational policy and educational opportunities in elementary and secondary education.

History: 1965, Act 209, Imd. Eff. July 16, 1965

388.1032 Construction of act; payment of funds.

Sec. 2.

This act shall not be construed as authorization to expend nor to incur any obligation to expend any state funds in excess of any amount which may be appropriated for such purpose by the legislature. Any funds appropriated shall be paid out of the state treasury in accordance with any fund accounting procedures necessary to assure proper distribution of and accounting for federal funds paid to the state.

History: 1965, Act 209, Imd. Eff. July 16, 1965

388.1033 Repealed. 2016, Act 532, Eff. Apr. 9, 2017.

Compiler's Notes: The repealed section pertained to submission of projects report by state board of education.

FEDERAL FUNDS FOR EDUCATIONAL TELEVISION

Act 153 of 1966

AN ACT to authorize the state board of education to accept federal funds under the provisions of the television broadcasting facilities act of 1962, and under Title VII of the national defense education act of 1958, as amended; to make an appropriation and to provide for the expenditure of such funds.

History: 1966, Act 153, Imd. Eff. July 1, 1966

The People of the State of Michigan enact:

388.1041 State board of education; acceptance and expenditure of federal funds for educational television.

Sec. 1.

The state board of education may take any necessary action consistent with state law to comply with the provisions of Public Law 447 of the 87th Congress, known as the "television broadcasting facilities act of 1962," and with the provisions of Title VII of Public Law 864 of the 85th Congress, as amended, known as the "national defense education act of 1958," and may accept and expend federal funds available under these laws.

History: 1966, Act 153, Imd. Eff. July 1, 1966

388.1042 Construction of act; payment of funds.

Sec. 2.

This act shall not be construed as authorization to expend or to incur any obligation to expend any state funds in excess of any amount which may be appropriated for such purpose by the legislature. Any funds appropriated shall be paid out of the state treasury in accordance with state accounting procedures necessary to assure proper distribution of and accounting for federal funds paid to the state.

History: 1966, Act 153, Imd. Eff. July 1, 1966

388.1043 Advisory committee for development of educational television system; appointment.

Sec. 3.

The state board of education may appoint an advisory committee to conduct studies relating to the development of an educational television system in the state with particular emphasis on a complete engineering study of the feasibility of a multichannel broadcasting system for instruction, materials distribution and administrative data handling.

History: 1966, Act 153, Imd. Eff. July 1, 1966

388.1044 Feasibility study; appropriation.

Sec. 4.

There is hereby appropriated to the state board of education $50,000.00 from the general fund for the fiscal year ending June 30, 1967, to conduct such a feasibility study in conjunction with federal funds as might be available.

History: 1966, Act 153, Imd. Eff. July 1, 1966

388.1045 Feasibility study; report; expenditure of funds.

Sec. 5.

A report on the feasibility study shall be presented to the legislature by March 1, 1967. No funds, federal or state, shall be expended to implement recommendations of the feasibility study until specifically authorized by legislative act.

History: 1966, Act 153, Imd. Eff. July 1, 1966

SPECIAL EDUCATION SCHOLARSHIPS

Act 156 of 1966

388.1051-388.1055 Repealed. 2016, Act 540, Eff. Apr. 9, 2017.

FEDERAL FUNDS FOR ARTS AND HUMANITIES

Act 316 of 1966

AN ACT to authorize the state board of education to accept federal funds under the national foundation on the arts and the humanities act of 1965; and to provide for the expenditure of such funds.

History: 1966, Act 316, Imd. Eff. July 19, 1966

The People of the State of Michigan enact:

388.1061 State board of education; acceptance and expenditure of federal funds for arts and humanities.

Sec. 1.

The state board of education may take any necessary action consistent with state law to comply with the provisions of Public Law 209 of the 89th Congress, known as the "national foundation on the arts and the humanities act of 1965" and may accept and expend federal funds available under this law.

History: 1966, Act 316, Imd. Eff. July 19, 1966

388.1062 Construction of act; payment of funds.

Sec. 2.

This act shall not be construed as authorization to expend nor to incur any obligation to expend any state funds in excess of any amount which may be appropriated for such purpose by the legislature. Any funds appropriated shall be paid out of the state treasury in accordance with state accounting procedures necessary to assure proper distribution of and accounting for federal funds paid to the state.

History: 1966, Act 316, Imd. Eff. July 19, 1966

NEIGHBORHOOD EDUCATION CENTERS

Act 39 of 1970

388.1071-388.1076 Expired. 1978, Act 601, Eff. Sept. 30, 1979.

Compiler's Notes: Prior to the expiration of this act, MCL 388.1074 was repealed by Act 601 of 1978.

ASSESSMENT OF REMEDIAL ASSISTANCE PROGRAMS

Act 38 of 1970

AN ACT to provide for assessment and remedial assistance programs of students in reading, mathematics and

vocational education.

History: 1970, Act 38, Imd. Eff. June 24, 1970

The People of the State of Michigan enact:

388.1081 Assessment of educational progress and remedial assistance; purposes.

Sec. 1.

A statewide program of assessment of educational progress and remedial assistance in the basic skills of students in reading, mathematics, language arts and/or other general subject areas is established in the department of education which program shall:

(a) Establish meaningful achievement goals in the basic skills for students, and identify those students with the greatest educational need in these skills.

(b) Provide the state with the information needed to allocate state funds and professional services in a manner best calculated to equalize educational opportunities for students to achieve competence in such basic skills.

(c) Provide school systems with strong incentives to introduce educational programs to improve the education of students in such basic skills and model programs to raise the level of achievement of students.

(d) Develop a system for educational self-renewal that would continuously evaluate the programs and by this means help each school to discover and introduce program changes that are most likely to improve the quality of education.

(e) Provide the public periodically with information concerning the progress of the state system of education. Such programs shall extend current department of education efforts to conduct periodic and comprehensive assessment of educational progress.

History: 1970, Act 38, Imd. Eff. June 24, 1970
Compiler's Notes: For transfer of powers and duties relating to Michigan educational assessment program from department of treasury to superintendent of public instruction by type II transfer, see E.R.O. No. 2003-2, compiled at MCL 388.997.

388.1082 Assessment program; coverage; conduct; requirements; results.

Sec. 2.

(1) The statewide assessment program of educational progress shall cover all students annually in at least 2 elementary and middle school grade levels in public schools. If the federal government requires assessments at additional grade levels under the no child left behind act of 2001, Public Law 107-110, the superintendent of public instruction shall ensure that this state complies with those requirements.

(2) The superintendent of public instruction shall develop and conduct the assessment program and may utilize the assistance of appropriate testing organizations or testing specialists. Beginning with assessments conducted in the 2005-2006 school year, all of the following apply to the assessment program:

(a) The superintendent of public instruction shall ensure that any contractor used for scoring an assessment instrument supplies an individual report for each student that will identify for the student's parents and teachers whether the student met expectations or failed to meet expectations for each standard, to allow the student's parents and teachers to assess and remedy problems before the student moves to the next grade.

(b) The superintendent of public instruction shall ensure that any contractor used for scoring, developing, or processing an assessment instrument meets quality management standards commonly used in the assessment industry, including at least meeting level 2 of the capability maturity model developed by the software engineering institute of Carnegie Mellon university for the 2005-2006 school year assessments and at least meeting level 3 of the capability maturity model for subsequent assessments.

(c) The superintendent of public instruction shall ensure that any contract it enters into for scoring, administering, or developing an assessment instrument includes specific deadlines for all steps of the assessment process, including, but not limited to, deadlines for the correct testing materials to be supplied to schools and for the correct results to be returned to schools, and includes penalties for noncompliance with these deadlines.

(d) The superintendent of public instruction shall ensure that the assessment instruments meet all of the following:

(i) Are designed to test students on grade level content expectations in all subjects tested for each grade level tested.

(ii) Comply with requirements of the no child left behind act of 2001, Public Law 107-110.

(iii) Are consistent with the code of fair testing practices in education prepared by the joint committee on testing practices of the American psychological association.

(iv) Are factually accurate. If the superintendent of public instruction determines that a question is not factually accurate and should be removed from an assessment instrument, the state board and the superintendent shall ensure that the question is removed from the assessment instrument.

(3) The program shall assess competencies in the basic skills and collect and utilize other relevant information essential to the assessment program.

(4) Based on information from the program, the public schools shall identify students who have extraordinary need for assistance to improve their competence in the basic skills and shall identify students who have demonstrated extraordinary competence in multiple subject areas who should be recommended for advancement.

(5) Information from the program shall be given to each school as soon as possible to assist it in its efforts to improve the achievement of students in the basic skills.

History: 1970, Act 38, Imd. Eff. June 24, 1970 ;-- Am. 2005, Act 31, Imd. Eff. June 2, 2005
Compiler's Notes: For transfer of powers and duties relating to Michigan educational assessment program from department of treasury to superintendent of public instruction by type II transfer, see E.R.O. No. 2003-2, compiled at MCL 388.997.

388.1083 Remedial assistance programs; components; guidelines and specifications; staff training; demonstration projects; audit.

Sec. 3.

(1) Based on information from the mathematics, reading and language arts assessment program, the department shall provide remedial assistance programs, as funds are made available by law to school districts to raise competencies in basic skills of students identified pursuant to subsection (4) of section 2. A funded program shall include but not be limited to the following components:

(a) Diagnosis of each student's performance difficulties and the development of an instructional program best suited to his individual needs.

(b) Provision for selection, adaption and installation of instructional systems that take account of individual student needs.

(c) Provision for an evaluation of the program in order to identify changes needed to improve program effectiveness.

(2) The department shall establish guidelines and specifications for the program components. The department shall provide technical assistance to each school district in its implementation of the guidelines and specifications. The department shall conduct such evaluations necessary to provide adequate information for the setting of guidelines.

(3) The department shall provide for preservice and in-service training of staff who would be involved in the school programs.

(4) The department with the cooperation of selected schools shall establish demonstration projects in basic skills.

(5) A remedial assistance program shall be audited as part of its evaluation by an agency independent of the state department of education to facilitate the accountability of each school for its programs.

History: 1970, Act 38, Imd. Eff. June 24, 1970
Compiler's Notes: For transfer of powers and duties relating to Michigan educational assessment program from department of treasury to superintendent of public instruction by type II transfer, see E.R.O. No. 2003-2, compiled at MCL 388.997.

388.1084 Vocational education demonstration program; establishment, purposes.

Sec. 4.

A vocational education demonstration program is established in the department of education to develop, test and evaluate the following innovative programs:

(a) A vocational education assessment and counseling system using computer and other automated techniques.

(b) A new career development program to devise curricula and materials for new careers in the labor market.

History: 1970, Act 38, Imd. Eff. June 24, 1970
Compiler's Notes: For transfer of powers and duties relating to Michigan educational assessment program from department of treasury to superintendent of public instruction by type II transfer, see E.R.O. No. 2003-2, compiled at MCL 388.997.

388.1085 Vocational education demonstration program; development and testing, operation, evaluation.

Sec. 5.

(1) The vocational education demonstration program shall be developed and tested in not more than 3 school districts. The department shall formulate plans and rules, select the demonstration districts and develop instruments for measurement of the program. Demonstration programs shall be operated in school districts during the 1971-72 school year.

(2) The department shall evaluate the program and recommend to the governor and the legislature a statewide vocational education assessment, counseling and evaluation program by December 31, 1972.

History: 1970, Act 38, Imd. Eff. June 24, 1970
Compiler's Notes: For transfer of powers and duties relating to Michigan educational assessment program from department of treasury to superintendent of public instruction by type II transfer, see E.R.O. No. 2003-2, compiled at MCL 388.997.

388.1086 Rules for administration of act.

Sec. 6.

The department shall promulgate rules necessary to carry out the provisions of this act, in accordance with and subject to the provisions of Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.313 of the Compiled Laws of 1948.

History: 1970, Act 38, Imd. Eff. June 24, 1970
Compiler's Notes: For transfer of powers and duties relating to Michigan educational assessment program from department of treasury to superintendent of public instruction by type II transfer, see E.R.O. No. 2003-2, compiled at MCL 388.997.

EDUCATION FOR THE GIFTED AND/OR ACADEMICALLY TALENTED ACT

Act 299 of 1974

388.1091-388.1094 Repealed. 2016, Act 541, Eff. Apr. 9, 2017.

STATE SCHOOL AID ACT OF 1972

Act 258 of 1972

388.1101-388.1279 Repealed. 1973, Act 101, Imd. Eff. Aug. 14, 1973;—1974, Act 242, Imd. Eff. July 26, 1974;—1975, Act 261, Imd. Eff. Sept. 10, 1975;—1976, Act 258, Eff. Oct. 1, 1976;—1977, Act 90, Eff. Oct. 1, 1977.

Compiler's Notes: Pursuant to Act 293 of 1974, MCL 388.1158 expired on June 30, 1977.

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2011-7

388.1281 Creation of Michigan office of great start within Michigan department of education; transfer of powers and duties of office of child development and care within department of human services, head start collaboration office within department of human services, and office of early childhood education and family services within department of education to Michigan office of great start.

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration; and

WHEREAS, there is a continued need to reorganize functions among state departments to ensure efficient administration; and

WHEREAS, Section 3 of Article VIII of the Michigan Constitution of 1963, section 14 of Act No. 287 of the Public Acts of 1964, as amended, being section 388.1014 of the Michigan Compiled Laws, and section 305 of Act No. 380 of the Public Acts of 1965, as amended, being section 16.405 of the Michigan Compiled Laws, provide that the Superintendent of Public Instruction is the principal executive and administrative officer of the Department of Education; and

WHEREAS, there is a need to create a coherent system of health and early learning that aligns, integrates and coordinates Michigan's investments from prenatal to third grade; and

WHEREAS, Michigan's early childhood development programs and funding are fragmented across state government; and

WHEREAS, Michigan's approach to investing in school readiness and early elementary success should be values-based and founded on sound scientific and economic evidence; and

WHEREAS, we must refocus the state's early childhood investment, policy, and administrative structures by adopting a single set of early childhood outcomes and measuring performance against those outcomes; and

WHEREAS, Michigan children should be developmentally ready to succeed at the time of school entry;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. MICHIGAN OFFICE OF GREAT START

A. The Michigan Office of Great Start is created within the Michigan Department of Education.

B. The Superintendent of Public Instruction shall exercise all administrative powers, duties, functions, and responsibilities of the Michigan Office of Great Start.

C. All authority, powers, duties, functions, and responsibilities of the Office of Child Development and Care within the Department of Human Services, including the functions of budgeting, procurement, and management-related functions, are transferred to the Michigan Office of Great Start.

D. All authority, powers, duties, functions, and responsibilities of the Head Start Collaboration Office within the Department of Human Services, including the functions of budgeting, procurement, and management-related functions, are transferred to the Michigan Office of Great Start.

E. All authority, powers, duties, functions, and responsibilities of the Office of Early Childhood Education and Family Services within the Michigan Department of Education, including the functions of budgeting, procurement, and management-related functions, are transferred to the Michigan Office of Great Start.

II. MISCELLANEOUS

A. All rules, orders, opinions, contracts, and agreements relating to the functions of the Office of Child Development and Care, the Head Start Collaboration Office, and the Office of Early Childhood Education and

Family Services, transferred to the Michigan Office of Great Start under this Order, and lawfully adopted prior to the issuance of this Order, shall continue to be effective until revised, amended, or rescinded.

B. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of Human Services and the Department of Education for the activities, powers, duties, functions, and responsibilities transferred under this Order, are transferred to the Michigan Office of Great Start.

C. The Superintendent of Public Instruction shall provide executive direction and supervision for the implementation of the transfers. The Superintendent of Public Instruction shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

D. The State Budget Director shall determine the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary for the implementation of this Order.

E. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

F. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

G. The Superintendent of Public Instruction and the Director of the Department of Human Services shall immediately initiate coordination to facilitate the transfers set forth in this Order and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Departments of Human Services and Education.

H. The Director of the Department of Community Health ("Department") shall coordinate with the Superintendent of Public Instruction concerning administration of the programs and services the Department provides that affect early childhood development. The programs and services the Department provides shall to the extent practicable complement and support the efforts of the Office of Great Start, and the Department and the Superintendent shall utilize their early childhood resources in a coordinated fashion.

In fulfilment of the requirements of Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order shall be effective 60 days after the filing of this Order.

History: 2011, E.R.O. No. 2011-7, Eff. Aug. 29, 2011
Compiler's Notes: Executive Reorganization Order No. 2011-7 was promulgated June 29, 2011 as Executive Order No. 2011-8, Eff. August 29, 2011.For type III transfer of Michigan Office of Great Start from department of education to MiLEAP, see E.R.O. No. 2023-2, compiled at MCL 388.1283.

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2017-2

388.1282 Transfer of state school reform/redesign office from department of technology, management, and budget to department of education; transfer of certain powers and duties transferred from superintendent of public instruction to state school reform/redesign office under Executive Reorganization Order No. 2015-2, MCL 18.445, to superintendent of public instruction.

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that he considers necessary for efficient administration; and

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that each principal department shall be under the supervision of the Governor unless otherwise provided by the Constitution; and

WHEREAS, Section 1 of Article VIII of the Michigan Constitution of 1963 provides in part that schools and the

means of education shall forever be encouraged; and

WHEREAS, Section 2 of Article VIII of the Michigan Constitution of 1963 provides in part that the legislature shall maintain and support a system of free public elementary and secondary schools as defined by law; and

WHEREAS, Section 3 of Article VIII of the Michigan Constitution of 1963 vests leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, in the State Board of Education; and

WHEREAS, there is a continued need to reorganize functions among state departments to ensure efficient administration; and

WHEREAS, the economic success of our state is dependent on having an educated and skilled citizenry that begins with every student having a quality education that prepares them for career and college readiness and success; and

WHEREAS, the State School Reform/Redesign Officer position and the State School Reform/Redesign School District were created by statute to advance improvement in Michigan's lowest achieving public schools, as defined under state law; and

WHEREAS, on March 12, 2015, by Executive Order 2015-9, the State School Reform/Redesign Office was created as an autonomous entity within the Department of Technology, Management and Budget; and

WHEREAS, on March 12, 2015, by Executive Order 2015-9, the State School Reform/Redesign School District was transferred from the Department of Education to the State School Reform/Redesign Office; and

WHEREAS, on March 12, 2015, by Executive Order 2015-9, the State School Reform/Redesign Officer was transferred from the Department of Education to the State School Reform/Redesign Office; and

WHEREAS, the Superintendent of Public Instruction and the State School Reform/Redesign Officer have been working closely together in partnership to identify and improve the performance of low achieving schools designated in 2017 for possible closure; and

WHEREAS, transferring the State School Reform/Redesign Office to the Department of Education will ensure the efficient continuation of the work by the Superintendent of Public Instruction in conjunction with the State School Reform/Redesign Office.

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the powers and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Department of Education" means the principal department of state government created under Section 300 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.400.

B. "Department of Technology, Management and Budget" means the principal department of state government created by Section 121 of the Management and Budget Act, 1984 PA 431, MCL 18.1121, and renamed the Department of Technology, Management and Budget under Executive Order 2009-55, MCL 18.441.

C. "State Board of Education" means the board created under Section 3, Article VIII, of the Michigan Constitution of 1963.

D. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of the Management and Budget Act, 1984 PA 431, MCL 18.1321, and Executive Order 2009-55, MCL 18.441.

E. "State School Reform/Redesign School District" means the school district created under Section 1280c(6) of the Revised School Code, 1976 PA 451, MCL 380.1280c.

F. "State School Reform/Redesign Office" means the office created within the Department of Technology, Management and Budget under Executive Order 2015-9.

G. "State School Reform/Redesign Officer" means the officer described in Section 1280c(9) of the Revised School Code, 1976 PA 451, MCL 380.1280c, and authorized to act as the superintendent of the State School Reform/Redesign District under Section 1280c(6)(b) of the Revised School Code, 1976 PA 451, MCL 380.1280c.

H. "Superintendent of Public Instruction" means the principal executive officer of the Department of Education required under Section 3, Article VIII, of the Michigan Constitution of 1963.

II. TRANSFER OF THE STATE SCHOOL REFORM/REDESIGN OFFICE

A. The State School Reform/Redesign Office, including but not limited to the State School Reform/Redesign School District and the State School Reform/Redesign Officer, is transferred from the Department of Technology, Management and Budget to the Department of Education.

B. All authority, powers, duties, functions, and responsibilities under Section 1280c of the Revised School Code, 1976 PA 451, MCL 380.1280c, that were transferred from the Department of Education to the State School Reform/Redesign Office by Executive Order 2015-9, are transferred back to the Department of Education with the transfer of the State School Reform/Redesign Office from the Department of Technology, Management and Budget to the Department of Education.

C. All authority, powers, duties, functions, and responsibilities under Section 1280c of the Revised School Code, 1976 PA 451, MCL 380.1280c, and Section 15(6) of 1947 PA 336, MCL 423.215, that were transferred from the Superintendent of Public Instruction to the State School Reform/Redesign Office by Executive Order 2015-9, are transferred back to the Superintendent of Public Instruction with the transfer of the State School Reform/Redesign

Office from the Department of Technology, Management and Budget to the Department of Education.

D. All of the following authority, powers, duties, functions, and responsibilities that were transferred from the Superintendent of Public Instruction to the State School Reform/Redesign Office by Executive Order 2015-9 are transferred back to the Superintendent of Public Instruction with the transfer of the State School Reform/Redesign Office from the Department of Technology, Management and Budget to the Department of Education:

1. Determining that a public school academy that has been operating for at least 4 years is among the lowest achieving 5% of all public schools in this state, as defined for the purposes of the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American Recovery and Reinvestment Act of 2009, Public Law 111-5, is in year 2 of restructuring sanctions under the No Child Left Behind Act of 2001, Public Law 107-110, not to include the individualized education plan subgroup, and is not currently undergoing reconstitution under Section 507 of the Revised School Code, 1976 PA 451, MCL 380.507, and notifying the public school academy's authorizing body under Section 507(5) of the Revised School Code, 1976 PA 451, MCL 380.507, of that determination.

2. Determining that an urban high school academy that has been operating for at least 4 years is among the lowest achieving 5% of all public schools in this state, as defined for the purposes of the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American Recovery and Reinvestment Act of 2009, Public Law 111-5, is in year 2 of restructuring sanctions under the No Child Left Behind Act of 2001, Public Law 107-110, not to include the individualized education plan subgroup, and is not currently undergoing reconstitution under Section 528 of the Revised School Code, 1976 PA 451, MCL 380.528, and notifying the urban high school academy's authorizing body under Section 528(5) of the Revised School Code, 1976 PA 451, MCL 380.528, of that determination.

3. Determining that a school of excellence serving a special student population that has been operating for at least 4 years is among the lowest achieving 5% of all public schools in this state, as defined for the purposes of the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American Recovery and Reinvestment Act of 2009, Public Law 111-5, is in year 2 of restructuring sanctions under the No Child Left Behind Act of 2001, Public Law 107-110, not to include the individualized education plan subgroup, and is not currently undergoing reconstitution under Section 561 of the Revised School Code, 1976 PA 451, MCL 380.561, and notifying the school of excellence's authorizing body under Section 561 of the Revised School Code, 1976 PA 451, MCL 380.561, of that determination.

E. Paragraph III.B of Executive Order 2015-9 is rescinded. The State School Reform/Redesign Officer transferred back to the Department of Education with the transfer of the State School Reform/Redesign Office from the Department of Technology, Management and Budget to the Department of Education shall have the status, powers, and responsibilities set forth in Section 1280c of the Revised School Code, 1976 PA 451, MCL 380.1280c.

III. IMPLEMENTATION

A. Any records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the State School Reform/Redesign Office for the authority, powers, duties, functions, and responsibilities transferred under this Order are transferred with the Office to the Department of Education.

B. The Superintendent of Public Instruction, after consultation with the Director of the Department of Technology, Management and Budget, shall provide executive direction and supervision for the implementation of the transfers under this Order. The assigned functions shall be administered under the direction and supervision of the Superintendent of Public Instruction. The Superintendent of Public Instruction shall make internal organizational changes as may be administratively necessary to complete the realignment of functions and responsibilities by this Order pursuant to MCL 16.107.

C. The Director of the Department of Technology, Management and Budget and the Superintendent of Public Instruction shall immediately initiate coordination to facilitate the transfers under this Order and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved.

D. The State Budget Director shall determine and authorize the most efficient manner possible for the handling of financial transactions and records in the state's financial management system necessary for the implementation of this Order.

IV. MISCELLANEOUS

A. All rules, orders, contracts, plans, and agreements relating to the functions and responsibilities transferred by this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or rescinded.

B. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity transferred by this Order shall not abate by reason of the taking effect of this Order. Any lawfully commenced suit, action, or other proceeding involving any entity affected by this Order may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which

may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements of Section 2 of Article V of the Michigan Constitution of 1963, this Order shall be effective on 60 days after the filing of this Order.

History: 2017, E.R.O. No. 2017-2, Eff. Aug. 30, 2017
Compiler's Notes: Executive Reorganization Order No. 2017-2 was promulgated June 30, 2017, as Executive Order No. 2017-5, Eff. Aug. 30, 2017.

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2023-2

388.1283 Creation of Michigan department of lifelong education, advancement, and potential (MiLEAP); creation of the office of early childhood education, office of higher education, and office of education partnerships within MiLEAP; transfer of the powers and duties of the Michigan office of great start by type III, and the governor's educator advisory council and the Michigan PreK-12 literacy commission from the department of education to MiLEAP by type II.

Every Michigander deserves a path to prosperity. They deserve to explore, learn, grow, and develop the skills they need to thrive. That's why I am focused on building a bright future for Michigan by making strategic decisions and investments now for the long-term.

For too long, Michigan has fallen behind other states and countries when it comes to student achievement and attainment, impacting the state's workforce and economic growth. We know that today, more than ever, building a skilled workforce is not a matter of a single certificate, course, or credential. It's a generational project that will require a shared vision, effective decision-making, and strategic resource allocation to ensure that each and every person has the best opportunity to thrive.

In other words—we must support lifelong education, achievement, and potential. Consolidating various programs from across state government into a single department will enhance our ability to create a path to prosperity for every Michigander and support the long-term economic health of our state with a coordinated strategy.

Establishing the Michigan Department of Lifelong Education, Advancement, and Potential, or MiLEAP, ensures all available resources, data, and dollars are aligned around a single vision—building an education system from preschool through postsecondary that can support our kids, families, and the economy of the future by ensuring anyone can make it in Michigan. MiLEAP will achieve this goal by establishing clear metrics, collaborating with cross-sector leaders at the local, regional, and state level, and developing a shared action plan for everyone to work toward.

The new department will partner with the Department of Education and the State Board of Education, complementing their existing long-term planning efforts. MiLEAP will also work with the recently launched Growing· Michigan Together Council as it looks at ways to strengthen preschool to postsecondary learning while growing the state's economy and population.

With bold goals, a united vision, a shared action plan, the capacity to deliver, and clear metrics, MiLEAP can build a brighter future for Michigan from preschool to postsecondary to paycheck.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Section 2 of article 5 of the Michigan Constitution of 1963 empowers the governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the governor considers necessary for efficient administration.

Acting pursuant to the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Creation of the Michigan Department of Lifelong Education, Advancement, and Potential

(a) The Michigan Department of Lifelong Education, Advancement, and Potential ("MiLEAP") is created as a principal department within the executive branch. MiLEAP will establish and implement a statewide vision for life-long education from preschool to postsecondary. Its responsibilities include expanding equitable access to quality, affordable programs and services and improving outcomes for all Michiganders in early learning and care and higher education. It is also charged with building partnerships beyond the classroom to improve student learning and coordinating among state departments and agencies to achieve the best outcomes for Michiganders.

(b) MiLEAP will be led by a Director ("Director"), who will be appointed by the Governor. The Director will be a member of the Governor's cabinet.

(c) Office of Early Childhood Education

(1) The Office of Early Childhood Education is created within MiLEAP. The Office of Early Childhood Education will lead statewide efforts to ensure that all young children meet their developmental milestones and enter kindergarten with the tools and ability to succeed in school. This includes overseeing programs and policies statewide related to early learning and care, family engagement and education, pre-kindergarten, and child care. The Office will collaborate with the Department of Health and Human Services and the Department of Education to coordinate services and supports for young children and families.

(d) Office of Higher Education

(1) The Office of Higher Education is created within MiLEAP. The Office of Higher Education will lead statewide efforts to ensure that every Michigander has the skill certificate or degree they need to prosper, and employers can hire the talent they need to succeed. The Office will lead administration of state student financial aid to lower the cost of college and assist prospective students in making decisions about postsecondary education. In collaboration with elected and appointed governing boards of higher education, the boards of public community and junior colleges, the boards of private not-for-profit colleges and universities, statewide postsecondary education associations, and other key stakeholders, the Office of Higher Education will work to increase college enrollment, graduation, and attainment rates to put more Michiganders on a path to prosperity. The Office of Higher Education will collaborate with the Department of Labor and Economic Opportunity, the Department of Treasury, and the Michigan Economic Development Corporation to coordinate services and supports for workforce development.

(e) Office of Education Partnerships

(1) The Office of Education Partnerships is created within MiLEAP. The Office of Education Partnerships will lead statewide efforts to build and sustain partnerships that enhance educational opportunities and outcomes throughout the state from preschool through postsecondary education. The Office will lead authentic stakeholder engagement to broaden the perspectives represented in decision-making, including by providing staffing and support to commissions appointed by the Governor. The Office will expand access to programs that extend learning beyond the classroom, including before school, after school, summer programming, and employer-partnerships. The Office of Education Partnerships will collaborate with other departments and entities, as needed, to achieve these goals, including the Department of Education, the Community Service Commission, and the Office of Foundation Liaison.

2. Transfers from the Department of Education

(a) Michigan Office of Great Start

(1) The Michigan Office of Great Start, created by Executive Order 2011-8, MCL 388.1281, within the Michigan Department of Education, is transferred to MiLEAP by Type III transfer. The transfer includes the civil service personnel and the programs, records, property, and allocations or other funds of the Office of Great Start, except any policy-making authority retained by the State Board of Education.

(2) All the authorities, powers, duties, functions, and responsibilities vested in the Michigan Office of Great Start, created by Executive Order 2011-8, MCL 388.1281, are transferred by Type III transfer to MiLEAP. This transfer includes the Child Development and Care Program, the Head Start State Collaboration Office, and Early Intervention & Early Childhood Special Education, transferred from the Department of Human Services to the

Michigan Department of Education under Executive Order 2011-8, as well as the Great Start Readiness Program, the Great Start Collaboratives and Parent Coalitions & Home Visitation, Out of School Time & Summer Learning programs, and the Preschool Development Grant Birth through Five.

(b) Governor's Educator Advisory Council

(1) The Governor's Educator Advisory Council, created by Executive Order 2019-9 within the Michigan Department of Education, is transferred to MiLEAP by Type II transfer.

(c) Michigan PreK-12 Literacy Commission

(1) The Michigan PreK-12 Literacy Commission, created by Executive Order 2016-18 within the Michigan Department of Education, is transferred to MiLEAP by Type II transfer.

3. Transfers from the Department of Labor and Economic Opportunity

(a) Office of Sixty by 30

(1) Responsibility for Michigan's Sixty by 30 initiative is hereby transferred to MiLEAP. The transfer includes the civil service personnel and the programs, records, property, and allocations or other funds of the Sixty by 30 initiative.

(2) Responsibility for the Michigan Reconnect program is hereby transferred to MiLEAP. The transfer includes the civil service personnel and the programs, records, property, and allocations or other funds of the Michigan Reconnect program.

(3) Responsibility for the Future for Frontliners program is hereby transferred to MiLEAP. The transfer includes the civil service personnel and the programs, records, property, and allocations or other funds of the Future for Frontliners program.

(b) Tri-Share Child Care Program

(1) All authority, powers, duties, functions, and responsibilities related to the administration of the child care facilitator pilot project, also known as the Tri-Share Child Care Program, established pursuant to 2020 PA 166, are hereby transferred to MiLEAP.

4. Transfers from the Department of Licensing and Regulatory Affairs

(a) Child Care Licensing Bureau and Bureau of Community and Health Systems

(1) All authority, powers, duties, functions, and responsibilities of the Department of Licensing and Regulatory Affairs related to child care, including those outlined in XIII(A) of Executive Order 2015-01, MCL 400.227, are hereby transferred to MiLEAP. This transfer includes licensing and regulation of children's camps, child care centers, day care centers, family chi1d care homes, and group child care homes under 1973 PA 116, MCL 722.111 et seq. The transfer includes the civil service personnel and the programs, records, property, and allocations or other funds.

(2) The transfer does not include any authority, powers, duties, functions, and responsibilities related to foster care, including children's therapeutic group homes, foster family homes, and foster family group homes, as defined in under MCL 722.111, the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, and the Social Welfare Act, 1939 PA 280, MCL 400.1 to 400.122.

5. Transfers from the Department of Treasury

(a) Scholarship Administration

(1) Responsibility for administration of all scholarships located within the Office of Postsecondary Financial Planning, also known as MI Student Aid, and all the authority, powers, duties, functions, and responsibilities of the Office of Postsecondary Financial Planning related to the scholarships are hereby transferred from the Department of Treasury to the Director of MiLEAP. This transfer includes responsibility for the following:

i. Public Act 208 of 1964, MCL 390.971 to 390.981 (State Competitive Scholarships);
ii. Public Act 313 of 1966, MCL 390.991 to 390.999 (Tuition Grants);
iii. Public Act 591 of 2002, MCL 390.1181 to 390.1189 (Michigan Nursing Scholarship);
iv. Public Act 195 of 1996, MCL 390.1241 to 390.1246 (Police Officer's and Fire Fighter's Survivor Tuition Grant);
v. Public Act 541 of 1998, MCL 390.1261 to 390.1266 (Correction Officer's Survivor Tuition Grant);
vi. Public Act 105 of 1978, MCL 390.1271 to 390.1278 (Tuition Differential Grants);·
vii. Public Act 102 of 1986, MCL 390.1281 to 390.1288 (Part-Time, Independent Student Grants);
viii. Public Act 228 of 1976, MCL 390.1301 to 390.1307 (Legislative Merit Awards);
ix. Public Act 303 of 1986, MCL 390.1321 to 390.1332 (Michigan Work-Study Program),
x. Public Act 248 of 2005, MCL 390.1341 to 390.1346 (Children of Veterans Tuition Grant);
xi. Public Act 479 of 2006, MCL 390.1621 to 390.1628 (Michigan Promise Grant);
xii. Public Act 288 of 1986, MCL 390.1371 to 390.1382 (Michigan Work-Study Program for Graduate and Professional Schools);
xiii. Public Act 273 of 1986, MCL 390.1401 to 390.1409 (Michigan Educational Opportunity Grant Program); and
xiv. 20 USC 1070d-31 to 1070d-41 (Robert C. Byrd Honors Scholarship Program).

(2) For any of the above scholarships for which the Department of Treasury holds or invests funds pursuant to statutory authorization, the Treasurer shall retain the authority to hold and invest funds. This includes authority granted under MCL 722.1023(3).

(3) Maintenance of the "Paying for College in Michigan" website and all associated authority, powers, duties, functions, and responsibilities under MCL 388.1860 is hereby transferred to MiLEAP.

(4) The above transfers include the civil service personnel and the records, property, and allocations or other funds associated with the transferred functions.

(b) Michigan Student Scholarship and Grants

(1) Responsibility for the Michigan Student Scholarship and Grants portal ("MiSSG"), located within the Office of Postsecondary Financial Planning, also known as MI Student Aid, and all the authority, powers, duties, functions, and responsibilities of the Office related to MiSSG are hereby transferred from the Department of Treasury to the Director of MiLEAP. The transfer includes the civil service personnel and the records, property, and allocations or other funds associated with scholarship administration.

6. Transfers from the Department of Agriculture and Rural Development

(a) Office of Rural Development

(1) The Michigan Office of Rural Development, created by Executive Directive 2022- 1, within the Michigan Department of Agriculture and Rural Development, is transferred to the Department of Labor and Economic Opportunity by Type II transfer. The transfer includes the civil service personnel and the programs, records, property, and allocations or other funds of the Office.

(2) The Michigan Office of Rural Development shall be renamed the Michigan Office of Rural Prosperity.

7. Transfers from the Department of Natural Resources

(a) State Archives of Michigan

(1) All of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the state archives program, vested in the Department of Natural Resources by Executive Order 2009-36, MCL 399.752, are transferred by Type II transfer to the Department of Technology, Management & Budget, including, but not limited to, any authority, powers, duties, functions, and responsibilities for state archives under the following statutes:

i. Sections 288 and 289 of The Management and Budget Act, Public Act 431 of 1984, MCL 18.1288 and 18.1289.
ii. The Michigan Historical Commission Act, Public Act 271 of 1913, MCL 399.1 to 399.10.
iii. The Michigan History Center Act, Public Act 470 of 2016, MCL 399.801 to 399.812.

iv. Section 2137 of the Revised Judicature Act of 1961, Public Act 236 of 1961, MCL 600.2137.
v. Section 2 of Public Act 8 of 1897, MCL 35.232.
vi. Section 1 of Public Act 54 of 1927, MCL 399.51.
vii. Section 1 of Public Act 55 of 1927, MCL 399.61.
viii. Section 491 of the Michigan Penal Code, Public Act 328 of 1931, MCL 750.491.

(2) The transfer includes the civil service personnel and the programs, records, property, and allocations or other funds of the state archives program.

8. Coordination with the Department of Technology, Management, and Budget

(a) Consistent with applicable laws, regulations, and directives, MiLEAP will coordinate with the Department of Technology, Management, and Budget to use data from ongoing programs to increase efficiency and improve outcomes. This includes data held by the Michigan Center for Data and Analytics and the Center for Educational Performance and Information.

9. Reserved Authority

(a) Nothing in this Executive Order should be construed to diminish the constitutional authority of the State Board of Education to provide leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, and its authority to serve as the general planning and coordinating body for all public education including higher education, and to advise the legislature as to the financial requirements in connection therewith.

(b) Nothing in this Executive Order should be construed to diminish the constitutional authority of the boards of institutions of higher education to supervise their respective institutions and control and direct the expenditure of the institutions' funds.

10. Implementation of Transfers

(a) The Director shall provide executive direction and supervision for the implementation of all transfers of authority under this Order.

(b) The Director shall administer the assigned functions transferred by this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

(c) The Director and the directors of all other state departments and agencies having authority transferred under this Order shall immediately initiate coordination to facilitate the transfers and develop memoranda of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved related to the authority to be transferred.

(d) All records, property, and unexpended balances of appropriations, allocations, or other funds used, held, employed, available to be made for activities, powers, duties, functions, and responsibilities transferred to MiLEAP under this Order are hereby transferred to MiLEAP.

(e) The Director of MiLEAP may delegate a duty or power conferred by law or this Order and the person to whom such duty or power is delegated may perform such duty or exercise such power at the time and to the extent that such duty or power is delegated by the Director of MiLEAP.

(f) All rules, orders, contracts, and agreements related to the functions transferred to MiLEAP by this Order lawfully adopted prior to the effective date of this Order by the responsible state agency shall continue to be effective until revised, amended, or rescinded.

(g) Any suit, action or other proceeding lawfully commenced against, or before any entity transferred to MiLEAP by this Order shall not abate by reason of the taking effect of this Order. Any lawfully commenced suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

(h) If any portion of this order is found to be unenforceable, the unenforceable provision should be disregarded, and the rest of the order should remain in effect as issued.

(i) Consistent with section 2 of article 5 of the Michigan Constitution of 1963, this order is effective December 1,

2023, at 12:01 a.m.

History: 2023, E.R.O. No. 2023-2, Eff. Dec. 1, 2023
Compiler's Notes: Executive Reorganization Order No. 2023-2 was promulgated July 12, 2023, as Executive Order No. 2023-6, Eff. Dec. 1, 2023.For transfer of the growing Michigan together council to the department of labor and economic opportunity by type III transfer, and the abolishment of the council, see E.R.O. No. 2024-2, compiled at MCL 16.735.

STUDENT ONLINE PERSONAL PROTECTION ACT

Act 368 of 2016

AN ACT to prohibit the disclosure or use of certain information.

History: 2016, Act 368, Eff. Mar. 22, 2017

The People of the State of Michigan enact:

388.1291 Short title.

Sec. 1.

This act shall be known and may be cited as the "student online personal protection act".

History: 2016, Act 368, Eff. Mar. 22, 2017

388.1293 Definitions.

Sec. 3.

As used in this act:

(a) "Covered information" means personally identifiable information or material in any media or format that is any of the following:

(i) Created by or provided to an operator by a student, or the student's parent or legal guardian, in the course of the student's, parent's, or legal guardian's use of the operator's site, service, or application for K–12 school purposes.

(ii) Created by or provided to an operator by an employee or agent of a K-12 school or school district for K-12 school purposes.

(iii) Gathered by an operator through the operation of a site, service, or application for K-12 school purposes and personally identifies a student, including, but not limited to, information in the student's educational record or electronic mail, first and last name, home address, telephone number, electronic mail address, or other information that allows physical or online contact, discipline records, test results, special education data, juvenile dependency records, grades, evaluations, criminal records, medical records, health records, social security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious information, text messages, documents, student identifiers, search activity, photos, voice recordings, or geolocation information.

(b) "Interactive computer service" means that term as defined in 47 USC 230.

(c) "K-12 school" means a school that offers any of grades kindergarten to 12 and that is operated by a school district.

(d) "K–12 school purposes" means purposes that are directed by or that customarily take place at the direction of a K-12 school, teacher, or school district or aid in the administration of school activities, including, but not limited to, instruction in the classroom or at home, administrative activities, and collaboration between students, school personnel, or parents, or are for the use and benefit of the school. Other than advertising described in section 5(3)

(b), K-12 school purposes also includes those purposes related to K-12 students preparing for postsecondary education.

(e) "Operator" means, to the extent that it is operating in this capacity, the operator of an Internet website, online service, online application, or mobile application with actual knowledge that the site, service, or application is used primarily for K–12 school purposes and was designed and marketed for K–12 school purposes.

(f) "School district" means a school district, intermediate school district, or public school academy, as those terms are defined in the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

(g) "Service provider" means a person or entity that provides a service that enables users to access content, information, electronic mail, or other services offered over the Internet or a computer network.

(h) "Targeted advertising" means presenting an advertisement to a student where the advertisement is selected based on information obtained or inferred from that student's online behavior, usage of applications, or covered information. Targeted advertising does not include advertising to a student at an online location based upon that student's current visit to that location or single search query without the collection and retention of a student's online activities over time.

History: 2016, Act 368, Eff. Mar. 22, 2017

388.1295 Operator; prohibited conduct; duties; use of disclosed covered information; conditions; scope and limitations of section.

Sec. 5.

(1) An operator shall not knowingly do any of the following:

(a) Engage in targeted advertising on the operator's site, service, or application, or target advertising on any other site, service, or application if the targeting of the advertising is based on any information, including covered information and persistent unique identifiers, that the operator has acquired because of the use of that operator's site, service, or application for K-12 school purposes.

(b) Use information, including persistent unique identifiers, created or gathered by the operator's site, service, or application, to amass a profile about a student except in furtherance of K–12 school purposes. As used in this subdivision, "amass a profile" does not include the collection and retention of account registration records or information that remains under the control of the student, the student's parent or guardian, or K-12 school.

(c) Sell or rent a student's information, including covered information. This subdivision does not apply to the purchase, merger, or other type of acquisition of an operator by another entity, if the operator or successor entity complies with this section regarding previously acquired student information.

(d) Except as otherwise provided in subsection (3), disclose covered information unless the disclosure is made for the following purposes:

(i) In furtherance of the K–12 school purpose of the site, service, or application, if the recipient of the covered information disclosed under this subparagraph does not further disclose the information unless done to allow or improve operability and functionality of the operator's site, service, or application.

(ii) To ensure legal and regulatory compliance or protect against liability.

(iii) To respond to or participate in the judicial process.

(iv) To protect the safety or integrity of users of the site or others or the security of the site, service, or application.

(v) For a school, educational, or employment purpose requested by the student or the student's parent or guardian, provided that that information is not used or further disclosed for any other purpose.

(vi) To a service provider, if the operator contractually prohibits the service provider from using any covered information for any purpose other than providing the contracted service to or on behalf of the operator, prohibits the service provider from disclosing any covered information provided by the operator with subsequent third parties, and requires the service provider to implement and maintain reasonable security procedures and practices. This subparagraph does not prohibit the operator's use of information for maintaining, developing, supporting, improving, or diagnosing the operator's site, service, or application.

(2) An operator shall do all of the following:

(a) Implement and maintain reasonable security procedures and practices appropriate to the nature of the covered information, and protect that covered information from unauthorized access, destruction, use, modification, or disclosure.

(b) Delete a student's covered information if the K-12 school or school district requests deletion of covered information under the control of the K-12 school or school district.

(3) An operator may use or disclose covered information of a student under the following circumstances:

(a) If other provisions of federal or state law require the operator to disclose the information, and the operator complies with the requirements of federal and state law in protecting and disclosing that information.

(b) For legitimate research purposes as required by state or federal law and subject to the restrictions under applicable state and federal law or as allowed by state or federal law and under the direction of a K-12 school, school district, or state department of education, if covered information is not used for advertising or to amass a profile on the student for purposes other than K–12 school purposes.

(c) To a state or local educational agency, including K-12 schools and school districts, for K–12 school purposes, as permitted by state or federal law.

(4) This section does not prohibit an operator from doing any of the following:

(a) Using covered information that is not associated with an identified student within the operator's site, service, or application or other sites, services, or applications owned by the operator to improve educational products.

(b) Using covered information that is not associated with an identified student to demonstrate the effectiveness of the operator's products or services, including in their marketing.

(c) Sharing covered information that is not associated with an identified student for the development and improvement of educational sites, services, or applications.

(d) Using recommendation engines to recommend to a student either of the following:

(i) Additional content relating to an educational, other learning, or employment opportunity purpose within the operator's site, service, or application if the recommendation is not determined in whole or in part by payment or other consideration from a third party.

(ii) Additional services relating to an educational, other learning, or employment opportunity purpose within the operator's site, service, or application if the recommendation is not determined in whole or in part by payment or other consideration from a third party.

(e) Responding to a student's request for information or for feedback to help improve learning without the information or response being determined in whole or in part by payment or other consideration from a third party.

(5) This section does not do any of the following:

(a) Limit the authority of a law enforcement agency to obtain any content or information from an operator as authorized by law or under a court order.

(b) Limit the ability of an operator to use student data, including covered information, for adaptive learning or customized student learning purposes.

(c) Apply to general audience Internet websites, general audience online services, general audience online applications, or general audience mobile applications, even if login credentials created for an operator's site, service, or application may be used to access those general audience sites, services, or applications.

(d) Limit service providers from providing Internet connectivity to schools or students and their families.

(e) Prohibit an operator of an Internet website, online service, online application, or mobile application from marketing educational products directly to parents if the marketing did not result from the use of covered information obtained by the operator through the provision of services covered under this section.

(f) Impose a duty upon a provider of an electronic store, gateway, marketplace, or other means of purchasing or downloading software or applications to review or enforce compliance with this section on those applications or software.

(g) Impose a duty upon a provider of an interactive computer service to review or enforce compliance with this section by third-party content providers.

(h) Prohibit students from downloading, exporting, transferring, saving, or maintaining their own student data or documents.

(i) Prohibit a K-12 school, school district, operator, or service provider from using a student's information, including covered information, solely to identify or display information to the student about or facilitate connection of the student with a not-for-profit institution of higher education or a scholarship opportunity if the K-12 school or school district has first obtained the express written consent of the student's parent or legal guardian or, if the student is age 18 or older or is an emancipated minor, the student. For the purposes of this subdivision, that express written consent may be obtained as a response to the annual notice required under 34 CFR 99.7 and is not required to be in addition to consent given in response to that annual notice.

History: 2016, Act 368, Eff. Mar. 22, 2017

COMPACT FOR EDUCATION

Act 359 of 1972

AN ACT to enact the compact for education; and to provide the terms of the compact.

History: 1972, Act 359, Eff. Mar. 30, 1973

The People of the State of Michigan enact:

388.1301 Compact for education.

Sec. 1.

The compact for education is entered into and enacted into law with all jurisdictions legally joining therein, in the form substantially as follows:

COMPACT FOR EDUCATION

Article I. Purpose and Policy.

(a) It is the purpose of this compact to:

(1) Establish and maintain close cooperation and understanding among executive, legislative, professional educational and lay leadership on a nationwide basis at the state and local levels.

(2) Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

(3) Provide a clearing house of information on matters relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

(4) Facilitate the improvement of state and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

(b) It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.

(c) The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

Article II. State Defined.

As used in this compact, "state" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

Article III. The Commission.

(a) The education commission of the states, hereinafter called "the commission", is established. The commission shall consist of seven members representing each party state. One of such members shall be the governor; two shall be members of the state legislature selected by its respective houses and serving in such manner as the legislature may determine; and four shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. If the laws of a state prevent legislators from serving on the commission, six members shall be appointed and serve at the pleasure of the governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the commission, the guiding principle for the composition of the membership on the commission from each party state shall be that the members representing such state shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, lay and professional, public and nonpublic educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the governor, having responsibility for one or more programs of public education. In addition to the members of the commission representing the party states, there may be not to exceed ten nonvoting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

(b) The members of the commission shall be entitled to one vote each on the commission. No action of the

commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners are present. The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article IV and adoption of the annual report pursuant to Article III(j).

(c) The commission shall have a seal.

(d) The commission shall elect annually, from among its members, a chairman, who shall be a governor, a vice chairman and a treasurer. The commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the commission, and together with the treasurer and such other personnel as the commission may deem appropriate shall be bonded in such amount as the commission shall determine. The executive director shall be secretary.

(e) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission, and shall fix the duties and compensation of such personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.

(f) The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

(g) The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, foundation or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this paragraph or services borrowed pursuant to paragraph (f) of this article shall be reported in the annual report of the commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant or services borrowed, and the identity of the donor or lender.

(h) The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold and convey real and personal property and any interest therein.

(i) The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

(j) The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year. The commission may make such additional reports as it may deem desirable.

Article IV. Powers.

In addition to authority conferred on the commission by other provisions of the compact, the commission shall have authority to:

(1) Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

(2) Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.

(3) Develop proposals for adequate financing of education as a whole and at each of its many levels.

(4) Conduct or participate in research of the types referred to in this article in any instance where the commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.

(5) Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

(6) Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

Article V. Cooperation With Federal Government.

(a) If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States may be represented on the commission by not to exceed ten representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, and may be drawn from any one or more branches of the federal government, but no such representative shall have a vote on the commission.

(b) The commission may provide information and make recommendations to any executive or legislative agency or officer of the federal government concerning the common educational policies of the states, and may advise with

any such agencies or officers concerning any matter of mutual interest.

Article VI. Committees.

(a) To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of 32 members which, subject to the provisions of this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission. One-fourth of the voting membership of the steering committee shall consist of governors, 1/4 shall consist of legislators, and the remainder shall consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of 2 years, except that members elected to the first steering committee of the commission shall be elected as follows: 16 for 1 year and 16 for 2 years. The chairman, vice chairman and treasurer of the commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than 2 terms as a member of the steering committee; provided that service for a partial term of 1 year or less shall not be counted toward the 2 term limitation.

(b) The commission may establish advisory and technical committees composed of state, local and federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to 2 or more of the party states.

(c) The commission may establish such additional committees as its bylaws may provide.

Article VII. Finance.

(a) The commission shall advise the governor or designated officer or officers of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

(b) The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party states.

(c) The commission shall not pledge the credit of any party states. The commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article III(g) of this compact, provided that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it pursuant to Article III(g) thereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

(d) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the commission.

(e) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

(f) Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

Article VIII. Eligible Parties; Entry Into and Withdrawal.

(a) This compact shall have as eligible parties all states, territories, and possessions of the United States, the District of Columbia and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term "governor", as used in this compact, shall mean the closest equivalent official of such jurisdiction.

(b) Any state or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same: Provided that in order to enter into initial effect, adoption by at least ten eligible party jurisdictions shall be required.

(c) Adoption of the compact may be either by enactment thereof or by adherence thereto by the governor: Provided that in the absence of enactment, adherence by the governor shall be sufficient to make his state a party only until December 31, 1967. During any period when a state is participating in this compact through gubernatorial action, the governor shall appoint those persons who, in addition to himself, shall serve as the members of the commission from his state, and shall provide to the commission an equitable share of the financial support of the commission from any source available to him.

(d) Except for a withdrawal effective on December 31, 1967 in accordance with paragraph (c) of this article, any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until 1 year after the governor of the withdrawing state has given notice in writing of the withdrawal to

the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

Article IX. Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

History: 1972, Act 359, Eff. Mar. 30, 1973

388.1302 Education council.

Sec. 2.

The education council composed of the members of the education commission of the states representing this state, and 3 other persons appointed by the governor for terms of 3 years is established within the department of education. The other persons shall be selected so as to be broadly representative of professional and lay interest within this state having the responsibilities for, knowledge with respect to, and interest in educational matters. The chairman shall be designated by the governor from among its members. The council shall meet on the call of its chairman or at the request of a majority of its members, but in any event the council shall meet not less than 3 times in each year. The council may consider any matters relating to recommendations of the education commission of the states and the activities of the members in representing this state thereon.

History: 1972, Act 359, Eff. Mar. 30, 1973

388.1303 Filing bylaws and amendments thereto.

Sec. 3.

Pursuant to Article III(i) of the compact, the commission shall file a copy of its bylaws and any amendment thereto with the department of education.

History: 1972, Act 359, Eff. Mar. 30, 1973

388.1304 Effective date.

Sec. 4.

This act shall not become effective prior to the enactment of an appropriation bill providing suitable funding for its provisions.

History: 1972, Act 359, Eff. Mar. 30, 1973

CAREER EDUCATION ACT

Act 97 of 1974

388.1311-388.1319 Repealed. 1997, Act 93, Eff. Oct. 1, 1997.

ADVISORY COMMITTEE ON THE DEVELOPMENT OF COMPREHENSIVE ARTS EDUCATION PROGRAMS

Act 42 of 1976

388.1351-388.1356 Expired. 1976, Act 42, Eff. Dec. 31, 1978.

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2009-33

388.1361 Transfer of advisory committee for development of educational television system to department of education by type III transfer; abolishment of advisory committee for development of educational television system.

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, abolishing the Advisory Committee for Development of Educational Television System will contribute to a smaller and more efficient state government;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Advisory Committee for Development of Educational Television System" means the committee created under Section 3 of 1966 PA 153, MCL 388.1043.

B. "Department of Education" means the principal department of state government created under Section 300 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.400.

C. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

D. "Superintendent of Public Instruction" means the principal executive officer of the Department of Education required under Article VIII, Section 3 of the Michigan Constitution of 1963.

E. "Type III transfer" means that term as defined under Section 3(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

I. TRANSFER OF AUTHORITY

A. The Advisory Committee for Development of Educational Television System is transferred by Type III transfer to the Department of Education.

B. The Advisory Committee for Development of Educational Television System is abolished.

III. IMPLEMENTATION OF TRANSFERS

A. The Superintendent of Public Instruction shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the Superintendent of Public Instruction in such ways as to promote efficient administration.

C. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Advisory Committee for Development of Educational Television System for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department of Education.

D. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary for the implementation of this Order.

IV. MISCELLANEOUS

A. All rules, orders, contracts, and agreements relating to the functions transferred under this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, or rescinded.

B. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective December 28, 2009 at 12:01 a.m.

History: 2009, E.R.O. No. 2009-33, Eff. Dec. 28, 2009

INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL

Act 68 of 1976

AN ACT entering into the interstate agreement on qualification of educational personnel; and for related purposes.

History: 1976, Act 68, Imd. Eff. Apr. 5, 1976

The People of the State of Michigan enact:

388.1371 Interstate agreement on qualification of educational personnel; form.

Sec. 1.

The interstate agreement on qualification of educational personnel is enacted into law and entered into with all jurisdictions legally joining therein, in the form substantially as follows:

Article 1

Purpose, Findings and Policy

1. The states party to this agreement, desiring by common action to improve their respective school systems by

utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the states party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

2. The party states find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from state to state in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other states. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their state of origin, can increase the available educational resources. Participation in this compact can increase the availability of educational manpower.

Article 2

Definitions

As used in this agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

1. "Educational personnel" means persons who must meet requirements pursuant to state law as a condition of employment in educational programs.

2. "Designated state official" means the education official of a state selected by that state to negotiate and enter into, on behalf of his state, contracts pursuant to this agreement.

3. "Accept", or any variant thereof, means to recognize and give effect to 1 or more determinations of another state relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving state.

4. "State" means a state, territory or possession of the United States: the district of columbia; or the commonwealth of Puerto Rico.

5. "Originating state" means a state (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to article 3.

6. "Receiving state" means a state (and the subdivisions thereof) which accept educational personnel in accordance with the terms of a contract made pursuant to article 3.

Article 3

Interstate Educational Personnel Contracts

1. The designated state official of a party state may make 1 or more contracts on behalf of his state with 1 or more other party states providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the states whose designated state officials enter into it, and the subdivisions of those states, with the same force and effect as if incorporated in this agreement. A designated state official may enter into a contract pursuant to this article only with states in which he finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in his own state.

2. Any such contract shall provide for:

(a) Its duration.

(b) The criteria to be applied by an originating state in qualifying educational personnel for acceptance by a receiving state.

(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

(d) Any other necessary matters.

3. No contract made pursuant to this agreement shall be for a term longer than 5 years but any such contract may be renewed for like or lesser periods.

4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating state approval of the program or programs involved can have occurred. No contract made pursuant to this agreement shall require acceptance by a receiving state of any persons qualified because of successful completion of a program prior to January 1, 1954.

5. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving state.

6. A contract committee composed of the designated state officials of the contracting states or their representatives shall keep the contract under continuous review, study means of improving its administration, and

report no less frequently than once a year to the heads of the appropriate education agencies of the contracting states.

Article 4

Approved and Accepted Programs

1. Nothing in this agreement shall be construed to repeal or otherwise modify any law or regulation of a party state relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that state.

2. To the extent that contracts made pursuant to this agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

Article 5 Interstate Cooperation

The party states agree that:

1. They will, so far as practicable, prefer the making of multi-lateral contracts pursuant to article 3 of this agreement.

2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

Article 6

Agreement Evaluation

The designated state officials of any party state may meet from time to time as a group to evaluate progress under the agreement, and to formulate recommendations for changes. Article 7 Other Arrangements

Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party state or states to facilitate the interchange of educational personnel.

Article 8 Effect and Withdrawal

1. This agreement shall become effective when enacted into law by 2 states. Thereafter it shall become effective as to any state upon its enactment of this agreement.

2. Any party state may withdraw from this agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until 1 year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states.

3. No withdrawal shall relieve the withdrawing state of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

Article 9

Construction and Severability

This agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state participating therein, the agreement shall remain in full force and effect as to the state affected as to all severable matters.

History: 1976, Act 68, Imd. Eff. Apr. 5, 1976

388.1372 Superintendent of public instruction as “designated state official”; contracts generally.

Sec. 2.

The "designated state official" for this state shall be the superintendent of public instruction. He shall enter into contracts pursuant to article 3 of the agreement only with the approval of the state board of education.

History: 1976, Act 68, Imd. Eff. Apr. 5, 1976

388.1373 Filing and publication of contracts.

Sec. 3.

True copies of all contracts made on behalf of this state pursuant to the agreement shall be kept on file in the office of the state department of education and in the office of the secretary of state. The state department of education shall publish all such contracts in convenient form.

History: 1976, Act 68, Imd. Eff. Apr. 5, 1976

THE STATE SCHOOL AID ACT OF 1977

Act 90 of 1977

388.1401-388.1572 Repealed. 1979, Act 94, Eff. Oct. 1, 1979.

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2010-8

388.1581 Transfer of powers and duties of center for educational performance and information advisory committee to P-20 longitudinal data system advisory council; abolishment of center for educational performance and information advisory committee.

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, abolishing the Center for Educational Performance and Information Advisory Committee will contribute to a smaller and more efficient state government;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Department of Technology, Management, and Budget" means the principal department of state government created as the Department of Management and Budget under Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121, and renamed under Executive Order 2009-55, MCL 18.441.

B. "Center for Educational Performance and Information Advisory Committee" means the committee created under Section 94a of the State School Aid Act, 1979 PA 94, MCL 388.1694a.

C. "P-20 Longitudinal Data System Advisory Council" means the council created under Section II of Executive Order 2010-15.

D. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321 and Executive Order 2009-55, MCL 18.441.

E. "State Budget Office" means the office created within the Department of Technology, Management, and Budget under Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321, and renamed under

Executive Order 2009-55, MCL 18.441.

II. TRANSFER OF AUTHORITY

A. The authority, powers, duties, functions, responsibilities, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Center for Educational Performance and Information Advisory Committee are transferred to the P-20 Longitudinal Data System Advisory Council.

B. The Center for Educational Performance and Information Advisory Committee is abolished.

III. IMPLEMENTATION OF TRANSFERS

A. The State Budget Director shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the State Budget Director in such ways as to promote efficient administration.

C. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Center for Educational Performance and Information Advisory Committee and the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the P-20 Longitudinal Data System Advisory Council.

D. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary for the implementation of this Order.

IV. MISCELLANEOUS

A. All rules, orders, contracts, and agreements relating to the functions transferred under this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, or rescinded.

B. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

C. This Order shall not abate any criminal action commenced by this state prior to the effective date of this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective October 18, 2010 at 12:01 a.m.

History: 2010, E.R.O. No. 2010-8, Eff. Oct. 18, 2010

THE STATE SCHOOL AID ACT OF 1979

Act 94 of 1979

AN ACT to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1988, Act 318, Eff. Oct. 1, 1988 ;-- Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991 ;-- Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2011, Act 62, Imd. Eff. June 21, 2011

Compiler's Notes: Sec. 42, as added by Act 207 of 1990, was vetoed by the governor on July 27, 1990.Secs. 43, 92, and 111a, as added by Act 118 of 1991, were vetoed by the governor on October 11, 1991.Sec. 71a, as added by Act 283 of 1994, was vetoed by the governor on July 9, 1994.Secs. 20h, 28b, 56a, and 94a, as added by Act 130 of 1995, were vetoed by the governor on June 30, 1995.Secs. 29 and 95a, as added by Act 300 of 1996, were vetoed by the governor on June 19, 1996.Sec. 11e, as added by Act 372 of 1996, was vetoed by the governor July 3, 1996.Sec. 11j, Sec. 11k, and Sec. 31b, as added by Act 339 of 1998, were vetoed by the governor on October 13, 1998.Secs. 20k and 34, as added by Act 119 of 1999, were vetoed by the governor on July 19, 1999. Secs. 11j and 11l, as added by Act 297 of 2000, were vetoed by the governor on June 26, 2000.Secs. 22d, 22e, and 55a, as added by Act 158 of 2003, were vetoed by the governor on August 11, 2003.Sec. 77, as added by Act 137 of 2007, was vetoed by the governor on November 8, 2007.Secs. 20j, 32c, 57, and 99p, as amended by Act 121 of 2009, were vetoed by the governor on October 19, 2009.Secs. 20j, 32c, and 99p, as amended by Act 110 of 2010, and sec. 92, as added by Act 110 of 2010, were vetoed by the governor on July 7, 2010.Secs. 22d, 25f, 25g, 31b, 31j, 35b, 35d, 55, 61c,61f, 64d, 95b, 99t, 99u, 99v, 99w, 99x, 102d, 104d, and 152b as amended by Act 58 of 2019, and sections 35c, 54e, 67a, 67b, 97, 97a, 99z, and 99bb as added

by Act 58 of 2019, were vetoed by the governor on September 30, 2019.Sec. 252, as amended by Act 62 of 2019, was vetoed by the governor on September 30, 2019.Sec. 152b, as amended by Act 165 of 2020, was vetoed by the governor on September 30, 2020.Secs. 11o and 23d, as added by Act 3 of 2021, were vetoed by the governor on March 9, 2021.Secs. 34a and 78, as added by Act 48 of 2021, were vetoed by the governor on July 13, 2021.Secs. 226f and 275j, as added by Act 86 of 2021, were vetoed by the governor on September 29, 2021.Secs. 226f, 274a, and 275k as added by Act 144 of 2022, were vetoed by the governor on July 14, 2022.

The People of the State of Michigan enact:

ARTICLE I

STATE AID TO PUBLIC SCHOOLS, EARLY CHILDHOOD, AND ADULT EDUCATION

388.1601 Short title.

Sec. 1.

This act shall be known and may be cited as "the state school aid act of 1979".

History: 1979, Act 94, Eff. Oct. 1, 1979
Compiler's Notes: For creation of Michigan public educational facilities authority within department of treasury; transfer of certain powers and duties from Michigan strategic fund and Michigan strategic fund board of directors to Michigan public educational facilities authority and Michigan public educational facilities authority board of trustees; transfer of certain powers and duties of Michigan municipal bond authority and Michigan municipal bond authority board of trustees to Michigan public and educational facilities authority and Michigan public education facilities authority board of trustees, see E.R.O. No. 2002-3, compiled at MCL 12.192 of the Michigan Compiled Laws.

388.1602 Meanings of words and phrases.

Sec. 2.

As used in this article and article IV the words and phrases defined in sections 3 to 6 have the meanings ascribed to them in those sections.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2018, Act 227, Imd. Eff. June 27, 2018 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020

388.1603 Definitions; A to D.

Sec. 3.

(1) "Average daily attendance", for the purposes of complying with federal law, means 92% of the pupils counted in membership on the pupil membership count day, as defined in section 6(7).

(2) "Board" means the governing body of a district or public school academy.

(3) "Center" means the center for educational performance and information created in section 94a.

(4) "Community district" means a school district organized under part 5b of the revised school code, MCL 380.381 to 380.396.

(5) "Cooperative education program" means a written voluntary agreement between and among districts to provide certain educational programs for pupils in certain groups of districts. The written agreement must be approved by all affected districts at least annually and must specify the educational programs to be provided and the estimated number of pupils from each district who will participate in the educational programs.

(6) "Department", except as otherwise provided in this article, means the department of education.

(7) "District" means, except as otherwise specifically provided in this act, a local school district established under the revised school code or, except in sections 6(4), 6(6), 11x, 11y, 11aa, 12c, 13, 20, 22a, 22p, 27l, 31a, 51a(14),

105, 105c, and 166b, a public school academy. Except in section 20, district also includes a community district.

(8) "District of residence", except as otherwise provided in this subsection, means the district in which a pupil's custodial parent or parents or legal guardian resides. For a pupil described in section 24b, the pupil's district of residence is the district in which the pupil enrolls under that section. For a pupil described in section 6(4)(d), the pupil's district of residence is considered to be the district or intermediate district in which the pupil is counted in membership under that section. For a pupil under court jurisdiction who is placed outside the district in which the pupil's custodial parent or parents or legal guardian resides, the pupil's district of residence is considered to be the educating district or educating intermediate district.

(9) "District superintendent" means the superintendent of a district or the chief administrator of a public school academy.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1988, Act 509, Imd. Eff. Dec. 29, 1988 ;-- Am. 1989, Act 235, Imd. Eff. Dec. 21, 1989 ;-- Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991 ;-- Am. 1991, Act 200, Imd. Eff. Jan. 2, 1992 ;-- Am. 1992, Act 148, Eff. Oct. 1, 1992 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1994, Act 283, Eff. Oct. 1, 1994 ;-- Am. 1994, Act 360, Imd. Eff. Dec. 22, 1994 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 180, Imd. Eff. Apr. 19, 1996 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2022, Act 144, Imd. Eff. July 14, 2022 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023

Compiler's Notes: Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1604 Definitions; E to H.

Sec. 4.

(1) "Elementary pupil" means a pupil in membership in grades K to 8 in a district not maintaining classes above grade 8 or in grades K to 6 in a district maintaining classes above grade 8 or a child enrolled and in regular attendance in a publicly funded prekindergarten setting.

(2) "Extended school year" means an educational program conducted by a district in which pupils must be enrolled but not necessarily in attendance on the pupil membership count day in an extended year program. The mandatory clock hours must be completed by each pupil not more than 365 calendar days after the pupil's first day of classes for the school year prescribed. The department shall prescribe pupil, personnel, and other reporting requirements for the educational program.

(3) "Fiscal year" means the state fiscal year that commences October 1 and continues through September 30.

(4) "High school equivalency certificate" means a certificate granted for the successful completion of a high school equivalency test.

(5) "High school equivalency test" means the G.E.D. test developed by the GED Testing Service, the HISET exam administered by PSI Services, or another comparable test approved by the department of labor and economic

opportunity.

(6) "High school equivalency test preparation program" means a program that has high school level courses in English language arts, social studies, science, and mathematics and that prepares an individual to successfully complete a high school equivalency test.

(7) "High school pupil" means a pupil in membership in grades 7 to 12, except in a district not maintaining grades above grade 8.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1985, Act 110, Eff. Oct. 1, 1985 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2016, Act 56, Eff. June 27, 2016 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023

Compiler's Notes: Enacting section 1 of Act 351 of 2004 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

388.1605 Definitions; I.

Sec. 5.

(1) "Intermediate board" means the governing body of an intermediate district.

(2) "Intermediate district" means an intermediate school district established under part 7 of the revised school code.

(3) "Intermediate superintendent" means the superintendent of an intermediate district.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996

388.1606 Additional definitions.

Sec. 6.

(1) "Center program" means a program operated by a district or by an intermediate district for special education pupils from several districts in programs for pupils with autism spectrum disorder, pupils with severe cognitive impairment, pupils with moderate cognitive impairment, pupils with severe multiple impairments, pupils with hearing impairment, pupils with visual impairment, and pupils with physical impairment or other health impairment. Programs for pupils with emotional impairment housed in buildings that do not serve regular education pupils also qualify. Unless otherwise approved by the department, a center program either serves all constituent districts within an intermediate district or serves several districts with less than 50% of the pupils residing in the operating district. In addition, special education center program pupils placed part-time in noncenter programs to comply with the least restrictive environment provisions of section 1412 of the individuals with disabilities education act, 20 USC 1412, may be considered center program pupils for pupil accounting purposes for the time scheduled in either a center program or a noncenter program.

(2) "District and high school graduation rate" means the annual completion and pupil dropout rate that is calculated by the center pursuant to nationally recognized standards.

(3) "District and high school graduation report" means a report of the number of pupils, excluding adult education participants, in the district for the immediately preceding school year, adjusted for those pupils who have transferred into or out of the district or high school, who leave high school with a diploma or other credential of

equal status.

(4) "Membership", except as otherwise provided in this article, means for a district, a public school academy, or an intermediate district the sum of the product of .90 times the number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance in the district, public school academy, or intermediate district on the pupil membership count day for the current school year, plus the product of .10 times the final audited count from the supplemental count day of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance in the district, public school academy, or intermediate district for the immediately preceding school year. A district's, public school academy's, or intermediate district's membership is adjusted as provided under section 25e for pupils who enroll after the pupil membership count day in a strict discipline academy operating under sections 1311b to 1311m of the revised school code, MCL 380.1311b to 380.1311m. All pupil counts used in this subsection are as determined by the department and calculated by adding the number of pupils registered for attendance plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the superintendent, and as corrected by a subsequent department audit. The amount of the foundation allowance for a pupil in membership is determined under section 20. In making the calculation of membership, all of the following, as applicable, apply to determining the membership of a district, a public school academy, or an intermediate district:

(a) Except as otherwise provided in this subsection, and pursuant to subsection (6), a pupil is counted in membership in the pupil's educating district or districts. Except as otherwise provided in this subsection, an individual pupil must not be counted for more than a total of 1.0 full-time equated membership.

(b) If a pupil is educated in a district other than the pupil's district of residence, if the pupil is not being educated as part of a cooperative education program, if the pupil's district of residence does not give the educating district its approval to count the pupil in membership in the educating district, and if the pupil is not covered by an exception specified in subsection (6) to the requirement that the educating district must have the approval of the pupil's district of residence to count the pupil in membership, the pupil is not counted in membership in any district.

(c) A special education pupil educated by the intermediate district is counted in membership in the intermediate district.

(d) A pupil placed by a court or state agency in an on-grounds program of a juvenile detention facility, a child caring institution, or a mental health institution, or a pupil funded under section 53a, is counted in membership in the district or intermediate district approved by the department to operate the program.

(e) A pupil enrolled in the Michigan Schools for the Deaf and Blind is counted in membership in the pupil's intermediate district of residence.

(f) A pupil enrolled in a career and technical education program supported by a millage levied over an area larger than a single district or in an area vocational-technical education program established under section 690 of the revised school code, MCL 380.690, is counted in membership only in the pupil's district of residence.

(g) A pupil enrolled in a public school academy is counted in membership in the public school academy.

(h) For the purposes of this section and section 6a, for a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551, that is in compliance with section 553a of the revised school code, MCL 380.553a, a pupil's participation in the cyber school's educational program is considered regular daily attendance, and for a district or public school academy, a pupil's participation in a virtual course as that term is defined in section 21f is considered regular daily attendance. Beginning July 1, 2021, this subdivision is subject to section 8c. It is the intent of the legislature that the immediately preceding sentence apply retroactively and is effective July 1, 2021. For the purposes of this subdivision, for a pupil enrolled in a cyber school, all of the following apply with regard to the participation requirement as described in this subdivision:

(i) Except as otherwise provided in this subdivision, the pupil shall participate in each scheduled course on pupil membership count day or supplemental count day, as applicable. If the pupil is absent on pupil membership count day or supplemental count day, as applicable, the pupil must attend and participate in class during the next 10 consecutive school days if the absence was unexcused, or during the next 30 calendar days if the absence was excused.

(ii) For a pupil who is not learning sequentially, 1 or more of the following must be met on pupil membership count day or supplemental count day, as applicable, for each scheduled course to satisfy the participation requirement under this subdivision:

(A) The pupil attended a live lesson from the teacher.

(B) The pupil logged into a lesson or lesson activity and the login can be documented.

(C) The pupil and teacher engaged in a subject-oriented telephone conversation.

(D) There is documentation of an email dialogue between the pupil and teacher.

(E) There is documentation of activity or work between the learning coach and pupil.

(F) An alternate form of attendance as determined and agreed upon by the cyber school and the pupil membership auditor was met.

(iii) For a pupil using sequential learning, the participation requirement under this subdivision is satisfied if either of the following occurs:

(A) Except as otherwise provided in this sub-subparagraph, the pupil and the teacher of record or mentor

complete a 2-way interaction for 1 course during the week on which pupil membership count day or supplemental count day, as applicable, occurs, and the 3 consecutive weeks following that week. However, if a school break is scheduled during any of the weeks described in this sub-subparagraph that is 4 or more days in length or instruction has been canceled districtwide during any of the weeks described in this sub-subparagraph for 3 or more school days, the district is not required to ensure that the pupil and the teacher of record or mentor completed a 2-way interaction for that week. As used in this sub-subparagraph:

(I) "2-way interaction" means the communication that occurs between the teacher of record or mentor and pupil, where 1 party initiates communication and a response from the other party follows that communication. Responses as described in this sub-sub-subparagraph must be to the communication initiated by the teacher of record or mentor, and not some other action taken. This interaction may occur through, but is not limited to, means such as email, telephone, instant messaging, or face-to-face conversation. A parent- or legal-guardian-facilitated 2-way interaction is considered a 2-way interaction if the pupil is in any of grades K to 5 and does not yet possess the skills necessary to participate in 2-way interactions unassisted. The interactions described in this sub-sub-subparagraph must relate to a virtual course on the pupil's schedule and pertain to course content or progress.

(II) "Mentor" means a professional employee of the district who monitors the pupil's progress, ensures the pupil has access to needed technology, is available for assistance, and ensures access to the teacher of record. A mentor may also be the teacher of record if the mentor meets the definition of a teacher of record under this sub-subparagraph and the district is the provider for the course.

(III) "Teacher of record" means a teacher to whom all of the following apply:

(1) The teacher is responsible for providing instruction, determining instructional methods for each pupil, diagnosing learning needs, assessing pupil learning, prescribing intervention strategies and modifying lessons, reporting outcomes, and evaluating the effects of instruction and support strategies. The teacher of record may coordinate the distribution and assignment of the responsibilities described in this sub-sub-sub-subparagraph with other teachers participating in the instructional process for a course.

(2) The teacher is certified for the grade level or is working under a valid substitute permit, authorization, or approval issued by the department.

(3) The teacher has a personnel identification code provided by the center.

(IV) "Week" means a period that starts on Wednesday and ends the following Tuesday.

(B) The pupil completes a combination of 1 or more of the following activities for each scheduled course on pupil membership count day or supplemental count day, as applicable:

(I) Documented attendance in a virtual course where synchronous, live instruction occurred with the teacher.

(II) Documented completion of a course assignment.

(III) Documented completion of a course lesson or lesson activity.

(IV) Documented pupil access to an ongoing lesson, which does not include a login.

(V) Documented physical attendance on pupil membership count day or supplemental count day, as applicable, in each scheduled course, if the pupil will attend at least 50% of the instructional time for each scheduled course on-site, face-to-face with the teacher of record. As used in this sub-sub-subparagraph, "teacher of record" means that term as defined in subparagraph (iii)(A).

(iv) For purposes of subparagraph (iii), each scheduled course currently being attempted by the pupil, rather than every course on the pupil's schedule for the entire term, is considered a part of each scheduled course for the pupil.

(i) For a new district or public school academy beginning its operation after December 31, 1994, membership for the first 2 full or partial fiscal years of operation is determined as follows:

(i) If operations begin before the pupil membership count day for the fiscal year, membership is the average number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance on the pupil membership count day for the current school year and on the supplemental count day for the current school year, as determined by the department and calculated by adding the number of pupils registered for attendance on the pupil membership count day plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the superintendent, and as corrected by a subsequent department audit, plus the final audited count from the supplemental count day for the current school year, and dividing that sum by 2.

(ii) If operations begin after the pupil membership count day for the fiscal year and not later than the supplemental count day for the fiscal year, membership is the final audited count of the number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance on the supplemental count day for the current school year.

(j) If a district is the authorizing body for a public school academy, then, in the first school year in which pupils are counted in membership on the pupil membership count day in the public school academy, the determination of the district's membership excludes from the district's pupil count for the immediately preceding supplemental count day any pupils who are counted in the public school academy on that first pupil membership count day who were also counted in the district on the immediately preceding supplemental count day.

(k) For an extended school year program approved by the superintendent, a pupil enrolled, but not scheduled to be in regular daily attendance, on a pupil membership count day, is counted in membership.

(l) To be counted in membership, a pupil must meet the minimum age requirement to be eligible to attend school

under section 1147 of the revised school code, MCL 380.1147, and must be less than 20 years of age on September 1 of the school year except as follows:

(i) A special education pupil who is enrolled and receiving instruction in a special education program or service approved by the department, who does not have a high school diploma, and who is less than 26 years of age as of September 1 of the current school year is counted in membership.

(ii) A pupil who is determined by the department to meet all of the following may be counted in membership:

(A) Is enrolled in a public school academy or an alternative education high school diploma program, that is primarily focused on educating pupils with extreme barriers to education, such as being homeless as that term is defined under 42 USC 11302.

(B) Had dropped out of school.

(C) Is less than 22 years of age as of September 1 of the current school year.

(iii) If a child does not meet the minimum age requirement to be eligible to attend school for that school year under section 1147 of the revised school code, MCL 380.1147, but will be 5 years of age not later than December 1 of that school year, the district may count the child in membership for that school year if the parent or legal guardian has notified the district in writing that the parent or legal guardian intends to enroll the child in kindergarten for that school year.

(m) An individual who has achieved a high school diploma is not counted in membership. An individual who has achieved a high school equivalency certificate is not counted in membership unless the individual is a student with a disability as that term is defined in R 340.1702 of the Michigan Administrative Code. An individual participating in a job training program funded under former section 107a or a jobs program funded under former section 107b, administered by the department of labor and economic opportunity, or participating in any successor of either of those 2 programs, is not counted in membership.

(n) If a pupil counted in membership in a public school academy is also educated by a district or intermediate district as part of a cooperative education program, the pupil is counted in membership only in the public school academy unless a written agreement signed by all parties designates the party or parties in which the pupil is counted in membership, and the instructional time scheduled for the pupil in the district or intermediate district is included in the full-time equated membership determination under subdivision (q) and section 101. However, for pupils receiving instruction in both a public school academy and in a district or intermediate district but not as a part of a cooperative education program, the following apply:

(i) If the public school academy provides instruction for at least 1/2 of the class hours required under section 101, the public school academy receives as its prorated share of the full-time equated membership for each of those pupils an amount equal to 1 times the product of the hours of instruction the public school academy provides divided by the number of hours required under section 101 for full-time equivalency, and the remainder of the full-time membership for each of those pupils is allocated to the district or intermediate district providing the remainder of the hours of instruction.

(ii) If the public school academy provides instruction for less than 1/2 of the class hours required under section 101, the district or intermediate district providing the remainder of the hours of instruction receives as its prorated share of the full-time equated membership for each of those pupils an amount equal to 1 times the product of the hours of instruction the district or intermediate district provides divided by the number of hours required under section 101 for full-time equivalency, and the remainder of the full-time membership for each of those pupils is allocated to the public school academy.

(o) An individual less than 16 years of age as of September 1 of the current school year who is being educated in an alternative education program is not counted in membership if there are also adult education participants being educated in the same program or classroom.

(p) The department shall give a uniform interpretation of full-time and part-time memberships.

(q) The number of class hours used to calculate full-time equated memberships must be consistent with section 101. In determining full-time equated memberships for pupils who are enrolled in a postsecondary institution or for pupils engaged in an internship or work experience under section 1279h of the revised school code, MCL 380.1279h, a pupil is not considered to be less than a full-time equated pupil solely because of the effect of the pupil's postsecondary enrollment or engagement in the internship or work experience, including necessary travel time, on the number of class hours provided by the district to the pupil.

(r) Full-time equated memberships for pupils in kindergarten are determined by dividing the number of instructional hours scheduled and provided per year per kindergarten pupil by the same number used for determining full-time equated memberships for pupils in grades 1 to 12. However, to the extent allowable under federal law, for a district or public school academy that provides evidence satisfactory to the department that it used federal title I money in the 2 immediately preceding school fiscal years to fund full-time kindergarten, full-time equated memberships for pupils in kindergarten are determined by dividing the number of class hours scheduled and provided per year per kindergarten pupil by a number equal to 1/2 the number used for determining full-time equated memberships for pupils in grades 1 to 12. The change in the counting of full-time equated memberships for pupils in kindergarten that took effect for 2012-2013 is not a mandate.

(s) For a district or a public school academy that has pupils enrolled in a grade level that was not offered by the

district or public school academy in the immediately preceding school year, the number of pupils enrolled in that grade level to be counted in membership is the average of the number of those pupils enrolled and in regular daily attendance on the pupil membership count day and the supplemental count day of the current school year. Membership is calculated by adding the number of pupils registered for attendance in that grade level on the pupil membership count day plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the superintendent, and as corrected by subsequent department audit, plus the final audited count from the supplemental count day for the current school year, and dividing that sum by 2.

(t) A pupil enrolled in a cooperative education program may be counted in membership in the pupil's district of residence with the written approval of all parties to the cooperative agreement.

(u) If, as a result of a disciplinary action, a district determines through the district's alternative or disciplinary education program that the best instructional placement for a pupil is in the pupil's home or otherwise apart from the general school population, if that placement is authorized in writing by the district superintendent and district alternative or disciplinary education supervisor, and if the district provides appropriate instruction as described in this subdivision to the pupil at the pupil's home or otherwise apart from the general school population, the district may count the pupil in membership on a pro rata basis, with the proration based on the number of hours of instruction the district actually provides to the pupil divided by the number of hours required under section 101 for full-time equivalency. For the purposes of this subdivision, a district is considered to be providing appropriate instruction if all of the following are met:

(i) The district provides at least 2 nonconsecutive hours of instruction per week to the pupil at the pupil's home or otherwise apart from the general school population under the supervision of a certificated teacher.

(ii) The district provides instructional materials, resources, and supplies that are comparable to those otherwise provided in the district's alternative education program.

(iii) Course content is comparable to that in the district's alternative education program.

(iv) Credit earned is awarded to the pupil and placed on the pupil's transcript.

(v) If a pupil was enrolled in a public school academy on the pupil membership count day, if the public school academy's contract with its authorizing body is revoked or the public school academy otherwise ceases to operate, and if the pupil enrolls in a district within 45 days after the pupil membership count day, the department shall adjust the district's pupil count for the pupil membership count day to include the pupil in the count.

(w) For a public school academy that has been in operation for at least 2 years and that suspended operations for at least 1 semester and is resuming operations, membership is the sum of the product of .90 times the number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance on the first pupil membership count day or supplemental count day, whichever is first, occurring after operations resume, plus the product of .10 times the final audited count from the most recent pupil membership count day or supplemental count day that occurred before suspending operations, as determined by the superintendent.

(x) If a district's membership for a particular fiscal year, as otherwise calculated under this subsection, would be less than 1,550 pupils, the district has 4.5 or fewer pupils per square mile, as determined by the department, and the district does not receive funding under section 22d(2), the district's membership is considered to be the membership figure calculated under this subdivision. If a district educates and counts in its membership pupils in grades 9 to 12 who reside in a contiguous district that does not operate grades 9 to 12 and if 1 or both of the affected districts request the department to use the determination allowed under this sentence, the department shall include the square mileage of both districts in determining the number of pupils per square mile for each of the districts for the purposes of this subdivision. If a district has established a community engagement advisory committee in partnership with the department of treasury, is required to submit a deficit elimination plan or an enhanced deficit elimination plan under section 1220 of the revised school code, MCL 380.1220, and is located in a city with a population between 9,000 and 11,000, as determined by the department, that is in a county with a population between 150,000 and 160,000, as determined by the department, the district's membership is considered to be the membership figure calculated under this subdivision. The membership figure calculated under this subdivision is the greater of the following:

(i) The average of the district's membership for the 3-fiscal-year period ending with that fiscal year, calculated by adding the district's actual membership for each of those 3 fiscal years, as otherwise calculated under this subsection, and dividing the sum of those 3 membership figures by 3.

(ii) The district's actual membership for that fiscal year as otherwise calculated under this subsection.

(y) Full-time equated memberships for special education pupils who are not enrolled in kindergarten but are enrolled in a classroom program under R 340.1754 of the Michigan Administrative Code are determined by dividing the number of class hours scheduled and provided per year by 450. Full-time equated memberships for special education pupils who are not enrolled in kindergarten but are receiving early childhood special education services under R 340.1755 or R 340.1862 of the Michigan Administrative Code are determined by dividing the number of hours of service scheduled and provided per year per pupil by 180.

(z) A pupil of a district that begins its school year after Labor Day who is enrolled in an intermediate district program that begins before Labor Day is not considered to be less than a full-time pupil solely due to instructional time scheduled but not attended by the pupil before Labor Day.

(aa) For the first year in which a pupil is counted in membership on the pupil membership count day in a middle college program, the membership is the average of the full-time equated membership on the pupil membership count day and on the supplemental count day for the current school year, as determined by the department. If a pupil described in this subdivision was counted in membership by the operating district on the immediately preceding supplemental count day, the pupil is excluded from the district's immediately preceding supplemental count for the purposes of determining the district's membership.

(bb) A district or public school academy that educates a pupil who attends a United States Olympic Education Center may count the pupil in membership regardless of whether or not the pupil is a resident of this state.

(cc) A pupil enrolled in a district other than the pupil's district of residence under section 1148(2) of the revised school code, MCL 380.1148, is counted in the educating district.

(dd) For a pupil enrolled in a dropout recovery program that meets the requirements of section 23a, the pupil is counted as 1/12 of a full-time equated membership for each month that the district operating the program reports that the pupil was enrolled in the program and was in full attendance. However, if the special membership counting provisions under this subdivision and the operation of the other membership counting provisions under this subsection result in a pupil being counted as more than 1.0 FTE in a fiscal year, the payment made for the pupil under sections 22a and 22b must not be based on more than 1.0 FTE for that pupil, and any portion of an FTE for that pupil that exceeds 1.0 is instead paid under section 25g. The district operating the program shall report to the center the number of pupils who were enrolled in the program and were in full attendance for a month not later than 30 days after the end of the month. A district shall not report a pupil as being in full attendance for a month unless both of the following are met:

(i) A personalized learning plan is in place on or before the first school day of the month for the first month the pupil participates in the program.

(ii) Either of the following is met:

(A) The pupil meets the district's definition under section 23a of satisfactory monthly progress for that month or, if the pupil does not meet that definition of satisfactory monthly progress for that month, the pupil did meet that definition of satisfactory monthly progress in the immediately preceding month and appropriate interventions, as defined by the district, are implemented within 10 school days after it is determined that the pupil does not meet that definition of satisfactory monthly progress.

(B) For the first 2 months that the pupil participates in the program, the pupil earns 0.25 credit by the end of the second month. A pupil described in this sub-subparagraph may be retroactively reported as being in full attendance for the first month that the pupil participated in the program.

(ee) A pupil participating in a virtual course under section 21f is counted in membership in the district enrolling the pupil.

(ff) If a public school academy that is not in its first or second year of operation closes at the end of a school year and does not reopen for the next school year, the department shall adjust the membership count of the district or other public school academy in which a former pupil of the closed public school academy enrolls and is in regular daily attendance for the next school year to ensure that the district or other public school academy receives the same amount of membership aid for the pupil as if the pupil were counted in the district or other public school academy on the supplemental count day of the preceding school year.

(gg) If a special education pupil is expelled under section 1311 or 1311a of the revised school code, MCL 380.1311 and 380.1311a, and is not in attendance on the pupil membership count day because of the expulsion, and if the pupil remains enrolled in the district and resumes regular daily attendance during that school year, the district's membership is adjusted to count the pupil in membership as if the pupil had been in attendance on the pupil membership count day.

(hh) A pupil enrolled in a community district is counted in membership in the community district.

(ii) A part-time pupil enrolled in a nonpublic school in grades K to 12 in accordance with section 166b must not be counted as more than 0.75 of a full-time equated membership.

(jj) A district that borders another state or a public school academy that operates at least grades 9 to 12 and is located within 20 miles of a border with another state may count in membership a pupil who is enrolled in a course at a college or university that is located in the bordering state and within 20 miles of the border with this state if all of the following are met:

(i) The pupil would meet the definition of an eligible student under the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524, if the course were an eligible course under that act.

(ii) The course in which the pupil is enrolled would meet the definition of an eligible course under the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524, if the course were provided by an eligible postsecondary institution under that act.

(iii) The department determines that the college or university is an institution that, in the other state, fulfills a function comparable to a state university or community college, as those terms are defined in section 3 of the postsecondary enrollment options act, 1996 PA 160, MCL 388.513, or is an independent nonprofit degree-granting college or university.

(iv) The district or public school academy pays for a portion of the pupil's tuition at the college or university in

an amount equal to the eligible charges that the district or public school academy would pay to an eligible postsecondary institution under the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524, as if the course were an eligible course under that act.

(v) The district or public school academy awards high school credit to a pupil who successfully completes a course as described in this subdivision.

(kk) A pupil enrolled in a middle college program may be counted for more than a total of 1.0 full-time equated membership for any of the school years in which the pupil is enrolled in the middle college program, but the total full-time equated membership for that pupil for all of the school years in which the pupil is enrolled in high school must not be greater than 5.00 full-time equated membership if the pupil is enrolled in more than the minimum number of instructional days and hours required under section 101 and the pupil is expected to complete the 5-year program with both a high school diploma and at least 60 transferable college credits or is expected to earn an associate's degree in fewer than 5 years. A pupil who graduates with both a high school diploma and at least 60 transferable college credits or an associate degree at least 1 semester early is considered to have completed the middle college program in fewer than 5 years.

(ll) If a district's or public school academy's membership for a particular fiscal year, as otherwise calculated under this subsection, includes pupils counted in membership who are enrolled under section 166b, all of the following apply for the purposes of this subdivision:

(i) If the district's or public school academy's membership for pupils counted under section 166b equals or exceeds 5% of the district's or public school academy's membership for pupils not counted in membership under section 166b in the immediately preceding fiscal year, then the growth in the district's or public school academy's membership for pupils counted under section 166b must not exceed 10%.

(ii) If the district's or public school academy's membership for pupils counted under section 166b is less than 5% of the district's or public school academy's membership for pupils not counted in membership under section 166b in the immediately preceding fiscal year, then the district's or public school academy's membership for pupils counted under section 166b must not exceed the greater of the following:

(A) Five percent of the district's or public school academy's membership for pupils not counted in membership under section 166b.

(B) Ten percent more than the district's or public school academy's membership for pupils counted under section 166b in the immediately preceding fiscal year.

(iii) If 1 or more districts consolidate or are parties to an annexation, then the calculations under subparagraphs (i) and (ii) must be applied to the combined total membership for pupils counted in those districts for the fiscal year immediately preceding the consolidation or annexation.

(5) "Public school academy" means that term as defined in section 5 of the revised school code, MCL 380.5.

(6) "Pupil" means an individual in membership in a public school. A district must have the approval of the pupil's district of residence to count the pupil in membership, except approval by the pupil's district of residence is not required for any of the following:

(a) A nonpublic part-time pupil enrolled in grades K to 12 in accordance with section 166b.

(b) A pupil receiving 1/2 or less of the pupil's instruction in a district other than the pupil's district of residence.

(c) A pupil enrolled in a public school academy.

(d) A pupil enrolled in a district other than the pupil's district of residence if the pupil is enrolled in accordance with section 105 or 105c.

(e) A pupil who has made an official written complaint or whose parent or legal guardian has made an official written complaint to law enforcement officials and to school officials of the pupil's district of residence that the pupil has been the victim of a criminal sexual assault or other serious assault, if the official complaint either indicates that the assault occurred at school or that the assault was committed by 1 or more other pupils enrolled in the school the pupil would otherwise attend in the district of residence or by an employee of the district of residence. A person who intentionally makes a false report of a crime to law enforcement officials for the purposes of this subdivision is subject to section 411a of the Michigan penal code, 1931 PA 328, MCL 750.411a, which provides criminal penalties for that conduct. As used in this subdivision:

(i) "At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.

(ii) "Serious assault" means an act that constitutes a felony violation of chapter XI of the Michigan penal code, 1931 PA 328, MCL 750.81 to 750.90h, or that constitutes an assault and infliction of serious or aggravated injury under section 81a of the Michigan penal code, 1931 PA 328, MCL 750.81a.

(f) A pupil whose district of residence changed after the pupil membership count day and before the supplemental count day and who continues to be enrolled on the supplemental count day as a nonresident in the district in which the pupil was enrolled as a resident on the pupil membership count day of the same school year.

(g) A pupil enrolled in an alternative education program operated by a district other than the pupil's district of residence who meets 1 or more of the following:

(i) The pupil has been suspended or expelled from the pupil's district of residence for any reason, including, but not limited to, a suspension or expulsion under section 1310, 1311, or 1311a of the revised school code, MCL

380.1310, 380.1311, and 380.1311a.

(ii) The pupil had previously dropped out of school.

(iii) The pupil is pregnant or is a parent.

(iv) The pupil has been referred to the program by a court.

(h) A pupil enrolled in the Michigan Virtual School, for the pupil's enrollment in the Michigan Virtual School.

(i) A pupil who is the child of a person who works at the district or who is the child of a person who worked at the district as of the time the pupil first enrolled in the district but who no longer works at the district due to a workforce reduction. As used in this subdivision, "child" includes an adopted child, stepchild, or legal ward.

(j) An expelled pupil who has been denied reinstatement by the expelling district and is reinstated by another school board under section 1311 or 1311a of the revised school code, MCL 380.1311 and 380.1311a.

(k) A pupil enrolled in a district other than the pupil's district of residence in a middle college program if the pupil's district of residence and the enrolling district are both constituent districts of the same intermediate district.

(l) A pupil enrolled in a district other than the pupil's district of residence who attends a United States Olympic Education Center.

(m) A pupil enrolled in a district other than the pupil's district of residence under section 1148(2) of the revised school code, MCL 380.1148.

(n) A pupil who enrolls in a district other than the pupil's district of residence as a result of the pupil's school not making adequate yearly progress under the no child left behind act of 2001, Public Law 107-110, or the every student succeeds act, Public Law 114-95.

However, if a district educates pupils who reside in another district and if the primary instructional site for those pupils is established by the educating district after 2009-2010 and is located within the boundaries of that other district, the educating district must have the approval of that other district to count those pupils in membership.

(7) "Pupil membership count day" of a district or intermediate district means:

(a) Except as provided in subdivision (b) or (c), either of the following:

(i) The first Wednesday in October each school year.

(ii) For a district or building in which school is not in session on the Wednesday described in subparagraph (i) due to conditions not within the control of school authorities, with the approval of the superintendent, the immediately following day on which school is in session in the district or building.

(b) Except as otherwise provided in subdivision (c), for a district or intermediate district maintaining school during the entire school year, the following days:

(i) Fourth Wednesday in July.

(ii) First Wednesday in October.

(iii) Second Wednesday in February.

(iv) Fourth Wednesday in April.

(c) If a date listed in subdivision (a) or (b) is on a day of religious or cultural significance, as determined by the district or intermediate district, the immediately following day on which school is in session in the district or building.

(8) "Pupils in grades K to 12 actually enrolled and in regular daily attendance" means, except as otherwise provided in this section, pupils in grades K to 12 in attendance and receiving instruction in all classes for which they are enrolled on the pupil membership count day or the supplemental count day, as applicable. Except as otherwise provided in this section and subsection, a pupil who is absent from any of the classes in which the pupil is enrolled on the pupil membership count day or supplemental count day and who does not attend each of those classes during the 10 consecutive school days immediately following the pupil membership count day or supplemental count day, except for a pupil who has been excused by the district, is not counted as 1.0 full-time equated membership. Except as otherwise provided in this section, a pupil who is excused from attendance on the pupil membership count day or supplemental count day and who fails to attend each of the classes in which the pupil is enrolled within 30 calendar days after the pupil membership count day or supplemental count day is not counted as 1.0 full-time equated membership. Except as otherwise provided in this section, in addition, a pupil who was enrolled and in attendance in a district, intermediate district, or public school academy before the pupil membership count day or supplemental count day of a particular year but was expelled or suspended on the pupil membership count day or supplemental count day is only counted as 1.0 full-time equated membership if the pupil resumed attendance in the district, intermediate district, or public school academy within 45 days after the pupil membership count day or supplemental count day of that particular year. Except as otherwise provided in this section, a pupil not counted as 1.0 full-time equated membership due to an absence from a class is counted as a prorated membership for the classes the pupil attended. For purposes of this subsection:

(a) "Appropriately placed" means holding a valid Michigan educator credential with the required grade range and discipline or subject area for the assignment, as defined by the superintendent of public instruction.

(b) "Class" means either of the following, as applicable:

(i) A period of time in 1 day when pupils and an individual who is appropriately placed under a valid certificate, substitute permit, authorization, or approval issued by the department, are together and instruction is taking place. This subdivision does not apply for the 2020-2021, 2021-2022, 2022-2023, and 2023-2024 school years.

(ii) For the 2020-2021, 2021-2022, 2022-2023, and 2023-2024 school years only, a period of time in 1 day when pupils and a certificated teacher, a teacher engaged to teach under section 1233b of the revised school code, MCL 380.1233b, or an individual working under a valid substitute permit, authorization, or approval issued by the department are together and instruction is taking place.

(9) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(10) "The revised school code" means the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

(11) "School district of the first class", "first class school district", and "district of the first class" mean, for the purposes of this article only, a district that had at least 40,000 pupils in membership for the immediately preceding fiscal year.

(12) "School fiscal year" means a fiscal year that commences July 1 and continues through June 30.

(13) "State board" means the state board of education.

(14) "Superintendent", unless the context clearly refers to a district or intermediate district superintendent, means the superintendent of public instruction described in section 3 of article VIII of the state constitution of 1963.

(15) "Supplemental count day" means the day on which the supplemental pupil count is conducted under section 6a.

(16) "Tuition pupil" means a pupil of school age attending school in a district other than the pupil's district of residence for whom tuition may be charged to the district of residence. Tuition pupil does not include a pupil who is a special education pupil, a pupil described in subsection (6)(d) to (n), or a pupil whose parent or guardian voluntarily enrolls the pupil in a district that is not the pupil's district of residence. A pupil's district of residence shall not require a high school tuition pupil, as provided under section 111, to attend another school district after the pupil has been assigned to a school district.

(17) "State school aid fund" means the state school aid fund established in section 11 of article IX of the state constitution of 1963.

(18) "Taxable value" means, except as otherwise provided in this article, the taxable value of property as determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

(19) "Textbook" means a book, electronic book, or other instructional print or electronic resource that is selected and approved by the governing board of a district and that contains a presentation of principles of a subject, or that is a literary work relevant to the study of a subject required for the use of classroom pupils, or another type of course material that forms the basis of classroom instruction.

(20) "Total state aid" or "total state school aid", except as otherwise provided in this article, means the total combined amount of all funds due to a district, intermediate district, or other entity under this article.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1979, Act 112, Imd. Eff. Oct. 4, 1979 ;-- Am. 1979, Act 209, Imd. Eff. Jan. 10, 1980 ;-- Am. 1980, Act 269, Imd. Eff. Sept. 30, 1980 ;-- Am. 1981, Act 36, Eff. Oct. 1, 1981 ;-- Am. 1981, Act 113, Eff. Oct. 1, 1981 ;-- Am. 1981, Act 134, Imd. Eff. Oct. 20, 1981 ;-- Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982 ;-- Am. 1983, Act 218, Imd. Eff. Nov. 16, 1983 ;-- Am. 1984, Act 239, Eff. Oct. 1, 1984 ;-- Am. 1984, Act 253, Imd. Eff. Nov. 29, 1984 ;-- Am. 1985, Act 110, Eff. Oct. 1, 1985 ;-- Am. 1985, Act 144, Imd. Eff. Nov. 4, 1985 ;-- Am. 1986, Act 212, Eff. Oct. 1, 1986 ;-- Am. 1986, Act 298, Imd. Eff. Dec. 22, 1986 ;-- Am. 1987, Act 220, Eff. Dec. 28, 1987 ;-- Am. 1988, Act 318, Eff. Oct. 1, 1988 ;-- Am. 1989, Act 197, Eff. Oct. 1, 1989 ;-- Am. 1989, Act 235, Imd. Eff. Dec. 21, 1989 ;-- Am. 1990, Act 207, Eff. Oct. 1, 1990 ;-- Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991 ;-- Am. 1991, Act 200, Imd. Eff. Jan. 2, 1992 ;-- Am. 1992, Act 148, Eff. Oct. 1, 1992 ;-- Am. 1993, Act 95, Imd. Eff. July 13, 1993 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1994, Act 283, Eff. Oct. 1, 1994 ;-- Am. 1994, Act 360, Imd. Eff. Dec. 22, 1994 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 180, Imd. Eff. Apr. 19, 1996 ;-- Am. 1996, Act 300, Eff. Sept. 1, 1996 ;-- Am. 1997, Act 93, Imd. Eff. Aug. 1, 1997 ;-- Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997 ;-- Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998 ;-- Am. 1998, Act 553, Imd. Eff. Jan. 27, 1999 ;-- Am. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 227, Imd. Eff. July 21, 2004 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 150, Imd. Eff. Sept. 30, 2005 ;-- Am. 2005, Act 155, Imd. Eff. Sept. 30, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Imd. Eff. Aug. 6, 2008 ;-- Am. 2009, Act 73, Imd. Eff. July 9, 2009 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2009, Act 187, Imd. Eff. Dec. 17, 2009 ;-- Am. 2009, Act 203, Imd. Eff. Jan. 4, 2010 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012 ;-- Am. 2012, Act 199, Imd. Eff. June 26, 2012 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2012, Act 465, Imd. Eff. Dec. 28, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2013, Act 130, Imd. Eff. Oct. 9, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2015, Act 139, Eff. Oct. 7, 2015 ;-- Am. 2015, Act 223, Eff. Mar. 16, 2016 ;-- Am. 2016, Act 56, Eff. June 27, 2016 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 185, Eff. Sept. 11, 2018 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2018, Act 266, Eff. Sept. 26, 2018 ;-- Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 146, Imd. Eff. July 31, 2020 ;-- Am. 2020, Act 149, Imd. Eff. Aug. 20, 2020 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2023, Act 203, Eff. Feb. 13, 2024 ;-- Am. 2023, Act 320, Eff. Feb. 13, 2024

Compiler's Notes: The school district pupil accounting for distribution of state aid rules referred to in subsection (2) became effective August 17, 1984.Section 2 of Act 220 of 1987 provides: "In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act is $2,334,299,200.00 and state appropriations to be paid to local units of government are $2,005,216,000.00."Section 4 of Act 220 of 1987 provides: "The changes effected by this amendatory act shall be applied retroactively to October 1, 1987."Subdivisions 4(u), 4(w), and 4(x), as added by Act 300 of 1996, were vetoed by the governor on June 19, 1996.In

subsection (4), as amended by Act 93 of 1997, the following sentences were vetoed by the governor on August 1, 1997: "Membership", except as otherwise provided in this act, means for a district, public school academy, university school, or intermediate district the sum of the product of .6 times the number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance on the pupil membership count day for the current school year, plus the product of .4 times the final audited count from the supplemental count day for the immediately preceding school year, as determined by the department and calculated by adding the number of pupils registered for attendance plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the state board, and as corrected by a subsequent department audit. The amount of the foundation allowance to be paid on behalf of a pupil in membership is determined under section 20.Subdivisions (4)(x) and (4)(y), as amended by Act 93 of 1997, were vetoed by the governor on August 1, 1997.Subdivision (4)(y), as amended by Act 339 of 1998, was vetoed by the governor on October 13, 1998.In subdivsion (4)(y), as amended by Act 297 of 2000, the phrase "2001-2002, and 2002-2003" was vetoed by the governor July 26, 2000.Enacting section 3 of Act 521 of 2002 provides:"Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963."For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Enacting section 1 of Act 351 of 2004 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00.Enacting section 1 of Act 73 of 2009 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."Enacting section 1 of Act 130 of 2013 provides:"Enacting section 1. This amendatory act takes effect October 1, 2013."Enacting section 1 of Act 139 of 2015 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2015 PA 85 and this amendatory act for fiscal year 2015-2016 is estimated at $12,124,885,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2015-2016 are estimated at $11,967,255,600.00."Enacting section 3 of Act 48 of 2021 provides:"Enacting section 3. (1) Except as otherwise provided in subsection (2), this amendatory act takes effect October 1, 2021.(2) Sections 6(8), 6a, 11, 11m, 11n, 11s(3), 22a, 22b, 24, 26c, 29a, 31d, 31f, 39a, 51a, 51c, 51d, 56, 62, 81, 104a, 147a, and 147e of the state school aid act of 1979, 1979 PA 94, MCL 388.1606, 388.1606a, 388.1611, 388.1611m, 388.1611n, 388.1611s, 388.1622a, 388.1622b, 388.1624, 388.1626c, 388.1629a, 388.1631d, 388.1631f, 388.1639a, 388.1651a, 388.1651c, 388.1651d, 388.1656, 388.1662, 388.1681, 388.1704a, 388.1747a, and 388.1747e, as amended and sections 11t, 31p, and 39(9) of the state school aid act of 1979, 1979 PA 94, as added by this amendatory act, take effect upon enactment of this amendatory act."

Admin Rule: R 340.1 et seq. of the Michigan Administrative Code.

388.1606a Supplemental pupil count.

Sec. 6a.

Except as otherwise provided in this act, in addition to the pupil membership count day, there is a supplemental pupil count of the number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance in a district or intermediate district on the second Wednesday in February or, for a district or intermediate district that is not in session on that day due to conditions not within the control of school authorities, with the approval of the superintendent, the immediately following day on which the district is in session. However, if a date described in the immediately preceding sentence is on a day of religious or cultural significance, as determined by the district or intermediate district, the immediately following day on which school is in session is the day on which the supplemental pupil count described in this section must occur. For the purposes of this act, the day on which the supplemental pupil count is conducted is the supplemental count day.

History: Add. 1993, Act 336, Eff. Mar. 15, 1994 ;-- Am. 1994, Act 283, Eff. Oct. 1, 1994 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2020, Act 149, Imd. Eff. Aug. 20, 2020 ;-- Am. 2021, Act 48, Imd. Eff. July 13, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023
Compiler's Notes: This section, as added by Act 336 of 1993, was originally compiled as MCL 388.1606a[1] to distinguish it from a Sec. 6a added by Act 254 of 1992, which pertained to use of alternate pupil membership count day, that was compiled as MCL 388.1606a prior to its repeal by enacting section 3(b) of Act 283 of 1994, Eff. Oct. 1, 1994.Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

388.1606b Enrollment of nonresident pupil; counting pupil in membership; adjustment of educating district's pupil count.

Sec. 6b.

(1) A district enrolling a nonresident pupil with the approval of the pupil's district of residence may count the pupil in membership in a school year if the approval of the pupil's district of residence is received before the end of that school year.

(2) If the approval described in subsection (1) is received by the educating district at any time before the end of its school year, the department shall adjust the educating district's pupil count for the pupil membership count day or the supplemental count day of that school year, or both as necessary to ensure that the pupil is counted in membership in the educating district for those pupil counts for which the pupil was enrolled and in attendance.

History: Add. 1997, Act 24, Imd. Eff. June 16, 1997
Compiler's Notes: Former MCL 388.1606b, which pertained to administration of alternative education, was repealed by Act 130 of 1995, Eff. Oct. 1, 1995.

388.1606c, 388.1606d Repealed. 1996, Act 300, Eff. Oct. 1, 1996.

Compiler's Notes: The repealed sections pertained to alternative education programs and district as authorizing body for public school academy.

388.1607 Expenditures included in costs for school operating purposes.

Sec. 7.

Costs for school operating purposes include all expenditures necessary to carry out the powers and the financial obligations of the district or intermediate district under the revised school code.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1986, Act 212, Eff. Oct. 1, 1986 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 2013, Act 97, Eff. Oct. 1, 2013

388.1608 Repealed. 2003, Act 158, Eff. Oct. 1, 2003.

Compiler's Notes: The repealed section pertained to furnishing annual pupil dropout rate.

388.1608a Repealed. 2007, Act 137, Imd. Eff. Nov. 8, 2007.

Compiler's Notes: The repealed section pertained to grades K-3 average pupil count.

388.1608b Public school academy district code; assignment; cyber school assignment requirements.

Sec. 8b.

(1) The department shall work with the center to assign a district code to each public school academy that is authorized under the revised school code and is eligible to receive funding under this article within 30 days after a contract is submitted to the department by the authorizing body of a public school academy.

(2) If the department or the center does not assign a district code to a public school academy within the 30-day period described in subsection (1), the district code to be used by the department to make payments under this article to the newly authorized public school academy is a number that is equivalent to the sum of the last district code assigned to a public school academy located in the same county as the newly authorized public school academy plus 1. However, if there is not an existing public school academy located in the same county as the newly authorized public school academy, then the district code to be used by the department to make payments under this article to the newly authorized public school academy is a 5-digit number that has the county code in which the public school academy is located as its first 2 digits, 9 as its third digit, 0 as its fourth digit, and 1 as its fifth digit. If the number of public school academies in a county grows to exceed 100, the third digit in this 5-digit number is 7 for the public school academies in excess of 100. If the number of public school academies in a county grows to exceed 200, then the third digit in this 5-digit number is 5 for the public school academies in excess of 200.

(3) For each school of excellence that is a cyber school authorized under part 6e of the revised school code, MCL 380.551 to 380.561, and that is eligible to receive funding under this article, all of the following apply:

(a) The department shall assign a district code that includes as the first 2 digits the county code in which the authorizing body is located.

(b) If the cyber school does not provide instruction at a specific location, all of the following apply:

(i) If the cyber school is authorized by an intermediate district board, the cyber school is assigned to the jurisdiction of that intermediate district.

(ii) If the cyber school is authorized by a district board, the cyber school is assigned to the jurisdiction of the intermediate district in which the district is located.

(iii) If the cyber school is authorized by the board of a community college or governing board of a state public university, the cyber school is assigned to the jurisdiction of the intermediate district in which the administrative office of the cyber school is located.

(c) The intermediate district's jurisdiction to which a cyber school is assigned under this subsection remains the same for as long as that cyber school is in operation unless the cyber school experiences a change in its authorizing body. If a change in the authorizing body of a cyber school described under subdivision (b) occurs, subdivision (b) must be applied to account for the change and the cyber school must be reassigned to the jurisdiction of the applicable intermediate district, as required under subdivision (b).

History: Add. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2007, Act 92, Imd. Eff. Oct. 1, 2007 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019

388.1608c Cyber schools; pupil participation; tracking attendance not required.

Sec. 8c.

(1) Beginning July 1, 2021, the department shall not require, including, but not limited to, through the pupil accounting manual or pupil auditing manual, for any of the following purposes, that a cyber school, as that term is

defined in section 551 of the revised school code, MCL 380.551, ensure that each pupil enrolled in the cyber school participate in all of the hours of educational services made available to the pupil by the cyber school or track a pupil's participation in the educational program offered by the cyber school through attendance:

(a) For the purposes of section 6(4)(h), for establishing a pupil's participation in the cyber school's educational program. However, to the extent that the cyber school is required to track a pupil's participation in the educational program offered by the cyber school through attendance as specifically specified in section 6(4)(h), it shall.

(b) For the receipt of any funding under this act, including, but not limited to, the receipt of funding under section 51a.

(c) For purposes of section 101, for the application of the exemption under section 101(11).

(2) It is the intent of the legislature that this section apply retroactively and is effective July 1, 2021.

History: Add. 2022, Act 144, Imd. Eff. July 14, 2022.

388.1609 Repealed. 1996, Act 300, Eff. Oct. 1, 1996.

Compiler's Notes: The repealed section pertained to rules.

388.1610 Repealed. 1999, Act 119, Imd. Eff. July 20, 1999.

Compiler's Notes: The repealed section pertained to disposition of funds under MCL 432.201 to 432.216 to separate account.

388.1611 Appropriations.

Sec. 11.

(1) For the fiscal year ending September 30, 2025, there is appropriated for the public schools of this state and certain other state purposes relating to education the sum of $17,769,551,300.00 from the state school aid fund, the sum of $78,830,600.00 from the general fund, an amount not to exceed $41,000,000.00 from the community district education trust fund created under section 12 of the Michigan trust fund act, 2000 PA 489, MCL 12.262, an amount not to exceed $125,000,000.00 from the school transportation fund created under section 22k, an amount not to exceed $71,000,000.00 from the enrollment stabilization fund created under section 29, an amount not to exceed $30,000,000.00 from the school meals reserve fund created under section 30e, an amount not to exceed $18,000,000.00 from the great start readiness program reserve fund created under section 32e, an amount not to exceed $334,100,000.00 from the MPSERS retirement obligation reform reserve fund created under section 147b, and an amount not to exceed $30,000,000.00 from the educator fellowship public provider fund created in section 27d. In addition, all available federal funds are only appropriated as allocated in this article for the fiscal year ending September 30, 2025.

(2) The appropriations under this section are allocated as provided in this article. Money appropriated under this section from the general fund must be expended to fund the purposes of this article before the expenditure of money appropriated under this section from the state school aid fund.

(3) Any general fund allocations under this article that are not expended by the end of the fiscal year are transferred to the school aid stabilization fund created under section 11a.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1980, Act 320, Imd. Eff. Dec. 10, 1980 ;-- Am. 1981, Act 36, Eff. Oct. 1, 1981 ;-- Am.

1982, Act 276, Imd. Eff. Oct. 5, 1982 ;-- Am. 1983, Act 169, Eff. Oct. 1, 1983 ;-- Am. 1984, Act 239, Eff. Oct. 1, 1984 ;-- Am. 1985, Act 110, Eff. Oct. 1, 1985 ;-- Am. 1986, Act 212, Eff. Oct. 1, 1986 ;-- Am. 1987, Act 128, Eff. Oct. 1, 1987 ;-- Am. 1987, Act 220, Eff. Dec. 28, 1987 ;-- Am. 1988, Act 318, Eff. Oct. 1, 1988 ;-- Am. 1989, Act 197, Eff. Oct. 1, 1989 ;-- Am. 1990, Act 207, Eff. Oct. 1, 1990 ;-- Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991 ;-- Am. 1992, Act 148, Eff. Oct. 1, 1992 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1994, Act 283, Eff. Oct. 1, 1994 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 180, Imd. Eff. Apr. 19, 1996 ;-- Am. 1996, Act 300, Imd. Eff. June 19, 1996 ;-- Am. 1997, Act 24, Imd. Eff. June 16, 1997 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997 ;-- Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997 ;-- Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998 ;-- Am. 1998, Act 553, Imd. Eff. Jan. 27, 1999 ;-- Am. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 158, Imd. Eff. Aug. 11, 2003 ;-- Am. 2003, Act 236, Imd. Eff. Dec. 29, 2003 ;-- Am. 2004, Act 185, Imd. Eff. July 1, 2004 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2004, Act 518, Imd. Eff. Jan. 3, 2005 ;-- Am. 2005, Act 98, Imd. Eff. July 22, 2005 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Imd. Eff. Aug. 15, 2006 ;-- Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007 ;-- Am. 2007, Act 92, Imd. Eff. Oct. 1, 2007 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 112, Imd. Eff. Apr. 29, 2008 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 73, Imd. Eff. July 9, 2009 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2009, Act 203, Imd. Eff. Jan. 4, 2010 ;-- Am. 2010, Act 110, Imd. Eff. July 8, 2010 ;-- Am. 2010, Act 204, Imd. Eff. Oct. 12, 2010 ;-- Am. 2010, Act 217, Imd. Eff. Dec. 3, 2010 ;-- Am. 2011, Act 62, Imd. Eff. June 21, 2011 ;-- Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011 ;-- Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012 ;-- Am. 2012, Act 201, Imd. Eff. June 26, 2012 ;-- Am. 2012, Act 465, Imd. Eff. Dec. 28, 2012 ;-- Am. 2013, Act 60, Imd. Eff. June 13, 2013 ;-- Am. 2013, Act 97, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 116, Imd. Eff. Apr. 11, 2014 ;-- Am. 2014, Act 196, Imd. Eff. June 24, 2014 ;-- Am. 2015, Act 5, Imd. Eff. Mar. 10, 2015 ;-- Am. 2015, Act 85, Imd. Eff. June 17, 2015 ;-- Am. 2015, Act 139, Eff. Oct. 7, 2015 ;-- Am. 2016, Act 249, Imd. Eff. June 27, 2016 ;-- Am. 2017, Act 108, Imd. Eff. July 14, 2017 ;-- Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017 ;-- Am. 2018, Act 265, Imd. Eff. June 28, 2018 ;-- Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018 ;-- Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019 ;-- Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019 ;-- Am. 2020, Act 146, Imd. Eff. July 31, 2020 ;-- Am. 2020, Act 165, Imd. Eff. Sept. 30, 2020 ;-- Am. 2021, Act 3, Imd. Eff. Mar. 9, 2021 ;-- Am. 2021, Act 47, Imd. Eff. July 7, 2021 ;-- Am. 2021, Act 48, Imd. Eff. July 13, 2021 ;-- Am. 2022, Act 93, Imd. Eff. June 10, 2022 ;-- Am. 2022, Act 144, Imd. Eff. July 14, 2022 ;-- Am. 2022, Act 212, Imd. Eff. Oct. 12, 2022 ;-- Am. 2023, Act 3, Imd. Eff. Feb. 14, 2023 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2023, Act 320, Eff. Feb. 13, 2024 ;-- Am. 2024, Act 120, Imd. Eff. July 23, 2024 ;-- Am. 2024, Act 148, Eff. Apr. 2, 2025

Compiler's Notes: Section 2 of Act 220 of 1987 provides: “In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act is $2,334,299,200.00 and state appropriations to be paid to local units of government are $2,005,216,000.00.”Section 4 of Act 220 of 1987 provides: “The changes effected by this amendatory act shall be applied retroactively to October 1, 1987.”Enacting section 1 of Act 191 of 2002 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2001 PA 121 and 2000 PA 297 from state sources for fiscal year 2001-2002 is estimated at $11,220,561,700.00 and state appropriations to be paid to local units of government for fiscal year 2001-2002 are estimated at $11,181,789,800.00; and total state spending in this amendatory act and in 2001 PA 121 and 2000 PA 297 from state sources for fiscal year 2002-2003 is estimated at $11,472,054,900.00 and state appropriations to be paid to local units of government for fiscal year 2002-2003 are estimated at $11,420,969,500.00.”Enacting section 1 of Act 521 of 2002 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2002 PA 191, 2001 PA 121, and 2000 PA 297 from state sources for fiscal year 2002-2003 is estimated at $11,490,554,900.00 and state appropriations to be paid to local units of government for fiscal year 2002-2003 are estimated at $11,439,469,500.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2003-2004 is estimated at $11,477,080,900.00 and state appropriations to be paid to local units of government for fiscal year 2003-2004 are estimated at $11,431,369,500.00.”Enacting section 3 of Act 521 of 2002 provides:“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Enacting section 1 of Act 236 of 2003 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2003 PA 158 and 2002 PA 521 from state sources for fiscal year 2003-2004 is estimated at $11,290,087,100.00 and state appropriations to be paid to local units of government for fiscal year 2003-2004 are estimated at $11,274,332,800.00.”Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 98 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2004-2005 in this amendatory act, 2004 PA 518, 2004 PA 351, and 2004 PA 185 is estimated at $11,113,522, 200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,050,922,200.00."Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of 2007 PA 6 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2006 PA 342 from state sources for fiscal year 2006-2007 is estimated at $11,596,963,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,492,472,200.00."Enacting section 1 of Act 92 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for the fiscal period beginning October 1, 2007 and ending October 31, 2007 is estimated at $1,052,305,700.00 and state appropriations to be paid to local units of government for the fiscal period beginning October 1, 2007 and ending October 31, 2007 are estimated at $1,044,700,000.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 112 of 2008 provides:"Enacting section 1. In accordance with section 30 of article IX of the

state constitution of 1963, total state spending in this amendatory act and in 2007 PA 137 from state sources for fiscal year 2007-2008 is estimated at $11,421,776,200.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,346,293,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 73 of 2009 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."Enacting section 1 of Act 110 of 2010 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,645,097,700.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,565,511,000.00."(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2010-2011 is estimated at $10,979,765,400.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,854,068,100.00."Enacting section 1 of Act 204 of 2010 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00."Enacting section 1 of Act 217 of 2010 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 204, and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00.(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 110, and in 2009 PA 121 from state sources for fiscal year 2009-2010 is estimated at $10,645,097,700.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,562,169,000.00."Enacting section 1 of Act 62 of 2011 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I as amended by this amendatory act and in 2010 PA 217 from state sources for fiscal year 2010-2011 is estimated at $10,775,902,900.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,673,832,600.00; and total state spending on school aid under article I as amended by this amendatory act from state sources for fiscal year 2011-2012 is estimated at $11,005,741,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2011-2012 are estimated at $10,716,987,100.00. (2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2011-2012 under article II as added by this amendatory act is estimated at $283,880,500.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2011-2012 is estimated at $283,880,500.00. (3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2011-2012 under article III as added by this amendatory act is estimated at $1,263,952,000.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2011-2012 is estimated at $0."Enacting section 1 of Act 299 of 2011 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."Enacting section 1 of Act 29 of 2012 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, in this amendatory act, in 2011 PA 299, and in 2011 PA 62 from state sources for fiscal year 2011-2012 is estimated at $11,085,976,000.00 and state appropriations to be paid to local units of government for fiscal year 2011-2012 are estimated at $10,963,019,500.00."Enacting section 1 of Act 201 of 2012 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1896, as amended by this amendatory act and by 2012 PA 29, 2011 PA 62, and 2011 PA 299, total state spending on school aid from state sources for fiscal year 2011-2012 is estimated at $11,088,852,800.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2011-2012 are estimated at $10,839,921,300.00; and total state spending on school aid from state sources for fiscal year 2012-2013 is estimated at $11,243,487,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2012-2013 are estimated at $10,934,991,200.00. (2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2012-2013 under article II is estimated at $294,130,500.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2012-2013 is estimated at $294,130,500.00. (3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2012-2013 under article III of the state school aid act of 1979, 1979 PA 94, as amended by this amendatory act, is estimated at $1,302,194,000.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2012-2013 is estimated at $0."Enacting section 1 of Act 465 of 2012 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1896, as amended by this amendatory act and by 2012 PA 201, total state spending on school aid from state sources for fiscal year 2012-2013 is estimated at $11,243,645,600.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2011-2012 are estimated at $10,935,149,700.00."Enacting section 1 of Act 60 of 2013 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2012 PA 201, 2012 PA 465, and this amendatory act from state sources for fiscal year 2012-2013 is estimated at $11,211,014,200.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2012-2013 is estimated at $11,032,518,300.00. In accordance with section 30 of article I of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by this amendatory act, from state sources for fiscal year 2013-2014 is estimated at $11,597,382,300.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2013-2014 are estimated at $11,437,124,700.00. (2) In accordance with section 30 of article I of the state constitution of 1963, total state spending on community colleges under article II as amended by 2012 PA 201 and this amendatory act from state sources for fiscal year 2012-2013 is estimated at $306,630,500.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2012-2013 is estimated at $306,630,500.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2013-2014 under article II is estimated at $335,977,600.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2013-2014 is estimated at $335,977,600.00. (3) In

accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2013-2014 under article III is estimated at $1,333,547,100.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2013-2014 is estimated at $0.00."Enacting section 1 of Act 97 of 2013 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by enrolled House Bill No. 4228 of the 97th Legislature and this amendatory act, from state sources for fiscal year 2013-2014 is estimated at $11,602,282,300.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2013-2014 are estimated at $11,442,024,700.00."Enacting section 1 of Act 116 of 2014 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under 2013 PA 60, 2013 PA 130, and this amendatory act from state sources for fiscal year 2013-2014 is estimated at $11,506,132,300.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2013-2014 are estimated at $11,343,224,700.00."Enacting section 1 of Act 196 of 2014 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under 2013 PA 60, 2013 PA 130, 2014 PA 116, and this amendatory act from state sources for fiscal year 2013-2014 is estimated at $11,506,132,300.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2013-2014 are estimated at $11,343,224,700.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article IX as amended by this amendatory act from state sources for fiscal year 2014-2015 is estimated at $12,062,162,900.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2014-2015 are estimated at $11,905,777,600.00. "(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2014-2015 under article II is estimated at $364,724,900.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2014-2015 is estimated at $364,724,900.00. "(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2014-2015 under article III is estimated at $1,419,469,900.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2014-2015 is estimated at $0."Enacting section 1 of Act 5 of 2015 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid in article I under 2014 PA 196 and this amendatory act from state sources for fiscal year 2014-2015 is estimated at $11,878,797,400.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2014-2015 are estimated at $11,720,149,600.00."(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on community colleges in article II under 2014 PA 196 and this amendatory act from state sources for fiscal year 2014-2015 is estimated at $364,724,900.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2014-2015 is estimated at $364,724,900.00."(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on higher education in article III under 2014 PA 196 and this amendatory act from state sources for fiscal year 2014-2015 is estimated at $1,419,469,900.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2014-2015 is estimated at $0."Enacting section 1 of Act 85 of 2015 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on school aid for fiscal year 2014-2015 under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2014 PA 196, 2015 PA 5, and this amendatory act, is estimated at $11,865,797,400.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2014-2015 are estimated at $11,714,612,100.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on school aid for fiscal year 2015-2016 under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by this amendatory act, is estimated at $12,120,560,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2015-2016 are estimated at $11,962,930,600.00. "(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2015-2016 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, as amended by this amendatory act, is estimated at $387,825,600.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2015-2016 is estimated at $387,825,600.00. "(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2015-2016 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1893, as amended by this amendatory act, is estimated at $1,437,698,000.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2015-2016 is estimated at $0.00."Enacting section 1 of Act 139 of 2015 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2015 PA 85 and this amendatory act for fiscal year 2015-2016 is estimated at $12,124,885,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2015-2016 are estimated at $11,967,255,600.00."Enacting section 1 of Act 249 of 2016 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2015 PA 85, 2015 PA 139, and this amendatory act for fiscal year 2015-2016 is estimated at $11,960,539,300.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2015-2016 are estimated at $11,919,909,800.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by this amendatory act, from state sources for fiscal year 2016-2017 is estimated at $12,343,209,400.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2016-2017 are estimated at $12,181,929,700.00. "(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2016-2017 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830a, as amended by this amendatory act, is estimated at $395,925,600.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2016-2017 is estimated at $395,925,600.00. "(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2016-2017 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1893, as amended by this amendatory act, is estimated at $1,481,114,000.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2016-2017 is estimated at $0."Enacting section 1 of Act 108 of 2017 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2016 PA 249 and this amendatory act, for fiscal year 2016-2017 is estimated at $12,320,744,400.00, and state appropriations for school aid to be paid to local units of government for fiscal year 2016-2017 are estimated at $12,158,829,600.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by this amendatory act, for fiscal year 2017-2018 is estimated at $12,853,230,400.00, and state appropriations for school aid to be paid to local units of government for fiscal year 2017-2018 are estimated at $12,677,072,800.00. "(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2017-2018 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, is estimated at $399,326,500.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2017-2018 is

estimated at $399,326,500.00. "(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2017-2018 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, is estimated at $1,517,698,000.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2017-2018 is estimated at $0.00."Enacting section 1 of Act 143 of 2017 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2017 PA 108 and this amendatory act for fiscal year 2017-2018 is estimated at $12,857,370,400.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2017-2018 are estimated at $12,679,972,800.00."Enacting section 1 of Act 265 of 2018 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2017 PA 143 and this amendatory act for fiscal year 2017-2018 is estimated at $12,855,727,300.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2017-2018 are estimated at $12,668,569,700.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by this amendatory act from state sources for fiscal year 2018-2019 is estimated at $13,040,725,300.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2018-2019 are estimated at $12,847,081,000.00. "(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2018-2019 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, is estimated at $408,215,500.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2018-2019 is estimated at $408,215,500.00. "(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2018-2019 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, is estimated at $1,546,206,200.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2018-2019 is estimated at $0.00."Enacting section 1 of Act 586 of 2018 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2018 PA 265 and this amendatory act, from state sources for fiscal year 2018-2019 is estimated at $13,098,645,300.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2018-2019 are estimated at $12,900,901,000.00."Enacting section 1 of Act 58 of 2019 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2018 PA 265, 2018 PA 586, and this amendatory act, from state sources for fiscal year 2018-2019 is estimated at $13,065,260,300.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2018-2019 are estimated at $12,833,016,000.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by this amendatory act, from state sources for fiscal year 2019-2020 is estimated at $13,485,765,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2019-2020 are estimated at $13,244,215,300.00."Enacting section 1 of Act 162 of 2019 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2019 PA 58 and this amendatory act, from state sources for fiscal year 2019-2020 is estimated at $13,427,685,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2019-2020 are estimated at $13,221,615,300.00."(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2019-2020 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, is estimated at $1,557,368,600.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2019-2020 is estimated at $0.00."Enacting section 1 of Act 146 of 2020 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2019 PA 58, 2019 PA 162, and this amendatory act, from state sources for fiscal year 2019-2020 is estimated at $13,051,648,700.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2019-2020 are estimated at $12,845,578,900.00."(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2019-2020 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, is estimated at $378,445,600.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2019-2020 is estimated at $378,445,600.00."(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2019-2020 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, is estimated at $1,393,642,000.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2019-2020 is estimated at $0.00."Enacting section 1 of Act 165 of 2020 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2019 PA 58, 2019 PA 162, 2020 PA 146, and this amendatory act, from state sources for fiscal year 2019-2020 is estimated at $13,051,648,700.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2019-2020 are estimated at $12,845,578,900.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2020 PA 147, 2020 PA 148, 2020 PA 149, and this amendatory act, from state sources for fiscal year 2020-2021 is estimated at $13,718,286,400.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2020-2021 are estimated at $13,546,289,200.00."(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2020-2021 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, is estimated at $425,667,600.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2020-2021 is estimated at $425,667,600.00."(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2020-2021 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, is estimated at $1,573,899,000.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2020-2021 is estimated at $0.00."Enacting section 1 of Act 3 of 2021 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2020 PA 147, 2020 PA 148, 2020 PA 149, 2020 PA 165, and this amendatory act, from state sources for fiscal year 2020-2021 is estimated at $13,888,484,200.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2020-2021 are estimated at $13,716,487,100.00."Enacting section 1 of Act 47 of 2021 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2020 PA 165, 2021 PA 3, and this amendatory act, from state sources for fiscal year 2020-2021 is estimated at $13,888,484,200.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2020-2021 are estimated at $13,716,487,100.00."Enacting section 1 of Act 48 of 2021 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state

school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2020 PA 165, 2021 PA 3, and this amendatory act, from state sources for fiscal year 2020-2021 is estimated at $13,850,072,600.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2020-2021 are estimated at $13,680,775,500.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by this amendatory act, from state sources for fiscal year 2021-2022 is estimated at $14,954,632,200.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2021-2022 are estimated at $14,744,857,700.00."Enacting section 1 of Act 93 of 2022 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2021 PA 48 and this amendatory act, from state sources for fiscal year 2021-2022 is estimated at $14,990,960,200.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2021-2022 are estimated at $13,789,448,200.00."Enacting section 1 of Act 144 of 2022 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2021 PA 48, 2022 PA 93, and this amendatory act, from state sources for fiscal year 2021-2022 is estimated at $14,635,534,200.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2021-2022 are estimated at $13,448,739,600.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by this amendatory act, from state sources for fiscal year 2022-2023 is estimated at $17,078,472,900.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2022-2023 are estimated at $15,764,187,600.00."(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2022-2023 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, as amended by this amendatory act, is estimated at $449,058,000.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2022-2023 is estimated at $449,058,000.00."(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2021-2022 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, as amended by 2021 PA 86 and this amendatory act, is estimated at $1,979,224,800.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2021-2022 is estimated at $0.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2022-2023 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, as amended by this amendatory act, is estimated at $1,893,609,300.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2022-2023 is estimated at $0.00."Enacting section 1 of Act 212 of 2022 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2021 PA 48, 2022 PA 93, 2022 PA 144, and this amendatory act, from state sources for fiscal year 2021-2022 is estimated at $14,635,534,200.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2021-2022 are estimated at $13,448,739,600.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2022 PA 144 and this amendatory act, from state sources for fiscal year 2022-2023 is estimated at $17,090,672,900.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2022-2023 are estimated at $15,764,187,600.00."(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2022-2023 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, as amended by 2022 PA 144 and this amendatory act, is estimated at $1,888,109,300.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2022-2023 is estimated at $0.00."Enacting section 1 of Act 3 of 2023 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2021 PA 48, 2022 PA 93, 2022 PA 144, 2022 PA 212, and this amendatory act, from state sources for fiscal year 2021-2022 is estimated at $14,681,134,200.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2021-2022 are estimated at $13,494,339,600.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2022 PA 144, 2022 PA 212, and this amendatory act, from state sources for fiscal year 2022-2023 is estimated at $17,090,672,900.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2022-2023 are estimated at $15,764,187,600.00."Enacting section 1 of Act 103 of 2023 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2022 PA 144, 2022 PA 212, 2023 PA 3, and by this amendatory act, from state sources for fiscal year 2022-2023 is estimated at $17,632,218,900.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2022-2023 are estimated at $16,036,571,400.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by this amendatory act, from state sources for fiscal year 2023-2024 is estimated at $19,258,857,800.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2023-2024 are estimated at $17,622,688,000.00."(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2023-2024 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, as amended by this amendatory act, is estimated at $544,517,500.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2023-2024 is estimated at $544,517,500.00."(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2022-2023 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, as amended by 2022 PA 144, 2022 PA 212, and this amendatory act, is estimated at $2,088,109,300.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2022-2023 is estimated at $0.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2023-2024 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, as amended by this amendatory act, is estimated at $2,160,022,400.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2022-2023 is estimated at $0.00."Enacting section 1 of Act 320 of 2023 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2022 PA 144, 2022 PA 212, 2023 PA 3, 2023 PA 103, and this amendatory act, from state sources for fiscal year 2022-2023 is estimated at $17,652,218,900.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2022-2023 are estimated at $16,056,571,400.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2023 PA 103 and this amendatory act, from state sources for fiscal year 2023-2024 is estimated at $19,258,857,800.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2023-2024 are estimated at $17,605,138,000.00."(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2023-2024 under article II of the state school aid act of 1979, 1979

PA 94, MCL 388.1801 to 388.1830, as amended by 2023 PA 103 and this amendatory act, is estimated at $549,517,500.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2023-2024 is estimated at $549,517,500.00."Enacting section 1 of Act 120 of 2024 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2023 PA 103, 2023 PA 320, and this amendatory act from state sources for fiscal year 2023-2024 is estimated at $19,367,907,800.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2023-2024 are estimated at $17,837,248,400.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by this amendatory act, from state sources for fiscal year 2024-2025 is estimated at $18,371,481,900.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2024-2025 are estimated at $16,928,443,900.00."(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2023-2024 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, as amended by 2023 PA 103, 2023 PA 320, and this amendatory act, is estimated at $550,817,500.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2023-2024 is estimated at $550,817,500.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2024-2025 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, as amended by this amendatory act, is estimated at $462,220,800.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2024-2025 is estimated at $461,720,800.00."(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2023-2024 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, as amended by 2023 PA 103, 2023 PA 320, and this amendatory act, is estimated at $2,160,022,400.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2023-2024 is estimated at $0.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2024-2025 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, as amended by this amendatory act, is estimated at $2,321,092,600.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2024-2025 is estimated at $70,000.00."Enacting section 1 of Act 148 of 2024 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2024 PA 120 and this amendatory act, from state sources for fiscal year 2024-2025 is estimated at $18,497,481,900.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2024-2025 are estimated at $17,054,443,900.00."

388.1611a School aid stabilization fund; creation; deposit; expenditure; investment; money remaining at close of fiscal year; shortfall; full funding.

Sec. 11a.

(1) The school aid stabilization fund is created as a separate account within the state school aid fund.

(2) The state treasurer may receive money or other assets from any source for deposit into the school aid stabilization fund. The state treasurer shall deposit into the school aid stabilization fund all of the following:

(a) Unexpended and unencumbered state school aid fund revenue for a fiscal year that remains in the state school aid fund as of the bookclosing for that fiscal year.

(b) Money statutorily dedicated to the school aid stabilization fund.

(c) Money appropriated to the school aid stabilization fund.

(3) Money available in the school aid stabilization fund may not be expended without a specific appropriation from the school aid stabilization fund. Money in the school aid stabilization fund must be expended only for purposes for which state school aid fund money may be expended.

(4) The state treasurer shall direct the investment of the school aid stabilization fund. The state treasurer shall credit to the school aid stabilization fund interest and earnings from fund investments.

(5) Money in the school aid stabilization fund at the close of a fiscal year remains in the school aid stabilization fund and does not lapse to the unreserved school aid fund balance or the general fund.

(6) If the maximum amount appropriated under section 11 from the state school aid fund for a fiscal year exceeds the amount available for expenditure from the state school aid fund for that fiscal year, there is appropriated from the school aid stabilization fund to the state school aid fund an amount equal to the projected shortfall as determined by the department of treasury, but not to exceed available money in the school aid stabilization fund. If the money in the school aid stabilization fund is insufficient to fully fund an amount equal to the projected shortfall, the state budget director shall notify the legislature as required under section 296(2) and state payments in an amount equal to the remainder of the projected shortfall must be prorated in the manner provided under section 296(3).

(7) For 2024-2025, in addition to the appropriations in section 11, there is appropriated from the school aid stabilization fund to the state school aid fund the amount necessary to fully fund the allocations under this article.

History: Add. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2005, Act 98, Imd. Eff. July 22, 2005 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;--

Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Former MCL 388.1611a, which pertained to additional appropriations, was repealed by Act 300 of 1996, Eff. Oct. 1, 1996.Enacting section 1 of 2005 PA 98 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2004-2005 in this amendatory act, 2004 PA 518, 2004 PA 351, and 2004 PA 185 is estimated at $11,113,522, 200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,050,922,200.00."Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1611b Repealed. 2005, Act 155, Eff. Oct. 1, 2005.

Compiler's Notes: The repealed section pertained to school aid stabilization fund.

388.1611c Repealed. 2004, Act 351, Eff. Oct. 1, 2004.

Compiler's Notes: The repealed section pertained to deposit to school aid stabilization fund.

388.1611d Repealed. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's Notes: The repealed section pertained to a reduction in state funding for 2019-2020 and payments to districts for 2020-2021.

388.1611e Repealed. 1999, Act 119, Imd. Eff. July 20, 1999.

Compiler's Notes: The repealed section pertained to payments to plaintiff districts pursuant to Durant v State of Michigan.

388.1611f Payments to non-plaintiff districts pursuant to Durant v State of Michigan; payments for fiscal year ending September 30, 2008; submission of waiver resolution; creation of obligation or liability; offer of settlement and compromise; payment date; use of payments; form and substance of resolution; early intervening program.

Sec. 11f.

(1) From the appropriations under section 11, there is allocated for the purposes of this section an amount not to exceed $32,000,000.00 for the fiscal year ending September 30, 2008. Payments under this section will cease after September 30, 2008. These allocations are for paying the amounts described in subsection (4) to districts and intermediate districts, other than those receiving a lump sum payment under subsection (2), that were not plaintiffs in the consolidated cases known as Durant v State of Michigan, Michigan supreme court docket no. 104458-104492 and that, on or before March 2, 1998, submitted to the state treasurer a board resolution waiving any right or interest the district or intermediate district has or may have in any claim or litigation based on or arising out of any claim or potential claim through September 30, 1997 that is or was similar to the claims asserted by the plaintiffs in the consolidated cases known as Durant v State of Michigan. The waiver resolution shall be in form and substance as required under subsection (7). The state treasurer is authorized to accept such a waiver resolution on behalf of this state. The amounts described in this subsection represent offers of settlement and compromise of any claim or claims that were or could have been asserted by these districts and intermediate districts, as described in this subsection.

(2) In addition to any other money appropriated under this act, there was appropriated from the state school aid fund an amount not to exceed $1,700,000.00 for the fiscal year ending September 30, 1999. This appropriation was for paying the amounts described in this subsection to districts and intermediate districts that were not plaintiffs in the consolidated cases known as Durant v State of Michigan; that, on or before March 2, 1998, submitted to the state treasurer a board resolution waiving any right or interest the district or intermediate district had or may have had in any claim or litigation based on or arising out of any claim or potential claim through September 30, 1997 that is or was similar to the claims asserted by the plaintiffs in the consolidated cases known as Durant v State of Michigan; and for which the total amount listed in section 11h and paid under this section was less than $75,000.00. For a district or intermediate district qualifying for a payment under this subsection, the entire amount listed for the district or intermediate district in section 11h was paid in a lump sum on November 15, 1998 or on the next business day following that date. The amounts paid under this subsection represent offers of settlement and compromise of any claim or claims that were or could have been asserted by these districts and intermediate districts, as described in this subsection.

(3) This section does not create any obligation or liability of this state to any district or intermediate district that does not submit a waiver resolution described in this section. This section, any other provision of this act, and section 353e of the management and budget act, 1984 PA 431, MCL 18.1353e, are not intended to admit liability or waive any defense that is or would be available to this state or its agencies, employees, or agents in any litigation or future litigation with a district or intermediate district.

(4) The amount paid each fiscal year to each district or intermediate district under subsection (1) shall be 1/20 of the total amount listed in section 11h for each listed district or intermediate district that qualifies for a payment under subsection (1). The amounts listed in section 11h and paid in part under this subsection and in a lump sum under subsection (2) are offers of settlement and compromise to each of these districts or intermediate districts to resolve, in their entirety, any claim or claims that these districts or intermediate districts may have asserted for violations of section 29 of article IX of the state constitution of 1963 through September 30, 1997, which claims are or were similar to the claims asserted by the plaintiffs in the consolidated cases known as Durant v State of Michigan. This section, any other provision of this act, and section 353e of the management and budget act, 1984 PA 431, MCL 18.1353e, shall not be construed to constitute an admission of liability to the districts or intermediate districts listed in section 11h or a waiver of any defense that is or would have been available to the state or its agencies, employees, or agents in any litigation or future litigation with a district or intermediate district.

(5) The entire amount of each payment under subsection (1) each fiscal year shall be paid on November 15 of the applicable fiscal year or on the next business day following that date.

(6) Funds paid to a district or intermediate district under this section shall be used only for textbooks, electronic instructional material, software, technology, infrastructure or infrastructure improvements, school buses, school security, training for technology, an early intervening program described in subsection (8), or to pay debt service on voter-approved bonds issued by the district or intermediate district before the effective date of this section. For intermediate districts only, funds paid under this section may also be used for other nonrecurring instructional expenditures including, but not limited to, nonrecurring instructional expenditures for vocational education, or for debt service for acquisition of technology for academic support services. Funds received by an intermediate district under this section may be used for projects conducted for the benefit of its constituent districts at the discretion of the intermediate board. To the extent payments under this section are used by a district or intermediate district to pay debt service on debt payable from millage revenues, and to the extent permitted by law, the district or

intermediate district may make a corresponding reduction in the number of mills levied for that debt service.

(7) The resolution to be adopted and submitted by a district or intermediate district under this section and section 11g shall read as follows:

"Whereas, the board of _____ (name of district or intermediate district) desires to settle and compromise, in their entirety, any claim or claims that the district (or intermediate district) has or had for violations of section 29 of article IX of the state constitution of 1963, which claim or claims are or were similar to the claims asserted by the plaintiffs in the consolidated cases known as Durant v State of Michigan, Michigan supreme court docket no. 104458-104492.

Whereas, the district (or intermediate district) agrees to settle and compromise these claims for the consideration described in sections 11f and 11g of the state school aid act of 1979, 1979 PA 94, MCL 388.1611f and 388.1611g, and in the amount specified for the district (or intermediate district) in section 11h of the state school aid act of 1979, 1979 PA 94, MCL 388.1611h.

Whereas, the board of _____ (name of district or intermediate district) is authorized to adopt this resolution.

Now, therefore, be it resolved as follows:

1. The board of _____ (name of district or intermediate district) waives any right or interest it may have in any claim or potential claim through September 30, 1997 relating to the amount of funding the district or intermediate district is, or may have been, entitled to receive under the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, or any other source of state funding, by reason of the application of section 29 of article IX of the state constitution of 1963, which claims or potential claims are or were similar to the claims asserted by the plaintiffs in the consolidated cases known as Durant v State of Michigan, Michigan supreme court docket no. 104458-104492.

2. The board of _____ (name of district or intermediate district) directs its secretary to submit a certified copy of this resolution to the state treasurer no later than 5 p.m. eastern standard time on March 2, 1998, and agrees that it will not take any action to amend or rescind this resolution.

3. The board of _____ (name of district or intermediate district) expressly agrees and understands that, if it takes any action to amend or rescind this resolution, the state, its agencies, employees, and agents shall have available to them any privilege, immunity, and/or defense that would otherwise have been available had the claims or potential claims been actually litigated in any forum.

4. This resolution is contingent on continued payments by the state each fiscal year as determined under sections 11f and 11g of the state school aid act of 1979, 1979 PA 94, MCL 388.1611f and 388.1611g. However, this resolution shall be an irrevocable waiver of any claim to amounts actually received by the school district or intermediate school district under sections 11f and 11g of the state school aid act of 1979.".

(8) An early intervening program that uses funds received under this section shall meet either or both of the following:

(a) Shall monitor individual pupil learning for pupils in grades K to 3 and provide specific support or learning strategies to pupils in grades K to 3 as early as possible in order to reduce the need for special education placement. The program shall include literacy and numeracy supports, sensory motor skill development, behavior supports, instructional consultation for teachers, and the development of a parent/school learning plan. Specific support or learning strategies may include support in or out of the general classroom in areas including reading, writing, math, visual memory, motor skill development, behavior, or language development. These would be provided based on an understanding of the individual child's learning needs.

(b) Shall provide early intervening strategies for pupils in grades K to 3 using school-wide systems of academic and behavioral supports and shall be scientifically research-based. The strategies to be provided shall include at least pupil performance indicators based upon response to intervention, instructional consultation for teachers, and ongoing progress monitoring. A school-wide system of academic and behavioral support should be based on a support team available to the classroom teachers. The members of this team could include the principal, special education staff, reading teachers, and other appropriate personnel who would be available to systematically study the needs of the individual child and work with the teacher to match instruction to the needs of the individual child.

History: Add. 1997, Act 142, Imd. Eff. Nov. 19, 1997 ;-- Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998 ;-- Am. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 119, Imd. Eff. Apr. 14, 2006 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007

Compiler's Notes: Enacting section 3 of Act 521 of 2002 provides:"Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963."For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Enacting section 1 of Act 351 of 2004 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are

estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

388.1611g Allocation; payments for fiscal year ending September 30, 2015; waiver resolution; offers of settlement and compromise; creation of obligation or liability; payment date; use of funds; reduction in number of mills levied for debt service; pledge or assignment of payments; dissolution of district.

Sec. 11g.

(1) From the appropriation in section 11, there is allocated for this section an amount not to exceed $39,500,000.00 for the fiscal year ending September 30, 2015, after which these payments will cease. These allocations are for paying the amounts described in subsection (3) to districts and intermediate districts, other than those receiving a lump-sum payment under section 11f(2), that were not plaintiffs in the consolidated cases known as Durant v State of Michigan, Michigan supreme court docket no. 104458-104492 and that, on or before March 2, 1998, submitted to the state treasurer a waiver resolution described in section 11f. The amounts paid under this section represent offers of settlement and compromise of any claim or claims that were or could have been asserted by these districts and intermediate districts, as described in this section.

(2) This section does not create any obligation or liability of this state to any district or intermediate district that does not submit a waiver resolution described in section 11f. This section and any other provision of this article are not intended to admit liability or waive any defense that is or would be available to this state or its agencies, employees, or agents in any litigation or future litigation with a district or intermediate district regarding these claims or potential claims.

(3) The amount paid each fiscal year to each district or intermediate district under this section shall be 1 of the following:

(a) If the district or intermediate district does not borrow money and issue bonds under section 11i, 1/30 of the total amount listed in section 11h for the district or intermediate district through the fiscal year ending September 30, 2015.

(b) If the district or intermediate district borrows money and issues bonds under section 11i, an amount in each fiscal year calculated by the department of treasury that is equal to the debt service amount in that fiscal year on the bonds issued by that district or intermediate district under section 11i and that will result in the total payments made to all districts and intermediate districts in each fiscal year under this section being no more than the amount appropriated under this section in each fiscal year.

(4) The entire amount of each payment under this section each fiscal year shall be paid on May 15 of the applicable fiscal year or on the next business day following that date. If a district or intermediate district borrows money and issues bonds under section 11i, the district or intermediate district shall use funds received under this section to pay debt service on bonds issued under section 11i. If a district or intermediate district does not borrow money and issue bonds under section 11i, the district or intermediate district shall use funds received under this section only for the following purposes, in the following order of priority:

(a) First, to pay debt service on voter-approved bonds issued by the district or intermediate district before the effective date of this section.

(b) Second, to pay debt service on other limited tax obligations.

(c) Third, for deposit into a sinking fund established by the district or intermediate district under the revised school code.

(5) To the extent payments under this section are used by a district or intermediate district to pay debt service on debt payable from millage revenues, and to the extent permitted by law, the district or intermediate district may make a corresponding reduction in the number of mills levied for debt service.

(6) A district or intermediate district may pledge or assign payments under this section as security for bonds issued under section 11i, but shall not otherwise pledge or assign payments under this section.

(7) If a district eligible for payments under this section is dissolved under section 12 of the revised school code, MCL 380.12, the payment otherwise due to the dissolved district under this section shall be paid instead to the

intermediate district of the dissolved district. The intermediate district of the dissolved district shall perform any functions and responsibilities of the board and other officers of the dissolved district necessary under this section on behalf of the dissolved district. As used in this subsection, "dissolved district" and "receiving district" mean those terms as defined in section 20.

History: Add. 1997, Act 142, Imd. Eff. Nov. 19, 1997 ;-- Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998 ;-- Am. 1998, Act 553, Imd. Eff. Jan. 27, 1999 ;-- Am. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 158, Imd. Eff. Aug. 11, 2003 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2013, Act 97, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014

Compiler's Notes: Enacting section 3 of Act 521 of 2002 provides:“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."Enacting section 1 of Act 97 of 2013 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by enrolled House Bill No. 4228 of the 97th Legislature and this amendatory act, from state sources for fiscal year 2013-2014 is estimated at $11,602,282,300.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2013-2014 are estimated at $11,442,024,700.00."

388.1611h Amounts to districts for settlement, compromise, and resolution of claims pursuant to Durant v State of Michigan; section not to be construed as admission of liability or waiver of defense.

Sec. 11h.

(1) For the purposes of sections 11f and 11g, the following amounts are offered to each district or intermediate district to settle, compromise, and resolve, in their entirety, any claim or claims that those districts or intermediate districts may have asserted for violations of section 29 of article IX of the state constitution of 1963 through September 30, 1997, which claims are or were similar to the claims asserted by the plaintiffs in the consolidated cases known as Durant v State of Michigan, Michigan supreme court docket no. 104458-104492:

CODE	NAME	AMOUNT
02010	Autrain-Onota Public Schools	$ 14,622
02020	Burt Township School District	$ 6,744
02070	Munising Public Schools	$ 185,461
02080	Superior Central School District	$ 96,734
03000	Allegan Intermediate District	$ 648,801
03010	Plainwell Community Schools	$ 741,425
03020	Otsego Public Schools	$ 540,058

03030	Allegan Public Schools	$ 926,426
03040	Wayland Union Schools	$ 731,677
03050	Fennville Public Schools	$ 579,056
03060	Martin Public Schools	$ 139,670
03070	Hopkins Public Schools	$ 255,685
03100	Hamilton Community Schools	$ 401,023
03440	Ganges School District #4	$ 2,201
04000	Alpena-Montmorency-Alcona Intermediate	$ 726,402
04010	Alpena Public Schools	$ 1,042,911
05010	Alba Public Schools	$ 42,367
05035	Central Lake Public Schools	$ 69,082
05040	Bellaire Public Schools	$ 167,614
05060	Elk Rapids Schools	$ 357,615
05065	Ellsworth Community Schools	$ 21,150
05070	Mancelona Public Schools	$ 285,764
06010	Arenac Eastern School District	$ 79,078
06050	Standish Sterling School District	$ 317,341
07020	Baraga Township School District	$ 216,490
07040	L'Anse Area Schools	$ 263,107
08000	Barry Intermediate District	$ 390,738
08010	Delton-Kellogg School District	$ 254,518
08030	Hastings Area School District	$ 615,970
08050	Thornapple-Kellogg School District	$ 794,355
09000	Bay Arenac Intermediate District	$ 3,690,121
09010	Bay City School District	$ 2,957,596
09030	Bangor Township Schools	$ 690,490
09090	Pinconning Area Schools	$ 437,504
10015	Benzie County Central Schools	$ 469,507
10025	Frankfort-Elberta Area Schools	$ 74,090
11000	Berrien Intermediate District	$ 4,488,648
11010	Benton Harbor Area Schools	$ 1,588,343
11030	Lakeshore School District	$ 505,985
11160	Galien Township School District	$ 148,305
11200	New Buffalo Area School District	$ 295,255
11210	Brandywine Public School District	$ 430,713
11240	Berrien Springs Public School District	$ 1,020,853
11250	Eau Claire Public Schools	$ 295,326
11300	Niles Community School District	$ 1,886,362
11310	Buchanan Community School District	$ 415,327
11320	Watervliet School District	$ 333,411
11330	Coloma Community Schools	$ 518,321
11670	Hagar Township School District #6	$ 3,558
12000	Branch Intermediate District	$ 1,591,244
12010	Coldwater Community Schools	$ 533,753
12020	Bronson Community School District	$ 100,766
12040	Quincy Community School District	$ 118,640
13000	Calhoun Intermediate District	$ 2,099,031
13010	Albion Public Schools	$ 682,812
13020	Battle Creek Public Schools	$ 4,924,981
13050	Athens Area Schools	$ 239,614

13070	Harper Creek Community Schools	$ 737,397
13080	Homer Community Schools	$ 243,747
13090	Lakeview School District	$ 672,056
13095	Mar Lee School District	$ 22,341
13110	Marshall Public Schools	$ 499,126
13120	Pennfield School District	$ 295,615
13130	Tekonsha Community Schools	$ 84,152
13135	Union City Community School District	$ 261,232
14000	Lewis Cass Intermediate District	$ 1,156,252
14010	Cassopolis Public Schools	$ 359,167
14020	Dowagiac Union Schools	$ 886,692
14030	Edwardsburg Public Schools	$ 278,671
14050	Marcellus Community Schools	$ 133,119
15000	Charlevoix Emmet Intermediate District	$ 2,656,494
15010	Beaver Island Community Schools	$ 5,291
15020	Boyne City Public School District	$ 340,838
15030	Boyne Falls Public School District	$ 46,285
15060	East Jordan Public School District	$ 124,290
16000	Cheboygan Otsego Presque Isle ISD	$ 484,651
16015	Cheboygan Area Schools	$ 600,684
16050	Inland Lakes School District	$ 121,570
16070	Mackinaw City Public Schools	$ 10,133
16100	Wolverine Community School District	$ 36,114
17000	Eastern Upper Peninsula ISD	$ 686,688
17010	Sault Ste Marie Area Schools	$ 1,375,408
17050	Detour Area Schools	$ 91,341
17090	Pickford Public Schools	$ 50,020
17110	Rudyard Area Schools	$ 167,700
17140	Brimley Area Schools	$ 339,116
17160	Whitefish Schools	$ 7,565
18000	Clare Gladwin Intermediate District	$ 824,976
18010	Clare Public Schools	$ 283,169
18020	Farwell Area Schools	$ 435,856
18060	Harrison Community Schools	$ 548,716
19000	Clinton Intermediate District	$ 1,408,672
19010	Dewitt Public Schools	$ 460,423
19070	Fowler Public Schools	$ 73,794
19100	Bath Community Schools	$ 207,492
19120	Ovid Elsie Area Schools	$ 421,074
19125	Pewamo Westphalia Community Schools	$ 123,323
19140	St. Johns Public Schools	$ 916,394
20015	Crawford Ausable Schools	$ 400,397
21000	Delta Schoolcraft Intermediate District	$ 751,556
21010	Escanaba Area Public Schools	$ 970,743
21025	Gladstone Area Schools	$ 394,007
21060	Rapid River Public Schools	$ 95,894
21065	Big Bay De Noc School District	$ 76,026
21090	Bark River Harris School District	$ 157,932
21135	Mid Peninsula School District	$ 70,668

22000	Dickinson-Iron Intermediate District	$ 886,487
22010	Iron Mountain City School District	$ 235,977
22025	Norway Vulcan Area Schools	$ 106,885
22030	Breitung Township School District	$ 373,341
22045	North Dickinson County School District	$ 108,610
23000	Eaton Intermediate District	$ 1,122,375
23010	Bellevue Community School District	$ 259,295
23030	Charlotte Public Schools	$ 931,778
23050	Eaton Rapids Public Schools	$ 933,405
23060	Grand Ledge Public Schools	$ 1,871,628
23065	Maple Valley School District	$ 406,606
23080	Olivet Community Schools	$ 273,708
23090	Potterville Public Schools	$ 223,936
24020	Harbor Springs School District	$ 129,569
24030	Littlefield Public School District	$ 79,810
24040	Pellston Public School District	$ 87,279
24070	Petoskey Public Schools	$ 324,563
25000	Genesee Intermediate District	$ 6,300,676
25010	Flint City School District	$ 18,747,097
25040	Mt. Morris Consolidated Schools	$ 1,121,625
25060	Bendle Public Schools	$ 404,192
25070	Genesee School District	$ 231,806
25100	Fenton Area Public Schools	$ 1,111,528
25110	Kearsley Community Schools	$ 947,009
25120	Flushing Community Schools	$ 973,174
25130	Atherton Community School District	$ 299,766
25140	Davison Community Schools	$ 1,194,861
25150	Clio Area School District	$ 861,180
25180	Swartz Creek Community Schools	$ 1,281,780
25200	Lake Fenton Schools	$ 459,138
25210	Westwood Heights School District	$ 433,487
25230	Bentley Community School District	$ 416,919
25240	Beecher Community School District	$ 1,684,881
25250	Linden Community School District	$ 693,553
25260	Montrose Community Schools	$ 803,839
25280	Lakeville Community School District	$ 821,048
26010	Beaverton Rural Schools	$ 401,648
26040	Gladwin Community Schools	$ 427,002
27000	Gogebic Ontonagon Intermediate District	$ 558,679
27010	Bessemer City School District	$ 93,392
27020	Ironwood Area Schools	$ 358,358
27060	Marenisco School District	$ 13,053
27070	Wakefield Township School District	$ 76,782
27080	Watersmeet Township School District	$ 49,036
28000	Traverse Bay Intermediate District	$ 4,179,332
28010	Traverse City School District	$ 2,902,639
28035	Buckley Community School District	$ 85,755
28090	Kingsley Area School	$ 233,898
29000	Gratiot-Isabella RESD	$ 470,134
29010	Alma Public Schools	$ 694,386
29020	Ashley Community Schools	$ 74,662

29040	Breckenridge Community Schools	$ 304,118
29050	Fulton Schools	$ 149,274
29060	Ithaca Public Schools	$ 471,693
29100	St. Louis Public Schools	$ 421,142
30000	Hillsdale Intermediate District	$ 1,766,059
30010	Camden Frontier Schools	$ 87,548
30020	Hillsdale Community Public Schools	$ 391,242
30030	Jonesville Community Schools	$ 109,455
30040	Litchfield Community Schools	$ 167,255
30050	North Adams-Jerome Public Schools	$ 61,387
30060	Pittsford Area Schools	$ 202,030
30070	Reading Community Schools	$ 128,460
30080	Waldron Area Schools	$ 98,856
31000	Copper Country Intermediate District	$ 874,467
31010	Hancock Public Schools	$ 177,175
31020	Adams Township School District	$ 20,756
31030	Calumet Public Schools	$ 314,749
31050	Chassell Township School District	$ 627
31100	Osceola Township School District	$ 3,877
31110	Houghton-Portage Township Schools	$ 176,454
31130	Lake Linden Hubbell School District	$ 98,547
32000	Huron Intermediate District	$ 1,188,316
32010	Bad Axe Public Schools	$ 163,568
32030	Caseville Public Schools	$ 29,891
32060	Harbor Beach Community Schools	$ 129,415
32090	Owendale Gagetown Area School District	$ 49,577
32130	Port Hope Community Schools	$ 373
32170	Ubly Community Schools	$ 103,432
33000	Ingham Intermediate District	$ 9,528,160
33020	Lansing Public School District	$ 13,878,055
33040	Dansville Agricultural School	$ 231,154
33060	Haslett Public Schools	$ 533,512
33070	Holt Public Schools	$ 1,436,837
33100	Leslie Public Schools	$ 487,249
33130	Mason Public Schools	$ 1,242,161
33200	Stockbridge Community Schools	$ 538,077
33220	Webberville Community Schools	$ 160,090
33230	Williamston Community Schools	$ 286,724
34000	Ionia Intermediate District	$ 889,225
34010	Ionia Public Schools	$ 1,442,559
34040	Palo Community School District	$ 22,056
34080	Belding Area School District	$ 590,288
34090	Lakewood Public Schools	$ 621,134
34110	Portland Public School District	$ 512,174
34120	Saranac Community Schools	$ 222,518
35000	Iosco Intermediate District	$ 746,867
35010	Oscoda Area Schools	$ 586,953
35020	Hale Area Schools	$ 117,632
35040	Whittemore Prescott Area School District	$ 327,352
36015	Forest Park School District	$ 104,179

36025	West Iron County School District	$ 291,224
37010	Mt. Pleasant City School District	$ 1,661,159
37040	Beal City School	$ 94,455
37060	Shepherd Public School District	$ 537,492
38000	Jackson Intermediate District	$ 5,867,626
38010	Western School District	$ 368,913
38020	Vandercook Lake Public Schools	$ 182,732
38040	Columbia School District	$ 272,872
38050	Grass Lake Community Schools	$ 112,948
38080	Concord Community Schools	$ 136,334
38090	East Jackson Public Schools	$ 262,531
38100	Hanover Horton Schools	$ 210,862
38120	Michigan Center School District	$ 254,956
38130	Napoleon Community Schools	$ 162,981
38140	Northwest School District	$ 557,439
38150	Springport Public Schools	$ 112,368
38170	Jackson Public Schools	$ 4,007,741
39000	Kalamazoo Valley Intermediate District	$ 2,294,305
39010	Kalamazoo City School District	$ 4,620,814
39020	Climax Scotts Community Schools	$ 141,525
39050	Galesburg Augusta Community Schools	$ 491,658
39065	Gull Lake Community Schools	$ 664,438
39130	Parchment School District	$ 413,278
39160	Schoolcraft Community Schools	$ 278,974
39170	Vicksburg Community Schools	$ 606,035
40020	Forest Area Community School District	$ 249,638
40040	Kalkaska Public Schools	$ 536,507
41000	Kent Intermediate District	$ 1,018,499
41010	Grand Rapids City School District	$ 30,052,399
41020	Godwin Heights Public Schools	$ 776,787
41025	Northview Public School District	$ 1,463,294
41026	Wyoming Public Schools	$ 3,510,038
41070	Cedar Springs Public Schools	$ 1,194,520
41080	Comstock Park Public Schools	$ 735,314
41120	Godfrey Lee Public School District	$ 625,281
41130	Grandville Public Schools	$ 2,285,726
41140	Kelloggsville Public Schools	$ 457,811
41150	Kent City Community Schools	$ 634,852
41170	Lowell Area School District	$ 1,191,193
41210	Rockford Public Schools	$ 1,800,045
41240	Sparta Area Schools	$ 1,572,479
43040	Baldwin Community Schools	$ 301,981
44000	Lapeer Intermediate District	$ 1,257,237
44010	Lapeer Community Schools	$ 1,606,732
44020	Almont Community Schools	$ 195,065
44050	Dryden Community Schools	$ 123,137
44060	Imlay City Community Schools	$ 650,688
44090	North Branch Area Schools	$ 361,607
45010	Glen Lake Community School District	$ 147,578
45020	Leland Public School District	$ 74,798

45040	Northport Public School District	$ 103,011
46000	Lenawee Intermediate District	$ 3,474,431
46010	Adrian City School District	$ 1,749,075
46020	Addison Community Schools	$ 228,919
46040	Blissfield Community Schools	$ 216,378
46050	Britton Macon Area School District	$ 48,992
46060	Clinton Community Schools	$ 156,385
46070	Deerfield Public Schools	$ 63,324
46080	Hudson Area Schools	$ 206,641
46090	Madison School District	$ 254,199
46100	Morenci Area Schools	$ 175,792
46110	Onsted Community Schools	$ 204,754
46130	Sand Creek Community Schools	$ 180,402
46140	Tecumseh Public Schools	$ 564,716
47000	Livingston Intermediate District	$ 3,740,653
47010	Brighton Area Schools	$ 1,608,320
47030	Fowlerville Community Schools	$ 458,044
47060	Hartland Consolidated Schools	$ 638,713
47070	Howell Public Schools	$ 1,500,542
47080	Pinckney Community Schools	$ 585,950
48040	Tahquamenon Area Schools	$ 267,875
49010	St. Ignace City School District	$ 199,400
49040	Les Cheneaux Community School District	$ 79,470
49055	Engadine Consolidated Schools	$ 48,728
49070	Moran Township School District	$ 1,018
49110	Mackinac Island Public Schools	$ 19,763
50000	Macomb Intermediate School	$ 20,272,402
50030	Roseville Community Schools	$ 2,720,948
50040	Anchor Bay School District	$ 1,402,309
50050	Armada Area Schools	$ 511,195
50070	Clintondale Community Schools	$ 1,493,807
50080	Chippewa Valley Schools	$ 2,743,571
50130	Lakeview Public Schools	$ 1,303,122
50170	New Haven Community Schools	$ 443,394
50180	Richmond Community Schools	$ 714,909
50190	Romeo Community Schools	$ 1,416,793
51000	Manistee Intermediate District	$ 805,187
51020	Bear Lake School District	$ 68,270
51045	Kaleva Norman - Dickson Schools	$ 143,635
51060	Onekama Consolidated Schools	$ 10,726
51070	Manistee Area Public Schools	$ 309,900
52000	Marquette Alger Intermediate District	$ 931,342
52015	N.I.C.E. Community Schools	$ 487,900
52040	Gwinn Area Community Schools	$ 686,265
52090	Negaunee Public Schools	$ 360,838
52100	Powell Township School District	$ 26,655
52110	Republic Michigamme Schools	$ 111,822
52160	Wells Township School District	$ 4,936
52170	Marquette City School District	$ 1,176,918
52180	Ishpeming Public School District	$ 369,755

53000	Mason Lake Intermediate District	$ 1,418,466
53010	Mason County Central School District	$ 270,895
53020	Mason County Eastern School District	$ 100,000
53030	Freesoil Community School District	$ 28,616
53040	Ludington Area School District	$ 553,370
54000	Mecosta Osceola Intermediate District	$ 1,144,797
54010	Big Rapids Public Schools	$ 301,222
54025	Chippewa Hills School District	$ 603,473
54040	Morley Stanwood Community Schools	$ 298,110
55000	Menominee Intermediate District	$ 596,813
55010	Carney Nadeau Public Schools	$ 36,825
55100	Menominee Area Public Schools	$ 410,849
55115	North Central Area Schools	$ 79,050
55120	Stephenson Area Public Schools	$ 146,858
56000	Midland Intermediate District	$ 778,082
56020	Bullock Creek School District	$ 815,270
56030	Coleman Community School District	$ 405,291
56050	Meridian Public Schools	$ 847,821
57010	Falmouth Elementary School District	$ 11,423
57020	Lake City Area School District	$ 144,279
57030	McBain Agricultural School District	$ 148,767
58000	Monroe Intermediate District	$ 5,938,669
58020	Airport Community School District	$ 968,294
58030	Bedford Public School District	$ 814,625
58050	Dundee Community Schools	$ 290,343
58070	Ida Public School District	$ 904,674
58080	Jefferson Schools-Monroe County	$ 1,122,705
58090	Mason Consolidated School District	$ 404,108
58100	Summerfield School District	$ 196,514
58110	Whiteford Agricultural School District	$ 171,481
59000	Montcalm Area Intermediate District	$ 2,405,905
59020	Carson City Crystal Area School District	$ 248,985
59045	Montabella Community School District	$ 235,193
59070	Greenville Public Schools	$ 937,756
59080	Tri County Area Schools	$ 309,365
59090	Lakeview Community Schools	$ 317,348
59125	Central Montcalm Public Schools	$ 488,104
59150	Vestaburg Community Schools	$ 142,375
60010	Atlanta Community Schools	$ 102,771
60020	Hillman Community Schools	$ 89,566
61000	Muskegon Intermediate District	$ 1,704,192
61010	Muskegon City School District	$ 7,333,232
61020	Muskegon Heights School District	$ 1,665,615
61060	Mona Shores School District	$ 924,108
61065	Oakridge Public Schools	$ 516,766
61080	Fruitport Community Schools	$ 1,340,081
61120	Holton Public Schools	$ 404,703
61180	Montague Area Public Schools	$ 353,974
61190	Orchard View Schools	$ 835,211
61210	Ravenna Public Schools	$ 289,731

61220	Reeths Puffer Schools	$ 1,362,629
61230	North Muskegon Public Schools	$ 104,428
61240	Whitehall School District	$ 566,527
62000	Newaygo Intermediate District	$ 2,002,463
62040	Fremont Public School District	$ 413,415
62050	Grant Public School District	$ 408,836
62060	Hesperia Community School District	$ 258,339
62070	Newaygo Public School District	$ 808,680
62080	Pineview School District	$ 6,754
62090	White Cloud Public Schools	$ 326,623
62470	Big Jackson School District	$ 4,683
63080	Bloomfield Hills School District	$ 6,277,282
63090	Clarenceville School District	$ 1,050,868
63110	Oxford Area Community School District	$ 1,064,497
63130	Hazel Park City School District	$ 4,502,785
63180	Brandon School District	$ 1,573,574
63190	Clarkston Community School District	$ 2,599,329
63210	Holly Area School District	$ 1,652,532
63250	Oak Park City School District	$ 2,742,617
63300	Waterford School District	$ 7,891,782
64000	Oceana Intermediate District	$ 459,987
64040	Hart Public School District	$ 492,658
64070	Pentwater Public School District	$ 50,550
64080	Shelby Public Schools	$ 308,687
64090	Walkerville Rural Community Schools	$ 178,928
65045	West Branch-Rose City Area Schools	$ 597,592
66045	Ewen-Trout Creek Consolidated Schools	$ 125,613
66050	Ontonagon Area Schools	$ 117,972
66070	White Pine School District	$ 38,434
67020	Evart Public Schools	$ 222,644
67050	Marion Public Schools	$ 120,994
67055	Pine River Area Schools	$ 210,897
67060	Reed City Area Public Schools	$ 225,449
68010	Mio Au Sable Schools	$ 188,436
68030	Fairview Area School District	$ 53,298
69020	Gaylord Community Schools	$ 361,967
69030	Johannesburg-Lewiston Schools	$ 302,444
69040	Vanderbilt Area School	$ 78,924
70000	Ottawa Intermediate District	$ 3,134,623
70040	Allendale Public School District	$ 304,155
70120	Coopersville Public School District	$ 547,307
70175	Jenison Public Schools	$ 1,174,903
70190	Hudsonville Public School District	$ 642,115
70300	Spring Lake Public School District	$ 654,764
71050	Onaway Area Community School District	$ 62,371
71060	Posen Cons School District	$ 89,023
71080	Rogers City Area Schools	$ 98,801
72000	C O O R Intermediate District	$ 1,535,012
72010	Gerrish Higgins School District	$ 315,748
73000	Saginaw Intermediate District	$ 3,752,177

73010	Saginaw City School District	$ 9,709,110
73030	Carrollton School District	$ 757,628
73080	Buena Vista School District	$ 774,237
73110	Chesaning Union Schools	$ 586,935
73170	Birch Run Area School District	$ 442,083
73180	Bridgeport-Saulding Community Schools	$ 947,910
73200	Freeland Community School District	$ 245,297
73210	Hemlock Public School District	$ 463,950
73230	Merrill Community School District	$ 313,949
73240	St. Charles Community Schools	$ 217,281
73255	Swan Valley School District	$ 404,732
74000	St. Clair Intermediate District	$ 2,495,753
74010	Port Huron Area School District	$ 5,768,925
74030	Algonac Community School District	$ 683,103
74040	Capac Community School District	$ 637,134
74100	Marysville Public School District	$ 541,674
74120	Memphis Community Schools	$ 236,433
74130	Yale Public Schools	$ 364,744
75000	St. Joseph Intermediate District	$ 1,557,997
75010	Sturgis Public School District	$ 667,172
75020	Burr Oak Community School District	$ 31,806
75030	Centreville Public Schools	$ 239,843
75040	Colon Community School District	$ 136,247
75050	Constantine Public School District	$ 295,041
75060	Mendon Community School District	$ 220,774
75070	White Pigeon Community School District	$ 166,233
75080	Three Rivers Community Schools	$ 903,838
75100	Nottawa Community School	$ 30,147
76000	Sanilac Intermediate District	$ 694,073
76060	Brown City Community School District	$ 174,912
76070	Carsonville-Port Sanilac School District	$ 93,165
76080	Croswell Lexington Community Schools	$ 410,871
76090	Deckerville Community School District	$ 118,766
76140	Marlette Community Schools	$ 284,291
76180	Peck Community School District	$ 35,198
76210	Sandusky Community School District	$ 308,221
77010	Manistique Area Schools	$ 310,466
78000	Shiawassee RESD	$ 3,184,986
78020	Byron Area Schools	$ 191,551
78030	Durand Area Schools	$ 540,453
78040	Laingsburg Community School District	$ 114,818
78060	Morrice Area Schools	$ 85,394
78070	New Lothrop Area Public School District	$ 105,582
78080	Perry Public School District	$ 273,749
78100	Corunna Public School District	$ 454,571
78110	Owosso Public Schools	$ 885,887
79000	Tuscola Intermediate District	$ 1,095,027
79010	Akron Fairgrove Schools	$ 76,917
79020	Caro Community Schools	$ 476,124
79030	Cass City Public Schools	$ 250,135

79080	Kingston Community School District	$ 27,113
79090	Mayville Community School District	$ 267,475
79100	Millington Community Schools	$ 258,045
79110	Reese Public Schools	$ 164,035
79145	Unionville Sebewaing Area Schools	$ 98,025
79150	Vassar Public Schools	$ 271,839
80000	Van Buren Intermediate District	$ 3,864,085
80010	South Haven Public Schools	$ 619,864
80020	Bangor Public Schools	$ 246,071
80040	Covert Public Schools	$ 179,845
80050	Decatur Public Schools	$ 214,070
80090	Bloomingdale Public School District	$ 303,179
80110	Gobles Public School District	$ 145,320
80120	Hartford Public School District	$ 475,713
80130	Lawrence Public School District	$ 94,596
80140	Lawton Community School District	$ 190,087
80150	Mattawan Consolidated School District	$ 312,724
80160	Paw Paw Public School District	$ 301,501
81000	Washtenaw Intermediate District	$ 2,724,063
81040	Chelsea School District	$ 518,995
81050	Dexter Community School District	$ 962,834
81070	Lincoln Consolidated School District	$ 1,492,337
81080	Manchester Community School District	$ 472,632
81100	Milan Area Schools	$ 572,621
81120	Saline Area School District	$ 1,624,108
81140	Whitmore Lake Public School District	$ 496,133
81150	Willow Run Community Schools	$ 2,071,518
82000	Wayne Intermediate District	$ 8,287,172
82010	Detroit City School District	$ 118,608,866
82040	Dearborn Heights School District #7	$ 849,305
82045	Melvindale Allen Park Schools	$ 836,448
82050	Garden City School District	$ 5,839,085
82060	Hamtramck Public Schools	$ 1,734,517
82070	Highland Park City Schools	$ 1,875,555
82080	Inkster City School District	$ 1,252,453
82090	Lincoln Park Public Schools	$ 2,194,776
82110	Redford Union School District	$ 5,630,439
82120	River Rouge City Schools	$ 885,742
82130	Romulus Community Schools	$ 2,366,586
82150	Taylor School District	$ 6,396,657
82160	Wayne-Westland Community School District	$ 14,003,645
82170	Wyandotte City School District	$ 3,732,656
82180	Flat Rock Community Schools	$ 549,211
82240	Westwood Community Schools	$ 1,762,599
82250	Ecorse Public School District	$ 656,734
82340	Huron School District	$ 1,302,779
82405	Southgate Community School District	$ 1,037,284
82430	Van Buren Public Schools	$ 3,312,445
83000	Wexford Missaukee Intermediate District	$ 1,625,243
83010	Cadillac Area Public Schools	$ 468,432

83060	Manton Consolidated Schools	$ 118,182
83070	Mesick Consolidated School District	$ 88,208

(2) This section, any other provision of this act, or section 353e of the management and budget act, 1984 PA 431, MCL 18.1353e, shall not be construed to constitute an admission of liability to the districts designated in this section in any litigation or future litigation with a district or intermediate district. In addition, this section, any other provision of this act, or section 353e of the management and budget act, 1984 PA 431, MCL 18.1353e, shall not be construed to constitute a waiver of any defense that is or would have been available to this state or its agencies, employees, or agents in any litigation or future litigation with a district or intermediate district.

History: Add. 1997, Act 142, Imd. Eff. Nov. 19, 1997
Compiler's Notes: In the above table, the entry for "Bridgeport-Saulding Community Schools" should evidently read "Bridgeport-Spaulding Community Schools."

388.1611i Borrowing money and issuing bonds.

Sec. 11i.

(1) In addition to any other authority granted under law, an eligible district or intermediate district may borrow from the Michigan municipal bond authority created under the shared credit rating act, 1985 PA 227, MCL 141.1051 to 141.1077, an amount equal to 1/2 of the amount listed for the district or intermediate district in section 11h, in anticipation of the receipt of the payments appropriated under section 11g, and may authorize by resolution of its governing body and issue its bonds to evidence its obligations to the Michigan municipal bond authority on the terms and with those provisions as are provided by resolution of the board of the district or intermediate district and as are acceptable to the Michigan municipal bond authority if the bonds are accompanied by an opinion of bond counsel acceptable to the Michigan municipal bond authority to the effect that the interest on the bonds is excluded from gross income for federal income tax purposes. For the purposes of this section, an eligible district or intermediate district is a district or intermediate district, other than a district or intermediate district that receives a lump sum payment under section 11f(2), that qualifies to receive funds under sections 11f and 11g and that notifies the department of treasury not later than 5 p.m. eastern daylight time on June 30, 1998, in the form and manner prescribed by the department of treasury, that the district or intermediate district will borrow money and issue bonds under this section or is a district, other than a district that receives a lump sum payment under section 11f(2), that qualifies to receive funds under sections 11f and 11g, that has a membership of less than 2,000 full-time equated pupils, that has not submitted to the department of treasury a letter stating its intent not to borrow from the Michigan municipal bond authority, and that notified the department of treasury not later than 5 p.m. eastern daylight time on July 14, 1998, in the form and manner prescribed by the department of treasury, that the district will borrow money and issue bonds under this section. A district or intermediate district may pledge and assign to the Michigan municipal bond authority, as security for the bonds, all of the payments appropriated to it under section 11g but may not otherwise pledge or assign those payments. Bonds issued under this section are not subject to the municipal finance act, 1943 PA 202, MCL 131.1 to 139.3.

(2) Proceeds of bonds issued under this section shall be made available to districts and intermediate districts on or after November 15, 1998. Each district and intermediate district shall use proceeds of bonds issued by it under this section only for a purpose for which bonds may be issued under section 1351a of the revised school code, MCL 380.1351a.

(3) Bonds issued under this section do not constitute a general obligation or debt of a district or intermediate district within the meaning of any constitutional or statutory debt limitation.

(4) This section shall be construed as cumulative authority for the exercise of the powers granted in this section and shall not be construed to repeal any existing law. The purpose of this section is to create full and complete additional and alternate methods for the exercise of existing powers, and the powers conferred by this section are not affected or limited by any other statute or by any charter or incorporating document.

(5) A pledge made by a district or intermediate district under this section is valid and binding from the time the pledge is made. The revenue or other money pledged under this section and thereafter received by a district or intermediate district is immediately subject to the lien of the pledge without physical delivery of the revenue or money or any further act. The lien of such a pledge is valid and binding against a party having a claim of any kind in tort, contract, or otherwise against the district or intermediate district, irrespective of whether that party has notice of the pledge. The resolution or any other instrument by which a pledge is created is not required to be filed or

recorded in order to establish and perfect a lien or security interest in the property pledged.

(6) Bonds issued under this section are not in any way a debt or liability of this state; do not create or constitute any indebtedness, liability, or obligation of this state; are not and do not constitute a pledge of the faith and credit of this state; and shall contain on their face a statement to that effect.

History: Add. 1997, Act 142, Imd. Eff. Nov. 19, 1997 ;-- Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998

388.1611j School loan bond redemption fund.

Sec. 11j.

From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $23,000,000.00 for 2024-2025 for payments to the school loan bond redemption fund in the department of treasury on behalf of districts and intermediate districts. Notwithstanding section 296 or any other provision of this act, funds allocated under this section are not subject to proration and must be paid in full.

History: Add. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 351, Imd. Eff. Sept. 30, 2004 ;-- Am. 2005, Act 98, Imd. Eff. July 22, 2005 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007 ;-- Am. 2007, Act 92, Imd. Eff. Oct. 1, 2007 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 112, Imd. Eff. Apr. 29, 2008 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 73, Imd. Eff. July 9, 2009 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2010, Act 204, Imd. Eff. Oct. 12, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Imd. Eff. June 27, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 98 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2004-2005 in this amendatory act, 2004 PA 518, 2004 PA 351, and 2004 PA 185 is estimated at $11,113,522, 200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,050,922,200.00."Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 92 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for the fiscal period beginning October 1, 2007 and ending October 31, 2007 is estimated at $1,052,305,700.00 and state appropriations to be paid to local units of government for the fiscal period beginning October 1, 2007 and ending October 31, 2007 are estimated at $1,044,700,000.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 112 of 2008 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2007 PA 137 from state sources for fiscal year 2007-2008 is estimated at $11,421,776,200.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,346,293,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 73 of 2009 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."Enacting section 1 of Act 204 of 2010 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00."Enacting section 1 of Act 299 of 2011 provides:"Enacting section 1. In accordance with section 30 of article IX of the

state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."

388.1611k School loan revolving fund.

Sec. 11k.

For 2024-2025, there is appropriated from the general fund to the school loan revolving fund an amount equal to the amount of school bond loans assigned to the Michigan finance authority, not to exceed the total amount of school bond loans held in reserve as long-term assets. As used in this section, "school loan revolving fund" means that fund created in section 16c of the shared credit rating act, 1985 PA 227, MCL 141.1066c.

History: Add. 2005, Act 155, Imd. Eff. Sept. 30, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: Former MCL 388.1611k, which pertained to project grants to districts, was repealed by Act 111 of 2001, Imd. Eff. Sept. 28, 2001.Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1611m Fiscal year cash-flow borrowing costs.

Sec. 11m.

From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 an amount not to exceed $1,000,000.00 for fiscal year cash-flow borrowing costs solely related to the state school aid fund established under section 11 of article IX of the state constitution of 1963.

History: Add. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Imd. Eff. July 8, 2010 ;-- Am. 2010, Act 217, Imd. Eff. Dec. 3, 2010 ;-- Am. 2011, Act 62, Imd. Eff. June 21, 2011 ;-- Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011 ;-- Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012 ;-- Am. 2012, Act 201, Imd. Eff. June 26, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 116, Imd. Eff. Apr. 11, 2014 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 5, Imd. Eff. Mar. 10, 2015 ;-- Am. 2015, Act 85, Imd. Eff. June 17, 2015 ;-- Am. 2016, Act 249, Imd. Eff. June 27, 2016 ;-- Am. 2017, Act 108, Imd. Eff. July 14, 2017 ;-- Am. 2018, Act 265, Imd. Eff. June 28, 2018 ;-- Am.

2019, Act 58, Imd. Eff. Sept. 30, 2019 ;-- Am. 2020, Act 146, Imd. Eff. July 31, 2020 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Imd. Eff. July 13, 2021 ;-- Am. 2022, Act 144, Imd. Eff. July 14, 2022 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."Enacting section 1 of Act 217 of 2010 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 204, and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00.(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 110, and in 2009 PA 121 from state sources for fiscal year 2009-2010 is estimated at $10,645,097,700.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,562,169,000.00."Enacting section 1 of Act 299 of 2011 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."

388.1611n Repealed. 2022, Act 144, Eff. Oct. 1, 2022.

Compiler's Notes: Former MCL 388.1611n, which pertained to 21st century schools fund, was repealed by Act 121 of 2009, Imd. Eff. Oct. 19, 2009.The repealed section pertained to the allocation of federal funds under the governor's emergency education relief (GEER) fund and elementary and secondary school emergency relief (ESSER) fund for payments to districts.

388.1611o Repealed. 2022, Act 144, Eff. Oct. 1, 2022.

Compiler's Notes: Former MCL 388.1611o, which pertained to allocations for certain early childhood services, early intervention services, summer great start readiness programs, and summer early childhood programs, was repealed by Act 108 of 2017, Eff. Oct. 1, 2017.The repealed section pertained to the allocation of federal funds to nonpublic schools.

388.1611p Repealed. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's Notes: The repealed section pertained to federal funding to districts from the coronavirus relief fund under the coronavirus aid, relief, and economic security act.

388.1611q Repealed. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's Notes: The repealed section pertained to an appropriation from the countercyclical budget and economic stabilization fund for 2019-2020.

388.1611r Repealed. 2022, Act 144, Eff. Oct. 1, 2022.

Compiler's Notes: Former MCL 388.1611r, which pertained to distressed districts emergency grant fund, was repealed by Act 108 of 2017, Eff. Oct. 1, 2017.The repealed section pertained to payments from the elementary and secondary school emergency relief (ESSER) fund, spending plan requirements, and subgrants to local educational agencies.

388.1611s Services and programs for children residing within cities for which executive proclamation of emergency concerning drinking water issued under MCL 30.401 to 30.421; employment of school nurses, classroom aides, school social workers, and community health workers; nutritional services; interventions and supports for certain students; payment schedule.

Sec. 11s.

(1) From the state school aid fund money appropriated in section 11, there is allocated $5,000,000.00 for 2024-2025 and from the general fund money appropriated in section 11, there is allocated $3,075,000.00 for 2024-2025 for the purpose of providing services and programs to children who reside within the boundaries of a district with the majority of its territory located within the boundaries of a city for which an executive proclamation of emergency concerning drinking water is issued in the current or immediately preceding 9 fiscal years under the emergency management act, 1976 PA 390, MCL 30.401 to 30.421, and that has at least 4,500 pupils in membership for the 2016-2017 fiscal year or has at least 2,700 pupils in membership for a fiscal year after 2016-2017.

(2) From the general fund money allocated in subsection (1), there is allocated to a district with the majority of its territory located within the boundaries of a city for which an executive proclamation of emergency concerning drinking water is issued in the current or immediately preceding 9 fiscal years under the emergency management act, 1976 PA 390, MCL 30.401 to 30.421, and that has at least 4,500 pupils in membership for the 2016-2017 fiscal year or has at least 2,700 pupils in membership for a fiscal year after 2016-2017, an amount not to exceed $2,425,000.00 for 2024-2025 for the purpose of employing school nurses, classroom aides, school social workers, and community health workers; for the provision of behavioral or mental health supports, parental engagement activities, community coordination activities, and other support services; and for purchasing program supplies. The district shall provide a report to the department in a form, manner, and frequency prescribed by the department. The department shall provide a copy of that report to the governor, the house and senate school aid subcommittees, the house and senate fiscal agencies, and the state budget director within 5 days after receipt. The report must provide at least the following information:

(a) How many personnel were hired using the funds allocated under this subsection.

(b) A description of the services provided to pupils by those personnel.

(c) How many pupils received each type of service identified in subdivision (b).

(d) Any other information the department considers necessary to ensure that the children described in subsection (1) received appropriate levels and types of services.

(3) For 2024-2025, from the general fund money allocated in subsection (1), there is allocated an amount not to exceed $650,000.00 for nutritional services to children described in subsection (1).

(4) For 2024-2025, from the state school aid fund money allocated in subsection (1), there is allocated an amount not to exceed $5,000,000.00 to an intermediate district that has a constituent district described in subsection (2) for interventions and supports for students in grades K to 12 who were impacted by an executive proclamation of emergency described in subsection (1) concerning drinking water. Funds under this subsection must be used for behavioral supports, social workers, counselors, psychologists, nursing services, including, but not limited to, vision and hearing services, transportation services, parental engagement, community coordination, and other support services.

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

History: Add. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Imd. Eff. July 14, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;--

Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Enacting section 3 of Act 48 of 2021 provides:"Enacting section 3. (1) Except as otherwise provided in subsection (2), this amendatory act takes effect October 1, 2021.(2) Sections 6(8), 6a, 11, 11m, 11n, 11s(3), 22a, 22b, 24, 26c, 29a, 31d, 31f, 39a, 51a, 51c, 51d, 56, 62, 81, 104a, 147a, and 147e of the state school aid act of 1979, 1979 PA 94, MCL 388.1606, 388.1606a, 388.1611, 388.1611m, 388.1611n, 388.1611s, 388.1622a, 388.1622b, 388.1624, 388.1626c, 388.1629a, 388.1631d, 388.1631f, 388.1639a, 388.1651a, 388.1651c, 388.1651d, 388.1656, 388.1662, 388.1681, 388.1704a, 388.1747a, and 388.1747e, as amended and sections 11t, 31p, and 39(9) of the state school aid act of 1979, 1979 PA 94, as added by this amendatory act, take effect upon enactment of this amendatory act."

388.1611t Repealed. 2022, Act 144, Eff. Oct. 1, 2022.

Compiler's Notes: Former MCL 388.1611t which pertained to legislative intent to change name of state school aid fund to comprehensive education fund was repealed by Act 60 of 2013, Eff. Oct. 1, 2013.The repealed section pertained to payments from the elementary and secondary school emergency relief (ESSER) fund for interventions, activities, and programs for disproportionate impact of COVID-19.

388.1611u Repealed. 2013, Act 60, Eff. Oct. 1, 2013.

Compiler's Notes: The repealed section pertained to legislative intent to examine funding structure.

388.1611v Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to Detroit public schools community district literacy settlement agreement and literacy equity task force.

388.1611w Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to payments for a forced closure as result of pupil violence.

388.1611x School consolidation and infrastructure fund.

Sec. 11x.

(1) The school consolidation and infrastructure fund is created as a separate account within the state school aid fund for the purpose of improving student academic outcomes, increasing the efficiency of the state's public education system, and creating a healthy and safe space for students in this state.

(2) The state treasurer may receive money or other assets from any source for deposit into the school consolidation and infrastructure fund. The state treasurer shall direct the investment of the school consolidation and infrastructure fund. The state treasurer shall credit to the school consolidation and infrastructure fund interest and earnings from school consolidation and infrastructure fund investments.

(3) Money in the school consolidation and infrastructure fund at the close of the fiscal year remains in the school consolidation and infrastructure fund and does not lapse to the state school aid fund or the general fund.

(4) The department of treasury is the administrator of the school consolidation and infrastructure fund for auditing purposes.

(5) Money available in the school consolidation and infrastructure fund must not be expended without a specific appropriation.

(6) From the state school aid fund money appropriated under section 11, there is allocated for 2022-2023 only an amount not to exceed $5,000,000.00 for grants to districts and intermediate districts to support the cost of a feasibility study or analysis of consolidation or the consolidation of services among 1 or more buildings within a district, among 1 or more districts, or among 1 or more intermediate districts. Districts and intermediate districts may apply for a grant under this subsection to the department on a first-come, first-serve basis. The maximum amount of a grant to be distributed under this subsection may not exceed $250,000.00. Notwithstanding section 17b, the department shall make payments under this subsection on a schedule determined by the department.

(7) To be eligible for a grant under subsection (6), a district or intermediate district must demonstrate to the department, in the manner prescribed by the department, that it will conduct a feasibility study or analysis and that all of the following will be met:

(a) Within 30 days after completion of the study or analysis, the district or intermediate district will make the results of the study or analysis available to all districts and intermediate districts included in the study or analysis. Within 60 days after the completion of the study or analysis, the district or intermediate district will make the results available on a publicly available website.

(b) The study or analysis may include, but is not limited to, consolidation opportunities in the following areas:

(i) Financial services, which may include, but is not limited to, the following:

(A) Budgeting and staffing.

(B) Payroll.

(C) Employee benefits.

(D) State reporting.

(E) Software consolidation to achieve common software throughout the intermediate district.

(ii) Human resources, which may include, but is not limited to, the following:

(A) Onboarding.

(B) Title IX administration.

(C) Hiring.

(D) Software consolidation to achieve common software throughout the intermediate district.

(iii) Information technology, which may include, but is not limited to, the following:

(A) Software consolidation to achieve common software throughout the intermediate district.

(B) Fiber projects.

(C) Cybersecurity.

(D) One-to-one device management.

(iv) Grant management and reporting, which may include, but is not limited to, the following:

(A) Management of all state grant sites and databases.

(B) Grant reporting.

(v) Cash management, which may include, but is not limited to, the opportunities for intermediate districts and districts to contract on cash flow management to maximize interest earnings.

(vi) Debt issuance and management, including at least all of the following:

(A) Refunding opportunities.

(B) New bond issue analysis.

(vii) School facility consolidation.

(viii) Consolidation of transportation-related activities.

(ix) The physical consolidation of districts.

(8) An intermediate district that receives a grant under this section shall meet with its constituent districts located within the intermediate district to discuss the results of the study or analysis and to implement changes where feasible. The application for an intermediate district must include a brief description of how the intermediate district will conduct these meetings.

(9) To be eligible for the receipt of funding for infrastructure-related projects appropriated from the school consolidation and infrastructure fund created under this section, a district must allow for the facility condition assessments described in section 11y to be conducted in the district. It is the intent of the legislature that money in the school consolidation and infrastructure fund will not be appropriated for infrastructure projects until the completion of the facility condition assessments described in section 11y.

History: Add. 2022, Act 144, Imd. Eff. July 14, 2022 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023

388.1611y Statewide school facilities study.

Sec. 11y.

(1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $20,000,000.00 for 2022-2023 only for a statewide school facilities study as prescribed in this section.

(2) The department must award funds under this section to an intermediate district or a consortium of intermediate districts.

(3) The recipient of funding under this section must use the funds to coordinate with engineers from Michigan-based construction companies familiar with school construction to perform facility condition assessments of each school building in this state in which students are educated that is operated by a district. As part of the assessment described in this subsection, the engineers must report to the recipient of funding under this section either of the following, as applicable:

(a) If the engineers do not determine that the most cost-effective way to bring a building to health, safety, and wellness standards is new construction, the investments required to ensure that the building meets health, safety, and wellness standards and the estimated cost of the investments.

(b) If the engineers determine that the most cost-effective way to bring a building to health, safety, and wellness standards is new construction, the estimated cost of the new construction that meets the education needs of the student population currently being served by the existing building.

(4) The recipient of funding under this section must provide a report to the house and senate appropriations subcommittees on school aid, the state budget director, the house and senate fiscal agencies, and the department summarizing the information it receives under subsection (3). The report described in this subsection must include, at a minimum, the estimated statewide costs received under subsection (3).

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

History: Add. 2022, Act 144, Eff. Oct. 1, 2022

388.1611z School aid countercyclical budget and foundation stabilization fund.

Sec. 11z.

(1) The school aid countercyclical budget and foundation stabilization fund is created as a separate account in the state school aid fund.

(2) The state treasurer may receive money or other assets from any source for deposit into the school aid countercyclical budget and foundation stabilization fund.

(3) The state treasurer shall direct the investment of the school aid countercyclical budget and foundation stabilization fund. The state treasurer shall credit to the school aid countercyclical budget and foundation stabilization fund interest and earnings from fund investments.

(4) Money in the school aid countercyclical budget and foundation stabilization fund at the close of a fiscal year remains in the school aid countercyclical budget and foundation stabilization fund and does not lapse to the state school aid fund or the general fund.

(5) Except as provided in subsections (6) and (7), money available in the school aid countercyclical budget and foundation stabilization fund may not be expended without a specific appropriation from the school aid countercyclical budget and foundation stabilization fund.

(6) If, for a given fiscal year, the department of treasury determines that proration of payments under this article will be required under section 296, the amount necessary to avoid proration, or an amount necessary to reduce proration, may be deposited from the school aid countercyclical budget and foundation stabilization fund into the state school aid fund. The state budget director shall notify the legislature of a deposit under this subsection at least 30 calendar days or 6 legislative session days, whichever is more, before a deposit is made. Funds deposited into the state school aid fund under this subsection must be used only to eliminate or reduce proration under this article, as required under section 296. If, after making final calculations under section 296, the amount deposited into the state school aid fund under this section exceeds the amount actually necessary to eliminate or reduce proration, the excess amount must be deposited back into the school aid countercyclical budget and foundation stabilization fund.

(7) If year-over-year revenues for the state school aid fund are projected to decline, as determined during the

final revenue estimating conference of a given fiscal year, the gross year-over-year decline in state school aid fund revenue may be deposited from the school aid countercyclical budget and foundation stabilization fund into the state school aid fund. The state budget director shall notify the legislature of a deposit under this subsection at least 30 calendar days or 6 legislative session days, whichever is more, before a deposit is made.

(8) Funds deposited into the state school aid fund under this section must be appropriated only for purposes under article I.

(9) For the fiscal year ending September 30, 2025 only, $25,000,000.00 from the state school aid fund is deposited into the school aid countercyclical budget and foundation stabilization fund.

(10) As used in this section:

(a) "Revenue estimating conference" means a revenue estimating conference occurring in May as described in section 367b of the management and budget act, MCL 18.1367b.

(b) "Year-over-year" means a comparison of the fiscal year in which calculations are being made to the fiscal year immediately preceding the fiscal year in which calculations are being made.

History: Add. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1611aa ASHRAE Level II Energy Efficiency Audits.

Sec. 11aa.

(1) From the state school aid fund money appropriated under section 11, there is allocated an amount not to exceed $20,000,000.00 for 2022-2023 only for the intermediate district or consortium of intermediate districts receiving funding under section 11y for the purposes of including ASHRAE Level II Energy Efficiency Audits or similar audits to the statewide school facilities study under section 11y. These funds may also be utilized for solar feasibility studies or data collection for solar feasibility.

(2) The recipient of funding under this section must use the funds in coordination with engineers from architectural, engineering, or construction companies based in this state that are familiar with school construction and energy efficiency audits to perform a systematic assessment for school buildings in this state in which pupils in grades K to 12 are educated and that are operated by a district. Where possible, the inclusion of solar feasibility studies or data collection for solar feasibility may be performed as well.

(3) The energy efficiency audit may include, but is not limited to, the following building improvements:

(a) The following energy efficiency measures:

(i) HVAC upgrades, including geothermal heat pumps.

(ii) Lighting upgrades, including LED lights and occupancy sensors.

(iii) Building envelope and weatherization.

(iv) Appliances and equipment.

(v) Building management systems.

(b) Solar power systems on or nearby school buildings, school parking lots, and property.

(4) All energy efficiency audits and solar feasibility studies or data collection for solar feasibility performed using these funds must be shared with the appropriate school district in the form of individual building reports.

(5) As part of the assessment described in this section, the engineers must report to the recipient of funding under this section the outcomes of the energy efficiency audits and, where applicable, solar feasibility studies or data collection for solar feasibility.

(6) The recipient of funding under this section must provide a report to the house and senate appropriations subcommittees on school aid, the state budget director, the house and senate fiscal agencies, and the department summarizing the information it receives under this section.

(7) Notwithstanding section 17b, the department must make payments under this section by August 1, 2023.

History: Add. 2023, Act 103, Imd. Eff. July 21, 2023

388.1611bb Governor's emergency education relief (GEER) fund; reallocation.

Sec. 11bb.

(1) From the federal fund money appropriated under section 11, there is allocated for 2023-2024 the amount remaining, estimated at $13,300,000.00, from the federal funding awarded to this state that has reverted to the governor's emergency education relief fund under provisions of section 2002 of the American rescue plan act of 2021, Public Law 117-2, for the purposes described in this section.

(2) The department shall make funding under this section available to districts and intermediate districts in the same proportion as funding was made available to districts and intermediate districts under the formula distribution of the original governor's emergency education relief fund dollars received and distributed by the state under the coronavirus aid, relief, and economic security act, Public Law 116–136.

(3) Districts and intermediate districts shall use funding received under this section for allowable uses to respond to the COVID-19 public health emergency and its negative impacts, including, but not limited to, its negative impacts on mental health, as determined by the department.

(4) The department shall develop a process to award and make funding available to districts and intermediate districts in a time frame that allows districts and intermediate districts to properly obligate these funds before the federal obligation deadlines for these funds.

(5) The department may utilize a portion of funding allocated under this section, up to the amount allowable under federal guidance, for the purposes of administering this section.

History: Add. 2024, Act 120, Imd. Eff. July 23, 2024

388.1612 Repealed. 2015, Act 85, Eff. Oct. 1, 2015.

Compiler's Notes: The repealed section pertained to legislative intent concerning appropriations for fiscal year ending September 30, 2016.

388.1612a Healthy schools grant program.

Sec. 12a.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2022-2023 only an amount not to exceed $50,000,000.00 for competitive grants to participating schools to lower energy costs and improve health outcomes at school facilities through the healthy schools grant program created under this section. The department shall create a healthy schools grant program to disburse grant funding for the purposes under this section.

(2) Except as otherwise provided in this subsection, to receive a grant under this section, a participating school must apply for the grant in a form and manner prescribed by the department, in collaboration with the department of environment, Great Lakes, and energy and the department of health and human services. An application described in this subsection must be evaluated using the following scoring criteria:

(a) Utilizing Justice40 parameters.

(b) Prioritizing applicants from the National Ambient Air Quality Standards nonattainment zones; high asthma burden areas; environmental justice areas; small area income and poverty estimates (SAIPE) program areas; rural areas, defined by locale codes "43-Rural: Remote" and "42-Rural: Distant" by the National Center for Education Statistics; and communities with high free and reduced lunch participation rates.

(c) Prioritizing applicants utilizing union labor and Michigan companies for evaluation and installation of improvements.

(d) Prioritizing initial distribution of funds to participating schools that participated in the racial disparities task force initiative evaluating and analyzing opportunities to improve air quality in K to 12 facilities in environmental justice communities.

(3) Grants awarded to participating schools under this section must be used only for 1 or more of the following purposes:

(a) Indoor air quality improvements, including HVAC and air-conditioning needs.

(b) Energy enhancements, including energy efficiencies, on-site renewable energy production, and facility electrification.

(c) Toxin remediation, including the removal of lead and, subject to section 168a, asbestos.

(d) Drinking water system upgrades, including the installation of hydration stations. A participating school's matching funds requirement to access healthy hydration funding is an eligible use under this subsection.

(4) Except as otherwise provided in this subsection, each participating school receiving a grant under this section shall match at least 50% of the grant funding received with other sources toward the completion of projects commenced for purposes of this section. The match requirement in this subsection does not apply to funding used for the purposes described in subsection (3)(d).

(5) 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 lower energy costs and improve health outcomes at school facilities. The estimated completion date of the work project is September 30, 2027.

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

(7) As used in this section, "participating school" means a district or intermediate district.

History: Add. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2023, Act 320, Eff. Feb. 13, 2024

388.1612b Repealed. 2023, Act 320, Eff. Feb. 13, 2024.

Compiler's Notes: The repealed section pertained to an allocation for facility upgrades in school-based health centers.

388.1612c Consolidation and infrastructure fund; grants for consolidation of services identified in a feasibility study under MCL 388.1611x; infrastructure emergencies.

Sec. 12c.

(1) From the school consolidation and infrastructure fund created under section 11x, there is allocated for 2023-2024 only an amount not to exceed $135,000,000.00 for grants to districts and intermediate districts to support the initial costs related to the consolidation or the consolidation of services identified in the feasibility study or analysis conducted under section 11x.

(2) From the amount allocated in subsection (1), an amount not to exceed $25,000,000.00 may be awarded by the department to districts and intermediate districts to support districts experiencing infrastructure emergencies. All of the following apply to emergency infrastructure funding under this subsection:

(a) Districts and intermediate districts must apply for the funding in a form and manner prescribed by the department. A district or intermediate district applying for funding under this subsection is not required to complete a feasibility study or analysis described in section 11x or a facility condition assessment described in section 11y.

(b) Before funding may be awarded to a district or intermediate district that applied under this subsection, the superintendent must submit a request for the funding in writing to the state treasurer and the state budget director that contains all of the following information:

(i) A description of the emergency nature of the funding.

(ii) The scope of the funding request.

(iii) The estimated cost of the funding request.

(iv) Any other information requested by the state treasurer or the state budget director regarding the funding request.

(c) The state treasurer and the state budget director shall evaluate the information received under subdivision (b) and determine whether the funding will be used for an eligible purpose as described in this subsection and whether

the district or intermediate district has access to other funds that could be utilized before emergency funding is made available.

(d) If the state treasurer and state budget director provide written concurrence to the superintendent that funding will be utilized in accordance with this subsection, the department may award emergency funding to the district or intermediate district that applied for funding.

(e) Funding awarded under this subsection may be utilized only on emergency infrastructure needs that threaten the immediate health and safety of students and staff in the district or intermediate district and prevent or obstruct the use of a building or portion of a building for learning.

(f) The state budget director shall notify the house and senate appropriations subcommittees on K to 12 school aid and the house and senate fiscal agencies of awards made under this subsection within 30 days of funding being distributed to a district or intermediate district.

(3) Except as otherwise provided in this section, to be eligible for funding under this section, a district or intermediate district must apply for the funding in a form and manner prescribed by the department. An intermediate district may apply for funding on behalf of a district if the intermediate district is providing the consolidated services. An application described in this subsection must include all of the following:

(a) An assurance that the district or intermediate district was included in a feasibility study or analysis conducted under section 11x.

(b) An assurance that the consolidation or the consolidated service or services being funded were included as a recommendation in a feasibility study or analysis conducted under section 11x.

(c) A brief description of how the district or intermediate district plans to implement changes, as outlined in a feasibility study or analysis conducted under section 11x, where possible.

(d) An assurance that the district or intermediate district will submit to the department an annual report documenting the estimated savings produced as a result of the consolidation or the consolidation of services.

(e) A budget of the estimated first-year costs associated with the consolidation or the consolidation of services, in the form and manner prescribed by the department.

(4) Except as otherwise provided in this section, if funding under this section is insufficient to fully fund all applicants, the department shall do either of the following:

(a) Ensure that awards under this section are determined based upon a competitive grant process.

(b) Distribute funds under this section on a prorated or other equitable basis as determined by the department.

(5) Except for funding received under subsection (2) and except as otherwise provided in this section, each intermediate district that receives funding under this section and also received funding under section 11x for 2022-2023 shall, in consultation with its constituent districts that receive funds under this section, submit a report to the department by not later than June 30, 2025. Except for funding received under subsection (2) and except as otherwise provided in this section, each district that receives funding under this section and also received funding under section 11x that is separate from the funding received by its intermediate district for 2022-2023 shall submit a report to the department by not later than June 30, 2025. The report must include all of the following information regarding the consolidation or consolidation of services supported by funding under this section, in the form and manner prescribed by the department:

(a) The amount previously spent on each consolidation or consolidation of service in the prior fiscal year.

(b) The number of students impacted by the consolidation or the consolidation of service.

(c) The vendors, third-party entities, or other educational entities used for consolidation or to consolidate the service or services.

(d) The impact on student learning attributable to money reallocated as a result of the consolidation or consolidated service or services.

(e) A total of cost savings produced as a result of the consolidation or the consolidation of services, in the form and manner prescribed by the department.

(6) The funds allocated under this section for 2023-2024 are a work project appropriation, and any unexpended funds for 2023-2024 are carried forward into 2024-2025. The purpose of the work project is to continue to award grants for consolidation or the consolidation of services. The estimated completion date of the work project is September 30, 2027.

(7) As used in this section, "constituent district" means that term as defined in section 3 of the revised school code, MCL 380.3.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2023, Act 320, Eff. Feb. 13, 2024 ;-- Am. 2024, Act 120, Imd. Eff. July 23, 2024

388.1612d Consolidation and infrastructure fund; grants for internal consolidation.

Sec. 12d.

(1) From the school consolidation and infrastructure fund created under section 11x, there is allocated for 2023-2024 only an amount not to exceed $110,000,000.00 for the purposes of this section.

(2) From the amount allocated in subsection (1), there is allocated an amount not to exceed $75,000,000.00 for grants to districts and intermediate districts to support costs related to internal consolidation within the district or intermediate district. All of the following apply to grants under this subsection:

(a) The department shall allow grants for applicants that have already taken actions for internal consolidation within the previous 2 years and grants for applicants that have not yet begun internal consolidation activities.

(b) The department shall prioritize applications from districts and intermediate districts that meet any of the following criteria:

(i) Are in an opportunity index band, as described in section 31a, of 3 or higher.

(ii) Are an intermediate district for which the percentage of pupils in membership who were determined to be economically disadvantaged in the immediately preceding fiscal year is equal to or greater than the minimum percentage for a district or public school academy to be in an opportunity index band, as described in section 31a, of 3 or higher.

(iii) Are experiencing declining enrollment.

(iv) Have no ability to issue bonds for infrastructure needs, or have made a good-faith effort, as determined by the department, to issue bonds for infrastructure needs.

(c) Grants may be used for operational expenses related to internal consolidation and for infrastructure needs. Infrastructure needs may include, but are not limited to, the removal of buildings.

(3) From the amount allocated in subsection (1), $35,000,000.00 is allocated as follows:

(a) $15,000,000.00 to Detroit Public Schools Community District to support the construction of the Cooley High School athletic complex.

(b) $10,000,000.00 to Wayne RESA to support the construction of an academic and professional building in the city of Wayne.

(c) $5,000,000.00 to Beecher Community School District to support the construction of a high school in the district.

(d) $4,000,000.00 to Taylor School District for costs related to a new high school in the district.

(e) $1,000,000.00 to the School District of the City of Hamtramck to support the costs of building infrastructure upgrades and maintenance.

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

History: Add. 2024, Act 120, Imd. Eff. July 23, 2024

388.1613 Apportionments and limitations of apportionments; basis; counting pupil membership and professionals.

Sec. 13.

Except as otherwise provided in this act, the apportionments and limitations of the apportionments made under this act shall be made on the membership and number of teachers and other professionals approved by the superintendent employed as of the pupil membership count day of each year and on the taxable value and the operating millage of each district for the calendar year. In addition, a district maintaining school during the entire year, as provided in section 1561 of the revised school code, MCL 380.1561, shall count memberships and educational personnel pursuant to rules promulgated by the superintendent and shall report to the center as required by state and federal law.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1980, Act 320, Imd. Eff. Dec. 10, 1980 ;-- Am. 1992, Act 148, Eff. Oct. 1, 1992 ;-- Am. 1993, Act 95, Imd. Eff. July 13, 1993 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004

Compiler's Notes: Enacting section 1 of Act 351 of 2004 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at

$11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

388.1614 Defective data; duties of department.

Sec. 14.

If the data from an intermediate district or district upon which a statement of the amount to be disbursed or paid are determined to be defective or incomplete, making it impracticable to ascertain the apportionment to be disbursed or paid, the department shall withhold the amount of the apportionment that cannot be ascertained until the department is able to ascertain by the best evidence available the facts upon which the ratio and amount of the apportionment depend, and then shall make the apportionment accordingly.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006
Compiler's Notes: Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

388.1615 Apportionment of deficiency; state aid overpayments to districts; deduction or payment due to adjustment as result of audit or information; incorrect payment; adjustments for educator certification violations; audits; funding expenditures caused by write-off of prior year accruals; additional appropriation.

Sec. 15.

(1) If a district or intermediate district fails to receive its proper apportionment, the department, upon satisfactory proof that the district or intermediate district was entitled justly, shall apportion the deficiency in the next apportionment. Subject to subsections (2) and (3), if a district or intermediate district has received more than its proper apportionment, the department, upon satisfactory proof, shall deduct the excess in the next apportionment. Notwithstanding any other provision in this article, state aid overpayments to a district, other than overpayments in payments for special education or special education transportation, may be recovered from any payment made under this article other than a special education or special education transportation payment, from the proceeds of a loan to the district under the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942, or from the proceeds of millage levied or pledged under section 1211 of the revised school code, MCL 380.1211. State aid overpayments made in special education or special education transportation payments may be recovered from subsequent special education or special education transportation payments, from the proceeds of a loan to the district under the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942, or from the proceeds of millage levied or pledged under section 1211 of the revised school code, MCL 380.1211.

(2) If the result of an audit conducted by or for the department affects the current fiscal year membership, the department shall adjust affected payments in the current fiscal year. A deduction due to an adjustment made as a result of an audit conducted by or for the department, or as a result of information obtained by the department from the district, an intermediate district, the department of treasury, or the office of auditor general, must be deducted from the district's apportionments when the adjustment is finalized. At the request of the district and upon the district presenting evidence satisfactory to the department of the hardship, the department may grant up to an additional 4 years for the adjustment and may advance payments to the district otherwise authorized under this article if the district would otherwise experience a significant hardship in satisfying its financial obligations. However, a district that presented satisfactory evidence of hardship and was undergoing an extended adjustment during 2018-2019 may continue to use the period of extended adjustment as originally granted by the department.

(3) If, based on an audit by the department or the department's designee or because of new or updated information received by the department, the department determines that the amount paid to a district or intermediate district under this article for the current fiscal year or a prior fiscal year was incorrect, the department

shall make the appropriate deduction or payment in the district's or intermediate district's allocation in the next apportionment after the adjustment is finalized. The department shall calculate the deduction or payment according to the law in effect in the fiscal year in which the incorrect amount was paid. If the district does not receive an allocation for the fiscal year or if the allocation is insufficient to pay the amount of any deduction, the amount of any deduction otherwise applicable must be satisfied from the proceeds of a loan to the district under the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942, or from the proceeds of millage levied or pledged under section 1211 of the revised school code, MCL 380.1211, as determined by the department.

(4) If the department makes an adjustment under this section based in whole or in part on a membership audit finding that a district or intermediate district employed an educator in violation of certification requirements under the revised school code and rules promulgated by the department, the department shall prorate the adjustment according to the period of noncompliance with the certification requirements.

(5) The department may conduct audits, or may direct audits by designee of the department, for the current fiscal year and the immediately preceding fiscal year of all records related to a program for which a district or intermediate district has received funds under this article.

(6) Expenditures made by the department under this article that are caused by the write-off of prior year accruals may be funded by revenue from the write-off of prior year accruals.

(7) In addition to funds appropriated in section 11 for all programs and services, there is appropriated for 2024-2025 for obligations in excess of applicable appropriations an amount equal to the collection of overpayments, but not to exceed amounts available from overpayments.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1980, Act 320, Imd. Eff. Dec. 10, 1980 ;-- Am. 1981, Act 36, Eff. Oct. 1, 1981 ;-- Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982 ;-- Am. 1986, Act 212, Eff. Oct. 1, 1986 ;-- Am. 1987, Act 128, Eff. Oct. 1, 1987 ;-- Am. 1990, Act 207, Eff. Oct. 1, 1990 ;-- Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 180, Imd. Eff. Apr. 19, 1996 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 155, Imd. Eff. Sept. 30, 2005 ;-- Am. 2006, Act 342, Imd. Eff. Aug. 15, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2012, Act 286, Imd. Eff. Aug. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Imd. Eff. June 17, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Imd. Eff. July 14, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1616 Repealed. 1996, Act 300, Eff. Oct. 1, 1996.

Compiler's Notes: The repealed section pertained to allowance greater than actual amounts paid prohibited.

388.1617 Repealed. 1992, Act 148, Eff. Aug. 1, 1992.

Compiler's Notes: The repealed section pertained to amount to be distributed in installments to districts.

388.1617a Withholding payment district or intermediate district entitled to receive; extent; plan for financing outstanding obligation defaulted upon by district or intermediate district; use of amounts withheld; agreement assigning or pledging payment; effect of emergency manager or deficit elimination plan; indebtedness of state not created; "trustee of a pooled arrangement" defined; approval or disapproval of trust; allocation contingent upon compliance with section.

Sec. 17a.

(1) The department may withhold all or part of any payment that a district or intermediate district is entitled to receive under this article to the extent the withholdings are a component part of a plan, developed and implemented pursuant to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942, the local financial stability and choice act, 2012 PA 436, MCL 141.1541 to 141.1575, section 1356 of the revised school code, MCL 380.1356, or other statutory authority, for financing an outstanding obligation upon which the district or intermediate district defaulted or for other financial obligations of the district or intermediate district. Amounts withheld shall be used to pay, on behalf of the district or intermediate district, unpaid amounts or subsequently due amounts, or both, of principal and interest on the outstanding obligation upon which the district or intermediate district defaulted.

(2) The state treasurer may withhold all or part of any payment that a district or intermediate district is entitled to receive under this article to the extent authorized or required under section 15 of the school bond qualification, approval, and loan act, 2005 PA 92, MCL 388.1935, the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942, the local financial stability and choice act, 2012 PA 436, MCL 141.1541 to 141.1575, section 1356 of the revised school code, MCL 380.1356, or other statutory authority.

(3) Under an agreement entered into by a district or intermediate district assigning all or a portion of the payment that it is eligible to receive under this article to the Michigan finance authority or to the trustee of a pooled arrangement or pledging the amount for payment of an obligation it incurred with the Michigan finance authority or with the trustee of a pooled arrangement, the state treasurer shall transmit to the Michigan finance authority or a trustee designated by the Michigan finance authority or to the trustee of a pooled arrangement or other designated depository the amount of the payment that is assigned or pledged under the agreement.

(4) If a district or intermediate district for which an emergency manager is in place under the local financial stability and choice act, 2012 PA 436, MCL 141.1541 to 141.1575, or that has an approved deficit elimination plan or an approved enhanced deficit elimination plan under the revised school code, enters into or has entered into an agreement described in subsection (3) pursuant to section 1225(2) of the revised school code, MCL 380.1225, whether the obligation was issued before or after the effective date of this subsection, the portion of state school aid paid or to be paid on behalf of the district or intermediate district directly to the Michigan finance authority, or to a trustee designated by the Michigan finance authority, for the sole purpose of paying the principal of and interest on the obligation is subject to a lien and trust that is a statutory lien and trust, paramount and superior to all other liens and interests of any kind, for the sole purpose of paying the principal of and interest on the obligation. The statutory lien and trust applies to the state school aid received or to be received by the Michigan finance authority, or trustee designated by the Michigan finance authority, on behalf of the district or intermediate district, immediately upon the time when the state school aid is allocated to the district or intermediate district, but is subject to any subsequent reduction of the state school aid allocation by operation of law or executive order. The lien and trust imposed by this section with respect to state school aid has a priority as established in the agreement, except that the agreement shall not impair any existing lien and trust previously created pursuant to this section, including any lien and trust applicable to a multi-year repayment agreement under section 1225 of the revised school code, MCL 380.1225. Except as otherwise provided in this subsection, the lien and trust created under this subsection for the benefit of holders of the obligation issued pursuant to this section is valid and binding against a party having a claim of any kind in tort, contract, or otherwise against the district or intermediate district that has issued the obligation secured by a pledge of state school aid pursuant to this section, regardless of whether that party has notice of the pledge. A pledge made pursuant to this section for the benefit of the holders of obligations or others is perfected without delivery, recording, or notice. The state school aid paid or to be paid on behalf of a district or intermediate district to the Michigan finance authority, or trustee designated by the Michigan finance authority, shall be held in trust for the sole benefit of the holders of the obligation issued pursuant to this section or

section 1225 of the revised school code, MCL 380.1225, and is exempt from being levied upon, taken, sequestered, or applied toward paying the debts or liabilities of the district or intermediate district other than for payment of the obligation to which the lien applies. However, nothing in this subsection alters the ability of the state treasurer to withhold state school aid from a district or intermediate district as provided by law.

(5) Notwithstanding the payment dates prescribed by this article for distributions under this article, the state treasurer may advance all or part of a payment that is dedicated for distribution or for which the appropriation authorizing the payment has been made if and to the extent, under the terms of an agreement entered into by a district or intermediate district and the Michigan finance authority, the payment that the district or intermediate district is eligible to receive has been assigned to or pledged for payment of an obligation it incurred with the Michigan finance authority.

(6) This section does not require the state to make an appropriation to any school district or intermediate school district and shall not be construed as creating an indebtedness of the state, and any agreement made pursuant to this section shall contain a statement to that effect.

(7) As used in this section, "trustee of a pooled arrangement" means the trustee of a trust approved by the state treasurer and, subject to the conditions and requirements of that approval, established for the purpose of offering for sale, as part of a pooled arrangement, certificates representing undivided interests in notes issued by districts or intermediate districts under section 1225 of the revised school code, MCL 380.1225.

(8) If a trustee applies to the state treasurer for approval of a trust for the purposes of this section, the state treasurer shall approve or disapprove the trust within 10 days after receipt of the application.

(9) An allocation to a district or intermediate district under this article is contingent upon the district's or intermediate district's compliance with this section.

History: Add. 1983, Act 37, Imd. Eff. May 10, 1983 ;-- Am. 1985, Act 142, Eff. Jan. 13, 1986 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 2002, Act 71, Imd. Eff. Mar. 15, 2002 ;-- Am. 2005, Act 95, Imd. Eff. July 20, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2012, Act 2, Imd. Eff. Feb. 7, 2012 ;-- Am. 2013, Act 97, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 114, Imd. Eff. July 7, 2015

Compiler's Notes: Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

388.1617b Amounts to be distributed in installments to districts; electronic files; payments; warrant; adjustments; grant payments; installment schedule; advance release of funds.

Sec. 17b.

(1) Not later than October 20, November 20, December 20, January 20, February 20, March 20, April 20, May 20, June 20, July 20, and August 20, the department shall prepare electronic files of the amount to be distributed under this act in the installment to the districts and intermediate districts and deliver the electronic files to the state treasurer, and the state treasurer shall pay the installments on each of those dates or, if the date is not a business day, on the next business day following that date. Except as otherwise provided in this act, the portion of the district's or intermediate district's state fiscal year entitlement to be included in each installment shall be 1/11. A district or intermediate district shall accrue the payments received in July and August to the school fiscal year ending the immediately preceding June 30.

(2) The state treasurer shall make payment under this section by drawing a warrant in favor of the treasurer of each district or intermediate district for the amount payable to the district or intermediate district according to the electronic files and delivering the warrant to the treasurer of each district or intermediate district, or if the state treasurer receives a written request by the treasurer of the district or intermediate district specifying an account, by electronic funds transfer to that account of the amount payable to the district or intermediate district according to the electronic files. The department may make adjustments in payments made under this section through additional payments when changes in law or errors in computation cause the regularly scheduled payment to be less than the amount to which the district or intermediate district is entitled pursuant to this act.

(3) Except as otherwise provided in this act, grant payments to districts and intermediate districts under this act shall be paid according to the installment schedule under subsection (1).

(4) Upon the written request of a district or intermediate district and the submission of proof satisfactory to the department of a need of a temporary and nonrecurring nature, the superintendent, with the written concurrence of the state treasurer and the state budget director, may authorize an advance release of funds due a district or

intermediate district under this act. An advance authorized under this subsection shall not cause funds to be paid to a district or intermediate district more than 30 days earlier than the established payment date for those funds.

History: Add. 1992, Act 148, Eff. Aug. 1, 1992 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1994, Act 283, Eff. Oct. 1, 1994 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997 ;-- Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997 ;-- Am. 1998, Act 553, Imd. Eff. Jan. 27, 1999 ;-- Am. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2005, Act 150, Imd. Eff. Sept. 30, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007 ;-- Am. 2007, Act 92, Imd. Eff. Oct. 1, 2007 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007

Compiler's Notes: Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 92 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for the fiscal period beginning October 1, 2007 and ending October 31, 2007 is estimated at $1,052,305,700.00 and state appropriations to be paid to local units of government for the fiscal period beginning October 1, 2007 and ending October 31, 2007 are estimated at $1,044,700,000.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

388.1617c Grants to districts, intermediate districts, and eligible entities; accessibility; review by state board.

Sec. 17c.

(1) Except as otherwise provided under this article, the department shall do both of the following for funds appropriated under this article for grants distributed by the department to districts, intermediate districts, and eligible entities:

(a) Open the grant application for funds appropriated for the immediately succeeding fiscal year by not later than September 1 of the current fiscal year or 30 calendar days after the state school aid budget for the immediately succeeding fiscal year is enacted into law, whichever occurs later. The department shall also provide to districts, intermediate districts, and eligible entities, and post on its publicly accessible website, the grant application and award process schedule and the list of state grants and contracts available in the immediately succeeding fiscal year.

(b) Publish grant awards for funds appropriated in the current fiscal year by not later than December 1 of the current fiscal year.

(2) Information for grants awarded from funds appropriated under this article for the immediately succeeding fiscal year must be placed on the state board agenda in August of the current fiscal year or in the month immediately following the month in which the state school aid budget for the immediately succeeding fiscal year is enacted into law, whichever occurs later.

History: Add. 2018, Act 265, Imd. Eff. June 28, 2018 ;-- Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020

Compiler's Notes: Former MCL 388.1617c, which pertained to grant payments, was repealed by Act 130 of 1995, Eff. Oct. 1, 1995.

388.1618 Applying money received under article; determining reasonableness of expenditures; withholding apportionment for violation; adoption of annual budget; availability of information on website; submission of annual comprehensive financial data; report; Michigan public school accounting manual chart of accounts; filing special education actual cost report and transportation expenditure report; review and update of pupil accounting and pupil auditing manuals; retention of property by public school academy; failure to comply with subsections (4), (5), (6), (7), and (12); inconsistent financial data; failure to comply with subsection (2); report on virtual learning per-pupil costs; "vendor type" defined; allocation contingent

upon compliance with section; report of allocations.

Sec. 18.

(1) Except as provided in another section of this article, each district or other entity shall apply the money received by the district or entity under this article to salaries and other compensation of teachers and other employees, tuition, transportation, lighting, heating, ventilation, water service, the purchase of textbooks, other supplies, and any other school operating expenditures defined in section 7. However, not more than 20% of the total amount received by a district under sections 22a and 22b or received by an intermediate district under section 81 may be transferred by the board to either the capital projects fund or to the debt retirement fund for debt service. A district or other entity shall not apply or take the money for a purpose other than as provided in this section. The department shall determine the reasonableness of expenditures and may withhold from a recipient of funds under this article the apportionment otherwise due upon a violation by the recipient. A district must not be prohibited or limited from using funds appropriated or allocated under this article that are permitted for use for noninstructional services to contract or subcontract with an intermediate district, third party, or vendor for the noninstructional services.

(2) A district or intermediate district shall adopt an annual budget in a manner that complies with the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a. Within 15 days after a district board adopts its annual operating budget for the following school fiscal year, or after a district board adopts a subsequent revision to that budget, the district shall make all of the following available through a link on its website homepage, or may make the information available through a link on its intermediate district's website homepage, in a form and manner prescribed by the department:

(a) The annual operating budget and subsequent budget revisions.

(b) Using data that have already been collected and submitted to the department, a summary of district expenditures for the most recent fiscal year for which they are available, expressed in the following 2 visual displays:

(i) A chart of personnel expenditures, broken into the following subcategories:

(A) Salaries and wages.

(B) Employee benefit costs, including, but not limited to, medical, dental, vision, life, disability, and long-term care benefits.

(C) Retirement benefit costs.

(D) All other personnel costs.

(ii) A chart of all district expenditures, broken into the following subcategories:

(A) Instruction.

(B) Support services.

(C) Business and administration.

(D) Operations and maintenance.

(c) Links to all of the following:

(i) The current collective bargaining agreement for each bargaining unit.

(ii) Each health care benefits plan, including, but not limited to, medical, dental, vision, disability, long-term care, or any other type of benefits that would constitute health care services, offered to any bargaining unit or employee in the district.

(iii) The audit report of the financial audit conducted under subsection (4) for the most recent fiscal year for which it is available.

(iv) The bids required under section 5 of the public employees health benefit act, 2007 PA 106, MCL 124.75.

(v) The district's written policy governing procurement of supplies, materials, and equipment.

(vi) The district's written policy establishing specific categories of reimbursable expenses, as described in section 1254(2) of the revised school code, MCL 380.1254.

(vii) Either the district's accounts payable check register for the most recent school fiscal year or a statement of the total amount of expenses incurred by board members or employees of the district that were reimbursed by the district for the most recent school fiscal year.

(d) The total salary and a description and cost of each fringe benefit included in the compensation package for the superintendent of the district and for each employee of the district whose salary exceeds $100,000.00.

(e) The annual amount spent on dues paid to associations.

(f) The annual amount spent on lobbying or lobbying services. As used in this subdivision, "lobbying" means that term as defined in section 5 of 1978 PA 472, MCL 4.415.

(g) Any deficit elimination plan or enhanced deficit elimination plan the district was required to submit under the revised school code.

(h) Identification of all credit cards maintained by the district as district credit cards, the identity of all individuals authorized to use each of those credit cards, the credit limit on each credit card, and the dollar limit, if any, for each individual's authorized use of the credit card.

(i) Costs incurred for each instance of out-of-state travel by the school administrator of the district that is fully or partially paid for by the district and the details of each of those instances of out-of-state travel, including at least identification of each individual on the trip, destination, and purpose.

(3) For the information required under subsection (2)(a), (2)(b)(i), and (2)(c), an intermediate district shall provide the same information in the same manner as required for a district under subsection (2).

(4) For the purposes of determining the reasonableness of expenditures, whether a district or intermediate district has received the proper amount of funds under this article, and whether a violation of this article has occurred, all of the following apply:

(a) The department shall require that each district and intermediate district have an audit of the district's or intermediate district's financial and pupil accounting records conducted at least annually, and at such other times as determined by the department, at the expense of the district or intermediate district, as applicable. The audits must be performed by a certified public accountant or by the intermediate district superintendent, as may be required by the department, or in the case of a district of the first class by a certified public accountant, the intermediate superintendent, or the auditor general of the city. A district or intermediate district shall retain these records for the current fiscal year and from at least the 3 immediately preceding fiscal years.

(b) If a district operates in a single building with fewer than 700 full-time equated pupils, if the district has stable membership, and if the error rate of the immediately preceding 2 pupil accounting field audits of the district is less than 2%, the district may have a pupil accounting field audit conducted biennially but must continue to have desk audits for each pupil count. The auditor must document compliance with the audit cycle in the pupil auditing manual. As used in this subdivision, "stable membership" means that the district's membership for the current fiscal year varies from the district's membership for the immediately preceding fiscal year by less than 5%.

(c) A district's or intermediate district's annual financial audit must include an analysis of the financial and pupil accounting data used as the basis for distribution of state school aid.

(d) The pupil and financial accounting records and reports, audits, and management letters are subject to requirements established in the auditing and accounting manuals approved and published by the department.

(e) All of the following must be done not later than November 1 each year for reporting the prior fiscal year data:

(i) A district shall file the annual financial audit reports with the intermediate district and the department.

(ii) The intermediate district shall file the annual financial audit reports for the intermediate district with the department.

(iii) The intermediate district shall enter the pupil membership audit reports, known as the audit narrative, for its constituent districts and for the intermediate district, for the pupil membership count day and supplemental count day, in the Michigan student data system.

(f) The annual financial audit reports and pupil accounting procedures reports must be available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(g) Not later than January 31 of each year, the department shall notify the state budget director and the legislative appropriations subcommittees responsible for review of the school aid budget of districts and intermediate districts that have not filed an annual financial audit and pupil accounting procedures report required under this section for the school year ending in the immediately preceding fiscal year.

(5) By the first business day in November of each fiscal year, each district and intermediate district shall submit to the center, in a manner prescribed by the center, annual comprehensive financial data consistent with the district's or intermediate district's audited financial statements and consistent with accounting manuals and charts of accounts approved and published by the department. For an intermediate district, the report must also contain the website address where the department can access the report required under section 620 of the revised school code, MCL 380.620. The department shall ensure that the prescribed Michigan public school accounting manual chart of accounts includes standard conventions to distinguish expenditures by allowable fund function and object. The functions must include at minimum categories for instruction, pupil support, instructional staff support, general administration, school administration, business administration, transportation, facilities operation and maintenance, facilities acquisition, and debt service; and must include object classifications of salary, benefits, including categories for active employee health expenditures, purchased services, supplies, capital outlay, and other. A district shall report the required level of detail consistent with the manual as part of the comprehensive annual financial report.

(6) By the last business day in September of each year, each district and intermediate district shall file with the center the special education actual cost report, known as "SE-4096", on a form and in the manner prescribed by the center. An intermediate district shall certify the audit of a district's report.

(7) By not later than 1 week after the last business day in September of each year, each district and intermediate district shall file with the center the audited transportation expenditure report, known as "SE-4094", on a form and in the manner prescribed by the center. An intermediate district shall certify the audit of a district's report.

(8) The department shall review its pupil accounting and pupil auditing manuals at least annually and shall periodically update those manuals to reflect changes in this article. Any changes to the pupil accounting manual that are applicable for the school year that begins after March 31 of a fiscal year must be published by not later than March 31 of that fiscal year. However, if legislation is enacted that necessitates adjustments to the pupil accounting

manual after March 31 of a fiscal year, and a district incurs a violation of the amended pupil accounting manual in the subsequent fiscal year, the department must notify the district of that violation and allow the district 30 days to correct the violation before the department is allowed to impose financial penalties under this act related to the violation.

(9) If a district that is a public school academy purchases property using money received under this article, the public school academy shall retain ownership of the property unless the public school academy sells the property at fair market value.

(10) If a district or intermediate district does not comply with subsections (4), (5), (6), (7), and (12), or if the department determines that the financial data required under subsection (5) are not consistent with audited financial statements, the department shall withhold all state school aid due to the district or intermediate district under this article, beginning with the next payment due to the district or intermediate district, until the district or intermediate district complies with subsections (4), (5), (6), (7), and (12). If the district or intermediate district does not comply with subsections (4), (5), (6), (7), and (12) by the end of the fiscal year, the district or intermediate district forfeits the amount withheld.

(11) If a district or intermediate district does not comply with subsection (2), the department may withhold up to 10% of the total state school aid due to the district or intermediate district under this article, beginning with the next payment due to the district or intermediate district, until the district or intermediate district complies with subsection (2). If the district or intermediate district does not comply with subsection (2) by the end of the fiscal year, the district or intermediate district forfeits the amount withheld.

(12) By November 1 of each year, if a district or intermediate district offers virtual learning under section 21f, or for a school of excellence that is a cyber school, as defined in section 551 of the revised school code, MCL 380.551, the district or intermediate district shall submit to the department a report that details the per-pupil costs of operating the virtual learning by vendor type and virtual learning model. The report must include information concerning the operation of virtual learning for the immediately preceding school fiscal year, including information concerning summer programming. Information must be collected in a form and manner determined by the department and must be collected in the most efficient manner possible to reduce the administrative burden on reporting entities.

(13) By March 31 of each year, the department shall submit to the house and senate appropriations subcommittees on state school aid, the state budget director, and the house and senate fiscal agencies a report summarizing the per-pupil costs by vendor type of virtual courses available under section 21f and virtual courses provided by a school of excellence that is a cyber school, as defined in section 551 of the revised school code, MCL 380.551.

(14) As used in subsections (12) and (13), "vendor type" means the following:

(a) Virtual courses provided by the Michigan Virtual University.

(b) Virtual courses provided by a school of excellence that is a cyber school, as defined in section 551 of the revised school code, MCL 380.551.

(c) Virtual courses provided by third party vendors not affiliated with a public school in this state.

(d) Virtual courses created and offered by a district or intermediate district.

(15) An allocation to a district or another entity under this article is contingent upon the district's or entity's compliance with this section.

(16) The department shall annually submit to the senate and house subcommittees on school aid and to the senate and house standing committees on education an itemized list of allocations under this article to any association or consortium consisting of associations in the immediately preceding fiscal year. The report must detail the recipient or recipients, the amount allocated, and the purpose for which the funds were distributed.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1989, Act 197, Eff. Oct. 1, 1989 ;-- Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991 ;-- Am. 1992, Act 148, Eff. Oct. 1, 1992 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1994, Act 283, Eff. Oct. 1, 1994 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 414, Eff. Jan. 1, 2005 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Imd. Eff. June 26, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2014, Act 476, Eff. Mar. 31, 2015 ;-- Am. 2015, Act 5, Imd. Eff. Mar. 10, 2015 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2015, Act 114, Imd. Eff. July 7, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022

Compiler's Notes: Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007

is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1618a Grant funds to be expended by end of fiscal year; failure of grant recipient to expend funds; report; return of unexpended funds.

Sec. 18a.

Except as otherwise provided in this article, grant funds awarded and allotted to a district, intermediate district, or other entity, unless otherwise specified in this article, must be expended by the grant recipient before the end of the fiscal year immediately following the fiscal year in which the funds are received. Except as otherwise provided in this article, if a grant recipient does not expend the funds received under this article before the end of the fiscal year in which the funds are received, the grant recipient shall submit a report to the department not later than November 1 after the fiscal year in which the funds are received indicating whether it expects to expend those funds during the fiscal year in which the report is submitted. Except as otherwise provided in this article, a recipient of a grant shall return any unexpended grant funds to the department in the manner prescribed by the department not later than September 30 after the fiscal year in which the funds are received.

History: Add. 1992, Act 148, Eff. Aug. 1, 1992 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2015, Act 85, Imd. Eff. June 17, 2015 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020
Compiler's Notes: Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sourcesEnacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”

388.1618b Property of public school academy to be transferred to this state.

Sec. 18b.

(1) Property of a public school academy that was acquired substantially with funds appropriated under this article shall be transferred to this state by the public school academy corporation if any of the following occur:

(a) The public school academy has been ineligible to receive funding under this article for 18 consecutive months.

(b) The public school academy's contract has been revoked or terminated for any reason.

(c) The public school academy's contract has expired and has not been reissued by the authorizing body.

(2) A public school academy corporation shall initiate the process of transferring property to this state as required under subsection (1) within 30 days after the occurrence of the event that triggers the process under subsection (1).

(3) Property required to be transferred to this state under this section includes title to all real and personal property, interests in real or personal property, and other assets owned by the public school academy corporation that were substantially acquired with funds appropriated under this article.

(4) The state treasurer, or his or her designee, is authorized to dispose of property transferred to this state under this section. Except as otherwise provided in this section, the state treasurer shall deposit in the state school aid fund any money included in that property and the net proceeds from the sale of the property or interests in

property, after payment by the state treasurer of any public school academy debt secured by the property or interest in property.

(5) This section does not impose any liability on this state, any agency of this state, or an authorizing body for any debt incurred by a public school academy.

(6) As used in this section and section 18c, "authorizing body" means an authorizing body defined under section 501 or 1311b of the revised school code, MCL 380.501 and 380.1311b.

History: Add. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013
Compiler's Notes: Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

388.1618c Contract entered into by public school academy and third party.

Sec. 18c.

Any contract, mortgage, loan, or other instrument of indebtedness entered into by a public school academy receiving funds under this article and a third party does not constitute an obligation, either general, special, or moral, of this state or of an authorizing body. The full faith and credit or the taxing power of this state or any agency of this state, or the full faith and credit of an authorizing body, shall not be pledged for the payment of any contract, mortgage, loan, or other instrument of indebtedness entered into by a public school academy.

History: Add. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017

388.1618d Repealed. 2003, Act 158, Eff. Oct. 1, 2003.

Compiler's Notes: The repealed section pertained to claim of debt or financial obligation.

388.1619 Compliance with state and federal reporting requirements; report of graduation and dropout rates; appeal; educational personnel; limitation; failure to comply with requirements; list of school or district accountability designations; appeal of determination; publication of list; implementation of statewide standard reporting requirements.

Sec. 19.

(1) A district or intermediate district shall comply with all applicable reporting requirements specified in state and federal law. Data provided to the center, in a form and manner prescribed by the center, must be aggregated and disaggregated as required by state and federal law. In addition, a district or intermediate district shall cooperate with all measures taken by the center to establish and maintain a statewide P-20 longitudinal data system.

(2) Each district shall furnish to the center not later than 5 weeks after the pupil membership count day and by the last business day in June of the school fiscal year ending in the fiscal year, in a manner prescribed by the center, the information necessary for the preparation of the district and high school graduation report, information regarding completion of early middle college credentials obtained and postsecondary credits obtained in any college acceleration program, and information necessary for the preparation of the state and federal accountability reports. This information must meet requirements established in the pupil auditing manual approved and published by the department. The center shall calculate an annual graduation and pupil dropout rate for each high school, each district, and this state, in compliance with nationally recognized standards for these calculations. The center shall report all graduation and dropout rates to the senate and house education committees and appropriations

committees, the state budget director, and the department not later than 30 days after the publication of the list described in subsection (5). Before reporting these graduation and dropout rates, the department shall allow a school or district to appeal the calculations. The department shall consider and act upon the appeal within 30 days after it is submitted and shall not report these graduation and dropout rates until after all appeals have been considered and decided.

(3) By the first business day in December and by the last business day in June of each year, and within 30 days of any changes in employment or assignment status, a district shall furnish to the center, in a manner prescribed by the center, information related to educational personnel and personnel vacancies as necessary for reporting required by state and federal law. For the purposes of this subsection, the center shall only require districts and intermediate districts to report information that is not already available from the office of retirement services in the department of technology, management, and budget, including, but not limited to, information concerning vacancy start and end dates and reasons for vacancies and vacancy terminations.

(4) If a district or intermediate district fails to meet the requirements of this section, the department shall withhold 5% of the total funds for which the district or intermediate district qualifies under this article until the district or intermediate district complies with this section. If the district or intermediate district does not comply with this section by the end of the fiscal year, the department shall place the amount withheld in an escrow account until the district or intermediate district complies with this section.

(5) Before publishing a list of school or district accountability designations as required by the no child left behind act of 2001, Public Law 107-110, or the every student succeeds act, Public Law 114-95, and utilizing data that were certified as accurate and complete after districts and intermediate districts adhered to deadlines, data quality reviews, and correction processes leading to local certification of final student data in subsection (2), the department shall allow a school or district to appeal any calculation errors used in the preparation of accountability metrics. The department shall consider and act upon the appeal within 30 days after it is submitted and shall not publish the list until after all appeals have been considered and decided.

(6) The department shall implement statewide standard reporting requirements for education data approved by the department in conjunction with the center. The department shall work with the center, intermediate districts, districts, and other interested stakeholders to implement this policy change. A district or intermediate district shall implement the statewide standard reporting requirements not later than 2017-2018 or when a district or intermediate district updates its education data reporting system, whichever is later.

(7) A district or intermediate district shall collect and submit to the center tribal affiliation data for all students and staff and the identification of student participation in federal programs funded under 20 USC 7401 to 7546 and participation in federal programs funded under the Johnson-O'Malley Supplemental Indian Education Program Modernization Act, Public Law 115-404. The data must be reported in a form and manner prescribed by the center in consultation with the federally recognized Indian tribes in this state and the department in adherence to the department's tribal consultation policy. A district or intermediate district shall begin completion of the reporting requirement under this subsection by not later than the 2024-2025 fiscal year.

History: Add. 1988, Act 318, Eff. Oct. 1, 1988 ;-- Am. 1989, Act 197, Eff. Oct. 1, 1989 ;-- Am. 1989, Act 235, Imd. Eff. Dec. 21, 1989 ;-- Am. 1990, Act 207, Eff. Oct. 1, 1990 ;-- Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991 ;-- Am. 1992, Act 148, Eff. Oct. 1, 1992 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1994, Act 283, Eff. Oct. 1, 1994 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2002, Act 191, Eff. Oct. 1, 2002 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2016, Act 533, Eff. Apr. 9, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023

Compiler's Notes: For transfer of powers, duties, functions, and responsibilities of the department of education regarding educational reports to the center for educational performance and information by type II transfer, see E.R.O. No. 2000-6, compiled at MCL 388.996 of the Michigan compiled laws.Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at

$10,718,801,700.00."

388.1619a Reports.

Sec. 19a.

All of the following apply to reports required by the superintendent, department, or center to be submitted under this act:

(a) The superintendent, department, or center shall not require, or promulgate a rule requiring, a new report to be submitted unless state or federal law specifically requires or authorizes the report.

(b) The superintendent, department, or center shall not require, or promulgate a rule requiring, any modifications or additions to a report that, as of the effective date of this section, is already required to be submitted unless 1 or both of the following apply:

(i) State or federal law specifically requires or authorizes the modification or addition.

(ii) The modification or addition will reduce or eliminate a reporting requirement.

(c) If the superintendent, department, or center requires, or promulgates a rule requiring, a new report or additional information to be submitted under the conditions specified under subdivisions (a) and (b), the superintendent, department, or center shall ensure that the new report or additional information may be submitted electronically.

History: Add. 2016, Act 533, Eff. Apr. 9, 2017
Compiler's Notes: Former MCL 388.1619a, which pertained to core curriculum, was repealed by Act 207 of 1990, Eff. Oct. 1, 1990.Section 3 of Act 207 of 1990 purported to repeal MCL 388.1619a to 388.1619d. However, MCL 388.1619d, as added by Act 197 of 1989, did not take effect pursuant to the terms of subsection (3) of that section.

388.1619b Reports on efficacy and usefulness of certain programs; "reporting entity" defined.

Sec. 19b.

(1) A reporting entity required to comply with this section shall provide reports to the house and senate appropriations subcommittees on school aid and the house and senate fiscal agencies on the efficacy and usefulness of the applicable program that comply with the following:

(a) For a program in its first year of funding, a reporting entity shall meet both of the following:

(i) Provide a report no later than 3 months after receipt of funding for that fiscal year that includes all of the following:

(A) A plan describing the intended coverage area, including a plan for disseminating and promoting the program, along with a plan for expanding that coverage statewide as funding allows.

(B) Proposed measurements of outcomes and performance.

(ii) Provide a report no later than 3 months following the end of that fiscal year that includes all of the following:

(A) Actual numbers of students who participated in the program, including the number of districts where the program was implemented.

(B) Actual outcomes and performance based on measurements described in subdivision (a)(i)(B).

(C) Proposed amendments to benchmarks that may better indicate efficacy and usefulness.

(D) Rationale for continuing the program and plans to expand further outreach.

(b) For a program in its second or subsequent year of funding, a reporting entity shall meet both of the following:

(i) Provide a report no later than 3 months after receipt of funding for that fiscal year that includes all of the following:

(A) A plan describing the continued or expanded coverage area for the program, including a plan for how the program and its materials will be disseminated and promoted, and a discussion of expanding the coverage statewide.

(B) Proposed measurements of outcomes and performance, and how to increase performance compared to prior-year performance levels.

(ii) Provide a report no later than 3 months following the end of that fiscal year that includes all of the following:

(A) Actual numbers of students who participated in the program, including the number of districts where the program was implemented, and how those compare to prior-year figures.

(B) Actual outcomes and performance based on measurements described in subdivision (b)(i)(B).
(C) Proposed amendments to benchmarks that may better indicate efficacy and usefulness.
(D) Rationale for continuing the program and plans to expand further outreach.
(2) As used in this section, "reporting entity" means an entity required to comply with this section.

History: Add. 2017, Act 143, Imd. Eff. Nov. 2, 2017
Compiler's Notes: Former MCL 388.1619b, which pertained to school improvement, was repealed by Act 207 of 1990, Eff. Oct. 1, 1990.Section 3 of Act 207 of 1990 purported to repeal MCL 388.1619a to 388.1619d. However, MCL 388.1619d, as added by Act 197 of 1989, did not take effect pursuant to the terms of subsection (3) of that section.

388.1619c Repealed. 1990, Act 207, Eff. Oct. 1, 1990.

Compiler's Notes: Section 3 of Act 207 of 1990 purported to repeal MCL 388.1619a to 388.1619d. However, MCL 388.1619d, as added by Act 197 of 1989, did not take effect pursuant to the terms of subsection (3) of that section.The repealed section pertained to standards for accreditation.

388.1620 Target foundation allowance; calculations; allocations; pupil membership factor, revenue adjustment factor, and index; reduced foundation allowance or per-pupil payment calculation; definitions.

Sec. 20.

(1) For 2024-2025, the target foundation allowance is $9,608.00.
(2) The department shall calculate the amount of each district's foundation allowance as provided in this section, using a target foundation allowance in the amount specified in subsection (1).
(3) Except as otherwise provided in this section, the department shall calculate the amount of a district's foundation allowance as follows, using in all calculations the total amount of the district's foundation allowance as calculated before any proration:
(a) For a district that had a foundation allowance for the immediately preceding fiscal year that was equal to the target foundation allowance for the immediately preceding fiscal year, the district receives a foundation allowance in an amount equal to the target foundation allowance described in subsection (1) for the current fiscal year.
(b) For a district that had a foundation allowance for the immediately preceding fiscal year that was greater than the target foundation allowance for the immediately preceding fiscal year, the district's foundation allowance is an amount equal to the lesser of (the sum of the district's foundation allowance for the immediately preceding fiscal year plus any per pupil amount calculated under section 20m(2) in the immediately preceding fiscal year plus the increase in the target foundation allowance for the current fiscal year, as compared to the immediately preceding fiscal year) or (the product of the district's foundation allowance for the immediately preceding fiscal year times the percentage increase in the United States Consumer Price Index in the calendar year ending in the immediately preceding fiscal year as reported by the May revenue estimating conference conducted under section 367b of the management and budget act, 1984 PA 431, MCL 18.1367b).
(c) For a district that had a foundation allowance in the immediately preceding fiscal year that was less than the target foundation allowance in effect for that fiscal year, the district's foundation allowance is an amount equal to the lesser of (the sum of district's foundation allowance for the immediately preceding fiscal year plus any per pupil amount calculated under section 20m(2) in the immediately preceding fiscal year plus the increase in the target foundation allowance for the current fiscal year, as compared to the immediately preceding fiscal year) or (the product of the district's foundation allowance for the immediately preceding fiscal year times the percentage increase in the United States Consumer Price Index in the calendar year ending in the immediately preceding fiscal year as reported by the May revenue estimating conference conducted under section 367b of the management and budget act, 1984 PA 431, MCL 18.1367b).
(d) For a district that has a foundation allowance that is not a whole dollar amount, the department shall round the district's foundation allowance up to the nearest whole dollar.
(4) Except as otherwise provided in this subsection, the state portion of a district's foundation allowance is an amount equal to the district's foundation allowance or the target foundation allowance for the current fiscal year, whichever is less, minus the local portion of the district's foundation allowance. Except as otherwise provided in this subsection, for a district described in subsection (3)(b) and (c), the state portion of the district's foundation

allowance is an amount equal to the target foundation allowance minus the district's foundation allowance supplemental payment per pupil calculated under section 20m and minus the local portion of the district's foundation allowance. For a district that has a millage reduction required under section 31 of article IX of the state constitution of 1963, the department shall calculate the state portion of the district's foundation allowance as if that reduction did not occur. For a receiving district, if school operating taxes continue to be levied on behalf of a dissolved district that has been attached in whole or in part to the receiving district to satisfy debt obligations of the dissolved district under section 12 of the revised school code, MCL 380.12, the taxable value per membership pupil of property in the receiving district used for the purposes of this subsection does not include the taxable value of property within the geographic area of the dissolved district. For a community district, if school operating taxes continue to be levied by a qualifying school district under section 12b of the revised school code, MCL 380.12b, with the same geographic area as the community district, the taxable value per membership pupil of property in the community district to be used for the purposes of this subsection does not include the taxable value of property within the geographic area of the community district.

(5) The allocation calculated under this section for a pupil is based on the foundation allowance of the pupil's district of residence. For a pupil enrolled under section 105 or 105c in a district other than the pupil's district of residence, the allocation calculated under this section is based on the lesser of the foundation allowance of the pupil's district of residence or the foundation allowance of the educating district. For a pupil in membership in a K-5, K-6, or K-8 district who is enrolled in another district in a grade not offered by the pupil's district of residence, the allocation calculated under this section is based on the foundation allowance of the educating district if the educating district's foundation allowance is greater than the foundation allowance of the pupil's district of residence. The calculation under this subsection must take into account a district's per-pupil allocation under section 20m.

(6) Except as otherwise provided in this subsection, for pupils in membership, other than special education pupils, in a public school academy, the allocation calculated under this section is an amount per membership pupil other than special education pupils in the public school academy equal to the target foundation allowance specified in subsection (1), or, for a public school academy that was issued a contract under section 552 of the revised school code, MCL 380.552, to operate as a school of excellence that is a cyber school, $9,150.00. Notwithstanding section 101, for a public school academy that begins operations after the pupil membership count day, the amount per membership pupil calculated under this subsection must be adjusted by multiplying that amount per membership pupil by the number of hours of pupil instruction provided by the public school academy after it begins operations, as determined by the department, divided by the minimum number of hours of pupil instruction required under section 101(3). The result of this calculation must not exceed the amount per membership pupil otherwise calculated under this subsection.

(7) For pupils in membership, other than special education pupils, in a community district, the allocation calculated under this section is an amount per membership pupil other than special education pupils in the community district equal to the foundation allowance of the qualifying school district, as described in section 12b of the revised school code, MCL 380.12b, that is located within the same geographic area as the community district.

(8) Subject to subsection (4), for a district that is formed or reconfigured after June 1, 2002 by consolidation of 2 or more districts or by annexation, the resulting district's foundation allowance under this section beginning after the effective date of the consolidation or annexation is the lesser of the sum of the average of the foundation allowances of each of the original or affected districts, calculated as provided in this section, weighted as to the percentage of pupils in total membership in the resulting district who reside in the geographic area of each of the original or affected districts plus $100.00 or the highest foundation allowance among the original or affected districts. This subsection does not apply to a receiving district unless there is a subsequent consolidation or annexation that affects the district. The calculation under this subsection must take into account a district's per-pupil allocation under section 20m.

(9) The department shall round each fraction used in making calculations under this section to the fourth decimal place and shall round the dollar amount of an increase in the target foundation allowance to the nearest whole dollar.

(10) State payments related to payment of the foundation allowance for a special education pupil are not calculated under this section but are instead calculated under section 51e.

(11) To assist the legislature in determining the target foundation allowance for the subsequent fiscal year, each revenue estimating conference conducted under section 367b of the management and budget act, 1984 PA 431, MCL 18.1367b, must calculate a pupil membership factor, a revenue adjustment factor, and an index as follows:

(a) The pupil membership factor is computed by dividing the estimated membership in the school year ending in the current fiscal year, excluding intermediate district membership, by the estimated membership for the school year ending in the subsequent fiscal year, excluding intermediate district membership. If a consensus membership factor is not determined at the revenue estimating conference, the principals of the revenue estimating conference shall report their estimates to the house and senate subcommittees responsible for school aid appropriations not later than 7 days after the conclusion of the revenue conference.

(b) The revenue adjustment factor is computed by dividing the sum of the estimated total state school aid fund revenue for the subsequent fiscal year plus the estimated total state school aid fund revenue for the current fiscal

year, adjusted for any change in the rate or base of a tax the proceeds of which are deposited in that fund and excluding money transferred into that fund from the countercyclical budget and economic stabilization fund under the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594, by the sum of the estimated total school aid fund revenue for the current fiscal year plus the estimated total state school aid fund revenue for the immediately preceding fiscal year, adjusted for any change in the rate or base of a tax the proceeds of which are deposited in that fund. If a consensus revenue factor is not determined at the revenue estimating conference, the principals of the revenue estimating conference shall report their estimates to the house and senate subcommittees responsible for school aid appropriations not later than 7 days after the conclusion of the revenue conference.

(c) The index is calculated by multiplying the pupil membership factor by the revenue adjustment factor. If a consensus index is not determined at the revenue estimating conference, the principals of the revenue estimating conference shall report their estimates to the house and senate subcommittees responsible for state school aid appropriations not later than 7 days after the conclusion of the revenue conference.

(12) Payments to districts and public school academies are not made under this section. Rather, the calculations under this section are used to determine the amount of state payments under section 22b.

(13) If an amendment to section 2 of article VIII of the state constitution of 1963 allowing state aid to some or all nonpublic schools is approved by the voters of this state, each foundation allowance or per-pupil payment calculation under this section may be reduced.

(14) As used in this section:

(a) "Certified mills" means the lesser of 18 mills or the number of mills of school operating taxes levied by the district in 1993-94.

(b) "Current fiscal year" means the fiscal year for which a particular calculation is made.

(c) "Dissolved district" means a district that loses its organization, has its territory attached to 1 or more other districts, and is dissolved as provided under section 12 of the revised school code, MCL 380.12.

(d) "Immediately preceding fiscal year" means the fiscal year immediately preceding the current fiscal year.

(e) "Local portion of the district's foundation allowance" means an amount that is equal to the difference between (the sum of the product of the taxable value per membership pupil of all property in the district that is nonexempt property times the district's certified mills and, for a district with certified mills exceeding 12, the product of the taxable value per membership pupil of property in the district that is commercial personal property times the certified mills minus 12 mills) and (the quotient of the product of the captured assessed valuation under tax increment financing acts times the district's certified mills divided by the district's membership excluding special education pupils).

(f) "Membership" means the definition of that term under section 6 as in effect for the particular fiscal year for which a particular calculation is made.

(g) "Nonexempt property" means property that is not a principal residence, qualified agricultural property, qualified forest property, supportive housing property, industrial personal property, commercial personal property, or property occupied by a public school academy.

(h) "Principal residence", "qualified agricultural property", "qualified forest property", "supportive housing property", "industrial personal property", and "commercial personal property" mean those terms as defined in section 1211 of the revised school code, MCL 380.1211.

(i) "Receiving district" means a district to which all or part of the territory of a dissolved district is attached under section 12 of the revised school code, MCL 380.12.

(j) "School operating purposes" means the purposes included in the operation costs of the district as prescribed in sections 7 and 18 and purposes authorized under section 1211 of the revised school code, MCL 380.1211.

(k) "School operating taxes" means local ad valorem property taxes levied under section 1211 of the revised school code, MCL 380.1211, and retained for school operating purposes.

(l) "Tax increment financing acts" means parts 2, 3, 4, and 6 of the recodified tax increment financing act, 2018 PA 57, MCL 125.4201 to 125.4420 and 125.4602 to 125.4629, or the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2670.

(m) "Taxable value per membership pupil" means taxable value, as certified by the county treasurer and reported to the department, for the calendar year ending in the current state fiscal year divided by the district's membership excluding special education pupils for the school year ending in the current state fiscal year.

History: Add. 1993, Act 336, Eff. Mar. 15, 1994 ;-- Am. 1994, Act 172, Imd. Eff. June 17, 1994 ;-- Am. 1994, Act 283, Imd. Eff. July 12, 1994 ;-- Am. 1994, Act 360, Imd. Eff. Dec. 22, 1994 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 180, Imd. Eff. Apr. 19, 1996 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 1997, Act 24, Imd. Eff. June 16, 1997 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997 ;-- Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997 ;-- Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998 ;-- Am. 1998, Act 553, Imd. Eff. Jan. 27, 1999 ;-- Am. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 141, Eff. Jan. 1, 2004 ;-- Am. 2003, Act 158, Imd. Eff. Aug. 11, 2003 ;-- Am. 2004, Act 351, Imd. Eff. Sept. 30, 2004 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 120, Imd. Eff. Apr. 14, 2006 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am.

2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2008, Act 561, Imd. Eff. Jan. 16, 2009 ;-- Am. 2009, Act 73, Imd. Eff. July 9, 2009 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Imd. Eff. July 8, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2013, Act 97, Eff. Oct. 1, 2013 ;-- Am. 2013, Act 130, Imd. Eff. Oct. 9, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2016, Act 313, Eff. Oct. 6, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019 ;-- Am. 2020, Act 146, Imd. Eff. July 31, 2020 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Imd. Eff. July 14, 2022 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2023, Act 320, Eff. Feb. 13, 2024 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: The words “1/3 of” in subsection (20)(a)(i)(Q), as amended by Act 283 of 1994, were vetoed by the governor on July 9, 1994.The last sentence of subsection (9), and subsections (18) and (19), as amended by Act 360 of 1994, were vetoed by the governor on December 22, 1994.Subsection (11), as amended by Act 130 of 1995, was vetoed by the governor on June 30, 1995.Enacting section 3 of Act 521 of 2002 provides:“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Subsection (20), as amended by Act 158 of 2003, was vetoed by the governor on August 11, 2003. The text of subsection (20) set forth above in this section (MCL 388.1620) derives from Act 141 of 2003. In the veto message accompanying her veto of certain items in Enrolled House Bill 4401 (Act 158 of 2003), the governor stated, “I have vetoed amendatory language in Section 20(20) that stops the annual $15 million supplemental payment to Detroit Public Schools at the end of fiscal year 2003. Existing language clearly indicates that this supplemental funding is intended to continue as long as the reform board remains in place. I intend to honor that commitment.”Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 73 of 2009 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."Subsection (25), as amended by Act 110 of 2010, was vetoed by the governor on July 7, 2010.Enacting section 1 of Act 130 of 2013 provides:"Enacting section 1. This amendatory act takes effect October 1, 2013."In subsection (15)(j), as amended by Act 58 of 2019, the following phrases "as calculated by adding the highest per-pupil allocation" and "plus the difference between twice the amount of the difference between the target foundation allowance for the current fiscal year and the target foundation allowance for the immediately preceding fiscal year and [(the amount of the difference between the target foundation allowance for the current fiscal year and the target foundation allowance for the immediately preceding fiscal year minus $40.00) times (the difference between the highest per-pupil allocation among all public school academies for the immediately preceding fiscal year and the minimum foundation allowance for the immediately preceding fiscal year) divided by the difference between the target foundation allowance for the current fiscal year and the minimum foundation allowance for the immediately preceding fiscal year.] For the purposes of this subdivision, for 2019-2020, the maximum public school academy allocation is $8,111.00." were vetoed by the governor on September 30, 2019.

388.1620a Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's Notes: The repealed section pertained to determination of district's combined state and local revenue per membership pupil.

388.1620b Repealed. 2000, Act 297, Eff. Oct. 1, 2000.

Compiler's Notes: The repealed section pertained to allocation for 1998-99.

388.1620c Repealed. 1997, Act 142, Imd. Eff. Nov. 19, 1997.

Compiler's Notes: The repealed section pertained to additional payments to districts and public school academies for 1997-98.

388.1620d Requirements for final determination under MCL 388.1620 and former section 388.1620a.

Sec. 20d.

In making the final determination required under former section 20a of a district's combined state and local revenue per membership pupil in 1993-94 and in making calculations under section 20 for 2024-2025, the department and the department of treasury shall comply with all of the following:

(a) For a district that had combined state and local revenue per membership pupil in the 1994-95 fiscal year of $6,500.00 or more and served as a fiscal agent for a state board designated area vocational education center in the 1993-94 school year, total state school aid received by or paid on behalf of the district under this act in 1993-94 excludes payments made under former section 146 and under section 147 on behalf of the district's employees who provided direct services to the area vocational education center. Not later than June 30, 1996, the department shall make an adjustment under this subdivision to the district's combined state and local revenue per membership pupil in the 1994-95 fiscal year and the department of treasury shall make a final certification of the number of mills that may be levied by the district under section 1211 of the revised school code, MCL 380.1211, as a result of the adjustment under this subdivision.

(b) If a district had an adjustment made to its 1993-94 total state school aid that excluded payments made under former section 146 and under section 147 on behalf of the district's employees who provided direct services for intermediate district center programs operated by the district under former section 51 and sections 51a to 56, if nonresident pupils attending the center programs were included in the district's membership for purposes of calculating the combined state and local revenue per membership pupil for 1993-94, and if there is a signed agreement by all constituent districts of the intermediate district agreeing to an adjustment under this subdivision, the department shall calculate the foundation allowances for 1995-96 and 1996-97 of all districts that had pupils attending the intermediate district center program operated by the district that had the adjustment as if their combined state and local revenue per membership pupil for 1993-94 included resident pupils attending the center program and excluded nonresident pupils attending the center program.

History: Add. 1994, Act 360, Imd. Eff. Dec. 22, 1994 ;-- Am. 1995, Act 130, Imd. Eff. June 30, 1995 ;-- Am. 1996, Act 180, Imd. Eff. Apr. 19, 1996 ;-- Am. 1996, Act 300, Imd. Eff. June 19, 1996 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Subsection (2), as amended by Act 300 of 1996, was vetoed by the governor on June 19, 1996.Sec. 20d, as amended by Act 372 of 1996, was vetoed by the governor on July 3, 1996.Subdivision (c), as amended by Act 93 of 1997, was vetoed by the governor on August 1, 1997.Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1620e Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's Notes: The repealed section pertained to state portion of district's foundation allowance.

388.1620f Allocations; eligibility for funding; amount; proration of payments.

Sec. 20f.

(1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $27,000,000.00 for 2023-2024 only for payments to eligible districts under this section. It is the intent of the legislature that an amount not to exceed $18,000,000.00 is used in 2023-2024, an amount not to exceed $9,000,000.00 is used in 2024-2025, and $0.00 is used in 2025-2026.

(2) The funding under this subsection is from the allocation under subsection (1). A district is eligible for funding under this subsection if the district received a payment under this section as it was in effect for 2013-2014. A district was eligible for funding in 2013-2014 if the sum of the following was less than $5.00:

(a) The increase in the district's foundation allowance or per-pupil payment as calculated under section 20 from 2012-2013 to 2013-2014.

(b) The district's equity payment per membership pupil under former section 22c for 2013-2014.

(c) The quotient of the district's allocation under section 147a for 2012-2013 divided by the district's membership pupils for 2012-2013 minus the quotient of the district's allocation under section 147a for 2013-2014 divided by the district's membership pupils for 2013-2014.

(3) The amount allocated to each eligible district under subsection (2) is an amount per membership pupil equal to the amount per membership pupil the district received under this section in 2013-2014. It is the intent of the legislature that a district's allocation under subsection (2) for 2024-2025 is half of the allocation as otherwise calculated.

(4) The funding under this subsection is from the allocation under subsection (1). A district is eligible for funding under this subsection if the sum of the following is less than $25.00:

(a) The increase in the district's foundation allowance or per-pupil payment as calculated under section 20 from 2014-2015 to 2015-2016.

(b) The decrease in the district's best practices per-pupil funding under former section 22f from 2014-2015 to 2015-2016.

(c) The decrease in the district's pupil performance per-pupil funding under former section 22j from 2014-2015 to 2015-2016.

(d) The quotient of the district's allocation under section 31a for 2015-2016 divided by the district's membership pupils for 2015-2016 minus the quotient of the district's allocation under section 31a for 2014-2015 divided by the district's membership pupils for 2014-2015.

(5) It is the intent of the legislature that a district's allocation under subsection (4) for 2024-2025 is half of the allocation as otherwise calculated. The amount allocated to each eligible district under subsection (4) is an amount per membership pupil equal to $25.00 minus the sum of the following:

(a) The increase in the district's foundation allowance or per-pupil payment as calculated under section 20 from 2014-2015 to 2015-2016.

(b) The decrease in the district's best practices per-pupil funding under former section 22f from 2014-2015 to 2015-2016.

(c) The decrease in the district's pupil performance per-pupil funding under former section 22j from 2014-2015 to 2015-2016.

(d) The quotient of the district's allocation under section 31a for 2015-2016 divided by the district's membership pupils for 2015-2016 minus the quotient of the district's allocation under section 31a for 2014-2015 divided by the district's membership pupils for 2014-2015.

(6) If the allocation under subsection (1) is insufficient to fully fund payments under subsections (3) and (5) as otherwise calculated under this section, the department shall prorate payments under this section on an equal per-pupil basis.

(7) The funds allocated under this section for 2023-2024 are a work project appropriation, and any unexpended funds for 2023-2024 are carried forward into 2024-2025. The purpose of the work project is to continue payments to districts eligible for funding under this section. The estimated completion date of the work project described in this subsection is September 30, 2025.

History: Add. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016,

Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023

Compiler's Notes: Former MCL 388.1620f, which pertained to allocation to instructional program operated by public university was repealed by Act 130 of 1995, Eff. Oct. 1, 1995.

388.1620g Repealed. 2017, Act 108, Eff. Oct. 1, 2017.

Compiler's Notes: The repealed section pertained to transition costs relating to pupils enrolled in dissolved district.

388.1620h, 388.1620i Repealed. 1997, Act 93, Eff. Oct. 1, 1997.

Compiler's Notes: The repealed sections pertained to payments for special education pupils for 1995-96 and funding for districts experiencing large pupil membership growth.

388.1620j, 388.1620k Repealed. 2011, Act 62, Eff. Oct. 1, 2011.

Compiler's Notes: The repealed sections pertained to foundation allowance supplemental payments and reduction in district's state school aid.

388.1620m Foundation allowance supplemental payments; per-pupil allocation; calculations; "qualifying district" defined.

Sec. 20m.

(1) Foundation allowance supplemental payments for the current fiscal year to qualifying districts with an adjustment to their foundation allowance from fiscal year 2020-2021 to the current fiscal year that is less than the adjustment in the target foundation allowance from fiscal year 2020-2021 to the current fiscal year must be calculated under this section.

(2) The per-pupil allocation to each qualifying district under this section is the difference between the dollar amount of the adjustment from fiscal year 2020-2021 to the current fiscal year in the target foundation allowance minus the dollar amount of the adjustment from fiscal year 2020-2021 to the current fiscal year in a qualifying district's foundation allowance.

(3) If a district's local revenue per pupil does not exceed the sum of its foundation allowance under section 20 plus the per-pupil allocation under subsection (2), the total payment to the district calculated under this section is the product of the per-pupil allocation under subsection (2) multiplied by the district's membership, excluding special education pupils. If a district's local revenue per pupil exceeds its foundation allowance under section 20 but does not exceed the sum of its foundation allowance under section 20 plus the per-pupil allocation under subsection (2), the total payment to the district calculated under this section is the product of the difference between the sum of its foundation allowance under section 20 plus the per-pupil allocation under subsection (2) minus the local revenue per pupil multiplied by the district's membership, excluding special education pupils. If a district's local revenue per pupil exceeds the sum of its foundation allowance under section 20 plus the per-pupil allocation under subsection (2), there is no payment calculated under this section for the district.

(4) Payments to districts must not be made under this section. Rather, the calculations under this section are used to determine the amount of state payments that are made under section 22b.

(5) As used in this section, "qualifying district" means a district where the millage limitation in section 1211(3) of

the revised school code, MCL 380.1211, is applied due to the increase in the target foundation allowance from the immediately preceding fiscal year to the current fiscal year exceeding the percentage increase in the general price level in the immediately preceding calendar year applied to the district's immediately preceding fiscal year foundation allowance.

History: Add. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022
Compiler's Notes: Former MCL 388.1620m, which pertained to supplemental foundation allowances to certain districts, was repealed by Act 58 of 2019, Eff. Oct. 1, 2019.

388.1621 Repealed. 2017, Act 108, Eff. Oct. 1, 2017.

Compiler's Notes: The repealed section pertained to districts identified as among lowest achieving 5% of public schools.

388.1621a Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's Notes: The repealed section pertained to school improvement plans, annual education report, accreditation, and core curriculum; employability skills assessment programs.

388.1621b Support for pupil attending postsecondary institution.

Sec. 21b.

(1) Subject to subsections (2) and (3), a district shall use funds received under section 22a or 22b to support the attendance of a district pupil who is an eligible student at an eligible postsecondary institution under the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524, or under the career and technical preparation act, 2000 PA 258, MCL 388.1901 to 388.1913, by paying eligible charges on behalf of the district pupil as required under those acts.

(2) A district is not required to pay transportation costs, parking costs, or activity fees on behalf of an eligible student for attendance at an eligible postsecondary institution as described in subsection (1).

(3) A district may pay more money to an eligible postsecondary institution on behalf of an eligible student than required under the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524, or the career and technical preparation act, 2000 PA 258, MCL 388.1901 to 388.1913, and may use local school operating revenue for that purpose. An eligible student is responsible for payment of the remainder of the costs associated with his or her postsecondary enrollment that exceed the amount the district is required to pay under the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524, or the career and technical preparation act, 2000 PA 258, MCL 388.1901 to 388.1913, and that are not paid by the district. As used in this subsection, "local school operating revenue" means that term as defined in section 22b.

(4) As used in this section, "eligible student" and "eligible postsecondary institution" mean those terms as defined in section 3 of the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524, or in section 3 of the career and technical preparation act, 2000 PA 258, MCL 388.1903, as applicable.

History: Add. 1991, Act 118, Imd. Eff. Oct. 11, 1991 ;-- Am. 1991, Act 200, Imd. Eff. Jan. 2, 1992 ;-- Am. 1992, Act 148, Eff. Oct. 1, 1992 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1994, Act 283, Imd. Eff. July 12, 1994 ;-- Am. 1996, Act 161, Eff. July 1, 1996 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022

Compiler's Notes: Enacting section 1 of Act 351 of 2004 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

388.1621c Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's Notes: The repealed section pertained to counting certain funds and payments for purposes of MCL 388.1621(5).

388.1621d Repealed. 1996, Act 300, Eff. Oct. 1, 1996.

Compiler's Notes: The repealed section pertained to reorganization planning grant.

388.1621e Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's Notes: The repealed section pertained to allocations to districts.

388.1621f Virtual courses; primary district; requirements; denial of enrollment; appeal; rights and access to technology; definitions.

Sec. 21f.

(1) A primary district shall enroll an eligible pupil in virtual courses in accordance with the provisions of this section. A primary district shall not offer a virtual course to an eligible pupil unless the virtual course is published in the primary district's catalog of board-approved courses or in the statewide catalog of virtual courses maintained by the Michigan Virtual University pursuant to section 98. The primary district shall also provide on its publicly accessible website a link to the statewide catalog of virtual courses maintained by the Michigan Virtual University. Unless the pupil is at least age 18 or is an emancipated minor, a pupil must not be enrolled in a course that meets virtually for more than 15 days in a school year without the consent of the pupil's parent or legal guardian.

(2) Subject to subsection (3), a primary district shall enroll an eligible pupil in up to 2 virtual courses as requested by the pupil during an academic term, semester, or trimester.

(3) A pupil may be enrolled in more than 2 virtual courses in a specific academic term, semester, or trimester if both of the following conditions are met:

(a) The primary district has determined that it is in the best interest of the pupil.

(b) The pupil agrees with the recommendation of the primary district.

(4) If the number of applicants eligible for acceptance in a virtual course does not exceed the capacity of the provider to provide the virtual course, the provider shall accept for enrollment all of the applicants eligible for acceptance. If the number of applicants exceeds the provider's capacity to provide the virtual course, the provider shall use a random draw system, subject to the need to abide by state and federal antidiscrimination laws and court orders. A primary district that is also a provider shall determine whether or not it has the capacity to accept applications for enrollment from nonresident applicants in virtual courses and may use that limit as the reason for refusal to enroll a nonresident applicant.

(5) A primary district may not establish additional requirements beyond those specified in this subsection that would prohibit a pupil from taking a virtual course. A pupil's primary district may deny the pupil enrollment in a virtual course if any of the following apply, as determined by the district:

(a) The pupil is enrolled in any of grades K to 5.

(b) The pupil has previously gained the credits that would be provided from the completion of the virtual course.

(c) The virtual course is not capable of generating academic credit.

(d) The virtual course is inconsistent with the remaining graduation requirements or career interests of the pupil.

(e) The pupil has not completed the prerequisite coursework for the requested virtual course or has not demonstrated proficiency in the prerequisite course content.

(f) The pupil has failed a previous virtual course in the same subject during the 2 most recent academic years.

(g) The virtual course is of insufficient quality or rigor. A primary district that denies a pupil enrollment request for this reason shall enroll the pupil in a virtual course in the same or a similar subject that the primary district determines is of acceptable rigor and quality.

(h) The cost of the virtual course exceeds the amount identified in subsection (10), unless the pupil or the pupil's parent or legal guardian agrees to pay the cost that exceeds this amount.

(i) The request for a virtual course enrollment did not occur within the same timelines established by the primary district for enrollment and schedule changes for regular courses.

(j) The request for a virtual course enrollment was not made in the academic term, semester, trimester, or summer preceding the enrollment. This subdivision does not apply to a request made by a pupil who is newly enrolled in the primary district.

(6) If a pupil is denied enrollment in a virtual course by the pupil's primary district, the primary district shall provide written notification to the pupil of the denial, the reason or reasons for the denial under subsection (5), and a description of the appeal process. The pupil may appeal the denial by submitting a letter to the superintendent of the intermediate district in which the pupil's primary district is located. The letter of appeal must include the reason provided by the primary district for not enrolling the pupil and the reason why the pupil is claiming that the enrollment should be approved. The intermediate district superintendent or designee shall respond to the appeal within 5 days after it is received. If the intermediate district superintendent or designee determines that the denial of enrollment does not meet 1 or more of the reasons specified in subsection (5), the primary district shall enroll the pupil in the virtual course.

(7) To provide a virtual course to an eligible pupil under this section, a provider must do all of the following:

(a) Ensure that the virtual course has been published in the pupil's primary district's catalog of board-approved courses or published in the statewide catalog of virtual courses maintained by the Michigan Virtual University.

(b) Assign to each pupil a teacher of record and provide the primary district with the personnel identification code assigned by the center for the teacher of record. If the provider is a community college, the virtual course must be taught by an instructor employed by or contracted through the providing community college.

(c) Offer the virtual course on an open entry and exit method, or aligned to a semester, trimester, or accelerated academic term format.

(d) If the virtual course is offered to eligible pupils in more than 1 district, the following additional requirements must also be met:

(i) Provide the Michigan Virtual University with a course syllabus that meets the definition under subsection (14)(g) in a form and manner prescribed by the Michigan Virtual University for inclusion in a statewide catalog of virtual courses.

(ii) Not later than October 1 of each fiscal year, provide the Michigan Virtual University with an aggregated count of enrollments for each virtual course the provider delivered to pupils under this section during the immediately preceding school year, and the number of enrollments in which the pupil earned 60% or more of the total course points for each virtual course.

(8) To provide a virtual course under this section, a community college shall ensure that each virtual course it provides under this section generates postsecondary credit.

(9) For any virtual course a pupil enrolls in under this section, the pupil's primary district must assign to the pupil a mentor and shall supply the provider with the mentor's contact information.

(10) For a pupil enrolled in 1 or more virtual courses, the primary district shall use foundation allowance or per-pupil funds calculated under section 20 to pay for the expenses associated with the virtual course or courses. A primary district is not required to pay toward the cost of a virtual course an amount that exceeds 6.67% of the target foundation allowance for the current fiscal year as calculated under section 20.

(11) A virtual learning pupil has the same rights and access to technology in the pupil's primary district's school facilities as all other pupils enrolled in the pupil's primary district. The department shall establish standards for hardware, software, and internet access for pupils who are enrolled in more than 2 virtual courses under this section in an academic term, semester, or trimester taken at a location other than a school facility.

(12) If a pupil successfully completes a virtual course, as determined by the pupil's primary district, the pupil's primary district shall grant appropriate academic credit for completion of the course and shall count that credit toward completion of graduation and subject area requirements. A pupil's school record and transcript must identify the virtual course title as it appears in the virtual course syllabus.

(13) The enrollment of a pupil in 1 or more virtual courses must not result in a pupil being counted as more than 1.0 full-time equivalent pupils under this article. The minimum requirements to count the pupil in membership are those established by the pupil accounting manual as it was in effect for the 2015-2016 school year or as

subsequently amended by the department if the department notifies the legislature about the proposed amendment at least 60 days before the amendment becomes effective.

(14) Subject to the requirements in this subsection, a district may provide instruction under this section for not more than 15 days in a school year. If a district plans to provide instruction under this section to pupils for not more than 15 days during a school year, the district's plan must be approved by the board of the district and the district must provide notice of the plan to impacted pupils and their parents or legal guardians before enactment of the plan. Days of instruction under this subsection may only be used for the following purposes, as defined by the department:

(a) Emergency closures.

(b) Student testing days.

(c) Professional development purposes, not to exceed a total of 30 hours during a school year.

(15) As used in this section:

(a) "Instructor" means an individual who is employed by or contracted through a community college.

(b) "Mentor" means a professional employee of the primary district who monitors the pupil's progress, ensures the pupil has access to needed technology, is available for assistance, and ensures access to the teacher of record. A mentor may also serve as the teacher of record if the primary district is the provider for the virtual course and the mentor meets the requirements under subdivision (e).

(c) "Primary district" means the district that enrolls the pupil and reports the pupil for pupil membership purposes.

(d) "Provider" means the district, intermediate district, community college, or other third-party vendor that the primary district pays to provide the virtual course or the Michigan Virtual University if it is providing the virtual course.

(e) "Teacher of record" means a teacher who meets all of the following:

(i) Is appropriately placed under a valid Michigan teaching certificate or a teaching permit, authorization, or approval issued by the department. As used in this subparagraph, "appropriately placed" means holding a valid Michigan educator credential with the required grade range and discipline or subject area for the assignment, as defined by the superintendent of public instruction.

(ii) Is responsible for providing instruction, determining instructional methods for each pupil, diagnosing learning needs, assessing pupil learning, prescribing intervention strategies and modifying lessons, reporting outcomes, and evaluating the effects of instruction and support strategies.

(iii) Has a personnel identification code provided by the center.

(iv) If the provider is a community college, is an instructor employed by or contracted through the providing community college.

(f) "Virtual course" means a course of study that is capable of generating a credit or a grade and that is provided in an interactive learning environment where any portion of the curriculum is delivered using the internet and in which pupils may be separated from their instructor or teacher of record by time or location, or both.

(g) "Virtual course syllabus" means a document that includes all of the following:

(i) An alignment document detailing how the course meets applicable state standards or, if the state does not have state standards, nationally recognized standards.

(ii) The virtual course content outline.

(iii) The virtual course required assessments.

(iv) The virtual course prerequisites.

(v) Expectations for actual instructor or teacher of record contact time with the virtual learning pupil and other communications between a pupil and the instructor or teacher of record.

(vi) Academic support available to the virtual learning pupil.

(vii) The virtual course learning outcomes and objectives.

(viii) The name of the institution or organization providing the virtual content.

(ix) The name of the institution or organization providing the instructor or teacher of record.

(x) The course titles assigned by the provider and the course titles and course codes from the National Center for Education Statistics (NCES) school codes for the exchange of data (SCED).

(xi) The number of eligible pupils that will be accepted by the provider in the virtual course. A primary district that is also the provider may limit the enrollment to those pupils enrolled in the primary district.

(xii) The results of the virtual course quality review using the guidelines and model review process published by the Michigan Virtual University.

(h) "Virtual learning pupil" means a pupil enrolled in 1 or more virtual courses.

History: Add. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2013, Act 130, Imd. Eff. Oct. 9, 2013 ;-- Am. 2014, Act 116, Imd. Eff. Apr. 11, 2014 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2015, Act 139, Eff. Oct. 7, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017 ;-- Am. 2018, Act 265, Imd. Eff. June 28, 2018 ;-- Am. 2020, Act 147,

Imd. Eff. Aug. 20, 2020 ;-- Am. 2021, Act 3, Imd. Eff. Mar. 9, 2021 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Imd. Eff. July 14, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023

Compiler's Notes: Enacting section 1 of Act 130 of 2013 provides:"Enacting section 1. This amendatory act takes effect October 1, 2013."Enacting section 1 of Act 139 of 2015 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2015 PA 85 and this amendatory act for fiscal year 2015-2016 is estimated at $12,124,885,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2015-2016 are estimated at $11,967,255,600.00."

388.1621g Repealed. 2017, Act 108, Eff. Oct. 1, 2017.

Compiler's Notes: The repealed section pertained to grant to public-private partnership to develop and pilot competency-based transcript and marketplace.

388.1621h Partnership districts; to improve student achievement and district financial stability; eligibility for funding; approval of an academic and financial operating or intervention plan; allocation and use of funds; funds for data analytics tool; report.

Sec. 21h.

(1) From the state school aid fund money appropriated in section 11, there is allocated $6,137,400.00 for 2024-2025 for assisting districts assigned by the superintendent to participate in a partnership and districts that are required to submit a deficit elimination plan or an enhanced deficit elimination plan under section 1220 of the revised school code, MCL 380.1220, and are located in a city with a population between 8,000 and 10,000 as determined by the department, that is in a county with a population between 150,000 and 160,000, as determined by the department, to improve student achievement and district financial stability. The superintendent shall identify any conditions that may be contributing to low academic performance within a district being considered for assignment to a partnership. The purpose of the partnership is to identify district needs, develop intervention plans, and partner with public, private, and nonprofit organizations to coordinate resources and improve student achievement. Assignment of a district to a partnership is made by the superintendent.

(2) A district described in subsection (1) is eligible for funding under this section if the district includes at least 1 school that has been identified as low performing under the approved federal accountability system or the state accountability system. A district described in this subsection must do all of the following to be eligible for funding under this section:

(a) For a partnership district under this section, within 90 days of assignment to the partnership described in this section, and for a district described in subsection (1) that is not a partnership district under this section, complete a comprehensive needs assessment or evaluation in collaboration with an intermediate district, community members, education organizations, and postsecondary institutions, as applicable, that is approved by the superintendent. The comprehensive needs assessment or evaluation must include at least all of the following:

(i) A review of the district's implementation and utilization of a multi-tiered system of supports to ensure that it is used to appropriately inform instruction.

(ii) A review of the district and school building leadership and educator capacity to substantially improve student outcomes.

(iii) A review of classroom, instructional, and operational practices and curriculum to ensure alignment with research-based instructional practices and state curriculum standards.

(b) Develop an academic and financial operating or intervention plan that has been approved by the superintendent and that addresses the needs identified in the comprehensive needs assessment or evaluation completed under subdivision (a). The intervention plan must include at least all of the following:

(i) Specific actions that will be taken by the district and each of its partners to improve student achievement.

(ii) Specific measurable benchmarks that will be met within 18 months to improve student achievement and identification of expected student achievement outcomes to be attained within 3 years after assignment to the partnership.

(c) Craft academic goals that put pupils on track to meet or exceed grade level proficiency, increase high school graduation rates, reduce class sizes, and improve attendance rates.

(d) Provide access to training for district leadership, including, but not limited to, the superintendent or chief administrator and school board or board of directors members, on areas of education fiscal and policy matters.

(3) Upon approval of the academic and financial operating or intervention plan developed under subsection (2), the department shall assign a team of individuals with expertise in comprehensive school and district reform to partner with the district, the intermediate district, community organizations, education organizations, and postsecondary institutions identified in the academic and financial operating or intervention plan to review the district's use of existing financial resources to ensure that those resources are being used as efficiently and effectively as possible to improve student academic achievement and to ensure district financial stability. The superintendent of public instruction may waive burdensome administrative rules for a partnership district for the duration of the partnership agreement and for a district described in subsection (1) that is not a partnership district under this section and that receives funding under this section in the current fiscal year.

(4) Funds allocated under this section, excluding funds allocated under subsection (5), may be used to pay for district expenditures approved by the superintendent to improve student achievement. Funds may be used for professional development for teachers or district or school leadership, increased instructional time, teacher mentors, or other expenditures that directly impact student achievement and cannot be paid from existing district financial resources. Notwithstanding section 17b, the department shall make payments to districts under this section on a schedule determined by the department.

(5) From the funds allocated under subsection (1), there is allocated for 2024-2025 an amount not to exceed $137,400.00 for the purchase of a data analytics tool to be used by districts described in subsection (1). The superintendent of public instruction shall require districts described in subsection (1) to purchase a data analytics tool funded under this subsection as part of the agreements described in this section.

(6) The department shall annually report to the legislature on the activities funded under this section and how those activities impacted student achievement in districts that received funds under this section. To the extent possible, participating districts receiving funding under this section shall participate in the report.

(7) In addition to the allocation under subsection (1), from the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $36,000,000.00 to districts described in subsection (1) for 2023-2024 only for supplemental funding to be used by districts for the purposes of this section in equal installments of $12,000,000.00 in each of the fiscal years 2023-2024, 2024-2025, and 2025-2026. The funds allocated under this subsection for 2023-2024 are a work project appropriation, and any unexpended funds for 2023-2024 are carried forward into 2024-2025. The purpose of the work project is to provide assistance to districts eligible for funding under this section. The estimated completion date of the work project described in this subsection is September 30, 2026.

History: Add. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1621j Repealed. 2018, Act 265, Eff. Oct. 1, 2018.

Compiler's Notes: The repealed section pertained to design and implementation of competency-based education program.

388.1622 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's Notes: The repealed section pertained to allocations to districts.

388.1622a Allocation for school operating purposes; proposal A payments to districts and qualifying public school academies; calculations; definitions.

Sec. 22a.

(1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $4,144,000,000.00 for 2023-2024 and there is allocated an amount not to exceed $3,993,000,000.00 for 2024-2025 for payments to districts and qualifying public school academies to guarantee each district and qualifying public school academy an amount equal to its 1994-95 total state and local per-pupil revenue for school operating purposes under section 11 of article IX of the state constitution of 1963. Pursuant to section 11 of article IX of the state constitution of 1963, this guarantee does not apply to a district in a year in which the district levies a millage rate for school district operating purposes less than it levied in 1994. However, subsection (2) applies to calculating the payments under this section. Funds allocated under this section that are not expended in the fiscal year for which they were allocated, as determined by the department, may be used to supplement the allocations under sections 22b and 51c to fully fund those allocations for the same fiscal year.

(2) To ensure that a district receives an amount equal to the district's 1994-95 total state and local per-pupil revenue for school operating purposes, there is allocated to each district a state portion of the district's 1994-95 foundation allowance in an amount calculated as follows:

(a) Except as otherwise provided in this subsection, the state portion of a district's 1994-95 foundation allowance is an amount equal to the district's 1994-95 foundation allowance or $6,500.00, whichever is less, minus the difference between the sum of the product of the taxable value per membership pupil of all property in the district that is nonexempt property times the district's certified mills and, for a district with certified mills exceeding 12, the product of the taxable value per membership pupil of property in the district that is commercial personal property times the certified mills minus 12 mills and the quotient of the ad valorem property tax revenue of the district captured under tax increment financing acts divided by the district's membership. For a district that has a millage reduction required under section 31 of article IX of the state constitution of 1963, the department shall calculate the state portion of the district's foundation allowance as if that reduction did not occur. For a receiving district, if school operating taxes are to be levied on behalf of a dissolved district that has been attached in whole or in part to the receiving district to satisfy debt obligations of the dissolved district under section 12 of the revised school code, MCL 380.12, taxable value per membership pupil of all property in the receiving district that is nonexempt property and taxable value per membership pupil of property in the receiving district that is commercial personal property do not include property within the geographic area of the dissolved district; ad valorem property tax revenue of the receiving district captured under tax increment financing acts does not include ad valorem property tax revenue captured within the geographic boundaries of the dissolved district under tax increment financing acts; and certified mills do not include the certified mills of the dissolved district. For a community district, the department shall reduce the allocation as otherwise calculated under this section by an amount equal to the amount of local school operating tax revenue that would otherwise be due to the community district if not for the operation of section 386 of the revised school code, MCL 380.386, and the amount of this reduction is offset by the increase in funding under section 22b(2).

(b) For a district that had a 1994-95 foundation allowance greater than $6,500.00, the state payment under this subsection is the sum of the amount calculated under subdivision (a) plus the amount calculated under this subdivision. The amount calculated under this subdivision must be equal to the difference between the district's 1994-95 foundation allowance minus $6,500.00 and the current year hold harmless school operating taxes per pupil. If the result of the calculation under subdivision (a) is negative, the negative amount is an offset against any state payment calculated under this subdivision. If the result of a calculation under this subdivision is negative, there is not a state payment or a deduction under this subdivision. The taxable values per membership pupil used in the calculations under this subdivision are as adjusted by ad valorem property tax revenue captured under tax increment financing acts divided by the district's membership. For a receiving district, if school operating taxes are to be levied on behalf of a dissolved district that has been attached in whole or in part to the receiving district to satisfy debt obligations of the dissolved district under section 12 of the revised school code, MCL 380.12, ad valorem property tax revenue captured under tax increment financing acts do not include ad valorem property tax revenue captured within the geographic boundaries of the dissolved district under tax increment financing acts.

(3) For pupils in membership in a qualifying public school academy, there is allocated under this section to the authorizing body that is the fiscal agent for the qualifying public school academy for forwarding to the qualifying public school academy an amount equal to the 1994-95 per-pupil payment to the qualifying public school academy under section 20.

(4) A district or qualifying public school academy may use funds allocated under this section in conjunction with any federal funds for which the district or qualifying public school academy otherwise would be eligible.

(5) Except as otherwise provided in this subsection, for a district that is formed or reconfigured after June 1, 2000 by consolidation of 2 or more districts or by annexation, the resulting district's 1994-95 foundation allowance under this section beginning after the effective date of the consolidation or annexation is the average of the 1994-95 foundation allowances of each of the original or affected districts, calculated as provided in this section, weighted as to the percentage of pupils in total membership in the resulting district in the fiscal year in which the consolidation takes place who reside in the geographic area of each of the original districts. If an affected district's 1994-95 foundation allowance is less than the 1994-95 basic foundation allowance, the amount of that district's 1994-95 foundation allowance is considered for the purpose of calculations under this subsection to be equal to the

amount of the 1994-95 basic foundation allowance. This subsection does not apply to a receiving district unless there is a subsequent consolidation or annexation that affects the district.

(6) Payments under this section are subject to section 25g.

(7) As used in this section:

(a) "1994-95 foundation allowance" means a district's 1994-95 foundation allowance calculated and certified by the department of treasury or the superintendent under former section 20a as enacted in 1993 PA 336 and as amended by 1994 PA 283.

(b) "Certified mills" means the lesser of 18 mills or the number of mills of school operating taxes levied by the district in 1993-94.

(c) "Current fiscal year" means the fiscal year for which a particular calculation is made.

(d) "Current year hold harmless school operating taxes per pupil" means the per-pupil revenue generated by multiplying a district's 1994-95 hold harmless millage by the district's current year taxable value per membership pupil. For a receiving district, if school operating taxes are to be levied on behalf of a dissolved district that has been attached in whole or in part to the receiving district to satisfy debt obligations of the dissolved district under section 12 of the revised school code, MCL 380.12, taxable value per membership pupil does not include the taxable value of property within the geographic area of the dissolved district.

(e) "Dissolved district" means a district that loses its organization, has its territory attached to 1 or more other districts, and is dissolved as provided under section 12 of the revised school code, MCL 380.12.

(f) "Hold harmless millage" means, for a district with a 1994-95 foundation allowance greater than $6,500.00, the number of mills by which the exemption from the levy of school operating taxes on a principal residence, qualified agricultural property, qualified forest property, supportive housing property, industrial personal property, commercial personal property, and property occupied by a public school academy could be reduced as provided in section 1211 of the revised school code, MCL 380.1211, and the number of mills of school operating taxes that could be levied on all property as provided in section 1211(2) of the revised school code, MCL 380.1211, as certified by the department of treasury for the 1994 tax year. For a receiving district, if school operating taxes are to be levied on behalf of a dissolved district that has been attached in whole or in part to the receiving district to satisfy debt obligations of the dissolved district under section 12 of the revised school code, MCL 380.12, school operating taxes do not include school operating taxes levied within the geographic area of the dissolved district.

(g) "Membership" means the definition of that term under section 6 as in effect for the particular fiscal year for which a particular calculation is made.

(h) "Nonexempt property" means property that is not a principal residence, qualified agricultural property, qualified forest property, supportive housing property, industrial personal property, commercial personal property, or property occupied by a public school academy.

(i) "Principal residence", "qualified agricultural property", "qualified forest property", "supportive housing property", "industrial personal property", and "commercial personal property" mean those terms as defined in section 1211 of the revised school code, MCL 380.1211.

(j) "Qualifying public school academy" means a public school academy that was in operation in the 1994-95 school year and is in operation in the current fiscal year.

(k) "Receiving district" means a district to which all or part of the territory of a dissolved district is attached under section 12 of the revised school code, MCL 380.12.

(l) "School operating taxes" means local ad valorem property taxes levied under section 1211 of the revised school code, MCL 380.1211, and retained for school operating purposes as defined in section 20.

(m) "Tax increment financing acts" means parts 2, 3, 4, and 6 of the recodified tax increment financing act, 2018 PA 57, MCL 125.4201 to 125.4420 and 125.4602 to 125.4629, or the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2670.

(n) "Taxable value per membership pupil" means each of the following divided by the district's membership:

(i) For the number of mills by which the exemption from the levy of school operating taxes on a principal residence, qualified agricultural property, qualified forest property, supportive housing property, industrial personal property, commercial personal property, and property occupied by a public school academy may be reduced as provided in section 1211 of the revised school code, MCL 380.1211, the taxable value of principal residence, qualified agricultural property, qualified forest property, supportive housing property, industrial personal property, commercial personal property, and property occupied by a public school academy for the calendar year ending in the current fiscal year. For a receiving district, if school operating taxes are to be levied on behalf of a dissolved district that has been attached in whole or in part to the receiving district to satisfy debt obligations of the dissolved district under section 12 of the revised school code, MCL 380.12, mills do not include mills within the geographic area of the dissolved district.

(ii) For the number of mills of school operating taxes that may be levied on all property as provided in section 1211(2) of the revised school code, MCL 380.1211, the taxable value of all property for the calendar year ending in the current fiscal year. For a receiving district, if school operating taxes are to be levied on behalf of a dissolved district that has been attached in whole or in part to the receiving district to satisfy debt obligations of the dissolved district under section 12 of the revised school code, MCL 380.12, school operating taxes do not include school

operating taxes levied within the geographic area of the dissolved district.

History: Add. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 351, Imd. Eff. Sept. 30, 2004 ;-- Am. 2005, Act 98, Imd. Eff. July 22, 2005 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Imd. Eff. Aug. 15, 2006 ;-- Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 112, Imd. Eff. Apr. 29, 2008 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 73, Imd. Eff. July 9, 2009 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Imd. Eff. July 8, 2010 ;-- Am. 2010, Act 217, Imd. Eff. Dec. 3, 2010 ;-- Am. 2011, Act 62, Imd. Eff. June 21, 2011 ;-- Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011 ;-- Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012 ;-- Am. 2012, Act 201, Imd. Eff. June 26, 2012 ;-- Am. 2013, Act 60, Imd. Eff. June 13, 2013 ;-- Am. 2013, Act 97, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 116, Imd. Eff. Apr. 11, 2014 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 5, Imd. Eff. Mar. 10, 2015 ;-- Am. 2015, Act 85, Imd. Eff. June 17, 2015 ;-- Am. 2016, Act 249, Imd. Eff. June 27, 2016 ;-- Am. 2017, Act 108, Imd. Eff. July 14, 2017 ;-- Am. 2018, Act 265, Imd. Eff. June 28, 2018 ;-- Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019 ;-- Am. 2020, Act 146, Imd. Eff. July 31, 2020 ;-- Am. 2020, Act 165, Imd. Eff. Sept. 30, 2020 ;-- Am. 2021, Act 48, Imd. Eff. July 13, 2021 ;-- Am. 2022, Act 144, Imd. Eff. July 14, 2022 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2024, Act 120, Imd. Eff. July 23, 2024

Compiler's Notes: Enacting section 3 of Act 521 of 2002 provides:“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 98 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2004-2005 in this amendatory act, 2004 PA 518, 2004 PA 351, and 2004 PA 185 is estimated at $11,113,522, 200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,050,922,200.00."Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 112 of 2008 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2007 PA 137 from state sources for fiscal year 2007-2008 is estimated at $11,421,776,200.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,346,293,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 73 of 2009 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."Enacting section 1 of Act 217 of 2010 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 204, and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00.(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 110, and in 2009 PA 121 from state sources for fiscal year 2009-2010 is estimated at $10,645,097,700.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,562,169,000.00."Enacting section 1 of Act 299 of 2011 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."

388.1622b Allocation from community district education trust fund; discretionary nonmandated payments; duties of district; purchase and support of business function software; payments for litigation costs; claim of inadequate funding or unfunded constitutional requirement; escrowed funds as work project; purpose; final determination; expedited review of claim by local claims review board; removal to court of appeals;

violation of state constitution; lawsuit challenging payments relating to costs reimbursed by federal title XIX Medicaid funds; definitions.

Sec. 22b.

(1) Except as otherwise provided in this section, for discretionary nonmandated payments to districts under this section, there is allocated for 2023-2024 an amount not to exceed $6,219,000,000.00 from the state school aid fund and general fund appropriations in section 11 and an amount not to exceed $72,000,000.00 from the community district education trust fund appropriation in section 11, and there is allocated for 2024-2025 an amount not to exceed $6,213,000,000.00 from the state school aid fund and general fund appropriations in section 11 and an amount not to exceed $41,000,000.00 from the community district education trust fund appropriation in section 11. For 2023-2024, $33,700,000.00 must be deposited from the general fund into the state school aid fund to reimburse the state school aid fund for community district education trust fund costs in excess of $72,000,000.00, as required under section 12 of the Michigan trust fund act, 2000 PA 489, MCL 12.262. For 2024-2025, the amount necessary, estimated at $70,200,000.00 must be deposited from the general fund into the state school aid fund to reimburse the state school aid fund for community district education trust fund costs in excess of $41,000,000.00, as required under section 12 of the Michigan trust fund act, 2000 PA 489, MCL 12.262. If the amount allocated under this subsection from the community district education trust fund appropriation under section 11 is insufficient to pay for an increase under this section, any amount exceeding that allocation may be paid from other allocations under this subsection. Except for money allocated under this section from the community district education trust fund appropriation in section 11, funds allocated under this section that are not expended in the fiscal year for which they were allocated, as determined by the department, may be used to supplement the allocations under sections 22a and 51c to fully fund those allocations for the same fiscal year.

(2) Subject to subsection (3) and section 296, the allocation to a district under this section is an amount equal to the sum of the amounts calculated under sections 20, 20m, 51a(2), 51a(3), 51a(11), and 51e, minus the sum of the allocations to the district under sections 22a and 51c. For a community district, the allocation as otherwise calculated under this section is increased by an amount equal to the amount of local school operating tax revenue that would otherwise be due to the community district if not for the operation of section 386 of the revised school code, MCL 380.386, and this increase must be paid from the community district education trust fund allocation in subsection (1) to offset the absence of local school operating revenue in a community district in the funding of the state portion of the foundation allowance under section 20(4).

(3) To receive an allocation under subsection (1), each district must do all of the following:

(a) Comply with section 1280b of the revised school code, MCL 380.1280b.

(b) Comply with sections 1278a and 1278b of the revised school code, MCL 380.1278a and 380.1278b.

(c) Furnish data and other information required by state and federal law to the center and the department in the form and manner specified by the center or the department, as applicable.

(d) Comply with section 1230g of the revised school code, MCL 380.1230g.

(e) Comply with section 21f.

(f) For a district that has entered into a partnership agreement with the department, comply with section 22p.

(4) Districts are encouraged to use funds allocated under this section for the purchase and support of payroll, human resources, and other business function software that is compatible with that of the intermediate district in which the district is located and with other districts located within that intermediate district.

(5) From the allocation in subsection (1), the department shall pay up to $1,000,000.00 in litigation costs incurred by this state related to commercial or industrial property tax appeals, including, but not limited to, appeals of classification, that impact revenues dedicated to the state school aid fund.

(6) From the allocation in subsection (1), the department shall pay up to $1,000,000.00 in litigation costs incurred by this state associated with lawsuits filed by 1 or more districts or intermediate districts against this state. If the allocation under this section is insufficient to fully fund all payments required under this section, the payments under this subsection must be made in full before any proration of remaining payments under this section.

(7) It is the intent of the legislature that all constitutional obligations of this state have been fully funded under sections 22a, 31d, 51a, 51c, 51e, and 152a. If a claim is made by an entity receiving funds under this article that challenges the legislative determination of the adequacy of this funding or alleges that there exists an unfunded constitutional requirement, the state budget director may escrow or allocate from the discretionary funds for nonmandated payments under this section the amount as may be necessary to satisfy the claim before making any payments to districts under subsection (2). If funds are escrowed, the escrowed funds are a work project appropriation and the funds are carried forward into the following fiscal year. The purpose of the work project is to provide for any payments that may be awarded to districts as a result of litigation. The work project is completed upon resolution of the litigation.

(8) If the local claims review board or a court of competent jurisdiction makes a final determination that this state is in violation of section 29 of article IX of the state constitution of 1963 regarding state payments to districts, the state budget director shall use work project funds under subsection (7) or allocate from the discretionary funds

for nonmandated payments under this section the amount as may be necessary to satisfy the amount owed to districts before making any payments to districts under subsection (2).

(9) If a claim is made in court that challenges the legislative determination of the adequacy of funding for this state's constitutional obligations or alleges that there exists an unfunded constitutional requirement, any interested party may seek an expedited review of the claim by the local claims review board. If the claim exceeds $10,000,000.00, this state may remove the action to the court of appeals, and the court of appeals has and shall exercise jurisdiction over the claim.

(10) If payments resulting from a final determination by the local claims review board or a court of competent jurisdiction that there has been a violation of section 29 of article IX of the state constitution of 1963 exceed the amount allocated for discretionary nonmandated payments under this section, the legislature shall provide for adequate funding for this state's constitutional obligations at its next legislative session.

(11) If a lawsuit challenging payments made to districts related to costs reimbursed by federal title XIX Medicaid funds is filed against this state, then, for the purpose of addressing potential liability under such a lawsuit, the state budget director may place funds allocated under this section in escrow or allocate money from the funds otherwise allocated under this section, up to a maximum of 50% of the amount allocated in subsection (1). If funds are placed in escrow under this subsection, those funds are a work project appropriation and the funds are carried forward into the following fiscal year. The purpose of the work project is to provide for any payments that may be awarded to districts as a result of the litigation. The work project is completed upon resolution of the litigation. In addition, this state reserves the right to terminate future federal title XIX Medicaid reimbursement payments to districts if the amount or allocation of reimbursed funds is challenged in the lawsuit. As used in this subsection, "title XIX" means title XIX of the social security act, 42 USC 1396 to 1396w-6.

(12) As used in this section:

(a) "Dissolved district" means that term as defined in section 20.

(b) "Local school operating revenue" means school operating taxes levied under section 1211 of the revised school code, MCL 380.1211. For a receiving district, if school operating taxes are to be levied on behalf of a dissolved district that has been attached in whole or in part to the receiving district to satisfy debt obligations of the dissolved district under section 12 of the revised school code, MCL 380.12, local school operating revenue does not include school operating taxes levied within the geographic area of the dissolved district.

(c) "Receiving district" and "school operating taxes" mean those terms as defined in section 20.

History: Add. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 98, Imd. Eff. July 22, 2005 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Imd. Eff. Aug. 15, 2006 ;-- Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 112, Imd. Eff. Apr. 29, 2008 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 73, Imd. Eff. July 9, 2009 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Imd. Eff. July 8, 2010 ;-- Am. 2011, Act 62, Imd. Eff. June 21, 2011 ;-- Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011 ;-- Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Imd. Eff. June 13, 2013 ;-- Am. 2014, Act 116, Imd. Eff. Apr. 11, 2014 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 5, Imd. Eff. Mar. 10, 2015 ;-- Am. 2015, Act 85, Imd. Eff. June 17, 2015 ;-- Am. 2016, Act 249, Imd. Eff. June 27, 2016 ;-- Am. 2017, Act 108, Imd. Eff. July 14, 2017 ;-- Am. 2018, Act 265, Imd. Eff. June 28, 2018 ;-- Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019 ;-- Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019 ;-- Am. 2020, Act 146, Imd. Eff. July 31, 2020 ;-- Am. 2020, Act 165, Imd. Eff. Sept. 30, 2020 ;-- Am. 2021, Act 48, Imd. Eff. July 13, 2021 ;-- Am. 2022, Act 144, Imd. Eff. July 14, 2022 ;-- Am. 2023, Act 3, Imd. Eff. Feb. 14, 2023 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2024, Act 120, Imd. Eff. July 23, 2024

Compiler's Notes: In the first sentence of subsection (1), as amended by Act 121 of 2001, the phrase “and an amount not to exceed $2,845,000,000.00 for 2002-2003” was vetoed by the governor September 28, 2001.Enacting section 3 of Act 521 of 2002 provides:“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 98 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2004-2005 in this amendatory act, 2004 PA 518, 2004 PA 351, and 2004 PA 185 is estimated at $11,113,522,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,050,922,200.00."Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local

units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 112 of 2008 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2007 PA 137 from state sources for fiscal year 2007-2008 is estimated at $11,421,776,200.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,346,293,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 73 of 2009 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."Enacting section 1 of Act 299 of 2011 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."

388.1622c Per membership pupil payments to eligible districts.

Sec. 22c.

From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 an amount not to exceed $3,000,000.00 for payments to eligible districts as provided under this section. The payment for an eligible district under this section must be in an amount per membership pupil equal to $171.00. As used in this section:

(a) "Eligible district" means a district that received payments under this section in the immediately preceding fiscal year and for which the local school operating revenue per membership pupil in the current school fiscal year exceeds the district's foundation allowance as calculated under section 20 for the current fiscal year.

(b) "Local school operating revenue" means that term as defined in section 22b.

(c) "Local school operating revenue per membership pupil" means a district's local school operating revenue divided by the district's membership excluding special education pupils.

History: Add. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Former MCL 388.1622c, which pertained to equity payments to districts having less than certain foundation allowance was repealed by Act 85 of 2015, Eff. Oct. 1, 2015.

388.1622d Supplemental payments to rural and isolated districts.

Sec. 22d.

(1) From the state school aid fund money appropriated under section 11, an amount not to exceed $12,306,900.00 is allocated for 2024-2025 for supplemental payments to rural districts under this section.

(2) From the allocation under subsection (1), there is allocated for 2024-2025 an amount not to exceed $3,734,400.00 for payments under this subsection to eligible districts. A district that meets all of the following is an eligible district under this subsection:

(a) Operates grades K to 12.

(b) Has fewer than 250 pupils in membership.

(c) Each school building operated by the district meets at least 1 of the following:

(i) Is located in the Upper Peninsula at least 30 miles from any other public school building.

(ii) Is located on an island that is not accessible by bridge.

(3) The amount of the additional funding to each eligible district under subsection (2) is determined under a

spending plan developed as provided in this subsection and approved by the superintendent of public instruction. The spending plan must be developed cooperatively by the intermediate superintendents of each intermediate district in which an eligible district is located. The intermediate superintendents shall review the financial situation of each eligible district, determine the minimum essential financial needs of each eligible district, and develop and agree on a spending plan that distributes the available funding under subsection (2) to the eligible districts based on those financial needs. The intermediate superintendents shall submit the spending plan to the superintendent of public instruction for approval. Upon approval by the superintendent of public instruction, the amounts specified for each eligible district under the spending plan are allocated under subsection (2) and must be paid to the eligible districts in the same manner as payments under section 22b.

(4) Subject to subsection (7), from the allocation in subsection (1), there is allocated for 2024-2025 an amount not to exceed $8,042,100.00 for payments under this subsection to districts that have fewer than 10.0 pupils per square mile, as determined by the department, or that have greater than 250 square miles.

(5) The funds allocated under subsection (4) are allocated as follows:

(a) An amount equal to $6,093,400.00 is allocated to districts with fewer than 8.0 pupils per square mile, as determined by the department, on an equal per-pupil basis.

(b) The balance of the funding under subsection (4) is allocated as follows:

(i) For districts with at least 8.0 but fewer than 9.0 pupils per square mile, as determined by the department, the allocation is an amount per pupil equal to 75% of the per-pupil amount allocated to districts under subdivision (a).

(ii) For districts with at least 9.0 but fewer than 10.0 pupils per square mile, as determined by the department, the allocation is an amount per pupil equal to 50% of the per-pupil amount allocated to districts under subdivision (a).

(iii) For districts that have greater than 250 square miles, have at least 10.0 pupils per square mile, and do not receive funding under subsection (2), as determined by the department, the allocation is an amount per pupil equal to 100% of the per-pupil amount allocated to districts under subdivision (a).

(c) If the total funding allocated under subdivision (b) is insufficient to fully fund payments as calculated under that subdivision, the department shall prorate payments to districts under subdivision (b) on an equal per-pupil basis. If funding allocated under subdivision (b) remains unallocated after making calculations under that subdivision, the department may provide the remaining unallocated funding on an equal per-pupil basis to districts receiving funding under subdivision (b)(i) and (ii).

(6) Subject to subsection (7), from the allocation under subsection (1), there is allocated for 2024-2025 an amount not to exceed $530,400.00 for payments under this subsection to districts where each school building operated by the district is located on an island that is accessible by bridge.

(7) A district receiving funds allocated under subsection (2) is not eligible for funding allocated under subsection (4) or (6). A district receiving funds allocated under subsection (6) is not eligible for funding under subsection (2) or (4).

History: Add. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 112, Imd. Eff. Apr. 29, 2008 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 112 of 2008 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2007 PA 137 from state sources for fiscal year 2007-2008 is estimated at $11,421,776,200.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,346,293,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009

provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1622e Public school academies; per pupil payments; mental health, school safety, educator workforce, and academic interventions; eligibility.

Sec. 22e.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $57,000,000.00 for payments to public school academies in an amount per pupil equal to 3.9% of the public school academy's foundation allowance under section 20. It is the intent of the legislature that payments under this section be used to support student mental health, school safety, educator workforce, and academic interventions.

(2) To be eligible for funding under this section, a public school academy must not be a participating entity of the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437. As used in this subsection, "participating entity" means that term as defined in section 147c.

History: Add. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: Former MCL 388.1622e, which pertained to additional payments to eligible districts, was repealed by Act 201 of 2012, Eff. Oct. 1, 2012.

388.1622f Repealed. 2015, Act 85, Eff. Oct. 1, 2015.

Compiler's Notes: The repealed section pertained to incentive payments to districts meeting best practices.

388.1622g Repealed. 2022, Act 144, Eff. Oct. 1, 2022.

Compiler's Notes: The repealed section pertained to payments to qualifying intermediate districts for outstanding operating debt and accrued school bond loan fund interest of a dissolved school district.Former MCL 388.1622g, which pertained to grants awarded to districts not receiving funds in 2016-2017 and use of funds for certain transaction costs, was repealed by Act 265 of 2018, Eff. Oct. 1, 2018.

388.1622h Repealed. 2013, Act 60, Eff. Oct. 1, 2013.

Compiler's Notes: The repealed section pertained to distressed district school transition grants.

388.1622i Repealed. 2016, Act 249, Eff. Oct. 1, 2016.

Compiler's Notes: The repealed section pertained to technology readiness infrastructure grant program for districts or intermediate districts.

388.1622j Repealed. 2015, Act 85, Eff. Oct. 1, 2015.

Compiler's Notes: The repealed section pertained to incentive payments for student academic performance.

388.1622k School transportation fund.

Sec. 22k.

(1) The school transportation fund is created as a separate account within the state school aid fund for the purpose of supporting district transportation costs.

(2) The state treasurer may receive money or other assets from any source for deposit into the school transportation fund. The state treasurer shall direct the investment of the school transportation fund. The state treasurer shall credit to the school transportation fund interest and earnings from school transportation fund investments.

(3) Money in the school transportation fund at the close of the fiscal year remains in the school transportation fund and does not lapse to the state school aid fund or the general fund.

(4) The department of treasury is the administrator of the school transportation fund for auditing purposes.

(5) Money available in the school transportation fund must not be expended without a specific appropriation.

(6) For the fiscal year ending September 30, 2023 only, $350,000,000.00 from the state school aid fund must be deposited into the school transportation fund.

History: Add. 2023, Act 103, Imd. Eff. July 21, 2023
Compiler's Notes: Former MCL 388.1622k, which pertained to allocation for competitive student-centric grants to eligible districts, was repealed by Act 196 of 2014, Eff. Oct. 1, 2014.

388.1622l Allocation for district and intermediate district transportation costs; intermediate district transportation study; report.

Sec. 22l.

(1) From the school transportation fund money appropriated under section 11, there is allocated for 2024-2025 only an amount not to exceed $125,000,000.00 to districts and intermediate districts for transportation costs. Funding for each district or intermediate district is as follows:

(a) The department must assign each district and intermediate district to an octile based on the number of riders per square mile and calculate the median cost per rider for each octile.

(b) Funds must be distributed to each district and intermediate district as follows:

(i) An initial amount at the lesser of the octile's median cost per rider or the actual transportation cost per general education rider at the district or intermediate district.

(ii) An additional amount for districts and intermediate districts that have outlier costs per rider that are deemed reasonable, as determined by the department.

(c) If funds are insufficient to fully fund payments under this section, payments may be prorated on an equal percentage basis.

(2) In addition to the funds allocated under subsection (1), from the school transportation fund money appropriated under section 11, there is allocated for 2022-2023 only an amount not to exceed $200,000.00 to an intermediate district for a study on district transportation costs. The intermediate district receiving funds under this subsection must submit a report to the department, the state budget director, the house and senate appropriations subcommittees on school aid, and the house and senate fiscal agencies by February 29, 2024 on the outcomes of the study under this subsection. Notwithstanding section 18a, funds allocated under this subsection may be available for

expenditure until September 30, 2026. A recipient of funding under this subsection must return any unexpended funds to the department in a manner prescribed by the department by not later than October 30, 2026.

(3) To remain eligible for funding under subsection (1), by not later than December 1 of the current fiscal year, a school district must submit, in a form and manner determined by the department, to their intermediate district, and a public school academy must submit, in a form and manner determined by the department, to the intermediate district in which the public school academy is located, the number of nonpublic school students the district expects to transport as required under section 1321 of the revised school code, MCL 380.1321. Intermediate districts shall submit this information to the department by not later than February 1.

(4) The department shall compile the reports provided by intermediate districts under subsection (3) into 1 legislative report. The department shall provide this report not later than March 1 of each fiscal year for which funding is allocated under this section to the house and senate subcommittees responsible for school aid, the house and senate fiscal agencies, and the state budget director.

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

History: Add. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2023, Act 320, Eff. Feb. 13, 2024 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1622m Integration of local data systems into Michigan data hub network; basis; entity as fiscal agent; coordination of activities; determination of amount of funds; payment schedule; governance model required for funding; participation as voluntary; use of funds; report.

Sec. 22m.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 an amount not to exceed $3,500,000.00 for supporting the integration of local data systems into the Michigan data hub network based on common standards and applications that are in compliance with section 19(6).

(2) An entity that is the fiscal agent for no more than 5 consortia of intermediate districts that previously received funding from the technology readiness infrastructure grant under former section 22i for the purpose of establishing regional data hubs that are part of the Michigan data hub network is eligible for funding under this section.

(3) The center shall work with an advisory committee composed of representatives from intermediate districts within each of the data hub regions to coordinate the activities of the Michigan data hub network.

(4) The center, in collaboration with the Michigan data hub network, shall determine the amount of funds distributed under this section to each participating regional data hub within the network, based upon a competitive grant process. The center shall ensure that the entities receiving funding under this section represent geographically diverse areas in this state.

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

(6) To receive funding under this section, a regional data hub must have a governance model that ensures local control of data, data security, and student privacy issues. The integration of data within each of the regional data hubs must provide for the actionable use of data by districts and intermediate districts through common reports and dashboards and for efficiently providing information to meet state and federal reporting purposes.

(7) Participation in a data hub region in the Michigan data hub network under this section is voluntary and is not required.

(8) Entities receiving funding under this section shall use the funds for all of the following:

(a) Creating an infrastructure that effectively manages the movement of data between data systems used by intermediate districts, districts, and other educational organizations in Michigan based on common data standards to improve student achievement.

(b) Utilizing the infrastructure to put in place commonly needed integrations, reducing cost and effort to do that work while increasing data accuracy and usability.

(c) Promoting the use of a more common set of applications by promoting systems that integrate with the Michigan data hub network.

(d) Promoting 100% district adoption of the Michigan data hub network.

(e) Ensuring local control of data, data security, and student data privacy.

(f) Utilizing the infrastructure to promote the actionable use of data through common reports and dashboards that are consistent statewide.

(g) Creating a governance model to facilitate sustainable operations of the infrastructure in the future, including administration, legal agreements, documentation, staffing, hosting, and funding.

(h) Evaluating future data initiatives at all levels to determine whether the initiatives can be enhanced by using the standardized environment in the Michigan data hub network.

(9) By not later than January 1 of each fiscal year, the center shall prepare a summary report of information provided by each entity that received funds under this section that includes measurable outcomes based on the objectives described under this section and a summary of compiled data from each entity to provide a means to evaluate the effectiveness of the project. The center shall submit the report to the house and senate appropriations subcommittees on school aid and to the house and senate fiscal agencies.

History: Add. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1622n Repealed. 2019, Act 58, Eff. Oct. 1, 2019.

Compiler's Notes: The repealed section pertained to additional payments to districts for higher instructional costs of educating high school pupils.

388.1622p Partnership district; partnership agreement; measurable academic outcomes and accountability measures; agreement requirements.

Sec. 22p.

(1) Subject to subsection (2), to receive funding under section 22b, a district or public school academy that is assigned by the superintendent of public instruction as a partnership district must have a signed 3-year partnership agreement with the department that includes all of the following:

(a) Measurable academic outcomes that the district or public school academy will achieve for each school operated by the district or public school academy that is subject to the partnership agreement after 18 months and after 36 months from the date the agreement was originally signed. Measurable academic outcomes under this subdivision must include all of the following:

(i) Outcomes that put pupils on track to meet or exceed grade level proficiency and that are based on district or public school academy needs identified as required under section 21h.

(ii) Either of the following, as applicable:

(A) At least 1 proficiency or growth outcome based on state assessments described in section 104b or 104c.

(B) At least 1 proficiency or growth outcome based on a benchmark assessment described in section 104h.

(iii) Outcomes that are intended to measure improved high school graduation rates, as applicable.

(iv) Outcomes that measure attendance rates.

(b) Accountability measures to be imposed if the district or public school academy does not achieve the measurable academic outcomes described in subdivision (a) for each school operated by the district or public school academy that is subject to the partnership agreement. For a district assigned as a partnership district as described in this subsection, accountability measures under this subdivision must include the reconstitution of the school. For a public school academy assigned as a partnership district as described in this subsection, accountability measures under this subdivision may include the reconstitution of the school.

(c) For a public school academy assigned as a partnership district as described in this subsection, a requirement that, if reconstitution is imposed on a school that is operated by the public school academy and that is subject to the partnership agreement, the school must be reconstituted as described in section 507, 528, or 561, as applicable, of the revised school code, MCL 380.507, 380.528, and 380.561.

(d) For a district assigned as a partnership district as described in this subsection, a provision that, if reconstitution is imposed on a school that is operated by the district and that is subject to the partnership agreement, reconstitution may require closure of the school building, but, if the school building remains open, reconstitution must include, but is not limited to, all of the following:

(i) The district shall make significant changes to the instructional and noninstructional programming of the school based on the needs identified through a comprehensive review of data in compliance with section 21h.

(ii) The district shall review whether the current principal of the school should remain as principal or be replaced.

(iii) The reconstitution plan for the school must require the adoption of goals similar to the goals included in the partnership agreement, with a limit of 3 years to achieve the goals. If the goals are not achieved within 3 years, the superintendent of public instruction shall impose a second reconstitution plan.

(2) If a district or public school academy is assigned as a partnership district as described in subsection (1) during the current fiscal year, it shall ensure that it has a signed partnership agreement as described in subsection (1) in place by not later than 90 days after the date that it is assigned as a partnership district. If a district or public school academy described in this subsection does not comply with this subsection, the department shall withhold funding under section 22b for that district or public school academy until the district or public school academy has a signed partnership agreement as described in subsection (1) in place.

History: Add. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1623 Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's Notes: The repealed section pertained to instructional programs offered by public universities.

388.1623a Dropout recovery program; special membership counting provisions; definitions.

Sec. 23a.

(1) A dropout recovery program operated by a district qualifies for the special membership counting provisions of section 6(4)(dd) and the hours and days of pupil instruction exemption under section 101(12) if the dropout recovery program meets all of the following:

(a) Enrolls only eligible pupils.

(b) Provides an advocate and teacher of record. An advocate may serve in that role for more than 1 pupil but not more than 50 pupils. An advocate or teacher of record may be employed by the district or may be provided by an education management organization that is partnering with the district. Before an individual is assigned to be an advocate or teacher of record for a pupil in the dropout recovery program, the district must comply with sections 1230 and 1230a of the revised school code, MCL 380.1230 and 380.1230a, with respect to that individual.

(c) Develops a written learning plan.

(d) Monitors the pupil's progress against the written learning plan.

(e) Requires each pupil to make satisfactory monthly progress, as defined by the district under subsection (2).

(f) Reports the pupil's progress results to the partner district at least monthly.

(g) The program may be operated on or off a district school campus, but may be operated using distance learning online only if the program provides a computer and internet access for each eligible pupil participating in the program.

(h) Is operated throughout the entire calendar year.

(i) If the district partners with an education management organization for the program, the education management organization has a dropout recovery program partnership relationship with at least 1 other district.

(2) A district operating a dropout recovery program under this section shall adopt a definition of satisfactory monthly progress that is consistent with the definition of that term under subsection (3).

(3) As used in this section:

(a) "Advocate" means an adult available to meet in person with assigned pupils, as needed, to conduct social interventions, to proctor final examinations, and to provide academic and social support to pupils enrolled in the district's dropout recovery program.

(b) "Education management organization" means a private provider that operates 1 or more other dropout

recovery programs that meet the requirements of this section in partnership with 1 or more districts.

(c) "Eligible pupil" means a pupil who has been expelled from school under the mandatory expulsion provisions in section 1311 or 1311a of the revised school code, MCL 380.1311 and 380.1311a, a pupil who has been suspended or expelled from school under a local policy, a pupil who is referred by a court, a pupil who is pregnant or is a parent, a pupil who was previously a dropout, or a pupil who is determined by the district to be at risk of dropping out.

(d) "Satisfactory monthly progress" means an amount of progress that is measurable on a monthly basis and that, if continued for a full 12 months, would result in the same amount of academic credit being awarded to the pupil as would be awarded to a general education pupil completing a full school year. Satisfactory monthly progress may include a lesser required amount of progress for the first 2 months a pupil participates in the program, but must include at least a total of 0.25 earned academic credit by the end of that 2-month period.

(e) "Teacher of record" means a teacher who holds a valid Michigan teaching certificate; who, if applicable, is endorsed in the subject area and grade of the course; and is responsible for providing instruction, determining instructional methods for each pupil, diagnosing learning needs, assessing pupil learning, prescribing intervention strategies, reporting outcomes, and evaluating the effects of instruction and support strategies. If the district partners with an education management organization for the program, the teacher of record may be employed by or contracted through the education management organization.

(f) "Written learning plan" means a written plan developed in conjunction with the advocate that includes the plan start and end dates, courses to be taken, credit to be earned for each course, teacher of record for each course, and advocate name and contact information.

History: Add. 2012, Act 465, Imd. Eff. Dec. 28, 2012 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018 ;-- Am. 2020, Act 22, Imd. Eff. Jan. 31, 2020 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023
Compiler's Notes: Former MCL 388.1623a, which pertained to schools of choice, was repealed by Act 336 of 1993, Eff. Oct. 1, 1994.

388.1623b Repealed. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's Notes: The repealed section pertained to an allocation for COVID-19 remediation services.

388.1623c Repealed. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's Notes: The repealed section pertained to payments to eligible districts or intermediate districts for summer program teacher and staff incentives.

388.1623d Repealed. 1994, Act 360, Eff. June 30, 1995;—1995, Act 130, Eff. Oct. 1, 1995.

Compiler's Notes: The repealed section pertained to alternative public school established and operated by intermediate school district.

388.1623e Repealed. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's Notes: The repealed section pertained to an allocation for a competitive grant program for eligible entities for before-and-after school programs.

388.1623f Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to the learning pod pilot program.

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

388.1623h Allocation to support mathematics teaching and learning.

Sec. 23h.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2023-2024 only an amount not to exceed $25,000,000.00 to support the improvement of mathematics teaching and learning in this state over a 2-year period.

(2) Funds allocated under this section must be used for grants to districts and intermediate districts for the following purposes:

(a) Continued system development, capacity building, and networking spaces for early math specialists in districts and intermediate districts.

(b) Support for all of the following:

(i) The delivery of high-quality professional learning delivered regionally to support teachers' implementation of best practices mathematics instruction.

(ii) Collaboration with researchers with expertise in early mathematics to develop resources to support implementation of best practices, including on-demand capacity building courses available to all teacher and instructional leaders in this state.

(iii) The development of a process or tools, including leveraging the MiStrategyBank and the MiSTEM Regional Network, to share best practices support for math goals in this state's continuous improvement process.

(c) Incentives and supports for K to 5 schools in the purchasing and implementation of high-quality mathematics instructional materials programs to engage students in equitable high-quality mathematics learning experiences through a guided adoption process through intermediate districts.

(d) Supports for the expansion of math recovery specialists statewide through intermediate districts. These specialists must do all of the following:

(i) Support the implementation of research-based diagnostic assessments, learning progressions, and high-quality instructional tools to help participants increase student understanding and achievement.

(ii) Build upon the assets of math recovery in this state.

(iii) Expand and begin to sustain the efforts specific to this state's mathematics essentials and the collaboration between the department and state educational organizations focused on increasing mathematics achievement.

(e) Supports for secondary schools in offering supplemental just-in-time, personalized support programs.

(3) To receive funding under this section, districts and intermediate districts must apply for the funding in a form and manner determined by the department. Notwithstanding section 17b, the department shall make payments under this section on a schedule determined by the department.

(4) The funds allocated under this section for 2023-2024 are a work project appropriation, and any unexpended funds for 2023-2024 are carried forward into 2024-2025. The purpose of the work project is to support improvement of mathematics teaching and learning in this state. The estimated completion date of the work project is September 30, 2025.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023

388.1623i Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to River Rouge School District partnership with Friends of the Children for mentorship program for K to 12 youth and families.

388.1624 Allocation for on-grounds education program; payments for educating students assigned by court or department of health and human services to reside in juvenile detention facility or child caring institution; definitions; funding for department-approved on-grounds educational program; special education pupils funded under MCL 388.1653a not funded under this section.

Sec. 24.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 an amount not to exceed $7,650,000.00 for payments to the educating district or intermediate district for educating pupils assigned by a court or the department of health and human services to reside in or to attend a juvenile detention facility or child caring institution licensed by the department of health and human services and approved by the department to provide an on-grounds education program. The amount of the payment under this section to a district or intermediate district is calculated as prescribed under subsection (2).

(2) The department shall allocate the total amount allocated under this section by paying to the educating district or intermediate district an amount equal to the lesser of the district's or intermediate district's added cost or the department's approved per-pupil allocation for the district or intermediate district. For the purposes of this subsection:

(a) "Added cost" means 100% of the added cost each fiscal year for educating all pupils assigned by a court or the department of health and human services to reside in or to attend a juvenile detention facility or child caring institution licensed by the department of health and human services or the department of licensing and regulatory

affairs and approved by the department to provide an on-grounds education program. Added cost is computed by deducting all other revenue received under this article for pupils described in this section from total costs, as approved by the department, in whole or in part, for educating those pupils in the on-grounds education program or in a program approved by the department that is located on property adjacent to a juvenile detention facility or child caring institution. Costs reimbursed by federal funds are not included.

(b) "Department's approved per-pupil allocation" for a district or intermediate district is determined by dividing the total amount allocated under this section for a fiscal year by the full-time equated membership total for all pupils approved by the department to be funded under this section for that fiscal year for the district or intermediate district.

(3) A district or intermediate district educating pupils described in this section at a residential child caring institution may operate, and receive funding under this section for, a department-approved on-grounds educational program for those pupils that is longer than 181 days, but not longer than 233 days, if the child caring institution was licensed as a child caring institution and offered in 1991-92 an on-grounds educational program that was longer than 181 days but not longer than 233 days and that was operated by a district or intermediate district.

(4) Special education pupils funded under section 53a are not funded under this section.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982 ;-- Am. 1986, Act 212, Eff. Oct. 1, 1986 ;-- Am. 1987, Act 128, Eff. Oct. 1, 1987 ;-- Am. 1988, Act 318, Eff. Oct. 1, 1988 ;-- Am. 1989, Act 197, Eff. Oct. 1, 1989 ;-- Am. 1990, Act 207, Eff. Oct. 1, 1990 ;-- Am. 1991, Act 200, Imd. Eff. Jan. 2, 1992 ;-- Am. 1992, Act 148, Eff. Oct. 1, 1992 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1994, Act 283, Eff. Oct. 1, 1994 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997 ;-- Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997 ;-- Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998 ;-- Am. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 158, Imd. Eff. Aug. 11, 2003 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Imd. Eff. June 28, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Imd. Eff. July 13, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Subsection (3) of Sec. 24, as amended by Act 128 of 1987, was vetoed by the governor on July 24, 1987.Subsection (3) of Sec. 24, as amended by Act 212 of 1986, reads as follows:“(3) Special education pupils funded under section 53 shall not be counted under this section.”In his veto message relative to Enrolled House Bill 4572, which became Act 118 of 1991, the governor stated that “the tradition of not re-enacting annually the unchanged appropriation sections of the school aid act is constitutionally flawed. It assumes the invalid creation of a continuing appropriation. Therefore, the following sections of the school aid act and their associated allocations must be considered inoperative: 24, 55, 74, 75, 105a, 111, and 116. These sections will be treated as excluded from the current bill... .”In subsection (2), as amended by Act 297 of 2000, the last sentence “In addition, a district or intermediate district that received funds under this subsection for 1998-99 for an on-grounds educational program that is longer than 181 days but not longer than 233 days shall continue to receive funds under this section for subsequent fiscal years for that program” was vetoed by the governor July 26, 2000.In the first and second sentences of subsection (1), as amended by Act 121 of 2001, the phrases “and for 2002-2003” and “and $8,900,000.00 for 2002-2003” were vetoed by the governor September 28, 2001.Enacting section 3 of Act 521 of 2002 provides:“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1624a Allocations for education programs; payments to intermediate districts for pupils placed in juvenile justice service facilities.

Sec. 24a.

From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $1,355,700.00 for 2024-2025 for payments to intermediate districts for pupils who are placed in juvenile justice service facilities operated by the department of health and human services. The amount of the payment to each intermediate district is an amount equal to the state share of those costs that are clearly and directly attributable to the educational programs for pupils placed in facilities described in this section that are located within the intermediate district's boundaries. The intermediate districts receiving payments under this section shall cooperate with the department of health and human services to ensure that all funding allocated under this section is utilized by the intermediate district and department of health and human services for educational programs for pupils described in this section. Pupils described in this section are not eligible to be funded under section 24. However, a program responsibility or other fiscal responsibility associated with these pupils must not be transferred from the department of health and human services to a district or intermediate district unless the district or intermediate district consents to the transfer.

History: Add. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Imd. Eff. July 8, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Imd. Eff. June 27, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Former MCL 388.1624a, which pertained to counting pupils residing in nonoperating districts attached to operating districts, was repealed by Act 130 of 1995, Eff. Oct. 1, 1995.Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1624b Parents or legal guardian residing in different districts; enrollment of child.

Sec. 24b.

For the purposes of this act, without regard to whether a parent or legal guardian has custody of the child, if a child's parents, or a child's parent or parents and the child's legal guardian, reside in different districts and if the child meets the applicable age requirements, the child may enroll in a district in which either of the child's parents resides, or in which the child's legal guardian resides. When a child described in this section enrolls in a district under this section, that district is the child's district of residence for the purposes of this act.

History: Add. 1996, Act 372, Eff. Sept. 1, 1996

388.1624c Repealed. 2019, Act 58, Eff. Oct. 1, 2019.

Compiler's Notes: The repealed section pertained to payments to districts for pupils enrolled in youth challenge program.

388.1625 Repealed. 2013, Act 60, Eff. Oct. 1, 2013.

Compiler's Notes: The repealed section pertained to enrollment of pupil after pupil membership count day and changes in calculation of state school aid.

388.1625a Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's Notes: The repealed section pertained to payment of amounts to educating districts.

388.1625b Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's Notes: The repealed section pertained to applicability of section to educating district not first class.

388.1625c Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's Notes: The repealed section pertained to educating district of first class.

388.1625d Repealed. 2013, Act 60, Eff. Oct. 1, 2013.

Compiler's Notes: The repealed section pertained to alternative education programs and strict discipline academies.

388.1625e Pupil membership transfer application and pupil transfer process; duties of department; calculation changes; providing information to center and department; pupils enrolled in online courses; report on pupils enrolled after pupil membership count day and before supplemental count day; definitions.

Sec. 25e.

(1) The pupil membership transfer application and pupil transfer process administered by the center under this section is used for processing pupil transfers.

(2) If a pupil counted in membership for the pupil membership count day transfers from a district or intermediate district to enroll in another district or intermediate district after the pupil membership count day and before the supplemental count day and, due to the pupil's enrollment and attendance status as of the pupil membership count day, the pupil was not counted in membership in the educating district or intermediate district, the educating district or intermediate district may report the enrollment and attendance information to the center through the pupil transfer process within 30 days after the transfer or within 30 days after the pupil membership count certification date, whichever is later. Pupil transfers may be submitted no earlier than the first day after the certification deadline for the pupil membership count day and before the supplemental count day. Upon receipt of the transfer information under this subsection indicating that a pupil has enrolled and is in attendance in an educating district or intermediate district as described in this subsection, the center shall do the following:

(a) Notify the district in which the pupil was previously enrolled.

(b) Notify both the pupil auditing staff of the intermediate district in which the educating district is located and the pupil auditing staff of the intermediate district in which the district that previously enrolled the pupil is located. The pupil auditing staff shall investigate a representative sample based on required audit sample sizes in the pupil auditing manual and may deny the pupil membership transfer.

(c) Aggregate the districtwide changes and notify the department for use in adjusting the state aid payment system.

(3) The department shall do all of the following:

(a) Adjust the membership calculation for each district or intermediate district in which the pupil was previously counted in membership or that previously received an adjustment in its membership calculation under this section due to a change in the pupil's enrollment and attendance so that the district's or intermediate district's membership is prorated to allow the district or intermediate district to receive for each school day, as determined by the financial calendar furnished by the center, in which the pupil was enrolled and in attendance in the district or intermediate district an amount equal to 1/105 of a full-time equated membership claimed in the fall pupil membership count. The department shall pay the district or intermediate district a prorated foundation allowance in an amount equal to the product of the adjustment under this subdivision for the district or intermediate district multiplied by the foundation allowance or per-pupil payment as calculated under section 20 for the district or intermediate district. The foundation allowance or per-pupil payment is adjusted by the pupil's full-time equated status as affected by the membership definition under section 6(4).

(b) Adjust the membership calculation for the educating district or intermediate district in which the pupil is enrolled and is in attendance so that the district's or intermediate district's membership is increased to allow the district or intermediate district to receive an amount equal to the difference between the full-time equated membership claimed in the fall pupil membership count and the sum of the adjustments calculated under subdivision (a) for each district or intermediate district in which the pupil was previously enrolled and in attendance. The department shall pay the educating district or intermediate district a prorated foundation allowance in an amount equal to the product of the adjustment under this subdivision for the educating district or intermediate district multiplied by the per-pupil payment as calculated under section 20 for the educating district or intermediate district. The foundation allowance or per-pupil payment is adjusted by the pupil's full-time equated status as affected by the membership definition under section 6(4).

(4) The changes in calculation of state school aid required under subsection (3) take effect as of the date that the pupil becomes enrolled and in attendance in the educating district or intermediate district, and the department shall base all subsequent payments under this article for the fiscal year to the affected districts or intermediate districts on this recalculation of state school aid.

(5) If a pupil enrolls in an educating district or intermediate district as described in subsection (2), the district or intermediate district in which the pupil is counted in membership or another educating district or intermediate district that received an adjustment in its membership calculation under subsection (3), if any, and the educating district or intermediate district shall provide to the center and the department all information they require to comply with this section.

(6) The portion of the full-time equated pupil membership for which a pupil is enrolled in 1 or more online courses under section 21f that is representative of the amount that the primary district paid in course costs to the course provider is not counted or transferred under the pupil transfer process under this section.

(7) The center annually shall provide a report to the senate and house appropriations subcommittees on state school aid, and to the senate and house fiscal agencies, detailing the number of pupils transferring in from outside the public school system of this state and the number of pupils transferring out of the public school system in this state between the pupil membership count day and supplemental count day as described in this subsection.

(8) As used in this section:

(a) "Educating district or intermediate district" means the district or intermediate district in which a pupil enrolls after the pupil membership count day or after an adjustment was made in another district's or intermediate district's membership calculation under this section due to the pupil's enrollment and attendance.

(b) "Pupil" means that term as defined under section 6 and also children receiving early childhood special education programs and services.

History: Add. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2013, Act 130, Imd. Eff. Oct. 9, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2016, Act 313, Eff. Oct. 6, 2016 ;-- Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019
Compiler's Notes: Enacting section 1 of Act 130 of 2013 provides:"Enacting section 1. This amendatory act takes effect October 1, 2013."

388.1625f Payments to strict discipline academies and qualified districts; definitions.

Sec. 25f.

(1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $1,600,000.00 for 2024-2025 for payments to strict discipline academies and qualified districts, as provided under this section.

(2) To receive funding under this section, a strict discipline academy or qualified district must first comply with section 25e and use the pupil transfer process described in that section for changes in enrollment as prescribed under that section and apply annually for funding under section 24.

(3) The total amount allocated to a strict discipline academy or qualified district under this section is equal to the strict discipline academy's or qualified district's pupil membership in the immediately preceding year multiplied by an amount calculated by dividing the total allocation under this section by the total pupil membership for eligible strict discipline academies and qualified districts in the immediately preceding year. However, the sum of the amounts received by a strict discipline academy or qualified district under this section and under section 24 must not exceed the product of the strict discipline academy's or qualified district's per-pupil allocation calculated under section 20 multiplied by the strict discipline academy's or qualified district's full-time equated membership. The department shall allocate funds to strict discipline academies and qualified districts under this section on a monthly basis.

(4) Special education pupils funded under section 53a are not funded under this section.

(5) The department shall make payments to strict discipline academies and qualified districts under this section according to the payment schedule under section 17b.

(6) For purposes of this section, the pupil membership for the current fiscal year for a qualified district is the actual number of pupils that are in the custody of a county juvenile agency as described in subsection (7)(a).

(7) As used in this section:

(a) "Qualified district" means a public school academy that is not a strict discipline academy that enrolls individuals who are in the custody of a county juvenile agency to which both of the following are applicable:

(i) The agency had custody of individuals who were enrolled in a strict discipline academy in the 2020-2021 school year.

(ii) The strict discipline academy that the individuals described in subparagraph (i) were enrolled in subsequently closed.

(b) "Strict discipline academy" means a public school academy established under sections 1311b to 1311m of the revised school code, MCL 380.1311b to 380.1311m.

History: Add. 2014, Act 116, Imd. Eff. Apr. 11, 2014 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Imd. Eff. June 28, 2018 ;-- Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1625g Dropout recovery program; pupil calculation adjustment to payments.

Sec. 25g.

(1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $3,050,000.00 for 2024-2025 for the purposes of this section. Except as otherwise provided in this section, if the

operation of the special membership counting provisions under section 6(4)(dd) and the other membership counting provisions under section 6(4) result in a pupil being counted as more than 1.0 FTE in a fiscal year, the payment made for the pupil under sections 22a and 22b must not be based on more than 1.0 FTE for that pupil, and that portion of the FTE that exceeds 1.0 is paid under this section in an amount equal to that portion multiplied by the educating district's foundation allowance or per-pupil payment calculated under section 20. It is the intent of the legislature that, for 2025-2026, the allocation from the state school aid fund money appropriated in section 11 for the purposes described in this section will be $750,000.00.

(2) Special education pupils funded under section 53a are not funded under this section.

(3) If the funds allocated under this section are insufficient to fully fund the adjustments under subsection (1), the department shall prorate payments under this section on an equal per-pupil basis.

(4) The department shall make payments to districts under this section according to the payment schedule under section 17b.

History: Add. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1625h Repealed. 2019, Act 58, Eff. Oct. 1, 2019.

Compiler's Notes: The repealed section pertained to payments to eligible districts to reduce the number of high school dropouts.

388.1625i Repealed. 2022, Act 144, Eff. Oct. 1, 2022.

Compiler's Notes: The repealed section pertained to an eligible attendance recovery program.

388.1625j Repealed. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's Notes: The repealed section pertained to funding to support certain districts and certain pupils for virtual-only or hybrid mode of instruction.

388.1625k Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to an allocation to certain secure residential facilities for educational services to student residents.

388.1625l Intermediate district; integrated online tool; identification of students at risk for dropping out of school.

Sec. 25l.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $5,000,000.00 to an intermediate district for the deployment of an integrated online tool to identify and support students at risk of dropping out of high school.

(2) An intermediate district must apply for funding in a form and manner determined by the department. The application must demonstrate that the intermediate district is in partnership with an association that represents intermediate district administrators in this state for the purpose of deploying an integrated online tool to identify and support students at risk of dropping out of high school. The department shall open the application for funding under this section by not later than November 1, 2024.

(3) Funds received by an intermediate district under this section must be utilized, in partnership with an association that represents intermediate district administrators in this state, to do all of the following:

(a) Establish statewide operational support and offer to districts the use of an integrated online tool to support local early warning and intervention.

(b) Establish monitoring systems to identify and support students at risk of dropping out of high school.

(c) Provide access to the system, develop and deliver professional learning on its uses, and coordinate with the department on regional training and support efforts.

(d) Provide implementation support and technical assistance resources to aid in implementing an integrated online tool to identify and support students at risk of dropping out of high school for any district in the state.

(4) Notwithstanding section 17b, the department shall make payments under this section by December 1, 2024.

(5) Notwithstanding section 18a, funds allocated under this section may be available for expenditure until September 30, 2029. 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, 2029.

History: Add. 2024, Act 120, Eff. Oct. 1, 2024

388.1626 Receipt or reduction of funds by district or intermediate district.

Sec. 26.

A district or intermediate district receiving money pursuant to 1975 PA 197, MCL 125.1651 to 125.1681, the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830, the local development financing act, 1986 PA 281, MCL 125.2151 to 125.2174, the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2672, or the corridor improvement authority act, 2005 PA 280, MCL 125.2871 to 125.2899, shall have its funds received under section 22b, 56, or 62 reduced by an amount equal to the added local money.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1983, Act 25, Imd. Eff. Apr. 5, 1983 ;-- Am. 1987, Act 128, Eff. Oct. 1, 1987 ;-- Am. 1990, Act 355, Imd. Eff. Dec. 26, 1990 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1994, Act 283, Eff. Oct. 1, 1994 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007

Compiler's Notes: Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

388.1626a Reimbursements to districts and intermediate districts under MCL 125.2692; renaissance zones; time of allocations.

Sec. 26a.

From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $14,000,000.00 for 2024-2025 to reimburse districts and intermediate districts under section 12 of the Michigan renaissance zone act, 1996 PA 376, MCL 125.2692, for taxes levied in 2024. The department shall pay the allocations by not later than 60 days after the department of treasury certifies to the department and to the state budget director that the department of treasury has received all necessary information to properly determine the amounts due to each eligible recipient.

History: Add. 1997, Act 93, Eff. Oct. 1, 1997 ;-- Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997 ;-- Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998 ;-- Am. 1998, Act 553, Imd. Eff. Jan. 27, 1999 ;-- Am. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 158, Imd. Eff. Aug. 11, 2003 ;-- Am. 2003, Act 236, Imd. Eff. Dec. 29, 2003 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 73, Imd. Eff. July 9, 2009 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2010, Act 204, Imd. Eff. Oct. 12, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011 ;-- Am. 2012, Act 201, Imd. Eff. June 26, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2013, Act 130, Imd. Eff. Oct. 9, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Imd. Eff. June 27, 2016 ;-- Am. 2017, Act 108, Imd. Eff. July 14, 2017 ;-- Am. 2018, Act 265, Imd. Eff. June 28, 2018 ;-- Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Imd. Eff. July 14, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: In the first sentence of subsection (1), as amended by Act 121 of 2001, the phrase “and 2002-2003” was vetoed by the governor September 28, 2001.Enacting section 3 of Act 521 of 2002 provides:“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Enacting section 1 of Act 236 of 2003 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2003 PA 158 and 2002 PA 521 from state sources for fiscal year 2003-2004 is estimated at $11,290,087,100.00 and state appropriations to be paid to local units of government for fiscal year 2003-2004 are estimated at $11,274,332,800.00.”Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 73 of 2009 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."Enacting section 1 of Act 204 of 2010 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00."Enacting section 1 of Act 299 of 2011 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."Enacting section 1 of Act 130 of 2013 provides:"Enacting section 1. This amendatory act takes effect October 1, 2013."

388.1626b Payments to districts, intermediate districts, and community colleges in lieu of tax obligation under MCL 324.2154; prorated payments.

Sec. 26b.

(1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $5,284,000.00 for 2024-2025 for payments to districts, intermediate districts, and community college districts for the portion of the payment in lieu of taxes obligation that is attributable to districts, intermediate districts, and community college districts under section 2154 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2154.

(2) If the amount appropriated under this section is insufficient to fully pay obligations under this section, payments are prorated on an equal basis among all eligible districts, intermediate districts, and community college districts.

History: Add. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012 ;-- Am. 2012, Act 201, Imd. Eff. June 26, 2012 ;-- Am. 2012, Act 465, Imd. Eff. Dec. 28, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1626c Promise zone fund.

Sec. 26c.

(1) From the state school aid fund money appropriated under section 11, there is allocated an amount not to exceed $28,300,000.00 for 2023-2024 and there is allocated an amount not to exceed $34,500,000.00 for 2024-2025 to the promise zone fund created in subsection (3). The funds allocated under this section reflect the amount of revenue from the collection of the state education tax captured under section 17 of the Michigan promise zone authority act, 2008 PA 549, MCL 390.1677.

(2) Funds allocated to the promise zone fund under this section must be used solely for payments to eligible districts and intermediate districts, in accordance with section 17 of the Michigan promise zone authority act, 2008 PA 549, MCL 390.1677, that have a promise zone development plan approved by the department of treasury under section 7 of the Michigan promise zone authority act, 2008 PA 549, MCL 390.1667. Eligible districts and intermediate districts shall use payments made under this section for reimbursement for qualified educational expenses as that term is defined in section 3 of the Michigan promise zone authority act, 2008 PA 549, MCL 390.1663.

(3) The promise zone fund is created as a separate account within the state school aid fund to be used solely for the purposes of the Michigan promise zone authority act, 2008 PA 549, MCL 390.1661 to 390.1679. All of the following apply to the promise zone fund:

(a) The state treasurer shall direct the investment of the promise zone fund. The state treasurer shall credit to the promise zone fund interest and earnings from fund investments.

(b) Money in the promise zone fund at the close of a fiscal year remains in the promise zone fund and does not

lapse to the general fund.

(4) Subject to subsection (2), the state treasurer may make payments from the promise zone fund to eligible districts and intermediate districts under the Michigan promise zone authority act, 2008 PA 549, MCL 390.1661 to 390.1679, to be used for the purposes of a promise zone authority created under that act.

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

History: Add. 2012, Act 201, Imd. Eff. June 26, 2012 ;-- Am. 2013, Act 60, Imd. Eff. June 13, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Imd. Eff. June 27, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Imd. Eff. June 28, 2018 ;-- Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019 ;-- Am. 2020, Act 146, Imd. Eff. July 31, 2020 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Imd. Eff. July 13, 2021 ;-- Am. 2022, Act 144, Imd. Eff. July 14, 2022 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2024, Act 120, Imd. Eff. July 23, 2024

388.1626d Reimbursement payments to intermediate districts for tax revenues under the brownfield redevelopment financing act, MCL 125.2665b.

Sec. 26d.

(1) From the state school aid fund money appropriated under section 11, there is allocated an amount not to exceed $14,400,000.00 for 2024-2025 for reimbursements to intermediate districts as required under section 15b of the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2665b.

(2) The amounts reimbursed under subsection (1) must be used by the intermediate district only for the purposes for which the property taxes were originally levied.

(3) The Michigan strategic fund and the Michigan economic development corporation shall work with the department of treasury in identifying the amount of tax revenues that are to be reimbursed under subsection (1).

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

History: Add. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Imd. Eff. July 14, 2022 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1627 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's Notes: The repealed section pertained to allocations to districts.

388.1627a MI future educator fellowship program.

Sec. 27a.

(1) From the educator fellowship public provider fund money appropriated in section 11, there is allocated for 2024-2025 an amount not to exceed $10,000,000.00, from the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 an amount not to exceed $10,000,000.00, and from the general fund money appropriated in section 11, there is allocated for 2024-2025 an amount not to exceed $5,000,000.00 for the MI future educator fellowship program. The funds allocated under this section must be used to offset tuition costs for individuals who are working toward earning their initial teacher certification. At the close of the fiscal year, money allocated under this section that is unspent must be deposited as follows:

(a) For state school aid fund money, into the educator fellowship public provider fund in section 27d.

(b) For general fund money, into the educator fellowship private provider fund in section 27e.

(2) To establish initial eligibility for an award from funding under this section, an individual must meet all of the following conditions by the date of enrollment described in subdivision (b):

(a) Have graduated from high school with a diploma or certificate of completion or achieved a high school equivalency certificate.

(b) Be admitted to an eligible educator preparation program; be working toward a teacher certification; be enrolled in enough coursework to be considered enrolled full-time during the academic year, as determined by the student's educator preparation program, or the equivalent of full-time participation for individuals enrolled in an alternative certification program, as defined by the department; and, for students at institutions of higher education, be considered at least a junior-level student, as determined by the institution of higher education.

(c) Not have previously earned a teacher certification.

(d) Timely complete a grant application in a form and manner prescribed by the department of lifelong education, advancement, and potential.

(e) Timely file the Free Application for Federal Student Aid for the enrollment period described in subdivision (b).

(f) Timely apply for all available gift aid for the enrollment period described in subdivision (b).

(g) Agree to repay any funds received from funding under this section if the individual does not maintain enrollment in their educator preparation program, the individual does not successfully complete their educator program, or the individual does not complete the work requirement described in subsection (7).

(h) Have a high school or college grade point average of at least 3.0.

(i) Be a resident of this state, as determined for purposes of the Free Application for Federal Student Aid.

(3) To establish continuing eligibility for an award under this section at an eligible educator preparation program, an individual must meet all of the following conditions:

(a) Maintain full-time continuous enrollment in an eligible educator preparation program, as determined by the educator preparation program, or the equivalent of full-time participation for individuals enrolled in an alternative certification program, as defined by the department, excluding any period of time missed due to a medical or other emergency, as determined by the department of lifelong education, advancement, and potential.

(b) Maintain satisfactory academic progress, including a grade point average of at least 3.0, in courses provided by the eligible educator preparation program and meet requirements established by the eligible educator preparation program.

(c) Participate in relevant academic and career advising programs offered by the eligible educator preparation program.

(d) Timely file the Free Application for Federal Student Aid for each academic year in which the individual receives an award from funding under this section.

(e) Timely apply for all available gift aid for each academic year in which the individual applies for funding under this section.

(f) Maintain residency in this state, as determined for purposes of the Free Application for Federal Student Aid.

(4) An award under this section must not exceed $10,000.00 per academic year or the cost of tuition at the eligible educator preparation program attended, whichever is less. As used in this subsection, the cost of tuition at an educator preparation program that is an institution of higher education is the in-district resident rate plus other required fees, as determined by the department of lifelong education, advancement, and potential; and the cost of tuition at an educator preparation program that is an alternative certification provider is the cost of tuition plus other required fees, as determined by the department of lifelong education, advancement, and potential.

(5) Awards under this section must be distributed to eligible educator preparation programs on behalf of an eligible recipient on a timeline determined by the department of lifelong education, advancement, and potential.

(6) Pending available funds, applicants may renew their award for up to 3 years, or until program completion, whichever comes first.

(7) To be an eligible recipient of fellowship funding under this section, an individual must pledge to work as a certified teacher in a public school or a qualifying public preschool program in this state and must meet 1 of the following work requirements:

(a) For a recipient of funding under this section who received an award for 1 academic year, 3 years of work as a certified teacher in a public school or a qualifying public preschool program in this state.

(b) For a recipient of funding under this section who received an award for 2 academic years, 4 years of work as a certified teacher in a public school or a qualifying public preschool program in this state.

(c) For a recipient of funding under this section who received an award for 3 academic years, 5 years of work as a certified teacher in a public school or a qualifying public preschool program in this state.

(d) For a recipient working in a critical needs district, 3 years of work as a certified teacher. As used in this subdivision, "critical needs district" means a district with a median household income in the lowest quartile in each prosperity region, as determined by the department.

(8) If an award recipient does not maintain enrollment in their educator preparation program as required under

subsection (3)(a), does not successfully complete their educator preparation program, or does not meet the work requirement described in subsection (7), any amount received from funds under this section converts to a 0% interest loan that must be repaid to this state within 10 years, plus any deferment period as determined and approved by the department of lifelong education, advancement, and potential. The amount of repayment must be reduced proportionate to the number of years worked in schools or qualifying public preschool programs in this state as a certificated teacher out of 5 years. The department of lifelong education, advancement, and potential shall develop guidance to enforce this subsection.

(9) An individual may not concurrently receive funding through programs funded under this section and grow your own programs funded under section 27b.

(10) If the amount allocated in subsection (1) is insufficient to fully fund awards under this section, there is appropriated from the educator fellowship public provider fund in section 27d or the educator fellowship private provider fund in section 27e, as applicable, the amount necessary to fully fund these programs. The state budget director shall provide notification to the house and senate appropriations subcommittees on K to 12 school aid and the house and senate fiscal agencies for any additional appropriation described under this subsection.

(11) Notwithstanding section 17b, the department of lifelong education, advancement, and potential shall make payments under this section on a schedule determined by the department of lifelong education, advancement, and potential.

(12) The department of lifelong education, advancement, and potential shall report to the chairpersons of the house appropriations subcommittee on school aid and education and the senate appropriations subcommittee on pre-K to 12 by February 1 of the current fiscal year. The report must include the following:

(a) The number and amount of awards granted in the previous fiscal year.

(b) The number of recipients in the previous fiscal year that had their awards converted to loans under subsection (8).

(13) As used in this section, "eligible educator preparation program" means a public or nonpublic institution of higher education or an alternative route provider that meets all of the following, as applicable:

(a) Is approved by the department to offer teacher preparation programming.

(b) Enrolls 1 or more future educator fellowship recipients.

(c) Has not been deemed as ineligible to receive Michigan achievement scholarship funding under section 248 as a result of exceeding tuition restraint requirements described in section 248.

History: Add. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1627b Grow your own program.

Sec. 27b.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2022-2023 only an amount not to exceed $20,000,000.00 and from the federal funding appropriated under section 11, there is allocated for 2022-2023 only an amount not to exceed $155,000,000.00 from the federal funding awarded to this state from the coronavirus state fiscal recovery fund under the American rescue plan act of 2021, title IX, subtitle M of Public Law 117-2, to districts and intermediate districts for a grow your own program as described in subsection (2).

(2) Districts and intermediate districts receiving funding under this section shall use the funding to implement a grow your own program. A grow your own program described in this subsection must be implemented to improve the teacher talent pipeline and provide a no-cost pathway for support staff members to become certified teachers. Allowable expenses for grow your own programs include, but are not limited to:

(a) Tuition and fees for attendance at a state-approved education preparation provider for an accelerated degree, for a traditional bachelor's degree for current staff who are not teachers, or for an advanced degree. As used in this subdivision, "advanced degree" includes, but is not limited to, a postbaccalaureate credential or certificate.

(b) Books.

(c) Testing fees.

(d) Travel to and from coursework.

(e) Substitute employee salary and wages for the duration of the educator preparation program attended by the recipient staff of the district or intermediate district.

(f) Costs for curriculum, materials, professional development, and hands-on-learning experiences to implement a

program within the district or intermediate district to encourage students in any of grades 6 through 12 to consider a career in education. Not more than 10% of funds received by a district or intermediate district under this section may be used for this purpose.

(3) The department shall establish a grant process to distribute funds under this section. A district or intermediate school district must apply for funds in a form and manner prescribed by the department. As part of the application described in this subsection, a district or intermediate district must submit the following information and assurances:

(a) Demonstrated need for funding in the district or intermediate district or the broader community, including projected workforce needs, and a proposed spending plan on how the funds will be utilized that includes expected tuition, fees, and books for the program.

(b) Number of support staff projected to participate in a grow your own program described in this section.

(c) For funds for the purposes described in subsection (2)(f), a description of the program being implemented and the number of students the program is intended to reach.

(d) Assurances that the pathway will be no cost for participants and that participants will be compensated as an employee for the duration of their training, including a paid residency or student teaching.

(e) Identification of eligible recipients and a pledge to hire an eligible recipient as a full-time teacher upon their receipt of an initial teaching certificate and provide for student teaching opportunities.

(f) A pledge that, before providing funding under this section to an eligible recipient, the district or intermediate district will require that the eligible recipient pledge to serve as a full-time teacher at the district or intermediate district for at least the same number of years as the recipient participated in a grow your own program. If the district or intermediate district is unable to hire an eligible recipient as required under subdivision (e), the eligible recipient may serve the years the recipient pledged to serve under this subdivision at another district, intermediate district, or nonpublic school.

(4) An individual may not concurrently receive funding for programs under this section and programs funded under sections 27a and 27c.

(5) The federal funding allocated under this section is intended to respond to the COVID-19 public health emergency and its negative impacts.

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

(7) 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 continue support for grow your own programs in districts and intermediate districts. The estimated completion date of the work project is December 31, 2026.

History: Add. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023

388.1627c MI future educator student teacher stipend program.

Sec. 27c.

(1) From the state school aid fund money appropriated in section 11, there is allocated $30,000,000.00 for 2024-2025 and from the educator fellowship public provider fund money appropriated in section 11, there is allocated $20,000,000.00 for 2024-2025 for the MI future educator student teacher stipend program. Except as otherwise provided in this section, the funds allocated under this section must be paid to eligible educator preparation programs for payments to eligible student teachers working in a district. At the close of the fiscal year, state school aid fund money allocated under this section that is unspent must be deposited into the educator fellowship public provider fund in section 27d.

(2) An eligible student teacher under this subsection must meet all of the following:

(a) The individual must be admitted to an eligible educator preparation program, be working toward a teacher certification, be participating in required student teaching coursework, and be maintaining satisfactory academic progress. As used in this subdivision, "required student teaching coursework" means credit hours, or the program equivalent, required by an eligible educator preparation program for successful completion of the program. This coursework must include regular placement in a district where the student gains real-world, first-hand experience working in a classroom, teaching students, engaging in the day-to-day activities of a certified teacher, and working daily under the guidance of a certified teacher.

(b) The individual must timely complete an application in a form and manner prescribed by the department of

lifelong education, advancement, and potential. The application must include the district in which the individual is working as a student teacher and must include a certification by the district and the individual's eligible educator preparation program that the student is working as a student teacher. If the individual's eligible educator preparation program is not provided by a public institution of higher education, the district in which the individual is working must also provide an assurance that they will forward any amount received under this section from the department of lifelong education, advancement, and potential for purposes of the program described in this section to the individual's eligible educator preparation program.

(c) The individual must not have received a payment from funds under this subsection previously, unless the individual is enrolled in an eligible educator preparation program that requires multiple semesters of student teaching.

(d) If an individual is employed by their district as a teacher of record, they are not eligible for payment under this section.

(e) An individual that is a current City Year corps member enrolled in an eligible educator preparation program is eligible for payment under this section.

(3) The department of lifelong education, advancement, and potential shall pay each eligible educator preparation program an amount not to exceed $9,600.00 per academic semester for each eligible student teacher working in a district. If the individual's eligible educator preparation program is not provided by a public institution of higher education, the department of lifelong education, advancement, and potential shall pay an amount not to exceed $9,600.00 per academic semester to the district in which the individual is working as a student teacher, and that district must forward the amount received to the individual's eligible educator preparation program. If funding allocated under this section is insufficient to fully fund all eligible student teachers, the department of lifelong education, advancement, and potential shall first award funding for eligible student teachers who are also Pell grant recipients and then shall distribute funding in the order in which applications were received. It is intended that payments under this subsection are made at the beginning of the semester in 1 lump sum for eligible student teachers.

(4) Eligible educator preparation programs shall pay funds received under this section, in entirety, to the eligible student teacher.

(5) Notwithstanding section 17b, the department of lifelong education, advancement, and potential shall make payments under this section on a schedule determined by the department of lifelong education, advancement, and potential.

(6) If the amount allocated in subsection (1) is insufficient to fully fund awards under this section, there is appropriated from the educator fellowship public provider fund in section 27d the amount necessary to fully fund the programs described in this section. The state budget director shall notify the house and senate appropriations subcommittees on K to 12 school aid and the house and senate fiscal agencies of any additional appropriation described in this subsection.

(7) As used in this section, "eligible educator preparation program" means an institution of higher education that meets all of the following:

(a) Is a public or private institution of higher education in this state.

(b) Has an established school of education with an educator preparation program approved by the department.

(c) Has not been deemed as ineligible to receive Michigan achievement scholarship funding under section 248 as a result of exceeding tuition restraint requirements described in section 248.

History: Add. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1627d Educator fellowship public provider fund.

Sec. 27d.

(1) The educator fellowship public provider fund is created as a separate account within the state school aid fund for the purpose of improving the educator workforce through recruitment efforts for students attending public educator preparation programs.

(2) The state treasurer may receive money or other assets from any source for deposit into the educator fellowship public provider fund. The state treasurer shall direct the investment of the educator fellowship public provider fund. The state treasurer shall credit to the educator fellowship public provider fund interest and earnings from educator fellowship public provider fund investments.

(3) Money in the educator fellowship public provider fund at the close of the fiscal year remains in the educator fellowship public provider fund and does not lapse to the state school aid fund.

(4) The department of treasury is the administrator of the educator fellowship public provider fund for auditing purposes.

(5) The department of treasury shall expend money from the educator fellowship public provider fund, upon appropriation, for the purposes described in section 27a for students admitted to public educator preparation programs and for the purposes described in section 27c.

History: Add. 2022, Act 144, Imd. Eff. July 14, 2022 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1627e Educator fellowship private provider fund.

Sec. 27e.

(1) The educator fellowship private provider fund is created within the department of treasury for the purpose of improving the educator workforce through recruitment efforts for students attending private educator preparation programs.

(2) The state treasurer may receive money or other assets from any source for deposit into the educator fellowship private provider fund. The state treasurer shall direct the investment of the educator fellowship private provider fund. The state treasurer shall credit to the educator fellowship private provider fund interest and earnings from educator fellowship private provider fund investments.

(3) Money in the educator fellowship private provider fund at the close of the fiscal year remains in the educator fellowship private provider fund and does not lapse to the general fund or state school aid fund.

(4) The department of treasury is the administrator of the educator fellowship private provider fund for auditing purposes.

(5) The department of treasury shall expend money from the educator fellowship private provider fund, upon appropriation, for the purposes described in section 27a(10) for students admitted to private educator preparation programs.

(6) For the fiscal year ending September 30, 2022 only, $45,000,000.00 from the general fund is deposited into the educator fellowship private programs fund.

History: Add. 2022, Act 144, Imd. Eff. July 14, 2022

388.1627f Partnership with Michigan Education Justice Coalition; studies.

Sec. 27f.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 only $4,000,000.00 to a district or intermediate district to partner with the Michigan Education Justice Coalition for the purposes of this section.

(2) From the allocation in subsection (1), $2,800,000.00 is allocated to create and implement a toolkit that is evidence-based and provides culturally responsive intervention and solutions to address racial disparities in public education in grades K to 12. The toolkit described in this subsection must be used in a pilot program for the 2024-2025 school year to increase black and African-American student achievement.

(3) From the allocation in subsection (1), $600,000.00 is allocated to fund a participatory action research study with teachers of color in districts with higher concentrations of poverty and lower academic outcomes, as determined by the Michigan Education Justice Coalition. The purpose of the research in this subsection is to increase recruitment and retention for educators in Michigan.

(4) From the allocation in subsection (1), $550,000.00 is allocated to investigate the school to prison pipeline.

The goal of the research in this subsection is to identify and create long-term solutions and interventions to reduce incarceration of individuals who, before incarceration, resided in 1 of the 17 cities in this state where African-American residents are a majority or plurality of residents according to the most recent federal decennial census.

(5) From the allocation in subsection (1), $50,000.00 may be retained by the district or intermediate district for costs related to the administration of the program and studies described in this section.

(6) By not later than September 30, 2027, a district or intermediate district that receives funding under this section must submit a written report to the department, the state budget office, the senate appropriations subcommittee on pre-K to 12, and the house appropriations subcommittee on school aid and education. The report must include a description of the research and results from the studies funded in subsections (2) to (4). The report must include recommendations for policymakers to increase black and African-American student achievement, to increase the number of educators in this state, and to reduce incarceration rates for residents of the state.

(7) Notwithstanding section 18a, funds allocated under this section for 2024-2025 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.

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

History: Add. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: Former MCL 388.1627f, which pertained to the Michigan educational workforce study, was repealed by Act 103 of 2023, Eff. Oct. 1, 2023.

388.1627g Educator talent initiatives and programs.

Sec. 27g.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $12,500,000.00 to intermediate districts and consortia of intermediate districts based on the number of pupils in membership in constituent districts of the intermediate district or consortium of intermediate districts to support educator talent initiatives and programs.

(2) Intermediate districts and consortia of intermediate districts shall use the money received under this section to partner with 1 eligible nonprofit to provide funding, programs, and technical assistance for the following activities:

(a) Teacher recruitment, teacher retention, and teacher development to ensure greater efficacy, satisfaction, and outcomes.

(b) Improve teacher certification programs to increase quality and retention, and to foster close relationships with schools.

(c) Provide school leader development programs to increase educator retention and efficacy.

(d) Serve as a convener and hub for innovation and conversation to support collaboration and coordination among this state's educator talent efforts.

(e) Promote research so that this state can learn from its investments and innovations and become a top state for educators.

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

(4) As used in this section, "eligible nonprofit" means an entity that meets all of the following criteria, as determined by the department:

(a) Is based in this state.

(b) Operates statewide.

(c) Is an organization that is exempt from taxation under section 501(c)(3) of the internal revenue code of 1986, 26 USC 501, and the organization is not a higher education organization.

(d) Has formal partnerships with more than 35 intermediate districts in this state.

(e) Has launched a statewide grow your own program in partnership with intermediate districts.

(f) Has staff experienced in implementing research-based programs in all of the following areas:

(i) Teacher recruitment.

(ii) Teacher development.

(iii) Teacher retention.

(iv) Teacher certification.

(v) School leader development.
(vi) School leader retention.
(g) Has staff experienced in designing and developing a department-approved grow your own program.

History: Add. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1627h Mentoring grants for teachers, counselors, and administrators.

Sec. 27h.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2023-2024 only for the purposes of this section an amount not to exceed $50,000,000.00. Programs funded under this section are intended to expand support for new teachers, school counselors, and administrators; improve their instructional practices; and improve teacher retention.
(2) From the allocation under subsection (1), the department shall provide grants to districts for mentor stipends to support and retain quality teachers, school counselors, and administrators in this state.
(3) To receive a grant under this section, a district must apply for the grant in a form and manner prescribed by the department.
(4) Districts that receive grants under subsection (2) may use the funding for any of the following allowable expenditures:
(a) Stipends for any of the following individuals:
(i) Veteran teachers who serve as mentor teachers of teachers participating in grow your own programs.
(ii) Veteran teachers who serve as mentor teachers for teachers who are within their first 3 years of teaching.
(b) Stipends for any of the following individuals:
(i) Veteran school counselors who serve as mentor school counselors of school counselors participating in grow your own programs.
(ii) Veteran school counselors who serve as mentor school counselors for school counselors who are within their first 3 years of serving as school counselors.
(c) Stipends for any of the following individuals:
(i) Veteran school administrators who serve as mentor school administrators of school administrators participating in grow your own programs.
(ii) Veteran school administrators who serve as mentor school administrators for school administrators who are within their first 3 years of serving as school administrators.
(d) Training for mentor teachers, mentor school counselors, and mentor administrators.
(e) Books, materials, professional learning expenses, and other resources necessary for mentoring and onboarding new teachers. Professional learning expenses under this subdivision must be in addition to professional learning requirements described under section 1526 of the revised school code, MCL 380.1526.
(f) Staffing costs to cover time spent by both new and mentor teachers, school counselors, and administrators dedicated to mentoring and onboarding rather than being in the classroom or performing other job duties.
(g) Contracting with 1 or more established state professional organizations to provide mentoring services to school administrators. Only $3,000.00 per administrator or the actual program cost, whichever is lesser, of the costs described in this subdivision may be reimbursed from grant funding under subsection (2).
(5) From the allocation under subsection (1), there is allocated $500,000.00 for a competitive grant to assist the department with the development of research-based mentor standards, curricula, and professional learning to ensure mentors are prepared to support new teachers. Intermediate districts and other educational entities are eligible to apply for this grant in a form and manner determined by the department.
(6) From the allocation under subsection (1), there is allocated $500,000.00 for a competitive grant to conduct a program evaluation of activities funded under this section. The evaluation must identify recommendations to strengthen the program. Qualified evaluators are eligible to apply for this grant in a form and manner prescribed by the department. The funds allocated under this subsection for 2023-2024 are a work project appropriation, and any unexpended funds for 2023-2024 are carried forward into 2024-2025. The purpose of the work project is to evaluate the activities under this section. The estimated completion date of the work project is September 30, 2027.
(7) Notwithstanding section 17b, the department shall make payments under this section on a schedule determined by the department.
(8) Subject to subsection (6), the funds allocated under this section for 2023-2024 are a work project

appropriation, and any unexpended funds for 2023-2024 are carried forward into 2024-2025. The purpose of the work project is to continue support for grants for mentor stipends. The estimated completion date of the work project is September 30, 2028. It is the intent of the legislature that up to $10,000,000.00 be expended each year.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023

388.1627i Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to rural educator credentialing hub.

388.1627j Student loan repayment assistance reserve fund.

Sec. 27j.

(1) The student loan repayment assistance reserve fund is created as a separate account within the state school aid fund to provide supplemental funding for the student loan repayment assistance program in section 27k.

(2) The state treasurer may receive money or other assets from any source for deposit into the student loan repayment assistance reserve fund. The state treasurer shall direct the investment of the student loan repayment assistance reserve fund. The state treasurer shall credit to the student loan repayment assistance reserve fund interest and earnings from student loan repayment assistance reserve fund investments.

(3) Money in the student loan repayment assistance reserve fund at the close of the fiscal year remains in the student loan repayment assistance reserve fund and does not lapse to the state school aid fund.

(4) The department of treasury is the administrator of the student loan repayment assistance reserve fund for auditing purposes.

(5) Money available in the student loan repayment assistance reserve fund must not be expended without a specific appropriation.

(6) At the close of each fiscal year, unspent funds from state sources allocated in section 27k must be deposited into the student loan repayment assistance reserve fund created in this section.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1627k Student loan repayment program.

Sec. 27k.

(1) From the state school aid fund money appropriated in section 11, $225,000,000.00 is allocated for 2023-2024 and $24,400,000.00 is allocated for 2024-2025 only to districts and intermediate districts for the purposes under this section. From the general fund money appropriated in section 11, $600,000.00 is allocated for 2024-2025 only to the department to contract with a vendor and for administrative costs related to this section.

(2) For 2023-2024, to receive funding under this section, a district or intermediate district must apply for the funding in a form and manner prescribed by the department.

(3) For 2023-2024, a district or intermediate district that receives funding under this section shall use the funding only to implement a student loan repayment program in accordance with guidelines issued by the department. The guidelines must include all of the following criteria:

(a) A system through which the district or intermediate district verifies all of the following:

(i) That each eligible participant owes federal student loans.

(ii) That each eligible participant is eligible for the federal public service loan forgiveness program and is under, pursuant to federal law, a payment plan that makes eligible payments toward federal public service loan forgiveness.

(iii) That each eligible participant is enrolled in an income-driven repayment plan. Participants may be exempt from this requirement if their loan is not eligible for income-driven repayment.

(b) A requirement that each eligible participant shall receive up to $200.00 per month, or, if the eligible participant is employed in a district that is assigned to band 6 in the opportunity index, as described in section 31a, up to $400.00 per month, for the duration of the program or the total amount of the eligible participant's monthly federal student loan payment, as verified under subdivision (a), whichever is less. As used in this subdivision, "band 6" means the district has an opportunity index, as calculated under section 31a, that is greater than or equal to 85.

(c) A requirement that payments to eligible participants through the program must be made in equal amounts on a monthly basis.

(d) A requirement that an eligible participant must only receive funding through the program if the eligible participant continues to meet the criteria of an eligible participant.

(e) A requirement that an eligible participant annually, or, if the participant leaves the program, on the date the participant leaves the program, certifies to the district or intermediate district that the eligible participant made payments toward the eligible participant's federal student loan with the funding received under this section.

(f) A requirement that the eligible participant certifies to the district or intermediate district any increases or decreases in the participant's monthly payment toward the eligible participant's federal student loan.

(4) By not later than October 1, 2024, the department shall contract with a vendor to implement an online portal that allows eligible participants to apply to participate in a student loan repayment program. The portal described in this subsection must be made available at no cost to each applicant and must require each applicant to submit and verify all of the following information:

(a) That the applicant owes federal student loans.

(b) The monthly payment amount of the applicant's eligible federal student loan.

(c) That the applicant is eligible for the federal public service loan forgiveness program and is under, pursuant to federal law, a payment plan that makes eligible payments toward federal public service loan forgiveness.

(d) That the applicant is enrolled in an income-driven repayment plan. Applicants may be exempt from this requirement if their loan is not eligible for income-driven repayment.

(e) A certification that the applicant understands that the applicant may receive funding through the student loan repayment program only if the applicant continues to meet the criteria of an eligible participant.

(f) An annual certification, or, if an eligible participant leaves the program, a certification on the date the eligible participant leaves the program, to the department that the eligible participant made payments toward the eligible participant's federal student loans with the funding received under this section.

(g) A certification to the department of any increases or decreases in the eligible participant's monthly payment toward the eligible participant's federal student loans. The eligible participant must recertify the eligible participant's monthly payment amount annually if the monthly payment amount does not change.

(h) A certification that the applicant has not received funding under this section during the fiscal year in which the applicant is applying.

(5) For 2024-2025, except as otherwise provided in this subsection, the application in subsection (4) must be submitted directly by the individual who is applying to participate in a student loan repayment program or by that individual's bargaining unit. If the individual who is applying to participate in a student loan repayment program is unable to submit the application due to a disability, another individual may submit the application on the applicant's behalf.

(6) For 2024-2025, each eligible participant shall receive up to $200.00 per month, or, if the eligible participant is employed in a district that is assigned to band 6 in the opportunity index, as described in section 31a, up to $400.00 per month, for the duration of the program, or the total amount of the eligible participant's monthly federal student loan payment, as verified under subsection (4), whichever is less. As used in this subdivision, "band 6" means the district has an opportunity index, as calculated under section 31a, that is greater than or equal to 85.

(7) The department shall make payments to the district or intermediate district that employs each eligible participant. For 2023-2024, the department shall provide to each district or intermediate district the eligible payment amounts for each eligible participant in the district or intermediate district. For 2024-2025, the eligible vendor described in subsection (4) shall provide the department and each district or intermediate district the eligible payment amounts for each eligible participant in the district or intermediate district. The district or intermediate district that receives payments under this section shall certify that the district or intermediate district will make payments to eligible participants in the amounts provided by the department or the eligible vendor described in subsection (4) under this subsection on a monthly basis, in the amounts specified.

(8) An eligible participant remains eligible, unless otherwise provided under federal law or other state laws, for student loans even though the eligible participant receives funding from the money allocated under this section.

(9) Payments to an eligible participant by districts or intermediate districts under this section must be made for no more than 10 years or until the eligible participant's federal student loan is paid off, whichever occurs earlier.

(10) The funds allocated under this section for 2023-2024 are a work project appropriation, and any unexpended funds for 2023-2024 are carried forward into 2024-2025. The purpose of the work project is to continue support for federal student loan repayment programs as described in this section. The estimated completion date of the work project is December 31, 2026.

(11) For 2023-2024, if the amount allocated under this section is insufficient to fully make payments to all eligible participants as required under this section, the department shall prorate the amount paid to districts and intermediate districts to distribute to all eligible participants on an equal basis. For 2024-2025, if the amount allocated under this section is insufficient to fully make payments to all eligible participants as required under this section, the department shall do both of the following:

(a) Make full payments to eligible participants for as many months as possible given the remaining funds.

(b) Prorate the amount paid to all eligible participants on an equal basis.

(12) At the close of each fiscal year, unspent funds from state sources allocated under this section must be deposited into the student loan repayment assistance reserve fund created in section 27j.

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

(14) As used in this section:

(a) "At-risk pupil" means that term as defined in section 31a.

(b) "Eligible participant" means either of the following, as applicable:

(i) For 2023-2024, an individual who is participating in a federal student loan repayment program described in subsection (3) and who is working 32 hours or more per week at a district or intermediate district in a role in which the individual works directly with pre-K to 12 students, including, but not limited to, educators, counselors, social workers, psychologists, reading specialists, librarians, and school administrators who work directly with students.

(ii) For 2024-2025, an individual who is participating in a federal student loan repayment program described in subsection (4), who is working 32 hours or more per week at a district or intermediate district, and who works not less than 50% of the individual's weekly scheduled hours in a role in which the individual works directly with pre-K to 12 students, including, but not limited to, educators, counselors, social workers, psychologists, reading specialists, librarians, and school administrators who work directly with students.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Imd. Eff. July 23, 2024

388.1627l Educator compensation program.

Sec. 27l.

(1) From the state school aid fund money appropriated in section 11, there is allocated $63,800,000.00 for 2023-2024 only to districts in an equal amount per pupil. It is the intent of the legislature that districts will use the funds to increase educator compensation.

(2) In addition to the funds allocated in subsection (1), an amount not to exceed $4,000,000.00 for 2023-2024 only from the state school aid fund money appropriated in section 11 is allocated to public school academies in an equal amount per pupil. It is the intent of the legislature that public school academies will use the funds received under this subsection to increase educator compensation.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Imd. Eff. July 23, 2024

388.1627m Awards for teachers with National Board Certification.

Sec. 27m.

(1) From the state school aid fund money appropriated under section 11, there is allocated for 2023-2024 only,

$4,000,000.00 to districts and intermediate districts to fund financial awards to eligible Michigan teachers who hold National Board Certification.

(2) A district or intermediate district must apply in a form and manner determined by the department. Awards must be granted as $4,000.00 to all eligible teachers who hold National Board Certification, and an additional $6,000.00 for eligible teachers who hold National Board Certification and serve in Title I schools.

(3) To be eligible to receive an award, eligible teachers must meet the following, as applicable:

(a) Be employed in classroom teaching at least 50% of the teacher's full-time hours, as determined by the district or intermediate district.

(b) To receive an award under subsection (4), hold National Board Certification by January 1, 2024.

(4) Subject to subsection (6), and notwithstanding section 17b, awards under subsection (2) must be paid to the districts and intermediate districts by April 30, 2024.

(5) If the amount allocated under subsection (1) is insufficient to fully make payments to all eligible participants as required under subsection (1), the department shall prorate the amount paid to districts and intermediate districts to distribute to all eligible participants on an equal basis.

(6) If funding remains after the awards under subsection (4) are granted, the department shall grant additional awards under subsection (2) on a first-come, first-served basis. An eligible teacher may receive more than 1 award under subsection (2), but shall not receive more than 1 award in a single fiscal year.

(7) In addition to the funds allocated in subsection (1), an amount not to exceed $1,000,000.00 for 2023-2024 only from the state school aid fund money appropriated in section 11 must be used for eligible teachers to cover National Board for Professional Teaching Standards Certification fees for first-time candidates in Title I schools.

(8) A district or intermediate district shall apply for funding under subsection (7) in a form and manner determined by the department. The department shall approve applications under subsection (7) on a first-come, first-served basis. Notwithstanding section 17b, awards under subsection (7) must be paid on a schedule determined by the department.

(9) The funds allocated under this section for 2023-2024 are a work project appropriation, and any unexpended funds for 2023-2024 are carried forward into 2024-2025. The purpose of the work project is to enable and encourage teachers to get National Board Certification. The estimated completion date of the work project is September 30, 2026.

(10) As used in this section, "eligible teacher" includes individuals who hold a valid or expired Michigan teaching certificate and are employed by the district or intermediate district as teachers, including those in teacher leadership roles as a peer assistance and review coach, mentor, or other teacher support provider if the position does not require a school administrator certificate.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023

388.1627n Accelerated Certification with Residency (ACR) Program at Saginaw Valley State University.

Sec. 27n.

(1) From the state school aid fund money appropriated in section 11, $2,000,000.00 is allocated for 2023-2024 only to Saginaw Public School District to fund the enrollment of employees of Saginaw Public School District in the Accelerated Certification with Residency (ACR) Program at Saginaw Valley State University for the employees to earn their teaching certificate. Saginaw Public School District shall directly make payments to Saginaw Valley State University for the enrollment of employees as described in this section.

(2) Notwithstanding section 18a, funds allocated under this section may be available for expenditure until September 30, 2026. A recipient of funding under this section must return any unexpended funds to the department in a manner prescribed by the department by not later than October 30, 2026.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Imd. Eff. July 23, 2024

388.1627o Learner Wallet pilot tutoring initiative.

Sec. 27o.

(1) From the general fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $2,000,000.00 for a Learner Wallet pilot tutoring initiative that includes all of the following:

(a) The provision of a real-time student tracking tool for each teacher and tutor. The tool described in this subdivision must track and record the academic performance results for each student who is a candidate for tutoring services. The tool may also track academic and nonacademic experiences.

(b) The provision of a real-time tracker tool to each student engaged in tutoring services. The tool described in this subdivision must be a secure, private online data management tool to store evidence of the student's academic and skills-based achievements. The tool must be tied to the Michigan data hub system and allow for exporting and importing into the data hub.

(c) The ability for each student engaged in tutoring services to share the real-time tracker tool under subdivision (b) with the student's tutor and allow the tutor to input credentials to the student tracking tool under subdivision (a) to give credit for frequency, type, and achievements for the tutoring program.

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

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1627p Apprenticeship model grow your own program.

Sec. 27p.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $12,500,000.00 to Marquette-Alger RESA for an apprenticeship model grow your own program as part of a consortia of at least 45 intermediate districts.

(2) The intermediate district receiving funding under this section shall use the funding to implement a grow your own program. A grow your own program described in this section must be implemented to improve the teacher talent pipeline and provide a no-cost pathway for support staff members to become certified teachers. Allowable expenses for grow your own programs under this section include, but are not limited to, all of the following:

(a) Tuition and fees for an accelerated degree, for a traditional bachelor's degree for current candidates who are not teachers, or for an advanced degree.

(b) Books.

(c) Testing fees.

(d) Travel to and from coursework.

(e) Substitute employee salary and wages for the duration of the educator preparation program attended by the recipient staff of the district or intermediate district.

(f) Costs for curriculum, materials, professional development, and hands-on-learning experiences to implement a program within the district or intermediate district to encourage students in any of grades 6 to 12 to consider a career in education. Not more than 10% of funds received by a district or intermediate district under this section may be used for this purpose.

(3) An intermediate district may not concurrently receive funding under this section and receive funding under section 27b for 2022-2023, unless already awarded by the department under section 27b before July 1, 2024. An intermediate district receiving funding under this section shall not give funding received under this section to a constituent district that is receiving funding under section 27b.

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

(5) The funds allocated under this section for 2024-2025 are a work project appropriation, and any unexpended funds for 2024-2025 are carried forward into 2025-2026. The purpose of the work project is to continue support for the grow your own programs under this section. The estimated completion date of the work project is September 30, 2027.

History: Add. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1627q Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to Hamtramck school district for accelerated learning coaches.

388.1627r West Michigan Teacher Collaborative; grow your own program.

Sec. 27r.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $7,000,000.00 to Kent ISD for the West Michigan Teacher Collaborative as a part of a consortium of at least 3 intermediate districts. The West Michigan Teacher Collaborative shall use the funding to implement a grow your own program.

(2) A grow your own program described in this section must be implemented to improve the teacher talent pipeline and provide a no-cost pathway for support staff members to become certified teachers. Allowable expenses for grow your own programs under this section include, but are not limited to, all of the following:

(a) Tuition and fees for an accelerated degree, for a traditional bachelor's degree for current candidates who are not teachers, or for an advanced degree.

(b) Books and supplies.

(c) Testing fees.

(d) Travel to and from coursework.

(e) Substitute employee salary and wages for the duration of the educator preparation program attended by the recipient staff of the district or intermediate district.

(f) Costs for curriculum, materials, professional development, and hands-on learning experiences to implement a program within the district or intermediate district to encourage students in grades 6 to 12 to consider a career in education. Not more than 10% of the funding may be used for this purpose.

(3) In addition to the allowable uses in subsection (2), the West Michigan Teacher Collaborative may use the money received under this section for any of the following purposes:

(a) Recruiting, retaining, and developing teachers to ensure greater efficacy, satisfaction, and outcomes.

(b) Serving as a convener and model for other local and intermediate school districts interested in developing and improving grow your own programs.

(c) Engaging in rigorous program evaluation and research so that this state can learn from its investments and innovations and become a top state for educators.

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

(5) The funds allocated under this section for 2024-2025 are a work project appropriation, and any unexpended funds for 2024-2025 are carried forward into 2025-2026. The purpose of the work project is to continue support for the grow your own programs under this section. The estimated completion date of the work project is September 30, 2028.

History: Add. 2024, Act 120, Eff. Oct. 1, 2024

388.1627s Black Male Educators Alliance.

Sec. 27s.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 only $2,500,000.00 to a district or an intermediate district to support the activities of the Black Male Educators Alliance. The district or intermediate district shall use the funding allocated in this section to partner with the Black Male Educators Alliance.

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

History: Add. 2024, Act 120, Eff. Oct. 1, 2024

388.1628 Weighted foundation allowance allocations or additional payments for differential instructional costs.

Sec. 28.

(1) To recognize differentiated instructional costs for different types of pupils as well as additional costs to provide essential services in 2024-2025, the following sections provide a weighted foundation allocation or an additional payment of some type in the following amounts, as allocated under those sections:

(a) Section 22d, isolated and rural districts, $12,306,900.00.

(b) Section 22l, transportation reimbursement, $125,000,000.00.

(c) Section 29, declining enrollment, $71,000,000.00.

(d) Section 31a, at risk, $1,034,924,000.00.

(e) Section 32d, great start readiness program, $627,720,000.00.

(f) Section 41, bilingual education for English language learners, $50,186,100.00.

(g) Section 51c, special education, mandated percentages, $1,016,400,000.00.

(h) Section 54d, early on, $23,670,700.00.

(i) Section 61a, career and technical education, standard reimbursement, $39,899,800.00.

(j) Section 61d, career and technical education incentives, $5,304,300.00.

(k) Section 147a, Michigan public school employees' retirement system cost offset, $709,939,000.00.

(2) The funding described in subsection (1) is not a separate allocation of any funding but is instead a listing of funding allocated in the sections listed in subsection (1).

History: Add. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: Former MCL 388.1628, which pertained to a reduction of allocations was repealed by Act 336 of 1993, Eff. Oct. 1, 1994.

388.1628a Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's Notes: The repealed section pertained to transitional allocations to closed federal military installations.

388.1629 Enrollment stabilization fund.

Sec. 29.

(1) The enrollment stabilization fund is created as a separate account in the state school aid fund for the purpose of stabilizing the effects of declining enrollment.

(2) The state treasurer may receive money or other assets from any source for deposit into the enrollment stabilization fund. The state treasurer shall direct the investment of the enrollment stabilization fund. The state treasurer shall credit to the enrollment stabilization fund interest and earnings from enrollment stabilization fund investments.

(3) Money in the enrollment stabilization fund at the close of the fiscal year remains in the enrollment stabilization fund and does not lapse to the state school aid fund or the general fund.

(4) The department of treasury is the administrator of the enrollment stabilization fund for auditing purposes.

(5) Money available in the enrollment stabilization fund must not be expended without a specific appropriation.

(6) From the enrollment stabilization fund money appropriated under section 11, there is allocated an amount not to exceed $71,000,000.00 for 2024-2025 for districts and intermediate districts for which membership in the immediately preceding fiscal year, as calculated under section 6 in the immediately preceding fiscal year, exceeds membership in the current fiscal year, as calculated under section 6 in the current fiscal year.

(7) The allocation under subsection (6) must be an amount equal to the sum of the product of .50 and the district's or intermediate district's membership for the immediately preceding fiscal year, as calculated under section 6 of the immediately preceding fiscal year, and the product of .50 and the district's or intermediate district's membership in the current fiscal year, as calculated under section 6 of the current fiscal year, minus the district's or intermediate district's membership in the current fiscal year, as calculated under section 6 of the current fiscal year, multiplied by the target foundation allowance for the current fiscal year.

History: Add. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: Former MCL 388.1629, which pertained to declining enrollment assistance, was repealed by Act 62 of 2011, Eff. Oct. 1, 2011.

388.1629a Repealed. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's Notes: The repealed section pertained to payments to eligible districts in 2020-2021 for pupils in membership.

388.1630c Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to the troops-to-teachers initiative.

388.1630d School meals reserve fund; payments to participants in the National School Lunch Program; free school lunch and breakfast.

Sec. 30d.

(1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $100,000,000.00 for 2023-2024, and an amount not to exceed $170,000,000.00 for 2024-2025, and from the school meals reserve fund money appropriated in section 11, there is allocated an amount not to exceed $90,000,000.00 for 2023-2024 and an amount not to exceed $30,000,000.00 for 2024-2025 for the purpose of making payments to participating entities to provide free school lunch and breakfast to public school pupils in grades pre-K to 12.

(2) To receive funding under this section, a participating entity must participate in the National School Lunch Program and must do all of the following:

(a) Provide reimbursable breakfasts and reimbursable lunches at no cost to all students for any school breakfast program or school lunch program operated by the participating entity.

(b) Submit information regarding the number of reimbursable breakfasts and reimbursable lunches served in a

manner prescribed by the department.

(c) Maximize federal reimbursement for reimbursable breakfasts and reimbursable lunches by operating under the CEP if the participating entity has an identified student percentage greater than or equal to the minimum requirement to be eligible to participate in the CEP. For purposes of this subdivision, all eligible participating entities must elect CEP on behalf of a single school, a group or groups of schools, or all schools in the participating entity, as applicable, in a manner that maximizes federal reimbursement.

(d) Meet all applicable state and federal standards in its school breakfast and lunch programs, as determined by the department.

(e) Take all efforts to maximize and implement policies that require parents or guardians to fill out relevant family income information, in a manner prescribed by the department, for the purposes of determining student eligibility for federal free or reduced cost meal reimbursement rates and CEP eligibility determinations.

(f) Forgive all school meal debt related to federally reimbursable meals, as determined by the department.

(3) Participating entities are encouraged to offer meals that meet students' dietary restrictions, including the provision of gluten-free meals, vegetarian meals, vegan meals, and, upon request, kosher meals, halal meals, and meals meeting any allergy restrictions as confirmed by a doctor's note.

(4) For each eligible participating entity, the department shall pay an amount equal to the following:

(a) The amount equal to the federal rate per student paid per pupil per free breakfast and lunch under the Child Nutrition Act of 1966, 42 USC 21 1771 to 1793, and the Richard B. Russell National School Lunch Act, 42 USC 1751 to 1769j, multiplied by the number of breakfasts and lunches provided by the participating entity to students, less the federal revenue received by the participating entity under the school breakfast program and the school lunch program under the Child Nutrition Act of 1966, 42 USC 21 1771 to 1793, and the Richard B. Russell National School Lunch Act, 42 USC 1751 to 1769j, and other state lunch payments received under section 31d.

(b) The amount equal to the federal rate per student paid per pupil per free breakfast and lunch under the Child Nutrition Act of 1966, 42 USC 21 1771 to 1793, and the Richard B. Russell National School Lunch Act, 42 USC 1751 to 1769j, multiplied by the number of breakfasts and lunches provided by the participating entity, as applicable, to children participating in the Great Start Readiness Program under section 32d at the participating entity, less all other federal and state lunch payments made for those children. For purposes of this subdivision, compliance with 7 CFR 226.9 is required. The department shall assign rates of reimbursement pursuant to 7 CFR 226.9, at least annually, on the basis of family size and income information reported by each eligible participating entity. Assigned rates of reimbursement must be adjusted annually to reflect changes in the national average payment rates.

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

(6) As used in this section:

(a) "CEP" means the Community Eligibility Provision under the Richard B. Russell National School Lunch Act, 42 USC 1751 to 1769j.

(b) "Participating entity" means a district, intermediate district, or the Michigan Schools for the Deaf and Blind.

(7) In addition to the appropriations in section 11, if the amount allocated in subsection (1) is insufficient to fully reimburse districts for meals as required in this section, there is appropriated from the school meals reserve fund created in section 30e the amount necessary to fully fund these reimbursements.

History: Add. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2024, Act 120, Imd. Eff. July 23, 2024
Compiler's Notes: In subsection (4), the citation to "42 USC 21 1771 to 1793" evidently should read "42 USC 1771 to 1793".

388.1630e School meals reserve fund.

Sec. 30e.

(1) The school meals reserve fund is created as a separate account in the state school aid fund for the purpose of covering the cost of student school meals.

(2) The state treasurer may receive money or other assets from any source for deposit into the school meals reserve fund. The state treasurer shall direct the investment of the school meals reserve fund. The state treasurer shall credit to the school meals reserve fund interest and earnings from school meals reserve fund investments.

(3) Money in the school meals reserve fund at the close of the fiscal year remains in the school meals reserve fund and does not lapse to the state school aid fund or the general fund.

(4) The department of treasury is the administrator of the school meals reserve fund for auditing purposes.

(5) Money available in the school meals reserve fund must not be expended without a specific appropriation.

(6) For the fiscal year ending September 30, 2023 only, $245,000,000.00 from the state school aid fund is deposited into the school meals reserve fund.

(7) At the close of each fiscal year, unspent funds from state sources allocated in sections 30d, 31d, and 31f must be deposited into the school meals reserve fund.

History: Add. 2023, Act 103, Imd. Eff. July 21, 2023

388.1631 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's Notes: The repealed section pertained to comprehensive compensatory education programs.

388.1631a Allocations to eligible districts and eligible public school academies; proficiencies; funding eligibility; early literacy and numeracy; multi-tiered system of supports; weighted foundation per-pupil payment for economically disadvantaged pupils; school breakfast program; primary health care services; hearing and vision screenings; report; audit; implementation of schoolwide reform in schools with at-risk pupils; research based professional development; pre-kindergarten instructional and noninstructional services; dissolved district; anti-bullying or crisis intervention program; assignment of Pathways to Potential success coaches; health care services and health center programs; definitions.

Sec. 31a.

(1) There is allocated for 2023-2024 an amount not to exceed $1,035,150,000.00 from the state school aid fund money appropriated in section 11 and an amount not to exceed $1,500,000.00 from the general fund money appropriated in section 11, and there is allocated for 2024-2025 an amount not to exceed $1,078,074,000.00 from the state school aid fund money appropriated in section 11 and an amount not to exceed $1,500,000.00 from the general fund money appropriated in section 11 for payments to eligible districts and eligible public school academies for the purposes of ensuring that pupils are proficient in English language arts by the end of grade 3, that pupils are proficient in mathematics by the end of grade 8, that pupils are attending school regularly, that high school graduates are career and college ready, and for the purposes under subsections (7), (8), (23), and (24).

(2) For a district or public school academy to be eligible to receive funding under this section, other than funding under subsection (7), (8), (23), or (24), the district or public school academy, for grades K to 12, must comply with the requirements under section 1280f of the revised school code, MCL 380.1280f, and must use resources to address early literacy and numeracy, and for at least grades K to 12 or, if the district or public school academy does not operate all of grades K to 12, for all of the grades it operates, must implement a multi-tiered system of supports that is an evidence-based framework that uses data driven problem solving to integrate academic and behavioral instruction and that uses intervention delivered to all pupils in varying intensities based on pupil needs. The multi-tiered system of supports described in this subsection must provide at least all of the following essential components:

(a) Team-based leadership.

(b) A tiered delivery system.

(c) Selection and implementation of instruction, interventions, and supports.

(d) A comprehensive screening and assessment system.

(e) Continuous data-based decision making.

(3) From the state school aid fund money allocated under subsection (1), there is allocated for 2023-2024 an amount not to exceed $952,000,000.00, and there is allocated for 2024-2025 an amount not to exceed $1,034,924,000.00 to continue a weighted foundation per pupil payment for districts and public school academies enrolling economically disadvantaged pupils. The department shall pay under this subsection to each eligible district or eligible public school academy an amount per pupil equal to a percentage calculated under subsection (4) multiplied by the target foundation allowance for the following, as applicable:

(a) Except as otherwise provided under subdivision (b), (c), or (d) the greater of the following:

(i) The number of membership pupils in the district or public school academy who are determined to be economically disadvantaged, as reported to the center in the form and manner prescribed by the center not later than the fifth Wednesday after the pupil membership count day of the immediately preceding fiscal year.

(ii) If the district or public school academy is in the community eligibility program, the number of pupils determined to be eligible based on the product of the identified student percentage multiplied by the total number of pupils in the district or public school academy, as reported to the center in the form and manner prescribed by the center not later than the fifth Wednesday after the pupil membership count day of the immediately preceding fiscal year. These calculations must be made at the building level. This subparagraph only applies to an eligible district or eligible public school academy for the fiscal year immediately following the first fiscal year in which it is in the community eligibility program. As used in this subparagraph, "identified student percentage" means the quotient of the number of pupils in an eligible district or eligible public school academy who are determined to be economically disadvantaged, as reported to the center in a form and manner prescribed by the center, not later than the fifth Wednesday after the pupil membership count day in the fiscal year preceding the first fiscal year in which the eligible district or eligible public school academy is in the community eligibility program, divided by the total number of pupils counted in an eligible district or eligible public school academy on the pupil membership count day in the fiscal year preceding the first fiscal year in which the eligible district or eligible public school academy is in the community eligibility program.

(b) If the district or public school academy began operations as a district or public school academy after the pupil membership count day of the immediately preceding school year, the number of membership pupils in the district or public school academy who are determined to be economically disadvantaged, as reported to the center in the form and manner prescribed by the center not later than the fifth Wednesday after the pupil membership count day of the current fiscal year.

(c) If the district or public school academy began operations as a district or public school academy after the pupil membership count day of the current fiscal year, the number of membership pupils in the district or public school academy who are determined to be economically disadvantaged, as reported to the center in the form and manner prescribed by the center not later than the fifth Wednesday after the supplemental count day of the current fiscal year.

(d) If, for a particular fiscal year, the number of membership pupils in a district or public school academy who are determined under subdivision (a) to be economically disadvantaged or to be eligible based on the identified student percentage varies by more than 20 percentage points from the number of those pupils in the district or public school academy as calculated under subdivision (a) for the immediately preceding fiscal year caused by an egregious reporting error by the district or public school academy, the department may choose to have the calculations under subdivision (a) instead be made using the number of membership pupils in the district or public school academy who are determined to be economically disadvantaged, as reported to the center in the form and manner prescribed by the center not later than the fifth Wednesday after the supplemental count day of the immediately preceding fiscal year.

(4) Each district or public school academy must be assigned an opportunity index score each fiscal year, the value of which is the quotient of the number of economically disadvantaged pupils as determined under subsection (3) for the district or public school academy and the total number of pupils in the district or public school academy in the immediately preceding fiscal year, multiplied by 100 and rounded up to the nearest whole number. Each district or public school academy must be assigned an opportunity index band as follows:

(a) A district or public school academy with an opportunity index score greater than or equal to 0 but less than 20 must be assigned to band 1 and shall receive reimbursement under subsection (3) at a rate of at least 35.0% and less than 36.0%. The reimbursement rate under this subdivision must be an amount equal to the district's opportunity index score minus 1, multiplied by the band adjustment factor applicable to this subdivision, plus 35.0%.

(b) A district or public school academy with an opportunity index score greater than or equal to 20 but less than 44 must be assigned to band 2 and shall receive reimbursement under subsection (3) at a rate of at least 36.0% and less than 37.5%. The reimbursement rate under this subdivision must be an amount equal to the district's opportunity index score minus 20, multiplied by the band adjustment factor applicable to this subdivision, plus 36.0%.

(c) A district or public school academy with an opportunity index score greater than or equal to 44 but less than 59 must be assigned to band 3 and shall receive reimbursement under subsection (3) at a rate of at least 37.5% and less than 39.0%. The reimbursement rate under this subdivision must be an amount equal to the district's opportunity index score minus 44, multiplied by the band adjustment factor applicable to this subdivision, plus 37.5%.

(d) A district or public school academy with an opportunity index score greater than or equal to 59 but less than 73 must be assigned to band 4 and shall receive reimbursement under subsection (3) at a rate of at least 39.0% and less than 42.0%. The reimbursement rate under this subdivision must be an amount equal to the district's opportunity index score minus 59, multiplied by the band adjustment factor applicable to this subdivision, plus

39.0%.

(e) A district or public school academy with an opportunity index score greater than or equal to 73 but less than 85 must be assigned to band 5 and shall receive reimbursement under subsection (3) at a rate of at least 42.0% and less than 47.0%. The reimbursement rate under this subdivision must be an amount equal to the district's opportunity index score minus 73, multiplied by the band adjustment factor applicable to this subdivision, plus 42.0%.

(f) A district or public school academy with an opportunity index score greater than or equal to 85 must be assigned to band 6 and shall receive reimbursement under subsection (3) at a rate of 47.0%.

(g) As used in this subsection, "band adjustment factor" means an amount equal to the difference between the lowest and highest reimbursement bounds for each band, divided by the number of possible opportunity index scores in that band.

(5) Except as otherwise provided in this section, a district or public school academy receiving funding under this section shall use that money only to provide instructional programs and direct noninstructional services, including, but not limited to, medical, mental health, or counseling services, for at-risk pupils; for school health clinics; and for the purposes of subsection (6), (7), (8), (23), or (24). In addition, a district that is a school district of the first class or a district or public school academy in which at least 50% of the pupils in membership were determined to be economically disadvantaged in the immediately preceding state fiscal year, as determined and reported as described in subsection (3), may use the funds it receives under this section for school security or school parent liaison personnel. The uses of the funds described in the immediately preceding sentence must align to the needs assessment and the multi-tiered system of supports model and, for funds spent on parent liaison personnel, must connect parents to the school community. A district or public school academy shall not use any of the money received under this section for administrative costs. The instruction or direct noninstructional services provided under this section may be conducted before or after regular school hours or by adding extra school days to the school year.

(6) A district or public school academy that receives funds under this section and that operates a school breakfast program under section 1272a of the revised school code, MCL 380.1272a, shall use from the funds received under this section an amount, not to exceed $10.00 per pupil for whom the district or public school academy receives funds under this section, necessary to pay for costs associated with the operation of the school breakfast program.

(7) From the state school aid fund money allocated under subsection (1), there is allocated for 2023-2024 an amount not to exceed $33,000,000.00, and there is allocated for 2024-2025 an amount not to exceed $33,000,000.00 to support primary health care services provided to children and adolescents up to age 21. These funds must be expended in a form and manner determined jointly by the department and the department of health and human services. When making funding decisions for new adolescent health centers under this subsection, the department and department of health and human services shall prioritize support for primary health care services in unserved and underserved counties as determined by the department of health and human services. For 2023-2024, an amount not to exceed 4% of the funds allocated for 2023-2024 under this subsection, and for 2024-2025, an amount equal to 4% of the funds allocated for 2024-2025 under this subsection must be made available for technical support and coordination services from a nonprofit organization exclusively dedicated to serving adolescent health centers in this state and that has a membership that includes federally qualified health centers, local public health departments, hospital systems, and public school districts. As a requirement of being awarded the funds under this subsection as prescribed under this subsection, a nonprofit organization described in this subsection shall make readily available technical support and coordination services to all child and adolescent health centers in this state. Funds appropriated under this subsection for 2023-2024 only are a work project appropriation and any unexpended funds for 2023-2024 are carried forward into 2024-2025. The purpose of the work project is to continue to improve child and adolescent health center program sites and improve delivery of patient care. The estimated completion date of the work project is September 30, 2025.

(8) From the state school aid fund money allocated under subsection (1), there is allocated for 2023-2024 an amount not to exceed $5,150,000.00 and for 2024-2025 an amount not to exceed $10,150,000.00 for the state portion of the hearing and vision screenings as described in part 93 of the public health code, 1978 PA 368, MCL 333.9301 to 333.9329, and, from the general fund money allocated under subsection (1), there is allocated for 2023-2024 an amount not to exceed $1,500,000.00 and for 2024-2025 an amount not to exceed $1,500,000.00 for the state portion of the dental screenings as described in part 93 of the public health code, 1978 PA 368, MCL 333.9301 to 333.9329. A local public health department shall pay at least 50% of the total cost of the screenings. The frequency of the vision screenings must be as required under R 325.13091 to R 325.13096 of the Michigan Administrative Code and the frequency of the hearing screenings must be as required under R 325.3271 to R 325.3276 of the Michigan Administrative Code. Funds must be awarded in a form and manner approved jointly by the department and the department of health and human services. Notwithstanding section 17b, the department shall make payments to eligible entities under this subsection on a schedule determined by the department.

(9) Each district or public school academy receiving funds under this section shall submit to the department by July 15 of each fiscal year a report, in the form and manner prescribed by the department, that includes a brief description of each program conducted or services performed by the district or public school academy using funds

under this section, the amount of funds under this section allocated to each of those programs or services, the total number of at-risk pupils served by each of those programs or services, and the data necessary for the department and the department of health and human services to verify matching funds for the temporary assistance for needy families program. In prescribing the form and manner of the report, the department shall ensure that districts are allowed to expend funds received under this section on any activities that are permissible under this section. If a district or public school academy does not comply with this subsection, the department shall withhold an amount equal to the August payment due under this section until the district or public school academy complies with this subsection. If the district or public school academy does not comply with this subsection by the end of the fiscal year, the withheld funds are forfeited to the school aid fund.

(10) To receive funds under this section, a district or public school academy must allow access for the department or the department's designee to audit all records related to the program for which it receives those funds. The district or public school academy shall reimburse the state for all disallowances found in the audit.

(11) Subject to subsections (6), (7), (8), (23), and (24), for schools in which more than 40% of pupils are identified as at-risk, a district or public school academy may use the funds it receives under this section to implement tier 1, evidence-based practices in schoolwide reforms that are guided by the district's comprehensive needs assessment and are included in the district improvement plan. Schoolwide reforms must include parent and community supports, activities, and services, that may include the pathways to potential program created by the department of health and human services or the communities in schools program. As used in this subsection, "tier 1, evidence-based practices" means research based instruction and classroom interventions that are available to all learners and effectively meet the needs of most pupils.

(12) A district or public school academy that receives funds under this section may use those funds to provide research based professional development and to implement a coaching model that supports the multi-tiered system of supports framework. Professional development may be provided to district and school leadership and teachers and must be aligned to professional learning standards; integrated into district, school building, and classroom practices; and solely related to the following:

(a) Implementing the multi-tiered system of supports required in subsection (2) with fidelity and utilizing the data from that system to inform curriculum and instruction.

(b) Implementing section 1280f of the revised school code, MCL 380.1280f, as required under subsection (2), with fidelity.

(13) A district or public school academy that receives funds under subsection (3) may use funds received under subsection (3) for support staff providing services to at-risk pupils.

(14) Beginning in 2024-2025, a district or public school academy may use up to 60% of the funds it receives under this section for the following purposes:

(a) Up to 30% to reduce the teacher to pupil ratio in grades K to 3 in schools for which the percentage of pupils in membership who were determined to be economically disadvantaged in the immediately preceding fiscal year is equal to or greater than the minimum percentage for a district or public school academy to be assigned to opportunity index band 5.

(b) Up to 30% to support retention and recruitment efforts that help reduce staff turnover and vacancies of instructional and support staff if the district or public school academy is assigned to opportunity index band 5 or 6.

(15) Funds used as described in subsection (14) must align with the needs assessment and the multi-tiered system of supports model. A district or public school academy shall not use any of the money described in subsection (14) for administrative costs or to supplant existing funding, including, but not limited to, maintaining existing salaries or costs. A district or public school academy shall report its intent to use funds described in subsection (14) to the department by not later than November 1 of the current fiscal year.

(16) A district or public school academy determined to be eligible to use a portion of funds received under subsection (3) for the purposes described in subsection (14) retains the ability to use funding for the purposes described in subsection (14) for the fiscal year in which eligibility was determined plus 2 additional fiscal years beyond that fiscal year.

(17) By August 1 of each fiscal year, the department must provide a report to districts and public school academies that lists the eligible schools under subsection (14)(a) for the upcoming fiscal year.

(18) A district or public school academy that receives funds under this section may use up to 10% of the funds received under this section to provide evidence-based instruction for pre-kindergarten instructional and noninstructional services to children who meet at least 1 of the criteria in subsection (25)(a)(i) to (x).

(19) Except as otherwise provided in this subsection, if necessary, the department shall prorate payments under this section, except payments under subsection (7), (8), (23), or (24), by reducing the amount of the allocation as otherwise calculated under this section by an equal percentage per district. Subject to the availability of funds, if proration is necessary under this subsection, the department must ensure that no district receives an amount less than 11.5% of the target foundation for each economically disadvantaged pupil enrolled in the district.

(20) If a district is dissolved pursuant to section 12 of the revised school code, MCL 380.12, the intermediate district to which the dissolved district was constituent shall determine the estimated number of pupils that are economically disadvantaged and that are enrolled in each of the other districts within the intermediate district and

provide that estimate to the department for the purposes of distributing funds under this section within 60 days after the district is declared dissolved.

(21) A district or public school academy that receives funds under this section may use funds received under this section to provide an anti-bullying or crisis intervention program.

(22) The department shall collaborate with the department of health and human services to prioritize assigning Pathways to Potential success coaches to elementary schools that have a high percentage of pupils in grades K to 3 who are not proficient in English language arts, based upon state assessments for pupils in those grades.

(23) From the state school aid fund money allocated under subsection (1), there is allocated for 2023-2024 only an amount not to exceed $35,000,000.00 to support primary health care services provided to children and adolescents up to age 21 and for the provision of space upgrades in child and adolescent health center programs. All of the following apply to this allocation:

(a) The funds must be used for only the following purposes:

(i) Modernizing antiquated medical equipment.

(ii) Improving security and patient safety measures.

(iii) Investing in new patient-centered technologies.

(iv) Renovating physical spaces to improve patient privacy and the care setting.

(b) The funds must be expended in a form and manner determined jointly by the department and the department of health and human services.

(c) To be eligible to receive funding under this subsection, a child and adolescent health center program that serves students in the current fiscal year must submit an application in a form and manner determined by the department and the department of health and human services.

(d) An amount equal to 4% of the funds allocated for 2023-2024 under this subsection must be made available for technical support and coordination services from a nonprofit organization exclusively dedicated to serving adolescent health centers in this state and that has a membership that includes federally qualified health centers, local public health departments, hospital systems, and public school districts. As a requirement of being awarded the funds under this subsection as prescribed under this subsection, a nonprofit organization described in this subsection shall make readily available technical support and coordination services to all child and adolescent health centers in this state.

(e) Funds appropriated under this subsection are a work project appropriation and any unexpended funds for 2023-2024 are carried forward into 2024-2025. The purpose of the work project is to continue to improve child and adolescent health center program sites and improve delivery of patient care. The estimated completion date of the work project is September 30, 2025.

(24) From the state school aid fund money appropriated under section 11, there is allocated for 2023-2024 only an amount not to exceed $10,000,000.00 for an electronic patient data and health care analytic system to be made available to each child and adolescent health center program. The department of health and human services shall collaborate on system implementation with a nonprofit organization exclusively dedicated to serving child and adolescent health center programs in this state and that has a membership that includes federally qualified health centers, local public health departments, hospital systems, and public school districts, including, but not limited to, technology assessment, design, coordination, and system implementation with child and adolescent health center programs. Funds appropriated under this subsection are a work project appropriation and any unexpended funds for 2023-2024 are carried forward into 2024-2025. The purpose of the work project is to continue to implement an electronic patient data and health care analytic system. The estimated completion date of the work project is September 30, 2028.

(25) As used in this section:

(a) "At-risk pupil" means a pupil in grades pre-K to 12 for whom the district has documentation that the pupil meets any of the following criteria:

(i) The pupil is economically disadvantaged.

(ii) The pupil is an English language learner.

(iii) The pupil is chronically absent as defined by and reported to the center.

(iv) The pupil is a victim of child abuse or neglect.

(v) The pupil is a pregnant teenager or teenage parent.

(vi) The pupil has a family history of school failure, incarceration, or substance abuse.

(vii) The pupil is an immigrant who has immigrated within the immediately preceding 3 years.

(viii) The pupil did not complete high school in 4 years and is still continuing in school as identified in the Michigan cohort graduation and dropout report.

(ix) For pupils for whom the results of the state summative assessment have been received, is a pupil who did not achieve proficiency on the English language arts, mathematics, science, or social studies content area assessment.

(x) Is a pupil who is at risk of not meeting the district's or public school academy's core academic curricular objectives in English language arts or mathematics, as demonstrated on local assessments.

(b) "Economically disadvantaged" means a pupil who has been determined eligible for free or reduced-price meals as determined under the Richard B. Russell national school lunch act, 42 USC 1751 to 1769j; who is in a

household receiving supplemental nutrition assistance program or temporary assistance for needy families assistance; or who is homeless, migrant, or in foster care, as reported to the center.

(c) "English language learner" means limited English proficient pupils who speak a language other than English as their primary language and have difficulty speaking, reading, writing, or understanding English as reported to the center.

History: Add. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1994, Act 283, Imd. Eff. July 12, 1994 ;-- Am. 1994, Act 360, Imd. Eff. Dec. 22, 1994 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 180, Imd. Eff. Apr. 19, 1996 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 1997, Act 24, Imd. Eff. June 16, 1997 ;-- Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997 ;-- Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998 ;-- Am. 1998, Act 553, Imd. Eff. Jan. 27, 1999 ;-- Am. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2004, Act 593, Imd. Eff. Jan. 5, 2005 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 121, Imd. Eff. Apr. 14, 2006 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 73, Imd. Eff. July 9, 2009 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2015, Act 139, Eff. Oct. 7, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Imd. Eff. July 14, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2023, Act 320, Eff. Feb. 13, 2024 ;-- Am. 2024, Act 120, Imd. Eff. July 23, 2024

Compiler's Notes: In the first sentence of subsection (1), as amended by Act 121 of 2001, the phrase “and for 2002-2003 an amount not to exceed $319,095,200.00” was vetoed by the governor September 28, 2001.Enacting section 3 of Act 521 of 2002 provides:“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 73 of 2009 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Compiler's Notes: Enacting section 1 of Act 476 of 2014 provides:"Enacting section 1. Section 31a of the state school aid act of 1979, 1979 PA 94, MCL 388.1631a, as amended by this amendatory act, does not take effect unless House Joint Resolution UU of the 97th Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."House Joint Resolution UU was presented to the electors as Proposal 15-1 at the May 5, 2015 special election. The proposal to amend the constitution was not approved by the voters and Act 476 of 2014 does not go into effect.Enacting section 1 of Act 139 of 2015 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2015 PA 85 and this amendatory act for fiscal year 2015-2016 is estimated at $12,124,885,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2015-2016 are estimated at $11,967,255,600.00."

388.1631b Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's Notes: The repealed section pertained to grants for balanced calendar instructional programs.

388.1631c Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to the literacy tutoring services and enrichment programs.

388.1631d Reimbursement to districts and other eligible entities providing lunch programs, child nutrition programs, and food distribution programs.

Sec. 31d.

(1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $29,553,400.00 for 2024-2025 for the purpose of making payments to districts and other eligible entities under this section.

(2) The amounts allocated from state sources under this section are used to pay the amount necessary to reimburse districts for 6.0127% of the necessary costs of the state mandated portion of lunch programs provided by those districts. The department shall calculate the amount due to each district under this section using the methods of calculation adopted by the Michigan supreme court in the consolidated cases known as Durant v State of Michigan, 456 Mich 175 (1997).

(3) The payments made under this section include all state payments made to districts so that each district receives at least 6.0127% of the necessary costs of operating the state mandated portion of the lunch program in a fiscal year.

(4) The payments made under this section to districts and other eligible entities that are not required under section 1272a of the revised school code, MCL 380.1272a, to provide a lunch program must be in an amount not to exceed $10.00 per eligible pupil plus 5 cents for each free lunch and 2 cents for each reduced price lunch provided, as determined by the department.

(5) From the federal funds appropriated in section 11, there is allocated for 2024-2025 all available federal funding, estimated at $901,400,000.00 for child nutrition programs and, for 2024-2025, all available federal funding, estimated at $15,000,000.00, for food distribution programs.

(6) Notwithstanding section 17b, the department shall make payments to eligible entities other than districts under this section on a schedule determined by the department.

(7) In purchasing food for a lunch program funded under this section, a district or other eligible entity shall give preference to food that is grown or produced by Michigan businesses if it is competitively priced and of comparable quality.

History: Add. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 158, Imd. Eff. Aug. 11, 2003 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Imd. Eff. June 28, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Imd. Eff. July 13, 2021 ;-- Am. 2022, Act 144, Imd. Eff. July 14, 2022 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Enacting section 3 of Act 521 of 2002 provides:“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I

of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."Enacting section 1 of Act 299 of 2011 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."

388.1631e Repealed. 2004, Act 351, Eff. Oct. 1, 2004.

Compiler's Notes: The repealed section pertained to reimbursement for cost of providing breakfast.

388.1631f School breakfast program costs; reimbursement payments; preference to food grown or produced by Michigan businesses.

Sec. 31f.

(1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $16,900,000.00 for 2024-2025 for the purpose of making payments to districts to reimburse for the cost of providing breakfast.

(2) The funds allocated under this section for school breakfast programs are made available to all eligible applicant districts that meet all of the following criteria:

(a) The district participates in the federal school breakfast program and meets all standards as prescribed by 7 CFR parts 210, 220, 225, 226, and 245.

(b) Each breakfast eligible for payment meets the federal standards described in subdivision (a).

(3) The payment for a district under this section is at a per meal rate equal to the lesser of the district's actual cost or 100% of the statewide average cost of a meal served, as determined and approved by the department, less federal reimbursement, participant payments, and state breakfast reimbursements received under section 30d. The department shall determine the statewide average cost using costs as reported in a manner approved by the department for the preceding school year.

(4) Notwithstanding section 17b, the department may make payments under this section pursuant to an agreement with the department.

(5) In purchasing food for a school breakfast program funded under this section, a district shall give preference to food that is grown or produced by Michigan businesses if it is competitively priced and of comparable quality.

History: Add. 2005, Act 155, Imd. Eff. Sept. 30, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Imd. Eff. June 27, 2016 ;-- Am. 2017, Act 108, Imd. Eff. July 14, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Imd. Eff. July 13, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am.

2023, Act 3, Imd. Eff. Feb. 14, 2023 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."Enacting section 1 of Act 299 of 2011 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."

388.1631g Student wellness software pilot program case study.

Sec. 31g.

(1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $1,250,000.00 for 2024-2025 only to Lenawee Intermediate District for a student wellness software pilot program case study that will encompass a diverse range of districts that offer grades 3 to 12, representing urban, rural, and suburban communities. The case study described in this section must be used to provide to the department evidence of trends in the following areas:

(a) Absenteeism.

(b) Suspensions and expulsions.

(c) Behavior incidents.

(d) Students feeling connected.

(e) Student sense of belonging.

(f) Student self-esteem.

(g) Student motivation.

(h) Dropout rate.

(i) Anxiety and depression.

(j) Student sense of safety at school.

(2) The funds allocated under this section for 2024-2025 are a work project appropriation, and any unexpended funds for 2024-2025 are carried forward into 2025-2026. The purpose of the work project is to continue to provide support for the pilot program described in subsection (1). The estimated completion date of the work project is September 30, 2027.

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

History: Add. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: Former MCL 388.1631g, which pertained to allocation for contract with provider to provide online, research-based, secure, personal health and nutrition education software platform in sample of pilot schools, was repealed by Act 5 of 2015, Eff. Mar. 10, 2015.

388.1631h Repealed. 2017, Act 108, Eff. Oct. 1, 2017.

Compiler's Notes: The repealed section pertained to funding districts that educate nonresident pupils as result of high school closures.

388.1631j Districts and other non-school sponsors; purchase of Michigan-grown fruits, vegetables, and legumes; competitive grant program; use of funds; matching reimbursement; report.

Sec. 31j.

(1) From the general fund money appropriated in section 11, there is allocated for 2024-2025 an amount not to exceed $500,000.00 and from the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $4,000,000.00 for 2024-2025 for a program to support districts and other non-school sponsors in the purchase of locally grown fruits, vegetables, and legumes as described in this section.

(2) Funding under this section retained by the department for administration must not exceed 5%. Funding under this section retained by project partners for data collection, outreach, and training must not exceed 2% for each partner.

(3) The department shall develop and implement a competitive grant program for districts and other non-school sponsors to assist in paying for the costs incurred by the district or other non-school sponsor to purchase or increase purchases of whole or minimally processed fruits, vegetables, and legumes grown in this state. The maximum amount that may be drawn down on a grant to a district or other non-school sponsor is based on the number of meals served by the district during the previous school year under the Richard B. Russell national school lunch act, 42 USC 1751 to 1769j, or meals served by the other non-school sponsor in the previous school year. The department shall collaborate with the Michigan department of agriculture and rural development to provide training to newly participating schools and other non-school sponsors and electronic information on Michigan agriculture.

(4) The goals of the program under this section include improving daily nutrition and eating habits for children through the school and child care settings while investing in Michigan's agricultural and related food business economy.

(5) A district or other non-school sponsor that receives a grant under this section shall use those funds for the costs incurred by the district or the sponsor to do both of the following:

(a) Purchase whole or minimally processed fruits, vegetables, and legumes that meet both of the following:

(i) For each fiscal year, were purchased for use in meals and supportive activities as part of the United States Department of Agriculture child nutrition programs provided between October 1 through September 30 of that fiscal year.

(ii) Are grown in this state and, if minimally processed, are also processed in this state.

(b) Pay for labor and food transportation of locally grown fruits, vegetables, and legumes that directly support the activities and goals of the program described in this section. The amount paid under this subdivision must not exceed 25% of the grant award.

(6) For Michigan-grown fruits, vegetables, and legumes that satisfy the requirements of subsection (5), the department shall make matching reimbursements in an amount not to exceed 10 cents for every school meal that is served as part of the United States Department of Agriculture's child nutrition programs.

(7) In awarding grants under this section, the department shall work in consultation with Michigan-based farm to school resource organizations, to develop scoring criteria that assess an applicant's ability to procure Michigan-grown products, prepare and menu Michigan-grown products, promote and market Michigan-grown products, and submit letters of intent from districts or other non-school sponsors on plans for educational activities that promote the goals of the program.

(8) The department shall give preference to districts or other non-school sponsors that propose educational activities that meet 1 or more of the following: promote healthy food activities; have clear educational objectives; involve parents or the community; connect to a school's or child care center's farm-to-school or farm-to-early-child-care procurement activities; and market and promote the program, leading to increased pupil knowledge and consumption of Michigan-grown products. The department shall give stronger weighting and consideration to applications with robust marketing and promotional activities.

(9) In awarding grants, the department shall also consider all of the following:

(a) The percentage of children who qualify for free or reduced price school meals under the Richard B. Russell national school lunch act, 42 USC 1751 to 1769j.

(b) The variety of school or child care center sizes and geographic locations within the identified prosperity regions.

(c) Existing or planned collaboration between child care sponsors, between districts, or with agricultural

businesses and essential local food infrastructure, such as farms, farm cooperatives, processors, distributors, and local food hubs.

(10) As a condition of receiving a grant under this section, a district or other non-school sponsor shall provide or direct its vendors to provide to the department copies of monthly receipts that show the quantity of different Michigan-grown fruits, vegetables, and legumes purchased, the amount of money spent on each of these products, the name and Michigan location of the farm that grew the products, and the methods or plans to market and promote the program. The district or other non-school sponsor also shall provide to the department monthly United States Department of Agriculture child nutrition reimbursable meal numbers and must retain monthly menus noting when and how Michigan-grown products were used in meals. The district or other non-school sponsor and school or non-school sponsor food service director or directors also shall agree to respond to brief online surveys and to provide a report that shows the percentage relationship of Michigan spending compared to total food spending. By not later than 60 days after the end of the period in which funds under this section were received, and in which federal child nutrition programs require submission of claims, each district or each non-school sponsor shall submit a report to the department on outcomes and related measurements for economic development and children's nutrition and readiness to learn. The report must include at least both of the following:

(a) The extent to which farmers and related businesses, including distributors and processors, saw an increase in market opportunities and income generation through sales of Michigan or local products to districts and other non-school sponsors. All of the following apply for purposes of this subdivision:

(i) The data used to determine the amount of this increase are the total dollar amount of Michigan or local fruits, vegetables, and legumes purchased by schools and other non-school sponsors, along with the number of different types of products purchased; school and non-school sponsor food purchasing trends identified along with products that are of new and growing interest among food service directors; the number of businesses impacted; and the percentage of total food budget spent on Michigan-grown fruits, vegetables, and legumes.

(ii) The district or other non-school sponsor shall use purchasing data collected for the program and surveys of school and non-school sponsor food service directors on the impact and success of the program as the source for the data described in subparagraph (i).

(b) The ability to which pupils can access a variety of healthy Michigan-grown foods through schools and other non-school sponsor centers and increase their consumption of those foods. All of the following apply for purposes of this subdivision:

(i) The data used to determine whether this subdivision is met are the number of pupils exposed to Michigan-grown fruits, vegetables, and legumes at schools and non-school sponsor centers; the variety of products served; new items taste-tested or placed on menus; and the increase in pupil willingness to try new local healthy foods.

(ii) The district or other non-school sponsor shall use purchasing data collected for the project, meal count and enrollment numbers, school menu calendars, and surveys of school and non-school sponsor food service directors as the source for the data described in subparagraph (i).

(11) The department shall compile the reports provided by districts and other non-school sponsors under subsection (10) into 1 legislative report. The department shall provide this report not later than April 1 of each fiscal year following the fiscal year for which funding is allocated under this section to the house and senate subcommittees responsible for school aid, the house and senate fiscal agencies, and the state budget director.

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

History: Add. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018 ;-- Am. 2020, Act 146, Imd. Eff. July 31, 2020 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Imd. Eff. July 14, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1631k Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to student meal debt forgiveness reimbursement.

388.1631m Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to the school mental health and support services fund.

388.1631n Licensed behavioral health providers for general education pupils; advisory council; application; services by child and adolescent health centers; services to nonpublic students; measurements of outcomes and performance.

Sec. 31n.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 for the purposes of this section an amount not to exceed $106,545,000.00 and from the general fund money appropriated in section 11, there is allocated for 2024-2025 for the purposes of this section an amount not to exceed $1,300,000.00. The department and the department of health and human services shall continue a program to distribute this funding to add licensed behavioral health providers for general education pupils, and recipients of the funds under subsection (6) shall continue to seek federal Medicaid match funding for all eligible mental health and support services.

(2) The department and the department of health and human services shall maintain an advisory council for programs funded under this section and any other funding under this act to improve or maintain the mental health of students, except for programs funded under section 31a(7) and (8). The advisory council shall define goals for implementation of programs, and shall provide feedback on that implementation. At a minimum, the advisory council shall consist of representatives of state associations representing school health, school mental health, school counseling, education, health care, and other organizations, representatives from the department and the department of health and human services, and a representative from the school safety and mental health commission. The department and department of health and human services, working with the advisory council, shall determine an approach to increase capacity for mental health and support services in schools for general education pupils, and shall determine where that increase in capacity qualifies for federal Medicaid match funding.

(3) The advisory council shall develop a fiduciary agent checklist for intermediate districts to facilitate development of a plan to submit to the department and to the department of health and human services. The department and department of health and human services shall determine the requirements and format for intermediate districts to submit a plan for possible funding under subsection (6). The department shall make applications for funding for this program available to districts and intermediate districts by not later than December 1 of each fiscal year for which funds are allocated under this section and shall award the funding by not later than February 1 of each fiscal year for which funds are allocated under this section.

(4) The department of health and human services shall amend the state Medicaid plan to obtain appropriate Medicaid waivers as necessary for the purpose of generating additional Medicaid match funding for school mental health and support services for general education pupils, and this expansion is called Caring for Students (C4S).

(5) From the state school aid fund money allocated under subsection (1), there is allocated for 2024-2025 an amount not to exceed $14,300,000.00 to be distributed to the network of child and adolescent health centers to place a licensed master's level behavioral health provider in schools that do not currently have services available to general education students. Child and adolescent health centers that are part of the network described in this subsection shall provide a commitment to maintain services and implement all available federal Medicaid match methodologies. The department of health and human services shall use all existing or additional federal Medicaid match opportunities to maximize funding allocated under this subsection. The department shall provide funds under this subsection to child and adolescent health centers that are part of the network described in this subsection in the same proportion that funding under section 31a(7) is provided to child and adolescent health centers that are part of the network described in this subsection and that are located and operating in those districts. A payment from funding allocated under this subsection must not be paid to an entity that is not part of the network described in this subsection.

(6) From the state school aid fund money allocated under subsection (1), there is allocated for 2024-2025 an amount not to exceed $87,245,000.00 to be distributed to intermediate districts for the provision of mental health and support services to general education students. Recipients of funds under this subsection shall continue to seek federal Medicaid match funding for all eligible mental health and support services. If a district or intermediate district is not able to procure the services of a licensed master's level behavioral health provider, the district or intermediate district shall notify the department and the department of health and human services and, if the department and department of health and human services verify that the district or intermediate district attempted to procure services from a master's level behavioral health provider and was not able to do so, then the district or

intermediate district may instead procure services from a provider with less than a master's degree in behavioral health. To be able to use the exemption in the immediately preceding sentence, the district or intermediate district must submit evidence satisfactory to the department and department of health and human services demonstrating that the district or intermediate district took measures to procure the services of a licensed master's level behavioral health provider but was unable to do so, and the department and department of health and human services must be able to verify this evidence. From the first $56,173,600.00 of the funds allocated under this subsection, the department shall distribute up to $1,003,100.00 for 2024-2025 to each intermediate district that submits a plan approved by the department and the department of health and human services by February 1 of each fiscal year for which funds are allocated under this section. The department shall distribute the remaining $31,071,400.00 of the funds allocated under this subsection for 2024-2025 to intermediate districts on an equal per-pupil basis based on the combined total number of pupils in membership in the intermediate district and its constituent districts, including public school academies that are considered to be constituent districts under section 705(7) of the revised school code, MCL 380.705. The department and department of health and human services shall work cooperatively in providing oversight and assistance to intermediate districts and shall monitor the program upon implementation. An intermediate district shall use funds awarded under this subsection to provide funding to its constituent districts, including public school academies that are considered to be constituent districts under section 705(7) of the revised school code, MCL 380.705, for the provision of mental health and support services to general education students. In addition to the criteria identified under subsection (9), an intermediate district shall consider geography, cost, or other challenges when awarding funding to its constituent districts. Districts receiving funding under this subsection are encouraged to provide suicide prevention and awareness education and counseling.

(7) If funding awarded to an intermediate district remains after funds are provided by the intermediate district to its constituent districts, the intermediate district shall notify the department and department of health and human services and submit evidence satisfactory to the department and department of health and human services demonstrating how it would like to use funds for purposes other than hiring licensed behavioral health providers for general education pupils. With permission from the department and department of health and human services, the intermediate district may hire or contract for experts to provide mental health and support services to general education students residing within the boundaries of the intermediate district, including, but not limited to, expanding, hiring, or contracting for staff and experts to provide those services directly or to increase access to those services through coordination with outside mental health agencies; the intermediate district may also contract with 1 or more other intermediate districts for coordination and the facilitation of activities related to providing mental health and support services to general education students residing within the boundaries of the intermediate district; the intermediate district may also use the funds under this section to create or strengthen school-based behavioral health assessment teams that focus on providing age-appropriate interventions, identifying behaviors that suggest a pupil may be struggling with mental health challenges, providing treatment and support of the pupil, and using disciplinary interventions and the criminal justice system as methods of last resort; and the intermediate district may also use the funds under this section to provide evidence-based trainings that support student mental health.

(8) If funding awarded to an intermediate district under this section remains unspent, or if the intermediate district submits an application requesting a lower allocation than the maximum amount permitted, the department, in conjunction with the intermediate district, may reallocate the funds to another intermediate district or other intermediate districts capable of expending the funds before the funding deadline in accordance with this section as if those funds were originally allocated to the intermediate district or intermediate districts to which the funds are being reallocated.

(9) A district requesting funds under this section from the intermediate district in which it is located shall submit an application for funding for the provision of mental health and support services to general education pupils. A district receiving funding from the application process described in this subsection shall provide services to nonpublic students upon request. An intermediate district shall not discriminate against an application submitted by a public school academy simply on the basis of the applicant being a public school academy. The department shall approve grant applications based on the following criteria:

(a) The district's commitment to maintain mental health and support services delivered by licensed providers into future fiscal years.

(b) The district's commitment to work with its intermediate district to use funding it receives under this section that is spent by the district for general education pupils toward participation in federal Medicaid match methodologies. A district must provide a local match of at least 20% of the funding allocated to the district under section 31n.

(c) The district's commitment to adhere to any local funding requirements determined by the department and the department of health and human services.

(d) The extent of the district's existing partnerships with community health care providers or the ability of the district to establish such partnerships.

(e) The district's documentation of need, including gaps in current mental health and support services for the general education population.

(f) The district's submission of a formal plan of action identifying the number of schools and students to be served.

(g) Whether the district will participate in ongoing trainings.

(h) Whether the district will submit an annual report to the state.

(i) Whether the district demonstrates a willingness to work with the state to establish program and service delivery benchmarks.

(j) Whether the district has developed a school safety plan or is in the process of developing a school safety plan.

(k) Any other requirements determined by the department or the department of health and human services.

(10) Funding under this section, including any federal Medicaid funds that are generated, must not be used to supplant existing services.

(11) Both of the following are allocated to the department of health and human services from the general fund money allocated under subsection (1):

(a) For 2024-2025, an amount not to exceed $1,000,000.00 for the purpose of upgrading technology and systems infrastructure and other administrative requirements to support the programs funded under this section.

(b) For 2024-2025, an amount not to exceed $300,000.00 for the purpose of administering the programs under this section and working on generating additional Medicaid funds as a result of programs funded under this section.

(12) From the state school aid fund money allocated under subsection (1), there is allocated for 2024-2025 an amount not to exceed $5,000,000.00 to intermediate districts on an equal per intermediate district basis for the purpose of administering programs funded under this section. Recipients of the funds under this subsection shall continue to seek federal Medicaid match funding for all eligible mental health and support services and participate in all learning collaboratives about C4S required by the department and department of health and human services.

(13) The department and the department of health and human services shall work with the advisory council to develop proposed measurements of outcomes and performance. Those measurements must include, at a minimum, the number of pupils served, the number of schools served, and where those pupils and schools were located. The department and the department of health and human services shall compile data necessary to measure outcomes and performance, and districts and intermediate districts receiving funding under this section shall provide data requested by the department and department of health and human services for the measurement of outcomes and performance. The department and department of health and human services shall provide an annual report by not later than December 1 of each year to the house and senate appropriations subcommittees on school aid and health and human services, to the house and senate fiscal agencies, and to the state budget director. At a minimum, the report must include measurements of outcomes and performance, proposals to increase efficacy and usefulness, proposals to increase performance, and proposals to expand coverage.

(14) A district or intermediate district that receives funding directly or indirectly under this section may carry over any unexpended funds received under this section for up to 2 fiscal years beyond the fiscal year in which the funds were received.

History: Add. 2018, Act 586, Imd. Eff. Dec. 28, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Imd. Eff. Sept. 30, 2020 ;-- Am. 2021, Act 3, Imd. Eff. Mar. 9, 2021 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1631o Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to payments for school psychologists, social workers, counselors, and nurses.

388.1631p TRAILS program; grants to intermediate districts; work project.

Sec. 31p.

(1) From the federal funding appropriated under section 11, there is allocated for 2022-2023 only an amount not to exceed $50,000,000.00 from the federal funding awarded to this state from the coronavirus state fiscal recovery fund under the American rescue plan act of 2021, title IX, subtitle M of Public Law 117-2, for grants to

intermediate districts to implement a TRAILS program as described in subsection (2).

(2) The TRAILS program described in this subsection must improve youth access to evidence-based mental health services by training school mental health professionals in effective practices, such as cognitive behavioral therapy and mindfulness.

(3) The department shall establish a grant process to distribute funds under this section.

(4) The department shall award, in an equal amount, grants under this section to each intermediate district that has an approved grant application for funding under this section. Intermediate districts must forward to the TRAILS program described in subsection (2) an amount equal to the amount awarded to the intermediate district under this subsection to contract with the TRAILS program. The TRAILS program must use funding received from intermediate districts to satisfy the terms of the contracts with the intermediate districts on a statewide basis.

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

(6) 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 continue support for the TRAILS program. The estimated completion date of the work project is December 31, 2026.

(7) The federal funding allocated under this section is intended to respond to the COVID-19 public health emergency and its negative impacts.

History: Add. 2021, Act 48, Imd. Eff. July 13, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023

388.1631q Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to the discover you program.

388.1631r Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to Novi Community School District wellness center.

388.1631y Repealed. 2022, Act 144, Eff. Oct. 1, 2022.

Compiler's Notes: The repealed section pertained to payments to districts operating on a year-round balanced calendar.

388.1631z Repealed. 2022, Act 144, Eff. Oct. 1, 2022.

Compiler's Notes: The repealed section pertained to federal funding for capital infrastructure grants to districts operating on a year-round balanced calendar.

388.1631aa Per-pupil mental health and student safety payments to districts, intermediate districts,

nonpublic schools, and the Michigan Schools for the Deaf and Blind; final expense report.

Sec. 31aa.

(1) From the state school aid fund money appropriated in section 11, there is allocated $150,000,000.00 for 2024-2025, and from the general fund money appropriated in section 11, there is allocated $1,500,000.00 for 2024-2025 only, to provide payments to districts, intermediate districts, nonpublic schools, and the Michigan Schools for the Deaf and Blind that opt in and agree to receive funding under this section, for activities to improve student mental health and improve student safety. It is the intent of the legislature that, for 2025-2026, the allocation from the state school aid fund money appropriated in section 11 for purposes described in this section will be $25,000,000.00, and that, for 2025-2026, the allocation from the state school aid fund money and general fund money appropriated in section 11 for purposes described in this section will not be used to make continued payments related to support staff hired or contracted for using funds received under this section. The allowable expenditures of funds under this section are as follows:

(a) Hiring or contracting for support staff for student mental health needs, including, but not limited to, school psychologists, social workers, counselors, and school nurses.

(b) Purchasing and implementing mental health screening tools.

(c) Purchasing a statewide, integrated technology platform, such as bhworks, that streamlines behavioral health documentation and care coordination.

(d) Providing school-based mental health personnel access to consultation with behavioral health clinicians to respond to complex student mental health needs.

(e) Purchasing and implementing an online behavioral health tool moderated and led by licensed behavioral health professionals.

(f) Hiring or contracting a behavioral health coordinator.

(g) Evidence-based trainings to support mental health.

(h) Costs associated with collaboration between school employees, families, and community partners to address the academic, behavioral, and social needs of all students through collaborative partnerships, resource coordination, data collection, and data sharing.

(i) Costs associated with conducting a systematic school mental health needs assessment and resource mapping that identifies programmatic and systemic needs and helps staff determine priorities and create action plans.

(j) Coordination with local law enforcement.

(k) Training for school staff on threat assessment.

(l) Training for school staff and students on threat response.

(m) Training for school staff on crisis communication.

(n) Safety infrastructure, including, but not limited to, cameras, door blocks, hardened vestibules, window screening, and technology necessary to operate buzzer systems. This may also include firearm detection software that integrates to existing security cameras to detect and alert school personnel and first responders to visible firearms on school property.

(o) Age-appropriate training for students and families on responsible firearm ownership, including safe handling and safe storage of firearms.

(p) School resource officers.

(q) Student Safety Management System, the information technology platform and related services to improve student safety by mitigating cyberbullying, school violence, human trafficking, and self-harm that supports students from grades K to 12.

(r) A secure platform, administered by the department of state police, for school officials, emergency responders, and emergency management coordinators to house all school safety-related items, including, but not limited to, EOP templates, EOP guidance, reference documents, and security assessments. The platform should use existing password-protected access control methods schools currently utilize and, to the extent possible, be capable of integrating with existing platforms or technologies used by districts for school safety. Through permissions-based access control, the platform should be able to relay information clearly and in real time to each person or entity necessary to provide a unified response to a safety incident, or to take appropriate action in response to an anticipated disruption to the normal functions of the surrounding community.

(s) Emergency infrastructure needs to respond to an immediate threat to the health or safety of students and staff in the district, intermediate district, nonpublic school, or the Michigan Schools for the Deaf and Blind. A district, intermediate district, nonpublic school, or the Michigan Schools for the Deaf and Blind shall not expend funds for this purpose without first obtaining approval from the department. In making a determination of approval, the department shall, at a minimum, assess whether the district, intermediate district, nonpublic school, or the Michigan Schools for the Deaf and Blind is responding to an immediate threat to the health or safety of students and staff, and whether the district, intermediate district, nonpublic school, or the Michigan Schools for the Deaf and Blind has other sources of funding that should be utilized first.

(t) A contract with a vendor for a comprehensive safety and security assessment or a comprehensive safety and

security event assessment in schools operated by the district, intermediate district, nonpublic school, or the Michigan Schools for the Deaf and Blind.

(u) An emergency response system.

(2) By not later than December 31 of each fiscal year, from the state school aid fund money allocated in subsection (1), the department shall make payments to districts, intermediate districts, and the Michigan Schools for the Deaf and Blind that opt in and agree to receive funding in an equal amount per pupil based on the total number of pupils in membership in each district, intermediate district, and the Michigan Schools for the Deaf and Blind that opts in and agrees to receive funding. By December 31 of each fiscal year, from the general fund money allocated in subsection (1), the department shall make payments to nonpublic schools that opt in and agree to receive funding in an equal amount per pupil based on the total number of pupils in membership in each nonpublic school that opts in and agrees to receive funding, using pupil counts determined by the department. The department shall ensure that the amount per pupil paid to nonpublic schools does not exceed the amount per pupil paid to districts and intermediate districts. Districts, intermediate districts, the Michigan Schools for the Deaf and Blind, and nonpublic schools may opt in and agree to receive funding in a form and manner determined by the department.

(3) Recipients of funding under this section must provide a final expense report to the department by June 1 of each fiscal year. 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.

(4) The department shall use the information received under subsection (3) to compile a report that includes the number of recipients that have hired school resource officers using funds received under this section and any supporting information provided by the recipients. By not later than August 1, 2025, and each August 1 thereafter, the department shall provide the report compiled under this subsection to the senate and house appropriations subcommittees on school aid, the senate and house fiscal agencies, the senate and house policy offices, the state budget office, and the Michigan commission on law enforcement standards.

(5) Districts receiving funds under this section must coordinate with intermediate districts to avoid duplication of services and to streamline delivery of services to students.

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

(7) As provided under section 18a, recipients may expend funds under this section until the end of the fiscal year immediately following the fiscal year in which the funds are received.

History: Add. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024 ;-- Am. 2024, Act 148, Eff. Apr. 2, 2025

388.1631bb Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to the Eastern Upper Peninsula Intermediate District Learning Center.

388.1631cc Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to the purple star program.

388.1631dd Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to the Roadmaps Program offered by the University of Michigan and Saginaw Valley State University.

388.1631ee Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to the urban equestrian center.

388.1631ff Funding for the student mental health apprenticeship retention and training (SMART) internship grant program.

Sec. 31ff.

(1) From the state school aid fund money appropriated in section 11, there is allocated $14,500,000.00 for 2023-2024 only, and, from the general fund money appropriated in section 11, there is allocated $500,000.00 for 2023-2024 only, for the implementation of requirements under 2022 PA 180, MCL 388.1951 to 388.1957. The money from the state school aid fund allocated under this section must be distributed to either districts, intermediate districts, or institutions of higher education for the purposes of this section.

(2) From the general fund money allocated under subsection (1), the department may use not more than $500,000.00 to hire up to 1.0 FTE to help administer the allocation of funds allocated under this section.

(3) The funds allocated under this section for 2023-2024 are a work project appropriation, and any unexpended funds for 2023-2024 are carried forward into 2024-2025. The purpose of the work project is to continue the coverage of cost associated with the implementation of 2022 PA 180, MCL 388.1951 to 388.1957. The estimated completion date of the work project is September 30, 2027.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2023, Act 320, Eff. Feb. 13, 2024

388.1632 Repealed. 2008, Act 268, Eff. Oct. 1, 2008.

Compiler's Notes: The repealed section pertained to additional state school aid fund revenue.

388.1632a Repealed. 2003, Act 158, Eff. Oct. 1, 2003.

Compiler's Notes: The repealed section pertained to funding for all students achieve program.

388.1632b Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's Notes: The repealed section pertained to early childhood investment corporation.

388.1632c Repealed. 2011, Act 62, Eff. Oct. 1, 2011.

Compiler's Notes: The repealed section pertained to grants for community-based collaborative prevention services.

388.1632d Great start readiness programs; use of funds; eligibility; competitive grant; longitudinal evaluation; comprehensive part-day programs, school-day programs, GSRP extended programs, GSRP/Head Start school-day blended programs, or GSRP/Head Start extended blended programs; application for funding; form and manner; counting enrolled pupils; blended program; designation of early childhood coordinator; retention of funds for administrative services; outreach, recruiting, and public awareness; household income; contract process; contract with community-based providers for percentage of total allocation; submission of satisfactory evidence; report; definitions; tuition rate sliding scale; reimbursement of transportation costs; classroom level quality assessments; supplemental curriculum; professional development and training materials for educators; use of AmeriCorps Pre-K Reading Corps members; classroom start up grants; "child care center" and "licensed child care center" defined.

Sec. 32d.

(1) From the state school aid fund money appropriated in section 11, there is allocated to eligible intermediate districts and consortia of intermediate districts for great start readiness programs an amount not to exceed $609,720,000.00 for 2024-2025. It is the intent of the legislature that this section will support universal great start readiness programs in a future fiscal year. An intermediate district or consortium shall use funds allocated under this section for great start readiness programs to provide part-day programs, school-day programs, GSRP extended programs, GSRP/Head Start school-day blended programs, or GSRP/Head Start extended blended programs that are comprehensive, free, compensatory classroom programs designed to improve the readiness and subsequent achievement of children who meet the participant eligibility and prioritization guidelines as defined by the department of lifelong education, advancement, and potential. For a child to be eligible to participate in a program under this section, the child must be at least 4, but less than 5, years of age as of September 1 of the school year in which the program is offered and must meet those eligibility and prioritization guidelines. After eligible children who will be 4 years of age as of September 1 are enrolled, a child who is not 4 years of age as of September 1, but who will be 4 years of age by not later than December 1, is eligible to participate if both of the following are met:

(a) The child's parent or legal guardian seeks a waiver from the September 1 eligibility date by submitting a request for enrollment in a program to the responsible intermediate district.

(b) The child meets eligibility and prioritization guidelines.

(2) From the state school aid fund money allocated under subsection (1), an amount not to exceed $607,720,000.00 for 2024-2025 is allocated to intermediate districts or consortia of intermediate districts based on the formula in section 39. An intermediate district or consortium of intermediate districts receiving funding under this section shall act as the fiduciary for the great start readiness programs. An intermediate district or consortium of intermediate districts receiving funding under this section may collaborate with local governments to identify children eligible for programs funded under this section and may contract with local governments to provide services. To be eligible to receive funds allocated under this subsection from an intermediate district or consortium of intermediate districts, a district, a consortium of districts, a local government, or a public or private for-profit or nonprofit legal entity or agency must comply with this section and section 39. If, due to the number of GSRP extended program or GSRP/Head Start extended blended program slots awarded, the amount allocated in this subsection is insufficient to award at least the same number of part-day program and school-day program slots as awarded in the immediately preceding fiscal year, there is appropriated from the great start readiness program reserve fund the amount necessary to fully award the same number of part-day program and full-day program slots as awarded in the immediately preceding fiscal year.

(3) In addition to the allocation under subsection (1), from the general fund money appropriated under section 11, there is allocated an amount not to exceed $600,000.00 for 2024-2025 for a competitive grant to continue a longitudinal evaluation of children who have participated in great start readiness programs. It is the intent of the legislature that the allocation under this subsection will be $350,000.00 for 2025-2026.

(4) Except as otherwise provided in subsection (5), to be eligible for funding under this section, a program must prepare children for success in school through comprehensive part-day programs, school-day programs, GSRP extended programs, GSRP/Head Start school-day blended programs, or GSRP/Head Start extended blended programs that contain all of the following program components, as determined by the department of lifelong education, advancement, and potential:

(a) Participation in a collaborative recruitment and enrollment process to ensure that each child is enrolled in the

program most appropriate to the child's needs and to maximize the use of federal, state, and local funds.

(b) An age-appropriate educational curriculum that is in compliance with the early childhood standards of quality for prekindergarten children adopted by the state board, including, at least, the Connect4Learning curriculum.

(c) Nutritional services for all program participants supported by federal, state, and local resources as applicable.

(d) Physical and dental health and developmental screening services for all program participants.

(e) Referral services for families of program participants to community social service agencies, including mental health services, as appropriate.

(f) Active and continuous involvement of the parents or guardians of the program participants.

(g) A plan to conduct and report annual great start readiness program evaluations and continuous improvement plans using criteria approved by the department of lifelong education, advancement, and potential.

(h) Participation in a school readiness advisory committee convened as a workgroup of the great start collaborative that provides for the involvement of classroom teachers, parents or guardians of program participants, and community, volunteer, and social service agencies and organizations, as appropriate. The advisory committee shall annually review and make recommendations regarding the program components listed in this subsection. The advisory committee also shall make recommendations to the great start collaborative regarding other community services designed to improve all children's school readiness.

(i) The ongoing articulation of the kindergarten and first grade programs offered by the program provider.

(j) Participation in this state's great start to quality process with a rating of at least enhancing quality level.

(5) To help expand access to great start readiness programs, the department of lifelong education, advancement, and potential may waive the requirements under subsection (4) and a program may be eligible for funding under this section for new or expanding programs if the program demonstrates to the satisfaction of the department of lifelong education, advancement, and potential that the program meets all of the following:

(a) Is a licensed child care center or is a licensed program.

(b) Provides the minimum instructional time as required by the department of lifelong education, advancement, and potential.

(c) Participates in this state's quality rating system at a level determined by the department of lifelong education, advancement, and potential.

(d) Implements a professional educator preparation plan, as defined by the department of lifelong education, advancement, and potential, for educators not meeting teacher credentialing standards described in subsection (8).

(e) Uses a developmentally appropriate curriculum, as determined by the department of lifelong education, advancement, and potential.

(f) Conducts a developmental screening and referral process, as determined by the department of lifelong education, advancement, and potential.

(g) Commits to participating in program financial review and monitoring, as determined by the department of lifelong education, advancement, and potential.

(h) Provides a plan to implement an approved great start readiness program curriculum and meet additional great start readiness program standards, as determined by the department of lifelong education, advancement, and potential.

(6) A waiver under subsection (5) may be granted for up to 3 years for requirements related to program credentialing and may be granted for up to 2 years for all other requirements, as determined by the department of lifelong education, advancement, and potential.

(7) The department of lifelong education, advancement, and potential shall provide a report to the house and senate appropriations subcommittees on school aid, the state budget director, and the house and senate fiscal agencies that summarizes the number and types of exemptions granted under subsection (5) and progress made by programs granted waivers under subsection (5) by September 30 of each fiscal year. It is the intent of the legislature to review the waiver allowability under subsection (5) before the fiscal year ending September 30, 2027.

(8) An application for funding under this section must provide for the following, in a form and manner determined by the department of lifelong education, advancement, and potential:

(a) Ensure either of the following:

(i) That the applicant complies with all program components described in subsection (4).

(ii) That the applicant meets the requirements of a waiver under subsection (5).

(b) Except as otherwise provided in this subdivision, ensure that children participating in an eligible great start readiness program for whom the intermediate district is receiving funds under this section are children who live with families with a household income that is equal to or less than 400% of the federal poverty guidelines. If the intermediate district determines that all eligible children are being served and that there are no children on the waiting list who live with families with a household income that is equal to or less than 400% of the federal poverty guidelines, the intermediate district may then enroll children who live with families with a household income that is greater than 400% of the federal poverty guidelines. The enrollment process must consider income and risk factors, such that children determined with higher need are enrolled before children with lesser need. For purposes of this subdivision, all age-eligible children served in foster care or who are experiencing homelessness or who have individualized education programs recommending placement in an inclusive preschool setting are considered to live

with families with household income equal to or less than 400% of the federal poverty guidelines regardless of actual family income and are prioritized for enrollment within the lowest quintile. The department of lifelong education, advancement, and potential shall publish the household income thresholds under this subdivision in a clear manner on its website and the great start to quality website.

(c) Ensure that the applicant only uses qualified personnel for this program, as follows:

(i) Teachers possessing proper training. A lead teacher must have a valid Michigan teaching certificate with an early childhood or lower elementary endorsement or a bachelor's or higher degree in child development or early childhood education with specialization in preschool teaching. However, except as otherwise provided in this subparagraph, if an applicant demonstrates to the department of lifelong education, advancement, and potential that it is unable to fully comply with this subparagraph after making reasonable efforts to comply, teachers or paraprofessionals with at least 5 years of experience as a paraprofessional in a great start readiness program, Head Start, or licensed child care center classroom who have significant but incomplete training in early childhood education or child development may be used if the applicant provides to the department of lifelong education, advancement, and potential, and the department of lifelong education, advancement, and potential approves, a plan for each teacher to come into compliance with the standards in this subparagraph. Individuals may qualify with at least 3 years of experience and significant training in early childhood education or child development, based on the recommendation of the intermediate district after a classroom observation. A teacher's compliance plan must be completed within 3 years of the date of employment. Progress toward completion of the compliance plan consists of at least 2 courses per calendar year.

(ii) Paraprofessionals possessing proper training in early childhood education, including an associate degree in early childhood education or child development or the equivalent, or a child development associate (CDA) credential. However, if an applicant demonstrates to the department of lifelong education, advancement, and potential that it is unable to fully comply with this subparagraph after making reasonable efforts to comply, the applicant may use paraprofessionals who have completed at least 1 course that earns college credit in early childhood education or child development or enroll in a child development associate credential with at least 6 months of verified experience in early education and care, if the applicant provides to the department of lifelong education, advancement, and potential, and the department of lifelong education, advancement, and potential approves, a plan for each paraprofessional to come into compliance with the standards in this subparagraph. A paraprofessional's compliance plan must be completed within 3 years of the date of employment. Progress toward completion of the compliance plan consists of at least 2 courses, 60 clock hours, or an equivalent of training per calendar year.

(d) Include a program budget that contains only those costs that are not reimbursed or reimbursable by federal funding, that are clearly and directly attributable to the great start readiness program, and that would not be incurred if the program were not being offered. Eligible costs include transportation costs. The program budget must indicate the extent to which these funds will supplement other federal, state, local, or private funds. An applicant shall not use funds received under this section to supplant any federal funds received by the applicant to serve children eligible for a federally funded preschool program that has the capacity to serve those children.

(9) For a grant recipient that enrolls pupils in a school-day program or GSRP extended program funded under this section, each child enrolled in the school-day program or GSRP extended program is counted as described in section 39 for purposes of determining the amount of the grant award.

(10) For a grant recipient that enrolls pupils in a GSRP/Head Start school-day blended program or GSRP/Head Start extended blended program, the grant recipient shall ensure that all Head Start and GSRP policies and regulations are applied to the blended slots, with adherence to the highest standard from either program, to the extent allowable under federal law. A grant recipient may request a waiver from the department of lifelong education, advancement, and potential to align GSRP policies and regulations with Head Start national standards for quality, including ratios, and the department of lifelong education, advancement, and potential may approve the waiver. Not later than March 1 of each year, the department of lifelong education, advancement, and potential will report to the legislature and post on a publicly available website a list by intermediate district or consortium with the number and type of each waiver requested and approved.

(11) To help expand access to great start readiness programs, the department may allow great start readiness programs to implement Head Start national performance standards for quality as an alternative to great start readiness program policies and regulations if the great start readiness program demonstrates to the satisfaction of the department that the great start readiness program is meeting the requirements of the Head Start national performance standards.

(12) An intermediate district or consortium of intermediate districts receiving a grant under this section shall designate an early childhood coordinator, and may provide services directly or may contract with 1 or more districts or public or private for-profit or nonprofit providers that meet all requirements of subsections (4) and (8).

(13) An intermediate district or consortium of intermediate districts may retain for administrative services provided by the intermediate district or consortium of intermediate districts an amount not to exceed 4% of the grant amount. Expenses incurred by subrecipients engaged by the intermediate district or consortium of intermediate districts for directly running portions of the program are considered program costs or a contracted

program fee for service. Subrecipients operating with a federally approved indirect rate for other early childhood programs may include indirect costs, not to exceed the federal 10% de minimis.

(14) An intermediate district or consortium of intermediate districts may expend not more than 2% of the total grant amount for outreach, recruiting, and public awareness of the program, if the intermediate district or consortium of intermediate districts also participates in related statewide marketing and outreach efforts.

(15) Each grant recipient shall enroll children identified under subsection (8)(b) according to how far the child's household income is below 400% of the federal poverty guidelines by ranking each applicant child's household income from lowest to highest and dividing the applicant children into quintiles based on how far the child's household income is below 400% of the federal poverty guidelines, and then enrolling children in the quintile with the lowest household income before enrolling children in the quintile with the next lowest household income until slots are completely filled. If the grant recipient determines that all eligible children are being served and that there are no children on the waiting list who live with families with a household income that is equal to or less than 400% of the federal poverty guidelines, the grant recipient may then enroll children who live with families with a household income that is greater than 400% of the federal poverty guidelines. The enrollment process must consider income and risk factors, such that children determined with higher need are enrolled before children with lesser need. For purposes of this subsection, all age-eligible children served in foster care or who are experiencing homelessness or who have individualized education programs recommending placement in an inclusive preschool setting are considered to live with families with household income equal to or less than 400% of the federal poverty guidelines regardless of actual family income and are prioritized for enrollment within the lowest quintile.

(16) An intermediate district or consortium of intermediate districts receiving a grant under this section shall allow parents of eligible children who are residents of the intermediate district or within the consortium to choose a program operated by or contracted with another intermediate district or consortium of intermediate districts and shall enter into a written agreement regarding payment, in a manner prescribed by the department of lifelong education, advancement, and potential.

(17) An intermediate district or consortium of intermediate districts receiving a grant under this section shall conduct a local process to contract with interested and eligible public and private for-profit and nonprofit community-based providers that meet all requirements of subsection (4) for at least 30% of its total allocation. For the purposes of this 30% allocation, an intermediate district or consortium of intermediate districts may count children served by a Head Start grantee or delegate in a GSRP/Head Start school-day blended program, GSRP/Head Start extended blended program, GSRP extended program, and great start readiness school-day program. Children served in a program funded only through Head Start are not counted toward this 30% allocation. An intermediate district or consortium shall report to the department of lifelong education, advancement, and potential, in a manner prescribed by the department of lifelong education, advancement, and potential, a detailed list of community-based providers by provider type, including private for-profit, private nonprofit, community college or university, Head Start grantee or delegate, and district or intermediate district, and the number and proportion of its total allocation allocated to each provider as subrecipient. If the intermediate district or consortium is not able to contract for at least 30% of its total allocation, the intermediate district or consortium shall notify the department of lifelong education, advancement, and potential and, if the department of lifelong education, advancement, and potential verifies that the intermediate district or consortium attempted to contract for at least 30% of its total allocation and was not able to do so, the intermediate district or consortium may retain and use all of its allocation as provided under this section. To be able to use this exemption, the intermediate district or consortium shall demonstrate to the department of lifelong education, advancement, and potential that the intermediate district or consortium increased the percentage of its total allocation for which it contracts with a community-based provider and the intermediate district or consortium shall submit evidence satisfactory to the department of lifelong education, advancement, and potential, and the department of lifelong education, advancement, and potential must be able to verify this evidence, demonstrating that the intermediate district or consortium took measures to contract for at least 30% of its total allocation as required under this subsection, including, but not limited to, at least all of the following measures:

(a) The intermediate district or consortium notified each nonparticipating licensed child care center located in the service area of the intermediate district or consortium regarding the center's eligibility to participate, in a manner prescribed by the department of lifelong education, advancement, and potential.

(b) The intermediate district or consortium provided to each nonparticipating licensed child care center located in the service area of the intermediate district or consortium information regarding great start readiness program requirements and a description of the application and selection process for community-based providers.

(c) The intermediate district or consortium provided to the public and to participating families a list of community-based great start readiness program subrecipients with a great start to quality rating of at least enhancing quality level.

(18) If an intermediate district or consortium of intermediate districts receiving a grant under this section fails to submit satisfactory evidence to demonstrate its effort to contract for at least 30% of its total allocation, as required under subsection (17), the department of lifelong education, advancement, and potential shall reduce the allocation to the intermediate district or consortium by a percentage equal to the difference between the percentage of an

intermediate district's or consortium's total allocation awarded to community-based providers and 30% of its total allocation.

(19) To assist intermediate districts and consortia in complying with the requirement to contract with community-based providers, for at least 30% of their total allocation, the department of lifelong education, advancement, and potential shall do all of the following:

(a) Ensure that a great start resource center or the department of lifelong education, advancement, and potential provides each intermediate district or consortium receiving a grant under this section with the contact information for each licensed child care center located in the service area of the intermediate district or consortium by March 1 of each year.

(b) Provide, or ensure that an organization with which the department of lifelong education, advancement, and potential contracts provides, a community-based provider with a validated great start to quality rating within 90 days of the provider's having submitted a request and self-assessment.

(c) Ensure that all intermediate district, district, community college or university, Head Start grantee or delegate, private for-profit, and private nonprofit providers are subject to a single great start to quality rating system. The rating system must ensure that regulators process all prospective providers at the same pace on a first-come, first-served basis and must not allow 1 type of provider to receive a great start to quality rating ahead of any other type of provider.

(d) By not later than March 1 of each year, compile the results of the information reported by each intermediate district or consortium under subsection (17) and report to the legislature and post on a publicly available website a list by intermediate district or consortium with the number and percentage of each intermediate district's or consortium's total allocation allocated to community-based providers by provider type, including private for-profit, private nonprofit, community college or university, Head Start grantee or delegate, and district or intermediate district.

(e) Allow intermediate districts and consortia and eligible community-based providers to utilize materials and supplies purchased for great start readiness programs within their facilities for other early care and education activities, in the following order of priority:

(i) Early care and education activities under a federal award.

(ii) Early care and education activities under other state awards.

(iii) Early care and education activities under local or regional awards.

(20) A recipient of funds under this section shall report to the center in a form and manner prescribed by the center the information necessary to derive the number of children participating in the program who meet the program eligibility criteria under subsection (8)(b), the number of eligible children not participating in the program and on a waitlist, and the total number of children participating in the program by various demographic groups and eligibility factors necessary to analyze equitable and priority access to services for the purposes of subsection (3).

(21) As used in this section:

(a) "Federal poverty guidelines" means the guidelines published annually in the Federal Register by the United States Department of Health and Human Services under its authority to revise the poverty line under 42 USC 9902.

(b) "GSRP extended program" means a program that operates for at least the same length of day as a district's first grade program for a minimum of 5 days per week, 36 weeks per year.

(c) "GSRP/Head Start extended blended program" means a program funded under this section and a Head Start program that are combined for an extended program.

(d) "GSRP/Head Start school-day blended program" means a part-day program funded under this section and a Head Start program, which are combined for a school-day program.

(e) "Part-day program" means a program that operates at least 4 days per week, 30 weeks per year, for at least 3 hours of teacher-child contact time per day but for fewer hours of teacher-child contact time per day than a school-day program.

(f) "School-day program" means a program that operates for at least the same length of day as a district's first grade program for a minimum of 4 days per week, 30 weeks per year. A classroom that offers a school-day program must enroll all children for the school day to be considered a school-day program.

(22) From the amount allocated in subsection (2), there is allocated for 2024-2025 an amount not to exceed $10,000,000.00 and, from the great start readiness program reserve fund appropriated in section 11, there is allocated for 2024-2025 an amount not to exceed $18,000,000.00 for reimbursement of transportation costs for children attending great start readiness programs funded under this section. To receive reimbursement under this subsection, by not later than November 1 of each year, a program funded under this section that provides transportation shall submit to the intermediate district that is the fiscal agent for the program a projected transportation budget. The amount of the reimbursement for transportation under this subsection is no more than the projected transportation budget or $500.00 multiplied by the number of children funded for the program under this section. If the amount allocated under this subsection is insufficient to fully reimburse the transportation costs for all programs that provide transportation and submit the required information, the department of lifelong education, advancement, and potential shall prorate the reimbursement in an equal amount per child funded. The department of lifelong education, advancement, and potential shall make payments to the intermediate district that

is the fiscal agent for each program, and the intermediate district shall then reimburse the program provider for transportation costs as prescribed under this subsection.

(23) Subject to, and from the funds allocated under, subsection (22), the department of lifelong education, advancement, and potential shall reimburse a program for transportation costs related to parent- or guardian-accompanied transportation provided by transportation service companies, buses, or other public transportation services. To be eligible for reimbursement under this subsection, a program must submit to the intermediate district or consortia of intermediate districts all of the following:

(a) The names of families provided with transportation support along with a documented reason for the need for transportation support and the type of transportation provided.

(b) Financial documentation of actual transportation costs incurred by the program, including, but not limited to, receipts and mileage reports, as determined by the department of lifelong education, advancement, and potential.

(c) Any other documentation or information determined necessary by the department of lifelong education, advancement, and potential.

(24) The department of lifelong education, advancement, and potential shall implement a process to review and approve age-appropriate comprehensive classroom level quality assessments for GSRP grantees that support the early childhood standards of quality for prekindergarten children adopted by the state board. The department of lifelong education, advancement, and potential shall make available to intermediate districts at least 2 classroom level quality assessments that were approved in 2018.

(25) An intermediate district that is a GSRP grantee may approve the use of a supplemental curriculum that aligns with and enhances the age-appropriate educational curriculum in the classroom. If the department of lifelong education, advancement, and potential objects to the use of a supplemental curriculum approved by an intermediate district, the director of the department of lifelong education, advancement, and potential shall establish a review committee independent of the department of lifelong education, advancement, and potential. The review committee shall meet within 60 days of the department of lifelong education, advancement, and potential registering its objection in writing and provide a final determination on the validity of the objection within 60 days of the review committee's first meeting.

(26) The department of lifelong education, advancement, and potential shall implement a process to evaluate and approve age-appropriate educational curricula that are in compliance with the early childhood standards of quality for prekindergarten children adopted by the state board.

(27) From the funds allocated under subsection (1), there is allocated for 2024-2025 an amount not to exceed $2,000,000.00 for payments to intermediate districts or consortia of intermediate districts for professional development and training materials for educators in programs implementing new curricula or child assessment tools approved for use in the great start readiness program.

(28) A great start readiness program, a GSRP extended program, a GSRP/Head Start school-day blended program, or a GSRP/Head Start extended blended program funded under this section is permitted to utilize AmeriCorps Pre-K Reading Corps members in classrooms implementing research-based early literacy intervention strategies.

(29) In addition to the allocation under subsection (1), from the state school aid fund money appropriated under section 11, there is allocated an amount not to exceed $25,000,000.00 for 2024-2025 only for classroom start up grants to intermediate districts and consortia of intermediate districts for new or expanding great start readiness classrooms. All of the following apply to funding allocated under this subsection:

(a) To receive funding under this subsection, intermediate districts and consortia of intermediate districts must apply for the funding in a form and manner prescribed by the department of lifelong education, advancement, and potential.

(b) The department of lifelong education, advancement, and potential shall pay an amount not to exceed $50,000.00 for each new or expanded classroom. If funding is insufficient to fully fund all eligible applicants, the department of lifelong education, advancement, and potential must prorate the per-classroom amount on an equal basis. If the allocation is not fully paid in the current fiscal year, the department of lifelong education, advancement, and potential may award any remaining funding during fiscal year 2025-2026 for each new or expanded classroom at an equal amount per classroom, based on remaining available funds, not to exceed $50,000.00 per classroom.

(c) Funds received under this subsection by intermediate districts and consortia of intermediate districts must be paid in full to the entity operating the classroom and may be used for 1 or more of the following purposes:

(i) Costs associated with attracting, recruiting, retaining, and licensing required classroom education personnel to staff new or expanded classrooms.

(ii) Supporting facility improvements or purchasing facility space necessary to provide a safe, high-quality learning environment for children in each new or expanded classroom.

(iii) Outreach material necessary for public awareness that the great start readiness program has openings in the area and for costs associated with enrolling eligible children in new or expanded classrooms.

(iv) Supporting costs in each new or expanded classroom associated with improving a provider's great start to quality rating.

(d) The funds allocated under this subsection for 2022-2023 are a work project appropriation, and any

unexpended funds for 2022-2023 do not lapse to the state school aid fund and are carried forward into 2023-2024. The purpose of the work project is to continue support for new or expanded great start readiness classrooms. The estimated completion date of the work project is September 30, 2024.

(e) The funds allocated under this subsection for 2024-2025 are a work project appropriation, and any unexpended funds for 2024-2025 do not lapse to the state school aid fund and are carried forward into 2025-2026. The purpose of the work project is to continue support for new or expanded great start readiness classrooms. The estimated completion date of the work project is September 30, 2026.

(30) In addition to the funds allocated in subsection (1), there is allocated from the general fund money appropriated under section 11 for 2024-2025 only an amount not to exceed $1,950,000.00 for an intermediate district or a consortium of intermediate districts to partner with the department of lifelong education, advancement, and potential and community-based organizations to continue implementing statewide outreach and enrollment campaign activities to raise awareness about the availability of services through the great start readiness program and to promote enrollment.

(31) The funds allocated under subsection (30) for 2024-2025 are a work project appropriation, and any unexpended funds for 2024-2025 are carried forward into 2025-2026. The purpose of the work project is to raise awareness of and participation in great start readiness programming. The estimated completion date of the work project is September 30, 2027.

(32) Notwithstanding section 17b, the department of lifelong education, advancement, and potential shall make payments under subsection (30) on a schedule determined by the department of lifelong education, advancement, and potential.

(33) As used in this section:

(a) "Child care center" means that term as defined in section 1 of 1973 PA 116, MCL 722.111.

(b) "Licensed child care center" means a child care center that has been issued a license under 1973 PA 116, MCL 722.111 to 722.128, to operate a child care center.

History: Add. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2015, Act 139, Eff. Oct. 7, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 146, Imd. Eff. July 31, 2020 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: In the first and last sentences of subsection (1), as amended by Act 121 of 2001, the phrases “and 2002-2003” and “and for 2002-2003” were vetoed by the governor September 28, 2001.In subsection (2), as amended by Act 121 of 2001, the phrase “and 2002-2003” was vetoed by the governor September 28, 2001.Enacting section 3 of Act 521 of 2002 provides:“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."Enacting section 1 of Act 139 of 2015 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state school aid under article I of the state school aid act of 1979, 1979

PA 94, MCL 388.1601 to 388.1772, as amended by 2015 PA 85 and this amendatory act for fiscal year 2015-2016 is estimated at $12,124,885,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2015-2016 are estimated at $11,967,255,600.00."

388.1632e Great start readiness program reserve fund.

Sec. 32e.

(1) The great start readiness program reserve fund is created as a separate account in the state school aid fund for the purpose of supporting the great start readiness program.

(2) The state treasurer may receive money or other assets from any source for deposit into the great start readiness program reserve fund. The state treasurer shall direct the investment of the great start readiness program reserve fund. The state treasurer shall credit to the great start readiness program reserve fund interest and earnings from great start readiness program reserve fund investments.

(3) Money in the great start readiness program reserve fund at the close of the fiscal year remains in the great start readiness program reserve fund and does not lapse to the state school aid fund or the general fund.

(4) The department of treasury is the administrator of the great start readiness program reserve fund for auditing purposes.

(5) Money available in the great start readiness program reserve fund must not be expended without a specific appropriation.

(6) For the fiscal year ending September 30, 2023 only, $200,000,000.00 from the state school aid fund is deposited into the great start readiness program reserve fund.

History: Add. 2023, Act 103, Imd. Eff. July 21, 2023
Compiler's Notes: Former MCL 388.1632e, which pertained to funding under MCL 388.1632d, was repealed by Act 268 of 2008, Eff. Oct. 1, 2008.

388.1632f Repealed. 2005, Act 155, Eff. Oct. 1, 2005.

Compiler's Notes: The repealed section pertained to read, education, and develop youth kits.

388.1632g Repealed. 2013, Act 60, Eff. Oct. 1, 2013.

Compiler's Notes: The repealed section pertained to kindergarten entry status assessment.

388.1632h Repealed. 2002, Act 191, Imd. Eff. Apr. 26, 2002.

Compiler's Notes: The repealed section pertained counseling services.

388.1632i Repealed. 2003, Act 158, Eff. Oct. 1, 2003.

Compiler's Notes: The repealed section pertained to May 2002 revenue estimating conference.

388.1632j Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's Notes: The repealed section pertained to programs for parents with young children.

388.1632k Repealed. 2007, Act 137, Imd. Eff. Nov. 8, 2007.

Compiler's Notes: The repealed section pertained to before- or after-school programs.

388.1632l Repealed. 2013, Act 60, Eff. Oct. 1, 2013.

Compiler's Notes: The repealed section pertained to establishment of diverse interagency committee to review applications for competitive grants under MCL 388.1632d.

388.1632m Repealed. 2007, Act 6, Imd. Eff. Apr. 30, 2007.

Compiler's Notes: The repealed section pertained to providing preschool children with a book each month.

388.1632n Before-school, after-school, before-and-after school, or summer school programs; federally funded grants to eligible entities; Michigan Afterschool Partnership advisory committee.

Sec. 32n.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 an amount not to exceed $75,000,000.00 to Clinton County RESA to collaborate with the department of lifelong education, advancement, and potential, for the purposes of this section. It is the intent of the legislature that, for 2025-2026, the allocation from the state school aid fund money appropriated in section 11 for the purposes described in this section will be $50,000,000.00.

(2) From the state school aid fund money allocated in subsection (1), an amount not to exceed $57,000,000.00 is allocated for a grant program for eligible applicants to expand access to quality, affordable programming before and after the school day or during the summer for young people. The department of lifelong education, advancement, and potential shall establish competitive grant criteria for the program described in this subsection. To be eligible for a grant under this subsection, the applicant must meet, at a minimum, all of the following criteria:

(a) Serve children in any of grades K to 12.

(b) Be a community-based organization that is exempt from federal income tax under section 501(c)(3) of the internal revenue code, 26 USC 501, an institution of higher education, a public library, a local government, or an intermediate district.

(c) Provide before-school, after-school, before-and-after-school, or summer school programming to children described in subdivision (a). These programs must be used to support expanded learning opportunities, including,

but not limited to, mentoring, leadership, community engagement, agriculture, visual and performing arts, literacy, science, technology, engineering, mathematics, health and wellness, recreation, financial literacy, physical fitness, career and college exploration, youth voice, 21st century skills, conflict resolution, and social engagement programming.

(d) Address measurable goals, including, but not limited to, improved school attendance, academic outcomes, improved attitudes toward school, improved positive behaviors, skill development and retention, higher education aspirations, and improved family engagement and include activities linked to research or quality practices.

(e) Be 1 of the following:

(i) A licensed child care organization.

(ii) An entity that has an active application to be a licensed child care organization.

(iii) An exempt entity.

(3) The department of lifelong education, advancement, and potential shall establish a competitive grant process for awarding funding under subsection (2). The department of lifelong education, advancement, and potential shall develop the form and manner for applying for the grants. The application must include a request for information on the applicant's outreach to children, youth, and families who are eligible for free or reduced-price meals under the Richard B. Russell national school lunch act, 42 USC 1751 to 1769j. The application must be open for not less than 30 calendar days. At least 30 days before the application is opened, the department of lifelong education, advancement, and potential must publish on its public website the criteria that will be used in evaluating the application that must include, but are not limited to, priorities under subsection (5).

(4) Subject to subsection (8), in determining award amounts under subsection (2), the department of lifelong education, advancement, and potential shall, to the extent practicable, ensure that eligible entities in all geographic regions of this state are represented in the distribution of grant funding under subsection (2).

(5) Subject to subsection (8), the department of lifelong education, advancement, and potential shall prioritize the distribution of grant funding under subsection (2) based on, at a minimum, the following:

(a) An applicant's demonstrated need.

(b) The percentage of low-income families in the geographic area being served. Prioritization must be determined by the average percentage of pupils in the district who are eligible for free and reduced-priced meals as determined under the Richard B. Russell national school lunch act, 42 USC 1751 to 1769j, where eligible entities will provide before-and-after-school or summer school programs.

(c) Whether the application provides services for the full school year.

(d) The applicant's track record for providing quality, affordable before-and-after-school or summer school services.

(e) Whether an applicant serving children in any of grades K to 8 is a licensed child care organization, is an entity that has an active application to be a licensed child care organization, or has implemented the Michigan Out-of-School Time Standards of Quality if the applicant is an exempt entity.

(6) Subject to subsection (7), an eligible entity that receives grant funding under subsection (2) shall use the funding only to provide before-school, after-school, before-and-after-school, or summer school programming to children described in subsection (2)(a). The programming offered under subsection (2) must meet all of the following:

(a) For programing that is offered by a licensed child care organization, be provided to children in a manner in which the children are physically present at the building or location for which the licensed child care organization received its license under 1973 PA 116, MCL 722.111 to 722.128, or, for programing that is offered by an exempt entity, be provided to children in a manner in which the children are physically present at a building or location designated by the exempt entity.

(b) Provide educational programming in core subject areas, including, but not limited to, mathematics, reading, and science.

(c) Provide data to evaluate the program in a form and manner as prescribed by the department of lifelong education, advancement, and potential.

(7) Subject to subsections (4) and (5), up to 2% of funding allocated under subsection (2) must be allocated to a nonprofit entity with experience serving youth-serving organizations to provide start-up grants and capacity building, professional development, and technical assistance for implementation of high-quality, evidence-based out-of-school time learning opportunities.

(8) The department of lifelong education, advancement, and potential shall award no less than 60% of the funding under subsection (2) to community-based organizations.

(9) Notwithstanding section 17b, the department of lifelong education, advancement, and potential shall make payments under this section in full upon grant award. Grantees that do not comply with reporting requirements, fail to provide the services proposed in their grant application, or close during the grant period may be required to repay the funding they received under this section to the department of lifelong education, advancement, and potential.

(10) The department of lifelong education, advancement, and potential, in collaboration with the Michigan Afterschool Partnership, shall convene an advisory committee to review the program components listed within this

section and make recommendations to the department of lifelong education, advancement, and potential for changes on the program described in this section. The advisory committee shall meet at a schedule set by the department of lifelong education, advancement, and potential, or at least quarterly. The advisory committee shall provide for the involvement of, but not limited to, community-based organizations, regional intermediaries, district administrators, youth, parents, and representatives from the business and philanthropic communities, as appropriate.

(11) From the state school aid fund money allocated in subsection (1), Clinton County RESA shall allocate $18,000,000.00 to recipients under this subsection as follows:

(a) $4,000,000.00 to support the efforts of FFA.

(b) $3,000,000.00 to the Boys and Girls Club of Southeast Michigan to expand programming. Programming expansion includes, but is not limited to, construction or remodeling of facilities to allow for new or extended programs.

(c) $3,000,000.00 to the HYPE Athletics Center to provide programming that may include, but is not limited to, science, technology, engineering, arts, and mathematics (STEAM) programs; literacy and reading programs; after-school programs; youth fitness and athletic programs; and mental health and behavioral health services.

(d) $1,500,000.00 to Brilliant Detroit to support delivery of high-dosage neighborhood-based tutoring and direct noninstructional services for at-risk pupils who are 3 to 12 years of age. Funding under this subdivision is intended to ensure that pupils are proficient in English language arts by the end of grade 3 and proficient in mathematics by the end of grade 8, that all participants are kindergarten ready, and that pupils are prepared to attend school regularly. As used in this subdivision, "at-risk pupil" means that term as defined in section 31a.

(e) $1,200,000.00 to the State Alliance of Michigan YMCAs to provide students in grades 6 to 12 with hands-on civics and model-government programs that offer statewide engagement with peers across this state for the purpose of expanding those students' opportunities to improve their social studies knowledge, thinking skills, and intellectual processes and dispositions required for active engagement in fulfilling responsibilities of civic participation.

(f) $1,000,000.00 to the Downtown Boxing Gym in Detroit to expand programming. Programming expansion includes, but is not limited to, construction or remodeling of facilities to allow for new or extended programs.

(g) $1,000,000.00 to support the operations of the Flint Center for Educational Excellence.

(h) $800,000.00 to the Detroit Opera for educational programming for grades pre-K to 12, including field trips, summer camps, and other learning opportunities. The funds allocated under this subdivision are a work project appropriation, and any unexpended funds for 2024-2025 are carried forward into 2025-2026. The purpose of the work project is to support the Detroit Opera educational programming as described in this subdivision. The estimated completion date of the work project is September 30, 2028.

(i) $500,000.00 to Special Olympics Michigan, a nonprofit organization organized under the laws of this state that is exempt from federal income tax under section 501(c)(3) of the internal revenue code of 1986, 26 USC 501, that has a mission statement to provide year-round sports training and athletic competition for children and adults with intellectual disabilities. Funding under this subdivision must be used by the organization to expand the organization's programming.

(j) $500,000.00 to the Horatio Williams Foundation to support efforts to provide college preparation services, math leagues, sports programming, and literacy services in Detroit.

(k) $500,000.00 to Friends of the Children, a nonprofit organization that employs salaried professional mentors who support youth and their families from grades K to 12. The salaried professional mentorship program in this subdivision must employ a 2-generational approach to supporting youth in and outside of the classroom, particularly in reading and math comprehension; support students and their families by connecting them to concrete supports like education and employment pathways, housing, utility assistance, and food security; and be located in a city with a population greater than 600,000 in a county with a population greater than 1,500,000 according to the most recent federal decennial census.

(l) $500,000.00 to the Detroit Police Athletic League to support operations and programming including, but not limited to, athletic programs and youth enrichment programs.

(m) $500,000.00 to the Detroit Science Center, a nonprofit organization that is tax-exempt under section 501(c)(3) of the internal revenue code of 1986, 26 USC 501, and located in a city with a population greater than 600,000 in a county with a population greater than 1,700,000 according to the most recent federal decennial census. Funds under this subdivision must be used by the nonprofit organization to expand the nonprofit organization's mission of providing opportunities for students to discover, explore, and appreciate science, technology, engineering, and mathematics in a creative, dynamic learning environment.

(12) Recipients of grants under subsection (11) may not apply for funding under subsection (2).

(13) As used in this section:

(a) "An entity that has an active application to be a licensed child care organization" means an entity that has an active application to be a licensed child care organization under 1973 PA 116, MCL 722.111 to 722.128, and will be a licensed child care organization before the entity provides services for which a child care organization is required to be licensed under 1973 PA 116, MCL 722.111 to 722.128.

(b) "Child care organization" means that term as defined in section 1 of 1973 PA 116, MCL 722.111.

(c) "Exempt entity" means an entity described in section 1(1)(i)(i) to (v) of 1973 PA 116, MCL 722.111.

(d) "Licensed child care organization" means a child care organization that has been issued a license under 1973 PA 116, MCL 722.111 to 722.128, to operate a child care organization.

History: Add. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: Former MCL 388.1632n, which pertained to statewide before-or-after school programs, was repealed by Act 110 of 2010, Eff. Oct. 1, 2010.

388.1632p Early childhood funding; local great start collaborative and family coalition; outcomes; workgroups; home visits to at-risk children and families; report; improving access to books and literacy materials; carrying over unexpended funds.

Sec. 32p.

(1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $19,400,000.00 to intermediate districts for 2024-2025 for the purpose of providing early childhood funding to intermediate districts to support the goals and outcomes under subsections (2) and (4), and to provide supports for early childhood programs for children from birth through age 8. The funding provided to each intermediate district under this section is determined by the distribution formula established by the department of lifelong education, advancement, and potential's office of great start to provide equitable funding statewide. To receive funding under this section, each intermediate district must provide an application to the office of great start by not later than September 15 of the immediately preceding fiscal year indicating the strategies planned to be provided.

(2) Each intermediate district or consortium of intermediate districts that receives funding under this section shall convene a local great start collaborative and a family coalition that includes an active partnership with at least 1 community-based organization. The goal of each great start collaborative and family coalition is to ensure the coordination and expansion of local early childhood systems and programs that achieve the following outcomes:

(a) Children born healthy.

(b) Children healthy, thriving, and developmentally on track from birth to grade 3.

(c) Children developmentally ready to succeed in school at the time of school entry.

(d) Children prepared to succeed in fourth grade and beyond by reading proficiently by the end of third grade.

(3) Each local great start collaborative and family coalition shall convene workgroups to make recommendations about community services designed to achieve the outcomes described in subsection (2) and to ensure that its local great start system includes the following supports for children from birth through age 8:

(a) Physical and social-emotional health.

(b) Family supports, including, but not limited to, the provision of basic needs and economic self-sufficiency.

(c) Parent leadership and family engagement.

(d) Early education, including the child's development of skills linked to success in foundational literacy, and care.

(e) Community infrastructure.

(4) From the funds allocated in subsection (1), at least $3,500,000.00 must be used for the purpose of providing home visits to at-risk children and their families. The home visits must be conducted as part of a locally coordinated, family-centered, evidence-based, data-driven home visit strategic plan that is approved by the department of lifelong education, advancement, and potential. The goals of the home visits funded under this subsection are to improve school readiness using evidence-based methods, including a focus on developmentally appropriate outcomes for early literacy, to improve positive parenting practices, and to improve family economic self-sufficiency while reducing the impact of high-risk factors through community resources and referrals. The department of lifelong education, advancement, and potential shall coordinate the goals of the home visit strategic plans approved under this subsection with other state agency home visit programs in a way that strengthens Michigan's home visiting infrastructure and maximizes federal funds available for the purposes of at-risk family home visits. The coordination among departments and agencies is intended to avoid duplication of state services and spending, and should emphasize efficient service delivery of home visiting programs.

(5) By not later than December 1 of each year, each intermediate district shall provide a report to the department of lifelong education, advancement, and potential detailing the strategies actually implemented during the immediately preceding school year and the families and children actually served. At a minimum, the report must include an evaluation of the services provided with additional funding under subsection (4) for home visits, using

the goals identified in subsection (4) as the basis for the evaluation, including the degree to which school readiness was improved, the degree to which positive parenting practices were improved, the degree to which there was improved family economic self-sufficiency, and the degree to which community resources and referrals were utilized. The department of lifelong education, advancement, and potential shall compile and summarize these reports and submit its summary to the house and senate appropriations subcommittees on school aid and to the house and senate fiscal agencies by not later than February 15 of each year.

(6) In addition to the funds allocated in subsection (1), from the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $4,000,000.00 for 2024-2025 only for the purpose of improving access to books and other literacy materials for children from birth to age 5. The formula described in subsection (1) must be used to allocate funds to intermediate districts under this subsection. An intermediate district may use the funding to support programs, including, but not limited to, the Dolly Parton Imagination Library, Reach Out and Read Michigan, or any other program that provides books and literacy materials to children from birth to age 5. If funding under this subsection is insufficient to enroll all interested families in the service, each intermediate district must prioritize enrollment to those families with the highest levels of economic need. If an intermediate district will not fully utilize funding under this subsection, those funds must be returned to the department of lifelong education, advancement, and potential for redistribution for the purposes under this subsection.

(7) An intermediate district or consortium of intermediate districts that receives funding under this section may carry over any unexpended funds received under this section into the next fiscal year and may expend those unused funds through June 30 of the next fiscal year. However, an intermediate district or consortium of intermediate districts that receives funding for the purposes described in subsection (2) in the current fiscal year shall not carry over into the next fiscal year any amount exceeding 15% of the amount awarded to the intermediate district or consortium in the current fiscal year. A recipient of a grant shall return any unexpended grant funds to the department of lifelong education, advancement, and potential in the manner prescribed by the department of lifelong education, advancement, and potential not later than September 30 of the next fiscal year after the fiscal year in which the funds are received.

History: Add. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1632q Repealed. 2019, Act 58, Eff. Oct. 1, 2019.

Compiler's Notes: The repealed section pertained to pilot program to evaluate the impact on vulnerable children of 1 versus 2 years of preschool education.

388.1632r Repealed. 2015, Act 85, Eff. Oct. 1, 2015.

Compiler's Notes: The repealed section pertained to race to the top – early learning challenge grant.

388.1632t Three year-old preschool pilot program; Clinton County RESA.

Sec. 32t.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2023-2024 only an amount not to exceed $18,000,000.00 to Clinton County RESA (CCRESA) for a 3-year-old preschool pilot program to provide services to children who do not meet the age eligibility criteria for the great start readiness

program, but meet all other eligibility criteria for the great start readiness program. These services must be designed for children who are age 3 and must be similar to the services provided through the great start readiness program. The program described in this section must be administered by CCRESA Strong Beginnings Implementation Team under the direction of the department, office of great start, with assessment, data, and collection analysis for the program being provided by Michigan State University.

(2) The department must pay the funding under this section to Clinton County RESA in installments over 3 years. The department shall determine the amount to be used in each year.

(3) This section is intended to provide funding to serve at least 1,000 children over the next 3 school years, evaluate outcomes, and create a scalable 3-year-old preschool model. Clinton County RESA shall maintain funding at no less than the amount received in 2022-2023 under this section for current participants. At the end of the pilot, Clinton County RESA shall provide a report to the department detailing all of the following:

(a) How the pilot was conducted.

(b) Demographics of the children served.

(c) Outcomes achieved.

(d) Challenges the pilot faced and how the implementation team responded.

(e) A model this state could use to scale the program statewide, if funding were available.

(4) The funds allocated under this section for 2023-2024 are a work project appropriation, and any unexpended funds for 2023-2024 are carried forward into 2024-2025. The purpose of the work project is to pilot a 3-year-old preschool program as provided under this section. The estimated completion date of the work project is September 30, 2027.

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

History: Add. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023

388.1632u Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to payments for BookNook collaboration.

388.1632v Early childhood workforce project.

Sec. 32v.

(1) From the state school aid fund money appropriated under section 11, there is allocated for 2022-2023 only an amount not to exceed $30,000,000.00 to implement an early childhood workforce project.

(2) The department must award funding under this section to an intermediate district or a consortium of intermediate districts to serve as a fiscal agent. The recipient intermediate district or consortium of intermediate districts at the direction of the department and in collaboration with the department of licensing and regulatory affairs child care licensing bureau, and organizations with experience recruiting and training early childhood professionals, must do all of the following:

(a) Assess early childhood workforce needs, with a priority placed on professionals in child care, Head Start, and the great start readiness program settings, and support improvements in how data on the early learning and care workforce is collected, stored, and used for professional advancement.

(b) Update and promote clear career pathways for early learning and care roles, including current compensation levels.

(c) Ensure professional development, certificates, and degrees align to the career pathway and quality rating and improvement system.

(d) Develop and pilot alternative education and training programs, including, but not limited to, competency-based credentials and micro credentials for early learning and care professionals.

(e) Pilot projects that support the recruitment and retention of early learning and care professionals with a priority placed on professionals in child care and the great start readiness program settings. At least 1 pilot project

must test strategies to sustainably increase wages and benefits to align with professionals with similar levels of educational requirements, specialization requirements, and job responsibilities.

(3) 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 launch an early childhood workforce project to recruit, train, and retain professionals in all early learning settings, with a priority on child care and preschool settings. The estimated completion date of the work project is September 30, 2027.

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

History: Add. 2023, Act 103, Imd. Eff. July 21, 2023

388.1632w Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to GOAL Line Detroit.

388.1632x Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to Wayne State University Law School's Levin Center for Oversight and Democracy for Learning by Hearings civic education program.

388.1633 K to 5 music or visual arts program grants.

Sec. 33.

(1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $11,000,000.00 for 2023-2024 only for grants to eligible districts for the purposes described in this section.

(2) To receive a grant under this section, a district must apply for the grant in a form and manner prescribed by the department.

(3) A district that meets both of the following is an eligible district under this section:

(a) The district must enroll students in grades K to 5.

(b) The district must, in its application described in subsection (2), pledge to do all of the following:

(i) Provide for all pupils in grades K to 5 at least 60 minutes per week of instruction in music or visual arts, taught by a certificated teacher who has, or is working towards, the appropriate endorsement issued by the department. For teaching music, the appropriate endorsement is a JX or JQ endorsement. For teaching visual arts, the appropriate endorsement is an LQ, LX, or LZ endorsement.

(ii) Maintain staffing that includes at least 1 certificated teacher with a JX or JQ music endorsement or an LQ, LX, or LZ visual arts endorsement issued by the department for every 400 pupils enrolled in grades K to 5.

(iii) Adopt and implement, or maintain, specific curricula for music or visual arts.

(iv) Maintain in each elementary school at least 1 space that is either dedicated to music or visual arts instruction or designated to be used for music or visual arts instruction and that allows for effective implementation of the music or visual arts curriculum, with consideration given to the physical materials and tools needed for music or visual arts instruction.

(v) Establish and maintain a separate dedicated budget for music or visual arts instruction in grades K to 5.

(vi) Participate in the collection of data in the fall and spring of the 2024-2025 school year on changes in course offerings, instructor qualifications, student course enrollments, and other aspects of the district's music or visual arts programs as determined by the department and MI Creative Potential.

(vii) Commit to including music and visual arts in district and school continuous improvement planning using the

program review tool that accompanies the Michigan Blueprint of a Quality Arts Education, available in the Michigan Integrated Continuous Improvement Process database.

(viii) Adopt and implement a plan to satisfy the recommendations listed in the Michigan Blueprint of a Quality Arts Education program.

(4) Grants awarded under this section must be awarded for the coverage of costs for 1 year of additional costs, including 1-time costs, for the district to implement or maintain a music or visual arts program.

(5) In awarding grants under this section, the department shall prioritize as follows:

(a) The department shall first award grants to districts that are first-time applicants and meet 1 of the following:

(i) The district currently has a music or visual arts program that meets the requirements of subsection (3)(b)(i) to (vii) but does not meet the recommendations listed in the Michigan Blueprint of a Quality Arts Education program and the district will use the grant to move toward implementing those recommendations.

(ii) The district does not currently have a music program that meets the requirements of subsection (3)(b)(i) to (vii) or does not currently have a visual arts program that meets the requirements of subsection (3)(b)(i) to (vii).

(b) If there is funding remaining after awarding grants to districts described in subdivision (a), the department shall award grants to other eligible districts.

(6) All grants under this section must be awarded by not later than February 1 of the fiscal year in which the grant is approved.

(7) If the total funding allocated under this section is insufficient to fully fund payments to all eligible districts under this section, the department shall prorate payments to all eligible districts on an equal percentage basis.

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

(9) The funds allocated under this section for 2023-2024 are a work project appropriation, and any unexpended funds for 2023-2024 are carried forward into 2024-2025. The purpose of the work project is to provide for music or visual arts education. The estimated completion date of the work project is September 30, 2027.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Imd. Eff. July 23, 2024
Compiler's Notes: Former MCL 388.1633, which pertained to allocation to assist in transition from governance by a school reform board to governance by an elected school board, was repealed by Act 342 of 2006, Eff. Oct. 1, 2006.

388.1634 Repealed. 2007, Act 6, Imd. Eff. Apr. 30, 2007.

Compiler's Notes: The repealed section pertained to appropriation of funds for 2006-2007.

388.1634a Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's Notes: The repealed section pertained to achievement incentive grants.

388.1635 Repealed. 2018, Act 265, Eff. Oct. 1, 2018.

Compiler's Notes: The repealed section pertained to use of funds for programs to ensure that children are reading at grade level by end of grade 3.

388.1635a Professional development; allocations; screening and diagnostic tools for early literacy and early

reading skills; early literacy coaches; additional instructional time; report; literacy essentials teacher and principal training; funding for Reading and Math Corps; professional development programs; professional learning opportunities; definitions.

Sec. 35a.

(1) From the appropriations in section 11, there is allocated for 2024-2025 for the purposes of this section an amount not to exceed $82,900,000.00 from the state school aid fund. It is the intent of the legislature that, for 2025-2026, the allocation from the state school aid fund money appropriated in section 11 for the purposes described in this section will be $67,900,000.00. Excluding staff or contracted employees funded under subsection (8), the superintendent shall designate staff or contracted employees funded under this section as critical shortage. By not later than December 31 of each fiscal year in which funding is allocated under this section, the superintendent of public instruction shall do both of the following:

(a) Report in person to the house and senate appropriations subcommittees on school aid regarding progress on early literacy and be available for questioning as prescribed through a process developed by the chairs of the house and senate appropriations subcommittees on school aid.

(b) Submit a written report to the house and senate appropriations subcommittees on school aid regarding progress on early literacy.

(2) A district that receives funds under subsection (5) may spend up to 5% of those funds for professional development for educators in a department-approved research-based training program related to current state literacy standards for pupils in grades pre-K to 5. The professional development must also include training in the use of screening and diagnostic tools, progress monitoring, and intervention methods used to address barriers to learning and delays in learning that are diagnosed through the use of these tools.

(3) A district that receives funds under subsection (5) may use up to 5% of those funds to administer department-approved screening and diagnostic tools to monitor the development of early literacy and early reading skills, and risk factors for word-level reading difficulties of pupils in grades pre-K to 5 and to support evidence-based professional learning described in subsection (11) for educators in administering and using screening, progress monitoring, and diagnostic assessment data to inform instruction through prevention and intervention in a multi-tiered system of supports framework. A department-approved screening and diagnostic tool administered by a district using funding under this section must include all of the following components: phonemic awareness, phonics, fluency, rapid automatized naming (RAN), and comprehension. Further, all of the following sub-skills must be assessed within each of these components:

(a) Phonemic awareness - segmentation, blending, and sound manipulation (deletion and substitution).

(b) Phonics - decoding (reading) and encoding (spelling).

(c) Fluency.

(d) Comprehension - making meaning of text.

(4) From the allocation under subsection (1), there is allocated an amount not to exceed $42,000,000.00 for 2024-2025 for the purpose of providing early literacy coaches at intermediate districts to assist teachers in developing and implementing instructional strategies for pupils in grades pre-K to 5 so that pupils are reading at grade level by the end of grade 3. All of the following apply to funding under this subsection:

(a) The department shall develop an application process consistent with the provisions of this subsection. An application must provide assurances that literacy coaches funded under this subsection are knowledgeable about at least the following:

(i) Current state literacy standards for pupils in grades pre-K to 3.

(ii) Implementing an instructional delivery model based on frequent use of formative, screening, and diagnostic tools, known as a multi-tiered system of supports, to determine individual progress for pupils in grades pre-K to 5 so that pupils are reading at grade level by the end of grade 3.

(iii) The use of data from diagnostic tools to determine the necessary additional supports and interventions needed by individual pupils in grades pre-K to 5 to read at grade level.

(b) From the allocation under this subsection, the department shall award grants to intermediate districts for the support of early literacy coaches. The department shall provide this funding in the following manner:

(i) The department shall award each intermediate district grant funding to support the cost of 2 early literacy coaches in an equal amount per early literacy coach, not to exceed $125,000.00.

(ii) After distribution of the grant funding under subparagraph (i), the department shall distribute the remainder of grant funding for additional early literacy coaches in an amount not to exceed $125,000.00 per early literacy coach. The number of funded early literacy coaches for each intermediate district is based on the percentage of the total statewide number of pupils in grades K to 3 who meet the income eligibility standards for the federal free and reduced-price lunch programs who are enrolled in districts in the intermediate district.

(c) If an intermediate district that receives funding under this subsection uses an assessment tool that screens for characteristics of dyslexia, the intermediate district shall use the assessment results from that assessment tool to identify pupils who demonstrate characteristics of dyslexia.

(d) All literacy coaches funded under this subsection must have already received, or be making progress toward receiving, professional learning by the approved provider described in subsection (11).

(e) To be eligible to receive funding under this subsection, an intermediate district must provide the department with a list by September 1 of the immediately preceding fiscal year containing contact information for all literacy coaches funded under this subsection, in a form and manner determined by the department. An intermediate district shall communicate any personnel changes and changes to contact information for literacy coaches funded under this subsection to the department within 30 days of the personnel change or change in contact information.

(5) From the allocation under subsection (1), there is allocated an amount not to exceed $19,900,000.00 for 2024-2025 to districts that provide additional instructional time to those pupils in grades pre-K to 5 who have been identified by using department-approved screening and diagnostic tools as needing additional supports and interventions to read at grade level by the end of grade 3. Additional instructional time may be provided before, during, and after regular school hours or as part of a year-round balanced school calendar. All of the following apply to funding under this subsection:

(a) To be eligible to receive funding, a district must demonstrate to the satisfaction of the department that the district has done all of the following:

(i) Implemented a multi-tiered system of supports instructional delivery model that is an evidence-based model that uses data-driven problem solving to integrate academic and behavioral instruction and that uses intervention delivered to all pupils in varying intensities based on pupil needs. The multi-tiered system of supports must provide at least all of the following essential components:

(A) Team-based leadership.

(B) A tiered delivery system.

(C) Selection and implementation of instruction, interventions, and supports.

(D) A comprehensive screening and assessment system.

(E) Continuous data-based decision making.

(ii) Used department-approved research-based diagnostic tools to identify individual pupils in need of additional instructional time.

(iii) Used a reading instruction method that focuses on the 5 fundamental building blocks of reading: phonics, phonemic awareness, fluency, vocabulary, and comprehension and content knowledge.

(iv) Provided teachers of pupils in grades pre-K to 5 with research-based professional development in diagnostic data interpretation.

(v) Complied with the requirements under section 1280f of the revised school code, MCL 380.1280f.

(b) The department shall distribute funding allocated under this subsection to eligible districts on an equal per-first-grade-pupil basis.

(c) If the funds allocated under this subsection are insufficient to fully fund the payments under this subsection, payments under this subsection are prorated on an equal per-pupil basis based on grade 1 pupils.

(6) By not later than September 1 of each year, a district that receives funding under subsection (5) in conjunction with the Michigan student data system, if possible, shall provide to the department a report that includes at least both of the following, in a form and manner prescribed by the department:

(a) For pupils in grades pre-K to 5, the teachers, pupils, schools, and grades served with funds under this section and the categories of services provided.

(b) For pupils in grades pre-K to 5, pupil proficiency and growth data that allows analysis both in the aggregate and by each of the following subgroups, as applicable:

(i) School.

(ii) Grade level.

(iii) Gender.

(iv) Race.

(v) Ethnicity.

(vi) Economically disadvantaged status.

(vii) Disability.

(viii) Pupils identified as having reading deficiencies.

(7) From the allocation under subsection (1), there is allocated an amount not to exceed $6,000,000.00 for 2024-2025 to an intermediate district in which the combined total number of pupils in membership of all of its constituent districts is the fewest among all intermediate districts. All of the following apply to the funding under this subsection:

(a) Funding under this subsection must be used by the intermediate district, in partnership with an association that represents intermediate district administrators in this state, to implement all of the following:

(i) Literacy essentials teacher and principal training modules.

(ii) Face-to-face and online professional learning of literacy essentials teacher and principal training modules for literacy coaches, principals, and teachers.

(iii) The placement of regional lead literacy coaches to facilitate professional learning for early literacy coaches. These regional lead literacy coaches shall provide support for new literacy coaches, building teachers, and

administrators and shall facilitate regional data collection to evaluate the effectiveness of statewide literacy coaches funded under this section.

(iv) Provide $500,000.00 from this subsection for literacy training, modeling, coaching, and feedback for district principals or chief administrators, as applicable. The training described in this subparagraph must use the pre-K and K to 3 essential instructional practices in literacy created by the general education leadership network as the framework for all training provided under this subparagraph.

(v) Job-embedded professional learning opportunities for mathematics teachers through mathematics instructional coaching. Funding must be used for professional learning for coaches, professional developers, administrators, and teachers; coaching for early mathematics educators; the development of statewide and regional professional learning networks in mathematics instructions; and the development and support of digital professional learning modules.

(b) By not later than September 1 of each year, the intermediate district described in this subsection, in consultation with grant recipients, shall submit a report to the chairs of the senate and house appropriations subcommittees on school aid, the chairs of the senate and house standing committees responsible for education legislation, the house and senate fiscal agencies, and the state budget director. The report described under this subdivision must include student achievement results in English language arts and mathematics and survey results with feedback from parents and teachers regarding the initiatives implemented under this subsection.

(c) Up to 2% of funds allocated under this subsection may be used by the association representing intermediate district administrators that is in partnership with the intermediate district specified in this subsection to administer this subsection.

(8) From the allocation under subsection (1), the department shall allocate the amount of $5,000,000.00 for 2024-2025 only to an intermediate district or a consortium of intermediate districts to partner with the Michigan Education Corps for the PreK Reading Corps, the K3 Reading Corps, and the Math Corps. An intermediate district or a consortium of intermediate districts receiving funding under this subsection must forward the amount received under this subsection to the Michigan Education Corps for statewide services. As conditions of receiving funding from an intermediate district or a consortium of intermediate districts, all of the following apply to funding received by the Michigan Education Corps under this subsection:

(a) By September 1 of the current fiscal year, the Michigan Education Corps shall provide a report concerning its use of the funding to the senate and house appropriations subcommittees on school aid, the senate and house fiscal agencies, and the senate and house caucus policy offices on outcomes and performance measures of the Michigan Education Corps, including, but not limited to, the degree to which the Michigan Education Corps' replication of the PreK Reading Corps, the K3 Reading Corps, and the Math Corps programs is demonstrating sufficient efficacy and impact. The report must include data pertaining to at least all of the following:

(i) The current impact of the programs on this state in terms of numbers of children and schools receiving support. This portion of the report must specify the number of children tutored, including dosage and completion, and the demographics of those children.

(ii) Whether the assessments and interventions are implemented with fidelity. This portion of the report must include details on the total number of assessments and interventions completed and the range, mean, and standard deviation.

(iii) Whether the literacy or math improvement of children participating in the programs is consistent with expectations. This portion of the report must detail at least all of the following:

(A) Growth rate by grade or age level, in comparison to targeted growth rate.

(B) Average linear growth rates.

(C) Exit rates.

(D) Percentage of children who exit who also meet or exceed spring benchmarks.

(iv) The impact of the programs on organizations and stakeholders, including, but not limited to, school administrators, internal coaches, and AmeriCorps members.

(b) If the department determines that the Michigan Education Corps has misused the funds allocated under this subsection, the Michigan Education Corps shall reimburse this state for the amount of state funding misused.

(c) An intermediate district or a consortium of intermediate districts may not reserve any portion of the allocation provided under this subsection for an evaluation of the Michigan Education Corps, the Michigan Education Corps' funding, or the Michigan Education Corps' programming unless agreed to in writing by the Michigan Education Corps. An intermediate district or a consortium of intermediate districts shall award the entire amount allocated under this subsection to the Michigan Education Corps and shall not condition the forwarding of this funding on the implementation of an independent evaluation.

(9) If a district or intermediate district expends any funding received under subsection (4) or (5) for professional development in research-based effective reading instruction, the district or intermediate district shall select a professional development program from the list described under subdivision (a). All of the following apply to the requirement under this subsection:

(a) The department shall issue a request for proposals for professional development programs in research-based effective reading instruction to develop an initial approved list of professional development programs in research-

based effective reading instruction. The department shall make the initial approved list public and shall determine if it will, on a rolling basis, approve any new proposals submitted for addition to its initial approved list.

(b) To be included as an approved professional development program in research-based effective reading instruction under subdivision (a), an applicant must demonstrate to the department in writing the program's competency in all of the following topics:

(i) Understanding of phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(ii) Appropriate use of assessments and differentiated instruction.

(iii) Selection of appropriate instructional materials.

(iv) Application of research-based instructional practices.

(c) As used in this subsection, "effective reading instruction" means reading instruction scientifically proven to result in improvement in pupil reading skills.

(10) From the allocation under subsection (1), there is allocated an amount not to exceed $10,000,000.00 for 2024-2025 only for the provision of professional learning by the approved provider described in subsection (11), first to educators in pre-K, kindergarten, and grade 1 next to educators in grade 2 and grade 3; and then to additional elementary school educators and pre-K to grade 12 certificated special education personnel with endorsements in learning disabilities, emotional impairments, or speech and language impairments. For purposes of this subsection, the department must establish and manage professional learning opportunities that are open to all school personnel described in this subsection as follows:

(a) The department must first open voluntary enrollment for any pre-K through grade 3 teacher on a first-come, first-served basis, with voluntary enrollment prioritized for pre-K, kindergarten, and grade 1 teachers. The department shall then open voluntary enrollment for the remaining school personnel described in this subsection.

(b) The department must maintain open enrollment until all funds are expended.

(11) For the provision of professional learning to the school personnel described in subsection (10), the department shall approve LETRS as the approved provider of professional learning, if LETRS continues to meet all of the following:

(a) Be offered through a system of training that provides educators with the knowledge base to effectively implement any class-wide, supplemental, or intervention reading approach and to determine why some students struggle with reading, writing, spelling, and language.

(b) Provide training activities that direct educators to implement effective reading and spelling instruction supported by scientifically based research and foster a direct explicit instructional sequence that uses techniques to support teachers' independence in using their newly-learned skills with students in the classroom.

(c) Include integrated components for educators and administrators in pre-K to grade 3 with embedded evaluation or assessment of knowledge. Evaluation or assessment of knowledge under this subdivision must incorporate evaluations of learning throughout each unit and include a summative assessment that must be completed to demonstrate successful course completion.

(d) Build teacher content knowledge and pedagogical knowledge of the critical components of literacy including how the brain learns to read, phonological and phonemic awareness; letter knowledge; phonics; advanced phonics; vocabulary and oral language; fluency; comprehension; spelling and writing; and the organization of language.

(e) Support educators in understanding how to effectively use screening, progress monitoring, and diagnostic assessment data to improve literacy outcomes through prevention and intervention for reading difficulties in a multi-tiered system of supports. The multi-tiered system of supports must include at least all of the following essential components:

(i) Team-based leadership.

(ii) A tiered delivery system.

(iii) Selection and implementation of instruction, interventions, and supports.

(iv) A comprehensive screening and assessment system.

(v) Continuous data-based decision making.

(12) Notwithstanding section 17b, the department shall make payments made under subsections (7) and (8) on a schedule determined by the department.

(13) As used in this section:

(a) "Dyslexia" means both of the following:

(i) A specific learning disorder that is neurobiological in origin and characterized by difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities that typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction.

(ii) A specific learning disorder that may include secondary consequences, such as problems in reading comprehension and a reduced reading experience that can impede the growth of vocabulary and background knowledge and lead to social, emotional, and behavioral difficulties.

(b) "Evidence-based" means an activity, program, process, service, strategy, or intervention that demonstrates statistically significant effects on improving pupil outcomes or other relevant outcomes and that meets at least both of the following:

(i) At least 1 of the following:

(A) Is based on strong evidence from at least 1 well-designed and well-implemented experimental study.

(B) Is based on moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study.

(C) Is based on promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias.

(D) Demonstrates a rationale based on high-quality research findings or positive evaluation that the activity, program, process, service, strategy, or intervention is likely to improve pupil outcomes or other relevant outcomes.

(ii) Includes ongoing efforts to examine the effects of the activity, program, process, service, strategy, or intervention.

(c) "Explicit" means direct and deliberate instruction through continuous pupil-teacher interaction that includes teacher modeling, guided practice, and independent practice.

(d) "Fluency" means the ability to read with speed, accuracy, and proper expression.

(e) "Multi-tiered system of supports" means a comprehensive framework that includes 3 distinct tiers of instructional support and is composed of a collection of evidence-based strategies designed to meet the individual needs and assets of a whole pupil at all achievement levels.

(f) "Phonemic awareness" means the conscious awareness of all of the following:

(i) Individual speech sounds, including, but not limited to, consonants and vowels, in spoken syllables.

(ii) The ability to consciously manipulate through, including, but not limited to, matching, blending, segmenting, deleting, or substituting, individual speech sounds described in subparagraph (i).

(iii) All levels of the speech sound system, including, but not limited to, word boundaries, rhyme recognition, stress patterns, syllables, onset-rime units, and phonemes.

(g) "Phonological" means relating to the system of contrastive relationships among the speech sounds that constitute the fundamental components of a language.

(h) "Progress monitoring" means the assessing of students' academic performance, quantifying students' rates of improvement or progress toward goals, and determining how students are responding to instruction.

(i) "Rapid automatized naming (RAN)" means a task that measures how quickly individuals can name objects; pictures; colors; or symbols, including letters and digits, aloud, which can predict later reading abilities for preliterate children.

History: Add. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Imd. Eff. June 27, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: In subsection (1), as amended by Act 58 of 2019, the following phrase "and an amount not to exceed $3,000,000.00 from the talent investment fund" was vetoed by the governor on September 30, 2019.Subsection (7), as amended by Act 58 of 2019, was vetoed by the governor on September 30, 2019.Subsections (9) and (11), as added by Act 58 of 2019, were vetoed by the governor on September 30, 2019.

388.1635b Repealed. 2022, Act 144, Eff. Oct. 1, 2022.

Compiler's Notes: The repealed section pertained to an allocation to the Children's Choice Initiative for a program using a multisensory structured language education method.

388.1635c Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's Notes: The repealed section pertained to the multisensory structured reading instruction professional developmental pilot program.

388.1635d Grants for teacher training program for children with dyslexia; program requirements.

Sec. 35d.

(1) From the state school aid fund money appropriated under section 11, for 2024-2025 only, there is allocated an amount not to exceed $1,000,000.00 for the department to provide grants to districts and intermediate districts for the purchase of 1 or more components or trainings through an eligible teacher training program for children with dyslexia from a provider of an eligible teacher training program for children with dyslexia as provided under this section.

(2) A provider that provides programming that meets all of the following is considered to be a provider of an eligible teacher training program for purposes of this section:

(a) Allows teachers to incorporate the 5 components essential to an effective reading program into their daily lessons. The 5 components described in this subdivision are phonemic awareness, phonics, vocabulary, fluency, and comprehension.

(b) Trains educators to teach reading using a proven, multisensory approach.

(c) Educates teachers on how to explicitly and effectively teach reading to beginning readers.

(d) Breaks reading and spelling down into smaller skills involving letters and sounds, and then builds on these skills over time.

(e) Uses multisensory teaching strategies to teach reading by using sight, hearing, touch, and movement to help students connect and learn the concepts being taught.

(3) Districts and intermediate districts may apply to the department for grants to purchase components or training through an eligible teacher training program from a provider of an eligible teacher training program, and, upon receiving an application but except as otherwise provided in this subsection, the department shall make payments to districts and intermediate districts for those purchases. The department shall make payments under this section on a first-come, first-served basis until funds are depleted.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1635e Repealed. 2022, Act 144, Eff. Oct. 1, 2022.

Compiler's Notes: The repealed section pertained to grants to organizations to provide early literacy and academic support for at-need youth.

388.1635f Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to an award to Macomb Intermediate School District partnership with Chaldean Community Foundation for early childhood learning opportunities.

388.1635g Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to competitive grants for innovative community libraries.

388.1635h Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to an allocation to the Jewish Federation of Metro Detroit.

388.1635i Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to early literacy hubs and MiFamily Engagement Centers.

388.1635j Early literacy funding for districts and intermediate districts.

Sec. 35j.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2023-2024 only an amount not to exceed $140,000,000.00 for payments to districts and intermediate districts to improve literacy instructional practices by investing in quality, research-based best practices, and professional learning.

(2) Subject to subsection (4), to be eligible to receive funding under this section, a district or intermediate district must apply for the funding in a form and manner prescribed by the department. Intermediate districts may apply for funding under this section on behalf of their constituent districts.

(3) From the allocation under subsection (1), the department shall make payments to eligible districts and intermediate districts in an equal amount per pupil based on the number of pupils in the district or intermediate district in grades pre-K to 5. Districts and intermediate districts receiving funding under this section must use that funding for all of the following purposes:

(a) Providing professional learning for all pre-K to grade 5 teachers, administrators, and instructional coaches in literacy instruction best practices.

(b) Complementing existing efforts to improve literacy instruction.

(c) Developing and implementing a comprehensive literacy system.

(4) For a district or intermediate district to be eligible for funding under this section, the district or intermediate district must do all of the following:

(a) Use a valid screening tool, as determined by the department, to identify gaps in current literacy practices and complete a needs assessment.

(b) Submit a plan to the department targeting identified focus areas to address gaps in literacy practices.

(c) Ensure 100% of current pre-K to grade 5 teachers complete selected training.

(d) Report to the department and post on its website which pre-K to grade 5 literacy curriculum and benchmark assessment the district or intermediate districts utilized.

(5) Except as otherwise provided in this subsection and notwithstanding section 17b, the department shall make payments under this section on a schedule determined by the department. The department must not pay more than 50% of the amount allocated in subsection (1) in 2023-2024 and must pay remaining eligible payments during 2024-2025.

(6) Funds allocated under this section for 2023-2024 are a work project appropriation, and any unexpended funds for 2023-2024 are carried forward into 2024-2025. The purpose of the work project is to improve literacy instructional practices. The estimated completion date of the work project is September 30, 2025.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023

388.1635k Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to Detroit Parent Network.

388.1635l Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to Lake Shore Public Schools early childhood community center.

388.1635m Literacy supports; Michigan Education Research Institute; literacy evaluations; eligibility; payments.

Sec. 35m.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $87,000,000.00 for the purposes described in this section, including payments to improve educational outcomes in literacy.

(2) The department shall create the committee for literacy achievement that includes representatives of higher education and early childhood literacy educators who have expertise in literacy instruction and research. The department shall appoint the members of the committee for literacy achievement. The department shall develop a process to identify and assemble experts for the committee. The primary focus of the committee is to recommend tools and strategies with the goal of increasing student academic outcomes in the area of literacy. The committee is encouraged to collaborate with the Michigan Education Research Institute or other entities with similar expertise on the subject of literacy. The department shall determine the size, timeline, and benchmarks of the committee. The committee shall do all of the following:

(a) Critically evaluate early literacy series and materials. The committee shall evaluate with research-based outcomes, using the committee's expertise in the field of literacy. The committee shall assign grade tiers to the series based on the series' likelihood to increase student literacy outcomes. Priority must be given to series that already have a demonstrated history of increasing student outcomes.

(b) Critically evaluate literacy professional development. The committee shall evaluate with research-based outcomes, using the committee's expertise in the field of literacy. The committee shall assign grade tiers to the professional development based on the professional development's likelihood to increase student literacy outcomes. Priority must be given to professional development that already has a demonstrated history of increasing student outcomes.

(c) Critically evaluate other applicable literacy tools or services the committee determines to have a high likelihood or demonstrated history of increasing student literacy outcomes.

(d) Create and maintain a rankings list of all early literacy series and other items the committee has evaluated. The committee shall denote on the list whether major changes have been made to an early literacy series or other item on the list since the early literacy series or other item was evaluated by the committee and if the early literacy series or other item has not been evaluated since the last ranking.

(3) An individual on the committee shall recuse themselves from evaluating early literacy series and other items that the individual has helped create, that the individual would benefit from financially, or for which the individual has any other conflict of interest.

(4) From the funds allocated in subsection (1), the department shall make payments to districts and intermediate districts in an amount and on a schedule determined by the department. The department shall use the rankings list described in subsection (2) as the basis for how funding is allocated in subsection (1) to districts and intermediate districts. Districts and intermediate districts using higher-ranked literacy tools that are proven to increase student outcomes shall receive more funding than districts and intermediate districts utilizing lower-ranked literacy tools in both the base award and the per-pupil awards described in this subsection. The department may determine that some districts and intermediate districts will not receive funding under this section based on the effectiveness of the early literacy series or other items being utilized by the district or intermediate district. The department shall award funding under this section using the following methodology:

(a) A base award equal to the amount necessary for the district or intermediate district to implement the chosen early literacy series or other item. The department may place a cap on the total award per district, intermediate district, or early literacy series or other item and may choose not to award funding if the early literacy series or other item is determined to be ineffective or is determined to be less effective than other choices.

(b) A per-pupil award based on the number of pupils in membership at the district and intermediate district. The

per-pupil amount must be larger for districts and intermediate districts using higher-ranked early literacy series or other items as determined under subsection (2). The department may choose not to award funding if the early literacy series or other item is determined to be ineffective or is determined to be less effective than other choices.

(5) From the funding allocated in subsection (1), the department may pay an annual stipend of up to $8,000.00 for each member of the committee for literacy achievement who is employed by or at a public institution of higher education, a district, or an intermediate district. A stipend must be commensurate with the committee member's contribution to the committee during the fiscal year. Funding must be paid to the public institution of higher education, the district, or the intermediate district where the committee member is employed, and the public institution of higher education, the district, or the intermediate district must then use funding received to award the stipend directly to the individual committee member. A committee member who is not employed by or at a public institution of higher education, a district, or an intermediate district is not eligible to receive a stipend under this subsection.

(6) To be eligible for funding under this section, a district or intermediate district must apply in a form and manner determined by the department. As a condition of receiving the funding, the district or intermediate district must agree to provide to the department information on the early literacy series and other items used for the previous and current school years and to provide this information twice a year, on or before March 31 and August 1.

(7) Except as otherwise provided in this section and notwithstanding section 17b, the department shall make payments under this section on a schedule determined by the department.

(8) Funds allocated under this section for 2024-2025 are a work project appropriation, and any unexpended funds for 2024-2025 are carried forward into 2025-2026. The purpose of the work project is to improve literacy instructional practices. The estimated completion date of the work project is September 30, 2028.

History: Add. 2024, Act 120, Eff. Oct. 1, 2024

388.1635n READ innovation competition; report.

Sec. 35n.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $10,000,000.00 to the READ innovation competition. The READ innovation competition shall provide startup money to eligible districts to develop and deploy innovative literacy initiatives that make a positive impact on student literacy rates and shall provide incentive money to districts determined to have demonstrated the greatest impact. Funds allocated under this section are intended to foster district-led innovations in literacy instruction grounded in the science of reading, provide the state with insights into successful practices that could be scaled statewide, and improve student outcomes in literacy.

(2) The department, in collaboration with the literacy commission, shall establish the structure of the READ innovation competition, including the length of the competition, eligible categories in which districts may compete, the methods and timelines by which districts must collect and report data, the number of rounds of competition, the number of districts eligible to advance to subsequent rounds, and the amount of incentive payments provided per round per district.

(3) To be eligible to receive funding under this section, a district or intermediate district must apply in a form and manner determined by the department. The application must include, at a minimum, all of the following:

(a) The competition category in which the district will compete.

(b) A description of the innovative literacy initiative the district intends to deploy during the competition, including its goals, strategies, target student population, impacted student count, and intended outcomes.

(c) A description of how the district will measure student literacy outcomes during the time frame of the competition in a reliable, periodic, and standardized way, including methods by which student progress in the applicant district can be benchmarked against student progress in other districts.

(d) An agreement to provide data necessary for the department to evaluate student growth.

(e) The amount of funding required by the district to implement the innovative literacy initiative.

(4) Applications received by the department under this section must be evaluated by the literacy commission. A member of the literacy commission shall abstain from evaluating an application and making funding decisions under this section for any district in which the member has a conflict of interest. The evaluation must be based on, at a minimum, all of the following:

(a) The quality of innovation being proposed, the alignment with the selected competition category, and the likelihood that it will result in the outcomes included in the district's application.

(b) The percentage of students districtwide that will be impacted by the proposed program during the time frame of the competition.

(c) The level to which student literacy growth in the applicant district can be benchmarked against student literacy growth in other districts.

(d) The likelihood that the proposed initiative, if successful, could be expanded statewide.

(5) The department shall award startup funding to a selection of the highest scoring applicants for each competition category, based on the evaluation of applicants by the literacy commission. The department may determine a maximum number of eligible districts per competition category. A district is only eligible to compete in 1 competition category. The department may determine a maximum amount of startup money that may be received by any district. Recipients of funding under this subsection must use that funding to implement the recipient's proposed innovative literacy initiatives.

(6) On a periodic basis determined by the department, for each eligible competition category in which a district may compete, the eligible districts must measure and report to the department, in a form and manner determined by the department, growth in student literacy scores amongst students targeted by the innovative literacy initiative. The districts demonstrating the highest levels of student literacy growth advance to the next round of the competition and are eligible for additional incentive money to further implement their innovative literacy initiatives. The department must repeat the process described in this subsection until a selection of 3 finalist districts for each competition category are determined.

(7) The finalist districts for each competition category shall prepare a presentation for the literacy commission with a summary of the district's innovative literacy initiative, including evidence of student growth, specific implementation strategies that led to success, a description of implementation obstacles and the methods used by the district to overcome these obstacles, and ways the program could be scaled for statewide implementation. Based on this summary and the overall demonstrated success of the program, the literacy commission shall select 1 winning district from each competition category. The winning district from each competition category is awarded, by the department, $500,000.00 to continue to support literacy initiatives and other academic needs of the district.

(8) At the conclusion of the READ innovation competition, the literacy commission shall provide a report to the governor, the house and senate school aid subcommittees, the house and senate fiscal agencies, and the state budget director on the winning literacy initiatives that could be scaled statewide to improve student literacy.

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

(10) Notwithstanding section 18a, funds allocated under this section may be available for expenditure until September 30, 2028. 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, 2028.

(11) The funds allocated under this section for 2024-2025 are a work project appropriation, and any unexpended funds for 2024-2025 are carried forward into 2025-2026. The purpose of the work project is to continue to implement the READ innovation competition and provide payments to districts implementing innovative literacy initiatives. The estimated completion date of the work project is September 30, 2027.

(12) As used in this section:

(a) "Literacy commission" means a commission or committee selected or assembled by the department for the purposes of administering this section.

(b) "READ innovation competition" means the reading excellence and advancing district innovation competition.

History: Add. 2024, Act 120, Eff. Oct. 1, 2024

388.1636, 388.1636a Repealed. 2000, Act 297, Eff. Oct. 1, 2000.

Compiler's Notes: The repealed sections pertained to comprehensive compensatory programs to improve readiness and achievement of educationally disadvantaged children, and grants for community based collaborative prevention services.

388.1637 Repealed. 2009, Act 121, Imd. Eff. Oct. 19, 2009.

Compiler's Notes: The repealed section pertained to eligibility of district for allocation under MCL 388.1632d.

388.1637a Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's Notes: The repealed section pertained to conditions in which requirements of MCL 388.1637(h) are considered met.

388.1638 Repealed. 2009, Act 121, Imd. Eff. Oct. 19, 2009.

Compiler's Notes: The repealed section pertained to number of prekindergarten children in need of special readiness assistance.

388.1639 Receipt of funds under MCL 388.1632d; application; submission of implementation plan for approval; initial allocation; distribution of remaining funds; calculation of percentage of eligible children; additional eligible children; review of program components.

Sec. 39.

(1) An eligible applicant receiving funds under section 32d shall submit an application, in a form and manner prescribed by the department of lifelong education, advancement, and potential, by a date specified by the department of lifelong education, advancement, and potential in the immediately preceding fiscal year. An eligible applicant is not required to amend the applicant's current accounting cycle or adopt this state's fiscal year accounting cycle in accounting for financial transactions under this section. The application must include all of the following:

(a) The estimated total number of children in the community who meet the criteria of section 32d and the total number of age-eligible children in the community, as provided to the applicant by the department of lifelong education, advancement, and potential utilizing the most recent population data available from the American Community Survey conducted by the United States Census Bureau. The department of lifelong education, advancement, and potential shall ensure that it provides updated American Community Survey population data at least once every 3 years.

(b) The estimated number of children in the community who meet the criteria of section 32d and are being served exclusively by Head Start programs operating in the community.

(c) The number of children whom the applicant has the capacity to serve who meet the criteria of section 32d including a verification of physical facility and staff resources capacity.

(2) After notification of funding allocations, an applicant receiving funds under section 32d shall also submit an implementation plan for approval, in a form and manner prescribed by the department of lifelong education, advancement, and potential, by a date specified by the department of lifelong education, advancement, and potential, that details how the applicant complies with the program components established by the department of lifelong education, advancement, and potential under section 32d.

(3) The initial allocation to each eligible applicant under section 32d is the lesser of the following:

(a) The sum of the number of children served in a school-day program in the preceding school year multiplied by $10,185.00, the number of children served in a GSRP extended program in the preceding school year multiplied by $12,222.00, the number of children served in a GSRP/Head Start school-day blended program or a part-day program in the preceding school year multiplied by $5,093.00, and the number of children served in a GSRP/Head Start extended blended program in the preceding school year multiplied by $6,111.00.

(b) The sum of the number of children the applicant has the capacity to serve in the current school year in a school-day program multiplied by $10,185.00, the number of children served in a GSRP extended program the applicant has the capacity to serve in the current school year multiplied by $12,222.00, the number of children served in a GSRP/Head Start school-day blended program or a part-day program the applicant has the capacity to

serve in the current school year multiplied by $5,093.00, and the number of children served in a GSRP/Head Start extended blended program the applicant has the capacity to serve in the current school year multiplied by $6,111.00.

(4) If funds remain after the allocations under subsection (3), the department of lifelong education, advancement, and potential shall distribute the remaining funds to each intermediate district or consortium of intermediate districts that serves less than the state percentage benchmark determined under subsection (5). The department of lifelong education, advancement, and potential shall distribute these remaining funds to each eligible applicant based upon each applicant's proportionate share of the remaining unserved children necessary to meet the statewide percentage benchmark in intermediate districts or consortia of intermediate districts serving less than the statewide percentage benchmark. When all applicants have been given the opportunity to reach the statewide percentage benchmark, the statewide percentage benchmark may be reset, as determined by the department of lifelong education, advancement, and potential, until greater equity of opportunity to serve eligible children across all intermediate school districts has been achieved.

(5) For the purposes of subsection (4), the department of lifelong education, advancement, and potential shall calculate a percentage of children served by each intermediate district or consortium of intermediate districts by adding the number of children served in the immediately preceding year by that intermediate district or consortium with the number of eligible children under section 32d served exclusively by Head Start, as reported in a form and manner prescribed by the department of lifelong education, advancement, and potential, within the intermediate district or consortia service area and dividing that total by the total number of children within the intermediate district or consortium of intermediate districts who meet the criteria of section 32d as determined by the department of lifelong education, advancement, and potential utilizing the most recent population data available from the American Community Survey conducted by the United States Census Bureau. The department of lifelong education, advancement, and potential shall compare the resulting percentage of eligible children served to a statewide percentage benchmark to determine if the intermediate district or consortium is eligible for additional funds under subsection (4). The statewide percentage benchmark is 100%.

(6) If, taking into account the total amount to be allocated to the applicant as calculated under this section, an applicant determines that it is able to include additional eligible children in the great start readiness program without additional funds under section 32d, the applicant may include additional eligible children but does not receive additional funding under section 32d for those children.

(7) The department of lifelong education, advancement, and potential shall review the program components under section 32d and under this section at least biennially. The department of lifelong education, advancement, and potential also shall convene a committee of internal and external stakeholders at least once every 5 years to ensure that the funding structure under this section reflects current system needs under section 32d.

(8) As used in this section, "GSRP/Head Start blended program", "GSRP extended program", "part-day program", and "school-day program" mean those terms as defined in section 32d.

History: Add. 1987, Act 128, Eff. Oct. 1, 1987 ;-- Am. 1987, Act 220, Eff. Dec. 28, 1987 ;-- Am. 1988, Act 318, Eff. Oct. 1, 1988 ;-- Am. 1988, Act 509, Imd. Eff. Dec. 29, 1988 ;-- Am. 1989, Act 197, Eff. Oct. 1, 1989 ;-- Am. 1989, Act 235, Imd. Eff. Dec. 21, 1989 ;-- Am. 1990, Act 207, Eff. Oct. 1, 1990 ;-- Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991 ;-- Am. 1992, Act 148, Eff. Oct. 1, 1992 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997 ;-- Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Section 2 of Act 220 of 1987 provides: “In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act is $2,334,299,200.00 and state appropriations to be paid to local units of government are $2,005,216,000.00.”Section 4 of Act 220 of 1987 provides: “The changes effected by this amendatory act shall be applied retroactively to October 1, 1987.”Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."Enacting section 3 of Act 48 of 2021 provides:"Enacting section 3. (1) Except as otherwise provided in subsection (2),

this amendatory act takes effect October 1, 2021.(2) Sections 6(8), 6a, 11, 11m, 11n, 11s(3), 22a, 22b, 24, 26c, 29a, 31d, 31f, 39a, 51a, 51c, 51d, 56, 62, 81, 104a, 147a, and 147e of the state school aid act of 1979, 1979 PA 94, MCL 388.1606, 388.1606a, 388.1611, 388.1611m, 388.1611n, 388.1611s, 388.1622a, 388.1622b, 388.1624, 388.1626c, 388.1629a, 388.1631d, 388.1631f, 388.1639a, 388.1651a, 388.1651c, 388.1651d, 388.1656, 388.1662, 388.1681, 388.1704a, 388.1747a, and 388.1747e, as amended and sections 11t, 31p, and 39(9) of the state school aid act of 1979, 1979 PA 94, as added by this amendatory act, take effect upon enactment of this amendatory act."

388.1639a Allocation of federal funds for federal programs under the no child left behind act or every student succeeds act; definitions.

Sec. 39a.

(1) From the federal funds appropriated in section 11, there is allocated for 2024-2025 to districts, intermediate districts, and other eligible entities all available federal funding, estimated at $754,700,000.00, for the federal programs under the no child left behind act of 2001, Public Law 107-110, or the every student succeeds act, Public Law 114-95. These funds are allocated as follows:

(a) An amount estimated at $1,200,000.00 for 2024-2025 to provide students with drug- and violence-prevention programs and to implement strategies to improve school safety, funded from DED-OESE, drug-free schools and communities funds.

(b) An amount estimated at $100,000,000.00 for 2024-2025 for the purpose of preparing, training, and recruiting high-quality teachers and class size reduction, funded from DED-OESE, improving teacher quality funds.

(c) An amount estimated at $13,000,000.00 for 2024-2025 for programs to teach English to limited English proficient (LEP) children, funded from DED-OESE, language acquisition state grant funds.

(d) An amount estimated at $2,800,000.00 for 2024-2025 for rural and low-income schools, funded from DED-OESE, rural and low income school funds.

(e) An amount estimated at $535,000,000.00 for 2024-2025 to provide supplemental programs to enable educationally disadvantaged children to meet challenging academic standards, funded from DED-OESE, title I, disadvantaged children funds.

(f) An amount estimated at $9,200,000.00 for 2024-2025 for the purpose of identifying and serving migrant children, funded from DED-OESE, title I, migrant education funds.

(g) An amount estimated at $40,400,000.00 for 2024-2025 for the purpose of providing high-quality extended learning opportunities, after school and during the summer, for children in low-performing schools, funded from DED-OESE, twenty-first century community learning center funds.

(h) An amount estimated at $14,000,000.00 for 2024-2025 to help support local school improvement efforts, funded from DED-OESE, title I, local school improvement grants.

(i) An amount estimated at $35,000,000.00 for 2024-2025 to improve the academic achievement of students, funded from DED-OESE, title IV, student support and academic enrichment grants.

(j) An amount estimated at $3,100,000.00 for 2024-2025 for literacy programs that advance literacy skills for students from birth through grade 12, including, but not limited to, English-proficient students and students with disabilities, funded from DED-OESE, striving readers comprehensive literacy program.

(k) An amount estimated at $1,000,000.00 for 2024-2025 for grants to support and demonstrate innovative partnerships to train school-based mental health service providers, funded from DED-OESE, mental health service professional demonstration grant program.

(2) From the federal funds appropriated in section 11, there is allocated to districts, intermediate districts, and other eligible entities all available federal funding, estimated at $60,500,000.00 for 2024-2025 for the following programs that are funded by federal grants:

(a) An amount estimated at $3,000,000.00 for 2024-2025 to provide services to homeless children and youth, funded from DED-OVAE, homeless children and youth funds.

(b) An amount estimated at $24,000,000.00 for 2024-2025 for providing career and technical education services to pupils, funded from DED-OVAE, basic grants to states.

(c) An amount estimated at $14,000,000.00 for 2024-2025 for the Michigan charter school subgrant program, funded from DED–OII, public charter schools program funds.

(d) An amount estimated at $18,000,000.00 for 2024-2025 for the purpose of promoting and expanding high-quality preschool services, funded from HHS–OCC, preschool development funds.

(e) An amount estimated at $1,500,000.00 for 2024-2025 for the purpose of addressing priority substance abuse treatment, prevention, and mental health needs, funded from HHS-SAMHSA.

(3) The department, or, for subsections (1)(g) and (2)(d), the department of lifelong education, advancement, and potential, shall distribute all federal funds allocated under this section in accordance with federal law and with flexibility provisions outlined in Public Law 107-116, and in the education flexibility partnership act of 1999, Public

Law 106-25. Notwithstanding section 17b, the department or the department of lifelong education, advancement, and potential, as applicable, shall make payments of federal funds to districts, intermediate districts, and other eligible entities under this section on a schedule determined by the department.

(4) For the purposes of applying for federal grants appropriated under this article, the department, or, for subsections (1)(g) and (2)(d), the department of lifelong education, advancement, and potential, shall allow an intermediate district to submit a consortium application on behalf of 2 or more districts with the agreement of those districts as appropriate according to federal rules and guidelines.

(5) For the purposes of funding federal title I grants under this article, in addition to any other federal grants for which the strict discipline academy is eligible, the department, or, for subsections (1)(g) and (2)(d), the department of lifelong education, advancement, and potential, shall allocate to a strict discipline academy out of title I, part A an amount equal to what the strict discipline academy would have received if included and calculated under title I, part D, or what it would receive under the formula allocation under title I, part A, whichever is greater.

(6) As used in this section:

(a) "DED" means the United States Department of Education.

(b) "DED-OESE" means the DED Office of Elementary and Secondary Education.

(c) "DED-OII" means the DED Office of Innovation and Improvement.

(d) "DED-OVAE" means the DED Office of Vocational and Adult Education.

(e) "HHS" means the United States Department of Health and Human Services.

(f) "HHS-OCC" means the HHS Office of Child Care.

(g) "HHS-SAMHSA" means the HHS Substance Abuse and Mental Health Services Project.

History: Add. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 92, Imd. Eff. Oct. 1, 2007 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2010, Act 204, Imd. Eff. Oct. 12, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Imd. Eff. July 14, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Imd. Eff. July 13, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 3, Imd. Eff. Feb. 14, 2023 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Enacting section 3 of Act 521 of 2002 provides:“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 92 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for the fiscal period beginning October 1, 2007 and ending October 31, 2007 is estimated at $1,052,305,700.00 .00 and state appropriations to be paid to local units of government for the fiscal period beginning October 1, 2007 and ending October 31, 2007 are estimated at $1,044,700,000.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."The second sentence of subsection (1)(m), and subsections (1)(m)(i), (ii), and (iii), as amended by Act 121 of 2009, were vetoed by the governor on October 19, 2009.Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."Enacting section 1 of Act 204 of 2010 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00."

388.1640 Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's Notes: The repealed section pertained to children in need of special readiness assistance.

388.1641 English language learners; English language proficiency assessment; allocation of funds; report; audit; review of per-pupil distribution.

Sec. 41.

(1) For a district to be eligible to receive funding under this section, the district must administer to English language learners the English language proficiency assessment known as the "WIDA ACCESS for English language learners" or the "WIDA Alternate ACCESS". From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $50,186,100.00 for 2024-2025 for payments to eligible districts for services for English language learners who have been administered the WIDA ACCESS for English language learners.

(2) The department shall distribute funding allocated under subsection (1) to eligible districts based on the number of full-time equivalent English language learners as follows:

(a) $1,863.00 per full-time equivalent English language learner who has been assessed under the WIDA ACCESS for English language learners or the WIDA Alternate ACCESS with a WIDA ACCESS or WIDA Alternate ACCESS composite score between 1.0 and 1.9, or less, as applicable to each assessment. It is the intent of the legislature to increase this amount until it reaches 75% of the target foundation allowance.

(b) $1,286.00 per full-time equivalent English language learner who has been assessed under the WIDA ACCESS for English language learners or the WIDA Alternate ACCESS with a WIDA ACCESS or WIDA Alternate ACCESS composite score between 2.0 and 2.9, or less, as applicable to each assessment. It is the intent of the legislature to increase this amount until it reaches 50% of the target foundation allowance.

(c) $210.00 per full-time equivalent English language learner who has been assessed under the WIDA ACCESS for English language learners or the WIDA Alternate ACCESS with a WIDA ACCESS or WIDA Alternate ACCESS composite score between 3.0 and 3.9, or less, as applicable to each assessment. It is the intent of the legislature to increase this amount until it reaches 35% of the target foundation allowance.

(3) If funds allocated under subsection (1) are insufficient to fully fund the payments as prescribed under subsection (2), the department shall prorate payments on an equal percentage basis, with the same percentage proration applied to all funding categories.

(4) By October 15 of the fiscal year following the receipt of funding under subsection (1), each district receiving funds under subsection (1) shall submit to the department a report, not to exceed 10 pages, on the usage by the district of funds under subsection (1) in a form and manner determined by the department, including a brief description of each program conducted or services performed by the district using funds under subsection (1) and the amount of funds under subsection (1) allocated to each of those programs or services. If a district does not comply with this subsection, the department shall withhold an amount equal to the December payment due under this section until the district complies with this subsection. If the district does not comply with this subsection by the end of the fiscal year, the withheld funds are forfeited to the state school aid fund.

(5) To receive funds under subsection (1), a district must allow access for the department or the department's designee to audit all records related to the program for which it receives those funds. The district shall reimburse this state for all disallowances found in the audit.

(6) Beginning July 1, 2020, and every 3 years thereafter, the department shall review the per-pupil distribution under subsection (2), to ensure that funding levels are appropriate and make recommendations for adjustments to the members of the senate and house subcommittees on K to 12 school aid appropriations.

(7) By not later than March 1, 2025, the department shall establish English language learner program models that establish a minimum number of minutes per week that districts must provide direct English language development instruction for students according to the student's proficiency levels. These models must be compliant with federal requirements related to English language learner program services. It is the intent of the legislature that, beginning in 2025-2026, to be considered an eligible recipient of funding under this section, a district must agree to meet or exceed the minimum number of minutes per week, as determined by the department, that the district provides direct English language development instruction.

History: Add. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Imd. Eff. June 24, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2023, Act 320, Eff. Feb. 13, 2024 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: Former MCL 388.1641, which pertained to instructions for pupils of limited English-speaking ability, was repealed by Act 62 of 2011, Eff. Oct. 1, 2011.Subsection (7), as added by Act 58 of 2019, was vetoed by the governor on September 30, 2019.

388.1641a Repealed. 2022, Act 144, Eff. Oct. 1, 2022.

Compiler's Notes: The repealed section pertained to an allocation to Mi Alma and the Exito Educativo program.

388.1641b Immigrant education-support services; English-as-a-second-language services.

Sec. 41b.

From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $1,000,000.00 for KEYS Grace Academy to, in partnership with Kalasho Education and Youth Services, provide English-as-a-second-language services, provide early childhood learning, improve progress toward high school graduation attainment, and provide K to 12 education-support services to legal immigrants.

History: Add. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1643 Repealed. 2016, Act 249, Eff. Oct. 1, 2016.

Compiler's Notes: The repealed section pertained to updating teacher certification tests.

388.1645-388.1648 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's Notes: The repealed sections pertained to school health education curriculum, school dropout prevention programs, gifted and talented pupil programs, and nonresidential alternative juvenile rehabilitation programs.

388.1651 Repealed. 1996, Act 300, Eff. Oct. 1, 1996.

Compiler's Notes: The repealed section pertained to reimbursement to districts and intermediate districts for special education programs, services, and personnel, certain net tuition payments, and programs for pupils with handicaps.

388.1651a Allocations for reimbursement to districts and intermediate districts for special education programs, services, and personnel; net tuition payments for Michigan Schools for the Deaf and Blind; programs for pupils eligible for special education programs and services; shortfall; adjustments; total approved costs; refund; foundation allowance; order of expenditures; responsibility for added costs of special education programs and services for pupil enrolled in public school academy; receipt of federal allocation by cyber school; report of certain information.

Sec. 51a.

(1) From the state school aid fund money in section 11, there is allocated an amount not to exceed $1,822,546,100.00 for 2023-2024 and there is allocated an amount not to exceed $2,064,096,100.00 for 2024-2025 from state sources and all available federal funding under sections 1411 to 1419 of part B of the individuals with disabilities education act, 20 USC 1411 to 1419, estimated at $390,000,000.00 for 2023-2024 and $450,000,000.00 for 2024-2025, plus any carryover federal funds from previous year appropriations. In addition, from the state school aid fund money in section 11, there is allocated an amount not to exceed $76,150,000.00 for 2023-2024 only to supplement the allocations in this section. The allocations under this subsection are for the purpose of reimbursing districts and intermediate districts for special education programs, services, and special education personnel as prescribed in article 3 of the revised school code, MCL 380.1701 to 380.1761; net tuition payments made by intermediate districts to the Michigan Schools for the Deaf and Blind; and special education programs and services for pupils who are eligible for special education programs and services according to statute or rule. For meeting the costs of special education programs and services not reimbursed under this article, a district or intermediate district may use money in general funds or special education funds, not otherwise restricted, or contributions from districts to intermediate districts, tuition payments, gifts and contributions from individuals or other entities, or federal funds that may be available for this purpose, as determined by the intermediate district plan prepared under article 3 of the revised school code, MCL 380.1701 to 380.1761. Notwithstanding section 17b, the department shall make payments of federal funds to districts, intermediate districts, and other eligible entities under this section on a schedule determined by the department.

(2) From the funds allocated under subsection (1), there is allocated the amount necessary, estimated at $404,200,000.00 for 2023-2024 and estimated at $456,800,000.00 for 2024-2025, for payments toward reimbursing districts and intermediate districts for 28.6138% of total approved costs of special education, excluding costs reimbursed under section 53a, and 70.4165% of total approved costs of special education transportation.

(3) If the department determines that the amount allocated for a fiscal year to a district or intermediate district under subsection (2) is insufficient to fulfill the specified percentages in subsection (2), the department shall pay the shortfall to the district or intermediate district during the fiscal year beginning on the October 1 following the determination. If the department determines that the amount allocated for a fiscal year to a district or intermediate district under subsection (2) exceeds the sum of the amount necessary to fulfill the specified percentages in subsection (2), the department shall deduct the amount of the excess from the district's or intermediate district's payments under this article for the fiscal year beginning on the October 1 following the determination.

(4) State funds are allocated on a total approved cost basis. Federal funds are allocated under applicable federal requirements.

(5) From the amount allocated in subsection (1), there is allocated an amount not to exceed $3,200,000.00 for 2023-2024 and there is allocated an amount not to exceed $3,200,000.00 for 2024-2025 to reimburse 100% of the net increase in necessary costs incurred by a district or intermediate district in implementing the revisions in the administrative rules for special education that became effective on July 1, 1987. As used in this subsection, "net increase in necessary costs" means the necessary additional costs incurred solely because of new or revised requirements in the administrative rules minus cost savings permitted in implementing the revised rules. The department shall determine net increase in necessary costs in a manner specified by the department.

(6) For purposes of this section and sections 51b to 58, all of the following apply:

(a) "Total approved costs of special education" are determined in a manner specified by the department and may include indirect costs, but must not exceed 115% of approved direct costs for section 52 and section 53a programs. The total approved costs include salary and other compensation for all approved special education personnel for the program, including payments for Social Security and Medicare and public school employee retirement system contributions. The total approved costs do not include salaries or other compensation paid to administrative personnel who are not special education personnel as that term is defined in section 6 of the revised school code, MCL 380.6. Costs reimbursed by federal funds, other than those federal funds included in the allocation made under this article, are not included. Special education approved personnel not utilized full time in the evaluation of students or in the delivery of special education programs, ancillary, and other related services are reimbursed under this section only for that portion of time actually spent providing these programs and services, with the exception of

special education programs and services provided to youth placed in child caring institutions or juvenile detention programs approved by the department to provide an on-grounds education program.

(b) Reimbursement for ancillary and other related services, as that term is defined by R 340.1701c of the Michigan Administrative Code, is not provided when those services are covered by and available through private group health insurance carriers or federal reimbursed program sources unless the department and district or intermediate district agree otherwise and that agreement is approved by the state budget director. Expenses, other than the incidental expense of filing, must not be borne by the parent. In addition, the filing of claims must not delay the education of a pupil. A district or intermediate district is responsible for payment of a deductible amount and for an advance payment required until the time a claim is paid.

(c) If an intermediate district purchases a special education pupil transportation service from a constituent district that was previously purchased from a private entity; if the purchase from the constituent district is at a lower cost, adjusted for changes in fuel costs; and if the cost shift from the intermediate district to the constituent does not result in any net change in the revenue the constituent district receives from payments under sections 22b and 51c, then upon application by the intermediate district, the department shall direct the intermediate district to continue to report the cost associated with the specific identified special education pupil transportation service and shall adjust the costs reported by the constituent district to remove the cost associated with that specific service.

(7) A pupil who is enrolled in a full-time special education program conducted or administered by an intermediate district or a pupil who is enrolled in the Michigan Schools for the Deaf and Blind is not included in the membership count of a district, but is counted in membership in the intermediate district of residence.

(8) Special education personnel transferred from 1 district to another to implement the revised school code are entitled to the rights, benefits, and tenure to which the individual would otherwise be entitled had that individual been employed by the receiving district originally.

(9) If a district or intermediate district uses money received under this section for a purpose other than the purpose or purposes for which the money is allocated, the department may require the district or intermediate district to refund the amount of money received. The department shall deposit money that is refunded in the state treasury to the credit of the state school aid fund.

(10) From the funds allocated in subsection (1), there is allocated the amount necessary, estimated at $1,700,000.00 for 2023-2024 and estimated at $1,700,000.00 for 2024-2025, to pay the foundation allowances for pupils described in this subsection. The department shall calculate the allocation to a district under this subsection by multiplying the number of pupils described in this subsection who are counted in membership in the district times the sum of the foundation allowance under section 20 of the pupil's district of residence, plus the amount of the district's per-pupil allocation under section 20m, not to exceed the target foundation allowance for the current fiscal year, or, for a pupil described in this subsection who is counted in membership in a district that is a public school academy, times an amount equal to the amount per membership pupil under section 20(6). The department shall calculate the allocation to an intermediate district under this subsection in the same manner as for a district, using the foundation allowance under section 20 of the pupil's district of residence not to exceed the target foundation allowance for the current fiscal year and that district's per-pupil allocation under section 20m. This subsection applies to all of the following pupils:

(a) Pupils described in section 53a.

(b) Pupils counted in membership in an intermediate district who are not special education pupils and are served by the intermediate district in a juvenile detention or child caring facility.

(c) Pupils with an emotional impairment counted in membership by an intermediate district and provided educational services by the department of health and human services.

(11) If it is determined that funds allocated under subsection (2) or (10) or under section 51c will not be expended, funds up to the amount necessary and available may be used to supplement the allocations under subsection (2) or (10) or under section 51c to fully fund those allocations. After payments under subsections (2) and (10) and section 51c, the department shall expend the remaining funds from the allocation in subsection (1) in the following order:

(a) One hundred percent of the reimbursement required under section 53a.

(b) One hundred percent of the reimbursement required under subsection (5).

(c) One hundred percent of the payment required under section 54.

(d) One hundred percent of the payments under section 56.

(12) The allocations under subsections (2) and (10) are allocations to intermediate districts only and are not allocations to districts, but instead are calculations used only to determine the state payments under section 22b.

(13) If a public school academy that is not a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551, enrolls under this section a pupil who resides outside of the intermediate district in which the public school academy is located and who is eligible for special education programs and services according to statute or rule, or who is a child with a disability, as that term is defined under the individuals with disabilities education act, Public Law 108-446, the intermediate district in which the public school academy is located and the public school academy shall enter into a written agreement with the intermediate district in which the pupil resides for the purpose of providing the pupil with a free appropriate public education, and the written

agreement must include at least an agreement on the responsibility for the payment of the added costs of special education programs and services for the pupil. If the public school academy that enrolls the pupil does not enter into an agreement under this subsection, the public school academy shall not charge the pupil's resident intermediate district or the intermediate district in which the public school academy is located the added costs of special education programs and services for the pupil, and the public school academy is not eligible for any payouts based on the funding formula outlined in the resident or nonresident intermediate district's plan. If a pupil is not enrolled in a public school academy under this subsection, the provision of special education programs and services and the payment of the added costs of special education programs and services for a pupil described in this subsection are the responsibility of the district and intermediate district in which the pupil resides.

(14) For the purpose of receiving its federal allocation under part B of the individuals with disabilities education act, Public Law 108-446, a public school academy that is a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551, and is in compliance with section 553a of the revised school code, MCL 380.553a, directly receives the federal allocation under part B of the individuals with disabilities education act, Public Law 108-446, from the intermediate district in which the cyber school is located, as the subrecipient. If the intermediate district does not distribute the funds described in this subsection to the cyber school by the part B application due date of July 1, the department may distribute the funds described in this subsection directly to the cyber school according to the formula prescribed in 34 CFR 300.705 and 34 CFR 300.816. Beginning July 1, 2021, this subsection is subject to section 8c. It is the intent of the legislature that the immediately preceding sentence apply retroactively and is effective July 1, 2021.

(15) For a public school academy that is a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551, and is in compliance with section 553a of the revised school code, MCL 380.553a, that enrolls a pupil under this section, the intermediate district in which the cyber school is located shall ensure that the cyber school complies with sections 1701a, 1703, 1704, 1751, 1752, 1756, and 1757 of the revised school code, MCL 380.1701a, 380.1703, 380.1704, 380.1751, 380.1752, 380.1756, and 380.1757; applicable rules; and the individuals with disabilities education act, Public Law 108-446. Beginning July 1, 2021, this subsection is subject to section 8c. It is the intent of the legislature that the immediately preceding sentence apply retroactively and is effective July 1, 2021.

(16) For the purposes of this section, the department or the center shall only require a district or intermediate district to report information that is not already available from the financial information database maintained by the center.

History: Add. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997 ;-- Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997 ;-- Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998 ;-- Am. 1998, Act 553, Imd. Eff. Jan. 27, 1999 ;-- Am. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2004, Act 518, Imd. Eff. Jan. 3, 2005 ;-- Am. 2005, Act 98, Imd. Eff. July 22, 2005 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 90, Imd. Eff. Apr. 4, 2006 ;-- Am. 2006, Act 342, Imd. Eff. Aug. 15, 2006 ;-- Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 112, Imd. Eff. Apr. 29, 2008 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 73, Imd. Eff. July 9, 2009 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Imd. Eff. July 8, 2010 ;-- Am. 2010, Act 217, Imd. Eff. Dec. 3, 2010 ;-- Am. 2011, Act 62, Imd. Eff. June 21, 2011 ;-- Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011 ;-- Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012 ;-- Am. 2012, Act 201, Imd. Eff. June 26, 2012 ;-- Am. 2013, Act 60, Imd. Eff. June 13, 2013 ;-- Am. 2014, Act 116, Imd. Eff. Apr. 11, 2014 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 5, Imd. Eff. Mar. 10, 2015 ;-- Am. 2015, Act 85, Imd. Eff. June 17, 2015 ;-- Am. 2016, Act 249, Imd. Eff. June 27, 2016 ;-- Am. 2016, Act 534, Eff. Apr. 9, 2017 ;-- Am. 2017, Act 108, Imd. Eff. July 14, 2017 ;-- Am. 2018, Act 265, Imd. Eff. June 28, 2018 ;-- Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019 ;-- Am. 2020, Act 146, Imd. Eff. July 31, 2020 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Imd. Eff. July 13, 2021 ;-- Am. 2022, Act 144, Imd. Eff. July 14, 2022 ;-- Am. 2022, Act 212, Imd. Eff. Oct. 12, 2022 ;-- Am. 2023, Act 3, Imd. Eff. Feb. 14, 2023 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2023, Act 320, Eff. Feb. 13, 2024 ;-- Am. 2024, Act 120, Imd. Eff. July 23, 2024

Compiler's Notes: Enacting section 3 of Act 521 of 2002 provides:“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 98 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2004-2005 in this amendatory act, 2004 PA 518, 2004 PA 351, and 2004 PA 185 is estimated at $11,113,522, 200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,050,922,200.00."Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for

fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 112 of 2008 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2007 PA 137 from state sources for fiscal year 2007-2008 is estimated at $11,421,776,200.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,346,293,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 73 of 2009 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."Enacting section 1 of Act 217 of 2010 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 204, and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00.(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 110, and in 2009 PA 121 from state sources for fiscal year 2009-2010 is estimated at $10,645,097,700.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,562,169,000.00."Enacting section 1 of Act 299 of 2011 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."In subsection (6)(c), the reference to "the constituent does" evidently should read "the constituent district does".

388.1651b Funding; compliance with rules.

Sec. 51b.

A district or intermediate district shall not receive funds under section 51a unless the district or intermediate district complies with rules promulgated under article 3 of the revised school code, being sections 380.1701 to 380.1766 of the Michigan Compiled Laws.

History: Add. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013

388.1651c Reimbursement for percentage of special education and special education transportation costs.

Sec. 51c.

As required by the court in the consolidated cases known as Durant v State of Michigan, 456 Mich 175 (1997), from the allocation under section 51a(1), there is allocated for 2023-2024 and for 2024-2025, the amount necessary, estimated at $903,300,000.00 for 2023-2024 and $1,016,400,000.00 for 2024-2025, for payments to reimburse districts for 28.6138% of total approved costs of special education excluding costs reimbursed under section 53a, and 70.4165% of total approved costs of special education transportation. Funds allocated under this section that are not expended in the fiscal year for which they were allocated, as determined by the department, may be used to supplement the allocations under sections 22a and 22b to fully fund those allocations for the same fiscal year.

History: Add. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 98, Imd. Eff. July 22, 2005 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Imd. Eff. Aug. 15, 2006 ;-- Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 112, Imd. Eff. Apr. 29, 2008 ;-- Am.

2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 73, Imd. Eff. July 9, 2009 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Imd. Eff. July 8, 2010 ;-- Am. 2011, Act 62, Imd. Eff. June 21, 2011 ;-- Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011 ;-- Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012 ;-- Am. 2012, Act 201, Imd. Eff. June 26, 2012 ;-- Am. 2013, Act 60, Imd. Eff. June 13, 2013 ;-- Am. 2014, Act 116, Imd. Eff. Apr. 11, 2014 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 5, Imd. Eff. Mar. 10, 2015 ;-- Am. 2015, Act 85, Imd. Eff. June 17, 2015 ;-- Am. 2016, Act 249, Imd. Eff. June 27, 2016 ;-- Am. 2017, Act 108, Imd. Eff. July 14, 2017 ;-- Am. 2018, Act 265, Imd. Eff. June 28, 2018 ;-- Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019 ;-- Am. 2020, Act 146, Imd. Eff. July 31, 2020 ;-- Am. 2020, Act 165, Imd. Eff. Sept. 30, 2020 ;-- Am. 2021, Act 48, Imd. Eff. July 13, 2021 ;-- Am. 2022, Act 144, Imd. Eff. July 14, 2022 ;-- Am. 2023, Act 3, Imd. Eff. Feb. 14, 2023 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2023, Act 320, Eff. Feb. 13, 2024 ;-- Am. 2024, Act 120, Imd. Eff. July 23, 2024

Compiler's Notes: Enacting section 3 of Act 521 of 2002 provides:“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 98 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2004-2005 in this amendatory act, 2004 PA 518, 2004 PA 351, and 2004 PA 185 is estimated at $11,113,522, 200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,050,922,200.00."Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 112 of 2008 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2007 PA 137 from state sources for fiscal year 2007-2008 is estimated at $11,421,776,200.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,346,293,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 73 of 2009 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."Enacting section 1 of Act 299 of 2011 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."

388.1651d Federally funded special education programs and services; distribution; payment schedule; "DED-OSERS" defined.

Sec. 51d.

(1) From the federal funds appropriated in section 11, there is allocated for 2023-2024 all available federal funding, estimated at $72,000,000.00, and there is allocated for 2024-2025 all available federal funding, estimated at $83,000,000.00, for special education programs and services that are funded by federal grants. The department shall distribute all federal funds allocated under this section in accordance with federal law. Notwithstanding section 17b, the department shall make payments of federal funds to districts, intermediate districts, and other eligible entities under this section on a schedule determined by the department.

(2) From the federal funds allocated under subsection (1), the following amounts are allocated:

(a) For 2023-2024, an amount estimated at $15,000,000.00 and for 2024-2025, an amount estimated at $14,000,000.00 for handicapped infants and toddlers, funded from DED-OSERS, handicapped infants and toddlers funds.

(b) For 2023-2024, an amount estimated at $14,000,000.00 and for 2024-2025, an amount estimated at

$14,000,000.00 for preschool grants under Public Law 94-142, funded from DED-OSERS, handicapped preschool incentive funds.

(c) For 2023-2024, an amount estimated at $43,000,000.00 and for 2024-2025, an amount estimated at $55,000,000.00 for special education programs funded by DED-OSERS, handicapped program, individuals with disabilities act funds.

(3) As used in this section, "DED-OSERS" means the United States Department of Education Office of Special Education and Rehabilitative Services.

History: Add. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Imd. Eff. July 14, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Imd. Eff. July 13, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Imd. Eff. July 23, 2024

Compiler's Notes: Enacting section 3 of Act 521 of 2002 provides:“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1651e Special education pupils foundation payment.

Sec. 51e.

(1) From the allocation under section 51a(1), there is allocated for the amount necessary, estimated at $499,900,000.00 for 2023-2024 and $499,600,000.00 for 2024-2025, for payments to districts and intermediate districts for 100% of foundation allowance costs associated with special education pupils.

(2) The department shall calculate the amount allocated to a district under this section by multiplying the district's special education pupil membership, excluding pupils described in section 51a(11), times 100% of the foundation allowance under section 20 of the pupil's district of residence, plus 100% of the amount of the district's per-pupil allocation under section 20m, not to exceed 100% of the target foundation allowance for the current fiscal year, or, for a special education pupil in membership in a district that is a public school academy, times an amount equal to 100% of the amount per membership pupil calculated under section 20(6). For an intermediate district, the amount allocated under this subsection is an amount per special education membership pupil, excluding pupils described in section 51a(11), and is calculated in the same manner as for a district, using 100% of the foundation allowance under section 20 of the pupil's district of residence, not to exceed 100% of the target foundation allowance for the current fiscal year, and 100% of that district's per-pupil allocation under section 20m.

History: Add. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2024, Act 120, Imd. Eff. July 23, 2024

388.1651f Repealed. 2022, Act 144, Eff. Oct. 1, 2022.

Compiler's Notes: The repealed section pertained to payments to districts and intermediate districts to increase reimbursement costs associated with providing special education services.

388.1651g Allocation to association for administrators of special education services; special education needs in remote learning enrichments; use of funds.

Sec. 51g.

From the general fund money appropriated in section 11, $3,000,000.00 is allocated for 2024-2025 to an association for administrators of special education services to develop content for use by special education students, teachers, and others. Any content that is developed as described in this section must be accessible throughout this state. Funds received by an association under this section may be used to support the development of assessment tools to measure the needs of students with special education needs in remote learning environments and the effectiveness of various educational methods and tools, in collaboration with the department. Funds under this section may also be utilized to identify any available federal funds for research related to special education in remote learning.

History: Add. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1651h Special education study; Clinton County RESA; report.

Sec. 51h.

(1) From the general fund money appropriated in section 11, there is allocated for 2024-2025 only $500,000.00 to Clinton County RESA to partner with an independent entity that has extensive experience in school finance, including the opportunity index, to conduct research, interviews, data collection, analysis, and financial modeling to develop an implementation framework that outlines the cost of fully providing special education services and supports to students with disabilities through the application of an equity-driven model.

(2) The study described in subsection (1) must include key areas of school finance related to the education costs of students with disabilities. The study must provide objective guidance to the legislature regarding both of the following:

(a) Modeling analysis of a weighted funding formula related to students with disabilities to determine accurate cost estimates to fully fund special education according to consensus-built weighted multipliers.

(b) Policy and implementation recommendations based on an equitable framework that considers the intersection with the opportunity index and that will improve how this state funds students with disabilities.

(3) Within 30 days after the completion of the study, the independent entity shall issue a report with its findings to the department, the house and senate fiscal agencies, the state budget director, the senate appropriations subcommittee on pre-K to 12, the house appropriations subcommittee on school aid and education, and the house and senate standing committees responsible for education legislation.

(4) Within 60 days after the completion of the study, the independent entity shall make its findings available on a publicly available website.

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

History: Add. 2024, Act 120, Eff. Oct. 1, 2024

388.1652 Special education programs and services; reimbursement; limitation.

Sec. 52.

Reimbursement for the necessary costs of special education programs and services shall be a portion determined by the amount allocated under section 51a(1), but not to exceed 75% of the total approved costs of operating special education programs and services approved by the department and included or applying for inclusion in the intermediate district plan adopted pursuant to article 3 of the revised school code, MCL 380.1701 to 380.1766, for special education pupils other than those programs funded under section 53a, and of the costs of summer programs and services and the costs of providing room and board for special education pupils, as approved by the department. If the state financed proportion of reimbursement of the necessary costs of a special education activity or service required by article 3 of the revised school code, MCL 380.1701 to 380.1766, which is in addition to or different from the special education activities or services required under sections 611 to 620 of part B of the individuals with disabilities education act, title VI of Public Law 91-230, 20 U.S.C. 1411 to 1420, is less than the state financed proportion of the necessary costs of that activity or service in 1978-79, the portion of the amount appropriated shall be increased to reimburse that activity or service accordingly.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982 ;-- Am. 1983, Act 169, Eff. Oct. 1, 1983 ;-- Am. 1984, Act 239, Eff. Oct. 1, 1984 ;-- Am. 1992, Act 148, Eff. Oct. 1, 1992 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997

388.1653 Repealed. 1996, Act 300, Eff. Oct. 1, 1996.

Compiler's Notes: The repealed section pertained to special education programs and services.

388.1653a Special education programs and services; reimbursement of total approved costs; limitation; costs of transportation; allocation.

Sec. 53a.

(1) For districts, reimbursement for pupils described in subsection (2) is 100% of the total approved costs of operating special education programs and services approved by the department and included in the intermediate district plan adopted under article 3 of the revised school code, MCL 380.1701 to 380.1761, minus the district's foundation allowance calculated under section 20 and minus the district's per-pupil allocation under section 20m. For intermediate districts, the department shall calculate reimbursement for pupils described in subsection (2) in the same manner as for a district, using the foundation allowance under section 20 of the pupil's district of residence, not to exceed the target foundation allowance under section 20 for the current fiscal year plus the amount of the district's per-pupil allocation under section 20m.

(2) Reimbursement under subsection (1) is for the following special education pupils:

(a) Pupils assigned to a district or intermediate district through the community placement program of the courts or a state agency, if the pupil was a resident of another intermediate district at the time the pupil came under the

jurisdiction of the court or a state agency.

(b) Pupils who are residents of institutions operated by the department of health and human services.

(c) Pupils who are former residents of department of community health institutions for the developmentally disabled who are placed in community settings other than the pupil's home.

(d) Pupils enrolled in a department-approved on-grounds educational program longer than 180 days, but not longer than 233 days, at a residential child care institution, if the child care institution offered in 1991-92 an on-grounds educational program longer than 180 days but not longer than 233 days.

(e) Pupils placed in a district by a parent for the purpose of seeking a suitable home, if the parent does not reside in the same intermediate district as the district in which the pupil is placed.

(3) Only those costs that are clearly and directly attributable to educational programs for pupils described in subsection (2), and that would not have been incurred if the pupils were not being educated in a district or intermediate district, are reimbursable under this section.

(4) The costs of transportation are funded under this section and are not reimbursed under section 58.

(5) The department shall not allocate more than $10,500,000.00 of the allocation for 2024-2025 in section 51a(1) under this section.

History: Add. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997 ;-- Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997 ;-- Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998 ;-- Am. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 73, Imd. Eff. July 9, 2009 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 3, Imd. Eff. Feb. 14, 2023 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Former MCL 388.1653a, which pertained to competitive contract bidding process to provide education services to emotionally impaired pupils, was repealed by Act 175 of 1993, Eff. Oct. 1, 1993.Enacting section 3 of Act 521 of 2002 provides:“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 73 of 2009 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."Enacting section 1 of Act 299 of 2011 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."

388.1654 Intermediate district to receive amount for pupils attending Michigan Schools for the Deaf and Blind.

Sec. 54.

Each intermediate district receives an amount per pupil for each pupil in attendance at the Michigan Schools for the Deaf and Blind. The amount is proportionate to the total instructional cost at each school. The department shall not allocate more than $1,688,000.00 of the allocation for 2024-2025 in section 51a(1) under this section.

History: Add. 1981, Act 36, Eff. Oct. 1, 1981 ;-- Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982 ;-- Am. 1983, Act 169, Eff. Oct. 1, 1983 ;-- Am. 1984, Act 239, Eff. Oct. 1, 1984 ;-- Am. 1985, Act 110, Eff. Oct. 1, 1985 ;-- Am. 1986, Act 212, Eff. Oct. 1, 1986 ;-- Am. 1987, Act 220, Eff. Dec. 28, 1987 ;-- Am. 1988, Act 318, Eff. Oct. 1, 1988 ;-- Am. 1989, Act 197, Eff. Oct. 1, 1989 ;-- Am. 1990, Act 207, Eff. Oct. 1, 1990 ;-- Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991 ;-- Am. 1992, Act 148, Eff. Oct. 1, 1992 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997 ;-- Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997 ;-- Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998 ;-- Am. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 3, Imd. Eff. Feb. 14, 2023 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Section 2 of Act 220 of 1987 provides: “In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act is $2,334,299,200.00 and state appropriations to be paid to local units of government are $2,005,216,000.00.”Section 4 of Act 220 of 1987 provides: “The changes effected by this amendatory act shall be applied retroactively to October 1, 1987.”Enacting section 3 of Act 521 of 2002 provides:“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1654a Repealed. 2009, Act 121, Imd. Eff. Oct. 19, 2009.

Compiler's Notes: The repealed section pertained to lending library at central Michigan university.

388.1654b Multi-tiered system of supports; Michigan Multi-Tiered System of Supports (MiMTSS) Technical Assistance Center.

Sec. 54b.

(1) From the general fund money appropriated in section 11, there is allocated an amount not to exceed $1,600,000.00 for 2024-2025 to expand the implementation of the literacy and social, emotional, and behavioral components of a multi-tiered system of supports, including positive behavioral interventions and supports, using the MiMTSS Technical Assistance Center.

(2) The department shall use funds allocated under this section for the purpose of expanding the statewide expertise, technical assistance, and implementation of the multi-tiered system of supports, dyslexia expertise, and evidence-based instructional practices grounded in the science of reading using the MiMTSS Technical Assistance Center, a nationally recognized program. In addition, the department shall identify an intermediate district to act as a fiscal agent for these funds.

(3) As used in this section, "MiMTSS Technical Assistance Center" means the Michigan Multi-Tiered System of Supports Technical Assistance Center.

History: Add. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: Former MCL 388.1654b, which pertained to a conductive learning center, was repealed by Act 137 of 2007, Imd. Eff. Nov. 8, 2007.

388.1654c Repealed. 2009, Act 121, Imd. Eff. Oct. 19, 2009.

Compiler's Notes: The repealed section pertained to availability of newsline electronically.

388.1654d Early on services program; grant eligibility; use of funds; distribution and allocation; report..

Sec. 54d.

(1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $23,670,700.00 for 2024-2025 to intermediate districts for the purpose of providing state early on services programs for children from birth to 3 years of age with a developmental delay or a disability, or both, and their families, as described in the early on Michigan state plan, as approved by the department of lifelong education, advancement, and potential.

(2) To be eligible to receive grant funding under this section, each intermediate district must apply in a form and manner determined by the department of lifelong education, advancement, and potential.

(3) The grant funding allocated under this section must be used to increase early on services and resources available to children that demonstrate developmental delays to help prepare them for success as they enter school. State early on services include evaluating and providing early intervention services for eligible infants and toddlers and their families to address developmental delays, including those affecting physical, cognitive, communication, adaptive, social, or emotional development. Grant funds must not be used to supplant existing services that are currently being provided.

(4) The department of lifelong education, advancement, and potential shall distribute the funds allocated under subsection (1) to intermediate districts according to the department of lifelong education, advancement, and potential's early on funding formula utilized to distribute the federal award to Michigan under part C of the individuals with disabilities education act, Public Law 108-446. Funds received under this section must not supplant existing funds or resources allocated for early on early intervention services. An intermediate district receiving funds under this section shall maximize the capture of Medicaid funds to support early on early intervention services to the extent possible.

(5) Each intermediate district that receives funds under this section shall report data and other information to the

department of lifelong education, advancement, and potential in a form, manner, and frequency prescribed by the department of lifelong education, advancement, and potential to allow for monitoring and evaluation of the program and to ensure that the children described in subsection (1) received appropriate levels and types of services delivered by qualified personnel, based on the individual needs of the children and their families.

(6) Notwithstanding section 17b, the department of lifelong education, advancement, and potential shall make payments under this section on a schedule determined by the department of lifelong education, advancement, and potential.

(7) Grant funds awarded and allocated to an intermediate district under this section must be expended by the grant recipient before June 30 of the fiscal year immediately following the fiscal year in which the funds were received.

History: Add. 2018, Act 265, Eff. Oct 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1654e Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's Notes: The repealed section pertained to the training program for evidence-based parent-implemented models of intervention for the treatment of autism.

388.1655 Conductive Learning Center; Grand Valley State University.

Sec. 55.

(1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $500,000.00 for 2024-2025 only to Grand Valley State University to collaborate with the Conductive Learning Center. This funding must be used to support the operational costs of the conductive education model taught at the Conductive Learning Center to maximize the independence and mobility of children and adults with neuromotor disabilities. The conductive education model funded under this section must be based on the concept of neuroplasticity and the ability of people to learn and improve when they are motivated, regardless of the severity of their disability.

(2) Notwithstanding section 17b, the department shall distribute the funding allocated under this section to Grand Valley State University by not later than December 1, 2024.

History: Add. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: Former MCL 388.1655, which pertained to an allocation for Conductive Learning Center, was repealed by Act 103 of 2023, Eff. Oct. 1, 2023.

388.1656 Definitions; reimbursement to intermediate districts levying millage for special education; limitation; distribution plan; computation; payments.

Sec. 56.

(1) For the purposes of this section:

(a) "Membership" means for a particular fiscal year the total membership of the intermediate district and the districts constituent to the intermediate district, except that if a district has elected not to come under part 30 of the

revised school code, MCL 380.1711 to 380.1741, membership of the district is not included in the membership of the intermediate district.

(b) "Millage levied" means the millage levied for special education under part 30 of the revised school code, MCL 380.1711 to 380.1741, including a levy for debt service obligations.

(c) "Taxable value" means the total taxable value of the districts constituent to an intermediate district, except that if a district has elected not to come under part 30 of the revised school code, MCL 380.1711 to 380.1741, taxable value of the district is not included in the taxable value of the intermediate district.

(2) From the allocation under section 51a(1), there is allocated an amount not to exceed $40,008,100.00 for 2023-2024 and $40,008,100.00 for 2024-2025 to reimburse intermediate districts levying millages for special education under part 30 of the revised school code, MCL 380.1711 to 380.1741. The purpose, use, and expenditure of the reimbursement are limited as if the funds were generated by these millages and governed by the intermediate district plan adopted under article 3 of the revised school code, MCL 380.1701 to 380.1761. As a condition of receiving funds under this section, an intermediate district distributing any portion of special education millage funds to its constituent districts must submit for departmental approval and implement a distribution plan.

(3) Except as otherwise provided in this subsection, reimbursement for those millages levied in 2022-2023 is made in 2023-2024 at an amount per 2022-2023 membership pupil computed by subtracting from $241,300.00 the 2022-2023 taxable value behind each membership pupil and multiplying the resulting difference by the 2022-2023 millage levied, and then subtracting from that amount the 2022-2023 local community stabilization share revenue for special education purposes and 2022-2023 tax increment revenues captured by a brownfield redevelopment authority created under the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2670, behind each membership pupil for reimbursement of personal property exemption loss under the local community stabilization authority act, 2014 PA 86, MCL 123.1341 to 123.1362, and reimbursements paid under section 26d for tax increment revenues captured by a brownfield redevelopment authority under the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2670. For the purposes of the calculation described in the previous sentence only, for an intermediate district receiving funds under this section and section 62, reimbursements paid under section 26d must be multiplied by the ratio of special education millage levied, as defined in this section, and the sum of special education millage levied and vocational-technical education millage levied, as defined in section 62. Reimbursement in 2023-2024 for an intermediate district whose 2017-2018 allocation was affected by the operation of subsection (5) is an amount equal to 102.5% of the 2017-2018 allocation to that intermediate district.

(4) Except as otherwise provided in this subsection, reimbursement for those millages levied in 2023-2024 is made in 2024-2025 at an amount per 2023-2024 membership pupil computed by subtracting from $260,200.00 the 2023-2024 taxable value behind each membership pupil and multiplying the resulting difference by the 2023-2024 millage levied, and then subtracting from that amount the 2023-2024 local community stabilization share revenue for special education purposes and 2023-2024 tax increment revenues captured by a brownfield redevelopment authority created under the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2670, behind each membership pupil for reimbursement of personal property exemption loss under the local community stabilization authority act, 2014 PA 86, MCL 123.1341 to 123.1362, and reimbursements paid under section 26d for tax increment revenues captured by a brownfield redevelopment authority under the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2670. For the purposes of the calculation described in the previous sentence only, for an intermediate district receiving funds under this section and section 62, reimbursements paid under section 26d must be multiplied by the ratio of special education millage levied, as defined in this section, and the sum of special education millage levied and vocational-technical education millage levied, as defined in section 62. Reimbursement in 2024-2025 for an intermediate district whose 2017-2018 allocation was affected by the operation of subsection (5) is an amount equal to 102.5% of the 2017-2018 allocation to that intermediate district.

(5) The department shall ensure that the amount paid to a single intermediate district under subsection (2) does not exceed 62.9% of the total amount allocated under subsection (2).

(6) The department shall ensure that the amount paid to a single intermediate district under subsection (2) is not less than 75% of the amount allocated to the intermediate district under subsection (2) for the immediately preceding fiscal year.

(7) From the allocation under section 51a(1), there is allocated an amount not to exceed $34,200,000.00 for 2023-2024 and 2024-2025 to provide payments to intermediate districts levying millages for special education under part 30 of the revised school code, MCL 380.1711 to 380.1741. The purpose, use, and expenditure of the payments under this subsection are limited as if the funds were generated by these millages and governed by the intermediate district plan adopted under article 3 of the revised school code, MCL 380.1701 to 380.1761. The department shall provide a payment under this subsection to each intermediate district described in this subsection as follows:

(a) For 2023-2024 and 2024-2025, except as otherwise provided in this subsection, for an intermediate district with a 3-year average special education millage revenue per pupil in the immediately preceding fiscal year that is less than $251.00 and that is levying at least 46.2% but less than 60.0% of its maximum millage rate allowed under

section 1724a of the revised school code, MCL 380.1724a, an amount computed by subtracting from $251.00 the 3-year average special education millage revenue per pupil in the immediately preceding fiscal year and, only if the millage levied by the intermediate district is less than 1, multiplying that amount by the number of mills levied divided by 1, and then multiplying that amount by the 3-year average membership in the immediately preceding fiscal year, and then subtracting from that amount the amount allocated under subsection (2) for the current fiscal year. If the calculation under this subdivision results in an amount below zero, there is no payment under this subdivision.

(b) For 2023-2024 and 2024-2025, except as otherwise provided in this subsection, for an intermediate district with a 3-year average special education millage revenue per pupil in the immediately preceding fiscal year that is less than $296.00 and that is levying at least 60.0% of its maximum millage rate allowed under section 1724a of the revised school code, MCL 380.1724a, an amount computed by subtracting from $296.00 the 3-year average special education millage revenue per pupil in the immediately preceding fiscal year, and, only if the millage levied by the intermediate district is less than 1, multiplying that amount by the number of mills levied divided by 1, and then multiplying that amount by the 3-year average membership in the immediately preceding fiscal year, and then subtracting from that amount the amount allocated under subsection (2) for the current fiscal year. If the calculation under this subdivision results in an amount below zero, there is no payment under this subdivision.

(8) After making allocations to eligible intermediate districts under subsections (3), (4), and (7), if funds remain unallocated from the allocations under subsections (2) and (7), the department must allocate remaining funds to intermediate districts proportional to the amounts allocated to intermediate districts under subsections (3) and (4).

(9) As used in subsection (7):

(a) "3-year average membership" means the 3-year average pupil membership for each of the 3 most recent fiscal years.

(b) "3-year average special education millage revenue per pupil" means the 3-year average taxable value per mill levied behind each membership pupil for each of the 3 most recent fiscal years multiplied by the millage levied in the most recent fiscal year.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1980, Act 320, Imd. Eff. Dec. 10, 1980 ;-- Am. 1981, Act 36, Eff. Oct. 1, 1981 ;-- Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982 ;-- Am. 1983, Act 169, Eff. Oct. 1, 1983 ;-- Am. 1984, Act 239, Eff. Oct. 1, 1984 ;-- Am. 1985, Act 110, Eff. Oct. 1, 1985 ;-- Am. 1986, Act 212, Eff. Oct. 1, 1986 ;-- Am. 1987, Act 128, Eff. Oct. 1, 1987 ;-- Am. 1988, Act 318, Eff. Oct. 1, 1988 ;-- Am. 1989, Act 197, Eff. Oct. 1, 1989 ;-- Am. 1990, Act 207, Eff. Oct. 1, 1990 ;-- Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991 ;-- Am. 1992, Act 148, Eff. Oct. 1, 1992 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997 ;-- Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997 ;-- Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998 ;-- Am. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Imd. Eff. Aug. 15, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 112, Imd. Eff. Apr. 29, 2008 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Imd. Eff. July 8, 2010 ;-- Am. 2010, Act 217, Imd. Eff. Dec. 3, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Imd. Eff. June 27, 2016 ;-- Am. 2017, Act 108, Imd. Eff. July 14, 2017 ;-- Am. 2018, Act 265, Imd. Eff. June 28, 2018 ;-- Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019 ;-- Am. 2020, Act 165, Imd. Eff. Sept. 30, 2020 ;-- Am. 2021, Act 48, Imd. Eff. July 13, 2021 ;-- Am. 2022, Act 144, Imd. Eff. July 14, 2022 ;-- Am. 2022, Act 212, Imd. Eff. Oct. 12, 2022 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2024, Act 120, Imd. Eff. July 23, 2024

Compiler's Notes: Enacting section 3 of Act 521 of 2002 provides:“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 112 of 2008 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2007 PA 137 from state sources for fiscal year 2007-2008 is estimated at $11,421,776,200.00 and state appropriations

to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,346,293,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."Enacting section 1 of Act 217 of 2010 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 204, and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00.(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 110, and in 2009 PA 121 from state sources for fiscal year 2009-2010 is estimated at $10,645,097,700.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,562,169,000.00."

388.1657 Repealed. 2010, Act 110, Eff. Oct. 1, 2010.

Compiler's Notes: The repealed section pertained to deduction of amount fro total state school aid and agreement by district with department to develop school consolidation plan.

388.1657a Repealed. 2007, Act 6, Imd. Eff. Apr. 30, 2007.

Compiler's Notes: The repealed section pertained to international baccalaureate diploma program or international baccalaureate middle years program.

388.1658 Special education transportation services; basis; report on certain information.

Sec. 58.

Allocations to districts and intermediate districts under section 51a for providing special education transportation services shall be based on data reported by the districts and intermediate districts for the current school year. For the purposes of this section, the department or the center shall only require a district or intermediate district to report information that is not already available from the financial information database maintained by the center.

History: Add. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1994, Act 283, Eff. Oct. 1, 1994 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997 ;-- Am. 2016, Act 534, Eff. Apr. 9, 2017

388.1661 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's Notes: The repealed section pertained to reimbursement for vocational-technical education programs.

388.1661a Career and technical education programs; added cost; inclusion of participation of students in grade 9; administration and reimbursement; eligible participants under section 107.

Sec. 61a.

(1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $39,899,800.00 for 2024-2025 to reimburse on an added cost basis districts, except for a district that served as the fiscal agent for a vocational education consortium in the 1993-94 school year and that has a foundation allowance as calculated under section 20 greater than the target foundation allowance under that section, and secondary area vocational-technical education centers for secondary-level career and technical education programs according to rules approved by the superintendent. Applications for participation in the programs must be submitted in the form prescribed by the department. The department shall determine the added cost for each career and technical education program area. The department shall prioritize the allocation of added cost funds based on the capital and program expenditures needed to operate the career and technical education programs provided; the number of pupils enrolled; the advancement of pupils through the instructional program; the existence of an articulation agreement with at least 1 postsecondary institution that provides pupils with opportunities to earn postsecondary credit during the pupil's participation in the career and technical education program and transfers those credits to the postsecondary institution upon completion of the career and technical education program; and the program rank in student placement, job openings, and wages, and shall ensure that the allocation does not exceed 75% of the added cost of any program. Notwithstanding any rule or department determination to the contrary, when determining a district's allocation or the formula for making allocations under this section, the department shall include the participation of pupils in grade 9 in all of those determinations and in all portions of the formula. With the approval of the department, the board of a district maintaining a secondary career and technical education program may offer the program for the period from the close of the school year until September 1. The program shall use existing facilities and must be operated as prescribed by rules promulgated by the superintendent.

(2) Except for a district that served as the fiscal agent for a vocational education consortium in the 1993-94 school year, the department shall reimburse districts and intermediate districts for local career and technical education administration, shared time career and technical education administration, and career education planning district career and technical education administration. The superintendent shall adopt guidelines for the definition of what constitutes administration and shall make reimbursement pursuant to those guidelines. The department shall not distribute more than $800,000.00 of the allocation in subsection (1) under this subsection.

(3) A career and technical education program funded under this section may provide an opportunity for participants who are eligible to be funded under section 107 to enroll in the career and technical education program funded under this section if the participation does not occur during regular school hours.

History: Add. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1994, Act 283, Eff. Oct. 1, 1994 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997 ;-- Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997 ;-- Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998 ;-- Am. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Imd. Eff. June 27, 2016 ;-- Am. 2016, Act 313, Eff. Oct. 6, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 146, Imd. Eff. July 31, 2020 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: In the first sentence of subsection (1), as amended by Act 121 of 2001, the phrase “and for 2002-2003” was vetoed by the governor September 28, 2001.Enacting section 3 of Act 521 of 2002 provides:“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.Enacting section 1 of Act 137 of 2007

provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Subsection (3), as amended by Act 121 of 2009, was vetoed by the governor on October 19, 2009.Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."Subsection (4), as amended by Act 58 of 2019, was vetoed by the governor on September 30, 2019.

388.1661b CTE early middle college and career and technical education dual enrollment programs; report by local education agency; career and educational advisory council; regional strategic plan; distribution of funds; definitions.

Sec. 61b.

(1) From the state school aid fund money appropriated under section 11, there is allocated for 2024-2025 an amount not to exceed $8,000,000.00 for CTE early middle college and CTE dual enrollment programs authorized under this section and for planning grants for the development or expansion of CTE early middle college programs. The purpose of these programs is to increase the number of Michigan residents with high-quality degrees or credentials, and to increase the number of students who are college and career ready upon high school graduation.

(2) From the funds allocated under subsection (1), the department shall allocate an amount as determined under this subsection to each intermediate district serving as a fiscal agent for state-approved CTE early middle college and CTE dual enrollment programs in each of the career education planning districts identified by the department. An intermediate district shall not use more than 5% of the funds allocated under this subsection for administrative costs for serving as the fiscal agent.

(3) To be an eligible fiscal agent, an intermediate district must agree to do all of the following in a form and manner determined by the department:

(a) Distribute funds to eligible CTE early middle college and CTE dual enrollment programs in a career education planning district as described in this section.

(b) Collaborate with the career and educational advisory council in the workforce development board service delivery area to develop 1 regional strategic plan under subsection (4) that aligns CTE programs and services into an efficient and effective delivery system for high school students. The department will align career education planning districts, workforce development board service delivery areas, and intermediate districts for the purpose of creating 1 regional strategic plan for each workforce development board service delivery area.

(c) Implement a regional process to rank career clusters in the workforce development board service delivery area as described under subsection (4). Regional processes must be approved by the department before the ranking of career clusters.

(d) Report CTE early middle college and CTE dual enrollment program and student data and information as prescribed by the department and the center.

(e) The local education agency responsible for student reporting in the Michigan student data system (MSDS) will report the total number of college credits the student earned, at the time of high school graduation, as determined by the department and the center.

(f) The local education agency will report each award outcome in the Michigan student data system (MSDS) that the CTE early middle college student attained. For purposes of this subsection, an on-track CTE early middle college graduate is a graduate who obtained their high school diploma and at least 1 of the following:

(i) An associate degree.

(ii) 60 transferable college credits.

(iii) Professional certification.

(iv) A Michigan Early Middle College Association certificate.

(v) Participation in a registered apprenticeship.

(4) A regional strategic plan must be approved by the career and educational advisory council before submission to the department. A regional strategic plan must include, but is not limited to, the following:

(a) An identification of regional employer need based on a ranking of all career clusters in the workforce development board service delivery area ranked by 10-year projections of annual job openings and median wage for each standard occupational code in each career cluster as obtained from the United States Bureau of Labor Statistics. Standard occupational codes within high-ranking clusters also may be further ranked by median wage and annual job openings. The career and educational advisory council located in the workforce development board

service delivery area shall review the rankings and modify them if necessary to accurately reflect employer demand for talent in the workforce development board service delivery area. A career and educational advisory council shall document that it has conducted this review and certify that it is accurate. These career cluster rankings must be determined and updated once every 4 years.

(b) An identification of educational entities in the workforce development board service delivery area that will provide eligible CTE early middle college and CTE dual enrollment programs including districts, intermediate districts, postsecondary institutions, and noncredit occupational training programs leading to an industry-recognized credential.

(c) A strategy to inform parents and students of CTE early middle college and CTE dual enrollment programs in the workforce development board service delivery area.

(d) Any other requirements as defined by the department.

(5) An eligible CTE program is a program that meets all of the following:

(a) Has been identified in the highest 5 career cluster rankings in any of the 16 workforce development board service delivery area strategic plans jointly approved by the department of labor and economic opportunity and the department.

(b) Has a coherent sequence of courses in a specific career cluster that will allow a student to earn a high school diploma and achieve at least 1 of the following:

(i) For CTE early middle college, outcomes as defined in subsection (3)(f).

(ii) For CTE dual enrollment, 1 of the following:

(A) An associate degree.

(B) An industry-recognized technical certification approved by the department of labor and economic opportunity.

(C) Up to 60 transferable college credits.

(D) Participation in a registered apprenticeship, pre-apprenticeship, or apprentice readiness program.

(c) Is aligned with the Michigan merit curriculum.

(d) Has an articulation or a college credit agreement with at least 1 postsecondary institution that provides students with opportunities to receive postsecondary credits during the student's participation in the CTE early middle college or CTE dual enrollment program and transfers those credits to the postsecondary institution upon completion of the CTE early middle college or CTE dual enrollment program.

(e) Provides instruction that is supervised, directed, or coordinated by an appropriately certificated CTE teacher or, for concurrent enrollment courses, a postsecondary faculty member.

(f) Provides for highly integrated student support services that include at least the following:

(i) Teachers as academic advisors.

(ii) Supervised course selection.

(iii) Monitoring of student progress and completion.

(iv) Career planning services provided by a local one-stop service center as described in the Michigan works one-stop service center system act, 2006 PA 491, MCL 408.111 to 408.135, or by a high school counselor or advisor.

(g) Has courses that are taught on a college campus, are college courses offered at the high school and taught by college faculty, or are courses taught in combination with online instruction.

(6) The department shall distribute funds to eligible CTE early middle college and CTE dual enrollment programs as follows:

(a) The department shall determine statewide average CTE costs per pupil for each CIP code program by calculating statewide average costs for each CIP code program for the 3 most recent fiscal years.

(b) The distribution to each eligible CTE early middle college or CTE dual enrollment program is the product of 50% of CTE costs per pupil times the pupil enrollment of each eligible CTE early middle college or CTE dual enrollment program in the immediately preceding school year.

(7) To receive funds under this section, a CTE early middle college or CTE dual enrollment program shall furnish to the intermediate district that is the fiscal agent identified in subsection (2), in a form and manner determined by the department, all information needed to administer this program and meet federal reporting requirements; shall allow the department or the department's designee to review all records related to the program for which it receives funds; and shall reimburse the state for all disallowances found in the review, as determined by the department.

(8) There is allocated for 2024-2025 from the funds under subsection (1) an amount not to exceed $500,000.00 from the state school aid fund allocation for grants to intermediate districts or consortia of intermediate districts for the purpose of planning for new or expanded early middle college programs. Applications for grants must be submitted in a form and manner determined by the department. The amount of a grant under this subsection must not exceed $50,000.00. To be eligible for a grant under this subsection, an intermediate district or consortia of intermediate districts must provide matching funds equal to the grant received under this subsection. Notwithstanding section 17b, the department shall make payments under this subsection in the manner determined by the department.

(9) Funds distributed under this section may be used to fund program expenditures that would otherwise be paid

from foundation allowances. A program receiving funding under section 61a may receive funding under this section for allowable costs that exceed the reimbursement the program received under section 61a. The combined payments received by a program under section 61a and this section must not exceed the total allowable costs of the program. A program provider shall not use more than 5% of the funds allocated under this section to the program for administrative costs.

(10) If the allocation under subsection (1) is insufficient to fully fund payments as otherwise calculated under this section, the department shall prorate payments under this section on an equal percentage basis.

(11) If pupils enrolled in a career cluster in an eligible CTE early middle college or CTE dual enrollment program qualify to be reimbursed under this section, those pupils continue to qualify for reimbursement until graduation, even if the career cluster is no longer identified as being in the highest 5 career cluster rankings.

(12) As used in this section:

(a) "Allowable costs" means those costs directly attributable to the program as jointly determined by the department of labor and economic opportunity and the department.

(b) "Career and educational advisory council" means an advisory council to the local workforce development boards located in a workforce development board service delivery area consisting of educational, employer, labor, and parent representatives.

(c) "CIP" means classification of instructional programs.

(d) "CTE" means career and technical education programs.

(e) "CTE dual enrollment program" means a 4-year high school program of postsecondary courses offered by eligible postsecondary educational institutions that leads to an industry-recognized certification or degree.

(f) "Early middle college program" means a 5-year high school program.

(g) "Eligible postsecondary educational institution" means that term as defined in section 3 of the career and technical preparation act, 2000 PA 258, MCL 388.1903.

History: Add. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Imd. Eff. June 27, 2016 ;-- Am. 2017, Act 108, Imd. Eff. July 14, 2017 ;-- Am. 2018, Act 265, Imd. Eff. June 28, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.In subsection (1), as amended by Act 58 of 2019, the following phrase "and, for 2019-2020 only, an amount not to exceed $2,000,000.00 from the talent investment fund appropriation" was vetoed by the governor on September 30, 2019.In subsection (8), as amended by Act 58 of 2019, the following phrase "and, for 2019-2020 only, an amount not to exceed $2,000,000.00 from the talent investment fund allocation" was vetoed by the governor on September 30, 2019.

388.1661c Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to eligible career education planning districts (CEPDs) for equipment upgrades for CTE programs and skilled trades initiative.

388.1661d Career and technical education incentive programs; payments to districts; definitions.

Sec. 61d.

(1) From the appropriation in section 11, there is allocated for 2024-2025 an amount not to exceed $5,304,300.00 from the state school aid fund for additional payments to districts for career and technical education programs for the purpose of increasing the number of Michigan residents with high-quality degrees or credentials, and to increase the number of pupils who are college- and career-ready upon high school graduation.

(2) The department shall calculate payments to districts under this section in the following manner:

(a) A payment of $35.00 multiplied by the number of pupils in grades 9 to 12 who are counted in membership in the district and are enrolled in at least 1 career and technical education program.

(b) An additional payment of $35.00 multiplied by the number of pupils in grades 9 to 12 who are counted in membership in the district and are enrolled in at least 1 career and technical education program that provides

instruction in critical skills and high-demand career fields.

(3) If the allocation under subsection (1) is insufficient to fully fund payments under subsection (2), the department shall prorate payments under this section on an equal per-pupil basis.

(4) As used in this section:

(a) "Career and technical education program" means a state-approved career and technical education program, as determined by the department.

(b) "Career and technical education program that provides instruction in critical skills and high-demand career field" means a career and technical education program classified under any of the following 2-digit classification of instructional programs (CIP) codes:

(i) 01, which refers to "agriculture, agriculture operations, and related sciences".

(ii) 03, which refers to "natural resources and conservation".

(iii) 10 through 11, which refers to "communications technologies/technicians and support services" and "computer and information sciences and support services".

(iv) 14 through 15, which refers to "engineering" and "engineering technologies and engineering-related fields".

(v) 26, which refers to "biological and biomedical sciences".

(vi) 46 through 48, which refers to "construction trades", "mechanic and repair technologies/technicians", and "precision production".

(vii) 51, which refers to "health professions and related programs".

History: Add. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: In subsection (1), as amended by Act 58 of 2019, the following phrase "and, for 2019-2020 only, an amount not to exceed $5,000,000.00 from the talent investment fund" was vetoed by the governor on September 30, 2019.

388.1661e Repealed. 2018, Act 265, Eff. Oct. 1, 2018.

Compiler's Notes: The repealed section pertained to regional career and technical education planning.

388.1661f Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's Notes: The repealed section pertained to the innovative retention and completion program.

388.1661g Repealed. 2022, Act 144, Eff. Oct. 1, 2022.

Compiler's Notes: The repealed section pertained to payments to certain districts for career and technical education programming and services.

388.1661h Repealed. 2019, Act 58, Eff. Oct. 1, 2019.

Compiler's Notes: The repealed section pertained to funding for a statewide virtual reality training initiative.

388.1661i Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to the recruitment and retention of career and technical education teachers.

388.1661j Huron School District; Downriver Career and Technical Education Consortium.

Sec. 61j.

(1) From the state school aid fund money appropriated in section 11, $10,700,000.00 is allocated for 2023-2024 only to Huron School District to support the Downriver Career and Technical Education Consortium.

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

(3) 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, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Imd. Eff. July 23, 2024

388.1661k Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to Mott Community College; bilingual early childhood education center.

388.1661l Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to Schoolcraft College early middle college program.

388.1661m Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to Beecher Community School District for new high school.

388.1661n Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to Waverly Community Schools for high school auditorium.

388.1661o Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to Coleman A. Young Elementary School for renovations and essential structural improvements.

388.1661p Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to a qualifying community district for foreign language immersion and cultural studies school.

388.1661q Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to Ingham Intermediate District for Michigan Joint Training Innovation Center.

388.1661r Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to Lansing Public School District for Hill Center track.

388.1661s Eaton RESA; FFA support.

Sec. 61s.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2023-2024 only an amount not to exceed $4,000,000.00 to Eaton RESA to support the efforts of FFA. The money under this section may be used for capital improvements and equipment, the credentialing and updating of Perkins 5, and for general agriculture education and current structures of FFA. Eaton RESA may retain for administrative services an amount not to exceed 5% of the grant amount.

(2) The funds allocated under this section for 2023-2024 are a work project appropriation, and any unexpended funds for 2023-2024 are carried forward into 2024-2025. The purpose of the work project is to support the purposes of this section. The estimated completion date of the work project is September 30, 2027.

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

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2023, Act 320, Eff. Feb. 13, 2024

388.1661t Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to Harper Woods school district for career technical education center.

388.1661u Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to Romulus Community Schools for career technical education center.

388.1662 Definitions; vocational-technical education program; reimbursement for millages; limitation; payments.

Sec. 62.

(1) For the purposes of this section:

(a) "Membership" means for a particular fiscal year the total membership of the intermediate district and the districts constituent to the intermediate district or the total membership of the area vocational-technical program, except that if a district has elected not to come under sections 681 to 690 of the revised school code, MCL 380.681 to 380.690, the membership of that district are not included in the membership of the intermediate district. However, the membership of a district that has elected not to come under sections 681 to 690 of the revised school code, MCL 380.681 to 380.690, is included in the membership of the intermediate district if the district meets both of the following:

(i) The district operates the area vocational-technical education program pursuant to a contract with the intermediate district.

(ii) The district contributes an annual amount to the operation of the program that is commensurate with the revenue that would have been raised for operation of the program if millage were levied in the district for the program under sections 681 to 690 of the revised school code, MCL 380.681 to 380.690.

(b) "Millage levied" means the millage levied for area vocational-technical education under sections 681 to 690 of the revised school code, MCL 380.681 to 380.690, including a levy for debt service obligations incurred as the result of borrowing for capital outlay projects and in meeting capital projects fund requirements of area vocational-technical education.

(c) "Taxable value" means the total taxable value of the districts constituent to an intermediate district or area vocational-technical education program, except that if a district has elected not to come under sections 681 to 690 of the revised school code, MCL 380.681 to 380.690, the taxable value of that district is not included in the taxable value of the intermediate district. However, the taxable value of a district that has elected not to come under sections 681 to 690 of the revised school code, MCL 380.681 to 380.690, is included in the taxable value of the intermediate district if the district meets both of the following:

(i) The district operates the area vocational-technical education program pursuant to a contract with the intermediate district.

(ii) The district contributes an annual amount to the operation of the program that is commensurate with the revenue that would have been raised for operation of the program if millage were levied in the district for the program under sections 681 to 690 of the revised school code, MCL 380.681 to 380.690.

(2) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $9,190,000.00 each fiscal year for 2023-2024 and 2024-2025 to reimburse intermediate districts and area vocational-technical education programs established under section 690(3) of the revised school code, MCL 380.690, levying millages for area vocational-technical education under sections 681 to 690 of the revised school code, MCL 380.681 to 380.690. The purpose, use, and expenditure of the reimbursement are limited as if the funds were generated by those millages.

(3) Reimbursement for those millages levied in 2022-2023 is made in 2023-2024 at an amount per 2022-2023 membership pupil computed by subtracting from $251,400.00 the 2022-2023 taxable value behind each membership pupil and multiplying the resulting difference by the 2022-2023 millage levied, and then subtracting from that amount the 2022-2023 local community stabilization share revenue for area vocational technical education and 2022-2023 tax increment revenues captured by a brownfield redevelopment authority created under the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2670, behind each membership pupil for reimbursement of personal property exemption loss under the local community stabilization authority act, 2014 PA 86, MCL 123.1341 to 123.1362, and reimbursements paid under section 26d for tax increment revenues

captured by a brownfield redevelopment authority under the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2670. For the purposes of the calculation described in the previous sentence only, for an intermediate district receiving funds under this section and section 56, reimbursements paid under section 26d must be multiplied by the ratio of vocational-technical education millage levied, as defined in this section, and the sum of vocational-technical education millage levied and special education millage levied, as defined in section 56.

(4) Reimbursement for those millages levied in 2023-2024 is made in 2024-2025 at an amount per 2023-2024 membership pupil computed by subtracting from $269,800.00 the 2023-2024 taxable value behind each membership pupil and multiplying the resulting difference by the 2023-2024 millage levied, and then subtracting from that amount the 2023-2024 local community stabilization share revenue for area vocational technical education and 2023-2024 tax increment revenues captured by a brownfield redevelopment authority created under the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2670, behind each membership pupil for reimbursement of personal property exemption loss under the local community stabilization authority act, 2014 PA 86, MCL 123.1341 to 123.1362, and reimbursements paid under section 26d for tax increment revenues captured by a brownfield redevelopment authority under the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2670. For the purposes of the calculation described in the previous sentence only, for an intermediate district receiving funds under this section and section 56, reimbursements paid under section 26d must be multiplied by the ratio of vocational-technical education millage levied, as defined in this section, and the sum of vocational-technical education millage levied and special education millage levied, as defined in section 56.

(5) The department shall ensure that the amount paid to a single intermediate district under this section does not exceed 38.4% of the total amount allocated under subsection (2).

(6) The department shall ensure that the amount paid to a single intermediate district under this section is not less than 75% of the amount allocated to the intermediate district under this section for the immediately preceding fiscal year.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1980, Act 320, Imd. Eff. Dec. 10, 1980 ;-- Am. 1981, Act 36, Eff. Oct. 1, 1981 ;-- Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982 ;-- Am. 1983, Act 169, Eff. Oct. 1, 1983 ;-- Am. 1984, Act 239, Eff. Oct. 1, 1984 ;-- Am. 1985, Act 110, Eff. Oct. 1, 1985 ;-- Am. 1986, Act 212, Eff. Oct. 1, 1986 ;-- Am. 1987, Act 128, Eff. Oct. 1, 1987 ;-- Am. 1988, Act 318, Eff. Oct. 1, 1988 ;-- Am. 1989, Act 197, Eff. Oct. 1, 1989 ;-- Am. 1990, Act 207, Imd. Eff. Oct. 1, 1990 ;-- Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991 ;-- Am. 1992, Act 148, Eff. Oct. 1, 1992 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997 ;-- Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997 ;-- Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998 ;-- Am. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Imd. Eff. Aug. 15, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 112, Imd. Eff. Apr. 29, 2008 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Imd. Eff. July 8, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2011, Act 299, Imd. Eff. Dec. 22, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Imd. Eff. June 27, 2016 ;-- Am. 2017, Act 108, Imd. Eff. July 14, 2017 ;-- Am. 2018, Act 265, Imd. Eff. June 28, 2018 ;-- Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019 ;-- Am. 2020, Act 165, Imd. Eff. Sept. 30, 2020 ;-- Am. 2021, Act 48, Imd. Eff. July 13, 2021 ;-- Am. 2022, Act 144, Imd. Eff. July 14, 2022 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2024, Act 120, Imd. Eff. July 23, 2024

Compiler's Notes: In the first sentence of subsection (2), as amended by Act 121 of 2001, the phrase “and an amount not to exceed $11,330,000.00 for 2002-2003” was vetoed by the governor September 28, 2001.In the first sentence of subsection (4), as amended by Act 121 of 2001, the phrase “and an amount not to exceed $1,470,000.00 for 2002-2003” was vetoed by the governor September 28, 2001.Enacting section 3 of Act 521 of 2002 provides:“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 112 of 2008 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2007 PA 137 from state sources for fiscal year 2007-2008 is estimated at $11,421,776,200.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,346,293,300.00."Enacting section 1 of Act 268 of 2008

provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."Enacting section 1 of Act 299 of 2011 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, in this amendatory act, in 2010 PA 110, in 2010 PA 204, in 2010 PA 205, in 2010 PA 217, and in 2011 PA 62 from state sources for fiscal year 2010-2011 is estimated at $10,803,402,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,701,332.600.00."

388.1663 Repealed. 2017, Act 108, Eff. Oct. 1, 2017.

Compiler's Notes: The repealed section pertained to participation of intermediate district with local health department in joint capital project.

388.1664 Repealed. 2011, Act 62, Eff. Oct. 1, 2011.

Compiler's Notes: The repealed section pertained to middle college focused on health sciences.

388.1664a Repealed. 2014, Act 196, Eff. Oct. 1, 2014.

Compiler's Notes: The repealed section pertained to statewide transfer or articulation agreements.

388.1664b Repealed. 2019, Act 58, Eff. Oct. 1, 2019.

Compiler's Notes: The repealed section pertained to supplemental payments to districts supporting attendance of district pupils under the postsecondary enrollment options act or the career and technical preparation act.

388.1664c Repealed. 2015, Act 85, Eff. Oct. 1, 2015.

Compiler's Notes: The repealed section pertained to report analyzing state's current career readiness education system.

388.1664d Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's Notes: The repealed section pertained to the information technology education opportunities grant program.

388.1665 Pre-college engineering K to 12 educational program; eligibility.

Sec. 65.

(1) From the appropriation under section 11, there is allocated an amount not to exceed $900,000.00 for 2024-2025 for a pre-college engineering K to 12 educational program that is focused on the development of a diverse future Michigan workforce, that serves multiple communities within southeast Michigan, that enrolls pupils from multiple districts, and that received funds appropriated for this purpose in the appropriations act that provided the Michigan strategic fund budget for 2014-2015.

(2) To be eligible for funding under this section, a program must have the ability to expose pupils to, and motivate and prepare pupils for, science, technology, engineering, and mathematics careers and postsecondary education with special attention given to groups of pupils who are at-risk and underrepresented in technical professions and careers.

History: Add. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: Former MCL 388.1665, which pertained to precollege programs in engineering and sciences, was repealed by Act 62 of 2011, Eff. Oct. 1, 2011.

388.1666 Repealed. 1996, Act 300, Eff. Oct. 1, 1996.

Compiler's Notes: The repealed section pertained to job training and development programs.

388.1667 College access programs; allocation, use, and administration of funds; "college" defined.

Sec. 67.

(1) From the general fund money appropriated in section 11, there is allocated an amount not to exceed $4,000,000.00 for 2024-2025 for college access programs. It is the intent of the legislature that, for 2025-2026, the allocation from the general fund money appropriated in section 11 for purposes described in this section will be $3,000,000.00. The programs funded under this section are intended to inform students of college and career options, to provide resources intended to increase the number of pupils who are adequately prepared with the information needed to make informed decisions on college and career, support adult learners, support college completion, and support workforce and employer engagement. The funds appropriated under this section are intended to be used to increase the number of Michigan residents with high-quality degrees or credentials. Funds appropriated under this section must not be used to supplant funding for counselors already funded by districts.

(2) The department of lifelong education, advancement, and potential shall administer funds allocated under this section in collaboration with the Michigan college access network. These funds may be used for any of the following purposes:

(a) Michigan college access network operations, programming, and services to local college access networks.

(b) Local college access networks, which are community-based college access/success partnerships committed to increasing the college participation and completion rates within geographically defined communities through a coordinated strategy.

(c) The Michigan college advising program, a program intended to place trained, recently graduated college advisors in high schools that serve significant numbers of low-income and first-generation college-going pupils. State funds used for this purpose may not exceed 33% of the total funds available under this subsection.

(d) Subgrants of up to $5,000.00 to districts with comprehensive high schools that establish a college access team and implement specific strategies to create a college-going culture in a high school in a form and manner

approved by the Michigan college access network and the department of lifelong education, advancement, and potential.

(e) The Michigan college access portal, an online one-stop portal to help pupils and families plan and apply for college.

(f) Public awareness and outreach campaigns to encourage low-income and first-generation college-going pupils to take necessary steps toward college and to assist pupils and families in completing a timely and accurate free application for federal student aid.

(g) Subgrants to postsecondary institutions to recruit, hire, and train college student mentors and college advisors to assist high school pupils in navigating the postsecondary planning and enrollment process.

(3) For the purposes of this section, "college" means any postsecondary educational opportunity that leads to a career, including, but not limited to, a postsecondary degree, industry-recognized technical certification, or registered apprenticeship.

History: Add. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: Former MCL 388.1667, which pertained to Michigan career preparation system grants, was repealed by Act 158 of 2003, Eff. Oct. 1, 2003.

388.1667a Industrial and technological education and workforce preparation.

Sec. 67a.

(1) From the general fund money appropriated under section 11, there is allocated an amount not to exceed $50,000.00 for 2024-2025 only for a grant to be distributed by the department to an organization to provide industrial and technological education and workforce preparation for students and professional development opportunities and support for teachers.

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

History: Add. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: Former MCL 388.1667a, which pertained to industrial and technological education and workforce preparation grants, was repealed by Act 103 of 2023, Eff. Oct. 1, 2023.

388.1667b SME Education Foundation's Partnership Response Initiative.

Sec. 67b.

(1) From the general fund money appropriated under section 11, there is allocated $1,000,000.00 for 2024-2025 only to the SME Education Foundation's Partnership Response Initiative. The SME Education Foundation's Partnership Response Initiative shall use the funding it receives under this section to provide high schools in this state with cost-effective and tailored engineering and manufacturing programs that provide equipment, curricula, professional development, scholarships, and STEM-focused curricular activities to students enrolled in, and teachers teaching in, the high schools of this state. The department may use $200,000.00 of the funds under this section for administration.

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

History: Add. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: Former MCL 388.1667b, which pertained to an allocation to SME Education Foundation's Partnership Response Initiative, was repealed by Act 144 of 2022, Eff. July 14, 2022.

388.1667c Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to developer academy at Michigan State University.

388.1667d Grants for ProStart or Hospitality Tourism Management programs.

Sec. 67d.

(1) From the general fund money appropriated in section 11, there is allocated for 2024-2025 an amount not to exceed $1,000,000.00, through a grant program administered by the department, to an eligible state-approved 501(c)(3) organization to teach or train restaurant management, culinary arts or hospitality, and tourism management as part of career and professional development.

(2) As used in this section, "eligible state-approved 501(c)(3) organization" means an organization to which all of the following apply:

(a) It is exempt from taxation under section 501(c)(3) of the internal revenue code of 1986, 26 USC 501.

(b) It provides either the ProStart or Hospitality Tourism Management curriculum and training to state-approved career and technical education programs with classification of instructional programs (CIP) codes in the 12.05xx or 52.09xx.

(c) It administers national certification for the purposes of restaurant management, culinary arts or hospitality, or tourism management in becoming a hospitality and tourism specialist as part of career and professional development.

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

History: Add. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: Former MCL 388.1667d, which pertained to the ProStart or Hospitality Tourism Management grant programs, was repealed by Act 103 of 2023, Eff. Oct. 1, 2023.

388.1667e Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to the skilled-trades-for-students awareness program.

388.1667f Free application for federal student aid (FAFSA) form completion challenge; student exemption.

Sec. 67f.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $10,000,000.00 for districts to improve FAFSA completion rates.

(2) To be eligible to receive funding under this section, each district must apply in a form and manner determined by the department of lifelong education, advancement, and potential. The department of lifelong education,

advancement, and potential shall make the application available by not later than November 1, 2024. A district shall apply for funding to the department of lifelong education, advancement, and potential by not later than December 1, 2024. In the application, the department of lifelong education, advancement, and potential shall only require a district to certify that it will do both of the following:

(a) Except as otherwise provided in subsection (3), require all students to complete the FAFSA to graduate from high school.

(b) Use funds received under this section for participation in and implementation of activities that are known to drive FAFSA completion, as determined by the department of lifelong education, advancement, and potential, in collaboration with the Michigan College Access Network.

(3) A district shall exempt a student from the requirement to complete the FAFSA if any of the following are met:

(a) The student's parent or legal guardian, or the student if the student is 18 years of age or older, is an emancipated minor, or is an unaccompanied youth, has submitted a parental waiver to the district exempting the student from completing the FAFSA. The parental waiver described in this subdivision must be obtained through a standard form developed by the department of lifelong education, advancement, and potential.

(b) The student is unable to complete the FAFSA because of privacy concerns.

(c) All of the following are met:

(i) After a good-faith effort, the student's parent or legal guardian refuses to sign the parental waiver, is unresponsive, or cannot sign the parental waiver.

(ii) The student is unable to complete the FAFSA as an independent student.

(iii) The student agrees to opt out of completing the FAFSA.

(iv) Other than the requirements in subsection (2), the student is on track to graduate.

(v) A school administrator of the student's high school demonstrates to the board that good-faith efforts have been made to assist the student or the student's parent or legal guardian in completing the FAFSA or obtaining a parental waiver.

(vi) The board ensures compliance with 42 USC 11432(g)(6)(A).

(4) By not later than January 31, 2025, the department of lifelong education, advancement, and potential shall pay each eligible district an equal amount per pupil multiplied by the number of pupils enrolled and attending grade 12 in the district.

(5) Notwithstanding section 17b, the department of lifelong education, advancement, and potential shall make payments under this section on a schedule determined by the department of lifelong education, advancement, and potential.

(6) As used in the section, "FAFSA" means the free application for federal student aid form.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1667g Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to online early childhood family engagement platform.

388.1668 Repealed. 2004, Act 351, Eff. Oct. 1, 2004.

Compiler's Notes: The repealed section pertained to Michigan career preparation system.

388.1671, 388.1672 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's Notes: The repealed sections pertained to transportation services funding and aid.

388.1673 Repealed. 1986, Act 212, Eff. Oct. 1, 1986.

Compiler's Notes: The repealed section pertained to transportation programs and procurement of school buses.

388.1674 Payments to colleges or universities and intermediate districts; school bus driver safety instruction; cost of instruction and driver compensation; nonspecial education auxiliary services transportation; inspection costs.

Sec. 74.

(1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $3,842,700.00 for 2023-2024 and $3,913,500.00 for 2024-2025 for the purposes of this section.

(2) From the allocation in subsection (1), there is allocated for 2023-2024 and 2024-2025 the amount necessary for payments to state supported colleges or universities and intermediate districts providing school bus driver safety instruction under section 51 of the pupil transportation act, 1990 PA 187, MCL 257.1851. The department shall make payments in an amount determined by the department not to exceed the actual cost of instruction and driver compensation for each public or nonpublic school bus driver attending a course of instruction. For the purpose of computing compensation, the hourly rate allowed each school bus driver must not exceed the hourly rate received for driving a school bus. The department shall make reimbursement compensating the driver during the course of instruction to the college or university or intermediate district providing the course of instruction.

(3) From the allocation in subsection (1), there is allocated for 2023-2024 and 2024-2025 the amount necessary to pay the reasonable costs of nonspecial education auxiliary services transportation provided under section 1323 of the revised school code, MCL 380.1323. Districts funded under this subsection do not receive funding under any other section of this article for nonspecial education auxiliary services transportation.

(4) From the funds allocated in subsection (1), there is allocated an amount not to exceed $1,817,700.00 for 2023-2024 and an amount not to exceed $1,888,500.00 for 2024-2025 for the inspection of school buses and pupil transportation vehicles by the department of state police as required under section 715a of the Michigan vehicle code, 1949 PA 300, MCL 257.715a, and section 39 of the pupil transportation act, 1990 PA 187, MCL 257.1839. The department of state police shall prepare a statement of costs and submit it to the department and to an intermediate district serving as fiduciary in a time and manner determined jointly by the department and the department of state police. Upon review and approval of the statement of cost, the department shall forward to the designated intermediate district serving as fiduciary the amount detailed on the statement within 45 days after receipt of the statement. The designated intermediate district fiduciary shall make payment in the amount specified on the statement to the department of state police within 45 days after receipt of the statement. The total reimbursement of costs under this subsection must not exceed the amount allocated under this subsection. Notwithstanding section 17b, the department shall make payments to eligible entities under this subsection on a schedule prescribed by the department.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1991, Act 200, Imd. Eff. Jan. 2, 1992 ;-- Am. 1992, Act 148, Eff. Oct. 1, 1992 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997 ;-- Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997 ;-- Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998 ;-- Am. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Imd. Eff. July 8, 2010 ;-- Am. 2011, Act 62, Imd. Eff. June 21, 2011 ;-- Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2013, Act 130, Imd. Eff. Oct. 9, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Imd. Eff. July 14, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Imd. Eff. July 23, 2024

Compiler's Notes: In his veto message relative to Enrolled House Bill 4572, which became Act 118 of 1991, the governor stated that "the tradition of not re-enacting annually the unchanged appropriation sections of the school aid act is constitutionally flawed. It assumes the invalid creation of a continuing appropriation. Therefore, the following sections of the school aid act and their associated allocations must be considered inoperative: 24, 55, 74, 75, 105a, 111, and 116. These sections will be treated as excluded from the current bill... ."In subsection (1), as amended by Act 121 of 2001, the phrase "and for 2002-2003" was vetoed by the governor September 28, 2001.Enacting section 3 of Act 521 of 2002 provides:"Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963."For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Enacting section 1 of Act 351 of 2004 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."Enacting section 1 of Act 130 of 2013 provides:"Enacting section 1. This amendatory act takes effect October 1, 2013."

388.1674a Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's Notes: The repealed section pertained to the statewide school bus driver safety program.

388.1674b Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to clean school bus grant program and clean fleet initiative.

388.1675 Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's Notes: The repealed section pertained to nonspecial education auxiliary services transportation.

388.1676 Funding for transporting nonpublic school students.

Sec. 76.

If a district received money in 1993-94 attributable to nonspecial education transportation under former section 71 and that money was included in calculating the district's combined state and local revenue per membership pupil

in 1993-94 under section 20(21), as that section was in effect for 1994-95, then the district shall use funding as calculated under section 20 as the funding for transporting nonpublic school students as required under section 1321 of the revised school code, MCL 380.1321.

History: Add. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007
Compiler's Notes: Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

388.1677 Transportation costs for nonresident pupils.

Sec. 77.

(1) If a district is educating all of the high school pupils who are counted in membership in another district pursuant to an agreement between the 2 districts and if the educating district provides transportation for its own resident high school pupils, the educating district shall use state school aid under this article to provide transportation to and from school for normal curricular activities for those high school pupils who reside in the other district.

(2) Subsection (1) does not require the educating district to provide transportation for a nonresident pupil for any extracurricular or athletic activity in which the pupil participates.

History: Add. 2015, Act 85, Eff. Oct. 1, 2015

388.1681 Allocations to intermediate districts; amounts; expanded professional development opportunities for teachers; consolidated, annexed, or attached districts; duties of intermediate district.

Sec. 81.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 to the intermediate districts the sum necessary, but not to exceed $79,424,700.00 to provide state aid to intermediate districts under this section.

(2) The amount allocated under this section for 2024-2025 to each intermediate district is an amount equal to 100% of the amount allocated to the intermediate district under this section for 2023-2024. An intermediate district shall use funding provided under this section to comply with requirements of this article and the revised school code that are applicable to intermediate districts, and for which funding is not provided elsewhere in this article, and to provide technical assistance to districts as authorized by the intermediate school board.

(3) Intermediate districts receiving funds under this section shall collaborate with the department to develop expanded professional development opportunities for teachers to update and expand their knowledge and skills needed to support the Michigan merit curriculum.

(4) From the allocation in subsection (1), there is allocated to an intermediate district, formed by the consolidation or annexation of 2 or more intermediate districts or the attachment of a total intermediate district to another intermediate district or the annexation of all of the constituent K to 12 districts of a previously existing intermediate district which has disorganized, an additional allotment of $3,500.00 each fiscal year for each intermediate district included in the new intermediate district for 3 years following consolidation, annexation, or attachment.

(5) To receive funding under this section, an intermediate district shall do all of the following:

(a) Demonstrate to the satisfaction of the department that the intermediate district employs at least 1 person who is trained in pupil accounting and auditing procedures, rules, and regulations.

(b) Demonstrate to the satisfaction of the department that the intermediate district employs at least 1 person who is trained in rules, regulations, and district reporting procedures for the individual-level student data that serves as the basis for the calculation of the district and high school graduation and dropout rates.

(c) Comply with sections 1278a and 1278b of the revised school code, MCL 380.1278a and 380.1278b.

(d) Furnish data and other information required by state and federal law to the center and the department in the

form and manner specified by the center or the department, as applicable.

(e) Comply with section 1230g of the revised school code, MCL 380.1230g.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1980, Act 320, Imd. Eff. Dec. 10, 1980 ;-- Am. 1981, Act 36, Eff. Oct. 1, 1981 ;-- Am. 1981, Act 113, Eff. Oct. 1, 1981 ;-- Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982 ;-- Am. 1983, Act 169, Eff. Oct. 1, 1983 ;-- Am. 1984, Act 239, Eff. Oct. 1, 1984 ;-- Am. 1985, Act 110, Eff. Oct. 1, 1985 ;-- Am. 1986, Act 212, Eff. Oct. 1, 1986 ;-- Am. 1987, Act 128, Eff. Oct. 1, 1987 ;-- Am. 1987, Act 220, Eff. Dec. 28, 1987 ;-- Am. 1988, Act 318, Eff. Oct. 1, 1988 ;-- Am. 1989, Act 197, Eff. Oct. 1, 1989 ;-- Am. 1989, Act 235, Imd. Eff. Dec. 21, 1989 ;-- Am. 1990, Act 207, Eff. Oct. 1, 1990 ;-- Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991 ;-- Am. 1992, Act 148, Eff. Oct. 1, 1992 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 336, Eff. Mar. 15, 1994 ;-- Am. 1994, Act 283, Eff. Oct. 1, 1994 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997 ;-- Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997 ;-- Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998 ;-- Am. 1998, Act 553, Imd. Eff. Jan. 27, 1999 ;-- Am. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Imd. Eff. July 8, 2010 ;-- Am. 2010, Act 204, Imd. Eff. Oct. 12, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Imd. Eff. June 13, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Imd. Eff. July 13, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Subsection (3) of Sec. 81, as amended by Act 128 of 1987, was vetoed by the governor on July 24, 1987.Sec. 81, as amended by Act 212 of 1986, did not have a subsection (3).Section 2 of Act 220 of 1987 provides: “In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act is $2,334,299,200.00 and state appropriations to be paid to local units of government are $2,005,216,000.00.”Section 4 of Act 220 of 1987 provides: “The changes effected by this amendatory act shall be applied retroactively to October 1, 1987.”Subsection (3) of Sec. 81, as amended by Act 118 of 1991, was vetoed by the governor on October 11, 1991. Subsection (3) of Sec. 81, as amended by Act 207 of 1990, is set forth in the text of Sec. 81 above.In the first sentence of subsection (1), as amended by Act 121 of 2001, the phrases “and for 2002-2003” and “and not to exceed $95,028,100.00 for 2002-2003” were vetoed by the governor September 28, 2001.The fourth sentence of subsection (1), as amended by Act 121 of 2001, and which read “Except as otherwise provided in this section, there shall be allocated to each intermediate district for 2002-2003 an amount equal to 103.1% of the amount of funding actually received by the intermediate district under this subsection for 2001-2002.”, was vetoed by the governor September 28, 2001.In the second sentence of subsection (3), as amended by Act 121 of 2001, the phrase “and for 2002-2003” was vetoed by the governor September 28, 2001.In the first sentence of subsection (5), as amended by Act 121 of 2001, the phrase “and an amount not to exceed $940,000.00 for 2002-2003” was vetoed by the governor September 28, 2001.Enacting section 3 of Act 521 of 2002 provides:“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."Enacting section 1 of Act 204 of 2010 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00."

388.1681a Repealed. 1988, Act 318, Eff. Oct. 1, 1988.

Compiler's Notes: The repealed section pertained to reduction of allocations.

388.1682 Repealed. 2014, Act 196, Eff. Oct. 1, 2014.

Compiler's Notes: The repealed section pertained to model intervening program for grades K to 3.

388.1683 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's Notes: The repealed section pertained to educational media centers.

388.1684 Repealed. 1991, Act 118, Imd. Eff. Oct. 11, 1991.

Compiler's Notes: The repealed section pertained to instructional services to homebound or hospitalized pupils.

388.1685 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's Notes: The repealed section pertained to allocations for intermediate school districts.

388.1686 Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's Notes: The repealed section pertained to regular nonspecial education educational programs in residential child care institutions for court placed pupils.

388.1690 Repealed. 1992, Act 148, Eff. Oct. 1, 1992.

Compiler's Notes: The repealed section pertained to allocations for innovative and diversified educational programs and for pilot school-level building program.

388.1691 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's Notes: The repealed section pertained to long-range school improvement plans, annual education report, and core curriculum.

388.1691a Repealed. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's Notes: The repealed section pertained to the cessation of a pilot intermediate district schools of choice program.

388.1691b Repealed. 2000, Act 297, Eff. Oct. 1, 2000.

Compiler's Notes: The repealed section pertained to enrollment of nonresident pupil in district.

388.1691c Repealed. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's Notes: The repealed section pertained to the eligibility of a transfer student to participate in interscholastic athletic competition.

388.1692 Repealed. 2011, Act 62, Eff. Oct. 1, 2011.

Compiler's Notes: The repealed section pertained to allocation to Saginaw Valley state university.

388.1692a Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's Notes: The repealed section pertained to basic skills development program.

388.1693 Repealed. 2013, Act 60, Eff. Oct. 1, 2013.

Compiler's Notes: Former MCL 388.1693, which pertained to alternative education programs for school-age expectant parents and school-age parents and their children, was repealed by Act 336 of 1993, Eff. Oct. 1, 1994.The repealed section pertained to allocation to library of Michigan to support Michigan electronic library in public schools and public libraries.

388.1694 Advanced placement and international baccalaureate programs; college-level examination program (CLEP); requirements.

Sec. 94.

(1) From the general fund money appropriated in section 11, there is allocated to the department for 2024-2025 an amount not to exceed $1,200,000.00 for efforts to increase the number of pupils who participate and succeed in

advanced placement and international baccalaureate programs, and to support the college-level examination program (CLEP).

(2) From the funds allocated under this section, the department shall award funds to cover all or part of the costs of advanced placement test fees or international baccalaureate test fees and international baccalaureate registration fees for low-income pupils who take an advanced placement or an international baccalaureate test and CLEP fees for low-income pupils who take a CLEP test.

(3) The department shall only award funds under this section if the department determines that all of the following criteria are met:

(a) Each pupil for whom payment is made meets eligibility requirements of the federal advanced placement test fee program under the no child left behind act of 2001, Public Law 107-110, or the every student succeeds act, Public Law 114-95, as applicable.

(b) The tests are administered by the college board, the international baccalaureate organization, or another test provider approved by the department.

(c) The pupil for whom payment is made pays at least $5.00 toward the cost of each test for which payment is made.

(4) If funds remain after the awards granted in subsection (2), the department shall award funds to reimburse a portion of the costs associated with the provision of advanced placement (AP), international baccalaureate (IB), or college-level examination program (CLEP) exams for students whose family income exceeds low-income status as determined by the department.

(5) The department shall establish procedures for awarding funds under this section.

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

History: Add. 2014, Act 116, Imd. Eff. Apr. 11, 2014 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Imd. Eff. June 28, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Former MCL 388.1694, which pertained to technical assistance to districts for school accreditation purposes, was repealed by Act 158 of 2003, Eff. Oct. 1, 2003.

388.1694a Center for educational performance and information; creation; duties.

Sec. 94a.

(1) There is created within the state budget office in the department of technology, management, and budget the center for educational performance and information. The center shall do all of the following:

(a) Coordinate the collection of all data required by state and federal law from districts, intermediate districts, and postsecondary institutions.

(b) Create, maintain, and enhance this state's P-20 longitudinal data system and ensure that it meets the requirements of subsection (4).

(c) Collect data in the most efficient manner possible to reduce the administrative burden on reporting entities, including, but not limited to, electronic transcript services.

(d) Create, maintain, and enhance this state's web-based educational portal to provide information to school leaders, teachers, researchers, and the public in compliance with all federal and state privacy laws. Data must include, but are not limited to, all of the following:

(i) Data sets that link teachers to student information, allowing districts to assess individual teacher impact on student performance and consider student growth factors in teacher and principal evaluation systems.

(ii) Data access or, if practical, data sets, provided for regional data hubs that, in combination with local data, can improve teaching and learning in the classroom.

(iii) Research-ready data sets for researchers to perform research that advances this state's educational performance.

(e) Provide data in a useful manner to allow state and local policymakers to make informed policy decisions.

(f) Provide public reports to the residents of this state to allow them to assess allocation of resources and the return on their investment in the education system of this state.

(g) Other functions as assigned by the state budget director.

(2) Each state department, officer, or agency that collects information from districts, intermediate districts, or

postsecondary institutions as required under state or federal law shall make arrangements with the center to ensure that the state department, officer, or agency is in compliance with subsection (1). This subsection does not apply to information collected by the department of treasury under the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a; the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821; the school bond qualification, approval, and loan act, 2005 PA 92, MCL 388.1921 to 388.1939; or section 1351a of the revised school code, MCL 380.1351a.

(3) The center may enter into any interlocal agreements necessary to fulfill its functions.

(4) The center shall ensure that the P-20 longitudinal data system required under subsection (1)(b) meets all of the following:

(a) Includes data at the individual student level from preschool through postsecondary education and into the workforce.

(b) Supports interoperability by using standard data structures, data formats, and data definitions to ensure linkage and connectivity in a manner that facilitates the exchange of data among agencies and institutions within the state and between states.

(c) Enables the matching of individual teacher and student records so that an individual student may be matched with those teachers providing instruction to that student.

(d) Enables the matching of individual teachers with information about their certification and the institutions that prepared and recommended those teachers for state certification.

(e) Enables data to be easily generated for continuous improvement and decision-making, including timely reporting to parents, teachers, and school leaders on student achievement.

(f) Ensures the reasonable quality, validity, and reliability of data contained in the system.

(g) Provides this state with the ability to meet federal and state reporting requirements.

(h) For data elements related to preschool through grade 12 and postsecondary, meets all of the following:

(i) Contains a unique statewide student identifier that does not permit a student to be individually identified by users of the system, except as allowed by federal and state law.

(ii) Contains student-level enrollment, demographic, and program participation information, including data associated with students who have been identified as having an affiliation to 1 or more federally recognized Indian tribes and student participation in federal programs funded under 20 USC 7401 to 7546 and participation in federal programs funded under the Johnson-O'Malley Supplemental Indian Education Program Modernization Act, Public Law 115-404.

(iii) Contains student-level information about the points at which students exit, transfer in, transfer out, drop out, or complete education programs.

(iv) Has the capacity to communicate with higher education data systems.

(i) For data elements related to preschool through grade 12 only, meets all of the following:

(i) Contains yearly test records of individual students for assessments approved by DED-OESE for accountability purposes under section 1111(b) of the elementary and secondary education act of 1965, 20 USC 6311, including information on individual students not tested, by grade and subject.

(ii) Contains student-level transcript information, including information on courses completed and grades earned.

(iii) Contains student-level college readiness test scores.

(j) For data elements related to postsecondary education only:

(i) Contains data that provide information regarding the extent to which individual students transition successfully from secondary school to postsecondary education, including, but not limited to, all of the following:

(A) Enrollment in remedial coursework.

(B) Completion of 1 year's worth of college credit applicable to a degree within 2 years of enrollment.

(ii) Contains data that provide other information determined necessary to address alignment and adequate preparation for success in postsecondary education.

(5) From the general fund money appropriated in section 11, there is allocated an amount not to exceed $19,219,200.00 for 2024-2025 to the department of technology, management, and budget to support the operations of the center. In addition, from the federal funds appropriated in section 11, there is allocated for 2024-2025 the amount necessary, estimated at $193,500.00, to support the operations of the center and to establish a P-20 longitudinal data system necessary for state and federal reporting purposes. The center shall cooperate with the department to ensure that this state is in compliance with federal law and is maximizing opportunities for increased federal funding to improve education in this state.

(6) From the funds allocated in subsection (5), the center may use an amount determined by the center for competitive grants for 2024-2025 to support collaborative efforts on the P-20 longitudinal data system. All of the following apply to grants awarded under this subsection:

(a) The center shall award competitive grants to eligible intermediate districts or a consortium of intermediate districts based on criteria established by the center.

(b) Activities funded under the grant must support the P-20 longitudinal data system portal and may include portal hosting, hardware and software acquisition, maintenance, enhancements, user support and related materials, and professional learning tools and activities aimed at improving the utility of the P-20 longitudinal data system.

(c) An applicant that received a grant under this subsection for the immediately preceding fiscal year has priority for funding under this section. However, after 3 fiscal years of continuous funding, an applicant is required to compete openly with new applicants.

(7) Funds allocated under this section that are not expended in the fiscal year in which they were allocated may be carried forward to a subsequent fiscal year and are appropriated for the purposes for which the funds were originally allocated.

(8) The center may bill departments as necessary to fulfill reporting requirements of state and federal law. The center may also enter into agreements to supply custom data, analysis, and reporting to other principal executive departments, state agencies, local units of government, and other individuals and organizations. The center may receive and expend funds in addition to those authorized in subsection (5) to cover the costs associated with salaries, benefits, supplies, materials, and equipment necessary to provide such data, analysis, and reporting services.

(9) As used in this section, "DED-OESE" means the United States Department of Education Office of Elementary and Secondary Education.

History: Add. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 180, Imd. Eff. Oct. 3, 2003 ;-- Am. 2004, Act 351, Imd. Eff. Sept. 30, 2004 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 73, Imd. Eff. July 9, 2009 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2009, Act 203, Imd. Eff. Jan. 4, 2010 ;-- Am. 2010, Act 110, Imd. Eff. July 8, 2010 ;-- Am. 2010, Act 204, Imd. Eff. Oct. 12, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Imd. Eff. July 14, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 146, Imd. Eff. July 31, 2020 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2023, Act 320, Eff. Feb. 13, 2024 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: In subsection (1), as amended by Act 121 of 2001, the phrase “and an amount not to exceed $2,519,000.00 for 2002-2003” was vetoed by the governor September 28, 2001.For transfer of powers, duties, functions, and responsibilities of the database for educational performance and information to the center for educational performance and information by type II transfer, see E.R.O. No. 2000-6, compiled at MCL 388.996 of the Michigan compiled laws.Enacting section 3 of Act 521 of 2002 provides:“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Sec. 94a, as amended by Act 158 of 2003, was vetoed by the governor on August 11, 2003.Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."For transfer of a position on the center for educational performance and information advisory committee designated for a representative of the department of career development to the director of the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 73 of 2009 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2008 PA 268 from state sources for fiscal year 2008-2009 is estimated at $11,097,798,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $10,890,765,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."Enacting section 1 of Act 204 of 2010 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00."

388.1694b Repealed. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's Notes: The repealed section pertained to a connecting information in education committee.

388.1694c Repealed. 2022, Act 144, Eff. Oct. 1, 2022.

Compiler's Notes: The repealed section pertained to an analysis and report on the streamlining of data required to be reported by districts and intermediate districts.

388.1694d Task force for the attraction, preparation, and retention of qualified personnel for children with disabilities.

Sec. 94d.

(1) From the general fund money appropriated in section 11, there is allocated an amount not to exceed $1,000,000.00 for 2024-2025 only for the purposes of this section.

(2) Funds under this section must be used to create and support a task force that will develop a comprehensive multiyear plan to attract, prepare, and retain qualified personnel for children with disabilities. The task force described in this subsection shall provide all of the following:

(a) An identification of the barriers to attracting and training qualified personnel to work with children with disabilities.

(b) An analysis of current educator preparation processes, including the degree to which the preparation processes meet the needs of special education students and whether the preparation processes could be streamlined to increase the number of qualified personnel entering the field of special education.

(c) An analysis of attrition rates for qualified personnel leaving the field of special education and recommendations for ways that this state or districts could better retain talent.

(d) An analysis of this state's licensing requirements and whether the licensing requirements could be streamlined to increase the number of qualified personnel entering the field of special education.

(e) Policy changes that should be enacted into law to address the barriers identified in this subsection, with specific changes to applicable state laws or applicable state rules.

(3) The task force described in subsection (2) must include representation from all special education stakeholder communities, including, but not limited to, teachers, school administrators, parents of special education students, students, educator preparation programs, the department, the legislative branch, the executive branch, the business community, and special education advocacy groups.

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

(5) The funds allocated under this section for 2024-2025 are a work project appropriation, and any unexpended funds for 2024-2025 are carried forward into 2025-2026. The purpose of the work project is to continue to support the task force described in subsection (2). The estimated completion date of the work project is September 30, 2027.

History: Add. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: Former MCL 388.1694d, which pertained to the creation of a task force to attract, prepare, and retain qualified personnel for children with disabilities, was repealed by Act 144 of 2022, Eff. Oct. 1, 2022.

388.1694e Michigan Education Research Institute; state's education goals.

Sec. 94e.

(1) From the state school aid fund money appropriated under section 11, there is allocated for 2024-2025 only an amount not to exceed $1,000,000.00 for support of the Michigan Education Research Institute.

(2) Funding allocated under this section must be distributed to the University of Michigan's Michigan Education Data Center and Michigan State University's Education Policy Innovation Center for the purpose of working collaboratively with the department, the department of lifelong education, advancement, and potential, and the center to build and maintain a research ready dataset, and to conduct research of critical importance to the state's education goals.

(3) The Michigan Education Research Institute shall use funds received under this section for the purpose of expanding on research that includes, but is not limited to, all the following:

(a) Educator shortage.

(b) Early literacy initiative outcomes.

(c) Early childhood development programming outcomes.

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

History: Add. 2024, Act 120, Eff. Oct. 1, 2024

388.1695 Repealed. 2014, Act 196, Eff. Oct. 1, 2014.

Compiler's Notes: The repealed section pertained to professional development for principals and assistant principals.

388.1695a Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's Notes: The repealed section pertained to the educator evaluation reserve fund.

388.1695b Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to model value-added growth and projection analytics system.

388.1696 Repealed. 2003, Act 158, Eff. Oct. 1, 2003.

Compiler's Notes: The repealed section pertained to golden apple awards.

388.1697 Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to the school and student safety grant program.

388.1697a Michigan Virtual University; Navigate 360.

Sec. 97a.

From the general fund money appropriated in section 11, there is allocated an amount not to exceed $500,000.00 for 2024-2025 only for Michigan Virtual University to support Navigate 360. Funding may be used to support the MichiganCares, PBIS Rewards, and Intervention programs.

History: Add. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1697b Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to an allocation for school resource officers.

388.1697c Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to grants for comprehensive safety and security assessments.

388.1697d Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to payments to implement critical incidence mapping.

388.1697e Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to Wayne RESA; school safety and mental health commission.

388.1697f Repealed. 2023, Act 103, Eff. Oct. 1, 2023

Compiler's Notes: The repealed section pertained to the cross-system intervention pilot program.

388.1697g Statewide Security Operations Center; Managed Detection and Response solution cybersecurity risk assessments.

Sec. 97g.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2023-2024 only, $9,000,000.00 to an intermediate district with K to 12 pupil membership between 37,500 and 42,500, as reported in the 2021-2022 MI School Data Student Enrollment Counts Report school year final student count, to establish and operate a statewide Security Operations Center (SOC) in partnership with a statewide educational organization. The SOC will provide a Managed Detection and Response (MDR) solution, including SOC staff, to monitor and assist in responding to threats and attacks on critical technology infrastructure for districts and intermediate districts.

(2) The intermediate district receiving funds under this section shall contract with a nonprofit educational organization that maintains a statewide educational technology collaborative to establish the statewide SOC. This statewide SOC will operate under the guidance of an advisory board, comprising educational technology leaders, with regional statewide representation. Other K to 12 stakeholders may be invited to participate in the advisory.

(3) The nonprofit educational organization that the intermediate district contracted with in subsection (2) shall use the funds to do all of the following:

(a) Establish a statewide advisory.

(b) Establish a statewide SOC security team.

(c) Establish statewide MDR service.

(d) Train district technology staff in the deployment and use of MDR software and services.

(e) Purchase and distribute MDR licensing to districts and intermediate districts for installation on critical technology infrastructure.

(f) Train, monitor, and track district utilization of a toolkit to be identified by the SOC such as MISecure Quick Self-Assessment.

(g) Not later than January 1, 2025 and each subsequent fiscal year, prepare a summary report that includes measurable outcomes including participation, detection, prevention, and response to cybersecurity incidents in order to evaluate the effectiveness of the project. The report must be submitted to the house and senate appropriations subcommittees on school aid and to the house and senate fiscal agencies.

(4) After the nonprofit educational organization that the intermediate district contracted with in subsection (2) uses funds as required under subsection (3), the nonprofit educational organization may use any remaining funds to do any of the following:

(a) Supply additional cybersecurity services as technologies evolve and budget allows.

(b) Partner with K to 12 statewide connectivity partners to install and monitor intrusion detection systems.

(5) Districts receiving software and service under this project shall do both of the following:

(a) Complete the assessment identified in subsection (3)(f) annually.

(b) Install and maintain statewide SOC MDR software on critical infrastructure as described in this section, provide access to the software to the statewide SOC, and coordinate responses with the statewide SOC and the district's intermediate district.

(6) For districts that have MDR solutions in place as of October 1, 2023, a licensing cost allocation equal to the cost of the statewide SOC provided license may be provided until the end of the local contract or the end of the funding period, whichever comes first. Funds allocated under this subsection must be used to offset local MDR costs, cybersecurity assessment, or further cybersecurity investment.

(7) The funds allocated under this section for 2023-2024 are a work project appropriation, and any unexpended funds for 2023-2024 are carried forward and may be expended in subsequent years until the end of the 2027-2028 state fiscal year. The purpose of the work project is to increase stable and reliable cybersecurity in districts and intermediate districts. The estimated completion date of the work project is September 30, 2028.

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

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2023, Act 320, Eff. Feb. 13, 2024

388.1697h School safety tip line; educational materials on the storage of firearms.

Sec. 97h.

(1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $1,000,000.00 for 2024-2025 only to an intermediate district to partner with the department to create or partner with an existing program and support a tip line for students to anonymously report improperly stored firearms that are accessible to a minor.

(2) The department shall develop educational materials related to improperly stored firearms, and how to report improperly stored firearms, and distribute the educational materials to districts and intermediate districts.

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

(4) As used in this section, "improperly stored firearm" means a firearm that is not stored in accordance with the requirements of section 9 of 1927 PA 372, MCL 28.429.

History: Add. 2024, Act 148, Eff. Apr. 2, 2025

388.1697i Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to firearm detection software.

388.1697j Raptor Technologies; early behavior intervention tools.

Sec. 97j.

(1) From the general fund money appropriated in section 11, there is allocated $250,000.00 for 2024-2025 only to Raptor Technologies to provide districts and intermediate districts tools that provide a common way of identifying and collecting early behaviors that could require intervention to prevent abuse, self-harm, or violence in schools. The tools described in this section must be used to inform any behavioral threat assessment and threat assessment teams. As used in this section, "early behaviors that could require intervention to prevent abuse, self-harm, or violence in schools" includes, but is not limited to, any of the following behaviors:

(a) Changes in attendance.

(b) Changes in academic performance.

(c) Changes in emotional response.

(d) Withdrawal.

(e) The beginning signs of self-harm.

(f) Problematic peer interaction.

(g) Discipline concerns that could result in any of the following outcomes:

(i) Specific interventions, including mental health or behavioral supports.

(ii) Academic support.

(iii) Parent or legal guardian conferences.

(iv) Discipline referrals.

(v) Other restorative practices.

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

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1697k Washtenaw Intermediate School District; Student Advocacy Center of Michigan; statewide family helpline for educational crisis.

Sec. 97k.

(1) From the state school aid fund money appropriated in section 11, there is allocated $100,000.00 for 2024-2025 only to Washtenaw Intermediate School District to utilize on the Student Advocacy Center of Michigan to support its statewide helpline for families in educational crisis.

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

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2023, Act 320, Eff. Feb. 13, 2024 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1697l Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to Dearborn City School District for cybersecurity certificate program.

388.1697m Peer mentoring program; 42 Strong.

Sec. 97m.

(1) From the general fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $1,000,000.00 for 42 Strong to continue 42 Strong's work at implementing a peer mentoring program designed to drive outcomes that include, but are not limited to, increasing student connectedness to families, peers, the school, and community; improving student self-esteem; and improving overall student well-being.

(2) 42 Strong must utilize funding under this section to expand implementation of its peer mentoring program within its current school system and may also utilize the funding to expand to communities in other school districts.

(3) Notwithstanding section 17b, the department shall make payments under this section by December 1, 2024.

(4) Notwithstanding section 18a, funds allocated under this section may be available for expenditure until September 30, 2028. 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, 2028.

History: Add. 2024, Act 120, Eff. Oct. 1, 2024

388.1698 Michigan Virtual University; Michigan Virtual Learning Research Institute; Michigan Virtual School; online and blended educator professional development programs; virtual course offerings; home-schooled or nonpublic school student; report; advisory group; submission of budget; definitions.

Sec. 98.

(1) From the general fund money appropriated in section 11, there is allocated an amount not to exceed $9,800,000.00 for 2024-2025 for the purposes described in this section. It is the intent of the legislature that, for 2025-2026, the allocation from the general fund money appropriated in section 11 for purposes described in this

section will be $8,000,000.00. The Michigan Virtual University shall provide a report to the legislature not later than November 1 of each fiscal year for which funding is allocated under this section that includes its mission, its plans, and proposed benchmarks it must meet, including a plan to achieve the organizational priorities identified in this section, to receive full funding for the next fiscal year for which funding is allocated under this section. By not later than March 1 of each fiscal year for which funding is allocated under this section, the Michigan Virtual University shall provide an update to the house and senate appropriations subcommittees on school aid to show the progress being made to meet the benchmarks identified.

(2) The Michigan Virtual University shall operate the Michigan Virtual Learning Research Institute. The Michigan Virtual Learning Research Institute shall do all of the following:

(a) Support and accelerate innovation in education through the following activities:

(i) Test, evaluate, and recommend as appropriate new technology-based instructional tools and resources.

(ii) Research, design, and recommend virtual education delivery models for use by pupils and teachers that include age-appropriate multimedia instructional content.

(iii) Research, develop, and recommend annually to the department criteria by which cyber schools and virtual course providers should be monitored and evaluated to ensure a quality education for their pupils.

(iv) Based on pupil completion and performance data reported to the department or the center from cyber schools and other virtual course providers operating in this state, analyze the effectiveness of virtual learning delivery models in preparing pupils to be college- and career-ready and publish a report that highlights enrollment totals, completion rates, and the overall impact on pupils. The Michigan Virtual Learning Research Institute shall submit the report to the house and senate appropriations subcommittees on school aid, the state budget director, the house and senate fiscal agencies, the department, districts, and intermediate districts by not later than March 31 of each fiscal year for which funding is allocated under this section.

(v) Provide an extensive professional development program to at least 30,000 educational personnel, including teachers, school administrators, and school board members, that focuses on the effective integration of virtual learning into curricula and instruction. The Michigan Virtual Learning Research Institute is encouraged to work with the MiSTEM council described in section 99s to coordinate professional development of teachers in applicable fields. In addition, the Michigan Virtual Learning Research Institute and external stakeholders are encouraged to coordinate with the department for professional development in this state, including professional development for employees in child care facilities, early childhood facilities, and after-school programs. By not later than December 1 of each fiscal year for which funding is allocated under this section, the Michigan Virtual Learning Research Institute shall submit a report to the house and senate appropriations subcommittees on school aid, the state budget director, the house and senate fiscal agencies, and the department on the number of teachers, school administrators, and school board members who have received professional development services from the Michigan Virtual University. The report must also include both of the following:

(A) The identification of barriers and other opportunities to encourage the adoption of virtual learning in the public education system.

(B) A link to, and explanation of, the Michigan Virtual University's online course standards for professional development programming. The standards described in this sub-subparagraph must inform learners how to file a complaint about course content and detail the steps that will be taken for the review and resolution of complaints.

(vi) Identify and share best practices for planning, implementing, and evaluating virtual and blended education delivery models with intermediate districts, districts, and public school academies to accelerate the adoption of innovative education delivery models statewide.

(b) Provide leadership for this state's system of virtual learning education by doing the following activities:

(i) Develop and report policy recommendations to the governor and the legislature that accelerate the expansion of effective virtual learning in this state's schools.

(ii) Provide a clearinghouse for research reports, academic studies, evaluations, and other information related to virtual learning.

(iii) Promote and distribute the most current instructional design standards and guidelines for virtual teaching.

(iv) In collaboration with the department and interested colleges and universities in this state, support implementation and improvements related to effective virtual learning instruction.

(v) Pursue public/private partnerships that include districts to study and implement competency-based technology-rich virtual learning models.

(vi) Create a statewide network of school-based mentors serving as liaisons between pupils, virtual instructors, parents, and school staff, as provided by the department or the center, and provide mentors with research-based training and technical assistance designed to help more pupils be successful virtual learners.

(vii) Convene focus groups and conduct annual surveys of teachers, administrators, pupils, parents, and others to identify barriers and opportunities related to virtual learning.

(viii) Produce an annual consumer awareness report for schools and parents about effective virtual education providers and education delivery models, performance data, cost structures, and research trends.

(ix) Provide an internet-based platform that educators can use to create student-centric learning tools and resources for sharing in the state's open educational resource repository and facilitate a user network that assists

educators in using the content creation platform and state repository for open educational resources. As part of this initiative, the Michigan Virtual University shall work collaboratively with districts and intermediate districts to establish a plan to make available virtual resources that align to Michigan's K to 12 curriculum standards for use by students, educators, and parents.

(x) Create and maintain a public statewide catalog of virtual learning courses being offered by all public schools and community colleges in this state. The Michigan Virtual Learning Research Institute shall identify and develop a list of nationally recognized best practices for virtual learning and use this list to support reviews of virtual course vendors, courses, and instructional practices. The Michigan Virtual Learning Research Institute shall also provide a mechanism for intermediate districts to use the identified best practices to review content offered by constituent districts. The Michigan Virtual Learning Research Institute shall review the virtual course offerings of the Michigan Virtual University, and make the results from these reviews available to the public as part of the statewide catalog. The Michigan Virtual Learning Research Institute shall ensure that the statewide catalog is made available to the public on the Michigan Virtual University website and shall allow the ability to link it to each district's website as provided for in section 21f. The statewide catalog must also contain all of the following:

(A) The number of enrollments in each virtual course in the immediately preceding school year.

(B) The number of enrollments that earned 60% or more of the total course points for each virtual course in the immediately preceding school year.

(C) The pass rate for each virtual course.

(xi) Support registration, payment services, and transcript functionality for the statewide catalog and train key stakeholders on how to use new features.

(xii) Collaborate with key stakeholders to examine district level accountability and teacher effectiveness issues related to virtual learning under section 21f and make findings and recommendations publicly available.

(xiii) Provide a report on the activities of the Michigan Virtual Learning Research Institute.

(3) To further enhance its expertise and leadership in virtual learning, the Michigan Virtual University shall continue to operate the Michigan Virtual School as a statewide laboratory and quality model of instruction by implementing virtual and blended learning solutions for Michigan schools in accordance with the following parameters:

(a) The Michigan Virtual School must maintain its accreditation status from recognized national and international accrediting entities.

(b) The Michigan Virtual University shall use no more than $1,000,000.00 of the amount allocated under this section to subsidize the cost paid by districts for virtual courses.

(c) In providing educators responsible for the teaching of virtual courses as provided for in this section, the Michigan Virtual School shall follow the requirements to request and assess, and the department of state police shall provide, a criminal history check and criminal records check under sections 1230 and 1230a of the revised school code, MCL 380.1230 and 380.1230a, in the same manner as if the Michigan Virtual School were a school district under those sections.

(4) From the funds allocated under subsection (1), the Michigan Virtual University shall allocate up to $500,000.00 to support the expansion of new online and blended educator professional development programs.

(5) From the funds allocated under subsection (1), the Michigan Virtual University shall allocate up to $500,000.00 to operate a comprehensive statewide laboratory designed to function as a hub for cutting-edge research, the identification and dissemination of best practices, rigorous experimentation, policy formulation, and proactive efforts to enhance awareness about the responsible utilization of artificial intelligence in schools.

(6) If the course offerings are included in the statewide catalog of virtual courses under subsection (2)(b)(x), the Michigan Virtual School operated by the Michigan Virtual University may offer virtual course offerings, including, but not limited to, all of the following:

(a) Information technology courses.

(b) College level equivalent courses, as that term is defined in section 1471 of the revised school code, MCL 380.1471.

(c) Courses and dual enrollment opportunities.

(d) Programs and services for at-risk pupils.

(e) High school equivalency test preparation courses for adjudicated youth.

(f) Special interest courses.

(g) Professional development programs for teachers, school administrators, other school employees, and school board members.

(7) If a home-schooled or nonpublic school student is a resident of a district that subscribes to services provided by the Michigan Virtual School, the student may use the services provided by the Michigan Virtual School to the district without charge to the student beyond what is charged to a district pupil using the same services.

(8) By not later than December 1 of each fiscal year for which funding is allocated under this section, the Michigan Virtual University shall provide a report to the house and senate appropriations subcommittees on school aid, the state budget director, the house and senate fiscal agencies, and the department that includes at least all of the following information related to the Michigan Virtual School for the preceding fiscal year:

(a) A list of the districts served by the Michigan Virtual School.

(b) A list of virtual course titles available to districts.

(c) The total number of virtual course enrollments and information on registrations and completions by course.

(d) The overall course completion rate percentage.

(9) In addition to the information listed in subsection (8), the report under subsection (8) must also include a plan to serve at least 600 schools with courses from the Michigan Virtual School or with content available through the internet-based platform identified in subsection (2)(b)(ix).

(10) The governor may appoint an advisory group for the Michigan Virtual Learning Research Institute established under subsection (2). The members of the advisory group serve at the pleasure of the governor and without compensation. The purpose of the advisory group is to make recommendations to the governor, the legislature, and the president and board of the Michigan Virtual University that will accelerate innovation in this state's education system in a manner that will prepare elementary and secondary students to be career and college ready and that will promote the goal of increasing the percentage of residents of this state with high-quality degrees and credentials to at least 60% by 2025.

(11) By not later than November 1 of each fiscal year for which funding is allocated under this section, the Michigan Virtual University shall submit to the house and senate appropriations subcommittees on school aid, the state budget director, and the house and senate fiscal agencies a detailed budget for that fiscal year that includes a breakdown on its projected costs to deliver virtual educational services to districts and a summary of the anticipated fees to be paid by districts for those services. By not later than March 1 each fiscal year for which funding is allocated under this section, the Michigan Virtual University shall submit to the house and senate appropriations subcommittees on school aid, the state budget director, and the house and senate fiscal agencies a breakdown on its actual costs to deliver virtual educational services to districts and a summary of the actual fees paid by districts for those services based on audited financial statements for the immediately preceding fiscal year.

(12) As used in this section:

(a) "Blended learning" means a hybrid instructional delivery model where pupils are provided content, instruction, and assessment, in part at a supervised educational facility away from home where the pupil and a teacher with a valid Michigan teaching certificate are in the same physical location and in part through internet-connected learning environments with some degree of pupil control over time, location, and pace of instruction.

(b) "Cyber school" means a full-time instructional program of virtual courses for pupils that may or may not require attendance at a physical school location.

(c) "Virtual course" means a course of study that is capable of generating a credit or a grade and that is provided in an interactive learning environment in which the majority of the curriculum is delivered using the internet and in which pupils are separated from their instructor or teacher of record by time or location, or both.

History: Add. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 56, Eff. June 27, 2016 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2016, Act 313, Eff. Oct. 6, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Former MCL 388.1698, which pertained to professional development programs, was repealed by Act 336 of 1993, Eff. Oct. 1, 1994.In subsection (1), as amended by Act 121 of 2001, the phrase “and for 2002-2003” was vetoed by the governor September 28, 2001.Enacting section 3 of Act 521 of 2002 provides:“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local

units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."For the transfer of powers and duties of the MiSTEM advisory council from the department of technology, management, and budget to the department of labor and economic opportunity, abolishment of the MiSTEM advisory council and the positions of executive director and executive assistant for the MISTEM network, and creation of the MI-STEM Council within the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.In subsection (1), as amended by Act 58 of 2019, the following phrase "and, for 2019-2020 only, from the talent investment fund money appropriated in section 11, there is allocated an amount not to exceed $1,075,000.00" was vetoed by the governor on September 30, 2019.

388.1698a Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to extended COVID-19 learning plans.Former MCL 388.1698a, which pertained to allocation for 21st century learning environment, was repealed by Act 110 of 2010, Eff. Oct. 1, 2010.

388.1698b Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to benchmark assessment reporting.Former MCL 388.1698b, which pertained to freedom to learn program was repealed by Act 92 of 2007, Imd. Eff. Oct. 1, 2007.

388.1698c Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to federal funding for eligible districts for learning loss.

388.1698d Northern Michigan University; Michigan Learning Channel (MLC).

Sec. 98d.

(1) From the state school aid fund money appropriated under section 11, there is allocated for 2024-2025 only an amount not to exceed $3,000,000.00 to Northern Michigan University to support the MLC as described in this section. Northern Michigan University shall not retain any portion of the funding received under this section for administrative purposes and shall provide funding to support the MLC. All of the following apply to the MLC:

(a) The MLC must expand literacy programming over the air, online, and in communities that is aligned with this state's pre-K to 12 educational standards.

(b) The MLC shall provide over the air broadcasts 24 hours each day for 7 days each week of quality instructional content that is aligned with this state's pre-K to 12 educational standards. Over-the-air broadcasts as described in this subdivision must be streamed live and must be archived for on-demand viewing on a companion website, along with additional learning materials relevant to lessons.

(c) The MLC must be managed and operated by DPTV, and DPTV shall assume all risk, liability, and responsibility for the MLC in accordance with regulations by the United States Federal Communications Commission, PBS broadcast standards, and standard nonprofit business standards. DPTV shall serve as the fiduciary agent and service manager for the MLC. The MLC shall originate from a central operations center that is responsible for providing the infrastructure, content, and engagement of the MLC in partnership with this state's educational leadership organizations.

(d) The MLC shall require that DPTV provide technology, funding, staff training, and central management of the MLC to station partners to insert additional channels into each station's broadcast streams and to support staffing and engagement as outlined in a memorandum of understanding among the stations.

(e) The MLC shall require that DPTV partner with at least 5 other Michigan public television stations, including, but not limited to, WKAR, WGVU, WDCQ, WCMU, and WNMU, to deliver the over-the-air MLC broadcasts described in this section and to support engagement with local educators. Stations described in this subdivision must be able to use the infrastructure provided by the MLC to develop their own local content that best serves their communities.

(f) The MLC shall not use the funds received from Northern Michigan University under this section in support of the MLC for any purposes fully funded by the governor's emergency education relief fund grant.

(2) By not later than February 1, 2025, the MLC shall provide a report to the house and senate appropriations subcommittees responsible for school aid, the house and senate fiscal agencies, and the state budget director detailing the MLC's compliance with ensuring that conditions listed under subsection (1) were met.

(3) Notwithstanding section 17b, the department shall make payments under this section by not later than December 1, 2024.

(4) As used in this section:

(a) "DPTV" means Detroit Public Television.

(b) "MLC" means the Michigan Learning Channel.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Former MCL 388.1698d, which pertained to an allocation to Northern Michigan University to support the Michigan learning channel, was repealed by Act 144 of 2022, Eff. Oct. 1, 2022.

388.1699 One-time grants for 2024-2025 only.

Sec. 99.

(1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $500,000.00 for 2023-2024 only to Kentwood Public Schools and Oak Park Schools for a plant-based school meals pilot grant program. Grants shall be used for developing and implementing plant-based meal options in school cafeterias, training school food service staff in the preparation of plant-based meals, and purchasing necessary kitchen equipment to facilitate the preparation of plant-based meals. Recipients of grants under this program shall submit a report to the department detailing the use of funds and the impact of the program on student meal choices and environmental sustainability.

(2) From the general fund money appropriated in section 11, there is allocated an amount not to exceed $500,000.00 for 2024-2025 only for a virtual reality youth peace literacy initiative pilot program.

(3) From the general fund money appropriated in section 11, there is allocated an amount not to exceed $1,000,000.00 for 2024-2025 only to the American Lightweight Materials Manufacturing Innovation Institute, in partnership with the Michigan Manufacturers Association, Amatrol, and the ATS LAB Midwest. Funds received under this subsection must be used to provide high schools and intermediate districts in this state with competency-based, technology infused talent development programs that provide curricula, e-learning, hands-on e-learning systems, curricula-specific training equipment, installation, orientation, teacher training, industry-recognized skill certifications, and connections to local manufacturers for students in high schools and intermediate districts in this state.

(4) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $2,500,000.00 for 2024-2025 only to the Dearborn City School District for costs to expand the career and technical education program for the district, including, but not limited to, expansion of a cybersecurity certificate program. Costs in this subsection may include both operational and capital costs.

(5) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $1,500,000.00 for 2024-2025 only to the Dearborn City School District to support the construction of outdoor classrooms and other green space for Salina Intermediate School in the Dearborn City School District.

(6) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $2,000,000.00 for 2024-2025 only to the School District of the City of Harper Woods to support the costs for construction and operation of the daily life skills training center, an educational and skills development program with individualized training to improve a child's abilities to independently perform routine daily activities and effectively use community resources.

(7) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $2,500,000.00 for 2024-2025 only to the Lansing Public School District for development and infrastructure improvements.

(8) From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $700,000.00 to Clintondale Community Schools for safety and security upgrades.

(9) From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $500,000.00 to Algonac Community School District to support asbestos remediation and redevelopment.

(10) From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $700,000.00 to South Lyon Community Schools for student mental health services.

(11) From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $200,000.00 to Farmington Public School District for high-intensity tutoring.

(12) From the general fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $2,100,000.00 to the Marygrove Conservancy for the creation of the Marygrove Film School.

(13) From the general fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $3,900,000.00, and from the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $2,100,000.00 to Rudyard Area Schools for infrastructure.

(14) From the general fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $250,000.00 to Brookview Montessori School for structural updates, including, but not limited to, electrical and HVAC.

(15) From the general fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $100,000.00 for Okemos Public Montessori at Central for district lead abatement.

(16) From the general fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $500,000.00 to Wellspring Detroit to support the academic and youth development program.

(17) From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $500,000.00 to a district or intermediate district to support the implementation of the MI Student Voice Perception Survey.

(18) From the general fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $3,700,000.00 to the recipients identified in this subsection to support capital costs to increase safety of student pedestrians.

(a) A recipient of a grant under this subsection shall use the funds to increase the safety of student pedestrians through capital improvements. A grant recipient may enter into agreements with other units of local government to complete eligible projects. Improvements may include, but are not limited to, all of the following:

(i) Signage and painting for crosswalks.

(ii) Installing or repairing sidewalks.

(iii) Adding turning lanes.

(iv) Installing or repairing traffic signal lights.

(b) From the allocation in this subsection, $3,000,000.00 is allocated to Macomb Township in Macomb County for road, signal, and pedestrian crossing improvements at the intersection of 21 Mile Road and Heydenreich Road. The purpose of the improvements is to increase safety for student pedestrians at nearby schools.

(c) From the allocation in this subsection, $250,000.00 is allocated to the Woodhaven-Brownstown School District to construct sidewalks to connect nearby residential areas to schools in the district.

(d) From the allocation in this subsection, $450,000.00 is allocated to the Village of Brooklyn to partner with the Columbia Charter School District and Columbia Charter Township to improve student pedestrian safety.

(e) The funds allocated under this subsection for 2024-2025 are a work project appropriation, and any unexpended funds for 2024-2025 are carried forward into 2025-2026. The purpose of the work project is to continue to provide support for capital costs to increase safety of student pedestrians. The estimated completion date of the work project is September 30, 2029.

(19) From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $7,000,000.00 to Detroit Public Schools Community District to offset the cost of relocating the Davis Aerospace Technical High School to the Coleman A. Young International Airport. Notwithstanding section 18a, funds allocated under this subsection may be available for expenditure until September 30, 2027. A recipient of funding under this subsection must return any unexpended funds to the department in a manner prescribed by the department by not later than October 30, 2027.

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

History: Add. 2024, Act 120, Imd. Eff. July 23, 2024

Compiler's Notes: Former MCL 388.1699, which pertained to mathematics and science centers, was repealed by Act 85 of 2015, Eff. Oct. 1,

2015.

388.1699a Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to Heroes Circle program to support children with social-emotional learning.

388.1699b Computer science professional development and learning programs.

Sec. 99b.

(1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $500,000.00 for 2024-2025 only to districts to develop and implement teacher professional development programs for computer science and computational thinking courses and content.

(2) Funding received under subsection (1) may be used only for the following purposes:

(a) High-quality professional learning for K to 12 computer science content. The costs associated with professional learning as described in this subdivision include, but are not limited to, travel to workshops. As used in this subdivision, "high-quality professional learning" means learning that is sustained, intensive, collaborative, job embedded, data driven, and classroom focused.

(b) Supports for K to 12 computer science professional learning, including, but not limited to, mentoring and coaching.

(c) Creation of resources to support implementation.

(d) Professional learning offerings that do both of the following:

(i) Help teachers identify strategies to encourage course enrollment by underrepresented groups.

(ii) Connect to a curriculum that is free for educators and is aligned with the Michigan computer science standards.

(e) Participation in the Strategic CSforALL Resource and Implementation Planning Tool (SCRIPT) process with a trained facilitator of this state.

(3) To be eligible to receive funding under this section, a district must apply for funding in a form and manner prescribed by the department. The application must, at a minimum, address how the district will do all of the following:

(a) Reach new and existing teachers with little to no computer science background.

(b) Use research- or evidence-based practices for high-quality professional development.

(c) Focus the professional learning on the mastery of all areas of computer science standards as approved by the state board of education in 2019.

(d) Reach and support marginalized groups underrepresented in computer science, including racial and ethnic minorities, girls, and youth from families living at or below the poverty line, as that term is defined in 20 USC 7801.

(e) Provide teachers with concrete experience with hands-on, inquiry-based practices.

(f) Accommodate the particular teacher and student needs in each district and school.

(g) Ensure that participating districts shall begin offering the courses or content within the same or next school year after the teacher receives the professional learning.

(h) Commit to completing the SCRIPT process.

(4) Districts may contract with high-quality professional learning providers to offer the professional learning described in subsection (2). As used in this subsection, "high-quality professional learning providers" means institutions of higher education, nonprofits, or private entities that have successfully designed, implemented, and scaled high-quality computer science professional learning for teachers, as described in subsection (2)(a).

(5) The department shall prioritize districts as follows when granting funding under subsection (1):

(a) Districts in rural or urban areas with a higher proportion of students from groups historically underrepresented in computer science, including racial and ethnic minorities, girls, and youth from families living at or below the poverty line, as that term is defined in 20 USC 7801.

(b) Districts with limited or no computer science offerings that state in their application that the district plans to use the funding to expand in-person computer science offerings.

(6) The funds allocated under this section for 2024-2025 are a work project appropriation, and any unexpended funds for 2024-2025 are carried forward into 2025-2026. The purpose of the work project is to continue to support computer science education implementation. The estimated completion date of the work project is September 30,

2026.

(7) A district that receives funding under this section shall submit a report to the department by June 30, 2025. The report must include all of the following:

(a) The number of teachers prepared.

(b) Students reached, including the number and percentage of students reached disaggregated by gender, race, ethnicity, and socioeconomic status.

(c) The number and percentage of students with passing AP exam scores for high school AP courses, by gender, race, and ethnicity, once that data is available.

(d) The number of teachers that started implementing computer science compared to the number of prepared teachers that attended professional learning.

(e) The number of elementary students who are provided integrated computer science opportunities.

(f) Progress in building a systematic K to 12 computer science plan using the SCRIPT rubric.

(g) Any agreements to provide preassessments and postassessments of teacher readiness for teaching computational thinking and computer science and any data related to those assessments.

(h) The number of in-person computer science offerings that were provided, expanded, or added using funding received under this section.

(8) The department shall make the report submitted under subsection (7) available on a publicly accessible website.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: Former MCL 388.1699b, which pertained to training program for science, technology, engineering, and mathematics (STEM) instruction, was repealed by Act 85 of 2015, Eff. Oct. 1, 2015.

388.1699c One-time allocation to an eligible organization.

Sec. 99c.

(1) From the general fund money appropriated in section 11, there is allocated for 2024-2025 only $1,000,000.00 to an eligible organization to expand the eligible organization's current programming. As used in this subsection, "eligible organization" means an organization to which all of the following apply:

(a) It is tax exempt under section 501(c)(3) of the internal revenue code of 1986, 26 USC 501.

(b) It was founded before 1997.

(c) It began operating in this state after 2009.

(d) It provides low-income schools with year-round support services and conducts professional development workshops for schools and youth organizations.

(e) It is located in a city with a population greater than 600,000.

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

History: Add. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: Former MCL 388.1699c, which pertained to allocation for purpose of civic education, was repealed by Act 249 of 2016, Eff. Oct. 1, 2016.

388.1699d Diverse American history plans and educational resources.

Sec. 99d.

(1) From the state school aid fund money appropriated in section 11, there is allocated $6,000,000.00 for 2023-2024 only to districts to do both of the following:

(a) Develop and implement plans for professional learning concerning the teaching of the fullness of American

history, including, but not limited to, the teaching of the history of communities of color and other marginalized communities, the teaching of local history, and the teaching of cultural competency.

(b) Purchase books and other educational resources for educators and students to support the goal of teaching every middle school and high school student American history that reflects the diversity of this state, including, but not limited to, the teaching of the history of communities of color and other marginalized communities.

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

(3) The funds allocated under this section for 2023-2024 are a work project appropriation, and any unexpended funds for 2023-2024 are carried forward into 2024-2025. The purpose of the work project is to provide for teaching of diverse American history. The estimated completion date of the work project is September 30, 2025.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2023, Act 320, Eff. Feb. 13, 2024
Compiler's Notes: Former MCL 388.1699d, which pertained to purchase of automated external defibrillators, was repealed by Act 6 of 2007, Imd. Eff. Apr. 30, 2007.

388.1699e Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to Wayne RESA for partnership with nonprofit for high-dosage neighborhood-based tutoring and direct noninstructional services for certain at-risk pupils.

388.1699f Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to an eligible school district to cover residual costs of collapsed high school roof.Former MCL 388.1699f, which pertained to school building security mapping, was repealed by Act 6 of 2007, Imd. Eff. Apr. 30, 2007.

388.1699g Distribution of feminine hygiene products; at-risk pupils.

Sec. 99g.

(1) From the state school aid fund money appropriated in section 11, there is allocated $1,000,000.00 for 2024-2025 only to districts for the purposes under this section.

(2) The department shall award funding under this section to districts in urban, suburban, and rural areas in this state and shall award funding as follows:

(a) To at least 3 districts that are located in Wayne County that must include Detroit Public School Community District, 1 suburban district, and 1 rural district.

(b) To at least 1 district located in Eaton County.

(c) To at least 1 district located in Grand Traverse County.

(d) To at least 1 district located in Kent County.

(e) To at least 1 district located in Macomb County.

(f) To at least 1 district located in Marquette County.

(g) After the awards under subdivisions (a) to (f), to districts across this state to achieve a representative distribution of urban, suburban, and rural districts.

(3) A district that receives funding under this section shall use the funding to provide, upon request from eligible students, feminine hygiene products at no cost to eligible students enrolled in the district. From the funding allocated under this section, each eligible student must receive, at a minimum, 20 tampons or menstrual pads each month for the school year.

(4) As used in this section:

(a) "At-risk pupil" means that term as defined in section 31a.

(b) "Eligible student" means a student who is an at-risk pupil.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: Former MCL 388.1699g, which pertained to expansion of school-based crisis intervention project, was repealed by Act 6 of 2007, Imd. Eff. Apr. 30, 2007.

388.1699h FIRST Robotics program; eligibility..

Sec. 99h.

(1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $4,723,200.00 for 2024-2025 for competitive grants to districts and intermediate districts, and from the general fund money appropriated in section 11, there is allocated $600,000.00 for 2024-2025 for competitive grants to nonpublic schools, that provide pupils in grades pre-K to 12 with expanded opportunities to improve mathematics, science, computer science, and technology skills by participating in robotics competition programs hosted by program providers including, but not limited to, FIRST (for inspiration and recognition of science and technology) Robotics, including FIRST Lego League - Discover, Explore, and Challenge, FIRST Tech challenge, and FIRST Robotics competition, LTU Robofest, MATE (Marine Advanced Technical Education), REC (Robotics Education Competition) Foundation, Square One Education Network, VEX, and other providers approved by the department. All approved providers shall make all programs available to students in this state regardless of geographical location. Programs funded under this section are intended to increase the number of pupils demonstrating proficiency in science and mathematics on the state assessments and to increase the number of pupils who are college- and career-ready upon high school graduation. Notwithstanding section 17b, the department shall make grant payments to districts, nonpublic schools, and intermediate districts under this section on a schedule determined by the department. The department shall set maximum grant awards for each different level of programming and competition in a manner that both maximizes the number of teams that will be able to receive funds and expands the geographical distribution of teams. Districts and intermediate districts that receive funds under this section must provide relevant student participation information, as determined by the department, to program and competition providers described in this section. For a district or intermediate district to count a program competition provider for purposes of payments under this section, the program and competition providers must agree to aggregate data received by districts and intermediate districts and provide this information to the department in a form and manner determined by the department.

(2) The department shall do all of the following for purposes of this section:

(a) Both of the following by not later than 60 days after the state school aid appropriations bill for the current fiscal year is enacted into law or October 1 of the current fiscal year, whichever is later:

(i) Open applications for funding under this section to all districts, nonpublic schools, and intermediate districts.

(ii) Publish a list of approved programs and vendors for purposes of this section in a manner that is accessible to all applicants. To obtain approval under this subparagraph, a program or vendor must submit to the department registration information, including any fees; pledge that it will post this information on its website; and, by not later than January 1 of the current fiscal year, submit this information to the department for publication on the department's website.

(b) By not later than 60 days after applications are opened as described in subdivision (a), close applications under this section.

(c) By not later than 60 days after applications are closed as described in subdivision (b), make all determinations concerning funding under this section.

(d) By not later than July 1 of the current fiscal year, publish a document listing the requirements for becoming an approved program or vendor under subdivision (a).

(3) Except as otherwise provided under this subsection, if funding under this section is insufficient to fulfill all funding requests by qualified applicants under this section, the department shall prorate the total funding allocated under this section equally among all qualified applicants. However, for funding under this section toward grants under subsection (5)(b), in its proration under this subsection, the department shall ensure that each district is paid in an amount equal to the percentage the department would have paid the district in grant funding under subsection (5)(b), but for proration under this subsection, with no district receiving a grant under subsection (5)(b) in an amount that is greater than the district's total accrued costs under subsection (5)(b).

(4) A district, nonpublic school, or intermediate district applying for a grant under this section must submit an application in a form and manner prescribed by the department. To be eligible for a grant, a district, nonpublic

school, or intermediate district must demonstrate in its application that the district, nonpublic school, or intermediate district has established a partnership for the purposes of the robotics program with at least 1 sponsor, business entity, higher education institution, technical school, or individual, must submit a budget, and must provide a local in-kind or cash match from other private or local funds of at least 25% of the cost of the robotics program award.

(5) The department shall distribute the grant funding under this section for the following purposes:

(a) Grants to districts, nonpublic schools, or intermediate districts to pay for stipends not to exceed $1,500.00 per building for coaching.

(b) Grants to districts, nonpublic schools, or intermediate districts for event registrations, materials, travel costs, and other expenses associated with the preparation for and attendance at robotics events and competitions.

(c) Grants to districts, nonpublic schools, or intermediate districts for awards to teams that advance to the next levels of competition as determined by the department. The department shall determine an equal amount per team for those teams that advance.

(6) A nonpublic school that receives a grant under this section may use the funds for either robotics or Science Olympiad programs.

(7) To be eligible to receive funds under this section, a nonpublic school must be a nonpublic school registered with the department and must meet all applicable state reporting requirements for nonpublic schools.

(8) To be eligible to receive a grant under this section, a district, nonpublic school, or intermediate district must do all of the following:

(a) If the district, nonpublic school, or intermediate district is requesting funding for more than 1 team for a building, meet the minimum requirements for team size as determined by the approved program provider.

(b) Participate in at least the minimum number of competitions as determined by the approved program provider.

(c) Participate in at least 1 in-person competition.

(9) For purposes of this section, an approved program or vendor under this section that provides a program under this section shall not work with the department to set prices or policies for the program.

(10) As used in this section, "current fiscal year" means the fiscal year for which an allocation is made under this section.

History: Add. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 116, Imd. Eff. Apr. 11, 2014 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2016, Act 313, Eff. Oct. 6, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017 ;-- Am. 2018, Act 265, Imd. Eff. June 28, 2018 ;-- Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 146, Imd. Eff. July 31, 2020 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Former MCL 388.1699h, which pertained to FIRST robotics competitions, was repealed by Act 137 of 2007, Imd. Eff. Nov. 8, 2007.In subsection (1), as amended by Act 58 of 2019, the following phrase "and from the general fund appropriation in section 11, there is allocated an amount not to exceed $300,000.00 for 2019-2020 for competitive grants to nonpublic schools" and the phrase "nonpublic schools," was vetoed by the governor on September 30, 2019.In subsections (2) and (3)(a), (b), and (c), as amended by Act 58 of 2019, the phrase "nonpublic schools," was vetoed by the governor on September 30, 2019.Subsections (4) and (5), as amended by Act 58 of 2019, were vetoed by the governor on September 30, 2019.

388.1699i Michigan Council of Women in Technology Foundation.

Sec. 99i.

(1) From the general fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $250,000.00 to support the Michigan Council of Women in Technology Foundation. The funds awarded under this section must be used to support the girls-exploring-together-information-technology clubs for middle and high school girls that provide structured hands-on learning activities through a comprehensive technology-focused curriculum.

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

History: Add. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Former MCL 388.1699i, which pertained to allocation to expand school-based crisis intervention project, was repealed by

Act 62 of 2011, Eff. Oct. 1, 2011.Former MCL 388.1699i, which pertained to an allocation for Michigan council of women in technology foundation and girls-exploring-together-information-technology clubs, was repealed by Act 103 of 2023, Eff. Oct. 1, 2023.

388.1699j Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to Square One and STEM learning opportunities.Former MCL 388.1699j, which pertained to allocations to certain pilot projects, was repealed by Act 121 of 2009, Imd. Eff. Oct. 19, 2009.

388.1699k Repealed. 2018, Act 265, Eff. Oct. 1, 2018.

Compiler's Notes: The repealed section pertained to cybersecurity competitive events.

388.1699m Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to Shiawassee Regional ESD for construction of a career technical education center.

388.1699n Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to Lansing Public School District for a career technical education center.Former MCL 388.1699n, which pertained to districts entering cooperative arrangements with community colleges, was repealed by Act 121 of 2009, Imd. Eff. Oct. 19, 2009.

388.1699p Repealed. 2011, Act 62, Eff. Oct. 1, 2011.

Compiler's Notes: The repealed section pertained to cultural, art, or music resources.

388.1699r Repealed. 2018, Act 265, Eff. Oct. 1, 2018.

Compiler's Notes: The repealed section pertained to MiSTEM network.

388.1699s MiSTEM programs; MiSTEM council; MiSTEM network regions; funding; duties; audit; report on performance measures; definitions.

Sec. 99s.

(1) From state school aid fund money appropriated under section 11, there is allocated for 2024-2025 an amount not to exceed $7,634,300.00 for Michigan science, technology, engineering, and mathematics (MiSTEM) programs. The MiSTEM network may receive funds from private sources. If the MiSTEM network receives funds from private sources, the MiSTEM network shall expend those funds in alignment with the statewide STEM strategy. Programs funded under this section are intended to increase the number of pupils demonstrating proficiency in science and mathematics on the state assessments, to increase the number of pupils who are college- and career-ready upon high school graduation, and to promote certificate and degree attainment in STEM fields. Notwithstanding section 17b, the department shall make payments under this section on a schedule determined by the department.

(2) The MiSTEM council annually shall review and make recommendations to the governor, the legislature, and the department concerning changes to the statewide strategy adopted by the council for delivering STEM education-related opportunities to pupils. The MiSTEM council shall use funds received under this subsection to ensure that its members or their designees are trained in the Change the Equation STEMworks rating system program for the purpose of rating STEM programs.

(3) The MiSTEM council shall make specific funding recommendations for the funds allocated under subsection (4) by December 15 of each fiscal year. Each specific funding recommendation must be for a program approved by the MiSTEM council. All of the following apply:

(a) To be eligible for MiSTEM council approval as described in this subsection, a program must satisfy all of the following:

(i) Align with this state's academic standards.

(ii) Have STEMworks certification.

(iii) Provide project-based experiential learning, student programming, or educator professional learning experiences.

(iv) Focus predominantly on classroom-based STEM experiences or professional learning experiences.

(b) The MiSTEM council shall approve programs that represent all network regions and include a diverse array of options for students and educators and at least 1 program in each of the following areas:

(i) Robotics.

(ii) Computer science or coding.

(iii) Engineering or bioscience.

(c) The MiSTEM council is encouraged to work with the MiSTEM network to develop locally and regionally developed programs and professional learning experiences for the programs on the list of approved programs.

(d) If the MiSTEM council is unable to make specific funding recommendations by December 15 of a fiscal year, the department shall award and distribute the funds allocated under subsection (4) on a competitive grant basis that at least follows the statewide STEM strategy plan and rating system recommended by the MiSTEM council. Each grant must provide STEM education-related opportunities for pupils.

(e) The MiSTEM council shall work with the department of labor and economic opportunity to implement the statewide STEM strategy adopted by the MiSTEM council.

(4) From the state school aid fund money allocated under subsection (1), there is allocated for 2024-2025 an amount not to exceed $3,050,000.00 for the purpose of funding programs under this section for 2024-2025 as recommended by the MiSTEM council.

(5) From the state school aid fund money allocated under subsection (1), there is allocated an amount not to exceed $3,834,300.00 for 2024-2025 to support the activities and programs of the MiSTEM network regions. From the money allocated under this subsection, the department shall award the fiscal agent for each MiSTEM network region $200,000.00 for the base operations of each region. The department shall distribute the remaining funds to each fiscal agent in an equal amount per pupil, based on the number of K to 12 pupils enrolled in districts within each region in the immediately preceding fiscal year.

(6) A MiSTEM network region shall do all of the following:

(a) Collaborate with the career and educational advisory council that is located in the MiSTEM region to develop a regional strategic plan for STEM education that creates a robust regional STEM culture, that empowers STEM teachers, that integrates business and education into the STEM network, and that ensures high-quality STEM experiences for pupils. At a minimum, a regional STEM strategic plan should do all of the following:

(i) Identify regional employer need for STEM.

(ii) Identify processes for regional employers and educators to create guided pathways for STEM careers that include internships or externships, apprenticeships, and other experiential engagements for pupils.

(iii) Identify educator professional learning opportunities, including internships or externships and apprenticeships, that integrate this state's science standards into high-quality STEM experiences that engage pupils.

(b) Facilitate regional STEM events such as educator and employer networking and STEM career fairs to raise STEM awareness.

(c) Contribute to the MiSTEM website and engage in other MiSTEM network functions to further the mission

of STEM in this state in coordination with the MiSTEM council and the department of labor and economic opportunity.

(d) Facilitate application and implementation of state and federal funds under this subsection and any other grants or funds for the MiSTEM network region.

(e) Work with districts to provide STEM programming and professional learning.

(f) Coordinate recurring discussions and work with the career and educational advisory council to ensure that feedback and best practices are being shared, including funding, program, professional learning opportunities, and regional strategic plans.

(7) From the state school aid fund money allocated under subsection (1), the department shall distribute for 2024-2025 an amount not to exceed $750,000.00, in a form and manner determined by the department, to those network regions able to further the statewide STEM strategy recommended by the MiSTEM council.

(8) To receive state or federal funds under subsection (5) or (7), or to receive funds from private sources as authorized under subsection (1), a grant recipient must allow access for the department or the department's designee to audit all records related to the program for which it receives those funds. The grant recipient shall reimburse the state for all disallowances found in the audit.

(9) To receive state funds under subsection (5) or (7), a grant recipient must provide at least a 10% local match from local public or private resources for the funds received under this subsection.

(10) By not later than July 1 of each fiscal year for which funding is allocated under this section, a MiSTEM network region that receives funds under subsection (5) shall report to the executive director of the MiSTEM network in a form and manner prescribed by the executive director on performance measures developed by the MiSTEM network regions and approved by the executive director. The performance measures must be designed to ensure that the activities of the MiSTEM network are improving student academic outcomes.

(11) Not more than 5% of a MiSTEM network region grant under subsection (5) or (7) may be retained by a fiscal agent for serving as the fiscal agent of a MiSTEM network region.

(12) As used in this section:

(a) "Career and educational advisory council" means an advisory council to the local workforce development boards located in a prosperity region consisting of educational, employer, labor, and parent representatives.

(b) "DED" means the United States Department of Education.

(c) "DED-OESE" means the DED Office of Elementary and Secondary Education.

(d) "MiSTEM Council" means the Michigan Science, Technology, Engineering, and Mathematics Education Advisory Council created as an advisory body within the department of labor and economic opportunity by Executive Reorganization Order No. 2019-3, MCL 125.1998.

(e) "STEM" means science, technology, engineering, and mathematics delivered in an integrated fashion using cross-disciplinary learning experiences that can include language arts, performing and fine arts, and career and technical education.

History: Add. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: For the transfer of powers and duties of the MiSTEM advisory council from the department of technology, management, and budget to the department of labor and economic opportunity, abolishment of the MiSTEM advisory council and the positions of executive director and executive assistant for the MISTEM network, and creation of the MI-STEM Council within the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

388.1699t Online algebra tool; statewide access; requirements.

Sec. 99t.

(1) From the general fund appropriation under section 11, there is allocated an amount not to exceed $1,000,000.00 for 2024-2025 only to purchase statewide access to an online algebra tool that meets all of the following:

(a) Provides students statewide with complete access to videos aligned with state standards including study guides and workbooks that are aligned with the videos.

(b) Provides students statewide with access to a personalized online algebra learning tool including adaptive diagnostics.

(c) Provides students statewide with dynamic algebra practice assessments that emulate the state assessment with

immediate feedback and help solving problems.

(d) Provides students statewide with online access to algebra help 24 hours a day and 7 days a week from study experts, teachers, and peers on a moderated social networking platform.

(e) Provides an online algebra professional development network for teachers.

(f) Is already provided under a statewide contract in at least 1 other state that has a population of at least 18,000,000 but not more than 19,000,000 according to the most recent decennial census and is offered in that state in partnership with a public university.

(2) The department shall purchase the online algebra tool that was chosen under this section in 2016-2017.

(3) A grantee receiving funding under this section shall comply with the requirements of section 19b.

History: Add. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2016, Act 313, Eff. Oct. 6, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1699u Online mathematics and literacy tool.

Sec. 99u.

(1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $6,000,000.00 for 2023-2024 only to districts to access an online mathematics and literacy tool.

(2) Funding received under subsection (1) may be used only for the following purposes:

(a) A mathematics tool that meets all of the following:

(i) Student motivation contests to encourage engagement and external motivation.

(ii) Reporting aligned to a national measurement scale to track progress for each student.

(iii) Age-appropriate targeted math instruction that is online, adaptive, and has academically rigorous math concepts.

(iv) Access to on-demand, live certified math teachers who must be available to students for a minimum of 40 hours a week during nonholiday weeks.

(v) Provide academic language development in math through multiple strategic scaffolding and journaling opportunities.

(vi) Received funding under this section in 2022-2023.

(b) A literacy tool that meets all of the following:

(i) Incorporates systematic and explicit instruction in the following 5 key areas of literacy:

(A) Phonics.

(B) Phonemic awareness.

(C) Fluency.

(D) Vocabulary.

(E) Comprehension.

(ii) Provides opportunities for speech recognition.

(iii) Develops academic vocabulary.

(iv) Provides first language support in at least 10 prevalent languages spoken by English language learner students.

(v) Received funding under this section in 2022-2023.

(3) To be eligible to receive funding under this section, a district must apply for funding through an easy-to-use 1-page application prescribed by the department. Districts using the tool under this section during 2022-2023 are automatically eligible for funding under this section.

(4) The funds allocated under this section for 2023-2024 are a work project appropriation, and any unexpended funds for 2023-2024 are carried forward into 2024-2025. The purpose of the work project is to provide more personalized and adaptive tools for students with an emphasis on including English language learners. The estimated completion date of the work project is September 30, 2025.

(5) A district that receives funding under this section or the operator of the online tool obtained by the school district receiving funding under this section shall submit a report to the department by August 1, 2024. The report must include all of the following:

(a) The number of students enrolled in the program.

(b) A list of schools that participated in the program.

(c) The total number of lessons completed by students.

(d) A valid reliable growth metric that demonstrates student progress.

(6) Notwithstanding section 17b, the department shall make payments under this section by not later than December 1 of each fiscal year for which funding is allocated under this section.

History: Add. 2017, Act 143, Imd. Eff. Nov. 2, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023

388.1699v Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's Notes: The repealed section pertained to grants for seamless transitions.

388.1699w Repealed. 2022, Act 144, Eff. Oct. 1, 2022.

Compiler's Notes: The repealed section pertained to a grant to the Michigan Fitness Foundation to invest in a physical education curriculum.

388.1699x Kentwood Public Schools; Teach For America's statewide TeachMichigan initiative.

Sec. 99x.

(1) From the state school aid fund money appropriated under section 11, there is allocated $3,000,000.00 for 2024-2025 only to Kentwood Public Schools to support Teach For America's statewide TeachMichigan initiative. Funding under this section must be used to support operating costs associated with TeachMichigan, including teacher recruitment, retention, development, innovation, and evaluation costs. To be eligible for these funds, Kentwood Public Schools must determine that the TeachMichigan initiative is on track to reach at least 300 educators working in at least 5 distinct regions across this state since its inception in 2022, by not later than September 30, 2025. Kentwood Public Schools must forward an amount equal to the amount awarded under this section to Teach For America, and is not responsible for monitoring, evaluating, or any other delivery or oversight of the TeachMichigan initiative.

(2) For each fiscal year that Teach For America receives funding under this section, Teach For America must submit a report to the department on progress made using funding under this section.

(3) The funds allocated under this section for 2024-2025 are a work project appropriation, and any unexpended funds for 2024-2025 are carried forward into 2025-2026. The purpose of the work project is to continue the implementation of the TeachMichigan initiative described in this section. The estimated completion date of the work project is September 30, 2026.

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

History: Add. 2018, Act 586, Imd. Eff. Dec. 28, 2018 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1699y Repealed. 2019, Act 58, Eff. Oct. 1, 2019.

Compiler's Notes: The repealed section pertained to funding for a STEM and entrepreneurship pilot program.

388.1699z Repealed. 2022, Act 144, Imd. Eff. July 14, 2022.

Compiler's Notes: The repealed section pertained to a work project for payments to eligible districts for eligible teachers.

388.1699aa Project SEARCH; opportunities for high school students with disabilities to obtain competitive employment.

Sec. 99aa.

(1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $1,000,000.00 for 2024-2025 only to 1 eligible intermediate district to provide opportunities for high school students with disabilities to train for, gain, and maintain competitive employment.

(2) An intermediate district that has partnered with Project SEARCH to provide the opportunities described in subsection (1) is an eligible intermediate district under this section.

(3) The funds allocated under this section for 2024-2025 are a work project appropriation, and any unexpended funds for 2024-2025 are carried forward into 2025-2026. The purpose of the work project is to provide for the continuation of opportunities for high school students with disabilities as described in subsection (1). The estimated completion date of the work project is September 30, 2026.

History: Add. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1699bb Repealed. 2022, Act 144, Eff. Oct. 1, 2022.

Compiler's Notes: The repealed section pertained to YMCA youth in government grants.

388.1699cc Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to NAF academies and partnership grant program.

388.1699dd Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to an allocation for expansion of science center.

388.1699ee Wayne RESA; nonprofit partnership; Hispanic collaborative; career support programs and services for Hispanic college students.

Sec. 99ee.

(1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $2,000,000.00 for 2024-2025 only to Wayne RESA for the provision of programming, in partnership with a nonprofit organization that is tax-exempt under section 501(c)(3) of the internal revenue code of 1986, 26 USC 501, and that provides academic and career support programs and services, to help more Hispanic students to graduate from college. A district that receives funds under this section shall contract with a nonprofit organization for purposes of this section that received state funds for purposes described in this section in the immediately preceding fiscal year.

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

History: Add. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1699ff Wayne RESA and Junior Achievement; implementation of personal finance high school graduation requirements.

Sec. 99ff.

(1) From the state school aid fund money appropriated in section 11, there is allocated $1,900,000.00 for 2024-2025 only for Wayne RESA, in collaboration with Junior Achievement, to create curricula, educational programs, and professional development for each district, intermediate district, and the Michigan Schools for the Deaf and Blind to support the implementation of the personal finance high school graduation requirements under section 1278a of the revised school code, MCL 380.1278a.

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

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1699gg Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to Detroit Public Schools Community District for expansion of locations of before- and after-school programs.

388.1699hh Wayne RESA; nonprofit entity partnership; student success coach AmeriCorps service members.

Sec. 99hh.

(1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed $3,000,000.00 for 2024-2025 only for Wayne RESA to partner with a nonprofit entity to support student success coach AmeriCorps service members to provide academic interventions in mathematics and English language arts and social-emotional support to students enrolled in grades K to 12.

(2) A district that receives funding under this section must use the funds to deploy student success coach AmeriCorps service members to schools within the district. Student success coaches described in this subsection shall do all of the following:

(a) Provide small-group intervention support in mathematics and English language arts to at-risk students for 10 months. For purposes of this subdivision, students must be selected based on academic diagnostic data and be placed on a focus list for year-round support.

(b) Provide whole school, whole child support to partner schools in the district.

(c) Provide social-emotional support to a subset of focus-list students for 10 months. For purposes of this subdivision, students must be selected based on district behavior and climate or culture data and placed on a focus list for year-round support.

(d) Provide individualized attendance support to improve daily attendance rates for 10 months. For purposes of this subdivision, students must be selected based on district attendance data and placed on a focus list for year-round support.

(3) A district receiving funding under this section must provide all of the following for student success coaches:

(a) Evidence-based training in TRAILS, Mental Health First Aid, Magnetic Reading, LETRS, and other relevant training necessary to implement academic, social, and attendance strategies.

(b) Ongoing career development training and coaching, including support with applying to teacher preparation programs, school social work preparation programs, and guidance counseling preparation programs.

(4) By not later than January 1 of each fiscal year, the center shall prepare a summary report of information provided by each recipient district under this section that includes measurable outcomes based on the objectives described in this section and a summary of compiled data from each recipient district in order to evaluate the effectiveness of the project. The center shall submit the report to the house and senate appropriations subcommittees on school aid and to the house and senate fiscal agencies.

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

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1699ii Wayne-Westland Community School District; K to 12 driver's training pilot grant program; eligible student defined.

Sec. 99ii.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2023-2024 only $250,000.00 to Wayne-Westland Community School District for the purposes under this section.

(2) Wayne-Westland Community School District shall establish a pilot grant program for K to 12 eligible students to attend driver's training programs. The department shall establish and provide to Wayne-Westland Community School District guidelines concerning the pilot grant program described in this section.

(3) Wayne-Westland Community School District shall issue a report to the department, on an annual basis, that provides the number of students eligible for a grant under this section, how many students have attended and successfully completed a driver's training program described in this section, and the average cost, per student, of participation in a driver's training program described in this section.

(4) The department shall create a report that summarizes the success of the program established under subsection (2) and publish that report on its public website.

(5) The funds allocated under this section for 2023-2024 are a work project appropriation, and any unexpended funds for 2023-2024 are carried forward into 2024-2025. The purpose of the work project is to support the pilot program described in this section for the provision of grants to students to attend driver's training programs. The estimated completion date of the work project is September 30, 2026.

(6) As used in this section, "eligible student" means a student to whom both of the following apply:

(a) The student qualifies for free and reduced lunch in the Wayne-Westland Community School District or in a district contiguous to the Wayne-Westland Community School District in alignment with federal law and

regulations and state law.

(b) The student is enrolled in either of the following districts:

(i) Wayne-Westland Community School District.

(ii) A district contiguous to Wayne-Westland Community School District.

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

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- ;--Am. 2023, Act 320, Eff. Feb. 13, 2024

388.1699jj Dearborn City School District and Amity Foundation partnership; K to 12 driver's training pilot grant program; eligible student defined.

Sec. 99jj.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2023-2024 only $250,000.00 to Dearborn City School District in partnership with the Amity Foundation for the purposes under this section.

(2) Dearborn City School District shall establish a pilot grant program for K to 12 eligible students to attend driver's training programs.

(3) Dearborn City School District shall issue a report to the department, on an annual basis, that provides the number of students eligible for a grant under this section, how many students have attended and successfully completed a driver's training program described in this section, and the average cost, per student, of participation in a driver's training program described in this section.

(4) The department shall create a report that summarizes the success of the program established under subsection (2) and publish that report on its public website.

(5) The funds allocated under this section for 2023-2024 are a work project appropriation, and any unexpended funds for 2023-2024 are carried forward into 2024-2025. The purpose of the work project is to support the pilot program described in this section for the provision of grants to students to attend driver's training programs. The estimated completion date of the work project is September 30, 2026.

(6) As used in this section, "eligible student" means a student to whom both of the following apply:

(a) The student qualifies for free and reduced lunch in the Dearborn City School District or in a contiguous district to the Dearborn City School District in alignment with federal law and regulations and state law.

(b) The student is enrolled in either of the following districts:

(i) Dearborn City School District.

(ii) A district contiguous to Dearborn City School District.

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

(8) Notwithstanding section 18a, funds allocated under this section may be available for expenditure until September 30, 2026. 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, 2026.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2023, Act 320, Eff. Feb. 13, 2024 ;-- Am. 2024, Act 120, Imd. Eff. July 23, 2024

388.1699kk Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to district or intermediate district partnerships with community-based organization for the expansion of locations of before- and after-school programs.

388.1699ll Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to Eastpointe Community Schools for construction of a swimming pool.

388.1701 Eligibility to receive state aid; submission of number of pupils enrolled and in regular daily attendance; certification of data; noncompliance; withholding state aid; pupil instruction; minimum number of hours or days; requirements; guidelines; waiver; counting number of hours of qualifying teacher professional development; subsections (3) and (8) inapplicable to cyber school or dropout recovery program; "eligible pupil" defined; review of waiver standards.

Sec. 101.

(1) To be eligible to receive state aid under this article, not later than the fifth Wednesday after the pupil membership count day and not later than the fifth Wednesday after the supplemental count day, each district superintendent shall submit and certify to the center and the intermediate superintendent, in the form and manner prescribed by the center, the number of pupils enrolled and in regular daily attendance, including identification of tuition-paying pupils, in the district as of the pupil membership count day and as of the supplemental count day, as applicable, for the current school year. In addition, a district maintaining school during the entire year shall submit and certify to the center and the intermediate superintendent, in the form and manner prescribed by the center, the number of pupils enrolled and in regular daily attendance in the district for the current school year pursuant to rules promulgated by the superintendent. Not later than the sixth Wednesday after the pupil membership count day and not later than the sixth Wednesday after the supplemental count day, the district shall resolve any pupil membership conflicts with another district, correct any data issues, and recertify the data in a form and manner prescribed by the center and file the certified data with the intermediate superintendent. If a district fails to submit and certify the attendance data, as required under this subsection, the center shall notify the department and the department shall withhold state aid due to be distributed under this article from the defaulting district immediately, beginning with the next payment after the failure and continuing with each payment until the district complies with this subsection. If a district does not comply with this subsection by the end of the fiscal year, the district forfeits the amount withheld. A person who willfully falsifies a figure or statement in the certified and sworn copy of enrollment is subject to penalty as prescribed by section 161.

(2) To be eligible to receive state aid under this article, not later than the twenty-fourth Wednesday after the pupil membership count day and not later than the twenty-fourth Wednesday after the supplemental count day, an intermediate district shall submit to the center, in a form and manner prescribed by the center, the audited enrollment and attendance data as described in subsection (1) for the pupils of its constituent districts and of the intermediate district. If an intermediate district fails to submit the audited data as required under this subsection, the department shall withhold state aid due to be distributed under this article from the defaulting intermediate district immediately, beginning with the next payment after the failure and continuing with each payment until the intermediate district complies with this subsection. If an intermediate district does not comply with this subsection by the end of the fiscal year, the intermediate district forfeits the amount withheld.

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

(a) Except as otherwise provided in this section, each district shall provide at least 1,098 hours and 180 days of pupil instruction. If a collective bargaining agreement that provides a complete school calendar was in effect for employees of a district as of June 24, 2014, and if that school calendar is not in compliance with this subdivision, then this subdivision does not apply to that district until after the expiration of that collective bargaining agreement. A district may apply for a waiver under subsection (9) from the requirements of this subdivision.

(b) Except as otherwise provided in this article, a district failing to comply with the required minimum hours and days of pupil instruction under this subsection forfeits from its total state aid allocation an amount determined by applying a ratio of the number of hours or days the district was in noncompliance in relation to the required minimum number of hours and days under this subsection. Not later than the first business day in August, the board of each district shall either certify to the department that the district was in full compliance with this section regarding the number of hours and days of pupil instruction in the previous school year, or report to the department, in a form and manner prescribed by the center, each instance of noncompliance. If the district did not provide at least the required minimum number of hours and days of pupil instruction under this subsection, the

department shall make the deduction of state aid in the following fiscal year from the first payment of state school aid. A district is not subject to forfeiture of funds under this subsection for a fiscal year in which a forfeiture was already imposed under subsection (6).

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

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

(e) If a district adds 1 or more days of pupil instruction to the end of its instructional calendar for a school year to comply with subdivision (a) because the district otherwise would fail to provide the required minimum number of days of pupil instruction even after the operation of subsection (4) due to conditions not within the control of school authorities, then subdivision (d) does not apply for any day of pupil instruction that is added to the end of the instructional calendar. Instead, for any of those days, if the district does not have at least 60% of the district's membership in attendance on that day, the department shall pay the district state aid in that proportion of 1/180 that the actual percentage of attendance bears to 60%. For any day of pupil instruction added to the instructional calendar as described in this subdivision, the district shall report to the department the percentage of the district's membership that is in attendance, in the form and manner prescribed by the department.

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

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

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

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

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

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

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

(iii) A waiver that is not a waiver described in subparagraph (i) or (ii) is valid for 3 fiscal years, unless it is revoked by the superintendent, and must be renewed at the end of the 3-year period to remain in effect.

(h) For the 2024-2025 school year only, a district does not need to meet the minimum number of hours and days of pupil instruction requirement under subdivision (a) if that district meets all of the following requirements:

(i) The district is located wholly or partially in a county that is covered by a state of emergency declared by the governor.

(ii) A majority of the district board votes to exempt the district from the minimum number of hours and days of pupil instruction required under subdivision (a).

(iii) The vote by the district board under subparagraph (ii) exempts the district from providing only the hours and days of pupil instruction actually missed due to the state of emergency.

(iv) The vote by the district board under subparagraph (ii) exempts the district from not more than 15 days of pupil instruction required under subdivision (a). The amount that may be exempted under this subdivision is in addition to any days counted as pupil instruction under subsection (4).

(i) The superintendent shall promulgate rules for the implementation of this subsection.

(4) All of the following apply to the counting of days and hours of pupil instruction under this section:

(a) Except as otherwise provided in this subsection, the first 6 days or the equivalent number of hours for which pupil instruction is not provided because of conditions not within the control of school authorities, such as severe storms, fires, epidemics, utility power unavailability, water or sewer failure, or health conditions as defined by the city, county, or state health authorities, are counted as hours and days of pupil instruction.

(b) With the approval of the superintendent of public instruction, the department shall count as hours and days of pupil instruction for a fiscal year not more than 3 additional days or the equivalent number of additional hours for which pupil instruction is not provided in a district due to unusual and extenuating occurrences resulting from conditions not within the control of school authorities such as those conditions described in this subsection.

(c) A district that counts hours or days of professional development for teachers as hours or days of pupil instruction, as provided under subsection (10), is eligible to have additional hours or days counted as hours and

days of pupil instruction as provided under subdivision (b) to the same extent as a district that does not count hours or days of professional development for teachers as hours or days of pupil instruction.

(d) In deciding whether to approve the counting of additional hours or days of pupil instruction under subdivision (b) for a district, the superintendent of public instruction shall not take into account whether the district counts hours or days of professional development for teachers as hours or days of pupil instruction, as provided under subsection (10).

(e) Subsequent hours or days beyond those described in subdivisions (a) and (b) are not counted as hours or days of pupil instruction.

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

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

(a) The district fails to operate its schools for at least the required minimum number of hours and days of pupil instruction under subsection (3) in a school year, including hours and days counted under subsection (4).

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

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

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

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

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

(d) If a pupil in grades 9 to 12 who is enrolled in a cooperative education program or a special education pupil cannot receive the required minimum number of hours of pupil instruction solely because of travel time between instructional sites during the school day, that travel time, up to a maximum of 3 hours per school week, is considered to be pupil instruction time for the purpose of determining whether the pupil is receiving the required minimum number of hours of pupil instruction. However, if a district demonstrates to the satisfaction of the department that the travel time limitation under this subdivision would create undue costs or hardship to the district, the department may consider more travel time to be pupil instruction time for this purpose.

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

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

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

(8) Except as otherwise provided in subsections (11) and (12), the department shall apply the guidelines under subsection (7) in calculating the full-time equivalency of pupils.

(9) Upon application by the district for a particular fiscal year, the superintendent shall waive for a district the minimum number of hours and days of pupil instruction requirement of subsection (3) for a department-approved alternative education program or another innovative program approved by the department, including a 4-day school week. If a district applies for and receives a waiver under this subsection and complies with the terms of the waiver, the district is not subject to forfeiture under this section for the specific program covered by the waiver. If the district does not comply with the terms of the waiver, the amount of the forfeiture is calculated based upon a comparison of the number of hours and days of pupil instruction actually provided to the minimum number of hours

and days of pupil instruction required under subsection (3). A district shall report pupils enrolled in a department-approved alternative education program under this subsection to the center in a form and manner determined by the center. All of the following apply to a waiver granted under this subsection:

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

(b) If the waiver is for a 100% online model of delivery and the educational program for which the waiver is granted makes educational services available to pupils for a minimum of at least 1,098 hours during a school year and ensures that each pupil is on track for course completion at proficiency level, a waiver that is granted for the 2011-2012 fiscal year or a subsequent fiscal year remains in effect unless it is revoked by the superintendent.

(c) A waiver that is not a waiver described in subdivision (a) or (b) is valid for 3 fiscal years, unless it is revoked by the superintendent, and must be renewed at the end of the 3-year period to remain in effect.

(10) A district may count up to 38 hours of professional development for teachers as hours of pupil instruction. All of the following apply to the counting of professional development as pupil instruction under this subsection:

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

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

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

(d) Professional development may only be counted as hours of pupil instruction under this subsection for the pupils of those teachers scheduled to participate in the professional development.

(e) The professional development must meet all of the following to be counted as pupil instruction under this subsection:

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

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

(iii) Has been approved by the department as counting for state continuing education clock hours. The number of hours of professional development counted as hours of pupil instruction under this subsection may not exceed the number of state continuing education clock hours for which the professional development was approved.

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

(v) Not more than 10 hours of the professional development takes place in a single month.

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

(11) Subsections (3) and (8) do not apply to a school of excellence that is a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551, and is in compliance with section 553a of the revised school code, MCL 380.553a. Beginning July 1, 2021, this subsection is subject to section 8c. It is the intent of the legislature that the immediately preceding sentence apply retroactively and is effective July 1, 2021.

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

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

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1983, Act 169, Eff. Oct. 1, 1983 ;-- Am. 1984, Act 239, Eff. Oct. 1, 1984 ;-- Am. 1985, Act 110, Eff. Oct. 1, 1985 ;-- Am. 1986, Act 212, Eff. Oct. 1, 1986 ;-- Am. 1986, Act 298, Imd. Eff. Dec. 22, 1986 ;-- Am. 1989, Act 197, Eff. Oct. 1, 1989 ;-- Am. 1990, Act 207, Eff. Oct. 1, 1990 ;-- Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991 ;-- Am. 1992, Act 142, Imd. Eff. July 15, 1992 ;-- Am. 1992, Act 148, Eff. Oct. 1, 1992 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1994, Act 283, Eff. Oct. 1, 1994 ;-- Am. 1995, Act 130, Imd. Eff. June 30, 1995 ;-- Am. 1996, Act 180, Imd. Eff. Apr. 19, 1996 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997 ;-- Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997 ;-- Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998 ;-- Am. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 476, Imd. Eff. June 27, 2002 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 127, Imd. Eff. June 3, 2004 ;-- Am. 2004, Act 351, Imd. Eff. Sept. 30, 2004 ;-- Am. 2005, Act 41, Imd. Eff. June 7, 2005 ;-- Am. 2005, Act 155, Imd. Eff. Sept. 30, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2009, Act 203,

Imd. Eff. Jan. 4, 2010 ;-- Am. 2010, Act 110, Imd. Eff. July 8, 2010 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2012, Act 516, Imd. Eff. Dec. 28, 2012 ;-- Am. 2013, Act 29, Imd. Eff. May 16, 2013 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 116, Imd. Eff. Apr. 11, 2014 ;-- Am. 2014, Act 196, Imd. Eff. June 24, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2018, Act 586, Imd. Eff. Dec. 28, 2018 ;-- Am. 2019, Act 11, Imd. Eff. May 13, 2019 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 148, Imd. Eff. Aug. 20, 2020 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Imd. Eff. July 14, 2022 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2025, Act 5, Imd. Eff. June 2, 2025

Compiler's Notes: The last sentence of subsection (4), as amended by Act 180 of 1996, which provided "However, for 1995-96 only, for a school district at or above townline 16, the first 5 days for which pupil instruction is not provided because of conditions described in this subsection shall be counted as days of pupil instruction." was vetoed by the governor on April 22, 1996.Enacting section 1 of Act 351 of 2004 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

Admin Rule: R 340.1 et seq. of the Michigan Administrative Code.

388.1701a Repealed. 2013, Act 60, Eff. Oct. 1, 2013.

Compiler's Notes: Former MCL 388.1701a, which pertained to extended school year, was repealed by Act 336 of 1993, Eff. Oct. 1, 1994.The repealed section pertained to enrollment of individual who has dropped out of another district.

388.1702 Failure to submit deficit elimination plan or deficit elimination plan not approved; authority of department to withhold payments; release of money withheld under subsection (1); consultation; submission of enhanced deficit elimination plan; requirements; allocation contingent upon compliance with section; definitions.

Sec. 102.

(1) If a district or intermediate district is required to submit a deficit elimination plan under section 1220 of the revised school code, MCL 380.1220, and the district or intermediate district fails to submit a deficit elimination plan or the deficit elimination plan is not approved, the department may withhold some or all of the money payable to the district or intermediate district under this article, in an amount the department determines necessary to incentivize the district or intermediate district to eliminate the deficit, until the district or intermediate district submits to the department for approval an amended budget for the current school fiscal year and a deficit elimination plan in the form and manner prescribed by the department or until the deficit elimination plan is approved by the department, as determined by the department.

(2) The department shall release money withheld under subsection (1) after the department approves the deficit elimination plan. To assure greater coordination and effective partnerships in the development and implementation of a deficit elimination plan, when administering this subsection and subsection (1), the department shall consult with all of the following:

(a) The department of treasury.

(b) The chief administrative officer of the district or intermediate district required to submit a deficit elimination plan under section 1220 of the revised school code, MCL 380.1220.

(c) For a district required to submit a deficit elimination plan under section 1220 of the revised school code, MCL 380.1220, the intermediate superintendent of the intermediate district in which the district is located.

(3) If a district or intermediate district is required to submit an enhanced deficit elimination plan under section 1220 of the revised school code, MCL 380.1220, the state treasurer may withhold some or all of the money payable to the district under this article, in an amount the state treasurer determines necessary to incentivize the district or

intermediate district to eliminate the deficit, until the district or intermediate district submits to the state treasurer for approval an approved budget for the current school fiscal year and an enhanced deficit elimination plan in the form and manner prescribed by the department of treasury under section 1220 of the revised school code, MCL 380.1220, or until the enhanced deficit elimination plan is approved by the department of treasury, as determined by the department of treasury. The state treasurer shall release money withheld under this subsection after the department of treasury approves the enhanced deficit elimination plan for the district or intermediate district. To assure greater coordination and effective partnerships in the development and implementation of an enhanced deficit elimination plan, when administering this subsection, the department of treasury shall consult with all of the following:

(a) The department.

(b) The chief administrative officer of the district or intermediate district required to submit an enhanced deficit elimination plan under section 1220 of the revised school code, MCL 380.1220.

(c) For a district required to submit an enhanced deficit elimination plan under section 1220 of the revised school code, MCL 380.1220, the intermediate superintendent of the intermediate district in which the district is located.

(4) An allocation to a district or intermediate district under this article is contingent upon the district's or intermediate district's compliance with this section.

(5) As used in this section:

(a) "Deficit elimination plan" means a plan required under section 1220 of the revised school code, MCL 380.1220, for the elimination of a deficit that sets forth actions to be taken to eliminate the deficit within the time period prescribed by the department.

(b) "Deficit fund balance" means that term as defined in the Michigan public school accounting manual published by the department.

(c) "Enhanced deficit elimination plan" means measures required by the state treasurer under section 1220 of the revised school code, MCL 380.1220, to address the financial conditions within a district or intermediate district and resolve any deficit within the time period prescribed by the department and the state treasurer.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1979, Act 138, Imd. Eff. Nov. 7, 1979 ;-- Am. 1980, Act 52, Imd. Eff. Mar. 27, 1980 ;-- Am. 1980, Act 320, Imd. Eff. Dec. 10, 1980 ;-- Am. 1981, Act 36, Eff. Oct. 1, 1981 ;-- Am. 1982, Act 136, Imd. Eff. Apr. 27, 1982 ;-- Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982 ;-- Am. 1983, Act 55, Imd. Eff. May 16, 1983 ;-- Am. 1983, Act 169, Eff. Oct. 1, 1983 ;-- Am. 1984, Act 239, Eff. Oct. 1, 1984 ;-- Am. 1985, Act 110, Eff. Oct. 1, 1985 ;-- Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2010, Act 204, Imd. Eff. Oct. 12, 2010 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2015, Act 112, Imd. Eff. July 7, 2015

Compiler's Notes: Enacting section 1 of Act 204 of 2010 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00."

388.1702d Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's Notes: The repealed section pertained to school data analytical tools.

388.1703 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's Notes: The repealed section pertained to pupil to teacher ratio.

388.1704 Compliance with state and federal law; inclusion of item analysis in M-STEP results; number of enrolled students; distribution of federal funds; use of external keyboard with tablet devices; payment schedule determined by department; online reporting tool to provide student-level assessment data; definitions.

Sec. 104.

(1) To receive state aid under this article, a district shall comply with sections 1249, 1278a, 1278b, 1279g, and 1280b of the revised school code, MCL 380.1249, 380.1278a, 380.1278b, 380.1279g, and 380.1280b, and 1970 PA 38, MCL 388.1081 to 388.1086. Subject to subsection (2), from the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 an amount not to exceed $37,509,400.00 for payments on behalf of districts for costs associated with complying with those provisions of law. In addition, from the federal funds appropriated in section 11, there is allocated for 2024-2025 an amount estimated at $8,000,000.00 funded from DED-OESE, title VI, state assessment funds, and from DED-OSERS, part B of the individuals with disabilities education act, 20 USC 1411 to 1419, plus any carryover federal funds from previous year appropriations, for the purposes of complying with the every student succeeds act, Public Law 114-95.

(2) The results of each test administered as part of the Michigan student test of educational progress (M-STEP), including tests administered to high school students, must include an item analysis that lists all items that are counted for individual pupil scores and the percentage of pupils choosing each possible response. The department shall work with the center to identify the number of students enrolled at the time assessments are given by each district. In calculating the percentage of pupils assessed for a district's scorecard, the department shall use only the number of pupils enrolled in the district at the time the district administers the assessments and shall exclude pupils who enroll in the district after the district administers the assessments.

(3) The department shall distribute federal funds allocated under this section in accordance with federal law and with flexibility provisions outlined in Public Law 107-116, and in the education flexibility partnership act of 1999, Public Law 106-25.

(4) The department may recommend, but may not require, districts to allow pupils to use an external keyboard with tablet devices for online M-STEP testing, including, but not limited to, open-ended test items such as constructed response or equation builder items.

(5) Notwithstanding section 17b, the department shall make payments on behalf of districts, intermediate districts, and other eligible entities under this section on a schedule determined by the department.

(6) From the allocation in subsection (1), there is allocated an amount not to exceed $500,000.00 for 2024-2025 for the operation of an online reporting tool to provide student-level assessment data in a secure environment to educators, parents, and pupils immediately after assessments are scored. The department and the center shall ensure that any data collected by the online reporting tool do not provide individually identifiable student data to the federal government.

(7) As used in this section:

(a) "DED" means the United States Department of Education.

(b) "DED-OESE" means the DED Office of Elementary and Secondary Education.

(c) "DED-OSERS" means the DED Office of Special Education and Rehabilitative Services.

History: Add. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 112, Imd. Eff. Apr. 29, 2008 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2010, Act 204, Imd. Eff. Oct. 12, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 29, Imd. Eff. Feb. 24, 2012 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Imd. Eff. June 28, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 146, Imd. Eff. July 31, 2020 ;-- Am. 2020, Act 149, Imd. Eff. Aug. 20, 2020 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Former MCL 388.1704, which pertained to student portfolios, was repealed by Act 300 of 1996, Eff. Oct. 1, 1996.Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 112 of 2008 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2007 PA 137 from state sources for fiscal year 2007-2008 is estimated at $11,421,776,200.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,346,293,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."Enacting section 1 of Act 204 of 2010

provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00."

388.1704a Repealed. 2022, Act 144, Eff. Oct. 1, 2022.

Compiler's Notes: The repealed section pertained to the implementation of a benchmark assessment system.

388.1704b Michigan merit examination

Sec. 104b.

(1) In order to receive state aid under this article, a district shall comply with this section and shall administer the Michigan merit examination to pupils in grade 11, and to pupils in grade 12 who did not take the complete Michigan merit examination in grade 11, as provided in this section. The Michigan merit examination consists of a college entrance test, work skills test, and the summative assessment known as the Michigan student test of educational progress (M-STEP).

(2) For the purposes of this section, the department of technology, management, and budget shall contract with 1 or more providers to develop, supply, and score the Michigan merit examination. The Michigan merit examination shall consist of all of the following:

(a) Assessment instruments that measure English language arts, mathematics, reading, and science, and are used by the majority of colleges and universities in this state for entrance purposes. This may include 1 or more writing components. In selecting assessment instruments to fulfill the requirements of this subdivision, the department may consider the degree to which those assessment instruments are aligned to this state's content standards.

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

(c) A social studies component.

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

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

(a) The department of technology, management, and budget and the superintendent shall ensure that any contractor used for scoring the Michigan merit examination supplies an individual report for each pupil that will identify for the pupil's parents and teachers whether the pupil met expectations or failed to meet expectations for each standard, to allow the pupil's parents and teachers to assess and remedy problems before the pupil moves to the next grade.

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

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

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

(i) Is designed to test pupils on this state's content standards in all subjects tested.

(ii) Complies with requirements of the no child left behind act of 2001, Public Law 107-110 or the every student

succeeds act, Public Law 114-95.

(iii) Is consistent with the code of fair testing practices in education prepared by the Joint Committee on Testing Practices of the American Psychological Association.

(iv) Is factually accurate. If the superintendent determines that a question is not factually accurate and should be excluded from scoring, the state board and the superintendent shall ensure that the question is excluded from scoring.

(4) A district shall include on each pupil's high school transcript all of the following:

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

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

(5) The superintendent shall work with the provider or providers of the Michigan merit examination to produce Michigan merit examination subject area scores for each pupil participating in the Michigan merit examination. To the extent that the department determines that additional test items beyond those included in the college entrance component of the Michigan merit examination are required in a particular subject area, the department shall ensure that all test items in that subject area are scaled and merged for the purposes of producing a Michigan merit examination subject area score. The superintendent shall design and distribute to districts, intermediate districts, and nonpublic schools a simple and concise document that describes the scoring for each subject area and indicates the scaled score ranges for each subject area.

(6) The Michigan merit examination shall be administered in each district during the last 12 weeks of the district's school year. The superintendent shall ensure that the Michigan merit examination is scored and the scores are returned to pupils, their parents or legal guardians, and districts not later than the beginning of the pupil's first semester of grade 12. The returned scores shall indicate at least the pupil's scaled score for each subject area component and the range of scaled scores for each subject area. In reporting the scores to pupils, parents, and schools, the superintendent shall provide standards-specific, meaningful, and timely feedback on the pupil's performance on the Michigan merit examination.

(7) A district shall administer the complete Michigan merit examination to a pupil only once and shall not administer the complete Michigan merit examination to the same pupil more than once. If a pupil does not take the complete Michigan merit examination in grade 11, the district shall administer the complete Michigan merit examination to the pupil in grade 12. If a pupil chooses to retake the college entrance examination component of the Michigan merit examination, as described in subsection (2)(a), the pupil may do so through the provider of the college entrance examination component and the cost of the retake is the responsibility of the pupil unless all of the following are met:

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

(b) The pupil meets the income eligibility criteria for free breakfast, lunch, or milk, as determined under the Richard B. Russell national school lunch act, 42 USC 1751 to 1769i.

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

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

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

(9) A district shall provide accommodations to a pupil with disabilities for the Michigan merit examination, as provided under section 504 of title V of the rehabilitation act of 1973, 29 USC 794; subtitle A of title II of the Americans with disabilities act of 1990, 42 USC 12131 to 12134; the individuals with disabilities education act amendments of 1997, Public Law 105-17; and the implementing regulations for those statutes. The provider or providers of the Michigan merit examination and the superintendent shall mutually agree upon the accommodations to be provided under this subsection.

(10) To the greatest extent possible, the Michigan merit examination shall be based on this state's content standards, as appropriate. Annually, after each administration of the Michigan merit examination, the department shall provide a report of the points per standard so that teachers will know what content will be covered within the Michigan merit examination. The department may augment the college entrance and work skills components of the Michigan merit examination to develop the assessment, depending on the alignment of those components to this state's content standards. If these components do not align to these standards, the department shall produce additional components as required by law, while minimizing the amount of time needed for assessments.

(11) A child who is a student in a nonpublic school or home school may take the Michigan merit examination under this section. To take the Michigan merit examination, a child who is a student in a home school shall contact the district in which the child resides, and that district shall administer the Michigan merit examination, or the child may take the Michigan merit examination at a nonpublic school if allowed by the nonpublic school. Upon request from a nonpublic school, the superintendent shall direct the provider or providers to supply the Michigan merit examination to the nonpublic school and the nonpublic school may administer the Michigan merit examination. If a district administers the Michigan merit examination under this subsection to a child who is not enrolled in the district, the scores for that child are not considered for any purpose to be scores of a pupil of the district.

(12) In contracting under subsection (2), the department of technology, management, and budget shall consider a contractor that provides electronically-scored essays with the ability to score constructed response feedback in multiple languages and provide ongoing instruction and feedback.

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

(14) For a pupil enrolled in a middle college program, other than a middle college operated as a shared educational entity or a specialized shared educational entity, if the pupil receives at least 50% of his or her instruction at the high school while in grade 11, the Michigan merit examination shall be administered to the pupil at the high school at which the pupil receives high school instruction, and the department shall include the pupil's scores on the Michigan merit examination in the scores for that high school for all purposes for which a school's or district's results are reported. The department shall allow the middle college program to use a 5-year graduation rate for determining adequate yearly progress. As used in this subsection, "middle college" means a program consisting of a series of courses and other requirements and conditions, including an early college or other program created under a memorandum of understanding, that allows a pupil to graduate from high school with both a high school diploma and a certificate or degree from a community college or state public university.

(15) As used in this section:

(a) "English language arts" means reading and writing.

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

(16) For each report made by the department that includes the statewide assessment results for a school building, the department shall include the scores for the statewide assessment and the graduation rate for consortium pupils with the scores for the school building in the participating district in which the consortium pupil is enrolled or would otherwise attend. The statewide assessment for a consortium pupil may be administered either at the consortium location or at the school building in the participating district in which the consortium pupil is enrolled or would otherwise attend. For the purposes of this subsection, a consortium pupil is a pupil who is enrolled or participating in a participating district in a school or program operated as a consortium or under a cooperative arrangement formed by 2 or more districts or intermediate districts, including, but not limited to, a consortium or cooperative arrangement operated as a program, a shared educational entity, a specialized educational entity, or a special education center program.

History: Add. 2004, Act 593, Imd. Eff. Jan. 5, 2005 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2013, Act 130, Imd. Eff. Oct. 9, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018

Compiler's Notes: Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 130 of 2013 provides:"Enacting section 1. This amendatory act takes effect October 1, 2013."

388.1704c State assessments as condition for receipt of state aid; M-STEP assessments in English language arts and mathematics; summative assessment system; benchmark assessments; interim assessments; "English language arts" defined.

Sec. 104c.

(1) In order to receive state aid under this article, a district shall administer the state assessments described in this

section.

(2) For the purposes of this section, the department shall develop and administer the Michigan student test of educational progress (M-STEP) assessments in English language arts and mathematics. These assessments shall be aligned to state standards.

(3) For the purposes of this section, the department shall implement a summative assessment system that is proven to be valid and reliable for administration to pupils as provided under this subsection. The summative assessment system must meet all of the following requirements:

(a) The summative assessment system must measure student proficiency on the current state standards, must measure student growth for consecutive grade levels in which students are assessed in the same subject area in both grade levels, and must be capable of measuring individual student performance.

(b) The summative assessments for English language arts and mathematics must be administered to all public school pupils in grades 3 to 11, including those pupils as required by the federal individuals with disabilities education act, Public Law 108-446, and by title I of the federal every student succeeds act (ESSA), Public Law 114-95.

(c) The summative assessments for science must be administered to all public school pupils in at least grades 5 and 8, including those pupils as required by the federal individuals with disabilities education act, Public Law 108-446, and by title I of the federal every student succeeds act (ESSA), Public Law 114-95.

(d) The summative assessments for social studies must be administered to all public school pupils in at least grades 5 and 8, including those pupils as required by the federal individuals with disabilities education act, Public Law 108-446, and by title I of the federal every student succeeds act (ESSA), Public Law 114-95.

(e) The content of the summative assessments must be aligned to state standards.

(f) The pool of questions for the summative assessments must be subject to a transparent review process for quality, bias, and sensitive issues involving educator review and comment. The department shall post samples from tests or retired tests featuring questions from this pool for review by the public.

(g) The summative assessment system must ensure that students, parents, and teachers are provided with reports that convey individual student proficiency and growth on the assessment and that convey individual student domain-level performance in each subject area, including representative questions, and individual student performance in meeting state standards.

(h) The summative assessment system must be capable of providing, and the department shall ensure that students, parents, teachers, administrators, and community members are provided with, reports that convey aggregate student proficiency and growth data by teacher, grade, school, and district.

(i) The summative assessment system must ensure the capability of reporting the available data to support educator evaluations.

(j) The summative assessment system must ensure that the reports provided to districts containing individual student data are available within 60 days after completion of the assessments.

(k) The summative assessment system must ensure that access to individually identifiable student data meets all of the following:

(i) Is in compliance with 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974.

(ii) Except as may be provided for in an agreement with a vendor to provide assessment services, as necessary to support educator evaluations pursuant to subdivision (i), or for research or program evaluation purposes, is available only to the student; to the student's parent or legal guardian; and to a school administrator or teacher, to the extent that he or she has a legitimate educational interest.

(l) The summative assessment system must ensure that the assessments are pilot tested before statewide implementation.

(m) The summative assessment system must ensure that assessments are designed so that the maximum total combined length of time that schools are required to set aside for a pupil to answer all test questions on all assessments that are part of the system for the pupil's grade level does not exceed that maximum total combined length of time for the previous statewide assessment system or 9 hours, whichever is less. This subdivision does not limit the amount of time a district may allow a pupil to complete a test.

(n) The total cost of executing the summative assessment system statewide each year, including, but not limited to, the cost of contracts for administration, scoring, and reporting, must not exceed an amount equal to 2 times the cost of executing the previous statewide assessment after adjustment for inflation.

(o) The summative assessment system must not require more than 3 hours in duration, on average, for an individual pupil to complete the combined administration of the math and English language arts portions of the assessment for any 1 grade level.

(p) The summative assessments for English language arts and mathematics for pupils in grades 8 to 10 must be aligned to the college entrance test portion of the Michigan merit examination required under section 104b.

(4) The department shall offer benchmark assessments in the fall and spring of each school year to measure English language arts and mathematics in each of grades K to 2. Full implementation must occur not later than the 2019-2020 school year. These assessments are necessary to determine a pupil's proficiency level before grade 3.

(5) This section does not prohibit districts from adopting interim assessments.
(6) As used in this section, "English language arts" means that term as defined in section 104b.

History: Add. 2014, Act 196, Imd. Eff. June 24, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2016, Act 313, Eff. Oct. 6, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021

388.1704d Repealed. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's Notes: The repealed section pertained to purchase of computer-adaptive test or diagnostic tools, screening tools, or benchmark assessments; reimbursement and reporting.

388.1704e Repealed. 2018, Act 265, Eff. Oct. 1, 2018.

Compiler's Notes: The repealed section pertained to assessment digital literacy preparation pilot project.

388.1704f Assessment digital literacy preparation program for K to 8; requirements.

Sec. 104f.

(1) From the state school aid fund money appropriated under section 11, there is allocated an amount not to exceed $1,000,000.00 to a district for the implementation of an assessment digital literacy preparation program for pupils enrolled in grades K to 8 for 2023-2024 only. The department shall ensure that a program funded under this subsection satisfies all of the following:
(a) Is available to districts in the 2023-2024 school year.
(b) Focuses on ensuring pupils have the necessary skills required for state online assessments by assessing pupil digital literacy skill levels and providing teachers with a digital curriculum targeted at areas of determined weakness.
(c) Allows pupils to engage with the digital curriculum in an independent or teacher-facilitated modality.
(d) Includes training and professional development for teachers.
(e) Gives priority to districts that receive funds under section 21h.
(f) After districts described in subdivision (e), and subject to subdivision (g), gives priority to any district with at least 1 school serving pupils in grades K to 8 with 85% or greater percent of students qualifying for free or reduced lunch. A district that receives a grant under this subdivision must use the funds only for schools within the district serving pupils in grades K to 8 with 85% or greater percent of students qualifying for free or reduced priced meals through direct certification.
(g) Allows districts that participated in 2022-2023 to access funding even if the district does not meet the criteria under subdivision (e) or (f).
(2) Funding under subsection (1) must be allocated to a district that operates at least grades K to 8 and has a partnership with a third party that is experienced in the assessment of digital literacy and the preparation of digital literacy skills and has demonstrable experience serving districts in this state and local education agencies in 10 other states. The district, along with its third-party partner, shall provide a report to the house and senate appropriations subcommittees on school aid and the house and senate fiscal agencies on the efficacy and usefulness of the assessment digital literacy preparation program no later than July 1 of each fiscal year for which funding is allocated under this section.
(3) Notwithstanding section 17b, the department shall make payments under subsection (1) by not later than December 1 of each fiscal year for which funding is allocated under this section.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023
Compiler's Notes: Former MCL 388.1704f, which pertained to funding for the implementation of an assessment digital literacy preparation pilot project, was repealed by Act 58 of 2019, Eff. Oct. 1, 2019.

388.1704g Repealed. 2022, Act 144, Eff. Oct. 1, 2022.

Compiler's Notes: The repealed section pertained to SAT and PSAT availability requirements for pupils during the 2020-2021 school year.

388.1704h Implementation of a benchmark assessment system for the 2024-2025 school year.

Sec. 104h.

(1) From the state school aid fund money appropriated under section 11, there is allocated for 2024-2025 an amount not to exceed $11,500,000.00 to districts to implement benchmark assessments during the 2024-2025 school year. All of the following apply to the benchmark assessment system described in this subsection:

(a) The system must provide for all of the following:

(i) That, within the first 9 weeks of the 2024-2025 school year, the district shall administer 1 or more benchmark assessments provided by a provider approved under subsection (6), benchmark assessments described in subdivision (b), or local benchmark assessments, or any combination thereof, to all pupils in grades K to 8 to measure proficiency in reading and mathematics.

(ii) That, in addition to the benchmark assessment or benchmark assessments administered under subparagraph (i), by not later than the last day of the 2024-2025 school year, the district shall administer the benchmark assessment or assessments administered under subparagraph (i) to all pupils in grades K to 8 to measure proficiency in reading and mathematics. To support fall to spring growth calculations, the same benchmark assessment that is administered in the fall must be administered in the spring.

(b) Except as otherwise provided in this section, a district may administer 1 or more of the following benchmark assessments toward meeting the requirements under subdivision (a):

(i) A benchmark assessment in reading for students in grades K to 9 that contains progress monitoring tools and enhanced diagnostic assessments.

(ii) A benchmark assessment in math for students in grades K to 8 that contains progress monitoring tools.

(c) The system must provide that, to the extent practicable, if a district administers a benchmark assessment or benchmark assessments under this section, the district shall administer the same benchmark assessment or benchmark assessments provided by a provider approved under subsection (6), benchmark assessment or benchmark assessments described in subdivision (b), or local benchmark assessment or local benchmark assessments that it administered to pupils in previous school years, as applicable.

(d) The system must provide that, if a district administers a benchmark assessment or benchmark assessments under this section, the district shall provide each pupil's data from the benchmark assessment or benchmark assessments, as available, to the pupil's parent or legal guardian within 30 days of administering the benchmark assessment or benchmark assessments.

(e) The system must provide that, if a local benchmark assessment or local benchmark assessments are administered under subdivision (a), the district shall report to the department and the center, in a form and manner prescribed by the center, the local benchmark assessment or local benchmark assessments that were administered and how that assessment or those assessments measure changes, including any losses, as applicable, in learning, and the district's plan for addressing any losses in learning.

(f) The system must provide that, by not later than 30 days after a benchmark assessment or benchmark assessments are administered under subdivision (a)(ii), or within a time frame specified by the department, the district shall send benchmark assessment data, including grade level, student demographics, and mode of instruction, to the department in a form and manner prescribed by the department, from all benchmark assessments administered in the 2024-2025 school year, excluding data from a local benchmark assessment, as applicable. If available, the data described in this subdivision must include information concerning pupil growth from fall 2024 to

spring 2025.

(2) To receive funding under this section, a district must do all of the following:

(a) Apply for the funding in a form and manner prescribed by the department.

(b) Administer 1 or more of the benchmark assessments described in subsection (6), excluding the benchmark assessment described in subsection (4).

(c) Administer the same benchmark assessment or assessments in both the fall and spring, as required under this section.

(d) Meet all reporting requirements pertaining to assessment and mode-of-instruction data outlined in this section.

(3) Subject to subsection (2), the department shall pay an equal amount per membership pupil in grades K to 8 in the district to each district that applies for funding under this section.

(4) The department shall make 1 of the benchmark assessments provided by a provider approved under subsection (6) available to districts at no cost to the districts for purposes of meeting the requirements under this section. The benchmark assessment described in this subsection must meet all of the following:

(a) Be aligned to the content standards of this state.

(b) Complement the state's summative assessment system.

(c) Be internet-delivered and include a standards-based assessment.

(d) Provide information on pupil achievement with regard to learning content required in a given year or grade span.

(e) Provide timely feedback to pupils and teachers.

(f) Be nationally normed.

(g) Provide information to educators about student growth and allow for multiple testing opportunities.

(5) By not later than November 15, 2025, the department shall submit a report to the house and senate appropriations committees, the house and senate appropriations subcommittees on school aid, and the house and senate fiscal agencies regarding the benchmark assessment data received under this section, disaggregated by grade level and demographic subgroup for each district. If information concerning pupil growth is included in the data described in this subsection, it must be incorporated in the report described in this subsection.

(6) The department shall approve at least 4 but not more than 6 providers of benchmark assessments for the purposes of this section. The department shall inform districts of all of the providers approved under this subsection in an equitable manner. The benchmark assessments, with the exclusion of the benchmark assessment described in subsection (4), provided by approved providers under this subsection must meet all of the following:

(a) Be aligned to the content standards of this state.

(b) Complement the state's summative assessment system.

(c) Be internet-delivered and include a standards-based remote, in-person, or both remote and in-person assessment using a computer-adaptive model to target the instructional level of each pupil.

(d) Provide information on pupil achievement with regard to learning content required in a given year or grade span.

(e) Provide immediate feedback to pupils and teachers.

(f) Be nationally normed.

(g) Provide multiple measures of growth and provide for multiple testing opportunities.

History: Add. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Imd. Eff. July 14, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1704i Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to the implementation of a benchmark assessment system for 2023-2024 K to 8 pupils.

388.1705 Counting nonresident pupils in membership; application for enrollment; procedures.

Sec. 105.

(1) In order to avoid a penalty under this section, and in order to count a nonresident pupil residing within the same intermediate district in membership without the approval of the pupil's district of residence, a district must comply with this section.

(2) Except as otherwise provided in this section, a district shall determine whether or not it will accept applications for enrollment by nonresident applicants residing within the same intermediate district for the next school year. If the district determines to accept applications for enrollment of a number of nonresidents, beyond those entitled to preference under this section, the district shall use the following procedures for accepting applications from and enrolling nonresidents:

(a) The district shall publish the grades, schools, and special programs, if any, for which enrollment may be available to, and for which applications will be accepted from, nonresident applicants residing within the same intermediate district.

(b) If the district has a limited number of positions available for nonresidents residing within the same intermediate district in a grade, school, or program, all of the following apply to accepting applications for and enrollment of nonresidents in that grade, school, or program:

(i) The district shall do all of the following not later than the second Friday in August:

(A) Provide notice to the general public that applications will be taken for a period of at least 15 calendar days but not more than 30 calendar days from nonresidents residing within the same intermediate district for enrollment in that grade, school, or program. The notice must identify the dates of the application period and the place and manner for submitting applications.

(B) During the application period under sub-subparagraph (A), accept applications from nonresidents residing within the same intermediate district for enrollment in that grade, school, or program.

(C) Within 15 calendar days after the end of the application period under sub-subparagraph (A), using the procedures and preferences required under this section, determine which nonresident applicants will be allowed to enroll in that grade, school, or program, using the random draw system required under subsection (13) as necessary, and notify the parent or legal guardian of each nonresident applicant of whether or not the applicant may enroll in the district. The notification to parents or legal guardians of nonresident applicants accepted for enrollment must contain notification of the date by which the applicant must enroll in the district and procedures for enrollment. The date for enrollment must be no later than the end of the first week of school.

(ii) Beginning on the third Monday in August and not later than the end of the first week of school, if any positions become available in a grade, school, or program due to accepted applicants failing to enroll or to more positions being added, the district may enroll nonresident applicants from the waiting list maintained under subsection (13), offering enrollment in the order that applicants appear on the waiting list. If there are still positions available after enrolling all applicants from the waiting list who desire to enroll, the district may not fill those positions until the second semester or trimester enrollment under subsection (3), as provided under that subsection, or until the next school year.

(c) For a grade, school, or program that has an unlimited number of positions available for nonresidents residing within the same intermediate district, all of the following apply to enrollment of nonresidents in that grade, school, or program:

(i) The district may accept applications for enrollment in that grade, school, or program, and may enroll nonresidents residing within the same intermediate district in that grade, school, or program until the end of the first week of school. The district shall provide notice to the general public of the place and manner for submitting applications and, if the district has a limited application period, the notice must include the dates of the application period. The application period shall be at least a 15-calendar-day period.

(ii) Not later than the end of the first week of school, the district shall notify the parent or legal guardian of each nonresident applicant who is accepted for enrollment that the applicant has been accepted for enrollment in the grade, school, or program and of the procedures for enrollment. The date for enrollment must be no later than the end of the first week of school.

(3) If a district determines during the first semester or trimester of a school year that it has positions available for enrollment of a number of nonresidents residing within the same intermediate district, beyond those entitled to preference under this section, for the second semester or trimester of the school year, the district may accept applications from and enroll nonresidents residing within the same intermediate district for the second semester or trimester using the following procedures:

(a) Not later than 2 weeks before the end of the first semester or trimester, the district shall publish the grades, schools, and special programs, if any, for which enrollment for the second semester or trimester may be available to, and for which applications will be accepted from, nonresident applicants residing within the same intermediate district.

(b) During the last 2 weeks of the first semester or trimester, the district shall accept applications from nonresidents residing within the same intermediate district for enrollment for the second semester or trimester in the available grades, schools, and programs.

(c) By the beginning of the second semester or trimester, using the procedures and preferences required under this section, the district shall determine which nonresident applicants will be allowed to enroll in the district for the

second semester or trimester and notify the parent or legal guardian of each nonresident applicant residing within the same intermediate district of whether or not the applicant may enroll in the district. The notification to parents or legal guardians of nonresident applicants accepted for enrollment must contain notification of the date by which the applicant must enroll in the district and procedures for enrollment. The date for enrollment must be no later than the end of the first week of school.

(4) If deadlines similar to those described in subsection (2) or (3) have been established in an intermediate district, and if those deadlines are not later than the deadlines under subsection (2) or (3), the districts within the intermediate district may use those deadlines.

(5) A district offering to enroll nonresident applicants residing within the same intermediate district may limit the number of nonresident pupils it accepts in a grade, school, or program, at its discretion, and may use that limit as the reason for refusal to enroll an applicant.

(6) A nonresident applicant residing within the same intermediate district must not be granted or refused enrollment based on intellectual, academic, artistic, or other ability, talent, or accomplishment, or lack thereof, or based on a mental or physical disability, except that a district may refuse to admit a nonresident applicant if the applicant does not meet the same criteria, other than residence, that an applicant who is a resident of the district must meet to be accepted for enrollment in a grade or a specialized, magnet, or intra-district choice school or program to which the applicant applies.

(7) A nonresident applicant residing within the same intermediate district must not be granted or refused enrollment based on age, except that a district may refuse to admit a nonresident applicant applying for a program that is not appropriate for the age of the applicant.

(8) A nonresident applicant residing within the same intermediate district must not be granted or refused enrollment based upon religion, race, color, national origin, sex, height, weight, marital status, or athletic ability, or, generally, in violation of any state or federal law prohibiting discrimination.

(9) Subject to subsection (10), a district may refuse to enroll a nonresident applicant if any of the following are met:

(a) The applicant is, or has been within the preceding 2 years, suspended from another school.

(b) The applicant, at any time before enrolling under this section, has been expelled from another school.

(c) The applicant, at any time before enrolling under this section, has been convicted of a felony.

(10) If a district has counted a pupil in membership on either the pupil membership count day or the supplemental count day, the district shall not refuse to enroll or refuse to continue to enroll that pupil for a reason specified in subsection (9). This subsection does not prohibit a district from expelling a pupil described in this subsection for disciplinary reasons.

(11) A district shall continue to allow a pupil who was enrolled in and attended the district under this section in the school year or semester or trimester immediately preceding the school year or semester or trimester in question to enroll in the district until the pupil graduates from high school. This subsection does not prohibit a district from expelling a pupil described in this subsection for disciplinary reasons.

(12) A district shall give preference for enrollment under this section over all other nonresident applicants residing within the same intermediate district to other school-age children who reside in the same household as a pupil described in subsection (11).

(13) If the number of qualified nonresident applicants eligible for acceptance in a school, grade, or program does not exceed the positions available for nonresident pupils in the school, grade, or program, the school district shall accept for enrollment all of the qualified nonresident applicants eligible for acceptance. If the number of qualified nonresident applicants residing within the same intermediate district eligible for acceptance exceeds the positions available in a grade, school, or program in a district for nonresident pupils, the district shall use a random draw system, subject to the need to abide by state and federal antidiscrimination laws and court orders and subject to preferences allowed by this section. The district shall develop and maintain a waiting list based on the order in which nonresident applicants were drawn under this random draw system.

(14) If a district, or the nonresident applicant, requests the district in which a nonresident applicant resides to supply information needed by the district for evaluating the applicant's application for enrollment or for enrolling the applicant, the district of residence shall provide that information on a timely basis.

(15) If a district is subject to a court-ordered desegregation plan, and if the court issues an order prohibiting pupils residing in that district from enrolling in another district or prohibiting pupils residing in another district from enrolling in that district, this section is subject to the court order.

(16) This section does not require a district to provide transportation for a nonresident pupil enrolled in the district under this section or for a resident pupil enrolled in another district under this section. However, at the time a nonresident pupil enrolls in the district, a district shall provide to the pupil's parent or legal guardian information on available transportation to and from the school in which the pupil enrolls.

(17) A district may participate in a cooperative education program with 1 or more other districts or intermediate districts whether or not the district enrolls any nonresidents under this section.

(18) A district that, under this section, enrolls a nonresident pupil who is eligible for special education programs and services according to statute or rule, or who is a child with a disability, as that term is defined under the

individuals with disabilities education act, Public Law 108-446, is considered to be the resident district of the pupil for the purpose of providing the pupil with a free appropriate public education. Consistent with state and federal law, that district is responsible for developing and implementing an individualized education program annually for a nonresident pupil described in this subsection.

(19) If a district does not comply with this section, the district forfeits 5% of the total state school aid allocation to the district under this act.

(20) Upon application by a district, the superintendent may grant a waiver for the district from a specific requirement under this section for not more than 1 year.

History: Add. 1996, Act 300, Imd. Eff. June 19, 1996 ;-- Am. 1998, Act 553, Imd. Eff. Jan. 27, 1999 ;-- Am. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021

Compiler's Notes: Former MCL 388.1705, which pertained to age of pupils counted in membership, was repealed by Act 175 of 1993, Eff. Oct. 1, 1993.Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

388.1705a Repealed. 2006, Act 342, Eff. Oct. 1, 2006.

Compiler's Notes: The repealed section pertained to counting nonresident pupils in membership.

388.1705b Repealed. 2021, Act 48, Eff. Oct. 1, 2021.

Compiler's Notes: The repealed section pertained to intermediate districts operating under pilot schools of choice program.

388.1705c Enrollment by nonresident applicants residing in district located in a contiguous intermediate district.

Sec. 105c.

(1) In order to avoid a penalty under this section, and in order to count a nonresident pupil residing in a district located in a contiguous intermediate district in membership without the approval of the pupil's district of residence, a district must comply with this section.

(2) Except as otherwise provided in this section, a district shall determine whether or not it will accept applications for enrollment by nonresident applicants residing in a district located in a contiguous intermediate district for the next school year. If the district determines to accept applications for enrollment of a number of nonresidents under this section, beyond those entitled to preference under this section, the district shall use the following procedures for accepting applications from and enrolling nonresidents under this section:

(a) The district shall publish the grades, schools, and special programs, if any, for which enrollment may be available to, and for which applications will be accepted from, nonresident applicants residing in a district located in

a contiguous intermediate district.

(b) If the district has a limited number of positions available for nonresidents residing in a district located in a contiguous intermediate district in a grade, school, or program, all of the following apply to accepting applications for and enrollment of nonresidents under this section in that grade, school, or program:

(i) The district shall do all of the following not later than the second Friday in August:

(A) Provide notice to the general public that applications will be taken for a period of at least 15 calendar days but not more than 30 calendar days from nonresidents residing in a district located in a contiguous intermediate district for enrollment in that grade, school, or program. The notice must identify the dates of the application period and the place and manner for submitting applications.

(B) During the application period under sub-subparagraph (A), accept applications from nonresidents residing in a district located in a contiguous intermediate district for enrollment in that grade, school, or program.

(C) Within 15 calendar days after the end of the application period under sub-subparagraph (A), using the procedures and preferences required under this section, determine which nonresident applicants will be allowed to enroll under this section in that grade, school, or program, using the random draw system required under subsection (13) as necessary, and notify the parent or legal guardian of each nonresident applicant of whether or not the applicant may enroll in the district. The notification to parents or legal guardians of nonresident applicants accepted for enrollment under this section must contain notification of the date by which the applicant must enroll in the district and procedures for enrollment. The date for enrollment must be no later than the end of the first week of school.

(ii) Beginning on the third Monday in August and not later than the end of the first week of school, if any positions become available in a grade, school, or program due to accepted applicants failing to enroll or to more positions being added, the district may enroll nonresident applicants from the waiting list maintained under subsection (13), offering enrollment in the order that applicants appear on the waiting list. If there are still positions available after enrolling all applicants from the waiting list who desire to enroll, the district may not fill those positions until the second semester or trimester enrollment under subsection (3), as provided under that subsection, or until the next school year.

(c) For a grade, school, or program that has an unlimited number of positions available for nonresidents residing in a district located in a contiguous intermediate district, all of the following apply to enrollment of nonresidents in that grade, school, or program under this section:

(i) The district may accept applications for enrollment in that grade, school, or program, and may enroll nonresidents residing in a district located in a contiguous intermediate district in that grade, school, or program until the end of the first week of school. The district shall provide notice to the general public of the place and manner for submitting applications and, if the district has a limited application period, the notice must include the dates of the application period. The application period must be at least a 15-calendar-day period.

(ii) Not later than the end of the first week of school, the district shall notify the parent or legal guardian of each nonresident applicant who is accepted for enrollment under this section that the applicant has been accepted for enrollment in the grade, school, or program and of the date by which the applicant must enroll in the district and the procedures for enrollment. The date for enrollment must be no later than the end of the first week of school.

(3) If a district determines during the first semester or trimester of a school year that it has positions available for enrollment of a number of nonresidents residing in a district located in a contiguous intermediate district, beyond those entitled to preference under this section, for the second semester or trimester of the school year, the district may accept applications from and enroll nonresidents residing in a district located in a contiguous intermediate district for the second semester or trimester using the following procedures:

(a) Not later than 2 weeks before the end of the first semester or trimester, the district shall publish the grades, schools, and special programs, if any, for which enrollment for the second semester or trimester may be available to, and for which applications will be accepted from, nonresident applicants residing in a district located in a contiguous intermediate district.

(b) During the last 2 weeks of the first semester or trimester, the district shall accept applications from nonresidents residing in a district located in a contiguous intermediate district for enrollment for the second semester or trimester in the available grades, schools, and programs.

(c) By the beginning of the second semester or trimester, using the procedures and preferences required under this section, the district shall determine which nonresident applicants will be allowed to enroll under this section in the district for the second semester or trimester and notify the parent or legal guardian of each nonresident applicant residing in a district located in a contiguous intermediate district of whether or not the applicant may enroll in the district. The notification to parents or legal guardians of nonresident applicants accepted for enrollment must contain notification of the date by which the applicant must enroll in the district and procedures for enrollment. The date for enrollment must be no later than the end of the first week of school.

(4) If deadlines similar to those described in subsection (2) or (3) have been established in an intermediate district, and if those deadlines are not later than the deadlines under subsection (2) or (3), the districts within the intermediate district may use those deadlines.

(5) A district offering to enroll nonresident applicants residing in a district located in a contiguous intermediate

district may limit the number of those nonresident pupils it accepts in a grade, school, or program, at its discretion, and may use that limit as the reason for refusal to enroll an applicant under this section.

(6) A nonresident applicant residing in a district located in a contiguous intermediate district must not be granted or refused enrollment based on intellectual, academic, artistic, or other ability, talent, or accomplishment, or lack thereof, or based on a mental or physical disability, except that a district may refuse to admit a nonresident applicant under this section if the applicant does not meet the same criteria, other than residence, that an applicant who is a resident of the district must meet to be accepted for enrollment in a grade or a specialized, magnet, or intra-district choice school or program to which the applicant applies.

(7) A nonresident applicant residing in a district located in a contiguous intermediate district must not be granted or refused enrollment under this section based on age, except that a district may refuse to admit a nonresident applicant applying for a program that is not appropriate for the age of the applicant.

(8) A nonresident applicant residing in a district located in a contiguous intermediate district must not be granted or refused enrollment under this section based upon religion, race, color, national origin, sex, height, weight, marital status, or athletic ability, or, generally, in violation of any state or federal law prohibiting discrimination.

(9) Subject to subsection (10), a district may refuse to enroll a nonresident applicant under this section if any of the following are met:

(a) The applicant is, or has been within the preceding 2 years, suspended from another school.

(b) The applicant, at any time before enrolling under this section, has been expelled from another school.

(c) The applicant, at any time before enrolling under this section, has been convicted of a felony.

(10) If a district has counted a pupil in membership on either the pupil membership count day or the supplemental count day, the district shall not refuse to enroll or refuse to continue to enroll that pupil for a reason specified in subsection (9). This subsection does not prohibit a district from expelling a pupil described in this subsection for disciplinary reasons.

(11) A district shall continue to allow a pupil who was enrolled in and attended the district under this section in the school year or semester or trimester immediately preceding the school year or semester or trimester in question to enroll in the district until the pupil graduates from high school. This subsection does not prohibit a district from expelling a pupil described in this subsection for disciplinary reasons.

(12) A district shall give preference for enrollment under this section over all other nonresident applicants residing in a district located in a contiguous intermediate district to other school-age children who reside in the same household as a pupil described in subsection (11).

(13) If the number of qualified nonresident applicants eligible for acceptance under this section in a school, grade, or program does not exceed the positions available for nonresident pupils under this section in the school, grade, or program, the school district shall accept for enrollment all of the qualified nonresident applicants eligible for acceptance. If the number of qualified nonresident applicants residing in a district located in a contiguous intermediate district eligible for acceptance under this section exceeds the positions available in a grade, school, or program in a district for nonresident pupils, the district shall use a random draw system, subject to the need to abide by state and federal antidiscrimination laws and court orders and subject to preferences allowed by this section. The district shall develop and maintain a waiting list based on the order in which nonresident applicants were drawn under this random draw system.

(14) If a district, or the nonresident applicant, requests the district in which a nonresident applicant resides to supply information needed by the district for evaluating the applicant's application for enrollment or for enrolling the applicant under this section, the district of residence shall provide that information on a timely basis.

(15) If a district is subject to a court-ordered desegregation plan, and if the court issues an order prohibiting pupils residing in that district from enrolling in another district or prohibiting pupils residing in another district from enrolling in that district, this section is subject to the court order.

(16) This section does not require a district to provide transportation for a nonresident pupil enrolled in the district under this section or for a resident pupil enrolled in another district under this section. However, at the time a nonresident pupil enrolls in the district, a district shall provide to the pupil's parent or legal guardian information on available transportation to and from the school in which the pupil enrolls.

(17) A district may participate in a cooperative education program with 1 or more other districts or intermediate districts whether or not the district enrolls any nonresidents pursuant to this section.

(18) In order for a district or intermediate district to enroll under this section a nonresident pupil who resides in a district located in a contiguous intermediate district and who is eligible for special education programs and services according to statute or rule, or who is a child with disabilities, as defined under the individuals with disabilities education act, Public Law 108-446, the enrolling district shall have a written agreement with the resident district of the pupil for the purpose of providing the pupil with a free appropriate public education. The written agreement must include, but is not limited to, an agreement on the responsibility for the payment of the added costs of special education programs and services for the pupil. The written agreement must address how the agreement must be amended in the event of significant changes in the costs or level of special education programs or services required by the pupil.

(19) If a district does not comply with this section, the district forfeits 5% of the total state school aid allocation

to the district under this act.

(20) Upon application by a district, the superintendent may grant a waiver for the district from a specific requirement under this section for not more than 1 year.

(21) This section is repealed if the final decision of a court of competent jurisdiction holds that any portion of this section is unconstitutional, ineffective, invalid, or in violation of federal law.

(22) As used in this section, "district located in a contiguous intermediate district" means a district located in an intermediate district that is contiguous to the intermediate district in which a pupil's district of residence is located.

History: Add. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021

Compiler's Notes: Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

388.1706 Pupils not counted in membership.

Sec. 106.

A pupil enrolled in a public school program organized under federal or state supervision and in which the teaching costs are fully subsidized from federal or state funds shall not be counted in membership.

History: 1979, Act 94, Eff. Oct. 1, 1979

388.1707 Adult education programs; eligibility requirements; calculation of payments; definitions.

Sec. 107.

(1) From the state school aid fund appropriation in section 11, there is allocated an amount not to exceed $40,500,000.00 for 2024-2025 for adult education programs authorized under this section. Except as otherwise provided under subsections (14) and (15), funds allocated under this section are restricted for adult education programs as authorized under this section only. A recipient of funds under this section shall not use those funds for any other purpose.

(2) To be eligible for funding under this section, an eligible adult education provider shall employ certificated teachers and qualified administrative staff and shall offer continuing education opportunities for teachers to allow them to maintain certification.

(3) To be eligible to be a participant funded under this section, an individual must be enrolled in an adult basic education program, an adult secondary education program, an adult English as a second language program, a high school equivalency test preparation program, or a high school completion program, that meets the requirements of this section, and for which instruction is provided, and the individual must be at least 18 years of age by July 1 of the program year and the individual's graduating class must have graduated.

(4) By April 1 of each fiscal year for which funding is allocated under this section, the intermediate districts within a prosperity region or subregion shall determine which intermediate district will serve as the prosperity region's or subregion's fiscal agent for the next fiscal year and shall notify the department in a form and manner determined by the department. The department shall approve or disapprove of the prosperity region's or subregion's

selected fiscal agent. From the funds allocated under subsection (1), an amount as determined under this subsection is allocated to each intermediate district serving as a fiscal agent for adult education programs in each of the prosperity regions or subregions identified by the department. An intermediate district shall not use more than 5% of the funds allocated under this subsection for administration costs for serving as the fiscal agent. The allocation provided to each intermediate district serving as a fiscal agent must be calculated as follows:

(a) Sixty percent of this portion of the funding must be distributed based upon the proportion of the state population of individuals between the ages of 18 and 24 that are not high school graduates that resides in each of the prosperity regions or subregions located within the intermediate district, as reported by the most recent 5-year estimates from the American Community Survey (ACS) from the United States Census Bureau.

(b) Thirty-five percent of this portion of the funding must be distributed based upon the proportion of the state population of individuals age 25 or older who are not high school graduates that resides in each of the prosperity regions or subregions located within the intermediate district, as reported by the most recent 5-year estimates from the ACS from the United States Census Bureau.

(c) Five percent of this portion of the funding must be distributed based upon the proportion of the state population of individuals age 18 or older who lack basic English language proficiency that resides in each of the prosperity regions or subregions located within the intermediate district, as reported by the most recent 5-year estimates from the ACS from the United States Census Bureau.

(5) To be an eligible fiscal agent, an intermediate district must agree to do the following in a form and manner determined by the department:

(a) Distribute funds to adult education programs in a prosperity region or subregion as described in this section.

(b) Collaborate with the career and educational advisory council, which is an advisory council of the workforce development boards located in the prosperity region or subregion, or its successor, to develop a regional strategy that aligns adult education programs and services into an efficient and effective delivery system for adult education learners, with special consideration for providing contextualized learning and career pathways and addressing barriers to education and employment.

(c) Collaborate with the career and educational advisory council, which is an advisory council of the workforce development boards located in the prosperity region or subregion, or its successor, to create a local process and criteria that will identify eligible adult education providers to receive funds allocated under this section based on location, demand for services, past performance, quality indicators as identified by the department, and cost to provide instructional services. The fiscal agent shall determine all local processes, criteria, and provider determinations. However, the local processes, criteria, and provider services must be approved by the department before funds may be distributed to the fiscal agent.

(d) Provide oversight to its adult education providers throughout the program year to ensure compliance with the requirements of this section.

(e) Report adult education program and participant data and information as prescribed by the department.

(6) An adult basic education program, an adult secondary education program, or an adult English as a second language program operated on a year-round or school year basis may be funded under this section, subject to all of the following:

(a) The program enrolls adults who are determined by a department-approved assessment, in a form and manner prescribed by the department, to be below twelfth grade level in reading or mathematics, or both, or to lack basic English proficiency.

(b) The program tests individuals for eligibility under subdivision (a) before enrollment and upon completion of the program in compliance with the state-approved assessment policy.

(c) A participant in an adult basic education program is eligible for reimbursement until 1 of the following occurs:

(i) The participant's reading and mathematics proficiency are assessed at or above the ninth grade level.

(ii) The participant fails to show progress on 2 successive assessments after having completed at least 450 hours of instruction.

(d) A participant in an adult secondary education program is eligible for reimbursement until 1 of the following occurs:

(i) The participant's reading and mathematics proficiency are assessed above the twelfth grade level.

(ii) The participant fails to show progress on 2 successive assessments after having at least 450 hours of instruction.

(e) A funding recipient enrolling a participant in an English as a second language program is eligible for funding according to subsection (9) until the participant meets 1 of the following:

(i) The participant is assessed as having attained basic English proficiency as determined by a department-approved assessment.

(ii) The participant fails to show progress on 2 successive department-approved assessments after having completed at least 450 hours of instruction. The department shall provide information to a funding recipient regarding appropriate assessment instruments for this program.

(7) A high school equivalency test preparation program operated on a year-round or school year basis may be

funded under this section, subject to all of the following:

(a) The program enrolls adults who do not have a high school diploma or a high school equivalency certificate.

(b) The program administers a pre-test approved by the department before enrolling an individual to determine the individual's literacy levels, administers a high school equivalency practice test to determine the individual's potential for success on the high school equivalency test, and administers a post-test upon completion of the program in compliance with the state-approved assessment policy.

(c) A funding recipient receives funding according to subsection (9) for a participant, and a participant may be enrolled in the program until 1 of the following occurs:

(i) The participant achieves a high school equivalency certificate.

(ii) The participant fails to show progress on 2 successive department-approved assessments used to determine readiness to take a high school equivalency test after having completed at least 450 hours of instruction.

(8) A high school completion program operated on a year-round or school year basis may be funded under this section, subject to all of the following:

(a) The program enrolls adults who do not have a high school diploma.

(b) The program tests participants described in subdivision (a) before enrollment and upon completion of the program in compliance with the state-approved assessment policy.

(c) A funding recipient receives funding according to subsection (9) for a participant in a course offered under this subsection until 1 of the following occurs:

(i) The participant passes the course and earns a high school diploma.

(ii) The participant fails to earn credit in 2 successive semesters or terms in which the participant is enrolled after having completed at least 900 hours of instruction.

(9) The department shall make payments to a funding recipient under this section in accordance with all of the following:

(a) Statewide allocation criteria, including 3-year average enrollments, census data, and local needs.

(b) Participant completion of the adult basic education objectives by achieving an educational gain as determined by the national reporting system levels; for achieving basic English proficiency, as determined by the department; for achieving a high school equivalency certificate or passage of 1 or more individual high school equivalency tests; for attainment of a high school diploma or passage of a course required for a participant to attain a high school diploma; for enrollment in a postsecondary institution; or for entry into or retention of employment, as applicable.

(c) Participant completion of core indicators as identified in the workforce innovation and opportunity act, Public Law 113-128.

(d) Allowable expenditures.

(10) An individual who is not eligible to be a participant funded under this section may receive adult education services upon the payment of tuition. In addition, an individual who is not eligible to be served in a program under this section due to the program limitations specified in subsection (6), (7), or (8) may continue to receive adult education services in that program upon the payment of tuition. The local or intermediate district conducting the program shall determine the tuition amount.

(11) An individual who is an inmate in a state correctional facility is not counted as a participant under this section.

(12) A funding recipient shall not commingle money received under this section or from another source for adult education purposes with any other funds and shall establish a separate ledger account for funds received under this section. This subsection does not prohibit a district from using general funds of the district to support an adult education or community education program.

(13) A funding recipient receiving funds under this section may establish a sliding scale of tuition rates based upon a participant's family income. A funding recipient may charge a participant tuition to receive adult education services under this section from that sliding scale of tuition rates on a uniform basis. The amount of tuition charged per participant must not exceed the actual operating cost per participant minus any funds received under this section per participant. A funding recipient may not charge a participant tuition under this section if the participant's income is at or below 200% of the federal poverty guidelines published by the United States Department of Health and Human Services.

(14) To receive funds under this section, a funding recipient shall furnish to the department, in a form and manner determined by the department, all information needed to administer this program and meet federal reporting requirements; shall allow the department or the department's designee to review all records related to the program for which it receives funds; and shall reimburse the state for all disallowances found in the review, as determined by the department. In addition, a funding recipient shall agree to pay to a career and technical education program under section 61a the amount of funding received under this section in the proportion of career and technical education coursework used to satisfy adult basic education programming, as billed to the funding recipient by programs operating under section 61a.

(15) From the amount appropriated in subsection (1), an amount not to exceed $4,000,000.00 is allocated for 2024-2025 to approved adult education programs that connect adult education participants with employers as provided under this subsection. The department shall determine regional planning allocations under this subsection

to each intermediate district serving as a fiscal agent for adult education programs in each of the prosperity regions or subregions identified by the department in the same proportion as funding calculated and allocated under subsection (4). Funds not fully utilized within a region may be transferred to other regions as appropriate. To be eligible for funding under this subsection, a program must provide a collaboration linking adult education programs within the county, state-approved career and technical education programs, and local employers. To receive funding under this subsection, an eligible program must satisfy all of the following:

(a) Connect adult education participants directly with employers by linking adult education, career and technical skills, and workforce development.

(b) Require adult education staff to work with Michigan Works! agency to identify a cohort of participants who are most prepared to successfully enter the workforce. Except as otherwise provided under this subdivision, participants identified under this subsection must be dually enrolled in adult education programming and in at least 1 state-approved technical course through a career and technical education program. A program that links participants identified under this subsection with adult education programming and commercial driver license courses does not need to enroll the participants in at least 1 state-approved technical course through a career and technical education program to be considered an eligible program under this subsection.

(c) Employ an individual staffed as an adult education navigator who will serve as a caseworker for each participant identified under subdivision (b). The navigator shall work with adult education staff and potential employers to design an educational program best suited to the personal and employment needs of the participant and shall work with human service agencies or other entities to address any barrier in the way of participant access.

(16) By not later than December 1 of each year, a program funded under subsection (15) shall provide a report to the senate and house appropriations subcommittees on school aid, to the senate and house fiscal agencies, and to the state budget director identifying the number of participants, graduation rates, and a measure of transition to employment.

(17) Except as otherwise provided in this subsection, participants under subsection (15) must be concurrently enrolled and actively working toward obtaining a high school diploma or a high school equivalency certificate. Concurrent enrollment is not required under this subsection for a participant that was enrolled in adult education during the same program year and obtained a high school diploma or a high school equivalency certificate before enrollment in an eligible career and technical skills program under subsection (15). Up to 10% of adult education participants served under subsection (15) may already have a high school diploma or a high school equivalency certificate at the time of enrollment in an eligible career and technical skills program under subsection (15) and receive remediation services. It is intended that the cap described in the immediately preceding sentence is continually lowered on an annual basis until it eventually is 0%.

(18) The department shall approve at least 2 high school equivalency tests and determine whether a high school equivalency certificate meets the requisite standards for high school equivalency in this state.

(19) As used in this section:

(a) "Career and educational advisory council" means an advisory council to the local workforce development boards located in a prosperity region consisting of educational, employer, labor, and parent representatives.

(b) "Career pathway" means a combination of rigorous and high-quality education, training, and other services that comply with all of the following:

(i) Aligns with the skill needs of industries in the economy of this state or in the regional economy involved.

(ii) Prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships registered under the act of August 16, 1937, commonly referred to as the national apprenticeship act, 29 USC 50 et seq.

(iii) Includes counseling to support an individual in achieving the individual's education and career goals.

(iv) Includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster.

(v) Organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable.

(vi) Enables an individual to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized postsecondary credential.

(vii) Helps an individual enter or advance within a specific occupation or occupational cluster.

(c) "Department" means the department of labor and economic opportunity.

(d) "Eligible adult education provider" means a district, intermediate district, a consortium of districts, a consortium of intermediate districts, or a consortium of districts and intermediate districts that is identified as part of the local process described in subsection (5)(c) and approved by the department.

History: Add. 1996, Act 300, Imd. Eff. June 19, 1996 ;-- Am. 1997, Act 24, Imd. Eff. June 16, 1997 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997 ;-- Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997 ;-- Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998 ;-- Am. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001 ;-- Am. 2002, Act 191, Imd. Eff. Apr.

26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2013, Act 130, Imd. Eff. Oct. 9, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2015, Act 139, Eff. Oct. 7, 2015 ;-- Am. 2016, Act 56, Eff. June 27, 2016 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Former MCL 388.1707, which pertained to adult education programs, was repealed by Act 336 of 1993, Eff. Oct. 1, 1994.In subsection (1), as amended by Act 121 of 2001, the phrase “and for 2002-2003” was vetoed by the governor September 28, 2001.In subdivision (3)(a), as amended by Act 121 of 2001, the phrase “and 2002-2003” was vetoed by the governor September 28, 2001.In subdivision (3)(b), as amended by Act 121 of 2001, the phrase “and for 2002-2003” was vetoed by the governor September 28, 2001.Enacting section 3 of Act 521 of 2002 provides:“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Subsection (16), as amended by Act 158 of 2003, was vetoed by the governor on August 11, 2003.Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."Enacting section 1 of Act 130 of 2013 provides:"Enacting section 1. This amendatory act takes effect October 1, 2013."Enacting section 1 of Act 139 of 2015 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources on state school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2015 PA 85 and this amendatory act for fiscal year 2015-2016 is estimated at $12,124,885,100.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2015-2016 are estimated at $11,967,255,600.00."

388.1707a Authorized postsecondary adult education innovation programs; department of labor and economic opportunity.

Sec. 107a.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2023-2024 only an amount not to exceed $15,000,000.00 to the department of labor and economic opportunity to create authorized postsecondary adult education innovation programs. The programs must be administered by the department of labor and economic opportunity in partnership with a Michigan nonprofit organization that operates in a city with a population between 195,000 and 200,000 in a county that has a population between 650,000 and 660,000. Programs funded under this section are intended to improve enrollment in and completion of adult basic education programs, including, but not limited to, synchronous and asynchronous program delivery methods, wraparound support, alignment between high school completion with postsecondary education, co-locating adult education with Michigan Works! or community colleges, and high-quality professional development.

(2) The department of labor and economic opportunity must award competitive funds under this section to eligible adult education providers, community colleges, and organizations with experience serving adult learners for the purposes described in subsection (1).

(3) Adult education providers must apply for funding in a form and manner determined by the department of

labor and economic opportunity. Adult education providers that are not a district, intermediate district, or community college must identify in their application a partnership with a district, intermediate district, or community college to serve as a fiscal agent for funds received under this section.

(4) In a form and manner determined by the department of labor and economic opportunity, for pilot programs funded under this section, each adult education provider must perform a program evaluation, facilitation of communities of practice, and identification of best practices to scale pilot programs statewide. Adult education providers may use up to 5% of the funds received for these purposes.

(5) By not later than September 30 of each fiscal year in which funds allocated under subsection (1) are spent by adult education providers, the department of labor and economic opportunity must provide a report to the chairs of the house and senate appropriations subcommittees on school aid, to the house and senate fiscal agencies, and to the state budget director indicating how funds received under this section are being spent, and detailing the amounts spent, the services being provided with the funding, adult learners being reached with the funding, outcomes metrics, and recommendations for how programs could be scaled statewide.

(6) The funds allocated under this section for 2023-2024 are a work project appropriation, and any unexpended funds for 2023-2024 are carried forward into 2024-2025. The purpose of the work project is to improve enrollment in and completion of adult basic education programs. The estimated completion date of the work project is September 30, 2026.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2023, Act 320, Eff. Feb. 13, 2024
Compiler's Notes: Former MCL 388.1707a, which pertained to family resource center curriculum blue ribbon study committee, was repealed by Act 351 of 2004, Eff. Oct. 1, 2004.

388.1707b Repealed. 2005, Act 155, Eff. Oct. 1, 2005.

Compiler's Notes: The repealed section pertained to adult learning system pilot project.

388.1707c, 388.1707d Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's Notes: The repealed sections pertained to literacy project grants and adult education categorical grants.

388.1707e Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's Notes: The repealed section pertained to adult education programs.

388.1707f Repealed. 1996, Act 300, Eff. Oct. 1, 1996.

Compiler's Notes: The repealed section pertained to adult education programs.

388.1708 Repealed. 2004, Act 351, Eff. Oct. 1, 2004.

Compiler's Notes: The repealed section pertained to adult learning programs.

388.1709 Providing appropriate instructional services to pupil requiring hospitalization or confinement at home.

Sec. 109.

(1) Subject to subsection (2), in order to receive funds under this article, each district or intermediate district shall provide appropriate instructional services, as determined by the district or intermediate district, to an enrolled pupil who is certified by the pupil's attending physician as having a medical condition that requires the pupil to be hospitalized or confined to his or her home during regular school hours and that is expected to require the hospitalization or confinement for a period longer than 5 school days. The district or intermediate district may provide the services itself or may contract with an intermediate district, a hospital, a treatment center, or another district to provide the services. In choosing a provider for the instructional services, the district or intermediate district shall consider which of those potential providers is best able to deliver the appropriate instructional services. The district or intermediate district shall pay reasonable costs as agreed upon between the district or intermediate district and the provider for services provided to a pupil under this section.

(2) A district or intermediate district is required to provide instructional services under subsection (1) to a pupil placed in a hospital, treatment center, or other treatment facility without the district's or intermediate district's prior knowledge only if the district or intermediate district is notified of the pupil's placement by the hospital, treatment center, facility, or the pupil's parent or legal guardian. Upon being notified, the district or intermediate district shall make arrangements to provide instructional services under subsection (1) within 3 school days after being notified.

(3) Not later than October 15 of each odd-numbered year, the department shall prepare and distribute electronically to each district and intermediate district and make available on its website an explanation of the operation of this section and the respective duties of all affected parties. The department shall provide a copy of the explanation electronically to any other person upon request.

History: Add. 1991, Act 118, Imd. Eff. Oct. 11, 1991 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1994, Act 283, Eff. Oct. 1, 1994 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011

388.1711 Tuition rates; computation; uniformity.

Sec. 111.

A district having tuition pupils enrolled on the pupil membership count day of each year may charge the district of residence an amount for tuition that does not exceed the tuition rate computed under section 1401 of the revised school code, MCL 380.1401. The rate charged by a district shall be uniform within each category of tuition pupils enrolled in the district. However, for a tuition pupil who resides in a K-5, K-6, or K-8 district and who is enrolled in a grade not offered by the pupil's district of residence, the tuition rate charged to the pupil's district of residence shall not exceed the foundation allowance of the pupil's district of residence or the foundation allowance of the educating district, whichever is greater.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1980, Act 320, Imd. Eff. Dec. 10, 1980 ;-- Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982 ;-- Am. 1983, Act 169, Eff. Oct. 1, 1983 ;-- Am. 1984, Act 239, Eff. Oct. 1, 1984 ;-- Am. 1985, Act 4, Imd. Eff. Mar. 27, 1985 ;-- Am. 1986, Act 97, Imd. Eff. May 14, 1986 ;-- Am. 1988, Act 318, Eff. Oct. 1, 1988 ;-- Am. 1990, Act 207, Eff. Oct. 1, 1990 ;-- Am. 1991, Act 200, Imd. Eff. Jan. 2, 1992 ;-- Am. 1992, Act 148, Eff. Oct. 1, 1992 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1995 ;-- Am. 1994, Act 283, Eff. Oct. 1, 1994 ;-- Am. 1994, Act 360, Imd. Eff. Dec. 22, 1994 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997

Compiler's Notes: In his veto message relative to Enrolled House Bill 4572, which became Act 118 of 1991, the governor stated that "the tradition of not re-enacting annually the unchanged appropriation sections of the school aid act is constitutionally flawed. It assumes the invalid creation of a continuing appropriation. Therefore, the following sections of the school aid act and their associated allocations must be considered inoperative: 24, 55, 74, 75, 105a, 111, and 116. These sections will be treated as excluded from the current bill... ."

388.1712 Full-day kindergarten; tuition or fee prohibited.

Sec. 112.

A district receiving funds under this act shall not charge tuition or any other fee for full-day kindergarten for a pupil who is eligible to enroll in the district.

History: Add. 1997, Act 93, Eff. Oct. 1, 1997

388.1713 Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's Notes: The repealed section pertained to pupils residing in juvenile or detention home and attending school by court direction.

388.1716 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's Notes: The repealed section pertained to American Indian pupils.

388.1717 Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's Notes: The repealed section pertained to charging legal amount of tuition as requirement for allotment or payment.

388.1718 Conditions for allotment or payment; failure to pay full amount; remittance; deduction from school aid.

Sec. 118.

(1) Subject to subsection (3), a district shall not be allotted or paid a sum under this act unless that district pays the agreed-upon amount of tuition or other payment for pupils educated outside the boundaries of the pupil's district of residence.

(2) A district that sends pupils to 1 or more districts, that is legally liable for the payment of the amount described in subsection (1), and that fails to pay that amount in full before April 1 of each year shall remit the full amount owed to the receiving district before making any other financial expenditure or commitment for the next school fiscal year.

(3) The department shall not deduct any amount from a district's state school aid pursuant to this section unless the receiving district demonstrates to the satisfaction of the department, not later than April 30 of the same fiscal year, that the liable district has not paid the required amount as described in subsection (2).

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995

388.1721 Valuation of district; adjustments.

Sec. 121.

(1) The valuation of a whole or fractional district must be the total taxable value of the property contained in the whole or fractional district as last determined by the state tax commission and placed on the ad valorem tax roll. For purposes of computations made under this act, except as provided in section 26, the taxable value of a district or intermediate district must include the value of property used to calculate the tax imposed on lessees or users of tax-exempt property under 1953 PA 189, MCL 211.181 to 211.182, and the value of property used to calculate the state payment in lieu of taxes on state purchased property under section 2153 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2153. Adjustments to this taxable value must be made for all of the following:

(a) State tax tribunal decisions.

(b) Court decisions.

(c) Local board of review adjustments made after the state tax commission determination.

(d) Lands deeded to the state for jurisdictions without delinquent tax revolving funds or for jurisdictions that have required repayment to the delinquent tax revolving funds.

(e) The requirements of this act.

(2) An adjustment pursuant to a state tax tribunal decision or court decision must be made for the tax years involved in the decision and any subsequent years affected by the decision.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1986, Act 212, Eff. Oct. 1, 1986 ;-- Am. 1989, Act 197, Eff. Oct. 1, 1989 ;-- Am. 1990, Act 207, Eff. Oct. 1, 1990 ;-- Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023

Compiler's Notes: Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

388.1721a Repealed. 2003, Act 158, Eff. Oct. 1, 2003.

Compiler's Notes: The repealed section pertained to state education tax.

388.1722 Deducting valuation of property from valuation of district; condition; credit as lien; payment of school aid fund.

Sec. 122.

The valuation of property assessed under Act No. 189 of the Public Acts of 1953, as amended, being sections 211.181 to 211.182 of the Michigan Compiled Laws, shall be deducted from the total valuation of a district if school taxes levied against the property are not collected from the lessee or user of the property. The credit so obtained by a district in the calculation of payments to the district under this act shall remain a lien against the district and shall be paid by the district to the school aid fund when the taxes are collected.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1994

388.1724 Reducing valuation of district when taxes paid under certain conditions; credits as lien against district; payment to school aid fund; implementation of subsection (2).

Sec. 124.

(1) If taxes levied for operating purposes against property constituting at least 5% of the valuation of a district are paid under protest and, therefore, are unavailable to the district, the total valuation of the district for the purposes of this act shall be reduced by the valuation of the property. The credits so obtained by a district in the calculation of payments to the district under this act shall remain a lien against the district and shall be paid by the district to the school aid fund when the taxes are collected.

(2) If taxes levied for operating purposes against property constituting at least 5% of the valuation of a district are not paid by a single bankrupt debtor that files for reorganization under chapter 11 of title 11 of the United States Code, 11 U.S.C. 1101 to 1174, and, therefore, are unavailable to the district, the total valuation of the district for the purposes of this act shall be reduced by the valuation of the property. The credits so obtained by a district in the calculation of payments to the district under this act shall remain a lien against the district and shall be paid by the district to the school aid fund when the taxes are collected. This subsection shall be implemented upon verification by the department that the district has taken proper action to attempt to secure payment of taxes by the bankrupt debtor.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1982, Act 276, Imd. Eff. Oct. 5, 1982 ;-- Am. 1987, Act 17, Imd. Eff. Apr. 24, 1987 ;-- Am. 1992, Act 148, Eff. Oct. 1, 1992 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1995, Act 130, Imd. Eff. June 30, 1995 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997

388.1743-388.1744a Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's Notes: The repealed sections pertained to amounts allocated to eligible districts, allocations to applicants sustaining SEV reduction due to listing of forest land, deductions of amounts, and sources of revenue.

388.1745 Repealed. 1996, Act 300, Eff. Oct. 1, 1996.

Compiler's Notes: The repealed section pertained to state share of desegregation costs.

388.1746 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's Notes: The repealed section pertained to social security and medicare obligations.

388.1746a Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's Notes: The repealed section pertained to payments to districts for social security and medicare.

388.1747 Allocations to public school employees' retirement system; contribution rates.

Sec. 147.

(1) The allocation for 2024-2025 for the public school employees' retirement system pursuant to the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, is made using the individual projected benefit entry age normal cost method of valuation and risk assumptions adopted by the public school employees retirement board and the department of technology, management, and budget.

(2) The annual level percentage of payroll contribution rates for the 2024-2025 fiscal year, as determined by the retirement system, are estimated as follows:

(a) For public school employees who first worked for a public school reporting unit before July 1, 2010 and who are enrolled in the health premium subsidy, the annual level percentage of payroll contribution rate is estimated at 41.94% with 31.36% paid directly by the employer.

(b) For public school employees who first worked for a public school reporting unit on or after July 1, 2010 and who are enrolled in the health premium subsidy, the annual level percentage of payroll contribution rate is estimated at 38.10% with 27.52% paid directly by the employer.

(c) For public school employees who first worked for a public school reporting unit on or after July 1, 2010 and who participate in the personal healthcare fund, the annual level percentage of payroll contribution rate is estimated at 36.85% with 26.27% paid directly by the employer.

(d) For public school employees who first worked for a public school reporting unit on or after September 4, 2012, who elect defined contribution, and who participate in the personal healthcare fund, the annual level percentage of payroll contribution rate is estimated at 31.54% with 20.96% paid directly by the employer.

(e) For public school employees who first worked for a public school reporting unit before July 1, 2010, who elect defined contribution, and who are enrolled in the health premium subsidy, the annual level percentage of payroll contribution rate is estimated at 32.79% with 22.21% paid directly by the employer.

(f) For public school employees who first worked for a public school reporting unit before July 1, 2010, who elect defined contribution, and who participate in the personal healthcare fund, the annual level percentage of payroll contribution rate is estimated at 31.54% with 20.96% paid directly by the employer.

(g) For public school employees who first worked for a public school reporting unit before July 1, 2010 and who participate in the personal healthcare fund, the annual level percentage of payroll contribution rate is estimated at 40.69% with 30.11% paid directly by the employer.

(h) For public school employees who first worked for a public school reporting unit after January 31, 2018 and who elect to become members of the MPSERS plan, the annual level percentage of payroll contribution rate is estimated at 37.74% with 27.16% paid directly by the employer.

(3) In addition to the employer payments described in subsection (2), the employer shall pay the applicable contributions to the Tier 2 plan, as determined by the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437.

(4) The contribution rates in subsection (2) reflect an amortization period of 14 years for 2024-2025. The public school employees' retirement system board shall notify each district and intermediate district by February 28 of each fiscal year of the estimated contribution rate for the next fiscal year.

History: Add. 1992, Act 148, Eff. Oct. 1, 1992 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1994, Act 283, Eff. Oct. 1, 1994 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 180, Imd. Eff. Apr. 19, 1996 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997 ;-- Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997 ;-- Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998 ;-- Am. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2001, Act 121, Imd. Eff. Sept. 28, 2001 ;-- Am. 2002, Act 191, Imd. Eff. Apr. 26, 2002 ;-- Am. 2002, Act 521, Imd. Eff. July 25, 2002 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2007, Act 6, Imd. Eff. Apr. 30, 2007 ;-- Am. 2007, Act 92, Imd. Eff. Oct. 1, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Enacting section 3 of Act 521 of 2002 provides:“Enacting section 3. This amendatory act does not take effect unless the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 50 cents or more per pack of cigarettes (25 mills per cigarette) effective on or before September 30, 2002 and the revenue from not less than 20 cents per pack of cigarettes (10 mills per cigarette) of that increase is dedicated by law for deposit into the state school aid fund established by section 11 of article IX of the state constitution of 1963.”For legislation increasing tax on cigarettes and dedicating a portion of increased revenue to state school aid fund, see 2002 PA 503, Imd. Eff. July 18, 2002.Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I

of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 92 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for the fiscal period beginning October 1, 2007 and ending October 31, 2007 is estimated at $1,052,305,700.00 and state appropriations to be paid to local units of government for the fiscal period beginning October 1, 2007 and ending October 31, 2007 are estimated at $1,044,700,000.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1747a Payments to participating districts of the Michigan public school employees' retirement system; use; purpose; "participating district" defined; payments to participating districts and district libraries; definitions; payments to participating intermediate districts and district libraries.

Sec. 147a.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2023-2024 an amount not to exceed $100,000,000.00 and for 2024-2025 an amount not to exceed $100,000,000.00 for payments to participating districts. A participating district that receives money under this subsection shall use that money solely for the purpose of offsetting a portion of the retirement contributions owed by the district for the fiscal year in which it is received. The amount allocated to each participating district under this subsection is based on each participating district's percentage of the total statewide payroll for all participating districts for the immediately preceding fiscal year. As used in this subsection, "participating district" means a district that is a reporting unit of the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, and that reports employees to the Michigan public school employees' retirement system for the applicable fiscal year.

(2) In addition to the allocation under subsection (1), from the state school aid fund money appropriated under section 11, there is allocated an amount not to exceed $384,642,000.00 for 2023-2024 and an amount not to exceed $365,100,000.00 for 2024-2025, and from the MPSERS retirement obligation reform reserve fund money appropriated in section 11, there is allocated an amount not to exceed $24,850,000.00 for 2023-2024 only, for payments to participating districts and intermediate districts and from the general fund money appropriated under section 11, there is allocated an amount not to exceed $108,000.00 for 2023-2024 and an amount not to exceed $100,000.00 for 2024-2025 for payments to participating district libraries. The amount allocated to each participating entity under this subsection is based on each participating entity's reported quarterly payroll for members that became tier 1 before February 1, 2018 for the current fiscal year. A participating entity that receives money under this subsection shall use that money solely for the purpose of offsetting a portion of the normal cost contribution rate. As used in this subsection:

(a) "District library" means a district library established under the district library establishment act, 1989 PA 24, MCL 397.171 to 397.196.

(b) "Participating entity" means a district, intermediate district, or district library that is a reporting unit of the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, and that reports employees to the Michigan public school employees' retirement system for the applicable fiscal year.

(3) In addition to the allocations under subsections (1) and (2), from the state school aid fund money appropriated in section 11, there is allocated for 2023-2024 and 2024-2025 only an amount not to exceed $11,939,000.00 for payments to participating intermediate districts and participating district libraries. A participating intermediate district or participating district library shall use that money solely for the purpose of offsetting a portion of the retirement contributions owed by the participating intermediate district or participating district library for the fiscal year in which it is received. The amount allocated to each participating intermediate district or participating district library under this subsection is calculated as follows:

(a) For each participating intermediate district, $11,912,000.00 multiplied by each participating intermediate district's percentage of the total statewide payroll for all participating intermediate districts for the immediately

preceding fiscal year.

(b) For each participating district library, $27,000.00 multiplied by each participating district library's percentage of the total statewide payroll for all participating district libraries for the immediately preceding fiscal year.

(c) As used in this subsection:

(i) "Participating district library" means a district library that is a reporting unit of the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, and that reports employees to the Michigan public school employees' retirement system for the applicable fiscal year.

(ii) "Participating intermediate district" means an intermediate district that is a reporting unit of the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, and that reports employees to the Michigan public school employees' retirement system for the applicable fiscal year.

(4) In addition to the allocations under subsections (1), (2), and (3), from the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 an amount not to exceed $598,000,000.00 for payments to participating entities. The amount allocated to each participating entity under this subsection is based on each participating entity's percentage of the total statewide payroll for all participating entities for the immediately preceding fiscal year. The amount allocated in this subsection represents an amount to effectively reduce each participating entity's unfunded actuarial accrued liability from 20.96% to an estimated 15.21% of covered payroll. It is the intent of the legislature that the allocation under this subsection be used to support student mental health, school safety, the educator workforce, and academic interventions.

(a) As used in this subsection:

(i) "District library" means a district library established under the district library establishment act, 1989 PA 24, MCL 397.171 to 397.196.

(ii) "Participating entity" means a district, intermediate district, district library, or community college that is a reporting unit of the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, and that reports employees to the Michigan public school employees' retirement system for the applicable fiscal year.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2013, Act 130, Imd. Eff. Oct. 9, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Imd. Eff. July 13, 2021 ;-- Am. 2022, Act 144, Imd. Eff. July 14, 2022 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2023, Act 320, Eff. Feb. 13, 2024 ;-- Am. 2024, Act 120, Imd. Eff. July 23, 2024

Compiler's Notes: Enacting section 1 of Act 130 of 2013 provides:"Enacting section 1. This amendatory act takes effect October 1, 2013."

388.1747b MPSERS retirement obligation reform reserve fund; creation; investment; interest and earnings.

Sec. 147b.

(1) The MPSERS retirement obligation reform reserve fund is created as a separate account within the state school aid fund.

(2) The state treasurer may receive money or other assets from any source for deposit into the MPSERS retirement obligation reform reserve fund. The state treasurer shall direct the investment of the MPSERS retirement obligation reform reserve fund. The state treasurer shall credit to the MPSERS retirement obligation reform reserve fund interest and earnings from the MPSERS retirement obligation reform reserve fund.

(3) Money available in the MPSERS retirement obligation reform reserve fund must not be expended without a specific appropriation.

(4) Money in the MPSERS retirement obligation reform reserve fund at the close of the fiscal year remains in the MPSERS retirement obligation reform reserve fund and does not lapse to the state school aid fund or to the general fund. The department of treasury is the administrator of the MPSERS retirement obligation reform reserve fund for auditing purposes.

(5) For 2022-2023, $825,000,000.00 from the state school aid fund is deposited into the MPSERS retirement obligation reform reserve fund. It is the intent of the legislature that $425,000,000.00 of the funds deposited under this subsection for 2022-2023 are used to offset costs associated with accelerating the reduction of the payroll growth assumption for reporting units that are not university reporting units until that rate is zero by October 1,

2026.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023

388.1747c Payments to participating entities of MPSERS; reduction of payroll growth assumption; definitions.

Sec. 147c.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 an amount not to exceed $955,000,000.00 and from the MPSERS retirement obligation reform reserve fund money appropriated in section 11, there is allocated for 2024-2025 only an amount needed, estimated at $84,100,000.00 for payments to districts and intermediate districts that are participating entities of the Michigan public school employees' retirement system. In addition, from the general fund money appropriated in section 11, there is allocated for 2024-2025 an amount not to exceed $300,000.00 for payments to district libraries that are participating entities of the Michigan public school employees' retirement system. It is the intent of the legislature that money allocated from the MPSERS retirement obligation reform reserve fund under this subsection for 2024-2025 represents the amount necessary to reduce the payroll growth assumption to 0.25%. All of the following apply to funding under this subsection:

(a) Except as otherwise provided in this subdivision, for 2024-2025, the amounts allocated under this subsection are estimated to provide an average MPSERS rate cap per pupil amount of $740.00 and are estimated to provide a rate cap per pupil for districts ranging between $2.00 and $2,650.00.

(b) Payments made under this subsection are equal to the difference between the unfunded actuarial accrued liability contribution rate as calculated under section 41 of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1341, as calculated without taking into account the maximum employer rate of 20.96% included in section 41 of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1341, and the maximum employer rate of 20.96% included in section 41 of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1341.

(c) The amount allocated to each participating entity under this subsection is based on each participating entity's proportion of the total covered payroll for the immediately preceding fiscal year for the same type of participating entities. A participating entity that receives funds under this subsection shall use the funds solely for the purpose of retirement contributions as specified in subdivision (d).

(d) Each participating entity receiving funds under this subsection shall forward an amount equal to the amount allocated under subdivision (c) to the retirement system in a form, manner, and time frame determined by the retirement system.

(e) Funds allocated under this subsection should be considered when comparing a district's growth in total state aid funding from 1 fiscal year to the next.

(f) By not later than December 20 of each fiscal year for which funding is allocated under this subsection, the department shall publish and post on its website an estimated MPSERS rate cap per pupil for each district.

(2) In addition to the funds allocated under subsection (1), from the MPSERS retirement obligation reform reserve fund money appropriated in section 11, there is allocated for 2024-2025 only $250,000,000.00 for payments to participating entities of the Michigan public school employees' retirement system. The amount allocated to each participating entity under this subsection must be based on each participating entity's proportion of the total covered payroll for the immediately preceding fiscal year. A participating entity that receives funds under this subsection shall use the funds solely for purposes of this subsection. Each participating entity receiving funds under this subsection shall forward an amount equal to the amount allocated under this subsection to the retirement system in a form, manner, and time frame determined by the retirement system. The retirement system shall recognize funds received under this subsection as additional assets being contributed to the system and shall not categorize them as unfunded actuarial liability contributions or normal cost contributions.

(3) As used in this section:

(a) "Community college" means a community college created under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195.

(b) "District library" means a district library established under the district library establishment act, 1989 PA 24, MCL 397.171 to 397.196.

(c) "MPSERS rate cap per pupil" means an amount equal to the quotient of the district's payment under this section divided by the district's pupils in membership.

(d) "Participating entity" means, except as otherwise provided in this subdivision, a district, intermediate district, or district library that is a reporting unit of the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, and that reports employees to the Michigan public school employees' retirement system for the applicable fiscal year. As used in subsection (2) only, "participating entity" also means a community college that is a reporting unit of the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, and that reports employees to the Michigan public school employees' retirement system for the applicable fiscal year.

(e) "Retirement system" means the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437.

History: Add. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Imd. Eff. June 13, 2013 ;-- Am. 2014, Act 116, Imd. Eff. Apr. 11, 2014 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 5, Imd. Eff. Mar. 10, 2015 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 146, Imd. Eff. July 31, 2020 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 3, Imd. Eff. Feb. 14, 2023 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1747d Repealed. 2015, Act 85, Eff. Oct. 1, 2015.

Compiler's Notes: The repealed section pertained to payments to participating entities.

388.1747e Allocation for participating entities; payments; definitions.

Sec. 147e.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2023-2024 an amount not to exceed $64,400,000.00, and there is allocated for 2024-2025 an amount not to exceed $104,700,000.00 for payments to participating entities.

(2) The payment to each participating entity under this section is the sum of the amounts under this subsection as follows:

(a) An amount equal to the contributions made by a participating entity for the additional contribution made to a qualified participant's Tier 2 account in an amount equal to the contribution made by the qualified participant not to exceed 3% of the qualified participant's compensation as provided for under section 131(6) of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1431.

(b) Beginning October 1, 2017, an amount equal to the contributions made by a participating entity for a qualified participant who is only a Tier 2 qualified participant under section 81d of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1381d, not to exceed 4%, and, beginning February 1, 2018, not to exceed 1%, of the qualified participant's compensation.

(c) An amount equal to the increase in employer normal cost contributions under section 41b(2) of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1341b, for a member that was hired after February 1, 2018 and chose to participate in Tier 1, compared to the employer normal cost contribution for a member under section 41b(1) of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1341b.

(3) As used in this section:

(a) "Member" means that term as defined under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437.

(b) "Participating entity" means a district, intermediate district, or community college that is a reporting unit of the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, and that reports employees to the Michigan public school employees'

retirement system for the applicable fiscal year.

(c) "Qualified participant" means that term as defined under section 124 of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1424.

History: Add. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Imd. Eff. Sept. 30, 2019 ;-- Am. 2020, Act 146, Imd. Eff. July 31, 2020 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Imd. Eff. July 13, 2021 ;-- Am. 2022, Act 144, Imd. Eff. July 14, 2022 ;-- Am. 2023, Act 103, Imd. Eff. July 21, 2023 ;-- Am. 2024, Act 120, Imd. Eff. July 23, 2024

388.1747f Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to payments to districts and intermediate districts that are participating entities of MPSERS.

388.1747g Payments to participating entities of MPSERS; health care premium subsidy benefit.

Sec. 147g.

(1) From the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 only an amount not to exceed $181,519,700.00 for payments to participating entities to reimburse employees for costs associated with the health care premium subsidy benefit.

(2) The amount allocated to each participating entity under this section must be based on the participating entity's members' proportion of the total required contributions by all members for the health care premium subsidy benefit under section 43e of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1343e, for the immediately preceding fiscal year.

(3) Payments to participating entities must be paid to members required to contribute a percentage of their compensation under section 43e of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1343e, to reimburse the amount deducted from their pay under section 43e of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1343e. If the requirement in section 43e for employees to contribute 3% of compensation is removed through legislation, the participating entity retains the funding distributed under this section as an offset for normal costs associated with retiree health benefits.

(4) As used in this section, "participating entity" means a district, intermediate district, district library, or community college that is a reporting unit of the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, and that reports employees to the Michigan public school employees' retirement system for the applicable fiscal year.

History: Add. 2024, Act 120, Eff. Oct. 1, 2024

388.1748, 388.1749 Repealed. 1996, Act 300, Eff. Oct. 1, 1996.

Compiler's Notes: The repealed sections pertained to grant to Detroit compact for comprehensive school, business, government, and community partnership, and Michigan partnership for new education.

388.1749a, 388.1749c, Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's Notes: The repealed sections pertained to dropout prevention program and Detroit compact for comprehensive school, business, government, and community partnerships.

388.1751 Statement of taxable value; report by tax tribunal.

Sec. 151.

(1) The treasurer of each county shall furnish to the department, on or before August 1 of each year following the receipt of assessment rolls, a statement of the taxable value of each district and fraction of a district within the county, using forms furnished by the department. On or before May 1 of each year, the treasurer of each county shall submit to the department revisions to the taxable value for the immediately preceding year of each district and fraction of a district within the county, using forms furnished by the department. On or before October 1 of each year, the treasurer of each county shall submit to the department revisions to the taxable value for the years after 1993 of each district and fraction of a district within the county, using forms furnished by the department. The reports required by this subsection shall also contain the amount of ad valorem taxable value captured for school operating taxes under tax increment financing acts.

(2) Not later than the tenth day of each month, the tax tribunal created by the tax tribunal act, 1973 PA 186, MCL 205.701 to 205.779, shall report to the department the changes in taxable value for tax years after 1993 that are not reported to the department under subsection (1) and that are caused by tax tribunal decisions in the immediately preceding month for property that is a principal residence or qualified agricultural property, as defined in section 1211 of the revised school code, MCL 380.1211, and for property that is not a principal residence or qualified agricultural property, in each district and intermediate district. The report shall also contain the amount of taxable value captured under a tax increment financing plan described in subsection (1) for school operating tax purposes.

(3) As used in this section, "tax increment financing acts" means 1975 PA 197, MCL 125.1651 to 125.1681, the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830, the local development financing act, 1986 PA 281, MCL 125.2151 to 125.2174, the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2672, or the corridor improvement authority act, 2005 PA 280, MCL 125.2871 to 125.2899.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1985, Act 110, Eff. Oct. 1, 1985 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1994, Act 283, Imd. Eff. July 12, 1994 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008
Compiler's Notes: Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

388.1752 Reports for determination of allocation of funds; information; reports of educational progress.

Sec. 152.

Except for reports due on other dates specified in this act, each district and intermediate district shall furnish to the center or the department, as applicable, before the first Monday in November of each year those reports the department considers necessary for the determination of the allocation of funds under this act. In order to receive funds under this act, each district and intermediate district shall also furnish to the center or the department, as applicable, the information the department considers necessary for the administration of this act, including information necessary to determine compliance with article 16, and for the provision of reports of educational progress to the senate and house committees responsible for education, the senate and house appropriations subcommittees responsible for appropriations to school districts, the senate and house fiscal agencies, and the state

budget director, as appropriate. This section does not require a district or intermediate district to submit any information to both the center and the department.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1980, Act 320, Imd. Eff. Dec. 10, 1980 ;-- Am. 1989, Act 197, Eff. Oct. 1, 1989 ;-- Am. 1990, Act 207, Eff. Oct. 1, 1990 ;-- Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004
Compiler's Notes: Enacting section 1 of Act 351 of 2004 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00."

388.1752a Costs related to state-mandated collection, maintenance, and reporting of data; reporting to tribal governments; payments.

Sec. 152a.

(1) As required by the court in the consolidated cases known as Adair v State of Michigan, 486 Mich 468 (2010), from the state school aid fund money appropriated in section 11, there is allocated for 2024-2025 an amount not to exceed $41,000,500.00 to be used solely for the purpose of paying necessary costs related to the state-mandated collection, maintenance, and reporting of data to this state. From this allocation, $3,000,000.00 is allocated for costs associated with collecting data necessary to provide reporting to tribal governments on the status of students affiliated with their particular tribe and data necessary to determine student participation in federal programs funded under 20 USC 7401 to 7546 and participation in federal programs funded under the Johnson-O'Malley Supplemental Indian Education Program Modernization Act, Public Law 115-404.

(2) From the allocation in subsection (1), the department shall make payments to districts and intermediate districts in an equal amount per pupil based on the total number of pupils in membership in each district and intermediate district. The department shall not make any adjustment to these payments after the final installment payment under section 17b is made.

History: Add. 2010, Act 217, Imd. Eff. Dec. 3, 2010 ;-- Am. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: Former MCL 388.1752a, which pertained to estimates of full-time equated K-12 and part-time membership, was repealed by Act 130 of 1995, Imd. Eff. June 30, 1995.Enacting section 1 of Act 217 of 2010 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 204, and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00.(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act, in 2010 PA 110, and in 2009 PA 121 from state sources for fiscal year 2009-2010 is estimated at $10,645,097,700.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,562,169,000.00."

388.1752b Allocation for actual costs incurred by nonpublic schools for compliance with health, safety, and welfare requirements; reimbursement; "actual cost" defined; work project; carrying forward unexpended funds.

Sec. 152b.

(1) From the general fund money appropriated under section 11, there is allocated an amount not to exceed $1,000,000.00 for 2024-2025 to reimburse actual costs incurred by nonpublic schools in complying with a health, safety, or welfare requirement mandated by a law or administrative rule of this state.

(2) By January 1 of each applicable fiscal year, the department shall publish a form for reporting actual costs incurred by a nonpublic school in complying with a health, safety, or welfare requirement mandated under state law containing each health, safety, or welfare requirement mandated by a law or administrative rule of this state

applicable to a nonpublic school and with a reference to each relevant provision of law or administrative rule for the requirement. The form must be posted on the department's website in electronic form.

(3) By June 30 of each applicable fiscal year, a nonpublic school seeking reimbursement for actual costs incurred in complying with a health, safety, or welfare requirement under a law or administrative rule of this state during each applicable school year must submit a completed form described in subsection (2) to the department. This section does not require a nonpublic school to submit a form described in subsection (2). A nonpublic school is not eligible for reimbursement under this section if the nonpublic school does not submit the form described in subsection (2) in a timely manner.

(4) By August 15 of each applicable fiscal year, the department shall distribute funds to each nonpublic school that submits a completed form described under subsection (2) in a timely manner. The superintendent shall determine the amount of funds to be paid to each nonpublic school in an amount that does not exceed the nonpublic school's actual costs in complying with a health, safety, or welfare requirement under a law or administrative rule of this state. The superintendent shall calculate a nonpublic school's actual cost in accordance with this section.

(5) If the funds allocated under this section are insufficient to fully fund payments as otherwise calculated under this section, the department shall distribute funds under this section on a prorated or other equitable basis as determined by the superintendent.

(6) The department may review the records of a nonpublic school submitting a form described in subsection (2) only for the limited purpose of verifying the nonpublic school's compliance with this section. If a nonpublic school does not allow the department to review records under this subsection, the nonpublic school is not eligible for reimbursement under this section.

(7) The funds appropriated under this section are for purposes that are incidental to teaching and the provision of educational services to nonpublic school students; that are noninstructional in nature; that do not constitute a primary function or element necessary for a nonpublic school's existence, operation, and survival; that do not involve or result in excessive religious entanglement; and that are intended for the public purpose of ensuring the health, safety, and welfare of the children in nonpublic schools and to reimburse nonpublic schools for costs described in this section.

(8) Funds allocated under this section are not intended to aid or maintain any nonpublic school, support the attendance of any student at a nonpublic school, employ any person at a nonpublic school, support the attendance of any student at any location where instruction is offered to a nonpublic school student, or support the employment of any person at any location where instruction is offered to a nonpublic school student.

(9) For purposes of this section, "actual cost" means the hourly wage for the employee or employees performing a task or tasks required to comply with a health, safety, or welfare requirement under a law or administrative rule of this state identified by the department under subsection (2) and is to be calculated in accordance with the form published by the department under subsection (2), which must include a detailed itemization of costs. The nonpublic school shall not charge more than the hourly wage of its lowest-paid employee capable of performing a specific task regardless of whether that individual is available and regardless of who actually performs a specific task. Labor costs under this subsection must be estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down. When calculating costs under subsection (4), fee components must be itemized in a manner that expresses both the hourly wage and the number of hours charged. The nonpublic school may not charge any applicable labor charge amount to cover or partially cover the cost of health or fringe benefits. A nonpublic school shall not charge any overtime wages in the calculation of labor costs.

(10) Training fees, inspection fees, and criminal background check fees are considered actual costs in complying with a health, safety, or welfare requirement under a law or administrative rule of this state.

(11) The funds allocated under this section for 2024-2025 are a work project appropriation, and any unexpended funds for 2024-2025 are carried forward into 2025-2026. The purpose of the work project is to continue to reimburse nonpublic schools for actual costs incurred in complying with a health, safety, or welfare requirement mandated by a law or administrative rule of this state. The estimated completion date of the work project is September 30, 2026.

(12) The department shall reimburse nonpublic schools for actual costs incurred in complying with health, safety, or welfare requirements under a law or administrative rule of this state from 2017-2018 through 2022-2023 using work project funds or, if those funds are insufficient to fund reimbursements under this subsection, from the allocation under subsection (1).

History: Add. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Imd. Eff. July 14, 2017 ;-- Am. 2018, Act 265, Imd. Eff. June 28, 2018 ;-- Am. 2021, Act 48, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Sec. 152b, as amended by Act 165 of 2020, was vetoed by the governor on September 30, 2020.

388.1753 Repealed. 2019, Act 58, Eff. Oct. 1, 2019.

Compiler's Notes: The repealed section pertained to a requirement that each district and intermediate district furnish information to the legislative fiscal agencies.

388.1754 Repealed. 1996, Act 300, Eff. Oct. 1, 1996.

Compiler's Notes: The repealed section pertained to names and post office addresses of treasurers, presidents, and secretaries of boards.

388.1755 Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's Notes: The repealed section pertained to certifications as to nonresident pupils.

388.1756, 388.1757 Repealed. 1993, Act 336, Eff. Oct. 1, 1994.

Compiler's Notes: The repealed sections pertained to informing legislators of amounts received and study of suspended or expelled students.

388.1758 Repealed. 2003, Act 158, Eff. Oct. 1, 2003.

Compiler's Notes: The repealed section pertained to furnishing information for preparation of district pupil retention report.

388.1758a Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's Notes: The repealed section pertained to reports on suspended and expelled pupils.

388.1758b Repealed. 2011, Act 62, Eff. Oct. 1, 2011.

Compiler's Notes: The repealed section pertained to report by district receiving federal aid.

388.1758c Repealed. 1995, Act 130, Eff. Oct. 1, 1995.

Compiler's Notes: The repealed section pertained to reports on grants or contracts.

388.1759 Repealed. 1993, Act 175, Eff. Oct. 1, 1993.

Compiler's Notes: The repealed section pertained to special report including membership data.

388.1760 Request for waiver from requirements of MCL 380.1284b.

Sec. 160.

If a district or intermediate district requests the superintendent to grant a waiver for the district or intermediate district from the requirements of section 1284b of the revised school code, MCL 380.1284b, that district or intermediate district shall use a portion of its funding under this article to conduct a public hearing to be held before the waiver is granted at a location within the district or intermediate district. The department may participate in a hearing held under this section at its discretion.

History: Add. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019

388.1761 Violation as misdemeanor; penalty.

Sec. 161.

A school official or member of a board or other person who neglects or refuses to do or perform an act required by this act or who violates or knowingly permits or consents to the violation of this act is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than $1,500.00, or both. This penalty is in addition to all other financial penalties otherwise specified in this article.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1990, Act 207, Eff. Oct. 1, 1990 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014

388.1761a False report; court order.

Sec. 161a.

If a court determines that a person intentionally violated section 411a of the Michigan penal code, 1931 PA 328, MCL 750.411a, by making a false report of the commission of a crime described in section 6(6)(f) knowing the report to be false for the purpose of having a pupil counted in membership in a district under section 6(6)(f), as part of the restitution ordered under section 30 of chapter XIIA of 1939 PA 288, MCL 712A.30, section 16, 44, or 76 of the crime victim's rights act, 1985 PA 87, MCL 780.766, 780.794, and 780.826, or section 1a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1a, the court may order the person to pay the pupil's district of residence an amount that is not more than the state school aid that district would have received attributable to the pupil if the pupil had been counted in membership in his or her district of residence.

History: Add. 1998, Act 553, Imd. Eff. Jan. 27, 1999 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006
Compiler's Notes: Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."

388.1762 Failure to file reports; forfeiture of funds.

Sec. 162.

A district or intermediate district that fails through the negligence of school officials to file reports pursuant to this act shall forfeit that proportion of funds to which the district or intermediate district otherwise would be entitled under this act as the delay in the reports bears to a school year consisting of the required minimum number of days and hours, as prescribed in section 1284 of the revised school code, being section 380.1284 of the Michigan Compiled Laws, for the district or intermediate district.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1990, Act 207, Eff. Oct. 1, 1990 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996

388.1763 Prohibited conduct; employing individuals; misdemeanor; penalty.

Sec. 163.

(1) Except as otherwise provided in the revised school code, the board of a district or intermediate district shall not permit any of the following:

(a) An individual who is not appropriately placed under a valid certificate, valid substitute permit, authorization, or approval issued under rules promulgated by the department to teach in an elementary or secondary school.

(b) An individual who does not satisfy the requirements of section 1233 of the revised school code, MCL 380.1233, and rules promulgated by the department to provide school counselor services to pupils in an elementary or secondary school.

(c) An individual who does not satisfy the requirements of section 1246 of the revised school code, MCL 380.1246, and rules promulgated by the department to be employed as a superintendent, principal, or assistant principal, or as an individual whose primary responsibility is to administer instructional programs in an elementary or secondary school or in a district or intermediate district, unless the individual is working under a valid substitute permit issued under rules promulgated by the department.

(2) Except as otherwise provided under subsection (4) or (5), a district or intermediate district employing an individual in violation of this section must have deducted an amount equal to 50% of the amount paid to the individual for the period of employment that is in violation of this section. Except as otherwise provided under subsection (4) or (5), if a district or intermediate district is notified by the department that it is employing an individual in violation of this section and it continues to employ the individual in violation of this section 10 business days after receiving the notification, both of the following apply:

(a) The district or intermediate district must have deducted an amount equal to 50% of the amount paid to the individual for the period of employment that is in violation of this section that occurs before the expiration of the 10-day period described in this subsection.

(b) The district or intermediate district must have deducted an amount equal to 100% of the amount paid to the individual for the period of employment that is in violation of this section that occurs after the 10-day period described in this subsection.

(3) For purposes of subsection (2), if a district or intermediate district on behalf of an individual or an individual successfully completes the credential application process through the department, including the submission of an appropriate application, required fees, and all required supporting documentation, the individual's employment with the district or intermediate district after this completion is not considered a period of employment that is in violation of this section.

(4) A deduction under subsection (2) for employment in violation of this section may be less than the amount

required under that subsection if the superintendent of public instruction finds that the district or intermediate district was hindered in its ability to obtain a substitute credential to enable the district or intermediate district to employ the individual in compliance with this section due to unusual and extenuating circumstances resulting from conditions not within the control of school authorities, including, but not limited to, a natural disaster, death or serious illness of the individual or another employee, an emergency school closure, fraud or other intentional wrongdoing of the individual or another employee, or an emergency health condition as defined by city, county, or state health authorities.

(5) There must be no deduction under subsection (2) for employment of an individual if there is a membership adjustment under section 15 based on the same employment.

(6) If a school official is notified by the department that the school official is employing an individual in violation of this section and knowingly continues to employ that individual, the school official is guilty of a misdemeanor punishable by a fine of $1,500.00 for each incident. This penalty is in addition to all other financial penalties otherwise specified in this article.

History: 1979, Act 94, Eff. Oct. 1, 1979 ;-- Am. 1990, Act 207, Eff. Oct. 1, 1990 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 2000, Act 297, Imd. Eff. July 26, 2000 ;-- Am. 2004, Act 351, Eff. Oct. 1, 2004 ;-- Am. 2007, Act 137, Imd. Eff. Nov. 8, 2007 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2018, Act 266, Eff. Sept. 26, 2018 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 15, Imd. Eff. May 19, 2021 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Imd. Eff. July 23, 2024

Compiler's Notes: Enacting section 1 of Act 351 of 2004 provides:“Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2004-2005 is estimated at $11,173,900,000.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,113,650,400.00.”Enacting section 1 of Act 137 of 2007 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2007-2008 is estimated at $11,527,973,800.00 and state appropriations to be paid to local units of government for fiscal year 2007-2008 are estimated at $11,458,493,300.00."

388.1763a Enrollment of homeless child; definition.

Sec. 163a.

(1) A district shall allow a homeless child who is residing in the district to enroll in the district in accordance with state law and with subtitle B of title VII of the Stewart B. McKinney homeless assistance act, Public Law 100-77, 42 U.S.C. 11431 to 11435.

(2) As used in this section, "homeless child" means a school-age child who is homeless, as defined in section 103 of title I of Public Law 100-77, 42 U.S.C. 11302, or who is the child of a homeless individual, as defined in 42 U.S.C. 11302.

History: Add. 1994, Act 283, Eff. Oct. 1, 1994

388.1764 Forfeiture of amount equal to expenditure for cars or chauffeurs.

Sec. 164.

A district or intermediate district shall forfeit an amount to which the district or intermediate district otherwise would be entitled under this act equal to the district's or intermediate district's expenditures in the immediately preceding school fiscal year for purchasing, leasing, or renting cars for board members for use within district or intermediate district boundaries, and for chauffeurs for board members or administrators.

History: Add. 1986, Act 212, Eff. Oct. 1, 1986 ;-- Am. 1987, Act 128, Eff. Oct. 1, 1987 ;-- Am. 1988, Act 318, Eff. Oct. 1, 1988 ;-- Am. 1989, Act 197, Eff. Oct. 1, 1989 ;-- Am. 1990, Act 207, Eff. Oct. 1, 1990 ;-- Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991 ;-- Am. 1992, Act 148, Eff. Oct. 1, 1992 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996

388.1764a Receipt by school administrator of monetary payment in lieu of unused vacation or personal leave.

Sec. 164a.

A district or intermediate district shall not allow a school administrator to receive a monetary payment in lieu of unused vacation or personal leave for the purpose of increasing the school administrator's retirement benefits. If a district or intermediate district violates this section in a fiscal year, the district or intermediate district forfeits from its funds due under this act for that fiscal year an amount equal to the salary of the district's or intermediate district's superintendent for that fiscal year.

History: Add. 1994, Act 283, Eff. Oct. 1, 1994

388.1764b Payment or reimbursement of board member expenses.

Sec. 164b.

(1) The board of a district or intermediate district shall not pay an expense incurred by a member of the board unless the payment is in compliance with section 1254 of the revised school code, being section 380.1254 of the Michigan Compiled Laws.

(2) In addition to the requirements of section 1254 of the revised school code, the board of a district or intermediate district shall not approve reimbursement of an expense incurred by a board member unless 1 or both of the following conditions is met:

(a) The board, by a majority vote of its members at an open meeting, approved reimbursement of the specific expense before the expense was incurred.

(b) The expense is consistent with a policy adopted by the board, by a majority vote of its members at a regular board meeting, establishing specific categories of reimbursable expenses and the board, by a majority vote of its members at an open meeting, approved the reimbursement before it is actually paid.

(3) Records of all payments under this section shall be open to the public.

(4) A violation of this section is punishable under section 161.

History: Add. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996

388.1764c Purchase of foreign goods or services; preference.

Sec. 164c.

A district or intermediate district shall not use funds appropriated under this act to purchase foreign goods or services, or both, if American goods or services, or both, are available and are competitively priced and of comparable quality. Preference shall be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality. In addition, preference should be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.

History: Add. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008 ;-- Am. 2009, Act 121, Imd. Eff. Oct. 19, 2009

Compiler's Notes: Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at

$11,602,465,900.00."Enacting section 1 of Act 121 of 2009 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at $10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at $10,718,801,700.00."

388.1764d Adoption, implementation, or issuance of certain policies, practices, or statements; prohibition.

Sec. 164d.

A district or intermediate district shall not expend funds received under this act to adopt or implement a policy or practice, or to make or issue any public statement or directive, that has the effect of any of the following:

(a) Denies to a student of a particular state university access to the district or intermediate district for student teaching purposes solely because the student is enrolled in that state university.

(b) Prevents the hiring of a graduate of a particular state university solely because the individual graduated from that state university.

(c) Discourages or prohibits a counselor employed by the district or intermediate district from recommending a particular state university to a pupil of the district or intermediate district for reasons other than the suitability of the state university's educational offerings for the particular pupil.

History: Add. 1995, Act 130, Eff. Oct. 1, 1995

388.1764e Student teaching; employment discrimination prohibited.

Sec. 164e.

If a district or an employee of a district discriminates against a person engaging in or seeking to engage in student teaching in the district because the state university in which the person is enrolled serves as the authorizing body for 1 or more public school academies, the district forfeits an amount equal to 10% of the funds due to the district under this act.

History: Add. 1996, Act 300, Eff. Oct. 1, 1996

388.1764f Procurement of diesel fuel.

Sec. 164f.

The intermediate board of an intermediate district, the board of a district, or the board of directors of a public school academy may use funds appropriated under this article to enter into a swap, hedge, derivative, or similar agreement in connection with the procurement of diesel fuel. However, not more than 25% of a district's, public school academy's, or intermediate district's annual diesel fuel budget may be procured in the manner allowed under this section.

History: Add. 2014, Act 196, Eff. Oct. 1, 2014

388.1764g Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to the prohibition on the use of funds for legal action against this state.

388.1764h Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to prohibition on entering into collective bargaining agreement.

388.1764i Prohibited use of funds; restricting or impeding access to government resources, programs, or facilities; reporting of interference with local health officers.

Sec. 164i.

(1) Money appropriated under this act must not be used to restrict or impede a marginalized community's access to government resources, programs, or facilities.

(2) From the funds appropriated in this act, districts, intermediate districts, public community colleges, and public universities shall report to the department any action or policy that attempts to restrict or interfere with the duties of local health officers.

(3) As used in this section, "local health officer" means that term as defined in section 1105 of the public health code, 1978 PA 368, MCL 333.1105.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023

388.1764j State fiscal recovery funds; reallocation.

Sec. 164j.

(1) The state budget director shall take steps to ensure that all state fiscal recovery funds allocated to this state under the American rescue plan act of 2021, Public Law 117-2, are expended by December 31, 2026, as required by law. The state budget director may reallocate appropriated funds for the purpose of fully utilizing state fiscal recovery funds that are in jeopardy of not meeting the expenditure deadline for reasons that may include, but are not limited to, completed projects coming in under budget or funds unable to be fully used by subrecipients. The state budget director shall reallocate any of the funds reallocated under this subsection to the programs or purposes specified in this section. Any funds reallocated are unappropriated and immediately reappropriated for the following purposes:

(a) To reclassify general fund/general purpose appropriations for payroll and covered benefits for eligible public health and safety employees at the department of corrections.

(b) To reclassify general fund/general purpose appropriations for payroll and covered benefits for eligible public health and safety employees at the department of state police.

(2) All applicable guidance, implementation, and reporting provisions of Public Law 117-2 must be followed for state fiscal recovery funds reallocated and reappropriated under subsection (1).

(3) The state budget director shall notify the senate and house appropriations committees not later than 10 business days after making any reallocations under subsection (1). The notification must include the authorized program under which funds were originally appropriated, the amount of the reallocation, the program, or programs, or purpose, and the department to which the funds are being reallocated under subsection (1), and the amount reallocated to each program or purpose.

(4) The state budget director and the impacted departments may make the accounting transactions necessary to implement the reallocation and subsequent appropriation of funds as authorized in this section.

History: Add. 2024, Act 120, Imd. Eff. July 23, 2024

388.1765 Reimbursement by entity in contractual shared time agreement.

Sec. 165.

If an individual or private entity receives payment or consideration from a district or intermediate district as a result of involvement in a contractual shared time agreement and if memberships attributable to that agreement are subsequently disallowed by the department, the individual or entity shall reimburse to the district or intermediate district the full amount of the payment or consideration received. The attorney general may take any action necessary to enforce the reimbursement required under this section.

History: Add. 1998, Act 339, Imd. Eff. Oct. 13, 1998
Compiler's Notes: Former MCL 388.1765, which pertained to forfeiture of apportionments, was repealed by Act 300 of 1996, Eff. Oct. 1, 1996.

388.1766 Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to a disciplinary policy for referral of pupil for abortion or assisting pupil in obtaining abortion.

388.1766a Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to requirements for providing instruction in reproductive health or other sex education.

388.1766b Minor enrolled in nonpublic school or home school; enrollment in district, public school academy, or intermediate district in certain curricular offering; state school aid; requirements; "eligible other district" defined; nonessential course; minor as part-time pupil; reply by district.

Sec. 166b.

(1) This act does not prohibit a parent or legal guardian of a minor who is enrolled in any of grades kindergarten to 12 in a nonpublic school or who is being home-schooled from also enrolling the minor in a district, public school academy, or intermediate district in any curricular offering that is provided by the district, public school academy, or intermediate district at a public school site and is available to pupils in the minor's grade level or age group, subject to compliance with the same requirements that apply to a full-time pupil's participation in the offering. However, state school aid shall be provided under this act for a minor enrolled as described in this subsection only for a curricular offering that is restricted to nonessential elective courses and is available to full-time pupils in the minor's grade level or age group. For the purposes of this subsection, a curricular offering includes optional experiences associated with the curricular offering.

(2) This act does not prohibit a parent or legal guardian of a minor who is enrolled in any of grades kindergarten to 12 in a nonpublic school or who resides within a district and is being home-schooled from also enrolling the minor in the district in any nonessential elective curricular offering being provided by the district at a nonpublic school site or that is provided by the district, a public school academy, or an intermediate district at a public school site, and that is available to pupils in the minor's grade level or age group, subject to compliance with the same

requirements that apply to a full-time pupil's participation in the offering. For the purposes of this subsection, a curricular offering includes optional experiences associated with the curricular offering. State school aid shall be provided under this act for a minor enrolled as described in this subsection only if all of the following apply:

(a) Either of the following:

(i) The nonpublic school site is located, or the nonpublic students are educated, within the geographic boundaries of the district.

(ii) If the nonpublic school has submitted a written request to the district in which the nonpublic school is located for the district to provide certain instruction under this subsection for a school year and the district does not agree to provide some or all of that instruction by May 1 immediately preceding that school year or, if the request is submitted after March 1 immediately preceding that school year, within 60 days after the nonpublic school submits the request, the instruction is instead provided by an eligible other district. This subparagraph does not require a nonpublic school to submit more than 1 request to the district in which the nonpublic school is located for that district to provide instruction under this subsection, and does not require a nonpublic school to submit an additional request to the district in which the nonpublic school is located for that district to provide additional instruction under this subsection beyond the instruction requested in the original request, before having the instruction provided by an eligible other district. A public school academy that is located in the district in which the nonpublic school is located or in an eligible other district also may provide instruction under this subparagraph under the same conditions as an eligible other district. As used in this subparagraph, "eligible other district" means a district that is located in the same intermediate district as the district in which the nonpublic school is located or is located in an intermediate district that is contiguous to that intermediate district.

(b) The nonpublic school is registered with the department as a nonpublic school and meets all state reporting requirements for nonpublic schools.

(c) The instruction is provided directly by a certified teacher of the district, public school academy, or intermediate district.

(d) The curricular offering is also available to full-time pupils in the minor's grade level or age group in the district or public school academy at a public school site.

(e) The curricular offering is restricted to nonessential elective courses for pupils in grades kindergarten to 12.

(f) The district ensures that all individuals that have contact with pupils as part of a course provided to pupils enrolled in the district under section 166b and counted in membership under section 6 have not been convicted of sexual misconduct.

(g) The district ensures that an individual who provides direct or indirect curricular offerings to pupils as part of an optional or required course provided to pupils enrolled in the district under section 166b and counted in membership under section 6, or who has unsupervised contact with pupils as part of such a course, is subject to the requirements under sections 1230, 1230a, 1230b, 1230c, 1230d, 1230e, and 1230g of the revised school code, MCL 380.1230, 380.1230a, 380.1230b, 380.1230c, 380.1230d, 380.1230e, and 380.1230g, as if the individual is offered full-time or part-time employment in the district, is an employee of the district, or is assigned to regularly and continuously work under contract in any of its schools, as applicable.

(h) The district ensures that each optional experience associated with a course provided to pupils enrolled in the district under section 166b and counted in membership under section 6 is offered on a schedule that ensures that the experience is available to the majority of full-time pupils in membership in the district in the same grade level or age group as pupils participating in the course and enrolled in the district under section 166b.

(i) The district provides the department information necessary to quantify all of the following, in a form and manner prescribed by the department in conjunction with the center:

(i) A complete listing of all courses provided to pupils counted in membership in the district.

(ii) Course enrollments by each participant using local coding and the school codes for the exchange of data (SCED).

(iii) Identification of each course teacher or mentor.

(3) A nonessential course in grades 1 to 8 is a course other than a mathematics, science, social studies, and English language arts course required by the district for grade progression. Nonessential courses in grades 9 to 12 are those other than algebra 1, algebra 2, English 9-12, geometry, biology, chemistry, physics, economics, geography, American history, world history, the Constitution, government, and civics, or courses that fulfill the same credit requirement as these courses. Nonessential elective courses include courses offered by the local district for high school credit that are also capable of generating postsecondary credit, including, at least, advanced placement and international baccalaureate courses. College level courses taken by high school students for college credit are nonessential courses. Remedial courses for any grade in the above-listed essential courses are considered essential. Kindergarten is considered nonessential.

(4) Subject to section 6(4)(ii), a minor enrolled as described in this section is a part-time pupil for purposes of state school aid under this act.

(5) A district that receives a written request to provide instruction under subsection (2) shall reply to the request in writing by May 1 immediately preceding the applicable school year or, if the request is made after March 1 immediately preceding that school year, within 60 days after the nonpublic school submits the request. The written

reply shall specify whether the district agrees to provide or does not agree to provide the instruction for each portion of instruction included in the request.

History: Add. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998 ;-- Am. 1999, Act 119, Imd. Eff. July 20, 1999 ;-- Am. 2008, Act 219, Imd. Eff. July 16, 2008 ;-- Am. 2010, Act 110, Eff. Oct. 1, 2010 ;-- Am. 2010, Act 204, Imd. Eff. Oct. 12, 2010 ;-- Am. 2012, Act 130, Imd. Eff. May 15, 2012 ;-- Am. 2015, Act 222, Eff. Mar. 16, 2016 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018
Compiler's Notes: Enacting section 1 of Act 204 of 2010 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at $10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at $10,824,041,900.00."

388.1766c Repealed. 2011, Act 62, Eff. Oct. 1, 2011.

Compiler's Notes: The repealed section pertained access to instructional supplies

388.1766d Cyber school; salary or compensation information; nondisclosure agreement prohibited.

Sec. 166d.

(1) A school of excellence that is a cyber school, as defined in section 551 of the revised school code, MCL 380.551, or an educational management organization with which the cyber school has a contract, shall not require an employee, a former employee, or an individual doing work for the cyber school as an independent contractor or as an employee of the educational management organization or another third party to sign an agreement that he or she will not disclose salary or other compensation information.

(2) A school of excellence that is a cyber school, as defined in section 551 of the revised school code, MCL 380.551, that violates subsection (1) or that is party to a contract with an educational management organization that violates subsection (1) shall forfeit from its state aid under this act an amount equal to 2% of its total state aid.

History: Add. 2010, Act 110, Eff. Oct. 1, 2010
Compiler's Notes: Former MCL 388.1766d, which pertained to health care coverage for abortion services, was repealed by Act 191 of 2002, Imd. Eff. Apr. 26, 2002.

388.1766e Construction of new building, or addition to or repair or renovation of existing building; use of competitive bid process.

Sec. 166e.

Before entering into a contract in an amount in excess of $15,000.00 for any materials, supplies, or equipment or a contract in an amount in excess of $15,000.00 for construction of a new building, or addition to or repair or renovation of an existing building, the board of a district of the first class, or any other purchasing authority within a district of the first class, shall obtain sealed competitive bids, and the district shall award such a contract using this competitive bid process. This section does not prohibit a district from making a public request for proposals before requesting bids and does not prohibit a district from awarding a contract based on a combination of price, quality, and service factors. A school official or member of a school board or other person who neglects or refuses to do or perform an act required by this section, or who violates or knowingly permits or consents to a violation of this section, is guilty of a misdemeanor punishable by a fine of not more than $500.00, or imprisonment for not more than 3 months, or both.

History: Add. 1997, Act 93, Eff. Oct. 1, 1997 ;-- Am. 2008, Act 268, Eff. Oct. 1, 2008
Compiler's Notes: Enacting section 1 of Act 268 of 2008 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2008-2009 is estimated at $11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at $11,602,465,900.00."

388.1767 Plan for compliance with MCL 380.1177 and 333.9209; report of immunization status; districts subject to subsection (4); failure to comply with section; exception for 2020-2021 fiscal year.

Sec. 167.

(1) The department in cooperation with the department of health and human services shall develop plans to assist districts, intermediate districts, and local county health departments to comply with section 1177 of the revised school code, MCL 380.1177, and section 9209 of the public health code, 1978 PA 368, MCL 333.9209, for each school year.

(2) Each district or intermediate district shall report to the local health department in which it is located by November 1 of each fiscal year, in a manner prescribed by the department of health and human services, the immunization status of each pupil in grades K through 12 who enrolled in the district or intermediate district for the first time or who enrolled in grade 7 in the district or intermediate district for the first time, between January 1 and September 30 of the immediately preceding fiscal year. Not later than December 31 of each fiscal year, the department of health and human services shall notify the department by district or intermediate district of the percentage of entering pupils and of pupils who enrolled in grade 7 for the first time who do not have a completed, waived, or provisional immunization record in accordance with section 1177 of the revised school code, MCL 380.1177. If a district or intermediate district does not have a completed, waived, or provisional immunization record in accordance with section 1177 of the revised school code, MCL 380.1177, for at least 90% of the district's or intermediate district's entering pupils, as recorded in the November 1 reports required under this subsection, the district or intermediate district is subject to subsection (4) until the district or intermediate district has such an immunization record for at least 90% of its pupils who enrolled in the district or intermediate district for the first time.

(3) Each district or intermediate district shall again report to the local health department in which it is located by February 1 of each fiscal year, in a manner prescribed by the department of health and human services, the immunization status of each pupil in grades K through 12 who enrolled in the district or intermediate district for the first time or who enrolled in grade 7 in the district or intermediate district for the first time, between January 1 of the immediately preceding fiscal year and December 31 of the current fiscal year. Not later than March 31 of each fiscal year, the department of health and human services shall notify the department by district or intermediate district of the percentage of entering pupils and of pupils who enrolled in grade 7 for the first time who do not have a completed, waived, or provisional immunization record in accordance with section 1177 of the revised school code, MCL 380.1177. If a district or intermediate district does not have a completed, waived, or provisional immunization record in accordance with section 1177 of the revised school code, MCL 380.1177, for at least 95% of the district's or intermediate district's entering pupils, as recorded in the February 1 reports required under this subsection, the district or intermediate district is subject to subsection (4) until the district or intermediate district has such an immunization record for at least 95% of its pupils who enrolled in the district or intermediate district for the first time. If the department of health and human services is not able to report to the department by March 31 because a district or intermediate district fails to submit a report as required in this subsection, or submits an incomplete, inaccurate, or late report, the district or intermediate district is subject to subsection (4) until the report is submitted in a complete and accurate form.

(4) Except as otherwise provided in this subsection, if a district or intermediate district does not comply with this section, the department shall withhold 5% of the total funds due to the district or intermediate district under this act after the date the department of health and human services reports a district's or intermediate district's noncompliance with this section to the department until the district or intermediate district complies with this section. Except as otherwise provided in this subsection, if the district or intermediate district does not comply with this section by the end of the fiscal year, the district or intermediate district forfeits the total amount withheld. For the 2020-2021 fiscal year only, this subsection does not apply.

History: Add. 1991, Act 118, Imd. Eff. Oct. 11, 1991 ;-- Am. 1992, Act 148, Eff. Oct. 1, 1992 ;-- Am. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 336, Eff. Oct. 1, 1994 ;-- Am. 1995, Act 130, Eff. Oct. 1, 1995 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 1997, Act

93, Eff. Oct. 1, 1997 ;-- Am. 2000, Act 89, Imd. Eff. May 1, 2000 ;-- Am. 2005, Act 155, Eff. Oct. 1, 2005 ;-- Am. 2006, Act 342, Eff. Oct. 1, 2006 ;-- Am. 2013, Act 122, Imd. Eff. Oct. 1, 2013 ;-- Am. 2021, Act 3, Imd. Eff. Mar. 9, 2021
Compiler's Notes: Enacting section 1 of 2005 PA 155 provides:"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act and in House Bill No. 4831 of the 93rd Legislature from state sources for fiscal year 2005-2006 is estimated at $11,364,814,000.00 and state appropriations to be paid to local units of government for fiscal year 2005-2006 are estimated at $11,341,913,100.00."Enacting section 1 of Act 342 of 2006 provides:"Enacting section 1. (1) In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2006-2007 is estimated at $11,682,508,200.00 and state appropriations to be paid to local units of government for fiscal year 2006-2007 are estimated at $11,536,597,200.00.(2) In accordance with section 30 of article I of the state constitution of 1963, total state spending from state sources for fiscal year 2005-2006 in this amendatory act and 2005 PA 155 is estimated at $11,308,027,200.00 and state appropriations to be paid to local units of government for fiscal year 2004-2005 are estimated at $11,285,376,300.00."Enacting section 1 of Act 122 of 2013 provides:"Enacting section 1. This amendatory act takes effect July 1, 2013."

388.1767a Plan to reduce expulsions and suspensions that exceed 10 days; implementation.

Sec. 167a.

A district is encouraged to implement a plan to reduce pupil expulsions and suspensions that exceed 10 days. It is the intent of the legislature that a district that has not implemented a plan to reduce pupil expulsions and suspensions that exceed 10 days will be subject to forfeiture of a portion of its total state school aid.

History: Add. 2016, Act 249, Eff. Oct. 1, 2016
Compiler's Notes: Former MCL 388.1767a, which pertained to funds held in escrow, was repealed by Act 130 of 1995, Eff. Oct. 1, 1995.

388.1767b School violence tip line; report.

Sec. 167b.

(1) Not later than August 1, 2018, and not later than August 1 of each subsequent year, a district or intermediate district that operates a school violence tip line shall report to the attorney general on the operation of the tip line. The information reported must include at least all of the following, for the purposes of studying best practices:

(a) Whether the tip line operates 24 hours a day.

(b) Whether the tip line is connected to local law enforcement.

(c) The type and duration of training for personnel who operate the tip line.

(2) A district or intermediate district shall annually designate at least 1, but no more than 2, employees as the school officials who will receive information under section 3(4) of the student safety act, 2013 PA 183, MCL 752.913, and shall provide the attorney general with the contact information for the designated school officials that allows the designated school officials to receive information 24 hours a day, 365 days a year.

History: Add. 2018, Act 265, Imd. Eff. June 28, 2018

388.1768 Access to records; audit.

Sec. 168.

In order to receive funds under this article, a district, intermediate district, grant recipient, contractor, or other entity that directly or indirectly receives funds under this article shall allow access for the department or the department's designee to audit all records related to a program for which it receives funds under this article or has received funds under this article for any of the 3 immediately preceding fiscal years. The district, intermediate district, grant recipient, contractor, or other entity shall reimburse the state for all disallowances found in any audit conducted under this article.

History: Add. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014

388.1768a Removing or contracting to remove asbestos.

Sec. 168a.

In order to receive funds under this act, a district or intermediate district shall not remove asbestos, or contract for the removal of asbestos, from an educational facility unless the removal is required under Act No. 51 of the Public Acts of 1993, being sections 388.861 to 388.864 of the Michigan Compiled Laws.

History: Add. 1993, Act 175, Eff. Oct. 1, 1993

388.1769 State aid to public school academies.

Sec. 169.

In order for a public school academy to receive state aid under this act, the public school academy shall demonstrate to the satisfaction of the department that the public school academy has made a good faith effort to advertise, throughout the entire area of the intermediate district in which the public school academy is located, that the academy is enrolling students and the procedures for applying for enrollment. The department shall not make any payments to a public school academy until the public school academy supplies evidence satisfactory to the department demonstrating compliance with this section. If a public school academy is a successor to a nonpublic school and more than 75% of the pupils enrolled in the public school academy during its first school year of operation were previously enrolled in that nonpublic school, there is a rebuttable presumption that the public school academy did not make the good faith effort required under this section.

History: Add. 1996, Act 300, Eff. Oct. 1, 1996
Compiler's Notes: Former MCL 388.1769, which pertained to purchasing foreign goods or services, was repealed by Act 175 of 1993, Eff. Oct. 1, 1993.

388.1769a Michigan schools for the deaf, deaf-blind, or hard of hearing; information about residential programs; interference with right or ability prohibited; educational placement options; violation.

Sec. 169a.

(1) A board member, official, or employee of a district or intermediate district shall provide any information received from the Michigan schools for the deaf and blind about its residential program to parents and guardians of pupils who are deaf, deaf-blind, or hard of hearing and to any residents of the district or intermediate district who request the information.

(2) Upon determining that a pupil is deaf or hard of hearing, a district or intermediate district shall provide to the pupil's parent or legal guardian information, provided by the Michigan coalition for deaf and hard of hearing persons, on educational placement options for deaf and hard of hearing children.

(3) Upon determining that a pupil is blind, a district or intermediate district shall provide to the pupil's parent or legal guardian information, provided by the Michigan federation for the blind, on educational placement options for blind children.

(4) A district or intermediate district that violates this section shall forfeit an amount equal to 5% of the funds due to the district or intermediate district under this article.

History: Add. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 1997, Act 93, Eff. Oct. 1, 1997 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018
Compiler's Notes: Former MCL 388.1769a, which pertained to reports, was repealed by Act 336 of 1993, Eff. Oct. 1, 1994.

388.1769b Contract in which board member has conflict of interest; abstention from voting.

Sec. 169b.

A board member of a district, intermediate district, public school academy, or public school academy corporation shall abstain from voting on any contract in which the board member has a conflict of interest.

History: Add. 1996, Act 300, Eff. Oct. 1, 1996

388.1771 Repeal of MCL 388.1401 to 388.1572; certain references considered references to former act.

Sec. 171.

(1) Act No. 90 of the Public Acts of 1977, as amended, being sections 388.1401 to 388.1572 of the Compiled Laws of 1970, is repealed.

(2) A reference to a section or subsection of this act applicable to a fiscal year ending before October 1, 1979, shall be considered a reference to the section, subsection, or provision of former Act No. 90 of the Public Acts of 1977 or former Act No. 258 of the Public Acts of 1972, governing the same subject matter, as determined by the department.

History: 1979, Act 94, Eff. Oct. 1, 1979

388.1771a Repealed. 1984, Act 239, Eff. Oct. 1, 1984.

Compiler's Notes: The repealed section pertained to revised method of distributing general membership aid.

388.1772 Effective date.

Sec. 172.

This act shall take effect October 1, 1979.

History: 1979, Act 94, Eff. Oct. 1, 1979

ARTICLE II
STATE AID TO COMMUNITY COLLEGES

388.1801 Appropriations; community colleges.

Sec. 201.

(1) Subject to the conditions set forth in this article, the amounts listed in this section are appropriated for community colleges for the fiscal year ending September 30, 2025, from the funds indicated in this section. The

following is a summary of the appropriations in this section and section 201f:

(a) The gross appropriation is $462,220,800.00. After deducting total interdepartmental grants and intradepartmental transfers in the amount of $0.00, the adjusted gross appropriation is $462,220,800.00.

(b) The sources of the adjusted gross appropriation described in subdivision (a) are as follows:

(i) Total federal revenues, $0.00.

(ii) Total local revenues, $0.00.

(iii) Total private revenues, $0.00.

(iv) Total other state restricted revenues, $461,720,800.00.

(v) State general fund/general purpose money, $500,000.00.

(2) Subject to subsection (3), the amount appropriated for community college operations is $363,363,500.00, allocated as follows:

(a) The appropriation for Alpena Community College is $6,425,100.00, $6,300,600.00 for operations, $102,700.00 for performance funding, and $21,800.00 for costs incurred under the North American Indian tuition waiver.

(b) The appropriation for Bay de Noc Community College is $6,398,000.00, $6,185,300.00 for operations, $112,700.00 for performance funding, and $100,000.00 for costs incurred under the North American Indian tuition waiver.

(c) The appropriation for Delta College is $16,907,200.00, $16,642,300.00 for operations, $240,100.00 for performance funding, and $24,800.00 for costs incurred under the North American Indian tuition waiver.

(d) The appropriation for Glen Oaks Community College is $2,985,900.00, $2,939,000.00 for operations, $45,100.00 for performance funding, and $1,800.00 for costs incurred under the North American Indian tuition waiver.

(e) The appropriation for Gogebic Community College is $5,447,400.00, $5,329,700.00 for operations, $69,300.00 for performance funding, and $48,400.00 for costs incurred under the North American Indian tuition waiver.

(f) The appropriation for Grand Rapids Community College is $21,295,300.00, $20,844,400.00 for operations, $339,800.00 for performance funding, and $111,100.00 for costs incurred under the North American Indian tuition waiver.

(g) The appropriation for Henry Ford College is $25,307,100.00, $24,929,800.00 for operations, $370,900.00 for performance funding, and $6,400.00 for costs incurred under the North American Indian tuition waiver.

(h) The appropriation for Jackson College is $14,074,900.00, $13,854,100.00 for operations, $178,500.00 for performance funding, and $42,300.00 for costs incurred under the North American Indian tuition waiver.

(i) The appropriation for Kalamazoo Valley Community College is $14,741,600.00, $14,481,900.00 for operations, $222,500.00 for performance funding, and $37,200.00 for costs incurred under the North American Indian tuition waiver.

(j) The appropriation for Kellogg Community College is $11,462,100.00, $11,269,200.00 for operations, $157,500.00 for performance funding, and $35,400.00 for costs incurred under the North American Indian tuition waiver.

(k) The appropriation for Kirtland Community College is $3,860,900.00, $3,773,100.00 for operations, $62,000.00 for performance funding, and $25,800.00 for costs incurred under the North American Indian tuition waiver.

(l) The appropriation for Lake Michigan College is $6,414,200.00, $6,318,000.00 for operations, $90,200.00 for performance funding, and $6,000.00 for costs incurred under the North American Indian tuition waiver.

(m) The appropriation for Lansing Community College is $36,215,600.00, $35,689,200.00 for operations, $445,200.00 for performance funding, and $81,200.00 for costs incurred under the North American Indian tuition waiver.

(n) The appropriation for Macomb Community College is $38,184,300.00, $37,635,400.00 for operations, $525,200.00 for performance funding, and $23,700.00 for costs incurred under the North American Indian tuition waiver.

(o) The appropriation for Mid Michigan Community College is $5,912,500.00, $5,742,900.00 for operations, $94,100.00 for performance funding, and $75,500.00 for costs incurred under the North American Indian tuition waiver.

(p) The appropriation for Monroe County Community College is $5,370,300.00, $5,284,700.00 for operations, $83,800.00 for performance funding, and $1,800.00 for costs incurred under the North American Indian tuition waiver.

(q) The appropriation for Montcalm Community College is $4,035,200.00, $3,957,200.00 for operations, $76,100.00 for performance funding, and $1,900.00 for costs incurred under the North American Indian tuition waiver.

(r) The appropriation for C.S. Mott Community College is $18,023,600.00, $17,791,700.00 for operations, $226,100.00 for performance funding, and $5,800.00 for costs incurred under the North American Indian tuition waiver.

(s) The appropriation for Muskegon Community College is $10,381,200.00, $10,210,900.00 for operations, $149,000.00 for performance funding, and $21,300.00 for costs incurred under the North American Indian tuition waiver.

(t) The appropriation for North Central Michigan College is $4,110,200.00, $3,868,800.00 for operations, $78,900.00 for performance funding, and $162,500.00 for costs incurred under the North American Indian tuition waiver.

(u) The appropriation for Northwestern Michigan College is $10,816,600.00, $10,473,300.00 for operations, $146,500.00 for performance funding, and $196,800.00 for costs incurred under the North American Indian tuition waiver.

(v) The appropriation for Oakland Community College is $25,163,800.00, $24,733,600.00 for operations, $396,400.00 for performance funding, and $33,800.00 for costs incurred under the North American Indian tuition waiver.

(w) The appropriation for Schoolcraft College is $14,993,000.00, $14,711,800.00 for operations, $260,200.00 for performance funding, and $21,000.00 for costs incurred under the North American Indian tuition waiver.

(x) The appropriation for Southwestern Michigan College is $7,816,100.00, $7,682,800.00 for operations, $103,800.00 for performance funding, and $29,500.00 for costs incurred under the North American Indian tuition waiver.

(y) The appropriation for St. Clair County Community College is $8,366,100.00, $8,210,400.00 for operations, $131,600.00 for performance funding, and $24,100.00 for costs incurred under the North American Indian tuition waiver.

(z) The appropriation for Washtenaw Community College is $16,281,900.00, $15,925,500.00 for operations, $331,800.00 for performance funding, and $24,600.00 for costs incurred under the North American Indian tuition waiver.

(aa) The appropriation for Wayne County Community College is $19,464,700.00, $19,193,300.00 for operations, $267,000.00 for performance funding, and $4,400.00 for costs incurred under the North American Indian tuition waiver.

(bb) The appropriation for West Shore Community College is $2,908,700.00, $2,851,200.00 for operations, $45,500.00 for performance funding, and $12,000.00 for costs incurred under the North American Indian tuition waiver.

(3) The amount appropriated in subsection (2) for community college operations is $363,363,500.00 and is appropriated from the state school aid fund.

(4) From the appropriations described in subsection (1), both of the following apply:

(a) Subject to section 207a, the amount appropriated for fiscal year 2024-2025 to offset certain fiscal year 2024-2025 retirement contributions is $7,189,000.00, appropriated from the state school aid fund.

(b) For fiscal year 2024-2025, there is allocated an amount not to exceed $21,800,000.00 for payments to participating community colleges, appropriated from the state school aid fund. A community college that receives money under this subdivision shall use that money solely for the purpose of offsetting the normal cost contribution rate.

(5) From the appropriations described in subsection (1), subject to section 207b, the amount appropriated for payments to community colleges that are participating entities of the retirement system is $62,100,000.00, appropriated from the state school aid fund.

(6) From the appropriations described in subsection (1), subject to section 207c, the amount appropriated for renaissance zone tax reimbursements is $2,200,000.00, appropriated from the state school aid fund. Each community college receiving funds in this subsection shall accrue these payments to its institutional fiscal year ending June 30, 2025.

(7) For fiscal year 2024-2025 only, from the appropriations described in subsection (1), the amount appropriated for career and education navigators for adult learners is $1,150,000.00, appropriated from the state school aid fund. Community colleges, partnering with 1 or more county governments, where practicable, may apply for grant funding through the department of lifelong education, advancement, and potential to supplement or create navigation efforts of adult learners. The department shall issue a report including, but not limited to, the number of grants awarded, a list of community colleges awarded grants and the amounts, and the amount of unexpended funds remaining at the end of the fiscal year. The report must be issued to the house and senate appropriations subcommittees on community colleges, the house and senate fiscal agencies, and the state budget director by September 30, 2025.

(8) For fiscal year 2024-2025 only, from the appropriations described in subsection (1), $500,000.00 is appropriated from state general fund/general purpose money to the Michigan Community Colleges Association to support a program intended to encourage high school students and young adults to pursue public-service-focused careers, including those in public safety, education, and health care.

(9) For fiscal year 2024-2025 only, from the appropriations described in subsection (1), $350,000.00 is appropriated from the state school aid fund to Kalamazoo Valley Community College for internet accessibility improvements.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2012, Act 465, Imd. Eff. Dec. 28, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 5, Imd. Eff. Mar. 10, 2015 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 52, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 146, Imd. Eff. July 31, 2020 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2023, Act 320, Eff. Feb. 13, 2024 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Enacting section 2 of Act 52 of 2019 provides:"Enacting section 2. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2019-2020 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, is estimated at $414,719,000.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2019-2020 is estimated at $414,719,000.00."Enacting section 1 of Act 86 of 2021 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2020-2021 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, as amended by 2020 PA 165 and this amendatory act is estimated at $438,363,600.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2020-2021 is estimated at $438,363,600.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2021-2022 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, is estimated at $431,917,000.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2021-2022 is estimated at $431,917,000.00."(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2020-2021 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, as amended by 2020 PA 165 and this amendatory act is estimated at $1,631,203,000.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2020-2021 is estimated at $0.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2021-2022 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, is estimated at $1,679,724,800.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2021-2022 is estimated at $0.00."Subsection (7) as added by Act 86 of 2021, was vetoed by the governor on September 29, 2021.Subsection (10) as added by Act 144 of 2022 was vetoed by the governor on July 14, 2022.Enacting section 1 of Act 144 of 2022 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2021 PA 48, 2022 PA 93, and this amendatory act, from state sources for fiscal year 2021-2022 is estimated at $14,635,534,200.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2021-2022 are estimated at $13,448,739,600.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by this amendatory act, from state sources for fiscal year 2022-2023 is estimated at $17,078,472,900.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2022-2023 are estimated at $15,764,187,600.00."(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2022-2023 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, as amended by this amendatory act, is estimated at $449,058,000.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2022-2023 is estimated at $449,058,000.00."(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2021-2022 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, as amended by 2021 PA 86 and this amendatory act, is estimated at $1,979,224,800.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2021-2022 is estimated at $0.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2022-2023 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, as amended by this amendatory act, is estimated at $1,893,609,300.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2022-2023 is estimated at $0.00."Enacting section 1 of Act 103 of 2023 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2022 PA 144, 2022 PA 212, 2023 PA 3, and by this amendatory act, from state sources for fiscal year 2022-2023 is estimated at $17,632,218,900.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2022-2023 are estimated at $16,036,571,400.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by this amendatory act, from state sources for fiscal year 2023-2024 is estimated at $19,258,857,800.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2023-2024 are estimated at $17,622,688,000.00."(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2023-2024 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, as amended by this amendatory act, is estimated at $544,517,500.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2023-2024 is estimated at $544,517,500.00."(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2022-2023 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, as amended by 2022 PA 144, 2022 PA 212, and this amendatory act, is estimated at $2,088,109,300.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2022-2023 is estimated at $0.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2023-2024 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, as amended by this amendatory act, is estimated at $2,160,022,400.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2022-2023 is estimated at $0.00."Enacting section 1 of Act 320 of 2023 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2022 PA 144, 2022 PA 212, 2023 PA 3, 2023 PA 103, and this amendatory act, from state sources for fiscal year 2022-2023 is estimated at $17,652,218,900.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2022-2023 are estimated at $16,056,571,400.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2023 PA 103 and this amendatory act, from state sources for fiscal year 2023-2024 is estimated at $19,258,857,800.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2023-2024 are estimated at $17,605,138,000.00."(2) In accordance with section 30 of article IX of the state constitution of

1963, total state spending from state sources for community colleges for fiscal year 2023-2024 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, as amended by 2023 PA 103 and this amendatory act, is estimated at $549,517,500.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2023-2024 is estimated at $549,517,500.00."For the transfer or responsibilities of the Office of Sixty by 30 from the department of labor and economic opportunity to MiLEAP, see E.R.O. No. 2023-2, compiled at MCL 388.1283.Enacting section 1 of Act 120 of 2024 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2023 PA 103, 2023 PA 320, and this amendatory act from state sources for fiscal year 2023-2024 is estimated at $19,367,907,800.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2023-2024 are estimated at $17,837,248,400.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by this amendatory act, from state sources for fiscal year 2024-2025 is estimated at $18,371,481,900.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2024-2025 are estimated at $16,928,443,900.00."(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2023-2024 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, as amended by 2023 PA 103, 2023 PA 320, and this amendatory act, is estimated at $550,817,500.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2023-2024 is estimated at $550,817,500.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2024-2025 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, as amended by this amendatory act, is estimated at $462,220,800.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2024-2025 is estimated at $461,720,800.00."(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2023-2024 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, as amended by 2023 PA 103, 2023 PA 320, and this amendatory act, is estimated at $2,160,022,400.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2023-2024 is estimated at $0.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2024-2025 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, as amended by this amendatory act, is estimated at $2,321,092,600.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2024-2025 is estimated at $70,000.00."

388.1801a Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's Notes: The repealed section pertained to legislative intent for appropriations for fiscal year ending September 30, 2021.

388.1801b Repealed. 2013, Act 60, Eff. Oct. 1, 2013.

Compiler's Notes: The repealed section pertained to appropriation to participating community colleges of retirement system.

388.1801c Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's Notes: The repealed section pertained to federal funding to community colleges from the coronavirus relief fund.

388.1801e Repealed. 2022, Act 144, Eff. Oct. 1, 2022.

Compiler's Notes: The repealed section pertained to operational support payments to community colleges for the 2020-2021 fiscal year.

388.1801f One-time performance funding payment; 2024-2025 only.

Sec. 201f.

For fiscal year 2024-2025 only, from the appropriations described in section 201(1), $3,568,300.00 is appropriated from the state school aid fund for a 1-time performance funding payment. Funds appropriated under this section, subject to conditions described sections 216e, 217b, and 230, must be distributed as follows:

(a) Alpena Community College, $68,400.00.
(b) Bay de Noc Community College, $75,100.00.
(c) Delta College, $160,100.00.
(d) Glen Oaks Community College, $30,100.00.
(e) Gogebic Community College, $46,200.00.
(f) Grand Rapids Community College, $226,500.00.
(g) Henry Ford College, $247,300.00.
(h) Jackson College, $119,000.00.
(i) Kalamazoo Valley Community College, $148,300.00.
(j) Kellogg Community College, $105,000.00.
(k) Kirtland Community College, $41,300.00.
(l) Lake Michigan College, $60,100.00.
(m) Lansing Community College, $296,800.00.
(n) Macomb Community College, $350,100.00.
(o) Mid Michigan Community College, $62,700.00.
(p) Monroe County Community College, $55,900.00.
(q) Montcalm Community College, $50,800.00.
(r) C.S. Mott Community College, $150,700.00.
(s) Muskegon Community College, $99,300.00.
(t) North Central Michigan College, $52,600.00.
(u) Northwestern Michigan College, $97,700.00.
(v) Oakland Community College, $264,300.00.
(w) Schoolcraft College, $173,400.00.
(x) Southwestern Michigan College, $69,200.00.
(y) St. Clair County Community College, $87,800.00.
(z) Washtenaw Community College, $221,200.00.
(aa) Wayne County Community College, $178,000.00.
(bb) West Shore Community College, $30,400.00.

History: Add. 2024, Act 120, Eff. Oct. 1, 2024

388.1801g State fiscal recovery funds; reallocation.

Sec. 201g.

(1) The state budget director shall take steps to ensure that all state fiscal recovery funds allocated to this state under the American rescue plan act of 2021, Public Law 117-2, are expended by December 31, 2026, as required by law. The state budget director may reallocate appropriated funds for the purpose of fully utilizing state fiscal recovery funds that are in jeopardy of not meeting the expenditure deadline for reasons that may include, but are not limited to, completed projects coming in under budget or funds unable to be fully used by subrecipients. The state budget director shall reallocate any of the funds reallocated under this subsection to the programs or purposes specified in this section. Any funds reallocated are unappropriated and immediately reappropriated for the following purposes:

(a) To reclassify general fund/general purpose appropriations for payroll and covered benefits for eligible public health and safety employees at the department of corrections.

(b) To reclassify general fund/general purpose appropriations for payroll and covered benefits for eligible public health and safety employees at the department of state police.

(2) All applicable guidance, implementation, and reporting provisions of Public Law 117-2 must be followed for state fiscal recovery funds reallocated and reappropriated under subsection (1).

(3) The state budget director shall notify the senate and house appropriations committees not later than 10

business days after making any reallocations under subsection (1). The notification must include the authorized program under which funds were originally appropriated, the amount of the reallocation, the program, or programs, or purpose, and the department to which the funds are being reallocated under subsection (1), and the amount reallocated to each program or purpose.

(4) The state budget director and the impacted departments may make the accounting transactions necessary to implement the reallocation and subsequent appropriation of funds as authorized in this section.

History: Add. 2024, Act 120, Eff. Oct. 1, 2024

388.1801h Supplemental payment to participating community colleges; 2023-2024 only.

Sec. 201h.

In addition to funds appropriated under section 201(4)(b) as amended by 2023 PA 103 and 2023 PA 320, for fiscal year 2023-2024 only, $1,300,000.00 is appropriated from the state school aid fund for payments to participating community colleges. A community college that receives money under this section shall use that money solely for the purpose of offsetting the normal cost contribution rate.

History: Add. 2024, Act 120, Imd. Eff. July 23, 2024

388.1802 Appropriations subject to MCL 18.1101 to 18.1594.

Sec. 202.

All appropriations authorized under this article are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012

388.1802a Definitions.

Sec. 202a.

As used in this article:

(a) "Center" means the center for educational performance and information created in section 94a.

(b) "College level equivalent credit examination" means an examination that is administered by an independent testing service and that is used by colleges and universities generally to award postsecondary credit for achievement of a particular score, and includes, but is not limited to, advanced placement examinations, the DANTES Subject Standardized Test (DSST), and college-level examination program (CLEP) examinations.

(c) "Participating college" means a community college that is a reporting unit of the retirement system and that reports employees to the retirement system for the state fiscal year.

(d) "Retirement system" means the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437.

History: Add. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023
Compiler's Notes: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

388.1803 Reporting requirements; use of internet.

Sec. 203.

Unless otherwise specified, a community college that receives appropriations in section 201 and the center shall use the internet to fulfill the reporting requirements of this article. This requirement includes transmission of reports via electronic mail to the recipients identified for each reporting requirement and placement of reports on an internet site.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020
Compiler's Notes: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

388.1804 Goods or services provided by Michigan businesses; preference.

Sec. 204.

Funds appropriated in section 201 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference should be given to goods or services, or both, that are manufactured or provided by Michigan businesses that are owned and operated by veterans, if they are competitively priced and of comparable quality.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012

388.1805 Geographically disadvantaged business enterprises; contracts.

Sec. 205.

To the extent possible, the principal executive officer of each community college that receives appropriations in section 201 shall take all reasonable steps to ensure that geographically disadvantaged business enterprises compete for and perform contracts to provide services or supplies, or both. Each principal executive officer shall strongly encourage businesses with which the community college contracts to subcontract with certified geographically disadvantaged business enterprises for services or supplies, or both. As used in this section, "geographically disadvantaged business enterprises" means that term as defined in Executive Directive No. 2023-1.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1806 Payments to community colleges; monthly or quarterly installments.

Sec. 206.

(1) Except for the funds appropriated in section 201(4)(b), the funds appropriated in section 201 are appropriated for community colleges with fiscal years ending June 30, 2025 and must be paid out of the state treasury and distributed by the state treasurer to the respective community colleges in 11 monthly installments on the sixteenth of each month, or the next succeeding business day, beginning with October 16, 2024. Each community college shall accrue its July and August 2025 payments to its institutional fiscal year ending June 30, 2025.

(2) The funds appropriated in section 201(4)(b) are appropriated for community colleges with fiscal years ending June 30, 2025 and must be distributed to the respective community colleges in quarterly installments on the sixteenth of each November, February, May, and August. Each community college shall accrue its August 2025 payments to its institutional fiscal year ending June 30, 2025.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 52, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1807 Payment of employer's contribution to Michigan public school employees' retirement system; payment to more than 1 fund prohibited.

Sec. 207.

(1) A community college shall pay the employer's contributions to the Michigan public school employees' retirement system created by the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437. This payment is a condition of receiving funds appropriated under this article.

(2) A community college shall not pay an employer's contribution to more than 1 retirement fund providing benefits for an employee.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016

388.1807a Allocations to community colleges; use; basis.

Sec. 207a.

The following apply to the allocation of the fiscal year 2024-2025 appropriations described in section 201(4):

(a) A community college that receives money under section 201(4) shall use that money solely for the purpose of offsetting a portion of the retirement contributions owed by the college for that fiscal year.

(b) The amount allocated to each participating community college under section 201(4)(a) must be based on each college's percentage of the total covered payroll for all community colleges that are participating colleges in the immediately preceding fiscal year.

(c) The amount allocated to each participating community college under section 201(4)(b) must be based on each college's reported quarterly payroll for members for the current fiscal year.

History: Add. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 52, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1807b Payments to community colleges as participating entities of retirement system.

Sec. 207b.

All of the following apply to the allocation of the fiscal year 2024-2025 appropriations described in section 201(5) for payments to community colleges that are participating entities of the retirement system:

(a) The amount of a payment under section 201(5) must be the difference between the unfunded actuarial accrued liability contribution rate as calculated under section 41 of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1341, as calculated without taking into account the maximum employer rate of 20.96% included in section 41 of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1341, and the maximum employer rate of 20.96% under section 41 of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1341.

(b) The amount allocated to each community college under section 201(5) must be based on each community college's percentage of the total covered payroll for all community colleges that are participating colleges in the immediately preceding fiscal year. A community college that receives funds under this subdivision shall use the funds solely for the purpose of retirement contributions under section 201(5).

(c) Each participating college that receives funds under section 201(5) shall forward an amount equal to the amount allocated under subdivision (b) to the retirement system in a form and manner determined by the retirement system.

History: Add. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 52, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1807c Allocation to community colleges described in MCL 125.2692.

Sec. 207c.

All of the following apply to the allocation of the appropriations described in section 201(6) to community colleges described in section 12(3) of the Michigan renaissance zone act, 1996 PA 376, MCL 125.2692:

(a) The amount allocated to each community college under section 201(6) for fiscal year 2024-2025 must be based on that community college's proportion of total revenue lost by community colleges as a result of the exemption of property taxes levied in 2024 under the Michigan renaissance zone act, 1996 PA 376, MCL 125.2681 to 125.2696.

(b) The appropriations described in section 201(6) must be made to each eligible community college within 60 days after the department of treasury certifies to the state budget director that it has received all necessary information to properly determine the amounts payable to each eligible community college under section 12 of the Michigan renaissance zone act, 1996 PA 376, MCL 125.2692.

History: Add. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 52, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1808 Repealed. 2022, Act 144, Eff. Oct. 1, 2022.

Compiler's Notes: The repealed section pertained to prohibition on community colleges using funds for self-liquidating projects and a reduction in funding for failure to comply with joint capital outlay subcommittee requirements.

388.1809 Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to Michigan Community College Data Inventory Report.

388.1809a Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to a campus safety information and resources link.

388.1810 Collaboration and cooperation with 4-year universities, local employers, students, and other community colleges; equivalency standards.

Sec. 210.

(1) Recognizing the critical importance of education in strengthening Michigan's workforce, each community college is encouraged to explore ways of increasing collaboration and cooperation with 4-year universities, particularly in the areas related to training, instruction, and program articulation.

(2) Recognizing the central role of community colleges in responding to local employment needs and challenges, community colleges shall develop and continue efforts to collaborate with local employers and students to identify local employment needs and strategies to meet them.

(3) Community colleges are encouraged to collaborate with each other on innovations to identify and meet local employment needs.

(4) Community colleges are encouraged to work with universities to develop equivalency standards of core college courses and identify equivalent courses offered by postsecondary institutions.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015

388.1810a Repealed. 2013, Act 60, Eff. Oct. 1, 2013.

Compiler's Notes: The repealed section pertained to transferability of core college courses between community colleges and public universities.

388.1810b Submission of report by Michigan Community College Association and Michigan Association of

State Universities.

Sec. 210b.

By March 1 of each year, the Michigan Community College Association and the Michigan Association of State Universities shall submit a report to the senate and house appropriations subcommittees on community colleges, the senate and house fiscal agencies, and the state budget director on the activities and programs focused on improving transfer student outcomes since March 1 of the previous year, including all of the following:

(a) The direct transferability of mathematics gateway courses between and among community colleges and universities.

(b) The implementation of MiTransfer pathways.

(c) The progress on increasing participation in MiTransfer pathways among community colleges and public universities.

(d) The implementation of the Michigan Transfer Network at mitransfer.org.

(e) A progress report on the implementation of the Michigan transfer agreement.

History: Add. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 52, Eff. Oct. 1, 2019 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021

388.1810c Repealed. 2016, Act 249, Eff. Oct. 1, 2016.

Compiler's Notes: The repealed section pertained to transferability and applicability of associate of arts and associate of science degrees.

388.1810d Statewide reverse transfer agreements.

Sec. 210d.

Community colleges are encouraged to work with public universities in the state to implement statewide reverse transfer agreements to increase the number of students that are awarded credentials of value upon completion of the necessary credits. These statewide agreements shall enable students who have earned a significant number of credits at a community college and transferred to a baccalaureate-granting institution before completing a degree to transfer the credits earned at the baccalaureate institution back to the community college in order to be awarded a credential of value.

History: Add. 2015, Act 85, Eff. Oct. 1, 2015

388.1810e Repealed. 2017, Act 108, Eff. October 1, 2017.

Compiler's Notes: The repealed section pertained to report detailing number of academic program partnerships between public community colleges, public universities, and private colleges and universities.

388.1810f Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's Notes: The repealed section pertained to academic program partnerships.

388.1810g Repealed. 2022, Act 144, Eff. Oct. 1, 2022.

Compiler's Notes: The repealed section pertained to articulation agreements with a university for a bachelor of science in nursing program.

388.1810h Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to a mandatory COVID-19 vaccine policy and exemptions.

388.1811 Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's Notes: The repealed section pertained to duties of community colleges.

388.1812 Cost-containment measures and efficiencies.

Sec. 212.

Community college districts are encouraged to evaluate and pursue efficiency and cost-containment measures that maximize state funding. Community colleges shall identify practices that increase efficiencies, including, but not limited to, establishing joint ventures, consolidating services, utilizing program collaborations, maximizing educational benefits through optimal class sizes and frequency of course offerings, increasing web-based instruction, eliminating low-enrollment and high-cost instructional programs, using self-insurance, practicing energy conservation, and utilizing group purchasing. Community colleges shall also review proposed capital outlay projects to increase coordination and utilization of new facilities, renovation projects, and technology improvements.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016

388.1813 Repealed. 2015, Act 85, Eff. Oct. 1, 2015.

Compiler's Notes: The repealed section pertained to statewide reverse transfer agreements.

388.1814 Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's Notes: The repealed section pertained to developmental courses and common set of scores to determine placement.

388.1815 Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to an annual title IX report.

388.1816 Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to expansion of the Michigan reconnect grant program short-term training grants to include students who are at least 21 years old.Former MCL 388.1816, which pertained to legislative intent to review statutory mandates, was repealed by Act 60 of 2013, Eff. Oct. 1, 2013.

388.1816a Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to the community college academic catch-up program.

388.1816b Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to the Michigan ADN to BSN completion grant program.

388.1816c Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to funding for infrastructure, technology, equipment, maintenance, housing, and safety items.

388.1816d Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to payments for capital outlay project grants and certifications.

388.1816e One-time performance funding; institutional best practices; uniform reporting requirements.

Sec. 216e.

(1) Payments under section 201 for performance funding and under section 201f for 1-time performance funding payments must be made only to a community college that certifies to the state budget director by the last business

day of August each year that it complies with the following:

(a) The institutional best practice described in subdivision (c).

(b) One or more of the institutional best practices described in subdivisions (d) to (g).

(c) The community college accepts the Michigan Transfer Agreement, partners with the Michigan Transfer Network, and promotes clear transfer pathways for interested students by doing all of the following:

(i) Has a policy to help transfer or accept associate degrees from other accredited Michigan postsecondary education institutions.

(ii) Publishes the policy described in subparagraph (i) on the institution's website in an easily accessible way and in admissions materials.

(iii) Provides publicly available information on the Michigan Transfer Network, applicable transfer pathways, and financial aid available to transfer students, at no cost to the student.

(iv) Begins negotiations to increase the number of reverse transfer agreements or articulation agreements and reports on the progress toward completing the agreements to the state budget director by the last business day in February.

(d) The community college requires all students to receive an academic degree or certificate map that outlines required course sequencing, program and institution requirements, declared minor program academic requirements, and a recommended timeline within which courses should be taken and in which specific semester or term in order to satisfy all program requirements to allow the student to graduate on time.

(e) The community college provides non-credit-bearing developmental or remedial courses at a reduced cost to students.

(f) The community college provides each degree- or certificate-seeking student with a designated, trained academic advisor to support student retention, persistence, and completion. The community college shall require students to meet with their academic advisor at least once per semester or term.

(g) The community college provides employees during business hours to assist prospective and current students in completing the Free Application for Federal Student Aid.

(2) The state budget director shall implement uniform reporting requirements to ensure that a community college receiving a payment under section 201 for performance funding and under section 201f for 1-time performance funding payments has satisfied the institutional best practices requirements of this section. The state budget director has the sole authority to determine if a community college has met the requirements of this section. Information reported by a community college to the state budget director under this subsection must also be reported to the house and senate appropriations subcommittees on higher education and the house and senate fiscal agencies.

(3) If a community college fails to comply with the certification requirements of this section, the state treasurer may withhold the monthly installments under section 206 to the community college until the certification is completed. If a community college does not comply with the certification requirements described in this section by the end of the fiscal year, the community college forfeits the amount withheld. Forfeited funds must lapse to the state school aid fund. The state budget director shall notify the chairs of the house and senate appropriations subcommittees on higher education at least 10 days before withholding funds from any community college.

History: Add. 2024, Act 120, Eff. Oct. 1, 2024

388.1817 Duties of center; Michigan Community College Data Inventory database; advisory committee.

Sec. 217.

(1) The center shall do all of the following:

(a) Establish, maintain, and coordinate the state community college database commonly known as the "Michigan Community College Data Inventory".

(b) Collect data concerning community colleges and community college programs in this state, including data required by law.

(c) Establish procedures to ensure the validity and reliability of the data and the collection process.

(d) Develop model data collection policies, including, but not limited to, policies that ensure the privacy of any individual student data. Privacy policies must ensure that student Social Security numbers are not released to the public for any purpose.

(e) Provide data in a useful manner to allow state policymakers and community college officials to make informed policy decisions.

(f) Compile and publish electronically the demographic enrollment profile.

(g) Compile and publish the community college performance improvement and performance completion rate data to support the performance funding formula metrics specified in section 230(1)(c) and (e).

(2) There is created within the center the Michigan Community College Data Inventory advisory committee. The committee shall provide advice to the director of the center regarding the management of the state community college database, including, but not limited to:

(a) Determining what data are necessary to collect and maintain to enable state and community college officials to make informed policy decisions.

(b) Defining the roles of all stakeholders in the data collection system.

(c) Recommending timelines for the implementation and ongoing collection of data.

(d) Establishing and maintaining data definitions, data transmission protocols, and system specifications and procedures for the efficient and accurate transmission and collection of data.

(e) Establishing and maintaining a process for ensuring the accuracy of the data.

(f) Establishing and maintaining policies related to data collection, including, but not limited to, privacy policies related to individual student data.

(g) Ensuring that the data are made available to state policymakers and citizens of this state in the most useful format possible.

(h) Addressing other matters as determined by the director of the center or as required by law.

(3) The Michigan Community College Data Inventory advisory committee created in subsection (2) consists of the following members:

(a) One representative from the house fiscal agency, appointed by the director of the house fiscal agency.

(b) One representative from the senate fiscal agency, appointed by the director of the senate fiscal agency.

(c) One representative from the department of labor and economic opportunity, appointed by the director of the department of labor and economic opportunity.

(d) One representative from the center, appointed by the director of the center.

(e) One representative from the state budget office, appointed by the state budget director.

(f) One representative from the department of lifelong education, advancement, and potential, appointed by the director of the department of lifelong education, advancement, and potential.

(g) One representative from the governor's policy office, appointed by that office.

(h) Four representatives of the Michigan Community College Association, appointed by the president of the association, that represent a diverse mix of college sizes.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 52, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

388.1817a Community college annual reporting requirements.

Sec. 217a.

(1) Each community college that receives an appropriation in section 201 shall submit all of the following information in the form and manner specified by the center:

(a) The Michigan community colleges verified data inventory data for the preceding academic year to the center by the first business day of November of each year as specified in section 217.

(b) Tuition and mandatory fees information as specified in section 217b.

(c) The longitudinal data set to the center as specified in section 219.

(d) The number and type of associate degrees, baccalaureate degrees, and other certificates awarded as specified in section 219.

(e) The annual independent audit as specified in section 222.

(2) If the state budget director determines that a community college failed to submit any of the information described in subsection (1) in the form and manner specified by the center, the state treasurer may withhold the monthly installments described in section 206 from that community college until those data are submitted. If a community college does not submit any of the information described in subsection (1) by the end of the fiscal year, the community college forfeits any withheld amount. The state budget director shall notify the chairs of the house

and senate appropriations subcommittees on community colleges at least 10 days before withholding funds from any community college.

(3) It is intended that accountability reporting for community colleges will be streamlined through the center. The state budget director and the center shall work to combine the reporting requirements outlined in this subsection with the existing Michigan community colleges verified data inventory collection cycle. All of the following must be reported to the house and senate fiscal agencies and the state budget director:

(a) Each community college's certification of its compliance with the requirements described in subsections (4) and (5).

(b) The reporting and certification requirements of subsections (6) and (7) and section 217b.

(4) No later than the first business day of November of each year, each community college that receives an appropriation in section 201 shall make all of the information described in subdivisions (a) to (g) available through a link on its website homepage, subject to subdivision (h), as follows:

(a) The annual operating budget and subsequent budget revisions.

(b) A link to the most recent "Michigan Community College Data Inventory Report".

(c) General fund revenue and expenditure projections for the current fiscal year and the next fiscal year.

(d) A listing of all debt service obligations, detailed by project, anticipated payment of each project, and total outstanding debt for the current fiscal year.

(e) Links to all of the following for the community college:

(i) The current collective bargaining agreement for each bargaining unit.

(ii) Each health care benefits plan, including, but not limited to, medical, dental, vision, disability, long-term care, or any other type of benefits that would constitute health care services, offered to any bargaining unit or employee of the community college.

(iii) Audits and financial reports for the most recent fiscal year for which they are available.

(iv) A copy of the board of trustees resolution regarding compliance with best practices for the local strategic value component described in section 230(2).

(f) A map that includes the boundaries of the community college district.

(g) A prominent link to the financial aid website created under section 260.

(h) For statewide consistency and public visibility, community colleges shall use the icon badge provided by the department of technology, management, and budget consistent with the icon badge developed by the department of education for K-12 school districts. It must appear on the front of each community college's homepage. The size of the icon may be reduced to 150 x 150 pixels.

(5) No later than the first business day of November of each year, each community college that receives an appropriation in section 201 shall develop, maintain, and update a "campus safety information and resources" link, prominently displayed on the homepage of its website, that links to a section of the community college's website containing, at a minimum, all of the following information:

(a) Emergency contact numbers for police, fire, health, and other services.

(b) Hours, locations, telephone numbers, and email contacts for campus public safety offices and title IX offices.

(c) A list of safety and security services provided by the community college, including transportation, escort services, building surveillance, anonymous tip lines, and other available security services.

(d) The community college's policies applicable to minors on community college property.

(e) A directory of resources available at the community college or in the surrounding community for students or employees who are survivors of sexual assault or sexual abuse.

(f) An electronic copy of "A Resource Handbook for Campus Sexual Assault Survivors, Friends and Family", published in 2018.

(g) Campus security policies and crime statistics pursuant to the student right-to-know and campus security act, Public Law 101-542, 104 Stat 2381. Information must include all material prepared pursuant to the public information reporting requirements under the crime awareness and campus security act of 1990, title II of the student right-to-know and campus security act, Public Law 101-542, 104 Stat 2381.

(6) No later than the first business day of November of each year, each community college that receives an appropriation in section 201 shall report to the house and senate appropriations subcommittees on community colleges, the house and senate fiscal agencies, and the state budget director its annual title IX report, also known as the student sexual misconduct report, issued by the title IX coordinator, as required under the federal campus SaVE act of 2013, Public Law 113-4, section 304, 127 Stat 54, 89-92 (2013).

(7) No later than the first business day of November of each year, each community college that receives an appropriation in section 201 shall certify that the community college complies with federal regulations under title IX, as required by the United States Department of Education, including, but not limited to, the following:

(a) Use of medical experts that do not have an actual or apparent conflict of interest.

(b) Issuance of title IX reports to complainants and respondents that are not divergent.

(c) Notification of resources to each individual who reports having experienced sexual assault by a member of the community college.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023

388.1817b Community college annual tuition and fees report; increase restraint.

Sec. 217b.

(1) Each community college that receives an appropriation in section 201 shall report to the center by the last business day of August of each year the tuition and mandatory fees paid by a full-time in-district student and a full-time out-of-district student as established by the community college governing board for the current academic year. This report should also include the annual cost of tuition and fees based on a full-time course load of 30 credits. This report must also specify the amount that tuition and fees have increased for the community college from the prior academic year. Each community college shall also report any revisions to the reported current academic year tuition and mandatory fees adopted by the community college governing board to the center within 15 days of being adopted. The center shall provide this information and any revisions to the house and senate fiscal agencies and the state budget director.

(2) Each community college that receives an appropriation in section 201 shall certify to the state budget director by the last business day of August of each year that its board will not adopt an increase in tuition and fee rates for in-district students for the academic year that is greater than the tuition restraint described in this subsection. For the academic year 2024-2025, the tuition restraint level is equal to the greater of 4.5% or $217.00. For the academic year 2025-2026, the tuition restraint level is equal to the greater of 4.5% or $227.00. It is intended that in the next fiscal year, the tuition restraint rate will be adjusted only for the subsequent academic year. As used in this subsection:

(a) "Fee" means any board-authorized fee that will be paid by more than 1/2 of all in-district students at least once during their enrollment at a community college. A community college increasing a fee that applies to a specific subset of students or courses shall provide sufficient information to prove that the increase applied to that subset will not cause the increase in the average amount of board-authorized total tuition and fees paid by in-district students in the 2024-2025 academic year to exceed the limit established in this section.

(b) "Tuition and fee rate" means the average of full-time rates paid by a majority of students in each class, based on an unweighted average of the rates authorized by the community college board and actually charged to students, deducting any uniformly rebated or refunded amounts, for the 2 semesters with the highest levels of full-time equated in-district enrollment during the academic year.

(3) Community colleges that exceed the tuition and fee rate cap described in subsection (2) are not eligible to receive payments under section 201 for performance funding or payments under section 201f for 1-time performance funding payments for fiscal year 2024-2025.

(4) Notwithstanding any other provision of this act, the legislature may at any time adjust appropriations for a community college that adopts an increase in tuition and fee rates for in-district students that exceeds the rate cap established in subsection (2).

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1817c Report on details of public school academies.

Sec. 217c.

(1) Not later than December 1 of each year, each community college or federally recognized tribal college that, in the current or previous academic year, serves or has served as an authorizing body shall submit a report to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, the state budget director, and the department of education containing, at a minimum, all of the following information, as applicable:

(a) A list of all of the schools currently authorized, and the following information for each school:

(i) The year in which the school was authorized.

(ii) The location of each school.

(iii) The owner of the property at which each school is located and the physical buildings utilized by the school, as applicable.

(b) A list identifying any schools that were closed or lost their authorization in the current or previous academic year.

(c) A description of any new contracts for the operation of a public school academy that will operate as the successor to a public school academy that is currently being operated under a contract issued by another authorizing body that is currently performing in the bottom 5% of schools.

(d) The academic performance of each school currently authorized, including whether a school is identified by the department of education as a partnership school. If a school is identified as a partnership school under this subdivision, the authorizing body must include a description of corrective actions in the school's partnership agreement, the duration of the partnership agreement, and an assessment of progress toward improvement.

(e) The total enrollment of each school at the time of submission, the grades served, and student turnover rate compared to the previous academic year, as applicable.

(f) Aggregated student enrollment data for students with an individualized education program as well as the total amount of special education cost reimbursements received by each school during the school's most recently completed fiscal year.

(g) The total number of fees, reimbursements, contributions, or charges permitted under section 502(6) of the revised school code, 1976 PA 451, MCL 380.502, that are assigned to each school currently authorized in a single academic year.

(h) The names of the members of the board of directors of each school currently authorized, the date that each member of each board was appointed, and a description of the methodology used by the authorizing body to select members for the boards of directors for each school currently authorized by the authorizing body.

(i) The name of the applicant who applied and received approval to organize each currently authorized school.

(j) The list of contracts and length of their terms, with education service providers associated with each school currently authorized pursuant to section 502 of the revised school code, 1976 PA 451, MCL 380.502, as applicable. The contracts described in this subdivision include, but are not limited to, those described in section 502(2)(d) of the revised school code, 1 1976 PA 451, MCL 380.502.

(k) Activities undertaken by each authorizing body to ensure that the board of directors of each school complies with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and laws prohibiting conflicts of interest.

(l) A description of the activities undertaken by the authorizing body to meet the functions of an authorizing body under section 502 of the revised school code, 1976 PA 451, MCL 380.502, as applicable.

(m) A financial report of the authorizing body's use of fees, reimbursements, contributions, or charges collected or retained under section 502(6) of the revised school code, 1976 PA 451, MCL 380.502. This report must include all of the following, at a minimum:

(i) The total amount of fees collected or retained under section 502(6) of the revised school code, 1976 PA 451, MCL 380.502, by the authorizing body for the authorizing body's most recent fiscal year.

(ii) The amount of funds reported under subparagraph (i) that were spent on compensation for faculty and staff employed primarily to meet the functions of an authorizing body. For the purpose of this subparagraph, an employee is presumed to be primarily employed to meet the functions of an authorizing body if that employee spends more than 50% of the employee's time on those activities.

(iii) The number of positions, organized by job title, associated with expenditures reported under subparagraph (ii).

(iv) The amount of funds reported under subparagraph (i) that were spent on contractual services to meet the functions of an authorizing body.

(v) The amount of funds reported under subparagraph (i) that were spent on other overhead costs to meet the functions of an authorizing body.

(vi) The amount of funds reported under subparagraph (i) that were transferred to another operating unit within the community college or federally recognized tribal college.

(vii) The amount of funds reported under subparagraph (i) that were spent on activities other than functioning as an authorizing body, including a list of those activities and the amount associated with each activity.

(n) An executive summary section that provides relevant summary data for reporting requirements under subdivisions (a) to (m).

(2) A report submitted under this section must be in a format that meets accessibility standards for viewing on the internet under the Americans with disabilities act of 1990, Public Law 101-336.

(3) A report submitted under this section must be published and updated through a link on the homepage of the institution's website.

(4) As used in this section, "authorizing body" means that term as defined in section 501 of the revised school

code, 1976 PA 451, MCL 380.501.

History: Add. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: In subsection (1)(j), the citation to "1 1976 PA 451" evidently should read "1976 PA 451".

388.1818 Repealed. 2019, Act 52, Eff. Oct. 1, 2019.

Compiler's Notes: The repealed section pertained to the exclusion of credit hours for a student incarcerated in a Michigan penal institution.

388.1819 Statewide P-20 education longitudinal data system reporting.

Sec. 219.

(1) By October 15 of each year, each community college that receives an appropriation in section 201 shall provide its longitudinal data system data set for the preceding academic year to the center for inclusion in the statewide P-20 education longitudinal data system described in section 94a.

(2) Each community college that receives an appropriation in section 201 shall report to the center by October 15 of each year the numbers and type of associate degrees and other certificates awarded by the community college during the previous academic year for inclusion in the statewide P-20 longitudinal data system.

(3) Using the data provided by the community colleges as required under this section, the center shall use the P-20 longitudinal data system to inform interested Michigan high schools and the public of the aggregate academic status of its students for the previous academic year. The center shall work with the Michigan Community College Association and in cooperation with the Michigan Association of Secondary School Principals. Community colleges shall cooperate with the center to maintain a systematic approach for accomplishing this work.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023

388.1820 Performance audits.

Sec. 220.

(1) As provided for under section 1 of 2003 PA 1, MCL 13.101, pursuant to section 53 of article IV of the state constitution of 1963, the auditor general or a certified public accountant appointed by the auditor general may conduct performance audits of community colleges as the auditor general considers necessary.

(2) Within 60 days after an audit report is released by the office of the auditor general, the principal executive officer of the community college that was audited shall submit to the house and senate appropriations committees, the house and senate fiscal agencies, the auditor general, and the state budget director a plan to comply with audit recommendations. The plan shall contain projected dates and resources required, if any, to achieve compliance with the audit recommendations, or a documented explanation of the college's noncompliance with the audit recommendations concerning the matters on which the audited community college and office of the auditor general disagree.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021

388.1821 Document retention.

Sec. 221.

(1) A community college shall retain certified class summaries, class lists, registration documents, and student transcripts that are consistent with the taxonomy of courses. For each enrollment period during the fiscal year, these certified documents shall identify clearly by course the number of in-district and out-of-district student credit and contact hours. The class summaries and class lists shall be consistent with each other and shall include the course prefix and numbers, course title, course credit and contact hours, credit and contact hours generated by each student, and activity classifications consistent with the taxonomy. An auditable process shall be used by the community college to determine the unduplicated head count for in-district students, out-of-district students, and prisoners for each enrollment period during the fiscal year.

(2) A community college shall retain all contracts between the community college and agencies that reimburse the community college for the costs of instruction for audit purposes.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012

388.1822 Annual independent audit.

Sec. 222.

Each community college shall have an annual audit of all income and expenditures performed by an independent auditor and shall furnish the independent auditor's management letter and an annual audited accounting of all general and current funds income and expenditures including audits of college foundations to the center before November 15 of each year. The center shall provide this information to members of the senate and house appropriations subcommittees on community colleges, the senate and house fiscal agencies, the auditor general, the department of labor and economic opportunity, the department of lifelong education, advancement, and potential, and the state budget director. If a community college fails to furnish the audit materials, the monthly state aid installments must be withheld from that college until the information is submitted. All reporting must conform to the requirements set forth in the "2001 Manual for Uniform Financial Reporting, Michigan Public Community Colleges". A community college shall make the information the community college is required to provide under this section available to the public on its website.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

388.1823 Report on North American Indian tuition waivers.

Sec. 223.

(1) By January 15 of each year, the department of lifelong education, advancement, and potential shall submit to the state budget director, the house and senate appropriations subcommittees on community colleges, and the house and senate fiscal agencies a report on North American Indian tuition waivers for the preceding academic year

that includes, but is not limited to, all of the following information:

(a) The number of waiver applications received and the number of waiver applications approved.

(b) For each community college submitting information under subsection (2), all of the following:

(i) The number of North American Indian students enrolled each term for the previous academic year.

(ii) The number of North American Indian waivers granted each term, including continuing education students, and the monetary value of the waivers for the previous academic year.

(iii) The number of North American Indian students who receive a granted waiver for the previous academic year.

(iv) The number of students attending under a North American Indian tuition waiver who withdrew from the college each term during the previous academic year. For purposes of this subparagraph, a withdrawal occurs when a student who has been awarded the waiver withdraws from the institution at any point during the term, regardless of enrollment in subsequent terms.

(v) The number of students attending under a North American Indian tuition waiver who successfully transfer to a 4-year public or private university, or complete a degree or certificate program, separated by degree or certificate level, and the graduation rate for students attending under a North American Indian tuition waiver who complete a degree or certificate within 150% of the normal time to complete, separated by the level of the degree or certificate.

(2) By January 1 of each year, a community college that receives an appropriation in section 201 or a tribal institution that receives funding for the North American Indian tuition waiver shall provide to the department of lifelong education, advancement, and potential any information necessary for preparing the report described in subsection (1), using guidelines and procedures developed by the department of lifelong education, advancement, and potential.

(3) The department of lifelong education, advancement, and potential may consolidate the report required under this section with the report required under section 268, but a consolidated report must separately identify data for universities and data for community colleges.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1824 Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to the use of the P-20 longitudinal data system to provide the aggregate academic status of students.

388.1825 Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to the reporting of tuition and mandatory fees paid by students.

388.1826 Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to reporting of the number and type of associate degrees and certificates awarded during the year.

388.1826a Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to requirement to provide an online informational resource for student loan borrowers.

388.1826b Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to reporting of federal funds received related to the COVID-19 pandemic.

388.1826d Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to a report on activities related to providing open and free expression and speech.

388.1826e Postsecondary education goals.

Sec. 226e.

It is the goal of the governor and legislature to ensure that 60% of Michigan's residents achieve a postsecondary credential, high-quality industry certification, associate degree, or bachelor's degree by 2030.

History: Add. 2022, Act 144, Eff. Oct. 1, 2022
Compiler's Notes: Former MCL 388.1826e, which pertained to legislative intent to provide certifications or degrees to 60% of the state's residents, was repealed by Act 86 of 2021, Eff. Oct. 1, 2021.

388.1826g Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to the adoption of an advocacy policy and its requirements.

388.1827 Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to policies and procedures for accepting and awarding college level equivalent credit examinations.Former MCL 388.1827, which pertained to a prohibition on the use of funds for vehicles manufactured outside the United States, was repealed by Act 52 of 2019, Eff. Oct. 1, 2019.

388.1827a Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to providing information on accelerated degree completion pathways and options.

388.1828 Communication of employee with member of legislature or staff.

Sec. 228.

A community college shall not take disciplinary action against an employee for communicating with a member of the legislature or the legislator's staff.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012

388.1829 Applicant as veteran, current member of armed forces, or spouse or dependent; question; review of in-district tuition for veterans issue; definitions.

Sec. 229.

(1) Each community college that receives an appropriation in section 201 is expected to include in its admission application process a specific question as to whether an applicant for admission has ever served or is currently serving in the United States Armed Forces or is the spouse or dependent of an individual who has served or is currently serving in the United States Armed Forces, in order to more quickly identify potential educational assistance available to that applicant.

(2) It is expected that each community college that receives an appropriation in section 201 will work with the house and senate appropriations subcommittees on community colleges, the Michigan Community College Association, and veterans groups to review the issue of in-district tuition for veterans of this state when determining tuition rates and fees.

(3) Each community college that receives an appropriation in section 201 is expected to provide reasonable programming and scheduling accommodations necessary to facilitate a student's military, National Guard, or military reserves duties and training obligations.

(4) Each community college that receives an appropriation in section 201 is expected to provide college level equivalent credit examination opportunities for veterans and active members of the military, National Guard, or military reserves within the first semester of enrollment.

(5) Each community college that receives an appropriation in section 201 is expected to do all of the following in its admission application process if it knows that an applicant for admission is currently serving, or has ever served, as a member of the military, the National Guard, or the military reserves:

(a) Inform the applicant that the applicant may receive academic credit for college-level training and education the applicant received while serving in the military.

(b) Inform the applicant that the applicant may submit a transcript of the applicant's college-level military training and education to the community college.

(c) If the applicant submits a transcript described in subdivision (b), evaluate that transcript and notify the applicant of what transfer credits are available to the applicant from the community college for the applicant's college-level military training and education.

(6) As used in this section:

(a) "Transcript" includes a joint services transcript prepared for the applicant under the American Council on Education registry of credit recommendations.

(b) "Veteran" means an honorably discharged veteran entitled to educational assistance under section 5003 of the post-911 veterans educational assistance act of 2008, 38 USC 3301 to 3327.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1829a Capital projects for community colleges.

Sec. 229a.

Included in the fiscal year 2024-2025 appropriations for the department of technology, management, and budget are appropriations totaling $33,481,600.00 to provide funding for the state share of costs for previously constructed capital projects for community colleges. Those appropriations for state building authority rent represent additional state general fund support for community colleges, and the following is an estimate of the amount of that support to each community college:

(a) Alpena Community College, $858,200.00.
(b) Bay de Noc Community College, $516,900.00.
(c) Delta College, $2,696,900.00.
(d) Glen Oaks Community College, $381,400.00.
(e) Gogebic Community College, $56,200.00.
(f) Grand Rapids Community College, $1,090,000.00.
(g) Henry Ford College, $1,570,600.00.
(h) Jackson College, $2,051,500.00.
(i) Kalamazoo Valley Community College, $1,949,100.00.
(j) Kellogg Community College, $681,500.00.
(k) Kirtland Community College, $225,800.00.
(l) Lake Michigan College, $969,600.00.
(m) Lansing Community College, $759,800.00.
(n) Macomb Community College, $2,847,000.00.
(o) Mid Michigan Community College, $1,620,900.00.
(p) Monroe County Community College, $1,545,700.00.
(q) Montcalm Community College, $447,600.00.
(r) C.S. Mott Community College, $2,110,700.00.
(s) Muskegon Community College, $985,600.00.
(t) North Central Michigan College, $648,400.00.
(u) Northwestern Michigan College, $1,793,600.00.
(v) Oakland Community College, $0.00.
(w) Schoolcraft College, $2,240,200.00.
(x) Southwestern Michigan College, $825,500.00.
(y) St. Clair County Community College, $720,600.00.
(z) Washtenaw Community College, $1,682,300.00.
(aa) Wayne County Community College, $1,467,500.00.
(bb) West Shore Community College, $738,500.00.

History: Add. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 52, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1829b Repealed. 2014, Act 196, Eff. Oct. 1, 2014.

Compiler's Notes: The repealed section pertained to providing accurate information on student educational outcomes in employment market.

388.1830 Community college operations; performance funding; distribution; formula; meeting best practice

measures; resolution; categories of best practices; payments; conditions.

Sec. 230.

(1) Subject to subsection (4), money included in the appropriations for community college operations under section 201(2) for performance funding and under section 201f for 1-time performance funding payments is distributed based on the following formula:

(a) Allocated proportionate to fiscal year 2023-2024 base appropriations, 30%.

(b) Based on a weighted student contact hour formula as provided for in the 2016 recommendations of the performance indicators task force, 30%.

(c) Based on the performance improvement as provided for in the 2016 recommendations of the performance indicators task force and based on data provided by the center, 10%.

(d) Based on the performance completion number as provided for in the 2016 recommendations of the performance indicators task force, 10%.

(e) Based on the performance completion rate as provided for in the 2016 recommendations of the performance indicators task force and based on data provided by the center, 10%.

(f) Based on administrative costs, 5%.

(g) Based on the local strategic value component, as developed in cooperation with the Michigan Community College Association and described in subsection (2), 5%.

(2) Money included in the appropriations for community college operations under section 201(2) for local strategic value is allocated only to each community college that certifies to the state budget director, through a board of trustees resolution on or before October 15, 2024, that the college has met 4 out of 5 best practices listed in each category described in subsection (3). The resolution must provide specifics as to how the community college meets each best practice measure within each category. One-third of funding available under the strategic value component is allocated to each category described in subsection (3). Amounts distributed under local strategic value must be on a proportionate basis to each college's fiscal year 2023-2024 operations funding. Payments to community colleges that qualify for local strategic value funding must be distributed with the November installment payment described in section 206.

(3) For purposes of subsection (2), the following categories of best practices reflect functional activities of community colleges that have strategic value to the local communities and regional economies:

(a) For Category A, economic development and business or industry partnerships, the following:

(i) The community college has active partnerships with local employers including hospitals and health care providers.

(ii) The community college provides customized on-site training for area companies, employees, or both.

(iii) The community college supports entrepreneurship through a small business assistance center or other training or consulting activities targeted toward small businesses.

(iv) The community college supports technological advancement through industry partnerships, incubation activities, or operation of a Michigan technical education center or other advanced technology center.

(v) The community college has active partnerships with local or regional workforce and economic development agencies.

(b) For Category B, educational partnerships, the following:

(i) The community college has active partnerships with regional high schools, intermediate school districts, and career-tech centers to provide instruction through dual enrollment, concurrent enrollment, direct credit, middle college, or academy programs.

(ii) The community college hosts, sponsors, or participates in enrichment programs for area K-12 students, such as college days, summer or after-school programming, or Science Olympiad.

(iii) The community college provides, supports, or participates in programming to promote successful transitions to college for traditional age students, including grant programs such as talent search, upward bound, or other activities to promote college readiness in area high schools and community centers.

(iv) The community college provides, supports, or participates in programming to promote successful transitions to college for new or reentering adult students, such as adult basic education, a high school equivalency test preparation program and testing, or recruiting, advising, or orientation activities specific to adults. As used in this subparagraph, "high school equivalency test preparation program" means that term as defined in section 4.

(v) The community college has active partnerships with regional 4-year colleges and universities to promote successful transfer, such as articulation, 2+2, or reverse transfer agreements or operation of a university center.

(c) For Category C, community services, the following:

(i) The community college provides continuing education programming for leisure, wellness, personal enrichment, or professional development.

(ii) The community college operates or sponsors opportunities for community members to engage in activities that promote leisure, wellness, cultural or personal enrichment such as community sports teams, theater or musical ensembles, or artist guilds.

(iii) The community college operates public facilities to promote cultural, educational, or personal enrichment for community members, such as libraries, computer labs, performing arts centers, museums, art galleries, or television or radio stations.

(iv) The community college operates public facilities to promote leisure or wellness activities for community members, including gymnasiums, athletic fields, tennis courts, fitness centers, hiking or biking trails, or natural areas.

(v) The community college promotes, sponsors, or hosts community service activities for students, staff, or community members.

(4) Payments for performance funding under section 201(2) and for 1-time performance funding payments under section 201f must be made to a community college only if that community college actively participates in the Michigan Transfer Network sponsored by the Michigan Association of Collegiate Registrars and Admissions Officers and submits timely updates, including updated course equivalencies at least every 6 months, to the Michigan Transfer Network. The state budget director shall determine if a community college has not satisfied this requirement. The state budget director may withhold payments for performance funding and 1-time performance funding until a community college is in compliance with this subsection.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 56, Eff. June 27, 2016 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 52, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1830a Repealed. 2016, Act 249, Eff. Oct. 1, 2016.

Compiler's Notes: The repealed section pertained to review, evaluation, discussion, and recommendation regarding performance indicators.

ARTICLE III
STATE AID FOR UNIVERSITIES AND STUDENT FINANCIAL AID

388.1836 Higher education; appropriations; summary.

Sec. 236.

(1) Subject to the conditions set forth in this article, the amounts listed in this section are appropriated for higher education for the fiscal year ending September 30, 2025, from the funds indicated in this section. The following is a summary of the appropriations in this section and sections 236d and 236j:

(a) The gross appropriation is $2,324,292,600.00. After deducting total interdepartmental grants and intradepartmental transfers in the amount of $0.00, the adjusted gross appropriation is $2,324,292,600.00.

(b) The sources of the adjusted gross appropriation described in subdivision (a) are as follows:

(i) Total federal revenues, $3,200,000.00.

(ii) Total local revenues, $0.00.

(iii) Total private revenues, $0.00.

(iv) Total other state restricted revenues, $461,668,300.00.

(v) State general fund/general purpose money, $1,859,424,300.00.

(c) The totals and subtotals reflected in subdivisions (a) and (b) do not include amounts appropriated under subsection (7)(f) or (8)(b) to avoid duplicating totals of amounts appropriated in this section and section 236j.

(2) Amounts appropriated for public universities are as follows:

(a) The appropriation for Central Michigan University is $96,833,700.00, $93,819,600.00 for operations, $1,407,300.00 for operations increase, and $1,606,800.00 for costs incurred under the North American Indian tuition waiver.

(b) The appropriation for Eastern Michigan University is $84,381,000.00, $82,738,700.00 for operations, $1,241,100.00 for operations increase, and $401,200.00 for costs incurred under the North American Indian tuition waiver.

(c) The appropriation for Ferris State University is $60,548,400.00, $58,932,300.00 for operations, $884,000.00 for operations increase, and $732,100.00 for costs incurred under the North American Indian tuition waiver.

(d) The appropriation for Grand Valley State University is $98,876,100.00, $96,111,200.00 for operations, $1,441,700.00 for operations increase, and $1,323,200.00 for costs incurred under the North American Indian tuition waiver.

(e) The appropriation for Lake Superior State University is $15,838,800.00, $14,251,800.00 for operations, $213,800.00 for operations increase, and $1,373,200.00 for costs incurred under the North American Indian tuition waiver.

(f) The appropriation for Michigan State University is $396,479,600.00, $316,765,400.00 for operations, $4,751,500.00 for operations increase, $2,143,100.00 for costs incurred under the North American Indian tuition waiver, $39,096,200.00 for MSU AgBioResearch, and $33,723,400.00 for MSU Extension.

(g) The appropriation for Michigan Technological University is $55,245,300.00, $53,658,800.00 for operations, $804,900.00 for operations increase, and $781,600.00 for costs incurred under the North American Indian tuition waiver.

(h) The appropriation for Northern Michigan University is $54,263,000.00, $52,069,300.00 for operations, $781,000.00 for operations increase, and $1,412,700.00 for costs incurred under the North American Indian tuition waiver.

(i) The appropriation for Oakland University is $73,327,600.00, $71,957,000.00 for operations, $1,079,400.00 for operations increase, and $291,200.00 for costs incurred under the North American Indian tuition waiver.

(j) The appropriation for Saginaw Valley State University is $34,394,500.00, $33,690,600.00 for operations, $505,400.00 for operations increase, and $198,500.00 for costs incurred under the North American Indian tuition waiver.

(k) The appropriation for University of Michigan – Ann Arbor is $362,128,600.00, $355,278,300.00 for operations, $5,329,000.00 for operations increase, and $1,521,300.00 for costs incurred under the North American Indian tuition waiver.

(l) The appropriation for University of Michigan – Dearborn is $31,722,500.00, $31,048,000.00 for operations, $465,700.00 for operations increase, and $208,800.00 for costs incurred under the North American Indian tuition waiver.

(m) The appropriation for University of Michigan – Flint is $26,695,600.00, $26,013,500.00 for operations, $390,200.00 for operations increase, and $291,900.00 for costs incurred under the North American Indian tuition waiver.

(n) The appropriation for Wayne State University is $227,735,900.00, $223,950,900.00 for operations, $3,359,300.00 for operations increase, and $425,700.00 for costs incurred under the North American Indian tuition waiver.

(o) The appropriation for Western Michigan University is $121,845,400.00, $119,440,200.00 for operations, $1,791,600.00 for operations increase, and $613,600.00 for costs incurred under the North American Indian tuition waiver.

(3) The amount appropriated in subsection (2) for public universities is $1,740,316,000.00, appropriated from the following:

(a) State school aid fund, $443,168,300.00.

(b) State general fund/general purpose money, $1,297,147,700.00.

(4) The amount appropriated for Michigan public school employees' retirement system reimbursement is $0.00.

(5) The amount appropriated for state and regional programs is $316,800.00, appropriated from general fund/general purpose money and allocated as follows:

(a) Higher education database modernization and conversion, $200,000.00.

(b) Midwestern Higher Education Compact, $116,800.00.

(6) The amount appropriated for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks program is $2,691,500.00, appropriated from general fund/general purpose money and allocated as follows:

(a) Select student support services, $1,956,100.00.

(b) Michigan college/university partnership program, $586,800.00.

(c) Morris Hood, Jr. educator development program, $148,600.00.

(7) Subject to subsection (8), the amount appropriated for grants and financial aid is $542,453,600.00, allocated as follows:

(a) State competitive scholarships, $19,930,900.00.

(b) Tuition grants, $41,522,700.00.

(c) Tuition incentive program, $93,800,000.00.

(d) Children of veterans and officer's survivor tuition grant programs, $2,000,000.00.

(e) Project GEAR-UP, $3,200,000.00.

(f) Michigan achievement scholarships, $330,000,000.00. From this amount, up to $10,000,000.00 may be used to award skills scholarships under section 248a.

(g) Michigan reconnect, $52,000,000.00.

(8) The money appropriated in subsection (7) for grants and financial aid is appropriated from the following:

(a) Federal revenues under the United States Department of Education, Office of Elementary and Secondary Education, GEAR-UP program, $3,200,000.00.

(b) Postsecondary scholarship fund, $330,000,000.00.

(c) State general fund/general purpose money, $209,253,600.00.

(d) At the close of the fiscal year, state general fund/general purpose money appropriated in subsection (7) for grants and scholarships that is unspent must be deposited into the postsecondary scholarship fund created in section 236j.

(9) For fiscal year 2024-2025 only, in addition to the allocation under subsection (4), from the appropriations described in subsection (1), there is allocated an amount not to exceed $8,500,000.00 for payments to participating public universities, appropriated from the state school aid fund. A public university that receives money under this subsection shall use that money solely for the purpose of offsetting the normal cost contribution rate. As used in this subsection, "participating public universities" means public universities that are a reporting unit of the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, and that pay contributions to the Michigan public school employees' retirement system for the state fiscal year.

(10) For fiscal year 2024-2025 only, from the appropriation described in subsection (1), $1,000,000.00 is appropriated from the state general fund/general purpose money for Michigan Transfer Pathways. The department of lifelong education, advancement, and potential shall use funds appropriated under this subsection to work with the Michigan Transfer Network, community colleges, public universities, and other institutions of higher education in this state to facilitate the transfer of students and acceptance of credits among these institutions. The department may hire limited time FTEs or external consultants with the funds. The funds allocated under this subsection for fiscal year 2024-2025 are a work project appropriation, and any unexpended funds remaining at the end of fiscal year 2024-2025 are carried forward into fiscal year 2025-2026, and any unexpended funds remaining at the end of fiscal year 2025-2026 are carried forward into fiscal year 2026-2027. The purpose of the work project is to support transfer pathways at postsecondary institutions in this state. The estimated completion date of the work project is September 30, 2027.

(11) For fiscal year 2024-2025 only, from the appropriation described in subsection (1), $980,000.00 is appropriated from the state general fund/general purpose money for the FAFSA completion incentive. The department of lifelong education, advancement, and potential shall use funds appropriated under this subsection to run a promotional activity to promote completing the Free Application for Federal Student Aid (FAFSA) for the first time consistent with the promotional-activity exception provided for in section 372(2) of the Michigan penal code, 1931 PA 328, MCL 750.372. The promotional activity must offer prize funds that are available to a number, chosen by the department, of randomly selected Michigan residents who satisfactorily demonstrate to the department that they have completed the FAFSA for the first time.

(12) For fiscal year 2024-2025 only, from the appropriation described in subsection (1), $750,000.00 is appropriated from state general fund/general purpose money to Western Michigan University to support the Project Clean program.

(13) For fiscal year 2024-2025 only, from the appropriation described in subsection (1), $70,000.00 is appropriated from state general fund/general purpose money to a city with a population between 70,000 and 80,000 in a county with a population between 225,000 and 275,000 according to the most recent federal decennial census for investments to improve safety on the campus of a public university based in that city.

(14) For fiscal year 2024-2025 only, subject to section 236r, from the appropriation described in subsection (1), $200,000.00 is appropriated from state general fund/general purpose money for an education performance study.

(15) All of the following apply for fiscal year 2024-2025 only:

(a) In addition to the allocations under subsections (4) and (9), there is allocated an amount not to exceed $10,000,000.00 for payments to participating public universities, appropriated from the state school aid fund. A public university that receives money under this subsection shall use that money solely for the purpose of payments toward the pension and other postemployment benefit unfunded actuarial accrued liabilities associated with members and pension recipients of those participating public universities.

(b) The amount allocated in subdivision (a) must be allocated to each participating public university based on each participating public university's percentage of the total combined payrolls of the universities' employees who are members of the retirement system and who were hired before January 1, 1996 and the universities' employees who would have been members of the retirement system on or after January 1, 1996, but for the enactment of 1995 PA 272 for all public universities that are participating public universities for the immediately preceding state fiscal year.

(c) Participating public universities receiving funds under this subsection shall forward an amount equal to the amount allocated under subdivision (a) to the retirement system in a form, manner, and time frame determined by the retirement system.

(d) Amounts allocated in subdivision (a) must be paid to participating public universities in 1 lump-sum

installment no later than October 31, 2024.

(e) As used in this subsection, "participating public universities" means public universities that are reporting units of the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, and that pay contributions to the Michigan public school employees' retirement system for the state fiscal year.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 5, Imd. Eff. Mar. 10, 2015 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 62, Eff. Oct. 1, 2019 ;-- Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019 ;-- Am. 2020, Act 146, Imd. Eff. July 31, 2020 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2022, Act 212, Imd. Eff. Oct. 12, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2023, Act 320, Eff. Feb. 13, 2024 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Subsection (7)(b), as amended by Act 62 of 2019, and which read "(b) Tuition grants, $38,021,500.00." was vetoed by the governor on September 30, 2019.Subsection (10), as added by Act 62 of 2019, was vetoed by the governor on September 30, 2019.Enacting section 1 of Act 62 of 2019 provides:"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2019-2020 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, is estimated at $1,557,518,600.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2019-2020 is estimated at $0.00."Subsection (10) as added by Act 86 of 2021, was vetoed by the governor on September 29, 2021.Subsections (10) and (11) as added by Act 144 of 2022 were vetoed by the governor on July 14, 2022.Enacting section 1 of Act 144 of 2022 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2021 PA 48, 2022 PA 93, and this amendatory act, from state sources for fiscal year 2021-2022 is estimated at $14,635,534,200.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2021-2022 are estimated at $13,448,739,600.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by this amendatory act, from state sources for fiscal year 2022-2023 is estimated at $17,078,472,900.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2022-2023 are estimated at $15,764,187,600.00."(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2022-2023 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, as amended by this amendatory act, is estimated at $449,058,000.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2022-2023 is estimated at $449,058,000.00."(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2021-2022 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, as amended by 2021 PA 86 and this amendatory act, is estimated at $1,979,224,800.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2021-2022 is estimated at $0.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2022-2023 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, as amended by this amendatory act, is estimated at $1,893,609,300.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2022-2023 is estimated at $0.00."Enacting section 1 of Act 212 of 2022 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2021 PA 48, 2022 PA 93, 2022 PA 144, and this amendatory act, from state sources for fiscal year 2021-2022 is estimated at $14,635,534,200.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2021-2022 are estimated at $13,448,739,600.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2022 PA 144 and this amendatory act, from state sources for fiscal year 2022-2023 is estimated at $17,090,672,900.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2022-2023 are estimated at $15,764,187,600.00."(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2022-2023 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, as amended by 2022 PA 144 and this amendatory act, is estimated at $1,888,109,300.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2022-2023 is estimated at $0.00."Enacting section 1 of Act 103 of 2023 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2022 PA 144, 2022 PA 212, 2023 PA 3, and by this amendatory act, from state sources for fiscal year 2022-2023 is estimated at $17,632,218,900.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2022-2023 are estimated at $16,036,571,400.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by this amendatory act, from state sources for fiscal year 2023-2024 is estimated at $19,258,857,800.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2023-2024 are estimated at $17,622,688,000.00."(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2023-2024 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, as amended by this amendatory act, is estimated at $544,517,500.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2023-2024 is estimated at $544,517,500.00."(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2022-2023 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, as amended by 2022 PA 144, 2022 PA 212, and this amendatory act, is estimated at $2,088,109,300.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2022-2023 is estimated at $0.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2023-2024 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, as amended by this amendatory act, is estimated at $2,160,022,400.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2022-2023 is estimated at $0.00."Enacting section 1 of Act 120 of 2024 provides:"Enacting section 1. (1) In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by 2023 PA 103, 2023 PA 320, and this amendatory act from state sources for fiscal year 2023-2024 is estimated at $19,367,907,800.00 and state appropriations for

school aid to be paid to local units of government for fiscal year 2023-2024 are estimated at $17,837,248,400.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending on school aid under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, as amended by this amendatory act, from state sources for fiscal year 2024-2025 is estimated at $18,371,481,900.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2024-2025 are estimated at $16,928,443,900.00."(2) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2023-2024 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, as amended by 2023 PA 103, 2023 PA 320, and this amendatory act, is estimated at $550,817,500.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2023-2024 is estimated at $550,817,500.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for community colleges for fiscal year 2024-2025 under article II of the state school aid act of 1979, 1979 PA 94, MCL 388.1801 to 388.1830, as amended by this amendatory act, is estimated at $462,220,800.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2024-2025 is estimated at $461,720,800.00."(3) In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2023-2024 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, as amended by 2023 PA 103, 2023 PA 320, and this amendatory act, is estimated at $2,160,022,400.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2023-2024 is estimated at $0.00. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2024-2025 under article III of the state school aid act of 1979, 1979 PA 94, MCL 388.1836 to 388.1891, as amended by this amendatory act, is estimated at $2,321,092,600.00 and the amount of that state spending from state sources to be paid to local units of government for fiscal year 2024-2025 is estimated at $70,000.00."

388.1836a Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's Notes: The repealed section pertained to legislative intent for appropriations for fiscal year ending September 30, 2021.

388.1836b Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to a federal contingency funds.

388.1836c State building authority rent.

Sec. 236c.

In addition to the funds appropriated for fiscal year 2024-2025 in section 236, appropriations to the department of technology, management, and budget in the act providing general appropriations for fiscal year 2024-2025 for state building authority rent, totaling an estimated $140,195,300.00, provide funding for the state share of costs for previously constructed capital projects for state universities. These appropriations for state building authority rent represent additional state general fund support provided to public universities, and the following is an estimate of the amount of that support to each public university:

(a) Central Michigan University, $12,927,300.00.
(b) Eastern Michigan University, $6,028,200.00.
(c) Ferris State University, $9,555,800.00.
(d) Grand Valley State University, $8,622,800.00.
(e) Lake Superior State University, $2,231,300.00.
(f) Michigan State University, $16,615,000.00.
(g) Michigan Technological University, $5,787,900.00.
(h) Northern Michigan University, $8,917,700.00.
(i) Oakland University, $11,256,500.00.
(j) Saginaw Valley State University, $7,828,000.00.
(k) University of Michigan - Ann Arbor, $12,280,600.00.
(l) University of Michigan - Dearborn, $10,736,000.00.
(m) University of Michigan - Flint, $6,063,200.00.
(n) Wayne State University, $10,082,300.00.
(o) Western Michigan University, $11,262,700.00.

History: Add. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 62, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1836d University operations; 2024-2025 only; MSU AGBioResearch; MSU Extension.

Sec. 236d.

(1) In addition to the funds appropriated under section 232(2) for university operations, for fiscal year 2024-2025 only, there is appropriated an amount not to exceed $16,297,300.00 from the state general fund/general purpose money for 1-time operations increase payments. These funds are intended to be used for the same purposes as the funds appropriated under section 236(2) for university operations.

(2) From the amount appropriated under subsection (1), each university is allocated the following:

(a) Central Michigan University, $938,200.00.

(b) Eastern Michigan University, $827,400.00.

(c) Ferris State University, $589,300.00.

(d) Grand Valley State University, $961,100.00.

(e) Lake Superior State University, $142,500.00.

(f) Michigan State University, $3,167,700.00.

(g) Michigan Technological University, $536,600.00.

(h) Northern Michigan University, $520,700.00.

(i) Oakland University, $719,600.00.

(j) Saginaw Valley State University, $336,900.00.

(k) University of Michigan – Ann Arbor, $3,552,800.00.

(l) University of Michigan – Dearborn, $310,500.00.

(m) University of Michigan – Flint, $260,100.00.

(n) Wayne State University, $2,239,500.00.

(o) Western Michigan University, $1,194,400.00.

(3) In addition to the funds appropriated in section 236(2) for MSU AgBioResearch, for fiscal year 2024-2025 only, there is appropriated an amount not to exceed $385,200.00 from the state general fund/general purpose money for MSU AgBioResearch.

(4) In addition to the funds appropriated in section 236(2) for MSU Extension, for fiscal year 2024-2025 only, there is appropriated an amount not to exceed $332,200.00 from the state general fund/general purpose money for MSU Extension.

History: Add. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: Former MCL 388.1836d, which pertained to appropriation of amounts for higher education to increase allocation for tuition incentive program and for grants and financial aid, was repealed by Act 249 of 2016, Eff. Oct. 1, 2016.

388.1836e Repealed 2017, Act 108, Eff. October 1, 2017.

Compiler's Notes: The repealed section pertained to increase in allocations to tuition reimbursement program and tuition incentive program.

388.1836f Michigan geological survey; 2023-2024 only.

Sec. 236f.

For fiscal year 2023-2024 only, for purposes of the appropriation to the Michigan geological survey described in section 236(11) as amended by 2023 PA 103 and 2023 PA 320, costs related to the development, construction, and equipment purchases for a new facility include costs related to the development, construction, renovation, and equipment purchases for a new or existing facility.

History: Add. 2024, Act 120, Imd. Eff. July 23, 2024
Compiler's Notes: Former MCL 388.1836f, which pertained to revision of allocations under section 236(7) for fiscal year ending September 30, 2018, was repealed by Act 265 of 2018, Eff. Oct. 1, 2018.

388.1836g Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's Notes: The repealed section pertained to federal funding to public universities from the coronavirus relief fund.

388.1836h Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to lump sum payment for pension and other postemployment benefit unfunded actuarial accrued liabilities.

388.1836i Repealed. 2022, Act 144, Eff. Oct. 1, 2022.

Compiler's Notes: The repealed section pertained to operational support payments to universities for the 2020-2021 fiscal year.

388.1836j Postsecondary scholarship fund.

Sec. 236j.

(1) The postsecondary scholarship fund is created in the department of treasury for the purpose of providing scholarship awards to eligible students who attend eligible postsecondary educational institutions in this state, as provided in subsection (5).

(2) The state treasurer may receive money or other assets from any source for deposit into the postsecondary scholarship fund. The state treasurer shall direct the investment of the postsecondary scholarship fund. The state treasurer shall credit to the postsecondary scholarship fund interest and earnings from postsecondary scholarship fund investments.

(3) Money in the postsecondary scholarship fund at the close of the fiscal year must remain in the postsecondary scholarship fund and not lapse to the general fund.

(4) The department of treasury shall be the administrator of the postsecondary scholarship fund for auditing purposes.

(5) Money must be expended from the postsecondary scholarship fund only for the purpose of providing Michigan achievement scholarship awards to eligible students who attend eligible postsecondary educational institutions in this state and for other purposes described in this section. Not more than $10,000,000.00 may be used by the department of lifelong education, advancement, and potential annually for the purposes of outreach and

marketing programs as specified in section 248.

(6) For the fiscal year ending September 30, 2025, $300,000,000.00 of ongoing funding and $30,000,000.00 of 1-time funding is deposited into the postsecondary scholarship fund from the state general fund/general purpose money.

(7) It is the intent of the legislature that the postsecondary scholarship fund serves as the primary funding source of the Michigan achievement scholarship. To ensure the Michigan achievement scholarship provides ongoing supports for students, it is the intent of the legislature to increase annual deposits into the postsecondary scholarship fund until the fully implemented costs of the Michigan achievement scholarship are deposited annually into the postsecondary scholarship fund.

(8) In addition to the appropriations in section 236, if the amount of general fund allocated in section 236(7) is not sufficient to fully fund the awards under section 236(7), there is appropriated from the postsecondary scholarship fund the amount necessary to fully fund those awards. The state budget director shall provide written notification to the house and senate appropriations subcommittee on higher education and the house and senate fiscal agencies prior to any additional appropriation described in this subsection.

History: Add. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2022, Act 212, Imd. Eff. Oct. 12, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1836k Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to a distribution to certain public universities for per-student floor funding.

388.1836m Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to funding for infrastructure, technology, equipment, maintenance, and safety items.

388.1836n Supplemental increase for tuition incentive program.

Sec. 236n.

For fiscal year 2023-2024 only, in addition to allocations under section 236(7) and (8), $8,000,000.00 is allocated to the tuition incentive program, appropriated from federal revenues under the social security act, temporary assistance for needy families. The allocation in this section must be distributed in the same manner as funds for the tuition incentive program are distributed under section 256.

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

388.1836o Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to payments for capital outlay projects

388.1836r Education performance study; public school academies.

Sec. 236r.

(1) Funds appropriated in section 236(14) for an education performance study must be used by the department of education to review, analyze, and provide recommendations based on the reports submitted under sections 217c and 275k. The study must be posted on the department of education's website.

(2) The department shall contract with at least 1 educational research institution based in this state to fulfill the requirements of this section. An entity that is a part of, owned by, or otherwise under the control of an authorizing body as that term is defined in section 501 of the revised school code, 1976 PA 451, MCL 380.501, is not eligible to receive a contract under this subsection.

(3) It is the intent of the legislature that the superintendent of public instruction use the analysis developed under this section, the reports under sections 217c and 275k, and all other relevant available resources to inform a determination under section 502(5) of the revised school code, 1976 PA 451, MCL 380.502.

History: Add. 2024, Act 120, Eff. Oct. 1, 2024

388.1837 Appropriations subject to MCL 18.1101 to 18.1594.

Sec. 237.

All of the appropriations authorized under this article are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2019, Act 62, Eff. Oct. 1, 2019

388.1837a Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's Notes: The repealed section pertained to definition of "research facility."

388.1837b "Center" and "college level equivalent credit examination" defined.

Sec. 237b.

As used in this article:

(a) "Center" means the center for educational performance and information created in section 94a.

(b) "College level equivalent credit examination" means an examination that is administered by an independent testing service and that is used by colleges and universities generally to award postsecondary credit for achievement of a particular score, and includes, but is not limited to, advanced placement examinations, the DANTES Subject Standardized Test (DSST), and college-level examination program (CLEP) examinations.

History: Add. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022
Compiler's Notes: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

388.1838 Reporting requirements for public university; use of internet.

Sec. 238.

Unless otherwise specified, a public university receiving appropriations in section 236 shall use the internet to fulfill the reporting requirements of this article. This requirement includes transmission of reports via electronic mail to the recipients identified for each reporting requirement and placement of reports on an internet site.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020

388.1839 Purchase of goods or services; preference.

Sec. 239.

A public university shall not use funds appropriated in section 236 for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods and services, or both, are available. Preference shall be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable value. In addition, preference shall be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans if they are competitively priced and of comparable quality.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012

388.1839a Repealed. 2016, Act 249, Eff. Oct. 1, 2016.

Compiler's Notes: The repealed section pertained to the lease or purchase of vehicles manufactured outside of the United States.

388.1840 Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's Notes: The repealed section pertained to deprived and depressed communities.

388.1841 Payments to public universities; monthly installments.

Sec. 241.

Subject to sections 241a, 241b, 241c, 241e, and 244, the funds appropriated in sections 236 and 236d to public universities must be paid out of the state treasury and distributed by the state treasurer to the respective institutions in 11 equal monthly installments on the sixteenth of each month, or the next succeeding business day, beginning with October 16, 2024. Except for Wayne State University, each institution shall accrue its July and August 2025 payments to its institutional fiscal year ending June 30, 2025.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 62, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1841a Annual public university higher education institutional data inventory (HEIDI) reporting; campus safety information and resources link.

Sec. 241a.

(1) All public universities shall submit higher education institutional data inventory (HEIDI) data and associated financial aid program information requested by and in a manner prescribed by the state budget director. For public universities with fiscal years ending June 30, these data must be submitted to the state budget director by October 15 of each fiscal year. Public universities with a fiscal year ending September 30 shall submit preliminary HEIDI data by November 15 and final data by December 15.

(2) It is intended that accountability reporting for public universities will be streamlined through HEIDI. The state budget director and the center will work to combine the reporting requirements outlined in this subsection with the existing HEIDI collection cycle. All of the following must be reported to the house and senate fiscal agencies and the state budget director:

(a) Each public university's certification of its compliance with the requirements described in subsections (4) and (5).

(b) The reporting requirements described in sections 241b and 241c.

(3) If a public university fails to submit HEIDI data and associated financial aid program information in accordance with the required reporting schedule, the state treasurer may withhold the monthly installments under section 241 to the public university until those data are submitted. If a public university does not comply with all of the requirements described in subsections (4) and (5) by the end of the fiscal year, the public university forfeits the amount withheld. The state budget director shall notify the chairs of the house and senate appropriations subcommittees on higher education at least 10 days before withholding funds from any public university.

(4) No later than October 15 each year, a public university shall maintain a public transparency website available through a link on its website homepage. The website must include all of the following concerning the public university:

(a) The annual operating budget and subsequent budget revisions.

(b) A summary of current expenditures for the most recent fiscal year for which they are available, expressed as pie charts in the following 2 categories:

(i) A chart of personnel expenditures, broken into the following subcategories:

(A) Earnings and wages.

(B) Employee benefit costs, including, but not limited to, medical, dental, vision, life, disability, and long-term care benefits.

(C) Retirement benefit costs.

(D) All other personnel costs.

(ii) A chart of all current expenditures the public university reported as part of its higher education institutional data inventory data under subsection (1), broken into the same subcategories in which it reported those data.

(c) Links to all of the following for the public university:

(i) The current collective bargaining agreement for each bargaining unit.

(ii) Each health care benefits plan, including, but not limited to, medical, dental, vision, disability, long-term care, or any other type of benefits that would constitute health care services, offered to any bargaining unit or employee of the public university.

(iii) Audits and financial reports for the most recent fiscal year for which they are available.

(d) General fund revenue and expenditure projections for the current fiscal year and the next fiscal year.

(e) A listing of all debt service obligations, detailed by project, anticipated fiscal year payment for each project, and total outstanding debt for the current fiscal year.

(f) The institution's policy regarding the transferability of core college courses between community colleges and the public university.

(g) A listing of all community colleges that have entered into reverse transfer agreements with the public university.

(h) A dashboard or report card demonstrating the public university's performance in several "best practice" measures. The dashboard or report card must include at least all of the following for the 3 most recent academic years for which the data are available:

(i) Enrollment.

(ii) Student retention rate.

(iii) Six-year graduation rates.

(iv) Number of Pell grant recipients and graduating Pell grant recipients.

(v) Geographic origination of students, categorized as in-state, out-of-state, and international.

(vi) Faculty to student ratios and total public university employee to student ratios.

(vii) Teaching load by faculty classification.

(viii) Graduation outcome rates, including employment and continuing education.

(i) An icon badge that provides statewide consistency and public visibility. For this purpose, public universities shall use the icon badge provided by the department of technology, management, and budget consistent with the icon badge developed by the department of education for K-12 school districts. It must appear on the front of each public university's homepage. The size of the icon may be reduced to 150 x 150 pixels. The font size and style for this reporting must be consistent with other documents on each public university's website.

(j) A collection and report of the number and percentage of all enrolled students who complete the Free Application for Federal Student Aid, broken out by undergraduate and graduate/professional classifications, reported to the center and posted on its website under the budget transparency icon badge.

(5) No later than October 15 each year, a public university shall develop, maintain, and update a "campus safety information and resources" link, prominently displayed on the homepage of its website, to a section of its website containing, at a minimum, all of the following information:

(a) Emergency contact numbers for police, fire, health, and other services.

(b) Hours, locations, telephone numbers, and email contacts for campus public safety offices and title IX offices.

(c) A list of safety and security services provided by the public university, including transportation, escort services, building surveillance, anonymous tip lines, and other available security services.

(d) The public university's policies applicable to minors on university property.

(e) A directory of resources available at the public university or surrounding community for students or employees who are survivors of sexual assault or sexual abuse.

(f) An electronic copy of "A Resource Handbook for Campus Sexual Assault Survivors, Friends and Family", published in 2018.

(g) Campus security policies and crime statistics pursuant to the student right-to-know and campus security act, Public Law 101-542, 104 Stat 2381. Information must include all material prepared pursuant to the public information reporting requirements under the crime awareness and campus security act of 1990, title II of the student right-to-know and campus security act, Public Law 101-542, 104 Stat 2381.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1841b Annual security report; Clery Act Report; requirements.

Sec. 241b.

(1) No later than October 15 each year, each public university that receives an appropriation in section 236 shall report its annual security report, also known as the Clery Act Report, as required under 20 USC 1092(f). Each public university shall include a title IX summary report that includes all of the following information:

(a) The amounts and descriptions of all fees incurred in title IX-related civil and criminal litigation.

(b) The number of title IX complaints.

(c) The average length of time for investigation and resolution of title IX complaints.

(d) The aggregate number of title IX cases, investigations, and complaints for each of the categories described in

subparagraphs (i) to (v), subject to subparagraph (vi), as follows:

(i) Cases investigated for less than 15 days.

(ii) Cases investigated for at least 15 days and less than 30 days.

(iii) Cases investigated for at least 30 days and less than 60 days.

(iv) Cases investigated for at least 60 days and less than 90 days.

(v) Cases investigated for 90 days or more.

(vi) If, for any category of cases under subparagraphs (i) to (v), there is an aggregate of fewer than 5 cases investigated, the public university shall not report the aggregate number of cases and instead shall report that fewer than 5 cases were investigated.

(e) The number of title IX appeals and the resolutions of those appeals.

(f) The number of title IX-related complaints filed by the public university with law enforcement agencies.

(2) No later than October 15 each year, each public university that receives an appropriation in section 236 shall certify all of the following:

(a) The public university complies with federal regulations under title IX, as required by the United States Department of Education, including, but not limited to, the following:

(i) Use of medical experts that do not have an actual or apparent conflict of interest.

(ii) Issuance of title IX reports to complainants and respondents that are not divergent.

(iii) Notification of resources to each individual who reports having experienced sexual assault by a public university member.

(iv) Consistent annual training for title IX staff and law enforcement.

(b) The public university provides both of the following:

(i) An in-person sexual misconduct prevention presentation or course for all freshman and incoming transfer students, which must include contact information for the title IX office of the public university.

(ii) An online or electronic sexual misconduct prevention presentation or course for all students not considered freshmen or incoming transfer students.

(c) The public university had a third party review its title IX compliance office and related policies and procedures by the end of the 2018-2019 academic year. A copy of the third-party review must be transmitted to the state budget director, the house and senate appropriations subcommittees on higher education, and the house and senate fiscal agencies. Each public university shall have a third-party review once every 4 years and a copy of the third-party review must be transmitted to the state budget director, the house and senate appropriations subcommittees on higher education, and the house and senate fiscal agencies.

(d) The public university requires that the governing board and the president or chancellor of the public university receive quarterly reports from their title IX coordinator or title IX office. The report must contain aggregated data of the number of sexual misconduct reports that the office received for the academic year, the types of reports received, including reports received against employees, and a summary of the general outcomes of the reports and investigations. A member of the governing board may request to review a title IX investigation report involving a complaint against an employee, and the public university shall provide the report in a manner it considers appropriate. The public university shall protect the complainant's anonymity, and the report must not contain specific identifying information.

(e) If allegations against an employee are made in more than 1 title IX complaint that resulted in the public university finding that no misconduct occurred, the public university requires that the title IX officer promptly notify the president or chancellor and a member of the public university's governing board in writing and take all appropriate steps to ensure that the matter is being investigated thoroughly, including hiring an outside investigator for future cases involving that employee. A third-party title IX investigation under this subdivision does not prohibit the public university from simultaneously conducting its own title IX investigation through its own title IX coordinator.

(f) The public university's president or chancellor and a member of its governing board has reviewed all title IX reports involving the alleged sexual misconduct of an employee of the public university.

(3) As used in this section, "sexual misconduct" includes, but is not limited to, intimate partner violence, nonconsensual sexual conduct, sexual assault, sexual exploitation, sexual harassment, and stalking.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023

388.1841c University tuition and fee restraints; annual rates; uniform reporting requirements.

Sec. 241c.

(1) No later than the last business day of August each year, each public university that receives an appropriation in section 236 shall submit the amount of tuition and fees actually charged to a full-time resident undergraduate student for academic year 2024-2025 as part of the public university's higher education institutional data inventory (HEIDI) data. A public university shall report any revisions for any semester of the reported academic year to HEIDI within 15 days of being adopted.

(2) Payments under section 236 for operations increase and under section 236d must be made only to a public university that certifies to the state budget director by the last business day of August each year that its board did not adopt an increase in tuition and fee rates for resident undergraduate students after September 1, 2023 for the 2023-2024 academic year and that its board will not adopt an increase in tuition and fee rates for resident undergraduate students for the 2024-2025 academic year that is greater than 4.5% or $703.00, whichever is greater. For the academic year 2025-2026, the tuition and fee restraint rate for resident undergraduate students is an increase of not greater than 4.5% or $735.00, whichever is greater. It is the intent of the legislature that in the next fiscal year, the tuition and fee restraint rate will be adjusted only for the subsequent academic year. As used in this subsection:

(a) "Fee" means any board-authorized fee that will be paid by more than 1/2 of all resident undergraduate students at least once during their enrollment at a public university, as described in the higher education institutional data inventory (HEIDI) user manual. A public university increasing a fee that applies to a specific subset of students or courses shall provide sufficient information to prove that the increase applied to that subset will not cause the increase in the average amount of board-authorized total tuition and fees paid by resident undergraduate students in the 2024-2025 academic year to exceed the limit established in this subsection.

(b) "Tuition and fee rate" means the average of full-time rates paid by a majority of students in each undergraduate class, based on an unweighted average of the rates authorized by the public university board and actually charged to students, deducting any uniformly rebated or refunded amounts, for the 2 semesters with the highest levels of full-time equated resident undergraduate enrollment during the academic year, as described in the higher education institutional data inventory (HEIDI) user manual.

(3) Each public university must certify to the state budget director by the last business day of August each year that it complies with all of the following requirements:

(a) The public university participates in reverse transfer agreements described in section 286 with at least 3 community colleges in this state.

(b) The public university does not and will not apply any of the following criteria when determining whether credits earned outside the public university by a student count toward a degree or certificate program offered by the public university:

(i) Whether the credits were earned in a dual enrollment program that counted the credits toward high school graduation requirements.

(ii) Whether the credits were earned in a course that was delivered in a high school classroom, community college classroom or campus, or another location.

(iii) Whether the credits were earned in a course that was delivered online, in person, or hybrid.

(iv) Whether other students enrolled in the course in which the credits were earned were enrolled in high school or counted the course toward high school graduation requirements.

(c) The public university actively participates in and submits timely updates to the Michigan Transfer Network created as part of the Michigan Association of Collegiate Registrars and Admissions Officers transfer agreement.

(4) The state budget director shall implement uniform reporting requirements to ensure that a public university receiving a payment under section 236 for operations increase and under section 236d has satisfied the tuition restraint requirements of this section. The state budget director has the sole authority to determine if a public university has met the requirements of this section. Information reported by a public university to the state budget director under this subsection must also be reported to the house and senate appropriations subcommittees on higher education and the house and senate fiscal agencies.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1841d Repealed. 2024, Act 120, Eff. Oct. 1, 2024.

Compiler's Notes: The repealed section pertained to creation of the Michigan office of postsecondary educational attainment.

388.1841e Operations increase; institutional best practices; uniform reporting requirements.

Sec. 241e.

(1) Payments under section 236 for operations increase and under section 236d must be made only to a public university that certifies to the state budget director by the last business day of August each year that it complies with the following:

(a) The institutional best practice described in subdivision (c).

(b) One or more of the institutional best practices described in subdivisions (d) to (g).

(c) The public university accepts the Michigan Transfer Agreement, partners with the Michigan Transfer Network, and promotes clear transfer pathways for interested students by doing all of the following:

(i) Has a policy to help transfer or accept associate degrees from other accredited Michigan postsecondary education institutions.

(ii) Publishes the policy described in subparagraph (i) on the institution's website in an easily accessible way and in admissions materials.

(iii) Provides publicly available information on the Michigan Transfer Network, applicable transfer pathways, and financial aid available to transfer students, at no cost to the student.

(iv) Begins negotiations to increase the number of reverse transfer agreements or articulation agreements and reports on the progress toward completing the agreements to the state budget director by the last business day in February.

(d) The public university requires all students to receive an academic degree or certificate map that outlines required course sequencing, program and institution requirements, declared minor program academic requirements, and a recommended timeline within which courses should be taken and in which specific semester or term in order to satisfy all program requirements to allow the student to graduate on time.

(e) The public university provides non-credit-bearing developmental or remedial courses at a reduced cost to students.

(f) The public university provides each degree- or certificate-seeking student with a designated, trained academic advisor to support student retention, persistence, and completion. The public university shall require students to meet with their academic advisor at least once per semester or term.

(g) The public university provides employees during business hours to assist prospective and current students complete the Free Application for Federal Student Aid.

(2) The state budget director shall implement uniform reporting requirements to ensure that a public university receiving a payment under section 236 for operations increase and under section 236d has satisfied the institutional best practices requirements of this section. The state budget director has the sole authority to determine if a public university has met the requirements of this section. Information reported by a public university to the state budget director under this subsection must also be reported to the house and senate appropriations subcommittees on higher education and the house and senate fiscal agencies.

(3) If a public university fails to comply with the certification requirements of this section, the state treasurer may withhold the monthly installments under section 241 to the public university until the report is submitted. If a public university does not comply with the certification requirements described in this section by the end of the fiscal year, the public university forfeits the amount withheld. Forfeited funds must lapse to the fund from which the funds were appropriated. The state budget director shall notify the chairs of the house and senate appropriations subcommittees on higher education at least 10 days before withholding funds from any public university.

History: Add. 2024, Act 120, Eff. Oct. 1, 2024

388.1842 Federal or private funds; use.

Sec. 242.

Funds received by the state from the federal government or private sources for the use of a college or university are appropriated for the purposes for which they are provided.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020

388.1843 Furnishing program and financial information.

Sec. 243.

Each public university that receives funds under this article shall furnish all program and financial information that is required by and in a manner prescribed by the state budget director or the house or senate appropriations committee.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012

388.1844 Longitudinal data system data; inclusion in statewide P-20 longitudinal data system.

Sec. 244.

By October 15 of each year, a public university receiving funds in section 236 shall provide its longitudinal data system data set for the preceding academic year to the center for inclusion in the statewide P-20 longitudinal data system described in section 94a. If the state budget director finds that a university has not complied with this section, the state budget director is authorized to withhold the monthly installments provided to that university under section 241 until the state budget director finds that the university has complied with this section.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1845 Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to a public transparency website.

388.1845a Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to a campus safety information and resources link.

388.1846 Michigan public school employees' retirement system reimbursement; allocation to participating public university; definition.

Sec. 246.

(1) All of the following apply to the allocation of the appropriations described in section 236(4) for payments to universities that are participating entities of the Michigan public school employees' retirement system:

(a) The funds appropriated in section 236(4) for Michigan public school employees' retirement system reimbursement shall be allocated to each participating public university under this section based on each participating public university's percentage of the total combined payrolls of the universities' employees who are members of the retirement system and who were hired before January 1, 1996 and the universities' employees who would have been members of the retirement system on or after January 1, 1996, but for the enactment of 1995 PA 272 for all public universities that are participating public universities for the immediately preceding state fiscal year.

(b) The amount of a payment under section 236(4) shall be equal to the difference between the unfunded actuarial accrued liability contribution rate for university reporting units as calculated under section 41 of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1341, as calculated without taking into account the maximum employer rate of 25.73% included in section 41 of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1341, and the maximum employer rate for university reporting units of 25.73% under section 41 of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1341. Payments shall be made in a form and manner determined by the office of retirement services.

(c) A public university that receives money under section 236(4) shall use that money solely for the purpose of retirement contributions. Each participating university that receives funds under section 236(4) shall forward an amount equal to the amount received under section 236(4) to the Michigan public school employees' retirement system in a form and manner determined by the office of retirement services.

(2) As used in this section, "participating public university" means a public university that is a reporting unit of the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, and that pays contributions to the Michigan public school employees' retirement system for the state fiscal year.

History: Add. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016

388.1847 Michigan reconnect grants.

Sec. 247.

(1) The funds appropriated in section 236 for Michigan reconnect must be distributed and administered by the department of lifelong education, advancement, and potential pursuant to the Michigan reconnect grant act, 2020 PA 84, MCL 390.1701 to 390.1709, the Michigan reconnect grant recipient act, 2020 PA 68, MCL 390.1711 to 390.1723, and the department's administrative procedures for Michigan reconnect.

(2) For fiscal year 2024-2025 only, after administering Michigan reconnect pursuant to subsection (1), the department may use any remaining funds appropriated in section 236 for Michigan reconnect for outreach, enrollment support, administration of the program, and grants to institutions of higher education or nonprofit organizations to provide support to reconnect eligible students to increase degree or credential completion.

History: Add. 2024, Act 120, Eff. Oct. 1, 2024

388.1848 Michigan achievement scholarships; definitions; eligibility; reporting obligations.

Sec. 248.

(1) The funds appropriated in section 236 for Michigan achievement scholarships must be distributed as provided in this section and section 248a, pursuant to the administrative procedures for Michigan achievement scholarships of the department.

(2) As used in this section:

(a) "Cost of attendance" means expenses for a student's tuition, mandatory fees, and contact hours for the student's actual program of study; books, supplies, and equipment required for courses of instruction; housing and food costs; transportation expenses; federal student loan fees; miscellaneous expenses, including a reasonable amount for the documented cost of a personal computer, allowance for child care, or allowance for other dependent care; costs related to a disability; costs of obtaining a license, certification, or first professional credential; and reasonable costs for study abroad programs.

(b) "Department" means the department of lifelong education, advancement, and potential.

(c) "Eligible institution" means a public university that receives an appropriation in section 236, a community college that receives an appropriation in section 201, a federally recognized tribal college in this state, or an independent nonprofit college or university in this state as described in section 1 of 1966 PA 313, MCL 390.991.

(d) "Gift aid" includes federal Pell grants under 20 USC 1070a, tuition incentive program benefits under section 256, state tuition grants under section 252, awards received for minimum payments awarded in subsection (4), higher education expenses paid under the Michigan promise zone authority act, 2008 PA 549, MCL 390.1661 to 390.1679, and all other federal, state, local, or institutional aid in the form of grants, scholarships, or discounts applied toward tuition and mandatory fees. Gift aid does not include student loans, work-study awards, qualified withdrawals made from education savings accounts to pay higher education expenses pursuant to the Michigan education savings program act, 2000 PA 161, MCL 390.1471 to 390.1486, or higher education expenses paid under the Michigan education trust program pursuant to the Michigan education trust act, 1986 PA 316, MCL 390.1421 to 390.1442.

(e) "High school equivalency certificate" means that term as defined in section 4.

(f) "Last-dollar payment amount" means 1 of the following:

(i) For a student attending a community college or federally recognized tribal college, an amount equal to the student's tuition, mandatory fees, and contact hours for the student's actual program of study, minus all gift aid received by the student.

(ii) For a student attending a public university or an independent nonprofit college or university, or for a student enrolled in a baccalaureate degree program described in section 121 of the community college act of 1966, 1966 PA 331, MCL 389.121, an amount equal to the student's individual cost of attendance, minus all gift aid received by the student.

(g) "Minimum payment" means a payment for any eligible cost within the student's individual cost of attendance. The minimum payment must be awarded as a separate payment not included in the student's need-based financial aid. The minimum payment must not be reduced.

(h) "SAI eligible student" means a student who has completed the Free Application for Federal Student Aid and meets at least 1 of the following:

(i) For awards made during academic year 2023-2024, has an expected family contribution of $25,000.00 or less. An individual is considered to have met the requirements of subsection (4) if the individual received the Michigan achievement scholarship in academic year 2023-2024, was determined to have an expected family contribution of $25,000.00 or less in academic year 2023-2024, and has completed the Free Application for Federal Student Aid for the subsequent award cycles.

(ii) For awards made during academic year 2024-2025 or a subsequent academic year, has completed the Free Application for Federal Student Aid and has a student aid index number of 1 of the following, as applicable:

(A) For a student indicating on the student's Free Application for Federal Student Aid that the student is the only member of the student's household or the student's parents' household attending a postsecondary institution during that academic year, $30,000.00 or less.

(B) For a student indicating on the student's Free Application for Federal Student Aid that the student is not the only member of the student's household or the student's parents' household attending a postsecondary institution during that academic year, the greater of the number described in sub-subparagraph (A) or guidance determined by the department. For the purposes of this sub-subparagraph, the department, in collaboration with the state budget office and the house and senate fiscal agencies, may calculate a student aid index number or may issue administrative guidance for the student aid index eligibility of students with more than 1 member of the student's household or the student's parents' household attending a postsecondary institution during that academic year. It is intended that the utilization of a student aid index instead of expected family contribution does not adversely impact the eligibility of students with multiple members of the student's household or student's parents' household attending postsecondary institutions. It is further intended that the legislature and executive branch work collaboratively to use Michigan achievement scholarship uptake and other relevant data to establish a more permanent measure of financial need for the Michigan achievement scholarship for subsequent academic years.

(3) An individual must meet all of the following criteria each year to be eligible for a Michigan achievement scholarship awarded under this section:

(a) Maintain residency in this state, as determined for purposes of the Free Application for Federal Student Aid.

(b) Have graduated from high school in this state with a diploma or certificate of completion or achieved a high school equivalency certificate in 2023 or after.

(c) Be a full-time undergraduate student at an eligible institution, as defined by that eligible institution, and be a first-time enrollee in an eligible institution during the 2023-2024 academic year, or a subsequent academic year, within 15 months after high school graduation or attainment of a high school equivalency certificate or have received a Michigan achievement scholarship in a previous academic year. For the purposes of this subdivision, participation in a dual enrollment, early college, or other similar program while attending high school does not disqualify a student from being considered a first-time enrollee.

(d) Maintain satisfactory academic progress, as defined by the eligible institution in which the student is enrolled.

(e) Not be in default on a federal student loan.

(f) Apply for all available gift aid for each academic year in which the individual applies for a Michigan achievement scholarship.

(g) For a student who is enrolled at an eligible institution that is a public university or an independent nonprofit college or university, or who is enrolled in a baccalaureate degree program described in section 121 of the community college act of 1966, 1966 PA 331, MCL 389.121, at an eligible institution, be an SAI eligible student.

(4) The amount awarded to an eligible student at an eligible institution must equal 1 of the following, as applicable:

(a) The amount awarded to an eligible student who is enrolled at an eligible institution that is a community college or federally recognized tribal college where the student is eligible for that institution's in-district tuition rate must be equal to the sum of the last-dollar payment amount. The amount awarded to an eligible student who is eligible for a federal Pell grant under 20 USC 1070a must include an additional amount of $1,000.00.

(b) The amount awarded to an eligible student who is enrolled at an eligible institution that is a community college or federally recognized tribal college where the student is not eligible for that institution's in-district tuition rate must be the lesser of the last-dollar payment amount, or the in-district tuition rate. The amount awarded to an eligible student who is eligible for a federal Pell grant under 20 USC 1070a must include an additional amount of $1,000.00.

(c) The amount awarded to an eligible student who is enrolled at an eligible institution that is a public university or is enrolled in a baccalaureate degree program described in section 121 of the community college act of 1966, 1966 PA 331, MCL 389.121, at an eligible institution must equal the sum of following:

(i) A minimum payment of $2,500.00.

(ii) The lesser of $3,000.00 or the student's last-dollar payment amount.

(d) The amount awarded to an eligible student at an eligible institution that is an independent nonprofit college or university must equal the sum of the following:

(i) A minimum payment of $2,500.00.

(ii) The lesser of $3,000.00 or the student's last-dollar payment amount.

(e) Money awarded under this subsection for a Michigan achievement scholarship must be paid to the eligible institution for credit to the student's account.

(5) Subject to section 248a(3)(f)(i), an eligible student may receive a Michigan achievement scholarship award under this section or section 248a for a maximum of 5 academic years, not more than 3 of which may be for attending eligible institutions that are community colleges or federally recognized tribal colleges unless the student is enrolled in a baccalaureate degree program described in section 121 of the community college act of 1966, 1966 PA 331, MCL 389.121. A student may not receive an award under this section and section 248a(3)(f)(i) during the same academic year.

(6) The department shall work closely with participating institutions to provide the highest level of participation and ensure that all requirements of the program are met.

(7) From the funds appropriated in section 236(7) for the Michigan achievement scholarships, the department may not use more than $10,000,000.00 for the purposes of outreach programs to raise awareness of the Michigan achievement scholarship described in this section and section 248a and shall ensure that Michigan achievement scholarships are well publicized and that high school students are provided information on the program. The department may receive and expend funds received from outside sources for scholarships, marketing, or other purposes related to the Michigan achievement scholarship. The department shall provide the necessary funding and staff to fully operate the program.

(8) The department shall convene a workgroup to consider and advise the department on implementing policies for administering the Michigan achievement scholarship. The workgroup shall include participation from the Michigan Association of State Universities and its institutional members, the Michigan College Access Network, the Michigan Community College Association and its institutional members, the Michigan Independent Colleges and Universities and its institutional members, and any other interested stakeholders and offices as determined by the department. The workgroup shall make recommendations on packaging order, packaging structure, definitions of terms not otherwise defined in statute, and other administrative regulatory requirements as necessary to implement the Michigan achievement scholarship.

(9) The following reporting obligations apply to the Michigan achievement scholarship program:

(a) By February 15 of each year, the department shall provide a written report, organized by eligible institution, to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies,

and the state budget director that includes the following information for the previous academic year:

(i) The number of students who qualified for a Michigan achievement scholarship.

(ii) The number of students who received a Michigan achievement scholarship.

(iii) The average number of credits earned by students who received a Michigan achievement scholarship.

(iv) The number of Michigan achievement scholarships that were canceled due to failure to maintain satisfactory academic progress as described in subsection (3)(d).

(v) The number of Michigan achievement scholarships that were canceled due to a student ceasing attendance at an eligible institution. The number must not include any known transfers to another eligible institution.

(vi) The number of Michigan achievement scholarships that were canceled due to a student's failure to maintain full-time status.

(vii) The average Michigan achievement scholarship award per student, delineated by sector, including community colleges, tribal colleges, public universities, independent colleges and universities, and training institutions. As used in this subparagraph, "training institutions" means training institutions accepted to participate in the Michigan achievement scholarship program under section 248a.

(b) Each eligible institution whose students receive awards under this section shall cooperate with the department in a timely manner to facilitate the creation of the report under subdivision (a).

(10) By April 1 of each year, each eligible institution shall submit a report to the department, the state budget office, and the house and senate fiscal agencies providing information as to the average amount of institutional grant aid awarded to full-time first-time undergraduate students for the immediately preceding 2 institution fiscal years. If the average amount of institutional grant aid awarded to full-time first-time undergraduate students in fiscal year 2023-2024 is less than the average amount of institutional grant aid awarded to full-time first-time undergraduate students in fiscal year 2022-2023, the institution must include in the report a description of any changes to the institutional financial aid during the 2 immediately preceding fiscal years. An institution's report of the average amount of institutional grant aid awarded to full-time first-time undergraduate students pursuant to this subsection must be consistent with data most recently reported to the Integrated Postsecondary Education Data System.

(11) For each fiscal year, an eligible institution must maintain and report its compliance with the following tuition restraint requirements, as applicable:

(a) For an eligible institution that is a community college, the tuition restraint described in section 217b.

(b) For an eligible institution that is a public university or independent nonprofit college or university, the tuition restraint described in section 241c.

(12) The state budget director shall implement reporting requirements to ensure that an eligible institution has satisfied the tuition restraint requirements of this section. The state budget director has the sole authority to determine if an eligible institution has met the requirements of this section.

(13) If an eligible institution exceeds the applicable tuition restraint level for 2 consecutive years, the state budget director may consider the institution ineligible for funding under this section in the subsequent academic year.

(14) If an institution is considered ineligible for funding under this section, the state budget director must reevaluate the status of the ineligible institution after 1 academic year.

(15) It is the intent of the legislature that an eligible institution will not make reductive changes to scholarship or financial aid programs offered by that eligible institution that have the goal or net effect of shifting the cost burden of those programs to the program described in this section.

History: Add. 2022, Act 212, Imd. Eff. Oct. 12, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2023, Act 320, Eff. Feb. 13, 2024 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1848a Michigan achievement scholarship private training program; eligibility; rules.

Sec. 248a.

(1) The funds appropriated in section 236 for Michigan achievement scholarships must be distributed as provided in this section and section 248, pursuant to the administrative procedures for Michigan achievement scholarship private training program of the department.

(2) As used in this section:

(a) "Department" means the department of lifelong education, advancement, and potential.

(b) "High school equivalency certificate" means that term as defined in section 4.

(c) "Qualified occupational training program" means that term as defined in section 13 of the Michigan reconnect grant recipient act, 2020 PA 68, MCL 390.1713, or a program that provides not less than 150 clock hours of instructional time over a period of not less than 8 weeks in career-oriented skilled trades instruction in maritime trades, at an independent nonprofit institution incorporated in this state that is nationally accredited and approved for federal financial aid.

(3) The department shall do all of the following:

(a) Develop and implement a process by which those seeking to participate in the Michigan achievement scholarship private training program as training institutions offering qualified occupational training programs must apply to the department.

(b) Approve as a qualified occupational training program a program for which an application is submitted under subdivision (a) that meets all of the criteria to qualify as a qualified occupational training program, and post these criteria to the department's website.

(c) Ensure that an applicant under subdivision (a) is first included on this state's eligible training provider list before each of the applicant's programs receives separate approval from the department as being a qualified occupational training program.

(d) Require that training institutions accepted to participate in the Michigan achievement scholarship private training program comply with data requests from the department as a condition of continued participation. For purposes of this subdivision, the department shall require institutions operating apprenticeship programs subject to this section to provide data that tracks relevant work experience required to verify a student's status as an apprentice.

(e) Maintain on its website a list of all qualified occupational training program options available to potential skills scholarship recipients.

(f) Award skills scholarships, subject to all of the following:

(i) A skills scholarship is a grant not to exceed $2,000.00 per year to contribute to tuition costs for a qualified occupational training program at a training institution, both of which are approved under this section, for a training program participant who meets the requirements of subparagraph (ii). A skills scholarship must not exceed the full amount of the tuition charged for the training program. A program participant may receive a skills scholarship under this section for a maximum of 2 academic years.

(ii) To receive the skills scholarship described in subparagraph (i), a qualified occupational training program participant must meet all of the following:

(A) Be a resident of this state for at least the immediately preceding year.

(B) Have graduated from a high school in this state with a diploma or certificate of completion or achieved a high school equivalency certificate in 2023 or after.

(C) Not have previously earned an associate or baccalaureate degree.

(D) Not have previously earned a degree, certificate, or other credential using a skills scholarship awarded under this section.

(E) Timely complete a Michigan achievement scholarship private training program skills scholarship application in a form and manner determined by the department.

(iii) The department may award skills scholarships under this section only until money appropriated to the Michigan achievement scholarship private training program has been fully committed.

(g) Inform each recipient of a skills scholarship that the recipient will remain eligible for the Michigan achievement scholarship under section 248 for a maximum of 5 years, less any years of eligibility used for a skills scholarship awarded under this section, to pursue an associate degree, baccalaureate degree, or occupational certificate upon completion of a certification course of study in a qualified occupational training program.

(4) Except as otherwise provided in subsection (5), the department shall promulgate rules to implement subsection (3)(a), (b), and (d) only, pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, subject to all of the following:

(a) Under subsection (3)(a), the department is limited to developing the form for the application described in subsection (3)(a) and prescribing the time and manner of its completion.

(b) Under subsection (3)(b), the department is limited to applying the eligibility criteria described in subsection (3)(b) and shall not apply any other eligibility criteria.

(c) Under subsection (3)(d), the department is limited to requiring compliance with data requests as described in subsection (3)(d).

(5) To facilitate implementation of the Michigan achievement scholarship private training program prior to final rules being adopted, the department may develop and administer the program in accordance with its proposed rules or other policy or directive of the department established pursuant to this section.

(6) It is the intent of the legislature that a training institution will not make changes to scholarship or financial aid programs offered by that training institution that have the goal or net effect of shifting the cost burden of those programs to the program described in this section.

History: Add. 2022, Act 212, Imd. Eff. Oct. 12, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1849 Children of veterans and officer's survivor tuition grant programs.

Sec. 249.

(1) The funds appropriated in section 236 for the children of veterans and officer's survivor tuition grant programs shall be supported with revenue from the restricted account created in section 5 of the children of veterans tuition grant act, 2005 PA 248, MCL 390.1345. As provided in section 5 of the children of veterans tuition grant act, 2005 PA 248, MCL 390.1345, unexpended funds remaining in the restricted account at the end of the fiscal year shall not lapse to the general fund.

(2) The general fund/general purpose funds appropriated in section 236 for the children of veterans and officer's survivor tuition grant programs shall be deposited into the restricted account described in subsection (1), as required in section 5 of the children of veterans tuition grant act, 2005 PA 248, MCL 390.1345.

(3) Funds deposited into the restricted account under subsection (2) for the children of veterans and officer's survivor tuition grant programs are appropriated and available for allocation as required in the children of veterans tuition grant act, 2005 PA 248, MCL 390.1341 to 390.1346.

History: Add. 2017, Act 108, Eff. Oct. 1, 2017

388.1850 Eligibility for scholarship or grant financial aid program; filing of Free Application for Federal Student Aid required.

Sec. 250.

To be considered eligible for any scholarship or grant financial aid program administered by the department of lifelong education, advancement, and potential, the student must file the Free Application for Federal Student Aid (FAFSA) annually, unless annual filing is not required by the department.

History: Add. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1851 State competitive scholarship program.

Sec. 251.

(1) Payments of the amounts included in section 236 for the state competitive scholarship program must be distributed pursuant to 1964 PA 208, MCL 390.971 to 390.981.

(2) Pursuant to section 6 of 1964 PA 208, MCL 390.976, the department of lifelong education, advancement, and potential shall determine an actual state competitive scholarship award per student, which must be $1,500.00, that ensures that the aggregate payments for the state competitive scholarship program do not exceed the appropriation contained in section 236 for the state competitive scholarship program. If the department determines that insufficient funds are available to establish an award amount equal to $1,500.00, the department shall immediately report to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the state budget director regarding the estimated amount of additional funds necessary to establish a $1,500.00 award amount. For the purpose of determining a student's financial need under section 6 of 1964 PA 208, MCL 390.976, the department of lifelong education, advancement, and potential shall presume that a student who receives a Michigan achievement scholarship under section 248 has no need for a state competitive

scholarship under this section. It is the intent of the legislature that 1964 PA 208, MCL 390.971 to 390.981, will be amended to end competitive scholarship eligibility of students enrolling in college for the first time after the fiscal year ending on September 30, 2023, as those students may be eligible for the Michigan achievement scholarship.

(3) The department of lifelong education, advancement, and potential shall implement a proportional competitive scholarship award level for recipients enrolled less than full-time in a given semester or term.

(4) If the department of lifelong education, advancement, and potential increases the award per eligible student from that provided in the previous fiscal year, it must not have the effect of reducing the number of eligible students receiving awards in relation to the total number of eligible applicants. Any increase in the award must be proportional for all eligible students receiving awards.

(5) Veterans Administration benefits must not be considered in determining eligibility for the award of scholarships under 1964 PA 208, MCL 390.971 to 390.981.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 62, Eff. Oct. 1, 2019 ;-- Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2022, Act 212, Imd. Eff. Oct. 12, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1852 State tuition grant award.

Sec. 252.

(1) The amounts appropriated in section 236 for the state tuition grant program must be distributed pursuant to 1966 PA 313, MCL 390.991 to 390.997a.

(2) Tuition grant awards must be made to all eligible Michigan residents enrolled in undergraduate degree programs who are qualified.

(3) Pursuant to section 5 of 1966 PA 313, MCL 390.995, and subject to subsections (6) and (7), the department of lifelong education, advancement, and potential shall determine an actual tuition grant award per student, which must be $3,000.00, that ensures that the aggregate payments for the tuition grant program do not exceed the appropriation contained in section 236 for the state tuition grant program. If the department determines that insufficient funds are available to establish an award amount equal to $3,000.00, the department shall immediately report to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the state budget director regarding the estimated amount of additional funds necessary to establish a $3,000.00 award amount. If the department determines that sufficient funds are available to establish an award amount equal to $3,000.00, the department shall immediately report to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the state budget director regarding the award amount established and the projected amount of any projected year-end appropriation balance based on that award amount. By February 18 of each fiscal year, the department shall analyze the status of award commitments, shall make any necessary adjustments, and shall confirm that those award commitments will not exceed the appropriation contained in section 236 for the tuition grant program. The determination and actions must be reported to the state budget director and the house and senate fiscal agencies no later than the final day of February of each year. If award adjustments are necessary, the students must be notified of the adjustment by March 4 of each year. Subject to subsection (9), for the purposes of determining a student's financial need under 1966 PA 313, MCL 390.991 to 390.997a, the department of lifelong education, advancement, and potential shall presume that a student who is eligible for the Michigan tuition grant for the first time during academic year 2024-2025 or any subsequent year, has no need for a state tuition grant under this section. It is the intent of the legislature that 1966 PA 313, MCL 390.991 to 390.997a, will be amended to end tuition grant eligibility of students enrolling in college for the first time after the fiscal year ending on September 30, 2024, as those students may be eligible for the Michigan achievement scholarship.

(4) The department of lifelong education, advancement, and potential shall continue a proportional tuition grant award level for recipients enrolled less than full-time in a given semester or term.

(5) If the department of lifelong education, advancement, and potential increases the award per eligible student from that provided in the previous fiscal year, it must not have the effect of reducing the number of eligible students receiving awards in relation to the total number of eligible applicants. Any increase in the grant must be proportional for all eligible students receiving awards for that fiscal year.

(6) The department of lifelong education, advancement, and potential shall not award more than $5,000,000.00 in tuition grants to eligible students enrolled in the same independent nonprofit college or university in this state.

Any decrease in the grant must be proportional for all eligible students enrolled in that college or university, as determined by the department.

(7) The department of lifelong education, advancement, and potential shall not award tuition grants to otherwise eligible students enrolled in an independent college or university that does not report, in a form and manner directed by and satisfactory to the department of lifelong education, advancement, and potential, by October 31 of each year, all of the following:

(a) The number of students in the most recently completed academic year who in any academic year received a state tuition grant at the reporting institution and successfully completed a program or graduated.

(b) The number of students in the most recently completed academic year who in any academic year received a state tuition grant at the reporting institution and took a remedial education class.

(c) The number of students in the most recently completed academic year who in any academic year received a Pell grant at the reporting institution and successfully completed a program or graduated.

(8) By February 1 of each year, each independent college and university participating in the tuition grant program shall report to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the state budget director on its efforts to develop and implement sexual assault response training for the institution's title IX coordinator, campus law enforcement personnel, campus public safety personnel, and any other campus personnel charged with responding to on-campus incidents, including information on sexual assault response training materials and the status of implementing sexual assault response training for institutional personnel.

(9) A student who received a scholarship under this section prior to the academic year 2024-2025 may continue to receive a tuition grant award under this section provided that the student meets all other criteria required for the receipt of a tuition grant award.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Imd. Eff. June 26, 2012 ;-- Am. 2013, Act 60, Imd. Eff. June 13, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 162, Imd. Eff. Dec. 20, 2019 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: Sec. 252, as amended by Act 62 of 2019, was vetoed by the governor on September 30, 2019.

388.1853 Audit of enrollments, degrees, and awards at independent colleges and universities.

Sec. 253.

The auditor general may audit selected enrollments, degrees, and awards at selected independent colleges and universities receiving awards that are administered by the department of lifelong education, advancement, and potential. The audits must be based on definitions and requirements established by the department of lifelong education, advancement, and potential, the state budget director, and the senate and house fiscal agencies. The auditor general shall accept the Free Application for Federal Student Aid (FAFSA) form as the standard of residency documentation.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1854 State competitive scholarship, tuition incentive, tuition grant, Michigan reconnect, and Michigan achievement scholarship programs; quarterly payments.

Sec. 254.

The sums appropriated in section 236 for the state competitive scholarship, tuition incentive, tuition grant, Michigan reconnect, and Michigan achievement scholarship programs must be paid out of the state treasury and must be distributed to the respective institutions under a quarterly payment system as follows:

(a) For the state competitive scholarship and tuition grant programs, 50% must be paid at the beginning of the state's first fiscal quarter, 30% during the state's second fiscal quarter, 10% during the state's third fiscal quarter, and 10% during the state's fourth fiscal quarter.

(b) For the tuition incentive program, Michigan reconnect, and Michigan achievement scholarship, 65% must be paid at the beginning of the state's first fiscal quarter, and 35% during the state's second fiscal quarter.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1855 Needs analysis criteria; qualifications.

Sec. 255.

The department of lifelong education, advancement, and potential shall determine the needs analysis criteria for students to qualify for the state competitive scholarship program and tuition grant program. To be consistent with federal requirements, the department of lifelong education, advancement, and potential may take student wages into consideration when determining the amount of the award.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1856 Tuition incentive program; eligibility requirements.

Sec. 256.

(1) The funds appropriated in section 236 for the tuition incentive program must be distributed as provided in this section and pursuant to the administrative procedures for the tuition incentive program of the department of lifelong education, advancement, and potential.

(2) As used in this section:

(a) "Phase I" means the first part of the tuition incentive program defined as the academic period of 80 semester or 120 term credits, or less, leading to an associate degree or certificate. Students must be enrolled in a certificate or associate degree program and taking classes within the program of study for a certificate or associate degree. Tuition will not be covered for courses outside of a certificate or associate degree program.

(b) "Phase II" means the second part of the tuition incentive program that provides assistance in the third and fourth year of 4-year degree programs.

(c) "Department" means the department of lifelong education, advancement, and potential.

(d) "High school equivalency certificate" means that term as defined in section 4.

(3) An individual must meet the following basic criteria and financial thresholds to be eligible for tuition incentive program benefits:

(a) To be eligible for phase I, an individual must meet all of the following criteria:

(i) Be less than 20 years of age at the time the individual graduates from high school with a diploma or certificate of completion or achieves a high school equivalency certificate or, for students attending a 5-year middle college approved by the Michigan department of education, be less than 21 years of age when the individual graduates from high school.

(ii) Be a United States citizen and maintain residency in this state, as determined for purposes of the Free Application for Federal Student Aid.

(iii) Be at least a half-time student, earning less than 80 semester or 120 term credits at a participating educational institution within 4 years of high school graduation or achievement of a high school equivalency certificate. All program eligibility expires 10 years after initial enrollment at a participating educational institution.

(iv) Meet the satisfactory academic progress policy of the educational institution attended by the individual.

(b) To be eligible for phase II, an individual must meet either of the following criteria in addition to the criteria in

subdivision (a):

(i) Complete at least 56 transferable semester or 84 transferable term credits.

(ii) Obtain an associate degree or certificate at a participating institution.

(c) To be eligible for phase I or phase II, an individual must be financially eligible as determined by the department. An individual is financially eligible for the tuition incentive program if the individual was eligible for Medicaid from this state for 24 months within any 36 months prior to completion of high school or achievement of a high school equivalency certificate. The department shall accept certification of Medicaid eligibility only from the department of health and human services for the purposes of verifying if a person is Medicaid eligible for 24 months within any 36 months prior to completion of high school or achievement of a high school equivalency certificate. Certification of eligibility may begin in the sixth grade.

(4) For phase I, the department shall provide payment on behalf of a person eligible under subsection (3). The department shall only accept standard per-credit hour tuition billings and shall reject billings that are excessive or outside the guidelines for the type of educational institution.

(5) For phase I, all of the following apply:

(a) Payments for associate degree or certificate programs must not be made for more than 80 semester or 120 term credits for any individual student at any participating institution. The department shall not do either of the following:

(i) Adopt or apply any total semester-credit or term-credit maximum that is less than the 80 semester-credit or 120 term-credit maximum provided in this subdivision.

(ii) Adopt or apply any per-semester or per-term credit maximum for a student whose semester-credit or term-credit load will not result in exceeding the total 80 semester-credit or 120 term-credit maximum provided in this subdivision.

(b) For persons enrolled at a Michigan community college, the department shall pay the current in-district tuition and mandatory fees. For persons residing in an area that is not included in any community college district, the out-of-district tuition rate may be authorized.

(c) For persons enrolled at a Michigan public university, the department shall pay lower division resident tuition and mandatory fees for the current year.

(d) For persons enrolled at a Michigan independent, nonprofit degree-granting college or university, a Michigan federal tribally controlled community college, or Focus: HOPE, the department shall pay mandatory fees for the current year and a per-credit payment that does not exceed the average community college in-district per-credit tuition rate as reported by the last business day of August for the immediately preceding academic year.

(6) A person participating in phase II may be eligible for additional funds not to exceed $500.00 per semester or $400.00 per term up to a maximum of $2,000.00 subject to the following conditions:

(a) Credits are earned in a 4-year program at a Michigan degree-granting 4-year college or university.

(b) The tuition reimbursement is for coursework completed within 30 months of completion of the phase I requirements.

(7) The department shall work closely with participating institutions to provide the highest level of participation and ensure that all requirements of the program are met.

(8) The department shall notify students of their financial eligibility for the program any time after the student begins sixth grade.

(9) Except as otherwise provided in sections 13(c) and 17 of the Michigan reconnect grant recipient act, 2020 PA 68, MCL 390.1713 and 390.1717, each institution shall ensure that all known available restricted grants for tuition and fees are used before billing the tuition incentive program for any portion of a student's tuition and fees.

(10) The department shall ensure that the tuition incentive program is well publicized and that eligible Medicaid clients are provided information on the program. The department shall provide the necessary funding and staff to fully operate the program.

(11) The department shall collaborate with the center to use the P-20 longitudinal data system to report the following information for each qualified postsecondary institution:

(a) The number of phase I students in the most recently completed academic year who in any academic year received a tuition incentive program award and who successfully completed a degree or certificate program. Cohort graduation rates for phase I students must be calculated using the established success rate methodology developed by the center in collaboration with the postsecondary institutions.

(b) The number of students in the most recently completed academic year who in any academic year received a Pell grant at the reporting institution and who successfully completed a degree or certificate program. Cohort graduation rates for students who received Pell grants must be calculated using the established success rate methodology developed by the center in collaboration with the postsecondary institutions.

(12) If a qualified postsecondary institution does not report the data necessary to complete the reporting in subsection (11) to the P-20 longitudinal data system by October 15 for the prior academic year, the department shall not award phase I tuition incentive program funding to otherwise eligible students enrolled in that institution until the data are submitted.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 56, Eff. June 27, 2016 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 62, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 69, Imd. Eff. Apr. 2, 2020 ;-- Am. 2020, Act 146, Imd. Eff. July 31, 2020 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1857 Availability of data.

Sec. 257.

To enable the legislature and the state budget director to evaluate the appropriation needs of higher education, each independent college and university shall make available to the legislature or state budget director, upon request, data regarding grants for the preceding, current, and future fiscal years.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012

388.1858 Student financial aid programs; report.

Sec. 258.

By February 15 of each year, the department of lifelong education, advancement, and potential shall post to its publicly available website a report for the preceding fiscal year on all student financial aid programs for which funds are appropriated in section 236. For each student financial aid program, the report must include, but is not limited to, the total number of awards paid in the preceding fiscal year, the total dollar amount of those awards, and the number of students receiving awards and the total amount of those awards at each eligible postsecondary institution. To the extent information is available, the report must also include information on household income and other demographic characteristics of students receiving awards under each program and historical information on the number of awards and total award amounts for each program.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1859 Informational campaign for financial aid programs.

Sec. 259.

The department of lifelong education, advancement, and potential shall continue an aggressive campaign to inform high school students about the financial aid programs offered by this state and the eligibility requirements for participation in those financial aid programs, including free or reduced tuition programs provided by community colleges and universities in this state.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: Former MCL 388.1859, which pertained to college access programs, was repealed by Act 85 of 2015, Eff. Oct. 1, 2015.

388.1860 Paying for College in Michigan; online information resource for grades 9 through 12 students and families; requirements; link on website.

Sec. 260.

(1) The department of lifelong education, advancement, and potential shall work with student and postsecondary education groups, including the Michigan College Access Network, the Michigan Association of School Counselors, the Michigan Association of State Universities, the Michigan Community College Association, and the Michigan Independent Colleges and Universities, to provide and update an online informational resource for students in grades 9 through 12 and prospective and current students and families. The online informational resource must be a website or a portion of an existing website titled "Paying for College in Michigan" and designed and maintained by the department of lifelong education, advancement, and potential that, to the extent practicable, contains information, including, but not limited to, all of the following:

(a) A list of public and private community support centers, student debt clinics, and other organizations and their contact information submitted by Michigan College Access Network that provides free information and services for student loan borrowers to help educate them about repayment options and to help them access student loan programs or benefits for which they may be eligible.

(b) Links to state and federal financial aid programs, including FAFSA and College Scorecard.

(c) Links to each promise zone website and the financial aid website to each community college, public university, and independent college and university in this state.

(d) Benefits of federal student loans that may no longer be available if a borrower refinances a loan.

(e) Direct links to net price calculators for each community college receiving an appropriation in section 201 and each public university receiving an appropriation in section 236.

(f) Definitions that clearly delineate the differences between scholarships, grants, and loans.

(g) A description of net price calculators and how to use them to create a personalized estimate of a student's out-of-pocket cost for the coming year based on basic family and financial information and likely financial aid eligibility.

(h) Information on the fundamentals of borrowing and repayment, including, but not limited to, all of the following:

(i) A link to the federal Public Service Loan Forgiveness Program or other state or federal loan forgiveness programs.

(ii) Deciding how much to borrow.

(iii) Creating a plan for borrowing and repayment.

(iv) Estimating how much borrowing is needed for a given school year.

(v) Factors that affect total student loan costs.

(vi) Tips for graduating with less student loan debt.

(vii) A loan payment calculator or a link to a loan payment calculator that can be used for different types of loans.

(viii) Links to federal student loan entrance and exit counseling services and the FACT tool.

(ix) Student loan debt relief scams.

(i) Loan amortization information.

(2) A public university receiving an appropriation in section 236 shall place a prominent link to the website created under this section on its website homepage.

(3) Independent colleges and universities in this state are encouraged to place a link to the website created under this section on their website homepages.

(4) By November 1 of each year, the department of lifelong education, advancement, and potential shall inform each high school in this state about the website described in this section and encourage them to distribute the information to all students in grades 9 through 12.

(5) The department shall audit the website not less than once per year to ensure links continue to be accurate, active, and up-to-date for students and families.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: For the transfer of the powers and duties related to the maintenance of the website under this section from the department of treasury to MiLEAP, see E.R.O. 2023-2, compiled at MCL 388.1283.

388.1861 University of Michigan biological station at Douglas Lake.

Sec. 261.

The University of Michigan biological station at Douglas Lake in Cheboygan County is considered a unique resource and is designated as a special research reserve. It is the intent of the legislature to protect and preserve the unique long-term research value and capabilities of the biological station area and Douglas Lake. The legislature further intends that no state programs or policies be developed that would have a deleterious impact on the research value of Douglas Lake.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012

388.1862 Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's Notes: The repealed section pertained to policies to minimize cost of textbooks and course materials.

388.1862a Repealed. 2015, Act 85, Eff. Oct. 1, 2015.

Compiler's Notes: The repealed section pertained to policies for reviewing textbook and course materials.

388.1863 Project GREEEN.

Sec. 263.

(1) Included in the appropriation in section 236 for fiscal year 2024-2025 for MSU AgBioResearch is $2,982,900.00 and included in the appropriation in section 236 for MSU Extension is $2,645,200.00 for Project GREEEN. Project GREEEN is intended to address critical regulatory, food safety, economic, and environmental problems faced by this state's plant-based agriculture, forestry, and processing industries. "GREEEN" is an acronym for Generating Research and Extension to Meet Environmental and Economic Needs.

(2) The department of agriculture and rural development and Michigan State University, in consultation with agricultural commodity groups and other interested parties, shall develop Project GREEEN and its program priorities.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 62, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1863a MSU AgBioResearch and MSU Extension; report.

Sec. 263a.

(1) Not later than September 30 of each year, Michigan State University shall submit a report on MSU AgBioResearch and MSU Extension to the house and senate appropriations subcommittees on agriculture and on higher education, the house and senate standing committees on agriculture, the house and senate fiscal agencies, and the state budget director for the preceding academic fiscal year.

(2) The report required under subsection (1) must include all of the following:

(a) Total funds expended by MSU AgBioResearch and by MSU Extension identified by state, local, private, federal, and university fund sources.

(b) A review of major programs within both MSU AgBioResearch and MSU Extension with specific reference to accomplishments, impacts, and a specific accounting of Project GREEEN and the Agricultural Climate Resiliency Program expenditures and the impact of those expenditures. The program review for MSU AgBioResearch and MSU Extension should include the following:

(i) The number of agriculture and food-related firms collaborating with and using services of research and extension faculty and staff.

(ii) The number of individuals utilizing MSU Extension's educational services.

(iii) External funds generated in support of research and extension.

(iv) Efforts to improve access to healthy foods for Michigan consumers.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2019, Act 62, Eff. Oct. 1, 2019 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1863b Agricultural Climate Resiliency Program.

Sec. 263b.

Included in the appropriation in section 236 for fiscal year 2024-2025 for MSU AgBioResearch and MSU Extension is funding for the Agricultural Climate Resiliency Program. The Agricultural Climate Resiliency Program is intended to address environmental sustainability of Michigan agriculture and promote the protection and efficient use of Michigan's water resources.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1864 Michigan Future Farmers of America Association.

Sec. 264.

Included in the appropriation in section 236 for fiscal year 2024-2025 for Michigan State University is $80,000.00 for the Michigan Future Farmers of America Association. This $80,000.00 allocation must not supplant any existing support that Michigan State University provides to the Michigan Future Farmers of America Association.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 62, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1865 Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to tuition restraint requirements on increases in tuition and fee rates for resident undergraduate students.

388.1865a Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

388.1865b Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to a reduction in operations funding for failure to submit title IX certification.

388.1865c Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's Notes: The repealed section pertained to academic program partnerships report.

388.1865d Memorandum of understanding; incidents of sexual assault.

Sec. 265d.

Each public university that receives an appropriation in section 236 is encouraged to enter into a memorandum of understanding with at least 1 local law enforcement agency with jurisdiction on or around campus for the communication and coordination of responses to incidents of sexual assault.

History: Add. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 62, Eff. Oct. 1, 2019

388.1865e Legislative intent.

Sec. 265e.

It is the intent of the legislature that public universities use a portion of funds received in section 236 for campus safety programs, sexual assault prevention programs, and student mental health programs.

History: Add. 2018, Act 265, Eff. Oct. 1, 2018.

388.1865f Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to policies and procedures for accepting and awarding college level equivalent credit examinations.

388.1865g Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to providing information on accelerated degree completion pathways and options.

388.1866 Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's Notes: The repealed section pertained to public university operations funding.

388.1866a Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to summoning certain universities with declining enrollment to testify before appropriations subcommittees on higher education.

388.1867 Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to reporting of tuition and fees charged to full-time resident undergraduate students.

388.1868 North American Indian tuition waiver costs; report; information to be provided by public university; consolidated report.

Sec. 268.

(1) For the fiscal year ending September 30, 2025, it is the intent of the legislature that funds be allocated for unfunded North American Indian tuition waiver costs incurred by public universities under 1976 PA 174, MCL 390.1251 to 390.1253, from the general fund.

(2) By January 15 of each year, the department of lifelong education, advancement, and potential shall annually submit to the state budget director, the house and senate appropriations subcommittees on higher education, and the house and senate fiscal agencies a report on North American Indian tuition waivers for the preceding academic year that includes, but is not limited to, all of the following information:

(a) The number of waiver applications received and the number of waiver applications approved.

(b) For each public university submitting information under subsection (3), all of the following:

(i) The number of graduate and undergraduate North American Indian students enrolled each term for the previous academic year.

(ii) The number of North American Indian waivers granted each term, including to continuing education students, and the monetary value of the waivers for the previous academic year.

(iii) The number of North American Indian students who receive a granted waiver for the previous academic year.

(iv) The number of graduate and undergraduate students attending under a North American Indian tuition waiver who withdrew from the public university each term during the previous academic year. For purposes of this subparagraph, a withdrawal occurs when a student who has been awarded the waiver withdraws from the institution at any point during the term, regardless of enrollment in subsequent terms.

(v) The number of graduate and undergraduate students attending under a North American Indian tuition waiver who successfully transfer to a 4-year public or private university, or complete a degree or certificate program, separated by degree or certificate level, and the graduation rate for graduate and undergraduate students attending under a North American Indian tuition waiver who complete a degree or certificate within 150% of the normal time to complete, separated by the level of the degree or certificate.

(3) By January 1 of each year, a public university that receives an appropriation in section 236, or a tribal college receiving pass-through funds under section 269 or 270c, shall provide to the department of lifelong education, advancement, and potential any information necessary for preparing the report detailed in subsection (2), using guidelines and procedures developed by the department of lifelong education, advancement, and potential.

(4) The department of lifelong education, advancement, and potential may consolidate the report required under this section with the report required under section 223, but a consolidated report must separately identify data for public universities and data for community colleges.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 62, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1869 Payment to Saginaw Chippewa Tribal College; costs of waiving tuition for North American Indians.

Sec. 269.

For fiscal year 2024-2025, from the amount appropriated in section 236 to Central Michigan University for costs incurred under the North American Indian tuition waiver, $76,300.00 must be paid to Saginaw Chippewa Tribal College for the costs of waiving tuition for North American Indians under 1976 PA 174, MCL 390.1251 to 390.1253. It is the intent of the legislature that Saginaw Chippewa Tribal College provide the department of lifelong education, advancement, and potential the necessary information for the college to be included in the report required under section 268.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 62, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1870 Bay Mills Community College; North American Indian tuition waiver funding.

Sec. 270.

For fiscal year 2024-2025, from the amount appropriated in section 236 to Lake Superior State University for costs incurred under the North American Indian tuition waiver, $498,800.00 must be paid to Bay Mills Community

College for the costs of waiving tuition for North American Indians under 1976 PA 174, MCL 390.1251 to 390.1253. It is the intent of the legislature that Bay Mills Community College provide the department of lifelong education, advancement, and potential the necessary information for the college to be included in the report required under section 268.

History: Add. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: Former MCL 388.1870, which pertained to payments for costs of waiving tuition under the North American Indian tuition waiver, was repealed by Act 86 of 2021, Eff. Oct. 1, 2021.

388.1870a Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's Notes: The repealed section pertained to coordination of goods and services.

388.1870b Repealed. 2021, Act 86, Eff. Oct. 1, 2021.

Compiler's Notes: The repealed section pertained to a 1-time pass-through payment to Bay Mills Community College for educating non-Native American students.

388.1870c Payment to Keweenaw Bay Ojibwa Community College; costs of waiving tuition for North American Indians.

Sec. 270c.

For fiscal year 2024-2025, from the amount appropriated in section 236 to Northern Michigan University for costs incurred under the North American Indian tuition waiver, $155,200.00 is to be paid to Keweenaw Bay Ojibwa Community College for the costs of waiving tuition for North American Indians under 1976 PA 174, MCL 390.1251 to 390.1253. It is the intent of the legislature that Keweenaw Bay Ojibwa Community College provide the department of lifelong education, advancement, and potential the necessary information for the community college to be included in the report required under section 268.

History: Add. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1871 Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's Notes: The repealed section pertained to academic program accreditation.

388.1871a Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to prohibition on use of funds for instructional activity for unionization or decertification of a union.

388.1872 Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's Notes: The repealed section pertained to rejection of transfer credits by university.

388.1872a Repealed. 2015, Act 85, Eff. Oct. 1, 2015.

Compiler's Notes: The repealed section pertained to report regarding rejection of transfer credits.

388.1873 Repealed. 2015, Act 85, Eff. Oct. 1, 2015.

Compiler's Notes: The repealed section pertained to report on efforts to accommodate sincerely held beliefs of students.

388.1873a Repealed. 2013, Act 60, Eff. Oct. 1, 2013.

Compiler's Notes: The repealed section pertained to use of funds to benefit nonprofit workers training center.

388.1874 Repealed. 2023, Act 103, Eff. Oct. 1, 2023

Compiler's Notes: The repealed section pertained to reporting related to conducting human embryonic stem cell derivation.

388.1874a Repealed. 2015, Act 85, Eff. Oct. 1, 2015.

Compiler's Notes: The repealed section pertained to prohibition against health insurance or fringe benefits for unmarried adult coresident or dependent.

388.1874c Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to the implementation of sexual assault response training for certain university personnel.

388.1874d Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to an annual security report known as the Clery Act Report..

388.1875 Veterans and active military duty personnel; educational assistance; "veteran" defined.

Sec. 275.

(1) Each public university that receives an appropriation in section 236 shall do all of the following:

(a) Meet the provisions of section 5003 of the post-911 veterans educational assistance act of 2008, 38 USC 3301 to 3327, including voluntary participation in the Yellow Ribbon GI Education Enhancement Program established in that act in 38 USC 3317.

(b) Establish an on-campus veterans' liaison to provide information and assistance to all student veterans.

(c) Provide flexible enrollment application deadlines for all veterans.

(d) Include in its admission application process a specific question as to whether an applicant for admission is a veteran, an active member of the military, a member of the national guard or military reserves, or the spouse or dependent of a veteran, active member of the military, or member of the national guard or military reserves, in order to more quickly identify potential educational assistance available to that applicant.

(e) Consider all veterans residents of this state for determining their tuition rates and fees.

(f) Waive enrollment fees for all veterans.

(g) Provide reasonable programming and scheduling accommodations necessary to facilitate a student's military, national guard, or military reserves duties and training obligations.

(h) Provide college level equivalent credit examination opportunities for veterans and active members of the military, national guard, or military reserves within the first semester of enrollment.

(i) Grant college credit for, or create a structure that evaluates granting college credit for, the service background and experience of veterans and members of the military, national guard, or military reserves.

(2) As used in this section, "veteran" means an honorably discharged veteran entitled to educational assistance under section 5003 of the post-911 veterans educational assistance act of 2008, 38 USC 3301 to 3327.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023

388.1875a Repealed. 2022, Act 144, Eff. Oct. 1, 2022.

Compiler's Notes: The repealed section pertained to prohibition on a public university using funds for self-liquidating projects and a reduction in funding for failure to comply with joint capital outlay subcommittee requirements.

388.1875b Knowledge that applicant for admission is serving, or has served, as member of military, National Guard, or military reserves; duties of public university during application process; "transcript" defined.

Sec. 275b.

(1) Each public university receiving an appropriation in section 236 shall ensure that the public university does all of the following in its admission application process if it knows that an applicant for admission is currently serving, or has ever served, as a member of the military, the National Guard, or the military reserves:

(a) Inform the applicant that the applicant may receive academic credit for college-level training and education the applicant received while serving in the military.

(b) Inform the applicant that the applicant may submit a transcript of the applicant's college-level military training and education to the public university.

(c) If the applicant submits a transcript described in subdivision (b), evaluate that transcript and notify the applicant of what transfer credits are available to the applicant from the public university for the applicant's college-level military training and education.

(d) Inform the applicant of college level equivalent credit examination opportunities.

(2) As used in this section, "transcript" includes a joint services transcript prepared for the applicant under the American council on education registry of credit recommendations.

History: Add. 2015, Act 44, Eff. Sept. 7, 2015 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1875c Meningococcal meningitis and vaccine for meningococcal meningitis; materials to be provided to students.

Sec. 275c.

Each university receiving funds under section 236 shall provide students with materials containing information about meningococcal meningitis and the vaccine for meningococcal meningitis, as provided by the department of health and human services pursuant to section 9205a of the public health code, 1978 PA 368, MCL 333.9205a. The materials shall contain information about, at a minimum, the causes and symptoms of meningococcal meningitis, how it is spread, and sources where students may obtain additional information about meningococcal meningitis and where they may obtain vaccination against meningococcal meningitis.

History: Add. 2017, Act 108, Eff. Oct. 1, 2017

388.1875d Disciplinary action; employee communications with legislature; prohibition.

Sec. 275d.

A public university receiving an appropriation in section 236 shall not take disciplinary action against an employee for communicating with a member of the legislature or a legislator's staff.

History: Add. 2019, Act 62, Eff. Oct. 1, 2019 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021

388.1875f Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to a report on activities related to providing open and free expression and speech.

388.1875g Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to reporting of federal funds received related to the COVID-19 pandemic.

388.1875h Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to the adoption of an advocacy policy and its requirements.

388.1875i Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to a mandatory COVID-19 vaccine policy and exemptions.

388.1875j Postsecondary education goals.

Sec. 275j.

It is the goal of the governor and legislature to ensure that 60% of Michigan's residents achieve a postsecondary credential, high-quality industry certification, associate degree, or bachelor's degree by 2030.

History: Add. 2022, Act 144, Eff. Oct. 1, 2022

388.1875k University authorizer of charter schools; reporting requirements.

Sec. 275k.

(1) Not later than December 1 of each year, each university that receives an appropriation in section 236 that, in the current or previous academic year, serves or has served as an authorizing body shall submit a report to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, the state budget director, and the department of education containing, at a minimum, all of the following information, as applicable:

(a) A list of all of the schools currently authorized, and the following information for each school:

(i) The year in which the school was authorized.

(ii) The location of each school.

(iii) The owner of the property at which each school is located and the physical buildings utilized by the school, as applicable.

(b) A list identifying any schools that were closed or lost their authorization in the current or previous academic year.

(c) A description of any new contracts for the operation of a public school academy that will operate as the successor to a public school academy that is currently being operated under a contract issued by another

authorizing body that is currently performing in the bottom 5% of schools.

(d) The academic performance of each school currently authorized, including whether a school is identified by the department of education as a partnership school. If a school is identified as a partnership school under this subdivision, the authorizing body must include a description of corrective actions in the school's partnership agreement, the duration of the partnership agreement, and an assessment of progress toward improvement.

(e) The total enrollment of each school at the time of submission, the grades served, and student turnover rate compared to the previous academic year, as applicable.

(f) Aggregated student enrollment data for students with an individualized education program as well as the total amount of special education cost reimbursements received by each school during the school's most recently completed fiscal year.

(g) The total number of fees, reimbursements, contributions, or charges permitted under section 502(6) of the revised school code, 1976 PA 451, MCL 380.502, that are assigned to each school currently authorized in a single academic year.

(h) The names of the members of the board of directors of each school currently authorized and the date that each member of each board was appointed, and a description of the methodology used by the authorizing body to select members for the boards of directors for each school currently authorized by the authorizing body.

(i) The name of the applicant who applied and received approval to organize each currently authorized school.

(j) The list of contracts and length of their terms, with education service providers associated with each school currently authorized pursuant to section 502 of the revised school code, 1976 PA 451, MCL 380.502, as applicable. The contracts described in this subdivision include, but are not limited to, those described in section 502(2)(d) of the revised school code, 1976 PA 451, MCL 380.502.

(k) Activities undertaken by each university to ensure that the board of directors of each school complies with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and laws prohibiting conflicts of interest.

(l) A description of the activities undertaken by the university to meet the functions of an authorizing body under section 502 of the revised school code, 1976 PA 451, MCL 380.502, as applicable.

(m) A financial report of the authorizing body's use of fees, reimbursements, contributions, or charges collected or retained under section 502(6) of the revised school code, 1976 PA 451, MCL 380.502. This report must include all of the following, at a minimum:

(i) The total amount of fees collected or retained under section 502(6) of the revised school code, 1976 PA 451, MCL 380.502, by the authorizing body for the authorizing body's most recent fiscal year.

(ii) The amount of funds reported under subparagraph (i) that were spent on compensation for faculty and staff employed primarily to meet the functions of an authorizing body. For the purpose of this subparagraph, an employee is presumed to be primarily employed to meet the functions of an authorizing body if that employee spends more than 50% of the employee's time on those activities.

(iii) The number of positions, organized by job title, associated with expenditures reported under subparagraph (ii).

(iv) The amount of funds reported under subparagraph (i) that were spent on contractual services to meet the functions of an authorizing body.

(v) The amount of funds reported under subparagraph (i) that were spent on other overhead costs to meet the functions of an authorizing body.

(vi) The amount of funds reported under subparagraph (i) that were transferred to another operating unit within the university.

(vii) The amount of funds reported under subparagraph (i) that were spent on activities other than functioning as an authorizing body, including a list of those activities and the amount associated with each activity.

(n) An executive summary section that provides relevant summary data for reporting requirements under subdivisions (a) to (m).

(2) A report submitted under this section must be in a format that meets accessibility standards for viewing on the internet under the Americans with disabilities act of 1990, Public Law 101-336.

(3) A report submitted under this section must be published and updated through a link on the homepage of the public university's website.

(4) As used in this section, "authorizing body" means that term as defined in section 501 of the revised school code, 1976 PA 451, MCL 380.501.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

388.1875m University on-campus housing report.

Sec. 275m.

(1) Each public university that receives an appropriation in section 236 and requires students to reside on campus for any amount of time shall report all of the following:

(a) Whether the university requires any students to reside on campus as a condition of enrollment at that university.

(b) A summary of any policy or policies requiring students to reside on campus, if applicable.

(c) The average charge for room and board at the university for the current academic year. The average charge under this subdivision must be calculated based on the accommodation and meal plan that is most commonly selected by students subject to a policy reported under subdivision (b).

(d) The average charge for room and board for the accommodation and meal plan selection reported in subdivision (c) for the previous 5 academic years. If the accommodation and meal plan reported under subdivision (c) was not offered in a previous academic year, the university shall report the charge for a similar alternative instead.

(2) Each public university required to submit a report under subsection (1) shall submit that report to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, the state budget director, and the director of the department of lifelong education, advancement, and potential by November 30 of each year.

History: Add. 2024, Act 120, Eff. Oct. 1, 2024

388.1876 Martin Luther King, Jr. – Cesar Chavez – Rosa Parks future faculty fellowship program.

Sec. 276.

(1) Included in the appropriation for fiscal year 2024-2025 for each public university in section 236 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks future faculty fellowship program that is intended to increase the pool of academically or economically disadvantaged candidates pursuing faculty or administration careers in postsecondary education in this state. Preference may not be given to applicants on the basis of race, color, ethnicity, gender, or national origin. Institutions should encourage applications from applicants who would otherwise not adequately be represented in the graduate student, faculty, or administration populations. Each public university shall apply the percentage change applicable to every public university in the calculation of appropriations in section 236 to the amount of funds allocated to the future faculty fellowship program.

(2) Each public university shall administer the program in a manner prescribed by the department of labor and economic opportunity. The department of labor and economic opportunity shall use a good-faith effort standard to evaluate whether a fellowship is in default. All of the following apply to the program:

(a) By June 15 of each year, public universities shall report any anticipated unexpended or unencumbered program funds to the department of labor and economic opportunity. Encumbered funds are those funds that were committed by a fellowship agreement that is signed during the current fiscal year or administrative expenses that have been approved by the department of labor and economic opportunity.

(b) Before September 1 of each year, unexpended or unencumbered funds may be transferred, under the direction of the department of labor and economic opportunity, to a future faculty fellowship program at another public university to be awarded to an eligible candidate at that public university.

(c) Program allocations not expended or encumbered by September 30, 2026 must be returned to the department of labor and economic opportunity so that those funds may lapse to the state general fund.

(d) Not more than 5% of each public university's allocation for the program may be used for administration of the program.

(e) In addition to the appropriation for fiscal year 2024-2025, any revenue received during prior fiscal years by the department of labor and economic opportunity from defaulted fellowship agreements is appropriated for the purposes originally intended.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 62, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

388.1877 Martin Luther King, Jr. – Cesar Chavez – Rosa Parks college day program.

Sec. 277.

(1) Included in the appropriation for fiscal year 2024-2025 for each public university in section 236 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks college day program that is intended to introduce academically or economically disadvantaged schoolchildren to the potential of a college education in this state. Preference may not be given to participants on the basis of race, color, ethnicity, gender, or national origin. Public universities should encourage participation from those who would otherwise not adequately be represented in the student population.

(2) Individual program plans of each public university must include a budget of equal contributions from this program, the participating public university, the participating school district, and the participating independent degree-granting college. College day funds must not be expended to cover indirect costs. Not more than 20% of the university match may be attributable to indirect costs. Each public university shall apply the percentage change applicable to every public university in the calculation of appropriations in section 236 to the amount of funds allocated to the college day program.

(3) Each public university shall administer the program described in this section in a manner prescribed by the department of labor and economic opportunity.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 62, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

388.1878 Martin Luther King, Jr. – Cesar Chavez – Rosa Parks select student support services program.

Sec. 278.

(1) Included in the appropriation for fiscal year 2024-2025 for each public university in section 236 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks select student support services program for developing academically or economically disadvantaged student retention programs for 4-year public and independent educational institutions in this state. Preference may not be given to participants on the basis of race, color, ethnicity, gender, or national origin. Institutions should encourage participation from those who would otherwise not adequately be represented in the student population.

(2) An award made under this program to any 1 institution must not be greater than $150,000.00, must have an award period of no more than 2 years, and must be matched on a 70% state, 30% college or university basis.

(3) The department of labor and economic opportunity shall administer the program described in this section.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct.

1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 62, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

388.1879 Martin Luther King, Jr. – Cesar Chavez – Rosa Parks college/university partnership program.

Sec. 279.

(1) Included in the appropriation for fiscal year 2024-2025 for each public university in section 236 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks college/university partnership program between 4-year public and independent colleges and universities and public community colleges, which is intended to increase the number of academically or economically disadvantaged students who transfer from community colleges into baccalaureate programs in this state. Preference may not be given to participants on the basis of race, color, ethnicity, gender, or national origin. Institutions should encourage participation from those who would otherwise not adequately be represented in the transfer student population.

(2) The grants must be made under the program described in this section to Michigan public and independent colleges and universities. An award to any 1 institution must not be greater than $150,000.00, must have an award period of no more than 2 years, and must be matched on a 70% state, 30% college or university basis.

(3) The department of labor and economic opportunity shall administer the program described in this section.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 62, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

388.1880 Martin Luther King, Jr. – Cesar Chavez – Rosa Parks visiting professors program.

Sec. 280.

(1) Included in the appropriation for fiscal year 2024-2025 for each public university in section 236 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks visiting professors program, which is intended to increase the number of instructors in the classroom to provide role models for academically or economically disadvantaged students. Preference may not be given to participants on the basis of race, color, ethnicity, gender, or national origin. Public universities should encourage participation from those who would otherwise not adequately be represented in the student population.

(2) The department of labor and economic opportunity shall administer the program described in this section.

(3) The amount allocated to each public university is $11,184.00 and is subject to an award period of no more than 2 years. Each public university receiving funds for fiscal year 2024-2025 under this section shall report to the department of labor and economic opportunity by April 15, 2025 the amount of its unobligated and unexpended funds as of March 31, 2025 and a plan to expend the remaining funds by the end of the fiscal year. The amount of funding reported as not being expended may be transferred, under the direction of the department, to another public university for use under this section.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 62, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff.

Oct. 1, 2024
Compiler's Notes: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

388.1881 Martin Luther King, Jr. – Cesar Chavez – Rosa Parks initiative for Morris Hood, Jr. educator development program.

Sec. 281.

(1) Included in the appropriation for fiscal year 2024-2025 for each public university in section 236 is funding under the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks initiative for the Morris Hood, Jr. educator development program, which is intended to increase the number of academically or economically disadvantaged students who enroll in and complete K-12 teacher education programs at the baccalaureate level and teach in this state. Preference may not be given to participants on the basis of race, color, ethnicity, gender, or national origin. Institutions should encourage participation from those who would otherwise not adequately be represented in the teacher education student population.

(2) The program described in this section must be administered by each state-approved teacher education institution in a manner prescribed by the department of labor and economic opportunity.

(3) Approved teacher education institutions may and are encouraged to use select student support services funding in coordination with the Morris Hood, Jr. funding to achieve the goals of the program described in this section.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 62, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024
Compiler's Notes: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

388.1881a Repealed. 2023, Act 103, Eff. Oct. 1, 2023.

Compiler's Notes: The repealed section pertained to Martin Luther King Jr. – Cesar Chavez – Rosa Parks initiative reporting requirements.

388.1882 Institutions receiving funds under MCL 388.1878, 388.1879, or 388.1881; providing unobligated and unexpended funds; plan to expend remaining funds; direct or indirect financial aid; prohibition.

Sec. 282.

(1) Each institution receiving funds for fiscal year 2024-2025 under section 278, 279, or 281 shall provide to the department of labor and economic opportunity by April 15, 2025 the unobligated and unexpended funds as of March 31, 2025 and a plan to expend the remaining funds by the end of the fiscal year. Notwithstanding the award limitations in sections 278 and 279, the amount of funding reported as not being expended will be reallocated to the institutions that intend to expend all funding received under section 278, 279, or 281.

(2) Funds received for the purpose of administering programs under sections 278, 279, and 281 must not be used for direct financial aid or indirect financial aid. However, a public university may provide academic incentives to motivate participating students as approved by the department. As used in this subsection:

(a) "Direct financial aid" includes, but is not limited to, scholarships, payment of tuition, stipends, and work-studies.

(b) "Indirect financial aid" includes, but is not limited to, transportation, textbook allowances, child care support, and assistance with medical premiums or expenses.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 62, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021 ;-- Am. 2022, Act 144, Eff. Oct. 1, 2022 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023 ;-- Am. 2024, Act 120, Eff. Oct. 1, 2024

Compiler's Notes: For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

388.1883 Aggregate academic status of students; P-20 longitudinal data system; review.

Sec. 283.

(1) Using the data provided to the center as required by section 244 of this act, the center shall use the P-20 longitudinal data system to inform interested Michigan high schools and the public regarding the aggregate academic status of its students. The center shall work with the public universities and the Michigan Association of State Universities and in cooperation with the Michigan Association of Secondary School Principals.

(2) Michigan high schools shall systematically inform the public universities about the use of information received under this section in a manner prescribed by the Michigan Association of Secondary School Principals in cooperation with the Michigan Association of State Universities.

(3) The center shall conduct a review of the statewide longitudinal data system and associated data collection processes to identify strategies that would allow for the legal dissemination of student directory information for all students in grades 11 and 12 to Michigan public and independent nonprofit postsecondary institutions. The center shall collaborate with relevant stakeholders to recommend a process to share this data by June 30, 2024.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017 ;-- Am. 2019, Act 62, Eff. Oct. 1, 2019 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023

388.1884 Academic status of community college transfer students.

Sec. 284.

Using data provided to the center as required by section 244 of this act, the center shall use the P-20 longitudinal data system to inform Michigan community colleges regarding the academic status of community college transfer students. The center shall work with the universities and the Michigan Association of State Universities in cooperation with the Michigan Community College Association.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2014, Act 196, Eff. Oct. 1, 2014 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016 ;-- Am. 2017, Act 108, Eff. Oct. 1, 2017

388.1884a P-20 longitudinal data reporting by legislative district.

Sec. 284a.

Using data provided to the center as required by section 244 of this act, the center shall work to use the P-20 longitudinal data system to inform the legislature and public on postsecondary measures and outcomes by reporting postsecondary enrollment and other demographic information by legislative district. The center shall work with the Michigan Association of State Universities, the Michigan Community College Association, Michigan Independent Colleges and Universities, and the Michigan Association of Secondary School Principals.

History: Add. 2023, Act 103, Eff. Oct. 1, 2023

388.1885 Transfer of students from community colleges to public universities; encouragement; facilitation.

Sec. 285.

From the funds appropriated in section 236(2), public universities shall work with the state community colleges to encourage the transfer of students from the community colleges to the public universities and to facilitate the transfer of credits from the community colleges to those public universities.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021

388.1886 Statewide reverse transfer agreements.

Sec. 286.

From the funds appropriated in section 236(2), public universities shall work with community colleges in this state to implement statewide reverse transfer agreements to increase the number of students that are awarded credentials of value upon completion of the necessary credits. These statewide agreements shall enable students who have earned a significant number of credits at a community college and transfer to a baccalaureate granting institution before completing a degree to transfer the credits earned at the baccalaureate institution back to the community college in order to be awarded a credential of value.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021

388.1886a Repealed. 2017, Act 108, Eff. October 1, 2017.

Compiler's Notes: The repealed section pertained to report detailing number of academic program partnerships between public community colleges, public universities, and private colleges and universities.

388.1886b Repealed. 2022, Act 144, Eff. Oct. 1, 2022.

Compiler's Notes: The repealed section pertained to university's report to legislature on bachelor of science in nursing articulation agreements with community colleges.

388.1887 Average cost of attendance report.

Sec. 287.

Not later than the first business day of January of each year, the center shall work with the department of lifelong education, advancement, and potential to collect and publish the average cost of attendance data for full-time first-time students from the federal Integrated Postsecondary Education Data System (IPEDS) for each community college that receives an appropriation in section 201, each federally recognized tribal college in this state, each public university that receives an appropriation in section 236, and each independent nonprofit college or university in this state as described in section 1 of 1966 PA 313, MCL 390.991, using the most recently released data from IPEDS.

History: Add. 2024, Act 120, Eff. Oct. 1, 2024

388.1889 Auditor general audit; duties; report.

Sec. 289.

(1) In accordance with section 299(4) of the management and budget act, 1984 PA 431, MCL 18.1299, at least once every 4 years, the auditor general shall audit higher education institutional data inventory (HEIDI) data submitted by all public universities under section 241 and may perform audits of selected public universities if determined necessary. The audits shall be based upon the definitions, requirements, and uniform reporting categories established by the state budget director in consultation with the HEIDI advisory committee. The auditor general shall submit a report of findings to the house and senate appropriations committees and the state budget director no later than July 1 of each year an audit takes place.

(2) Student credit hours reports shall not include the following:

(a) Student credit hours generated through instructional activity by faculty or staff in classrooms located outside Michigan, with the exception of instructional activity related to study-abroad programs or field programs.

(b) Student credit hours generated through credit by examination.

(c) Student credit hours generated in new degree programs created on or after January 1, 1975 and before January 1, 2013, that were not specifically authorized for funding by the legislature, except spin-off programs converted from existing core programs, and student credit hours generated in any new degree programs created after January 1, 2013, that are specifically excluded from reporting by the legislature under this section.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2018, Act 265, Eff. Oct. 1, 2018 ;-- Am. 2019, Act 62, Eff. Oct. 1, 2019 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020

388.1890 New degree programs.

Sec. 290.

By March 1 of each year, the Michigan Association of State Universities shall provide a listing of new degree programs for which enrollment information will be reported to HEIDI under sections 241 and 289, as well as a

listing of degree programs that institutions of higher education will no longer offer in subsequent academic years, to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the state budget director.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2013, Act 60, Eff. Oct. 1, 2013 ;-- Am. 2016, Act 249, Eff. Oct. 1, 2016

388.1891 Performance audits.

Sec. 291.

To the extent allowable under section 53 of article IV of the state constitution of 1963, the auditor general may conduct performance audits of public universities receiving funds in section 236 as the auditor general considers necessary.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2012, Act 201, Eff. Oct. 1, 2012 ;-- Am. 2021, Act 86, Eff. Oct. 1, 2021

388.1892 Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's Notes: The repealed section pertained to student right-to-know and crime awareness.

388.1893 Repealed. 2016, Act 249, Eff. Oct. 1, 2016.

Compiler's Notes: The repealed section pertained to authorized disclosure of student records.

388.1893a Repealed. 2013, Act 60, Eff. Oct. 1, 2013.

Compiler's Notes: The repealed section pertained to state building authority rent.

388.1894 Repealed. 2012, Act 201, Eff. Oct. 1, 2012.

Compiler's Notes: The repealed section pertained to one-time basis appropriation.

ARTICLE IV
GENERAL PROVISIONS

388.1896 Excess funds; proration.

Sec. 296.

(1) If the maximum amount appropriated under this act from the state school aid fund for a fiscal year exceeds the amount necessary to fully fund allocations under this act from the state school aid fund, that excess amount must not be expended in that state fiscal year and does not lapse to the general fund, but instead is deposited into the school aid stabilization fund created in section 11a.

(2) If the total maximum amount appropriated under all articles of this act from the state school aid fund and the school aid stabilization fund exceeds the amount available for expenditure from the state school aid fund for that fiscal year, payments under sections 11j, 11m, 22a, 26a, 26b, 26c, 31d, 31f, 51a(2), 51a(11), 51c, 53a, 56, 147c, 147e(2)(a), and 152a must be made in full. In addition, for districts beginning operations after 1994-95 that qualify for payments under section 22b, payments under section 22b must be made so that the qualifying districts receive the lesser of an amount equal to the 1994-95 foundation allowance of the district in which the district beginning operations after 1994-95 is located or $5,500.00. The amount of the payment to be made under section 22b for these qualifying districts must be as calculated under section 22a, with the balance of the payment under section 22b being subject to the proration otherwise provided under this subsection and subsection (3). If proration is necessary, state payments under each of the other sections of article I from all state funding sources, and state appropriations to community colleges and public universities under articles II and III from the state school aid fund, must be prorated in the manner prescribed in subsection (3) as necessary to reflect the amount available for expenditure from the state school aid fund for the affected fiscal year. However, if the department of treasury determines that proration will be required under this subsection, or if the department of treasury determines that further proration is required under this subsection after an initial proration has already been made for a fiscal year, the department of treasury shall notify the state budget director, and the state budget director shall notify the legislature at least 30 calendar days or 6 legislative session days, whichever is more, before the department reduces any payments under this act because of the proration. During the 30-calendar-day or 6-legislative-session-day period after that notification by the state budget director, the department shall not reduce any payments under this act because of proration under this subsection. The legislature may prevent proration from occurring by, within the 30-calendar-day or 6-legislative-session-day period after that notification by the state budget director, enacting legislation appropriating additional funds from the general fund, countercyclical budget and economic stabilization fund, state school aid fund balance, or another source to fund the amount of the projected shortfall.

(3) If proration is necessary under subsection (2), the department shall calculate the proration in district and intermediate district payments under article I that is required under subsection (2), and the department of treasury shall calculate the proration in community college and public university payments under articles II and III that is required under subsection (2), as follows:

(a) The department and the department of treasury shall calculate the percentage of total state school aid fund money that is appropriated and allocated under this act for the affected fiscal year for each of the following:

(i) Districts.

(ii) Intermediate districts.

(iii) Entities receiving funding from the state school aid fund under article I other than districts or intermediate districts.

(iv) Community colleges and public universities that receive funding from the state school aid fund.

(b) Subject to subsection (4), the department shall recover a percentage of the proration amount required under subsection (2) that is equal to the percentage calculated under subdivision (a)(i) for districts by reducing payments to districts. This reduction must be made by calculating an equal dollar amount per pupil as necessary to recover this percentage of the proration amount and reducing each district's total state school aid from state sources, other than payments under sections 11j, 11m, 22a, 26a, 26b, 26c, 31d, 31f, 51a(2), 51a(11), 51c, 53a, 147c, 147e(2)(a), and 152a, by that amount.

(c) Subject to subsection (4), the department shall recover a percentage of the proration amount required under subsection (2) that is equal to the percentage calculated under subdivision (a)(ii) for intermediate districts by reducing payments to intermediate districts. This reduction must be made by reducing the payments to each intermediate district, other than payments under sections 26a, 26b, 26c, 51a(2), 51a(11), 53a, 56, 147c, 147e(2)(a), and 152a, on an equal percentage basis.

(d) Subject to subsection (4), the department shall recover a percentage of the proration amount required under subsection (2) that is equal to the percentage calculated under subdivision (a)(iii) for entities receiving funding from the state school aid fund under article I other than districts and intermediate districts by reducing payments to these entities. This reduction must be made by reducing the payments to each of these entities, other than payments under sections 11j, 11m, 26a, 26b, and 26c on an equal percentage basis.

(e) The department of treasury shall recover a percentage of the proration amount required under subsection (2) that is equal to the percentage calculated under subdivision (a)(iv) for community colleges and public universities

that receive funding from the state school aid fund by reducing that portion of the payments under articles II and III to these community colleges and public universities, other than payments under sections 201(5) and 236(4), that is from the state school aid fund on an equal percentage basis.

(4) If a deposit from the school aid countercyclical budget and foundation stabilization fund is made into the state school aid fund for the purposes of eliminating or reducing proration, as provided in section 11z, the amount deposited into the state school aid fund must be used to reduce or eliminate the amount recovered from districts under subsection (3)(b), intermediate districts under subsection (3)(c), and entities receiving funding from the state school aid fund under article I other than districts and intermediate districts under subsection (3)(d). For the purposes of calculations under this subsection, the department shall do all of the following:

(a) Calculate the percentage of total state school aid fund money that is appropriated and allocated under this act for the affected fiscal year for each of the following:

(i) Districts.

(ii) Intermediate districts.

(iii) Entities receiving funding from the state school aid fund under article I other than districts or intermediate districts.

(b) Multiply the resulting percentages calculated under subdivision (a) by the amount deposited from the school aid countercyclical budget and foundation stabilization fund into the state school aid fund to determine how much proration has been reduced or eliminated for districts, intermediate districts, and entities receiving funding from the state school aid fund under article I other than districts or intermediate districts.

(c) Credit the resulting amounts calculated under subdivision (b) toward the total dollar amount necessary for recovery described in subsections (3)(b), (3)(c), and (3)(d), as applicable.

History: Add. 2011, Act 62, Eff. Oct. 1, 2011 ;-- Am. 2020, Act 165, Eff. Oct. 1, 2020 ;-- Am. 2023, Act 103, Eff. Oct. 1, 2023

ARTICLE V

388.1897-388.1897l Repealed. 2020, Act 165, Eff. Oct. 1, 2020.

Compiler's Notes: The repealed sections in Article V pertained to the Marshall Plan for Talent.

CAREER AND TECHNICAL PREPARATION ACT

Act 258 of 2000

AN ACT to establish career and technical preparation enrollment options for certain students enrolled in Michigan schools; to prescribe certain duties of public schools, certain nonpublic schools, and certain postsecondary institutions; to prescribe certain powers and duties of certain state departments, officials, and agencies; and to repeal acts and parts of acts.

History: 2000, Act 258, Eff. Apr. 1, 2001 ;-- Am. 2012, Act 133, Eff. July 1, 2012

The People of the State of Michigan enact:

388.1901 Short title.

Sec. 1.

This act shall be known and may be cited as the "career and technical preparation act".

History: 2000, Act 258, Eff. Apr. 1, 2001
Compiler's Notes: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

388.1902 Purpose of act.

Sec. 2.

The purpose of this act is to provide a wider variety of options to high school pupils by encouraging and enabling qualified pupils to enroll in courses or programs in career and technical preparation programs at eligible postsecondary educational institutions.

History: 2000, Act 258, Eff. Apr. 1, 2001
Compiler's Notes: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

388.1903 Definitions; rules; scope.

Sec. 3.

(1) As used in this act:

(a) "Career and technical preparation program" means a program that teaches a trade, occupation, or vocation and that is operated by an eligible postsecondary educational institution located in this state.

(b) "Community college" means a community college established under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195, or under part 25 of the revised school code, 1976 PA 451, MCL 380.1601 to 380.1607, or a federal tribally controlled community college located in this state that is recognized under the tribally controlled colleges and universities assistance act of 1978, 25 USC 1801 to 1864, and is determined by the department to meet the requirements for accreditation by a recognized regional accrediting body.

(c) "Department" means the department of education.

(d) "Eligible charges" means tuition and mandatory course fees, material fees, and registration fees required by a career and technical preparation program for enrollment in an eligible course. Eligible charges also include any late fees charged by a career and technical preparation program due to the school district's or department of treasury's failure to make a required payment according to the timetable prescribed under this act. Eligible charges do not include transportation or parking costs or activity fees.

(e) "Eligible course" means a course offered by a career and technical preparation program that is offered for postsecondary credit or is part of a noncredit occupational training program leading to an industry-recognized credential; that is not offered through the school district, intermediate school district, area vocational-technical education program, or state approved nonpublic school in which the eligible student is enrolled, or that is offered through the school district, intermediate school district, area vocational-technical education program, or state approved nonpublic school but is determined by its governing board to not be available to the eligible student because of a scheduling conflict beyond the eligible student's control; that is a career and technical preparation course not ordinarily taken as an activity course; that is a course that the career and technical preparation program normally applies toward satisfaction of certificate, degree, or program completion requirements; that is offered in whole or in part when the school district or state approved nonpublic school is in session or, if approved by the school district or state approved nonpublic school, that is offered in whole when the school district or state approved nonpublic school is not in session; and that is not a hobby, craft, or recreational course. For each individual eligible student, unless there is a written agreement between the eligible student's school district and the career and technical preparation program to waive these limits, a course described in this subdivision is not an eligible course if the eligible student's enrollment in, and the payment of eligible charges under this act for, the course would exceed the following limits:

(i) Not more than 10 courses overall. This limit and the limits under subparagraphs (ii) to (iv) do not apply to a course if the eligible student does not receive tuition and fee support under this act for that course.

(ii) If the eligible student first enrolls in a course under this act when the eligible student is in grade 9, not more than 2 courses during each academic year in the eligible student's first, second, or third academic year of enrollment under this act in a career and technical preparation program and not more than 4 courses during the academic year in the eligible student's fourth academic year of enrollment under this act in a career and technical preparation program.

(iii) If the eligible student first enrolls in a course under this act when the eligible student is in grade 10, not more than 2 courses during the academic year in the eligible student's first academic year of enrollment under this act in a career and technical preparation program, not more than 4 courses during the academic year in the eligible student's second academic year of enrollment under this act in a career and technical preparation program, and not more than 4 courses during the academic year in the eligible student's third academic year of enrollment under this act in a career and technical preparation program.

(iv) Subject to the overall course limit under subparagraph (i), if the eligible student first enrolls in a course under this act when the eligible student is in grade 11 or 12, not more than 6 courses during either of those academic years of enrollment in a career and technical preparation program.

(f) "Eligible postsecondary educational institution" means a state university, community college, or independent nonprofit degree-granting college or university that is located in this state and that chooses to comply with this act.

(g) "Eligible student" means a student enrolled in a high school in a school district or state approved nonpublic school in this state, except a foreign exchange pupil enrolled under a cultural exchange program or a student who does not have at least 1 parent or legal guardian who is a resident of this state. However, subject to subsection (2), the student must not have been enrolled in high school for more than 4 school years including the school year in which the student seeks to enroll in an eligible course under this act. To be an eligible student, except as otherwise provided in this subdivision, a student who has not taken the Michigan merit examination must have achieved a qualifying score in all subject areas on a readiness assessment and a student who has taken the Michigan merit examination must have achieved a qualifying score in all subject areas on the Michigan merit examination, and, subject to subsection (2), the student must not have been enrolled in high school for more than 4 school years including the school year in which the student seeks to enroll in an eligible course under this act. However, except as otherwise provided in this subdivision, if the student has not achieved a qualifying score in all subject areas on a readiness assessment or the Michigan merit examination, as applicable for the student, the student is an eligible student if the student achieves a qualifying score in mathematics and a qualifying score on a nationally or industry-recognized job skills assessment test as determined by the superintendent of public instruction. For enrollment in eligible courses that begin after April 30, 2020 and end before the start of the 2020-2021 academic year and for enrollment in eligible courses offered during the 2020-2021 academic year during the period beginning on the effective date of the amendatory act that added this sentence and ending on the last day of the 2020-2021 academic year, a student is an eligible student if the student has achieved a grade point average of at least 2.5, as determined by the school district or state approved nonpublic school in which he or she is enrolled, regardless of whether or not the student has achieved a qualifying score in all subject areas on a readiness assessment or the Michigan merit examination, or a qualifying score in mathematics and on a nationally or industry-recognized job skills assessment test. For the purposes of determining the number of years a pupil has been enrolled in high school, a pupil who is enrolled in high school for less than 90 days of a school year due to illness or other circumstances beyond the control of the pupil or the pupil's parent or guardian is not considered to be enrolled in high school for that school year.

(h) "Intermediate school district" means that term as defined in section 4 of the revised school code, 1976 PA 451, MCL 380.4.

(i) "Michigan merit examination" means that examination developed under section 1279g of the revised school code, 1976 PA 451, MCL 380.1279g.

(j) "Qualifying score" means a score on a readiness assessment or on a nationally or industry-recognized job skills assessment test that has been determined by the superintendent of public instruction to indicate readiness to enroll in a course under this act.

(k) "Readiness assessment" means assessment instruments that are aligned with state learning standards; that are used nationally to provide high school students with an early indication of college readiness proficiency in English, mathematics, reading, social studies, and science and may contain a comprehensive career planning program; and that are approved by the superintendent of public instruction for the purposes of this act.

(l) "School district" means that term as defined in section 6 of the revised school code, 1976 PA 451, MCL 380.6, or a public school academy as that term is defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.

(m) "State approved nonpublic school" means that term as defined in section 6 of the revised school code, 1976 PA 451, MCL 380.6.

(n) "State university" means a state institution of higher education described in section 4, 5, or 6 of article VIII of the state constitution of 1963.

(2) The department, in consultation with the superintendent of public instruction, shall promulgate rules establishing criteria and procedures under which a student who has been enrolled in high school for more than 4 years but not more than 5 years may be considered to be an eligible student. The rules must address special circumstances under which a student may qualify to be considered an eligible student under this subsection and may limit the number of courses in which a student who qualifies under this subsection may enroll. For the purposes of determining the number of years a pupil has been enrolled in high school, a pupil who is enrolled in high school for less than 90 days of a school year due to illness or other circumstances beyond the control of the pupil or the pupil's parent or guardian is not considered to be enrolled for that school year.

History: 2000, Act 258, Eff. Apr. 1, 2001 ;-- Am. 2004, Act 592, Imd. Eff. Jan. 5, 2005 ;-- Am. 2005, Act 181, Imd. Eff. Oct. 20, 2005 ;-- Am. 2012, Act 132, Eff. July 1, 2012 ;-- Am. 2020, Act 130, Imd. Eff. July 8, 2020
Compiler's Notes: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

388.1903a Readiness assessments; duties of superintendent of public instruction; determination of qualifying scores; costs.

Sec. 3a.

(1) Not later than July 1, 2005, the superintendent of public instruction shall do both of the following:
(a) Approve 1 or more readiness assessments that may be used for the purposes of determining eligible students beginning with participation in the 2006-2007 school year. Readiness assessments shall be aligned with state learning standards and shall provide high school students with an early indication of proficiency in the subject areas of English, mathematics, reading, social studies, and science and contain a comprehensive career planning program.
(b) Determine qualifying scores for each subject area component of a readiness assessment and for a nationally or industry recognized job skills assessment test that indicate readiness to enroll in a course under this act.
(2) Not later than July 1, 2006, the superintendent of public instruction shall determine qualifying scores for each subject area component of the Michigan merit examination that indicate readiness to enroll in a course under this act.
(3) Unless the school district or state approved nonpublic school in which the student is enrolled elects to pay these costs, a student who takes a readiness assessment or a job skills assessment test for the purposes of this act is responsible for paying all costs for taking and obtaining qualifying scores on a readiness assessment or a job skills assessment test for the purposes of this act. This state is not responsible for any of these costs.

History: Add. 2004, Act 592, Imd. Eff. Jan. 5, 2005 ;-- Am. 2012, Act 133, Eff. July 1, 2012
Compiler's Notes: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

388.1904 Career and technical preparation program; enrollment requirements; payment; refund; guidelines for prorated percentage of average foundation allowance.

Sec. 4.

(1) Upon request by the eligible student, the school district or state approved nonpublic school in which an eligible student is enrolled shall provide to the eligible student a letter signed by the student's principal indicating the student's eligibility under this act.
(2) An eligible student may apply to a career and technical preparation program to enroll in 1 or more eligible courses offered by that career and technical preparation program and, if accepted, may enroll in 1 or more of those courses.

(3) For an eligible student enrolled in a school district, within a reasonable time after registration, the career and technical preparation program shall send written notice to the eligible student and his or her school district. For an eligible student enrolled in a state approved nonpublic school, within a reasonable time after registration, the career and technical preparation program shall send written notice to the eligible student and his or her state approved nonpublic school and to the department. The notice must indicate the course or courses and hours of enrollment of that eligible student. The career and technical preparation program shall notify the eligible student about tuition, fees, books, materials, and other related charges, as determined by the career and technical preparation program, in the customary manner used by the career and technical preparation program, and shall notify the eligible student of the estimated amount of the eligible charges that will be billed to the school district or department, as applicable, under subsection (4).

(4) For an eligible student enrolled in a school district, unless otherwise agreed between the career and technical preparation program and the school district, after the expiration of the career and technical preparation program's drop/add period for the course, the career and technical preparation program shall send a bill to the eligible student's school district detailing the eligible charges for each eligible course in which the eligible student is enrolled under this act. For an eligible student who is enrolled in a state approved nonpublic school, after the expiration of the career and technical preparation program's drop/add period for the course, both of the following apply:

(a) The career and technical preparation program shall send a bill to the department detailing the eligible charges for each eligible course in which the eligible student is enrolled under this act.

(b) The department shall determine the amount of the eligible charges to be paid by the department of treasury to the career and technical preparation program on behalf of the eligible student under this act and shall deliver this information to the department of treasury by appropriate electronic means.

(5) For an eligible student enrolled in a school district, upon receiving the bill under subsection (4), the school district shall cause to be paid to the career and technical preparation program on behalf of the eligible student an amount equal to the lesser of the amount of the eligible charges or the prorated percentage of the statewide pupil-weighted average foundation allowance, as calculated under this subsection and section 20 of the state school aid act of 1979, 1979 PA 94, MCL 388.1620, for all school districts for the state fiscal year that begins on October 1 immediately preceding the academic year of enrollment in the career and technical preparation program, with the proration based on the proportion of the school year that the eligible student attends the career and technical preparation program. In determining the proportion of the school year that an eligible student attends a career and technical preparation program under this subsection, a school district shall take into account, according to guidelines published by the department under subsection (16), an eligible student's attendance at a career and technical preparation program for an eligible course that occurs in whole or in part when the school district is not in session during the summer immediately following that regularly scheduled school year. However, in the calculation of the statewide pupil-weighted average foundation allowance for the purposes of this subsection, if a school district's foundation allowance is above the target foundation allowance under section 20 of the state school aid act of 1979, 1979 PA 94, MCL 388.1620, then the school district's foundation allowance must be considered to be the target foundation allowance. Not later than September 1 of each year, the department shall notify the department of treasury of the amount of the statewide pupil-weighted average foundation allowance as calculated for the purposes of this subsection. A school district may pay more money to a career and technical preparation program on behalf of an eligible student than is required under this act, and may use local school operating revenue for that purpose. The eligible student is responsible for payment of the remainder of the costs associated with his or her enrollment in the career and technical preparation program that exceed the amount the school district is required to pay under this act and that are not paid by the school district. As used in this subsection, "local school operating revenue" means that term as defined in section 20 of the state school aid act of 1979, 1979 PA 94, MCL 388.1620.

(6) For an eligible student who is enrolled in a state approved nonpublic school, upon receiving from the department under subsection (4) the amount of the eligible charges to be paid on behalf of the eligible student, the department of treasury shall cause to be paid to the career and technical preparation program on behalf of the eligible student an amount equal to the lesser of the amount of the eligible charges or the prorated percentage of the statewide pupil-weighted average foundation allowance, as calculated under this subsection and section 20 of the state school aid act of 1979, 1979 PA 94, MCL 388.1620, for all school districts for the state fiscal year that begins on October 1 immediately preceding the academic year of enrollment in the career and technical preparation program, with the proration based on the proportion of the school year that the eligible student attends the career and technical preparation program. In determining the proportion of the school year that an eligible student attends a career and technical preparation program under this subsection, the department shall take into account, according to guidelines published by the department under subsection (16), an eligible student's attendance at a career and technical preparation program for an eligible course that occurs in whole or in part when the state approved nonpublic school is not in session during the summer immediately following that regularly scheduled school year. However, in the calculation of the statewide pupil-weighted average foundation allowance for the purposes of this subsection, if a school district's foundation allowance is above the target foundation allowance under section 20 of the state school aid act of 1979, 1979 PA 94, MCL 388.1620, then the school district's foundation allowance must be considered to be the target foundation allowance. Not later than September 1 of each year, the department shall

notify the department of treasury of the amount of the statewide pupil-weighted average foundation allowance as calculated for the purposes of this subsection. The eligible student is responsible for payment of the remainder of the costs associated with his or her enrollment in the career and technical preparation program that exceed the amount the department of treasury is required to pay under this act and that are not paid by the department of treasury.

(7) A career and technical preparation program shall not charge a late fee to an eligible student, a school district, the department, or the department of treasury for a payment that is made in compliance with the timetable prescribed under this act even if the payment would otherwise be considered late by the career and technical preparation program.

(8) A school district, state approved nonpublic school, or the department may require an eligible student to provide, on a form supplied by the school district, state approved nonpublic school, or the department, reasonable verification that the eligible student is regularly attending a career and technical preparation course under this act.

(9) For an eligible student who is enrolled in a school district and who enrolls in an eligible course under this act, if the eligible student does not complete the eligible course, and if the school district has paid money for the course or, if the eligible student enrolls in an eligible course for postsecondary credit only and the eligible student does not successfully complete the eligible course, as determined by the career and technical preparation program, on behalf of the student, both of the following apply:

(a) The career and technical preparation program shall forward to the school district any funds that are refundable due to noncompletion of the course. If applicable, the school district shall then forward to the eligible student any refunded money in excess of the amount paid by the school district for the course on behalf of the student.

(b) The eligible student shall repay to the school district any funds that were expended by the school district for the course that are not refunded to the school district by the career and technical preparation program. If the eligible student does not repay this money, the school district may impose sanctions against the eligible student as determined by school district policy. This subdivision does not apply to an eligible student who does not complete the course due to a family or medical emergency, as determined by the career and technical preparation program.

(10) For an eligible student who is enrolled in a state approved nonpublic school and who enrolls in an eligible course under this act, if the eligible student does not complete the eligible course or, if the eligible student enrolls in an eligible course for postsecondary credit only and the eligible student does not successfully complete the eligible course, as determined by the career and technical preparation program, and if the department of treasury has paid money for the course on behalf of the eligible student, both of the following apply:

(a) The career and technical preparation program shall forward to the department of treasury any funds that are refundable due to noncompletion of the course. If applicable, the career and technical preparation program shall then refund to the eligible student any funds that are refundable due to noncompletion of the course and are in excess of the amount paid by the department of treasury for the course on behalf of the eligible student.

(b) The eligible student shall repay to the department of treasury any funds that were expended by the department of treasury for the course that are not refunded to the department of treasury by the career and technical preparation program. This subdivision does not apply to an eligible student who does not complete the course due to a family or medical emergency, as determined by the career and technical preparation program.

(11) A school district, state approved nonpublic school, the department, or the department of treasury shall make available to an eligible student copies of all correspondence in the possession of the school district, state approved nonpublic school, department, or department of treasury regarding the eligible student's participation in a career and technical preparation course under this act. The school district, state approved nonpublic school, department, or department of treasury shall keep correspondence described in this subsection for at least 1 year.

(12) If a school district pays for books for an eligible student for a career and technical preparation course under this section, the books are the property of the school district and must be turned over to the school district after the eligible student completes the course.

(13) This section does not apply to any career and technical preparation courses in which an eligible student is enrolled in addition to being enrolled full-time in that eligible student's school district or state approved nonpublic school; to a career and technical preparation course an eligible student is retaking after failing to achieve a satisfactory grade; or to a course contrary to the eligibility provisions of this act. In determining full-time enrollment in a school district under this section or a school district's full-time equated membership under the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1897l, for a pupil enrolled in a career and technical preparation program under this act, the pupil's enrollment in both the school district and the career and technical preparation program must be counted as enrollment in the school district and a pupil is not considered to be enrolled in a school district less than full-time solely because of the effect of the pupil's enrollment in 1 or more career and technical preparation courses under this act, including necessary travel time, on the number of class hours provided by the school district to the pupil. In determining full-time enrollment in a state approved nonpublic school under this section for a student enrolled in a career and technical preparation program under this act, the student's enrollment in both the state approved nonpublic school and the career and technical preparation program must be counted as enrollment in the state approved nonpublic school and a student is not considered to be enrolled

in a state approved nonpublic school less than full-time solely because of the effect of the student's enrollment in 1 or more career and technical preparation courses under this act, including necessary travel time, on the number of class hours provided by the state approved nonpublic school to the student.

(14) This act does not require a school district or the department of treasury to pay or otherwise provide financial support for transportation or parking costs necessary for an eligible student to participate in a career and technical preparation program under this act. A school district, state approved nonpublic school, or this state is not liable for any injury incurred by an eligible student that is related to transportation necessary for the eligible student to participate in a career and technical preparation program under this act.

(15) The legislature shall appropriate funds to the department of treasury for making payments required to be made by the department of treasury under this act.

(16) By September 1, 2020, the department shall publish guidelines regarding how to determine the prorated percentage of the statewide pupil-weighted average foundation allowance under subsections (5) and (6). By September 1, 2021, and by September 1 each year thereafter, the department shall update and republish the guidelines described under this subsection.

History: 2000, Act 258, Eff. Apr. 1, 2001 ;-- Am. 2012, Act 133, Eff. July 1, 2012 ;-- Am. 2020, Act 130, Imd. Eff. July 8, 2020
Compiler's Notes: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

388.1905 Intercollegiate athletics; participation prohibited; exceptions.

Sec. 5.

(1) Except as otherwise provided in this section, an eligible student enrolled in a career and technical preparation program under this act shall not participate in intercollegiate athletics while he or she is enrolled in the career and technical preparation program under this act. An eligible student who violates this section forfeits his or her eligibility under this act.

(2) This section does not apply to an eligible student to whom all of the following apply:

(a) The eligible student is enrolled in an early middle college program.

(b) The eligible student is in his or her fifth year of high school in the early middle college program described in subdivision (a).

(c) The eligible student is not eligible to participate in interscholastic athletic activities in the high school, but not because of academic ineligibility.

(3) As used in this section, "early middle college program" means a 5-year high school program.

History: 2000, Act 258, Eff. Apr. 1, 2001 ;-- Am. 2022, Act 229, Imd. Eff. Dec. 13, 2022
Compiler's Notes: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

388.1906 Enrollment; priority.

Sec. 6.

A career and technical preparation program may give priority to its postsecondary students when enrolling eligible students in career and technical preparation courses under this act for high school credit only. Once an eligible student has been enrolled in a career and technical preparation course under this act, the career and technical preparation program shall not displace the eligible student with another student.

History: 2000, Act 258, Eff. Apr. 1, 2001
Compiler's Notes: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

388.1907 Academic credit.

Sec. 7.

(1) An eligible student who is enrolled in a school district may enroll in, and receive payment by the school district under section 4(5) of all or part of eligible charges for, an eligible course under this act for high school credit or postsecondary credit, or both. At the time an eligible student who is enrolled in a school district enrolls in a career and technical preparation course under this act, he or she shall designate whether the course is for high school or postsecondary credit, or both, and shall notify both his or her high school and the career and technical preparation program of that designation. An eligible student taking more than 1 eligible course under this act may make different credit designations under this subsection for different courses.

(2) Except as otherwise provided in subsection (3), an eligible student who is enrolled in a state approved nonpublic school may enroll in, and receive payment by the department of treasury under section 4(6) of all or part of eligible charges for, an eligible course under this act only for postsecondary credit and may not receive high school credit for the course.

(3) If an eligible student who is enrolled in a state approved nonpublic school is enrolled in an eligible course that would have been considered a nonessential elective course under Snyder v Charlotte School Dist, 421 Mich 517 (1984), then the eligible student may enroll in, and receive payment by the department of treasury under section 4(6) of all or part of eligible charges for, an eligible course under this act for high school credit or postsecondary credit, or both. At the time an eligible student enrolls under this act in an eligible course described in this subsection, he or she shall designate whether the course is for high school or postsecondary credit, or both, and shall notify both his or her high school and the career and technical preparation program of that designation. An eligible student taking more than 1 eligible course described in this subsection under this act may make different credit designations under this subsection for different courses.

(4) An eligible student shall not audit a course in which he or she is enrolled under this act.

(5) A school district shall grant academic credit to an eligible student enrolled in an eligible course for high school credit under this act if he or she successfully completes the course, as determined by the career and technical preparation program. The amount of high school credit granted by a school district for a course completed under this act shall be determined by the school district.

(6) The high school credits granted to an eligible student under this act shall be counted toward the graduation requirements and subject area requirements of the school district. Evidence of successful completion of each course and high school credits granted shall be included in the eligible student's high school record. Subject to 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974, a career and technical preparation program shall provide the school district with a copy of the eligible student's grade in each course taken for high school credit under this act. Upon the request of an eligible student, his or her high school record and transcript shall also include evidence of successful completion and postsecondary credits granted for a course taken for postsecondary credit under this act. In either case, the eligible student's high school record and transcript shall indicate that the credits were earned at a career and technical preparation program and identify the career and technical preparation program.

(7) If a student enrolls in a career and technical preparation program after leaving high school, the career and technical preparation program, in accordance with institutional policy, shall award postsecondary credit for postsecondary courses successfully completed by that student for high school credit under this act at that career and technical preparation program. A career and technical preparation program shall not charge a student for credit awarded under this subsection.

History: 2000, Act 258, Eff. Apr. 1, 2001 ;-- Am. 2012, Act 133, Eff. July 1, 2012
Compiler's Notes: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

388.1908 Enrollment without tuition and fee support.

Sec. 8.

This act does not restrict the ability of an eligible student or any other pupil to enroll in any career and technical preparation program without tuition and fee support under this act.

History: 2000, Act 258, Eff. Apr. 1, 2001
Compiler's Notes: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

388.1909 Information and counseling services.

Sec. 9.

(1) Each school district or state approved nonpublic school shall provide information to all high school students on the career and technical preparation enrollment options under this act, including enrollment eligibility; the programs and types of courses that are eligible for participation; the decision-making process for granting academic credits; an explanation of eligible charges that will be paid by the school district or department of treasury, as applicable, and of financial arrangements for eligible charges and for paying costs not paid for by the school district or department of treasury; eligibility for payment of all or part of eligible charges by the school district or department of treasury, as applicable, under this act; an explanation that, if the student qualifies for payment of all or part of eligible charges by the school district or department of treasury under this act, the school district or department of treasury, as applicable, will pay that support directly to the career and technical preparation program upon being billed by the career and technical preparation program and that the student is not responsible for that payment but is responsible for payment of costs not paid for under this act; available support services; the need to arrange an appropriate schedule; consequences of failing or not completing a career and technical preparation course in which the eligible student enrolls, including the possibility of being required to repay the school district or department of treasury, as applicable, for money paid on behalf of the eligible student; the effect of enrolling in a career and technical preparation course on the eligible student's ability to complete the required high school graduation requirements; and the academic and social responsibilities that must be assumed by the eligible student and his or her parent or guardian.

(2) To the extent possible, a school district or state approved nonpublic school shall provide counseling services to an eligible student and his or her parent or guardian before the eligible student enrolls in a career and technical preparation course under this act to ensure that the eligible student and his or her parent or guardian are fully aware of the benefits, risks, and possible consequences of enrolling in the course. The person providing the counseling shall encourage the eligible student and his or her parent or guardian to also use available counseling services at the career and technical preparation program before the quarter or semester of enrollment to ensure that anticipated plans are appropriate. A school district or state approved nonpublic school may provide the counseling required under this section in a group meeting if additional personalized counseling is also made available.

(3) Before enrolling in an eligible course at a career and technical preparation program under this act, an eligible student and his or her parent or guardian shall file with the career and technical preparation program a signed form provided by the eligible student's school district or state approved nonpublic school stating that the student is an eligible student and has received the information and counseling specified in subsections (1) and (2) and that the student understands the responsibilities that must be assumed in enrolling in the course. Upon request, the department shall provide technical assistance to a school district or state approved nonpublic school and to a career and technical preparation program in developing appropriate forms and counseling guidelines for purposes of this section.

History: 2000, Act 258, Eff. Apr. 1, 2001 ;-- 2004, Act 592, Imd. Eff. Jan. 5, 2005 ;-- Am. 2012, Act 133, Eff. July 1, 2012
Compiler's Notes: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

388.1910 Enrollment information.

Sec. 10.

By March 1 of each school year thereafter, a school district or state approved nonpublic school shall provide general information about the career and technical preparation enrollment options under this act to all pupils in grade 8 or higher.

History: 2000, Act 258, Eff. Apr. 1, 2001 ;-- Am. 2012, Act 133, Eff. July 1, 2012
Compiler's Notes: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

388.1911 Annual report.

Sec. 11.

(1) Each intermediate school district annually shall collect from each of its constituent school districts and provide to the department of education at the same time that it submits the annual comprehensive financial report required under section 18 of the state school aid act of 1979, 1979 PA 94, MCL 388.1618, information for the immediately preceding school year on all of the following:

(a) The amount of money expended by the school district for payments required under this act.

(b) The number of eligible students who were enrolled in the school district and the number of those eligible students who enrolled in 1 or more eligible courses under this act and received payment of all or part of eligible charges under this act, both in the aggregate and by grade level.

(c) The percentage of the school district's enrollment represented by the eligible students described in subdivision (b), both in the aggregate and by grade level.

(d) The total number of courses for which the school district made payment under this act, the number of those courses for which postsecondary credit was granted, the number of those courses for which high school credit was granted, and the number of those courses that were not completed by the eligible student.

(2) Each career and technical preparation program that receives funds under this act shall annually report to the department, in the form and manner prescribed by the department, all of the following information:

(a) The number of eligible students who enrolled in the career and technical preparation program under this act during the preceding academic year.

(b) The total number of eligible courses completed by eligible students under this act at the career and technical preparation program during the preceding academic year.

(c) The number of eligible courses under subdivision (b) for which the career and technical preparation program granted postsecondary credit to the eligible student.

(d) The number of eligible courses under subdivision (b) for which the career and technical preparation program declined to grant postsecondary credit to the eligible student.

(3) Not later than March 1 of each year, the department shall prepare and submit to the house and senate fiscal agencies and the department of technology, management, and budget a summary annual report on the information received under this section. The department and department of treasury shall work cooperatively in the preparation of this report.

History: 2000, Act 258, Eff. Apr. 1, 2001 ;-- Am. 2012, Act 133, Eff. July 1, 2012
Compiler's Notes: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

388.1912 Rules.

Sec. 12.

The department may promulgate rules it considers necessary to implement this act. Rules shall be promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: 2000, Act 258, Eff. Apr. 1, 2001
Compiler's Notes: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

388.1913 Effective date; payment of charges.

Sec. 13.

This act takes effect April 1, 2001. Payment of all or part of eligible charges under this act for eligible courses shall begin in the state fiscal year beginning on October 1, 2001.

History: 2000, Act 258, Eff. Apr. 1, 2001 ;-- Am. 2006, Act 94, Imd. Eff. Apr. 4, 2006
Compiler's Notes: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

SCHOOL BOND QUALIFICATION, APPROVAL, AND LOAN ACT

Act 92 of 2005

AN ACT to prescribe the procedures, terms, and conditions for the qualification or approval of school bonds and other bonds; to authorize this state to make loans to certain school districts for the payment of certain bonds and to authorize schools to borrow from this state for that purpose; to prescribe the terms and conditions of certain loans to school districts; to prescribe the powers and duties of certain state agencies and certain state and local officials; to provide for certain fees; to prescribe certain penalties; and to repeal acts and parts of acts.

History: 2005, Act 92, Imd. Eff. July 20, 2005

The People of the State of Michigan enact:

388.1921 Short title.

Sec. 1.

This act shall be known and may be cited as the "school bond qualification, approval, and loan act".

History: 2005, Act 92, Imd. Eff. July 20, 2005

388.1922 Purpose of act.

Sec. 2.

The purpose of this act is to implement section 16 of article IX of the state constitution of 1963 and to provide for loans to school districts.

History: 2005, Act 92, Imd. Eff. July 20, 2005

388.1923 Definitions.

Sec. 3.

As used in this act:

(a) "Computed millage" means the number of mills in any year, not less than 7 mills and not more than 13 mills, determined on the date of issuance of the order qualifying the bonds or on a later date if requested by the school district and approved by the state treasurer, that, if levied by the school district, will generate sufficient annual proceeds to pay principal and interest on all the school district's qualified bonds plus principal and interest on all qualified loans related to those qualified bonds no later than the final mandatory repayment date. Based on changes of circumstances, including, but not limited to, additional bond qualification, refundings, changes in qualified loan interest rates, changes in taxable values, and assumptions contained in any then currently effective guidelines issued by the state treasurer pursuant to section 5(2)(c), the school district shall not less than annually, beginning on October 1, 2013, using methods prescribed in this act, recalculate the computed millage necessary to generate sufficient annual levy proceeds to pay principal and interest on all of the school district's qualified bonds and principal and interest on all qualified loans related to those qualified bonds not later than the final mandatory repayment date. If the school district determines that the recalculated computed millage is lower than its current millage levy rate, the school district shall promptly notify the state treasurer in writing of the recalculated computed millage. Immediately thereafter, the school district shall decrease its millage levy rate to the recalculated computed millage, but not below the computed millage established pursuant to the most recent order qualifying bonds, other than an order qualifying refunding bonds, for that school district, or to the minimum levy prescribed by law for receipt of qualified loans, whichever rate is higher. If the school district determines that the recalculated computed millage is higher than its current millage levy rate, the school district shall promptly notify the state treasurer in writing of the recalculated computed millage. Immediately thereafter, the school district shall increase its millage levy rate to the recalculated computed millage, subject to 1 of the following exceptions, and subject to any maximum millage levy rate otherwise prescribed for by law:

(i) For each school district's first recalculated computed millage required as of October 1, 2013, increase its millage levy by a percentage amount equal to the equivalent percentage of taxable value change for that school district over the immediately preceding 5 years, but not higher than the recalculated computed millage.

(ii) For each school district's subsequent recalculated computed millage beginning October 1, 2014 and each year thereafter, increase its millage levy by a percentage amount equal to the percentage of taxable value decline for the immediately preceding year ending September 30, but not to a rate higher than the recalculated computed millage.

(iii) If it is determined that a district's current computed millage is sufficient to pay all qualified loans by the mandatory final loan repayment date, no recalculation of the computed millage is required.

(b) "Final mandatory repayment date" means the final mandatory repayment date determined by the state treasurer under section 9.

(c) "Michigan finance authority" means the Michigan finance authority created under Executive Reorganization Order No. 2010-2, MCL 12.194.

(d) "Qualified bond" means a bond that is qualified under this act for state loans as provided in section 16 of article IX of the state constitution of 1963. A qualified bond includes the interest amount required for payment of a school district's net interest obligation under an interest rate exchange or swap, hedge, or other agreement entered into pursuant to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, but does not include a termination payment or similar payment related to the termination or cancellation of an interest rate exchange or swap, hedge, or other similar agreement. A qualified bond may include a bond issued to refund loans owed to the state under this act.

(e) "Qualified loan" means a loan made under this act or former 1961 PA 108 from this state to a school district to pay debt service on a qualified bond.

(f) "Revolving loan fund" means the school loan revolving fund created under section 16c of the shared credit rating act, 1985 PA 227, MCL 141.1066c.

(g) "School district" means a general powers school district organized under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or a school district of the first class as described in the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, having the power to levy ad valorem property taxes.

(h) "State treasurer" means the state treasurer or his or her duly authorized designee.

(i) "Taxable value" means the value determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

History: 2005, Act 92, Imd. Eff. July 20, 2005 ;-- Am. 2012, Act 437, Eff. Mar. 28, 2013 ;-- Am. 2015, Act 96, Imd. Eff. June 30, 2015

388.1924 Qualification of new bonds; terms and conditions applicable to outstanding qualified bonds; application for prequalification.

Sec. 4.

(1) A school district may issue and market bonds as qualified bonds if the state treasurer has issued an order granting qualification under this act.

(2) Except with regard to qualification of new bonds, nothing in this act shall be construed to alter the terms and conditions applicable to outstanding qualified bonds issued in accordance with former 1961 PA 108. Unless otherwise amended as permitted by this act, outstanding qualified loans incurred in association with outstanding qualified bonds described in this subsection shall bear interest as provided in section 9(8) but otherwise shall be due and payable as provided in the repayment agreements entered into between the school district and the state before the effective date of this act.

(3) The state treasurer may qualify bonds for which the state treasurer has received an application for prequalification on or before May 25, 2005 without regard to the requirements of section 5(2)(f) if the electors of the school district approve the bonds at an election held during 2005.

History: 2005, Act 92, Imd. Eff. July 20, 2005 ;-- Am. 2012, Act 437, Eff. Mar. 28, 2013

388.1925 Preliminary qualification; application.

Sec. 5.

(1) A school district may apply to the state treasurer for preliminary qualification of a proposed school bond issue by filing an application in the form and containing the information required by this act.

(2) An application for preliminary qualification of a school bond shall contain all of the following information:

(a) The proposed ballot language to be submitted to the electors.

(b) A description of the project or projects proposed to be financed.

(c) A pro forma debt service projection showing the estimated mills the school district will levy to provide revenue the school district will use to pay the qualified bonds, any outstanding qualified bonds, and any outstanding or projected qualified loans of the school district. For the purpose of the pro forma debt service projection, the school district may assume for the first 5 years following the date of the application the average growth or decline in taxable value for the 5 years or such other period of time requested by the school district if approved by the state treasurer preceding the date of the application and the average growth or decline rate for the 20 years immediately preceeding the date of the application but not more than 3% or less than 0% growth rate, for the remaining term of the proposed bonds.

(d) Evidence that the rate of utilization of each project to be financed will be at least 85% for new buildings and 60% for renovated facilities. If the projected enrollment of the district would not otherwise support utilization at the rates described in this subsection, the school district may include an explanation of the actions the school district intends to take to address the underutilization, including, if applicable, actions to close school buildings or other actions designed to assure continued assured use of the facilities being financed.

(e) Evidence that the cost per square foot of the project or projects will be reasonable in light of economic

conditions applicable to the geographic area in which the school district is located.

(f) Evidence that the school district will repay all outstanding qualified bonds, the proposed qualified bonds, all outstanding qualified loans, and all qualified loans expected to be incurred with respect to all qualified bonds of the school district, including the proposed qualified bond issue, not later than the applicable final mandatory repayment date.

(g) The overall utilization rate of all school buildings in the school district, excluding special education purposes.

(h) The total bonded debt outstanding of the school district and the total taxable value of property in the school district for the school district fiscal year in which the application is filed.

(i) A statement describing any environmental or usability problems to be addressed by the project or projects.

(j) An architect's analysis of the overall condition of the facilities to be renovated or replaced as a part of the project or projects.

(k) An amortization schedule demonstrating that the weighted average maturity of the qualified bond issue does not exceed 120% of the average reasonably expected useful life of the facilities, excluding land and site improvements, being financed or refinanced with the proceeds of the qualified bonds, determined as of the later of the date on which the qualified bonds will be issued or the date on which each facility is expected to be placed in service.

(l) An agreement that the school district will keep books and records detailing the investment and expenditure of the proceeds of the qualified bonds and, at the request of the state treasurer, the school district will promptly, but not later than the date specified in the request, which date shall be not less than 5 business days after the date of the request, submit information requested by the state treasurer related to the detailed information maintained by the school district as to the investment and expenditure of the proceeds of its qualified bonds.

History: 2005, Act 92, Imd. Eff. July 20, 2005 ;-- Am. 2012, Act 437, Eff. Mar. 28, 2013

388.1926 Prequalification of bonds; determination by state treasurer.

Sec. 6.

The state treasurer shall prequalify bonds of a school district if the state treasurer determines all of the following:

(a) The issuance of additional qualified bonds will not prevent the school district from repaying its outstanding qualified bonds, the proposed bonds, all outstanding qualified loans, and all qualified loans expected to be incurred with respect to all qualified bonds of the school district, including the proposed bond issue, not later than the applicable final mandatory repayment date.

(b) The form and language of the ballot conforms with the requirements of this act.

(c) The school district has filed an application complying with the requirements of section 5.

(d) If the proposed bond issue is approved by the voters after September 30, 2012 and will result in additional qualified loans, the outstanding balance of all qualified loans on the most recent May 1 or November 1 did not exceed $1,800,000,000.00. The $1,800,000,000.00 limitation described in the immediately preceding sentence does not apply after June 30, 2016.

(e) The issuance of additional qualified bonds approved by voters after September 30, 2012 will not have an adverse financial impact on the school district, this state, or the school loan revolving fund. In making this determination, the state treasurer shall consider relevant factors, including, but not limited to, whether the issuance of the proposed bond issue will cause the aggregate outstanding amount of qualified and nonqualified bonds, including the proposed bond issue, and currently outstanding qualified loans of the school district to exceed 25% of the taxable value of the school district at the time the proposed bonds are issued.

History: 2005, Act 92, Imd. Eff. July 20, 2005 ;-- Am. 2012, Act 437, Eff. Mar. 28, 2013

388.1927 Qualification of bonds; determination by state treasurer; order; specifications; loan agreement; failure to issue bonds within certain time; reapplication; qualification of refunding bonds.

Sec. 7.

(1) The state treasurer shall qualify bonds of a school district if the state treasurer determines all of the following:

(a) A majority of the school district electors have approved the bonds.

(b) The terms of the bond issue comply with applicable provisions of the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

(c) The school district is in compliance with the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(d) The weighted average maturity of the qualified bond issue does not exceed 120% of the average reasonably expected useful life of the facilities, excluding land and site improvements, being financed or refinanced with the proceeds of the bonds, determined as of the later of the date on which the qualified bonds will be issued or the date on which each facility is expected to be placed in service.

(e) The school district has filed any information necessary to update the contents of the original application to reflect changes in any of the information approved in the preliminary qualification process.

(f) The school district has agreed that the school district will keep books and records detailing the investment and expenditure of the proceeds of the qualified bonds and, at the request of the state treasurer, the school district will promptly, but not later than the date specified in the request, which date shall be not less than 5 business days after the date of the request, submit information requested by the state treasurer related to the detailed information maintained by the school district as to the investment and expenditure of the proceeds of its qualified bonds.

(2) An order qualifying bonds shall specify the principal and interest payment dates for all the bonds, the maximum principal amount of and maximum interest rate on the bonds, the computed millage, if any, the final mandatory repayment date, and other matters as the state treasurer shall determine or as are required by this act.

(3) If the application for prequalification demonstrates that the school district will borrow from this state in accordance with this act, the state treasurer and the school district shall enter into a loan agreement setting forth the terms and conditions of any qualified loans to be made to the school district under this act.

(4) If a school district does not issue its qualified bonds within 180 days after the date of the order qualifying bonds, the order shall no longer be effective. However, the school district may reapply for qualification by filing an application and information necessary to update the contents of the original application for prequalification or qualification.

(5) The state treasurer shall qualify refunding bonds issued to refund qualified loans or qualified bonds if the state treasurer finds that the refunding bonds comply with the provisions of the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

History: 2005, Act 92, Imd. Eff. July 20, 2005 ;-- Am. 2012, Act 437, Eff. Mar. 28, 2013 ;-- Am. 2015, Act 97, Imd. Eff. June 30, 2015

388.1928 Submission of ballot to electors; ballot.

Sec. 8.

A ballot submitted to the school electors of a school district after November 8, 2005 requesting authorization to issue unlimited tax general obligations that will be guaranteed by this state in accordance with section 16 of article IX of the state constitution of 1963 shall inform the electors that if the school district expects to borrow from this state to pay debt service on the bonds, the estimated total amount of the principal of that borrowing and the interest to be paid on that borrowing, the estimated duration of the millage levy, and the estimated computed millage rate for that levy. The ballot shall also inform the electors of the total amount of qualified bond and loan debt currently outstanding and that the estimated computed millage rate may change based on changes in certain circumstances.

History: 2005, Act 92, Imd. Eff. July 20, 2005 ;-- Am. 2012, Act 437, Eff. Mar. 28, 2013

388.1929 Amount of borrowing; limitation; payment date for outstanding qualified loans; order; maintenance of separate accounts for each school district; duration of millage levy; amended and restated repayment agreements; waiver of portion of millage levy; findings; interest; final or later mandatory repayment date.

Sec. 9.

(1) Except as otherwise provided in this act, a school district may borrow from the state an amount not greater than the difference between the proceeds of the school district's computed millage and the amount necessary to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies.

(2) For school districts having qualified loans outstanding as of July 20, 2005, the state treasurer shall review information relating to each school district regarding the taxable value of the school district and the actual debt service of outstanding qualified bonds as of July 20, 2005 and shall issue an order establishing the payment date for all those outstanding qualified loans and any additional qualified loans expected to be incurred by those school districts related to qualified bonds issued before July 20, 2005. The payment date shall be not later than 72 months after the date on which the qualified bonds most recently issued by the school district are due and payable. The payment date established pursuant to this subsection for a school district is a final mandatory repayment date.

(3) For qualified loans related to qualified bonds issued after July 20, 2005, the qualified loans shall be due 72 months after the date on which the qualified bonds for which the school borrowed from this state are due and payable. The due date determined pursuant to this subsection for a school district is a final mandatory repayment date. This section does not preclude early repayment of qualified bonds or qualified loans.

(4) The state treasurer shall maintain separate accounts for each school district on the books and accounts of this state noting the qualified bond, the related qualified loans, the final payment date of the bonds, the final mandatory repayment date of the qualified loans, and the interest rate accrued on the loans.

(5) For qualified loans relating to qualified bonds issued after July 20, 2005, a school district shall continue to levy the computed millage until it has completely repaid all principal and interest on its qualified loans.

(6) For qualified loans relating to qualified bonds issued before July 20, 2005, a school district shall continue to comply with the levy and repayment requirements imposed before July 20, 2005. Not less than 90 days after July 20, 2005, the state treasurer and the school district shall enter into amended and restated repayment agreements to incorporate the levy and repayment requirements applicable to qualified loans issued before July 20, 2005.

(7) Upon the request of a school district made before June 1 of any year, the state treasurer annually may waive all or a portion of the millage required to be levied by a school district to pay principal and interest on its qualified bonds or qualified loans under this section if the state treasurer finds all of the following:

(a) The school board of the school district has applied to the state treasurer for permission to levy less than the millage required to be levied to pay the principal and interest on its qualified bonds or qualified loans under subsection (1).

(b) The application specifies the number of mills the school district requests permission to levy.

(c) The waiver will be financially beneficial to this state, the school district, or both.

(d) The waiver will not reduce the millage levied by the school district to pay principal and interest on qualified bonds or qualified loans under this act to less than 7 mills.

(e) The board of the school district, by resolution, has agreed to comply with all conditions that the state treasurer considers necessary.

(8) All qualified loans shall bear interest at 1 of the following rates:

(a) The average annual cost of funds used to make qualified loans plus 0.125%, computed by the state treasurer not less often than annually.

(b) A lesser rate determined by the state treasurer to be necessary to maintain the exemption from federal income tax of interest on any bonds or notes issued to fund qualified loans.

(c) A higher rate determined by the state treasurer to be necessary to prevent the impairment of any contract of this state or the Michigan finance authority in existence on March 28, 2013.

(9) A payment date determined under subsection (2) or a due date determined under subsection (3) is a final mandatory repayment date. Once established for a school district as provided in this section, a final mandatory repayment date shall apply to all qualified loans of the school district, whenever made, until 30 days after the date the school district has no outstanding qualified loans and no outstanding debt incurred to refund qualified loans. Notwithstanding this subsection, the state treasurer may determine a later mandatory repayment date for a school district that agrees to levy a higher millage, acceptable to the state treasurer, not to exceed 13 mills, than its existing computed millage.

History: 2005, Act 92, Imd. Eff. July 20, 2005 ;-- Am. 2006, Act 71, Imd. Eff. Mar. 20, 2006 ;-- Am. 2009, Act 50, Imd. Eff. June 18, 2009 ;-- Am. 2012, Act 437, Eff. Mar. 28, 2013 ;-- Am. 2022, Act 51, Imd. Eff. Mar. 29, 2022

388.1930 Certificates of qualification or approval; file; delivery.

Sec. 10.

The state treasurer shall keep all certificates of qualification or approval in a permanent file and shall deliver copies of the certificates to the school district.

History: 2005, Act 92, Imd. Eff. July 20, 2005

388.1931 Rules; bulletins.

Sec. 11.

The state treasurer may promulgate rules to implement this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and may issue bulletins as authorized by this act.

History: 2005, Act 92, Imd. Eff. July 20, 2005 ;-- Am. 2012, Act 437, Eff. Mar. 28, 2013

388.1932 Failure to apply for prequalification, qualification, or approval of bond before issuance.

Sec. 12.

If a school district does not apply for prequalification or qualification or approval of a bond issue before the issuance of those bonds, the state treasurer shall not approve or qualify those bonds as qualified bonds under this act.

History: 2005, Act 92, Imd. Eff. July 20, 2005

388.1933 School district owing revolving loan fund; filing annual loan activity application required; borrowing for debt service on qualified bonds; draw request; duties of state treasurer upon receipt of qualified loan confirmation; notification of no need to borrow by school district; invoice for repayment amount; remittance.

Sec. 13.

(1) If a school district owes a balance due to the revolving loan fund or has been identified as a potential borrower, the school district shall file an annual loan activity application with the state treasurer no less than 60 days before certifying its annual tax levy. The annual loan activity application shall be submitted in a format prescribed by the state treasurer and shall provide the taxable value, debt service, and any other information necessary to determine the proper required millage levy required under this act. The application shall contain a resolution passed by the local school board authorizing a designated school district official to complete all necessary documents to obtain a loan from the revolving loan fund or for making repayment to the revolving loan fund for the year.

(2) If a school district is eligible to borrow for debt service on qualified bonds, the school district shall file a draw request with the state treasurer not less than 30 days before each date on which the school district owes the debt service. The draw request shall include all of the following:

(a) A statement of the debt service owed in the next 6 months.

(b) A copy of the most recent bank statement showing the amount on hand in the debt service accounts for all qualified bonds.

(c) A statement of any revenue received for payment of the debt service since the date of the bank statement.

(d) A statement of any withdrawals made from the debt service account since the date of the bank statement.

(3) Not more than 7 days before the date established by the state treasurer for making qualified loans, the school district shall confirm in writing the final qualified loan amount to be drawn on a certificate in the form prescribed by

the state treasurer.

(4) Upon receipt of a qualified loan confirmation described in subsection (3), the state treasurer shall determine the amount of the draw, which shall be the difference between the funds on hand in all debt service accounts and the amount of the debt service, and shall make a qualified loan in that amount to the school district no later than 6 days before the date the debt service is due.

(5) When a school district's current computed millage levy is sufficient to pay principal and interest on its qualified bonds, a school district shall notify the state treasurer in writing of no need to borrow no later than 30 days before the date set for payment of the qualified bonds.

(6) Within 30 days after receipt of the annual activity application under subsection (1), the state treasurer shall send an invoice to the school district for the amount of repayment the school district owes on its outstanding qualified loans, which shall be the difference between the debt service payable or paid to bondholders and the funds on hand at the school district, less a reasonable amount of funds on hand, as determined by the state treasurer, to cover minimum balance requirements or potential tax disputes. The school district shall remit the amount specified in the invoice within 30 days after the dated date of the invoice.

History: 2005, Act 92, Imd. Eff. July 20, 2005 ;-- Am. 2012, Act 437, Eff. Mar. 28, 2013

388.1934 Failure of school district to pay principal and interest due on qualified bonds; notice; payment by state treasurer; billing of school district for amount paid; remittance.

Sec. 14.

(1) If any paying agent for a school district’s qualified bonds notifies the state treasurer that the school district has failed to deposit sufficient funds to pay principal and interest due on the qualified bonds when due, or if a bondholder notifies the state treasurer that the school district has failed to pay principal or interest on qualified bonds when due, whether or not the school district has filed a draw request with the state treasurer, the state treasurer shall promptly pay the principal or interest on the qualified bond when due.

(2) If the state treasurer pays any amount described in this section, the state treasurer shall bill the school district for the amount paid and the school district shall immediately remit the amount to the state treasurer. If the school district would have been eligible to borrow the debt service in accordance with the terms of this act, the school district shall enter into a loan agreement establishing the terms of the qualified loan as provided in this act. If the state treasurer directs the Michigan municipal bond authority to pay any amount described in this section, the state treasurer shall cause the Michigan municipal bond authority to bill the school district for the amount paid and the school district shall immediately remit the amount to the Michigan municipal bond authority.

History: 2005, Act 92, Imd. Eff. July 20, 2005

388.1935 Default; repayment.

Sec. 15.

(1) If a school district that owes this state loan repayments relating to qualified bonds fails to levy at least the computed millage upon its taxable value for debt retirement purposes for qualified bonds and for repayment of a qualified loan made under this act while any part of the qualified loan is unpaid or defaults in its agreement to repay a qualified loan or any installment of a qualified loan, the school district shall increase its debt levy in the next succeeding year to obtain the amount necessary to repay this state the amount of the default plus a late charge of 3% and shall pay that amount to this state together with any other amounts owed during the next tax year. The school district may use other funds to repay this state including a transfer of general funds of the school district, if approved by the state treasurer. The state treasurer shall not disburse state school aid to the school district until the school district has made satisfactory arrangements with the state treasurer for the payment of the amount in default.

(2) If a school district fails to process any report, application, confirmation, or repayment as required under this act, the state treasurer may withhold a school district's state aid funds until the school district complies with the requirements under this act.

History: 2005, Act 92, Imd. Eff. July 20, 2005

388.1936 Charging and disposition of fees.

Sec. 16.

(1) The state treasurer may charge a prequalification application fee, a qualification application fee, and an annual loan activity fee in the amounts determined by the state treasurer to be required to pay the estimated administrative expenses incurred under this act for the fiscal year in which the state treasurer imposes the fee.

(2) The state treasurer shall deposit all fees collected under this act into a separate fund established within the state treasury, and shall use the proceeds of the fees solely for the purpose of administering and enforcing this act. The unexpended and unobligated balance of this fund at the end of each state fiscal year shall be carried forward over to the succeeding state fiscal year and shall not lapse to the general fund but shall be available for reappropriation for the next state fiscal year.

History: 2005, Act 92, Imd. Eff. July 20, 2005 ;-- Am. 2012, Act 437, Eff. Mar. 28, 2013

388.1937 False statement or unauthorized use of proceeds; violation as felony; penalty.

Sec. 17.

A person who knowingly makes a false statement or conceals material information for the purpose of obtaining qualification of a bond issue under this act or for the purpose of obtaining a qualified loan under this act, or who knowingly uses all or part of the proceeds of a qualified loan obtained under this act for any purpose not authorized by this act, is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00, or both.

History: 2005, Act 92, Imd. Eff. July 20, 2005

388.1938 Use of remaining proceeds.

Sec. 18.

If a school district has completed the projects approved by the school electors of the school district to be funded from proceeds of qualified bonds, a school district may use any remaining proceeds of the qualified bonds as follows:

(a) To pay debt service on the qualified bonds.

(b) To repay this state.

(c) If in the opinion of the school district's bond counsel use of the remaining proceeds for the purposes described in subdivisions (a) and (b) would adversely affect the federal tax treatment of interest on the qualified bonds, to pay for enhancements to the projects approved by the school electors as described in the ballot language proposing the qualified bonds.

History: 2005, Act 92, Imd. Eff. July 20, 2005 ;-- Am. 2012, Act 437, Eff. Mar. 28, 2013

388.1939 Actions by designee.

Sec. 19.

The state treasurer may designate in writing a person or persons to take any actions required to be taken by the state treasurer under this act. The signature of any designee shall have the same force and effect as the signature of the state treasurer for all purposes of this act.

History: 2005, Act 92, Imd. Eff. July 20, 2005

SMART INTERNSHIP GRANT PROGRAM

Act 180 of 2022

AN ACT to establish a student mental health apprenticeship retention and training (SMART) internship grant program; to prescribe conditions for the administration of the student mental health apprenticeship retention and training (SMART) internship grant program; to prescribe certain powers and duties of certain state officers, agencies, and departments; and to require the promulgation of rules.

History: 2022, Act 180, Imd. Eff. July 25, 2022

The People of the State of Michigan enact:

388.1951 Definitions.

Sec. 1.

As used in this act:

(a) "Debt or expenses repayment" means debt or expenses connected to a recipient's student loans.

(b) "Department" means the department of education.

(c) "Designated recipient" means an individual who is enrolled in, and in good standing at, as determined by the program, a graduate-level mental health professional program maintained by an institution of higher education located in this state or out-of-state, which includes a department-approved school counselor education or preparation program maintained by an institution of higher education located in this state or out-of-state, school social worker education or preparation program maintained by an institution of higher education located in this state or out-of-state, or school psychology education or preparation program maintained by an institution of higher education located in this state or out-of-state that offers designations, a focus, or special certifications in the provision of school mental health services, and who is working toward obtaining any of the following:

(i) A preliminary school psychologist certificate issued by the department under R 380.204 of the Michigan Administrative Code.

(ii) A preliminary school psychologist certificate issued by the department under R 380.205 of the Michigan Administrative Code.

(iii) A school psychologist certificate issued by the department under R 380.206 of the Michigan Administrative Code.

(iv) A school counselor license issued by the department under R 390.1305 of the Michigan Administrative Code.

(v) A preliminary school counselor credential issued by the department under R 390.1304 of the Michigan Administrative Code.

(vi) A school counseling endorsement issued by the department on his or her teaching certificate.

(vii) Temporary or full school social worker approval issued by the department under R 340.1012 of the Michigan Administrative Code.

(d) "Extenuating circumstance" means a circumstance determined by the department in consultation with the designated recipient to whom the circumstance applies or who is impacted by the circumstance.

(e) "Field supervisor", "field instructor", or "supervisor" means an individual who supervises an eligible designated recipient defined in section 3(2) and to whom the following apply, as applicable:

(i) For an individual who is supervising, as described in this subdivision, a designated recipient who is working toward obtaining a preliminary school psychologist certificate described in subdivision (c)(i) or (ii) or a school psychologist certificate described in subdivision (c)(iii), the individual providing supervision maintains a school psychologist certificate described in subdivision (c)(iii) during the supervision.

(ii) For an individual who is supervising, as described in this subdivision, a designated recipient who is working toward obtaining temporary or full school social worker approval described in subdivision (c)(vii), the individual providing supervision maintains full school social worker approval described in subdivision (c)(vii) during the supervision.

(iii) For an individual who is supervising, as described in this subdivision, a designated recipient who is working toward obtaining a school counselor license as described in subdivision (c)(iv), a preliminary school counselor credential as described in subdivision (c)(v), or a school counselor endorsement issued by the department on his or her teaching certificate as described in subdivision (c)(vi), the individual providing supervision maintains a school counselor license described in subdivision (c)(iv), maintains a school counselor endorsement on his or her teaching certificate as described in subdivision (c)(vi), or is a school counselor educator in a department-approved school counselor preparation program during the supervision.

(f) "Public school" means that term as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.

(g) "School fiscal year" means a fiscal year that commences July 1 and continues through June 30.

(h) "State university" means a state university described in section 4, 5, or 6 of article VIII of the state constitution of 1963.

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

(j) "The grant program" means the student mental health apprenticeship retention and training (SMART) internship grant program created in section 3.

History: 2022, Act 180, Imd. Eff. July 25, 2022

388.1953 Student mental health apprenticeship retention and training (SMART) internship grant program; designated recipient agreements; payments; qualification requirements; evaluations; eligibility.

Sec. 3.

(1) The department shall create and administer a student mental health apprenticeship retention and training (SMART) internship grant program to provide grants to designated recipients and to provide grants to field supervisors, field instructors, and supervisors as described in this act. It is the intent of the legislature that the grant program lead to, at a minimum, both of the following:

(a) The provision of paid and educationally meaningful internship practicum in school settings for designated recipients.

(b) The utilization of funding obtained by a public school under section 31o of the state school aid act of 1979, 1979 PA 94, MCL 388.1631o, as permitted under that section, to hire designated recipients who obtained a grant under this act.

(2) The department shall administer grant funding through the grant program to designated recipients through agreements. The agreements described in this subsection must meet the following criteria:

(a) Subject to subsection (4), the department shall administer grant funding as described in this subsection in an amount per eligible designated recipient that is equal to $25.00 per hour for each hour spent in an intern capacity for up to 20 hours per week of an internship in a public school that occurs over a 30-week period in a school year or a lump sum amount equal to $15,000.00 for up to 20 hours per week of an internship in a public school that occurs over a 30-week period in a school year. The lump sum amount described in this subdivision must be paid at the end of the 30-week period described in this subdivision. As used in this subdivision, "eligible designated recipient" means a designated recipient to whom both of the following apply:

(i) Either of the following:

(A) The individual is enrolled in a graduate-level mental health professional program described in section 1(c) who is in the first year of an internship period required by the program and who is serving as a substitute teacher or in a paraprofessional role in a public school as described in this subdivision or who is in a supervised role in a public school as described in this subdivision and following best-practice training and supervision requirements as indicated by national standards set forth by the appropriate national professional organizations. As used in this sub-

subparagraph, "supervised role" means a role in which the individual is supervised by a field supervisor, field instructor, or supervisor while he or she is serving in the role.

(B) The individual is enrolled in a graduate-level mental health professional program described in section 1(c) who is in the second year of an internship period required by the program and who is in a supervised role in a public school as described in this subdivision and following best-practice training and supervision requirements as indicated by national standards set forth by the appropriate national professional organizations. As used in this sub-subparagraph, "supervised role" means a role in which the individual is supervised by a field supervisor, field instructor, or supervisor while he or she is serving in the role.

(ii) At least 1 of the following applies to the individual's work as described under this subdivision:

(A) The individual is interning in a discipline that has been designated as critical shortage by the superintendent of public instruction for the immediately preceding school fiscal year under section 38 of the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1361.

(B) The individual is interning in a public school in which not less than 50% of pupils enrolled are eligible for free or reduced-price meals under the Richard B. Russell national school lunch act, 42 USC 1751 to 1769j.

(C) The individual is interning in a public school that received funding under section 22d of the state school aid act of 1979, 1979 PA 94, MCL 388.1622d, in the immediately preceding school fiscal year.

(b) Include a requirement that the designated recipient who receives funding through the grant program shall work at a public school for not less than 3 school years as of the date of the agreement.

(3) A payment or payments of funding through the grant program must be made as follows to designated recipients, pursuant to an agreement between the designated recipient, the public school in which he or she is interning as described in subsection (2), and the graduate-level mental health professional program described in section 1(c) that he or she is enrolled:

(a) On the same pay period or schedule offered to other educational professionals at the public school in which the designated recipient is serving for purposes of qualifying for funding under this act.

(b) Through 1 lump-sum payment on the date on which the designated recipient's service for purposes of qualifying for funding under this act ends.

(4) Both of the following apply to funding distributions as described in subsection (2), as applicable:

(a) For recipients of the funding who receive $25.00 per hour as described in subsection (2):

(i) If the recipient permanently ceases to satisfy the qualification requirements that initially made the recipient eligible for funding under this act either by his or her own initiative, by initiative of the public school in which he or she was interning, or by initiative of the graduate-level mental health professional program described in section 1(c), payments must stop as of the date on which this occurs.

(ii) If the recipient temporarily ceases to satisfy the qualification requirements that initially made the recipient eligible for funding under this act because he or she is relocating to intern in another public school or due to a leave of absence, payments must stop during the period which the individual does not meet the requirements, but may be continued when the individual again meets the qualification requirements, but must not be continued beyond 30 weeks from the date the individual initially started his or her internship at the public school under subsection (2).

(b) For recipients of the funding who receive the lump sum of $15,000.00 as described in subsection (2):

(i) If the recipient permanently ceases to satisfy the qualification requirements that initially made the recipient eligible for funding under this act either by his or her own initiative, by initiative of the public school in which he or she was interning, or by initiative of the graduate-level mental health professional program described in section 1(c), the recipient may receive a pro rata amount of the lump sum that reflects the number of hours the individual interned at the public school while meeting the qualification requirements for funding under this act.

(ii) If the recipient temporarily ceases to satisfy the qualification requirements that initially made the recipient eligible for funding under this act because he or she is relocating to intern in another public school or due to a leave of absence, the individual is still eligible to receive the full amount of the lump sum if he or she completes all of the qualification requirements for funding under this act.

(5) The department may, for extenuating circumstances, make a debt or expense repayment to a designated recipient before or during each year of service that the designated recipient will complete or is completing for purposes of qualifying for funding under this act.

(6) Each state university that designated recipients are enrolled in for the graduate-level mental health professional program described in section 1(c) may continue implementing any existing evaluation processes required as part of any certification, licensing, or approval requirements associated with serving as a school mental health professional. For purposes of this act, the results from an evaluation described in this subsection may be used as a reason for the individual's disqualification for grant funding under this act.

(7) A designated recipient that receives a grant under this act shall submit any evaluations he or she receives as described in subsection (6) and any evaluations received from the public school in which he or she is interning as described in subsection (2) to the department. Upon receiving an evaluation as described in this subsection, the department shall determine whether the designated recipient is still eligible to receive grant funding under this section or whether the recipient is subject to subsection (4) and shall notify the recipient of its determination.

(8) The department shall administer grant funding through the grant program to field supervisors, field

instructors, or supervisors. A grant to a field supervisor, field instructor, or supervisor under this subsection must not exceed $250.00 for each designated recipient that he or she supervises.

(9) A designated recipient who receives a grant under this act is not prohibited from applying for another grant under this act if he or she meets the qualifications for grant funding under this act.

History: 2022, Act 180, Imd. Eff. July 25, 2022

388.1955 Promulgation of rules.

Sec. 5.

The department shall promulgate any rules necessary for the implementation of this act.

History: 2022, Act 180, Imd. Eff. July 25, 2022

388.1957 Report.

Sec. 7.

The department shall report to the house and senate appropriations subcommittees on the department of education, the house and senate fiscal agencies, the governor, and the advisory council described in section 31n of the state school aid act of 1979, 1979 PA 94, MCL 388.1631n, the status and outcomes of the grant program.

History: 2022, Act 180, Imd. Eff. July 25, 2022