



SCHOOL EQUITY CAUCUS

Making a difference for the public school children of Michigan

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Dear Colleagues:

The legislature has headed out on Spring Break, so things are relatively quiet in Lansing at the moment! The activity will certainly pick up when legislators return the week of April 12. In the meantime, here are the latest highlights:

1. ESSER II & ESSER III

At the beginning of March, the Michigan House and Senate approved legislation allocating a portion of the federal money received by the state for COVID relief. To refresh your memory, the legislature approved the following:

- \$650 million in ESSER II money required to be distributed through the Title I formula grant. ***This money has been approved and is in the process of being distributed to districts.***
- Distribution of the remaining \$840.7 million of ESSER II formula money was provided for, but was made contingent on the approval of HB 4049 that would prohibited the Director of the Michigan Department of Health and Human Services from issuing an emergency order that would (1) close a school to in-person instruction or (2) prohibit a qualified sporting event, giving this authority instead to the local health department. ***This money remains unallocated after Governor Whitmer vetoed HB 4049.***
- \$136 million was allocated to provide "equalization" payments to those districts that did not receive at least \$450 per pupil from the formula distributions above. (The total of these districts' formula allocation would be brought up to the level of \$450 per pupil through these payments.) To qualify for these payments, districts must meet certain requirements, including the offering of at least 20 hours per week of in-person instruction by March 22, 2021. ***This money has been approved and is in the process of being distributed to districts.***
- The bill also provided for the expenditure of the federally-stipulated \$86.8 million in GEER money to non-public schools for COVID-related expenses.. ***This funding remains unallocated after it was vetoed by Governor Whitmer.***
- ***Other recovery/remediation allocations that were included and approved by Governor Whitmer:***
 - \$90 million for K-8 summer school (\$450 per pupil)
 - \$45 million for high school credit recovery (\$450 per pupil)
 - \$17.4 million for before/after school programs (up to \$25,000 per district)

- \$10 million for innovative summer school/credit recovery/remediation programs
- \$21.3 million for incentive payments to staff that work at summer school (\$1,000 per teacher and \$250 for other employees)
- \$11.7 million for benchmark assessments
- \$20 million for school mental health programs
- \$2.7 million to MDE for administrative costs
- \$10 million of School Aid Fund money was designated for parental summer school expense payments. ***This funding was vetoed by Governor Whitmer and remains in the School Aid Fund.***

Therefore, as a result of this activity, the following federal education funding currently remains **unallocated**:

- \$840.7 million in ESSER formula funds (see second item above)
- \$86.8 million in GEER funds for non-public schools (see fourth item above)
- \$5.5 million in discretionary ESSER II funds

Subsequently the legislature passed SB 29, again allocating the funding for non-public schools and parent summer school expenses. However, few were surprised when Governor Whitmer again vetoed the measures, saying that there still had been no negotiation between the legislature and her office regarding an agreement to roll out all of the remaining money.

While the struggle over ESSER II allocations continued in Lansing, Congress passed (and President Biden signed) the American Rescue Plan Act, better know as ESSER III. Under this legislation, Michigan will receive another \$3.35 billion in federal funding for schools, with 90% required to be distributed according to the Title I formula. Two-thirds of these funds are immediately available, and comes with the following stipulations:

- The state is required to reserve portions of the funding as follows:
 - 5% to address learning loss
 - 1% for after-school activities
 - 1% for summer learning programs
- Districts are required to reserve at least 20% of their allocation to address learning loss

The MDE spreadsheet detailing estimated district-by-district allocations under ESSER III is attached to this email.

After Spring Break there is certain to be much more debate around all of this funding, especially with upcoming negotiations over the 2021-22 School Aid Fund budget on the horizon. Districts are encouraged to begin developing thoughtful plans about how best to utilize this funding, keeping in mind that it will be one-time money.

2. 2021-22 Budget Development

With so much attention recently focused on federal stimulus money, there has been much less public discussion than usual regarding next year's state budget. The next Consensus Revenue Estimating Conference (CREC) will be coming up in only about six weeks' time. That session will provide the latest state revenue figures and will form the

basis for final development of the budget. We have already been in discussion with key legislative figures regarding the priorities of the School Equity Caucus and will continue to do so as the budget season progresses. Stay tuned for more in the weeks ahead!

3. Senate Republicans Introduce Sweeping Set of Bills

Earlier this month Senate Republicans introduced a set of eleven bills that would, if enacted, bring about changes to education policy in a number of areas. At the present time, all eleven bills remain tie-barred, meaning that they all must be passed or none of them can go into effect. In general terms, the bills address evaluation, assessment and data sharing, academic recovery, retention, and substitute teachers. As is often the case with legislation (especially large multi-bill packages), there are many things that would be good steps forward, and there are other parts of the package that are not as desirable.

It is unclear at this time about how quickly this legislation may come up for consideration. Here is a very brief, high-level overview of a few of the components of the bills as introduced:

- Evaluation – The number of teacher and administrator evaluation categories would be reduced from four to three (effective, emerging, and ineffective). The student growth component of evaluations would be reduced to 25%, and state-level assessment data would be waived for 2020-21. Districts could elect to conduct evaluations every other year for personnel rated as effective.
- Assessment – Subject to federal waiver approval, the Michigan Merit Exam (MME) for spring 2021 would be eliminated, but districts would still need to offer the SAT and PSAT. Obviously, because the legislature has left for Spring Break without moving this legislation, it will be impossible for these provisions to be in place prior to this year's administration of the MME. Also with regard to assessment:
 - Legislative leadership would be provided with access to all CEPI assessment data.
 - Districts would be required to submit benchmark assessment data to CEPI, and would also need to release summaries of their benchmark data to the public.
 - An "assessment commission" would be created to replace the role of MDE in creating the state's assessment program, with an RFP released for a replacement of the M-STEP that would be ready for administration in Spring 2022.
- Academic Recovery Plans – Districts would be required to send parents a summary of their student's academic performance by May 15, and teachers would need to create a written academic recovery plan for each of their students by August 14, 2021.
- Retention – Implementation of third grade retention provisions would be delayed until 2021-22. Parents could request that their student be retained, with such a request required to be honored if received by July 1, 2021.
- Substitute Teachers – Districts would be allowed to use any person in the district's employ for at least three year as a substitute teacher for the remainder of the 2020-21 school year (whether or not that person had the required 60 semester hours of college credit). Individuals would still need to have a substitute teaching permit before filling in as a substitute.

4. Other Legislation Receiving Attention

A few other pieces of legislation have recently moved out of the House Education Committee. Among them are:

- **SB 113** (sponsored by Sen. McBroom) – This bill has already passed the Senate and has now been referred out of the House Education Committee for final consideration by the full House upon their return from Spring Break. This bill would institute a grace period with reduced penalties for districts that employ an improperly certified individual as a teacher, counselor, or substitute.

Under the legislation, MDE would be required to notify the district of such an improperly employed individual, and the district would have ten days to rectify the situation. Currently, the penalty for employing improperly certified individuals is 100% of the individual's salary during the period of their employment; this penalty would be reduced to 50% of the individual's salary during the period of employment and during the grace period. If districts continued to improperly employ these individuals after the ten-day grace period following MDE notification, the penalty would then return to 100% of the individual's salary after the ten days. In addition, any such penalties imposed in the 2020-21 school year would be waived.

It is important to note that this bill only pertains to the salary penalty and does not alter the loss of state aid that would result from the reduction of a district's pupil membership count. However, the bill also would allow MDE to count the reduction of state aid through a pupil membership loss toward the salary penalty, thereby avoiding a "double penalty".

- **WorkKeys Changes** – Three bills in the works aim to make significant changes to the WorkKeys requirements of the Michigan Merit Exam (MME). **HB's 4037 and 4038** (sponsored by Reps. Hornberger and Reilly, respectively) would remove the requirement to include this test in the MME, instead making it an option for districts to administer. Additionally, a student could request to take the test, and their district would need to provide the opportunity. These bills passed the House Education Committee on March 16 and have been sent to the House floor.

Last week a companion piece of legislation, **HB 4538** (sponsored by Rep. Camilleri), was also passed by the House Education Committee with strong bipartisan support and is now before the full House. This bill would establish the "Student Postsecondary Preparedness Fund" as a vehicle to reimburse districts that chose to provide the WorkKeys to their students, or who had students that requested to take the test (as provided in HB's 4037/4038).

- **HB 4326** (sponsored by Rep. VanWoerkom) – This bill would allow computer coding to be considered as a "Language Other Than English" for the purposes of Michigan Merit Curriculum graduation requirements.

That's all for this update! Here's hoping you have a safe and restful Spring Break!

As always, please be in touch with questions or concerns.

A handwritten signature in black ink, appearing to read 'D. Weeldreyer', with a stylized flourish at the end.

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