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Michigan Association of Superintendents & Administrators

# MASA Legislative Update

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## Summary

This week in Lansing, the House met on Monday and passed the Return to Learn bills, which were previously approved by the Senate in a rare Saturday session. In case you missed our summary of the legislation, you can find that information below. As stated in previous membership updates, MASA opposed this legislation and worked toward its defeat. We have been vocal in our frustration throughout this process and in the ultimate result of bills being rammed through the system and signed into law without an opportunity to provide much-needed input from educators like you.

The MASA Government Relations team will work diligently to remedy outstanding issues during the budget process. Please continue to send your questions and other issues to our team.

We are now focusing our efforts on the FY 2021 budget, where we anticipate tough negotiations over the necessary reductions the legislature must make to combat the gaping hole in the state's finances. The special August Consensus Revenue Estimating Conference (CREC) is this upcoming Monday, Aug. 24 at 3 p.m. The House Fiscal Agency (HFA) reported this week that the state's

more. Overall, the HFA is forecasting that this translates to the state revenue collections performing \$1.5 billion better than anticipated at the May CREC. The increases are attributed to the deferred individual, corporate annual, and estimated income tax collections from April and June. While this is an encouraging projection, this still would not be enough to cover the projected \$3.1 billion-dollar shortfall for FY 21. This means that there are tough decisions yet to be made on where to trim and reduce state budgets. We will learn more on Monday, so be on the lookout for an update from us.

As always, please [contact MASA](#) with any questions or concerns.

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## Governor Allocates Additional CARES Dollars to K-12 Schools

On Wednesday, Governor Whitmer announced her decision **to allocate \$65 million in CARES act dollars from the Governor’s Education Emergency Relief Fund (“GEER”) to K-12 schools.**

Approximately **\$60 million will be awarded directly to school districts, with a focus on districts that are “most significantly impacted by COVID-19.”** Eligible districts must have a population of at least 50% who are economically disadvantaged. Funding is determined by how many students they serve that meet one or more of the following criteria: economically disadvantaged, special education needs, and/or English Language Learners.

Allowable uses of the funds include:

- Connectivity: Devices, internet access, access to remote services, or other similar purposes.
- Student Mental Health: Funding would enhance access to remote and in-person student mental health services.
- Addressing Learning Loss: Funding could be used by districts to offer supplementary content and intervention services to mitigate the impacts of learning loss.
- Out-of-School-Time Learning: Funds could be used to support out-of-school-time learning. These expenditures would ensure students have safe spaces to participate in remote education.
- Remote Learning Materials and Training (digital and non-digital): Funds could address both digital and non-digital content where remote learning

additional professional development and curriculum modifications that allow districts to effectively facilitate distance learning while expanding their knowledge of the science of teaching.

- Other health, safety, and wellness needs identified, required, or recommended in the MI Return to School Roadmap.

The remaining **\$5.4 million will be distributed to entities to support statewide tools and resources for schools**. Many of the items below were proposed by House Democratic members as amendments to the Return to Learn Package.

- \$1.5 million for statewide mental health and social-emotional learning supports.
- \$1.4 million for the implementation of teacher professional learning practices and standards to train teachers on digital communication tools and online instructional strategies.
- \$1.5 million to support educational programming on public television.
- \$1 million to support Early On. This funding should allow the existing program to reach more infants and toddlers through remote early intervention.

The GEER fund is under the direction of the U.S. Department of Education (USED) which awarded grants to governors to then allocate emergency CARES dollars to LEAs and higher education institutions during the COVID-19 crisis. USED allocated \$2,953,230,000 to governors according to the following formula: 60% based on the state's population of individuals age 5-24 and 40% based on the relative number of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965, as amended (ESEA). Governors had one year from the date of the allocation of funds to award dollars within their state.

You can find the estimated GEER distribution by district [here](#).

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## ICYMI: Return to Learn Package Signed by the Governor

On Monday, the House acted on HB 5911, HB 5912, and HB 5913, the legislation that represents an agreement between the administration and legislative leaders on requirements for schools on attendance, testing, and

Thursday.

We have summarized the major items in the bill package for MASA members, in case you missed that summary, please find it below.

### **Pupil Count for 2020-2021**

MASA has repeatedly called for the School Aid Act to allow pupil count to reflect last year's audited count. We argued that this would provide certainty for districts as we come toward the beginning of the school year. What has been negotiated is a blend of 75% using last year's count and 25% using this year's count. The formula is a bit complicated, but is as follows:

$$0.75 \times [.90 \times \text{Fall 2019 plus } .10 \times \text{Spring 2019}] + 0.25 \times [.90 \times \text{Fall 2020 plus } .10 \times \text{Spring 2020}]$$

This formula aims to give districts a more stable funding stream for the next school year by placing more weight on the previous and known numbers. New schools, those adding grades, or those resuming operations (after closing) this coming school year would use the average of the Fall 2020 and Spring 2021 counts or only the Spring 2021 count, depending on when they open.

### **Extended Continuity Learning Plans**

In order to receive state funding for the 2020-2021 school year, districts will be required to develop an Extended Continuity of Learning Plan (ECOL) and submit it to their ISD. Please note, this is in addition to your previous COL plan or your COVID-19 preparedness and response plan which is due today. The ECOL plan must include the following:

1. The Necessity of the Plan – A statement of why the ECOL plan is "necessary to increase student achievement for the 2020-21 school year."
2. Educational Goals – Educational goals expected to be achieved for the 2020-2021 school year. These goals "must not be used to determine state policy" and must include the following:
  1. Increased pupil achievement, or, if growth can be validly and reliably measured using the benchmark assessments required (as described below), growth on those benchmark assessments – in the aggregate and for all subgroups of pupils.
  2. An assurance that the district must choose one or more benchmark assessments aligned to state standards and an assurance that the

- mastery of the standards.
3. Measurability through a benchmark assessment as described above.
  3. Mode of instruction – The ECOL plan must include a description of how instruction will be delivered, options include:
    1. At school or at a different location;
    2. In-person;
    3. Online;
    4. Digitally;
    5. By other remote means; in a synchronous or asynchronous format; or in a combination of any of these methods.
  4. Re-Certifying Plan – Within 30 calendar days of approving the ECOL plan, the district’s Board of Education must re-confirm the method by which instruction will be delivered. Further, this re-certification must take place every 30 days and must include an opportunity for public comment.
  5. Academic Standards – The ECOL plan must include a description of how instruction in the core academic areas will expose each student to the academic standards that apply to each student’s grade level or courses in the same scope and sequence as the district had planned for that exposure to occur for in-person instruction and a description of how pupil progress toward mastery of the standards will be graded or otherwise reported to the student and parents.
  6. Equitable Access – The ECOL plan must include equitable access components:
    1. An assurance of how students will be provided with equitable access to technology and the internet.
    2. A description of how the district will ensure that students with disabilities will be provided with equitable access to instruction accommodation in compliance with state and federal law.
  7. Health and Safety Guidelines – The legislation includes requirement that the district, in consultation with the local health department and school district employees, must develop district-wide guidelines on methods for delivering instruction that are based on local data based on key metrics. The district will have the ultimate authority to determine what method to deliver instruction under. “Key metrics” would mean:
    1. The trend of Covid-19 (COVID) cases or positive tests, hospitalizations due to COVID; and the number of deaths resulting from COVID in the past 14-day period.

4. Health care capacity strength.
5. Testing, tracing and containment infrastructure with regard to COVID.
8. K-5 Prioritization – The ECOL Plan must include a provision that, if the district determines it is safe to provide in-person instruction, the district will prioritize in-person instruction to students in grades K-5.

The ECOL plan must be submitted to ISDs by October 1, 2020. ISDs and authorizers would have to approve the plans if they contain all the required elements. Approved plans would have to be submitted by the ISD or authorizer to the state treasurer and the state superintendent. The ECOL plan would have to be posted on the district's website by October 1, 2020, and by February 1, 2021, districts would have to report on their websites the progress made in meeting the educational goals that the district expected to achieve by the middle of the school year.

By the end of the school year, districts would have to post on their website the data from their benchmark assessment (except local benchmarks), and a report on progress made in meeting educational goals that the district expected to achieve by the end of the school year. It's worth noting that none of these ECOL plan provisions would apply to a cyber school.

### **Student Attendance**

For the 2020-2021 school year, in order not to have to forfeit state aid, the district must ensure that at least one monthly, two-way interaction occurs between at least 75% of the students and their teachers all school year. The interaction must be relevant to course progress or content. The documentation of these interactions would be audited. The district would have to forfeit a proportional amount of state aid for each month in which fewer than 75% of students engage in this two-way interaction.

“Two-way interaction” is defined as:

- For a pupil not learning sequentially, if any of the following occurs for each course the pupil is enrolled in:
  - the pupil attends a live lesson given by the teacher on the count day;
  - the pupil logs into an online lesson or activity on the count day and it can be documented;

- the district or intermediate district (ISD) documents an email dialogue between the pupil and at least one of his or her teachers on count day; or
  - the district or ISD documents activity between the pupil and a learning coach occurring on the count day.
- For a pupil who is learning sequentially, if any of the following occurs for each course the pupil is enrolled in:
  - the pupil completes a course assignment on the count day and the completion is documented;
  - the pupil completes a course lesson or lesson activity on the count day, and it is documented; or
  - the pupil accesses an on-going lesson that is not a login on the count day and the access is documented by the district or ISD.
- At least one two-way interaction between the pupil and at least one of the pupil's teachers during the week when count day occurs and during each of the three following weeks. Each of these "weeks" begins on Wednesday and ends the following Tuesday. "Two-way interaction" means a communication that occurs between a pupil and his or her teacher where one of them initiates communication and a response from the other person follows. The communication must be relevant to the course progress or content. Responses must be to the communication initiated by the teacher. This communication could occur through any of the following (but is not limited to these): email, telephone, instant messaging, or a face-to-face conversation.
- The pupil has not engaged in any of the activities described above and the pupil was not excused from that engagement, but the pupil participates in or completes an activity described in the first two bullets above during the ten consecutive school days immediately following the count day.
- The pupil has not engaged in any of the activities described in the first three bullets above and the pupil was excused from that engagement, but the pupil participates in or completes an activity described in the first two bullets above during the thirty consecutive calendar days immediately following the count day.
- The pupil meets the criteria of pupils in grades K-12 actually enrolled and in regular daily attendance on the count day.

## Days and Hours

requirement. For the 2020-2021 school year only, however, districts must provide distance learning that results in a number of hours and days necessary to deliver the educational or course content that would have been delivered in 180 days and 1098 hours in a school year in which pandemic learning was not provided and that would have led to course completion. “Pandemic learning” is defined here as a mode of pupil instruction provided as a result of the Covid-19 pandemic.

### **Benchmark Assessments**

Under the bill, in order to receive state aid for the 2020-2021 school year, districts would have to administer to all students in grades K-8 a standardized or local benchmark assessment within the first nine weeks of the school year and a second one before the end of the school year. The Michigan Department of Education (MDE) would have to approve 4 or 5 providers of standardized benchmark assessments and inform districts of all the available benchmark assessment options.

The standardized assessments would have to meet all of the following:

- Be one of the most commonly administered assessments in this state.
- Be aligned to state standards.
- Complement the state’s summative assessment system.
- Be internet-delivered, standards-based, computer-adaptive and target the instructional level of each student (the free one does not have to be computer-adaptive or target the instructional level of each student). Provide information on student achievement per year or grade span.
- Provide immediate feedback (“timely” feedback for the free one).
- Be nationally normed.
- Provide multiple measures of growth and multiple testing opportunities (provide “information about student growth” for the free one).

A district could instead administer one of the following:

- A benchmark assessment in reading for students in grades K-9 that contains progress monitoring tools and enhanced diagnostic assessments.
- A benchmark assessment in math for students in grades K-8 that contains progress monitoring.



By August 1, 2021, MDE and CEPI must send a report to the governor and to the standing education committee chairs identifying the number and percentage of students in the state who are significantly behind grade level as determined by MDE and CEPI based on the benchmark data. The benchmark assessment data may also be used to measure students' growth based on their performance on state summative assessments to identify statewide where student achievement has increased or decreased. (But, the benchmark assessment data must not be used for state accountability purposes.)

After the administration of the statewide assessment resumes, MDE must also report to the governor and the standing committee chairs identifying the number of students statewide whose expected trajectory toward grade-level proficiency were most impacted by school closures that occurred because of COVID. A district administering a benchmark assessment must provide data from the benchmark to parents within 30 days of administering the assessment. If a district uses a local benchmark assessment, it must report to MDE and CEPI the assessments that were administered and how those assessments measure changes in learning, including any losses in learning and the district's plan for addressing any losses in learning. It is the intent of the legislature that a study will be conducted by a partnership among the state public research universities to isolate best practices for pandemic learning.

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## ICYMI: MDE Updates

### **MEMO #073-20**

#### *Annual Certification Reminder and Requirements*

The Michigan Department of Education (MDE) is reminding local district administrators and human resources staff to begin the annual review of staff credential expiration dates. Educators with a certificate expiration date of June 30, 2021 should be encouraged to log into the Michigan Online Educator Certification System (MOECS) and begin updating account information. [Read the full memo.](#)

### **MEMO #074-20**

related to adapting to the realities of COVID-19. While many past practices are not applicable this coming year, there are still some required actions needed to secure your federal funding. This notice provides information regarding the submission procedure for certifying your district's compliance for constitutionally protected prayer and Constitution Day. All certifications are due September 18, 2020. [Read the full memo.](#)

## **MEMO #075-20**

### *Social Justice & Anti-Racist Educator Efforts and Resources*

The Michigan Department of Education (MDE) is pleased to share three efforts to combat racism and promote social justice. [Read the full memo.](#)



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