

**SUBSTITUTE FOR  
HOUSE BILL NO. 5912**

A bill to amend 1979 PA 94, entitled  
"The state school aid act of 1979,"  
by amending section 101 (MCL 388.1701), as amended by 2019 PA 58.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 101. (1) To be eligible to receive state aid under this  
2 article, not later than the fifth Wednesday after the pupil  
3 membership count day and not later than the fifth Wednesday after  
4 the supplemental count day, each district superintendent shall  
5 submit and certify to the center and the intermediate  
6 superintendent, in the form and manner prescribed by the center,  
7 the number of pupils enrolled and in regular daily attendance,  
8 including identification of tuition-paying pupils, in the district  
9 as of the pupil membership count day and as of the supplemental



1 count day, as applicable, for the current school year. In addition,  
2 a district maintaining school during the entire year shall submit  
3 and certify to the center and the intermediate superintendent, in  
4 the form and manner prescribed by the center, the number of pupils  
5 enrolled and in regular daily attendance in the district for the  
6 current school year pursuant to rules promulgated by the  
7 superintendent. Not later than the sixth Wednesday after the pupil  
8 membership count day and not later than the sixth Wednesday after  
9 the supplemental count day, the district shall resolve any pupil  
10 membership conflicts with another district, correct any data  
11 issues, and recertify the data in a form and manner prescribed by  
12 the center and file the certified data with the intermediate  
13 superintendent. If a district fails to submit and certify the  
14 attendance data, as required under this subsection, the center  
15 shall notify the department and the department shall withhold state  
16 aid due to be distributed under this article from the defaulting  
17 district immediately, beginning with the next payment after the  
18 failure and continuing with each payment until the district  
19 complies with this subsection. If a district does not comply with  
20 this subsection by the end of the fiscal year, the district  
21 forfeits the amount withheld. A person who willfully falsifies a  
22 figure or statement in the certified and sworn copy of enrollment  
23 is subject to penalty as prescribed by section 161.

24 (2) To be eligible to receive state aid under this article,  
25 not later than the twenty-fourth Wednesday after the pupil  
26 membership count day and not later than the twenty-fourth Wednesday  
27 after the supplemental count day, an intermediate district shall  
28 submit to the center, in a form and manner prescribed by the  
29 center, the audited enrollment and attendance data for the pupils



1 of its constituent districts and of the intermediate district. If  
 2 an intermediate district fails to submit the audited data as  
 3 required under this subsection, the department shall withhold state  
 4 aid due to be distributed under this article from the defaulting  
 5 intermediate district immediately, beginning with the next payment  
 6 after the failure and continuing with each payment until the  
 7 intermediate district complies with this subsection. If an  
 8 intermediate district does not comply with this subsection by the  
 9 end of the fiscal year, the intermediate district forfeits the  
 10 amount withheld.

11 (3) Except as otherwise provided in subsections ~~(11) and (12)~~,  
 12 **(10), (13), and (14)**, all of the following apply to the provision  
 13 of pupil instruction:

14 (a) Except as otherwise provided in this section, each  
 15 district shall provide at least 1,098 hours and 180 days of pupil  
 16 instruction. If a collective bargaining agreement that provides a  
 17 complete school calendar was in effect for employees of a district  
 18 as of June 24, 2014, and if that school calendar is not in  
 19 compliance with this subdivision, then this subdivision does not  
 20 apply to that district until after the expiration of that  
 21 collective bargaining agreement. A district may apply for a waiver  
 22 under subsection (9) from the requirements of this subdivision.

23 (b) Except as otherwise provided in this article, a district  
 24 failing to comply with the required minimum hours and days of pupil  
 25 instruction under this subsection forfeits from its total state aid  
 26 allocation an amount determined by applying a ratio of the number  
 27 of hours or days the district was in noncompliance in relation to  
 28 the required minimum number of hours and days under this  
 29 subsection. Not later than August 1, the board of each district



1 shall either certify to the department that the district was in  
 2 full compliance with this section regarding the number of hours and  
 3 days of pupil instruction in the previous school year, or report to  
 4 the department, in a form and manner prescribed by the center, each  
 5 instance of noncompliance. If the district did not provide at least  
 6 the required minimum number of hours and days of pupil instruction  
 7 under this subsection, the department shall make the deduction of  
 8 state aid in the following fiscal year from the first payment of  
 9 state school aid. A district is not subject to forfeiture of funds  
 10 under this subsection for a fiscal year in which a forfeiture was  
 11 already imposed under subsection (6).

12 (c) Hours or days lost because of strikes or teachers'  
 13 conferences are not counted as hours or days of pupil instruction.

14 (d) Except as otherwise provided in **this subdivision and**  
 15 subdivisions (e), ~~and (f)~~, **and (i)**, if a district does not have at  
 16 least 75% of the district's membership in attendance on any day of  
 17 pupil instruction, the department shall pay the district state aid  
 18 in that proportion of 1/180 that the actual percent of attendance  
 19 bears to 75%. **This subdivision does not apply to an e-learning day,**  
 20 **as that term is defined in section 1851b of the revised school**  
 21 **code, MCL 380.1851b.**

22 (e) If a district adds 1 or more days of pupil instruction to  
 23 the end of its instructional calendar for a school year to comply  
 24 with subdivision (a) because the district otherwise would fail to  
 25 provide the required minimum number of days of pupil instruction  
 26 even after the operation of subsection (4) due to conditions not  
 27 within the control of school authorities, then subdivision (d) does  
 28 not apply for any day of pupil instruction that is added to the end  
 29 of the instructional calendar. Instead, for any of those days, if



1 the district does not have at least 60% of the district's  
 2 membership in attendance on that day, the department shall pay the  
 3 district state aid in that proportion of 1/180 that the actual  
 4 percentage of attendance bears to 60%. For any day of pupil  
 5 instruction added to the instructional calendar as described in  
 6 this subdivision, the district shall report to the department the  
 7 percentage of the district's membership that is in attendance, in  
 8 the form and manner prescribed by the department.

9 (f) At the request of a district that operates a department-  
 10 approved alternative education program and that does not provide  
 11 instruction for pupils in all of grades K to 12, the superintendent  
 12 shall grant a waiver from the requirements of subdivision (d). The  
 13 waiver must provide that an eligible district is subject to the  
 14 proration provisions of subdivision (d) only if the district does  
 15 not have at least 50% of the district's membership in attendance on  
 16 any day of pupil instruction. In order to be eligible for this  
 17 waiver, a district must maintain records to substantiate its  
 18 compliance with the following requirements:

19 (i) The district offers the minimum hours of pupil instruction  
 20 as required under this section.

21 (ii) For each enrolled pupil, the district uses appropriate  
 22 academic assessments to develop an individual education plan that  
 23 leads to a high school diploma.

24 (iii) The district tests each pupil to determine academic  
 25 progress at regular intervals and records the results of those  
 26 tests in that pupil's individual education plan.

27 (g) All of the following apply to a waiver granted under  
 28 subdivision (f):

29 (i) If the waiver is for a blended model of delivery, a waiver



1 that is granted for the 2011-2012 fiscal year or a subsequent  
 2 fiscal year remains in effect unless it is revoked by the  
 3 superintendent.

4 (ii) If the waiver is for a 100% online model of delivery and  
 5 the educational program for which the waiver is granted makes  
 6 educational services available to pupils for a minimum of at least  
 7 1,098 hours during a school year and ensures that each pupil  
 8 participates in the educational program for at least 1,098 hours  
 9 during a school year, a waiver that is granted for the 2011-2012  
 10 fiscal year or a subsequent fiscal year remains in effect unless it  
 11 is revoked by the superintendent.

12 (iii) A waiver that is not a waiver described in subparagraph  
 13 (i) or (ii) is valid for 1 fiscal year and must be renewed annually  
 14 to remain in effect.

15 (h) The superintendent shall promulgate rules for the  
 16 implementation of this subsection.

17 (i) If a district is providing remote instruction to pupils  
 18 and that remote instruction exposes those pupils to the academic  
 19 standards that apply for the pupil's grade level or courses in the  
 20 same scope and sequence as the district provides for in-person  
 21 instruction, then subdivision (d) does not apply to that district.  
 22 Instead, for that district, if the district does not have an  
 23 average of at least 75% of the district's membership in attendance  
 24 for each attendance period in the school year, the department shall  
 25 pay the district state aid in that proportion of 10/180 that the  
 26 actual average percentage of attendance for that attendance period  
 27 bears to 75%. As used in this subdivision, "attendance period"  
 28 means each period of 10 consecutive school days in a school year.

29 (4) All of the following apply to the provision of pupil



1 **instruction:**

2 (a) Except as otherwise provided in this subsection, the first  
 3 ~~6-2~~ days or the equivalent number of hours for which pupil  
 4 instruction is not provided because of conditions not within the  
 5 control of school authorities, such as severe storms, fires,  
 6 epidemics, **pandemics**, utility power unavailability, water or sewer  
 7 failure, or health conditions as defined by the city, county, or  
 8 state health authorities, are counted as hours and days of pupil  
 9 instruction. ~~For 2018-2019 only, in addition to these 6 days, if~~  
 10 ~~pupil instruction is not provided on 1 or more days that are~~  
 11 ~~included in a period for which the governor has issued an executive~~  
 12 ~~order declaring a state of emergency across this state, upon~~  
 13 ~~request by a district to the superintendent of public instruction,~~  
 14 ~~in a form and manner prescribed by the department, that 1 or more~~  
 15 ~~of those days and the equivalent number of hours count as days and~~  
 16 ~~hours of pupil instruction, the department shall count those~~  
 17 ~~requested days and the equivalent number of hours as days and hours~~  
 18 ~~of pupil instruction for the purposes of this section. For 2018-~~  
 19 ~~2019, the days included in the executive order are January 29, 2019~~  
 20 ~~to February 2, 2019. With the approval of the superintendent of~~  
 21 ~~public instruction, the department shall count as hours and days of~~  
 22 ~~pupil instruction for a fiscal year not more than 3 additional days~~  
 23 ~~or the equivalent number of additional hours for which pupil~~  
 24 ~~instruction is not provided in a district due to unusual and~~  
 25 ~~extenuating occurrences resulting from conditions not within the~~  
 26 ~~control of school authorities such as those conditions described in~~  
 27 ~~this subsection. Subsequent such hours or days are not counted as~~  
 28 ~~hours or days of pupil instruction.~~

29 (b) **Days or the equivalent number of hours, not to exceed a**



1 total of 7 days or the equivalent number of hours for those days  
2 each school year, for which pupil instruction is provided as an e-  
3 learning day as described in section 1851b(9) (a) of the revised  
4 school code, MCL 380.1851b, are counted as hours and days of pupil  
5 instruction. The hours and days counted under this subdivision are  
6 in addition to the hours and days counted under subdivisions (a),  
7 (c), and (d).

8 (c) Days or the equivalent number of hours, not to exceed a  
9 total of 20 days or the equivalent number of hours for those days  
10 each school year, for which pupil instruction is provided as an e-  
11 learning day as described in section 1851b(9) (b) of the revised  
12 school code, MCL 380.1851b, are counted as hours and days of pupil  
13 instruction. The hours and days counted under this subdivision are  
14 in addition to the hours and days counted under subdivisions (a),  
15 (b), and (d).

16 (d) Days or the equivalent number of hours for which pupil  
17 instruction is provided as an e-learning day as described in  
18 section 1851b(9) (c) of the revised school code, MCL 380.1851b, are  
19 counted as hours and days of pupil instruction. The hours and days  
20 counted under this subdivision are in addition to the hours and  
21 days counted under subdivisions (a), (b), and (c).

22 (e) Except as otherwise provided in this section, the  
23 department shall not count any hours and days other than the hours  
24 and days described in subdivisions (a) to (d) as hours and days of  
25 pupil instruction for the purposes of this section if pupil  
26 instruction was not provided on those days or for those hours due  
27 to conditions or for reasons described in this subsection.

28 (5) A district does not forfeit part of its state aid  
29 appropriation because it adopts or has in existence an alternative





1 scheduling program for pupils in kindergarten if the program  
2 provides at least the number of hours required under subsection (3)  
3 for a full-time equated membership for a pupil in kindergarten as  
4 provided under section 6(4).

5 (6) In addition to any other penalty or forfeiture under this  
6 section, if at any time the department determines that 1 or more of  
7 the following have occurred in a district, the district forfeits in  
8 the current fiscal year beginning in the next payment to be  
9 calculated by the department a proportion of the funds due to the  
10 district under this article that is equal to the proportion below  
11 the required minimum number of hours and days of pupil instruction  
12 under subsection (3), as specified in the following:

13 (a) The district fails to operate its schools for at least the  
14 required minimum number of hours and days of pupil instruction  
15 under subsection (3) in a school year, including hours and days  
16 counted under subsection (4).

17 (b) The board of the district takes formal action not to  
18 operate its schools for at least the required minimum number of  
19 hours and days of pupil instruction under subsection (3) in a  
20 school year, including hours and days counted under subsection (4).

21 (7) In providing the minimum number of hours and days of pupil  
22 instruction required under subsection (3), a district shall use the  
23 following guidelines, and a district shall maintain records to  
24 substantiate its compliance with the following guidelines:

25 (a) Except as otherwise provided in this subsection, a pupil  
26 must be scheduled for at least the required minimum number of hours  
27 of instruction, excluding study halls, or at least the sum of 90  
28 hours plus the required minimum number of hours of instruction,  
29 including up to 2 study halls.



1 (b) The time a pupil is assigned to any tutorial activity in a  
2 block schedule may be considered instructional time, unless that  
3 time is determined in an audit to be a study hall period.

4 (c) Except as otherwise provided in this subdivision, a pupil  
5 in grades 9 to 12 for whom a reduced schedule is determined to be  
6 in the individual pupil's best educational interest must be  
7 scheduled for a number of hours equal to at least 80% of the  
8 required minimum number of hours of pupil instruction to be  
9 considered a full-time equivalent pupil. A pupil in grades 9 to 12  
10 who is scheduled in a 4-block schedule may receive a reduced  
11 schedule under this subsection if the pupil is scheduled for a  
12 number of hours equal to at least 75% of the required minimum  
13 number of hours of pupil instruction to be considered a full-time  
14 equivalent pupil.

15 (d) If a pupil in grades 9 to 12 who is enrolled in a  
16 cooperative education program or a special education pupil cannot  
17 receive the required minimum number of hours of pupil instruction  
18 solely because of travel time between instructional sites during  
19 the school day, that travel time, up to a maximum of 3 hours per  
20 school week, is considered to be pupil instruction time for the  
21 purpose of determining whether the pupil is receiving the required  
22 minimum number of hours of pupil instruction. However, if a  
23 district demonstrates to the satisfaction of the department that  
24 the travel time limitation under this subdivision would create  
25 undue costs or hardship to the district, the department may  
26 consider more travel time to be pupil instruction time for this  
27 purpose.

28 (e) In grades 7 through 12, instructional time that is part of  
29 a Junior Reserve Officer Training Corps (JROTC) program is



1 considered to be pupil instruction time regardless of whether the  
2 instructor is a certificated teacher if all of the following are  
3 met:

4 (i) The instructor has met all of the requirements established  
5 by the United States Department of Defense and the applicable  
6 branch of the armed services for serving as an instructor in the  
7 Junior Reserve Officer Training Corps program.

8 (ii) The board of the district or intermediate district  
9 employing or assigning the instructor complies with the  
10 requirements of sections 1230 and 1230a of the revised school code,  
11 MCL 380.1230 and 380.1230a, with respect to the instructor to the  
12 same extent as if employing the instructor as a regular classroom  
13 teacher.

14 (8) Except as otherwise provided in subsections ~~(11) and (12)~~,  
15 **(10), (13), and (14)**, the department shall apply the guidelines  
16 under subsection (7) in calculating the full-time equivalency of  
17 pupils.

18 (9) Upon application by the district for a particular fiscal  
19 year, the superintendent shall waive for a district the minimum  
20 number of hours and days of pupil instruction requirement of  
21 subsection (3) for a department-approved alternative education  
22 program or another innovative program approved by the department,  
23 including a 4-day school week. If a district applies for and  
24 receives a waiver under this subsection and complies with the terms  
25 of the waiver, the district is not subject to forfeiture under this  
26 section for the specific program covered by the waiver. If the  
27 district does not comply with the terms of the waiver, the amount  
28 of the forfeiture is calculated based upon a comparison of the  
29 number of hours and days of pupil instruction actually provided to



1 the minimum number of hours and days of pupil instruction required  
 2 under subsection (3). A district shall report pupils enrolled in a  
 3 department-approved alternative education program under this  
 4 subsection to the center in a form and manner determined by the  
 5 center. All of the following apply to a waiver granted under this  
 6 subsection:

7 (a) If the waiver is for a blended model of delivery, a waiver  
 8 that is granted for the 2011-2012 fiscal year or a subsequent  
 9 fiscal year remains in effect unless it is revoked by the  
 10 superintendent.

11 (b) If the waiver is for a 100% online model of delivery and  
 12 the educational program for which the waiver is granted makes  
 13 educational services available to pupils for a minimum of at least  
 14 1,098 hours during a school year and ensures that each pupil is on  
 15 track for course completion at proficiency level, a waiver that is  
 16 granted for the 2011-2012 fiscal year or a subsequent fiscal year  
 17 remains in effect unless it is revoked by the superintendent.

18 (c) A waiver that is not a waiver described in subdivision (a)  
 19 or (b) is valid for 1 fiscal year and must be renewed annually to  
 20 remain in effect.

21 **(10) For the 2020-2021 school year, the department shall waive**  
 22 **the required minimum number of hours and days of pupil instruction**  
 23 **under subsection (3) for each district that is providing**  
 24 **instruction under an extended continuity of learning plan that has**  
 25 **been approved by an intermediate district or authorizing body, as**  
 26 **applicable, under subsection (11). It is the intent of the**  
 27 **legislature that extended continuity of learning plans described in**  
 28 **this subsection provide districts with maximum flexibility to adapt**  
 29 **their educational programs for some or all pupils at some or all of**



1 the schools operated by the district to respond to the COVID-19  
2 pandemic. An extended continuity of learning plan described in this  
3 subsection must contain all of the elements required for inclusion  
4 in a continuity of learning and COVID-19 response plan under  
5 Executive Order No. 2020-65 and must include all of the following  
6 additional elements:

7 (a) A statement indicating why an extended continuity of  
8 learning plan is necessary to increase pupil engagement and  
9 achievement for the 2020-2021 school year.

10 (b) The educational goals expected to be achieved. An extended  
11 continuity of learning plan described in this subsection must  
12 specify which educational goals described in this subdivision are  
13 expected to be achieved by the middle of the school year and which  
14 goals are expected to be achieved by the end of the school year.  
15 All of the following apply to the educational goals described in  
16 this subdivision:

17 (i) The goals must include increased pupil achievement or  
18 growth on a benchmark assessment described in subparagraph (ii) in  
19 the aggregate and for all subgroups of pupils.

20 (ii) The goals must include an assurance that the district  
21 shall select a benchmark assessment that is aligned to state  
22 standards and an assurance that the district shall administer the  
23 benchmark assessment to all pupils in the fall, winter, and spring  
24 of the school year to determine whether pupils are making  
25 meaningful progress toward mastery of these standards.

26 (iii) The goals must be measurable through a benchmark  
27 assessment described in subparagraph (ii).

28 (c) A description of how instruction will be delivered.  
29 Instruction, as described in this subdivision, may be delivered at



1 school or at a different location, in person, online, digitally, by  
2 other remote means, in a synchronous or asynchronous format, or any  
3 combination thereof.

4 (d) A description of how instruction for core academic areas  
5 provided under the extended continuity of learning plan will expose  
6 each pupil to the academic standards that apply for each pupil's  
7 grade level or courses in the same scope and sequence as the  
8 district had planned for that exposure to occur for in-person  
9 instruction and a description of how pupil progress toward mastery  
10 of the standards described in this subdivision will be graded or  
11 otherwise reported to the pupil and the pupil's parent or legal  
12 guardian.

13 (e) An assurance and description of how pupils will be  
14 provided with equitable access to technology and the internet  
15 necessary to participate in instruction.

16 (f) A description of how the district will ensure that  
17 students with disabilities will be provided with equitable access  
18 to instruction accommodation in accordance with applicable state  
19 and federal laws, rules, and regulations.

20 (g) A requirement that, if the district provides in-person  
21 instruction for the 2020-2021 school year, the district consults  
22 with the local health department regarding any applicable  
23 guidelines issued by the department or department of health and  
24 human services concerning providing in-person instruction at school  
25 for the 2020-2021 school year, including, but not limited to,  
26 guidelines for school building cleaning and school building  
27 occupancy and a requirement that the district, except as otherwise  
28 provided in this subdivision, implement the guidelines, if any,  
29 described in this subdivision. If the guidelines described in this



1 subdivision include a recommendation that a district close 1 or  
2 more of its school buildings, the ultimate decision concerning  
3 whether or not to close those school buildings remains with the  
4 district.

5 (h) A requirement that the district offer in-person pupil  
6 instruction to all pupils enrolled in grades K to 5 for the 2020-  
7 2021 school year.

8 (i) A requirement that, if the district provides in-person  
9 pupil instruction to pupils in any of grades K to 5 for the 2020-  
10 2021 school year and if a pupil enrolled in the district, a  
11 teacher, or the parent or legal guardian of a pupil enrolled in the  
12 district requests some reasonable form of protective barriers,  
13 masks, or gloves, the district shall make its best effort to obtain  
14 and provide all requested protective barriers, masks, or gloves to  
15 the pupil or teacher. If a pupil or the parent or legal guardian of  
16 a pupil makes a request under this subdivision, the district is not  
17 required to make its best effort to obtain and provide requested  
18 protective barriers, masks, or gloves to pupils other than the  
19 pupil making the request or the pupil whose parent or legal  
20 guardian is making the request.

21 (11) A district that is not a public school academy that  
22 intends to provide instruction under an extended continuity of  
23 learning plan shall submit its extended continuity of learning plan  
24 described in subsection (10) to the intermediate district in which  
25 the district is located by not later than August 15, 2020, and a  
26 district that is a public school academy that intends to provide  
27 instruction under an extended continuity of learning plan shall  
28 submit its extended continuity of learning plan described in  
29 subsection (10) to its authorizing body by not later than August



1 15, 2020, for approval. The intermediate district or authorizing  
 2 body shall apply the same approval procedure used for the approval  
 3 of a continuity of learning and COVID-19 response plan under  
 4 Executive Order No. 2020-65. If a district's extended continuity of  
 5 learning plan is approved under this subsection, the district shall  
 6 transmit copies of its plan to the superintendent of public  
 7 instruction and the state treasurer in the same manner that copies  
 8 of a continuity of learning and COVID-19 response plan are required  
 9 to be transmitted to the superintendent of public instruction and  
 10 state treasurer under Executive Order No. 2020-65. To assess  
 11 progress toward educational goals, an intermediate district or  
 12 authorizing body may require a district to provide the intermediate  
 13 district or authorizing body with access to benchmark assessment  
 14 data as a condition to approval of an extended continuity of  
 15 learning plan under this subsection. An intermediate district or  
 16 authorizing body that approves an extended continuity of learning  
 17 plan under this subsection is responsible for both of the  
 18 following:

19 (a) Monitoring the district's implementation of the extended  
 20 continuity of learning plan.

21 (b) Assessment and public reporting regarding the district's  
 22 progress toward the educational goals established in the extended  
 23 continuity of learning plan.

24 (12) ~~(10)~~—A district may count up to 38 hours of qualifying  
 25 professional development for teachers as hours of pupil  
 26 instruction. All of the following apply to the counting of  
 27 qualifying professional development as pupil instruction under this  
 28 subsection:

29 (a) If qualifying professional development exceeds 5 hours in





1 a single day, that day may be counted as a day of pupil  
2 instruction.

3 (b) At least 8 hours of the qualifying professional  
4 development counted as hours of pupil instruction under this  
5 subsection must be recommended by a districtwide professional  
6 development advisory committee appointed by the district board. The  
7 advisory committee must be composed of teachers employed by the  
8 district who represent a variety of grades and subject matter  
9 specializations, including special education; nonteaching staff;  
10 parents; and administrators. The majority membership of the  
11 committee ~~shall~~**must** be composed of teaching staff.

12 (c) Professional development provided online is allowable and  
13 encouraged, as long as the instruction has been approved by the  
14 district. The department shall issue a list of approved online  
15 professional development providers, which must include the Michigan  
16 Virtual School.

17 (d) Qualifying professional development may only be counted as  
18 hours of pupil instruction for the pupils of those teachers  
19 scheduled to participate in the qualifying professional  
20 development.

21 (e) For professional development to be considered qualifying  
22 professional development under this subsection, the professional  
23 development must meet all of the following:

24 (i) Is aligned to the school or district improvement plan for  
25 the school or district in which the professional development is  
26 being provided.

27 (ii) Is linked to 1 or more criteria in the evaluation tool  
28 developed or adopted by the district or intermediate district under  
29 section 1249 of the revised school code, MCL 380.1249.



1 (iii) Has been approved by the department as counting for state  
 2 continuing education clock hours. The number of hours of  
 3 professional development counted as hours of pupil instruction may  
 4 not exceed the number of state continuing education clock hours for  
 5 which the qualifying professional development was approved.

6 (iv) Not more than a combined total of 10 hours of the  
 7 professional development takes place before the first scheduled day  
 8 of school for the school year ending in the fiscal year and after  
 9 the last scheduled day of school for that school year.

10 (v) No more than 10 hours of qualifying professional  
 11 development takes place in a single month.

12 (vi) At least 75% of teachers scheduled to participate in the  
 13 professional development are in attendance.

14 **(13)** ~~(11)~~ Subsections (3) and (8) do not apply to a school of  
 15 excellence that is a cyber school, as **that term is** defined in  
 16 section 551 of the revised school code, MCL 380.551, and is in  
 17 compliance with section 553a of the revised school code, MCL  
 18 380.553a.

19 **(14)** ~~(12)~~ Subsections (3) and (8) do not apply to eligible  
 20 pupils enrolled in a dropout recovery program that meets the  
 21 requirements of section 23a. As used in this subsection, "eligible  
 22 pupil" means that term as defined in section 23a.

23 **(15)** ~~(13)~~ At least every 2 years the superintendent shall  
 24 review the waiver standards set forth in the pupil accounting and  
 25 auditing manuals to ensure that the waiver standards and waiver  
 26 process continue to be appropriate and responsive to changing  
 27 trends in online learning. The superintendent shall solicit and  
 28 consider input from stakeholders as part of this review.

29 **(16) An extended continuity of learning plan described in**



1 subsection (10) and approved under subsection (11) must be made  
2 accessible through the transparency reporting link located on the  
3 district's website.

4 (17) The amendatory act that added subsection (16) must not be  
5 construed as imposing mandates on nonpublic schools.

6 Enacting section 1. This amendatory act does not take effect  
7 unless all of the following bills of the 100th Legislature are  
8 enacted into law:

9 (a) House Bill No. 5910.

10 (b) House Bill No. 5913.

