



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

March 16, 2021

Majority Leader Mike Shirkey
Democratic Leader Jim Ananich
Senator Jim Stamas
Senator Wayne Schmidt
P.O. Box 30036
Lansing, MI 48909-7536

Speaker Jason Wentworth
Democratic Leader Donna Lasinski
Representative Thomas Albert
Representative Brad Paquette
P.O. Box 30014
Lansing, MI 48909-7514

Dear Senators Shirkey, Ananich, Stamas, and Schmidt, and Representatives Wentworth, Lasinski, Albert, and Paquette:

I am writing to request legislative clarification of House Bill 4048, approved by the state legislature on March 4, 2021 and signed into law as P.A. 3 on March 9, 2021. Specifically, I write for clarification of Section 11r(4)(b), which reads in pertinent part:

By not later than March 22, 2021, excluding days that are part of a previously scheduled period of time for which the district is not in session, the district offers in-person instruction at least 20 hours each school week if the district's school week includes 5 school days or, if the district's school week does not include 5 school days, offers in-person instruction in an amount of hours necessary each school week to provide the instruction it would have provided in 20 hours for a 5-school-day school week to all pupils enrolled in the district, regardless of whether or not all pupils enrolled in the district participate in the in-person instruction offered.

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Upon our review and that of many districts following the law's enactment, this section appears ambiguous for the 215 traditional school districts and public school academies that could qualify for these funds and for the Michigan Department of Education (MDE) to enforce the law in its current construction.

To address this ambiguity and help school districts better understand the parameters by which they can receive these badly needed funds, answers to the following questions, through legislative amendment, are required to provide MDE and by extension local school districts with the requisite guidance to enforce and to comply with the law, respectively.

(1) If a district offers 20 hours of in-person instruction or more a week for some grades and not others (for example, in grades K-5, but not in grades 6-12), what is the consequence: that the district gets none of the funding in the section, or funding only for the grades in question? If the latter, is the apportionment by percentage of grades (6/13) or by the percentage of students offered in-person instruction (those students in grades K-5 over all students in all grades)?

(2) If a district offers 20 hours of in-person instruction or more a week for all students, but does so beginning at a later date than March 22, does the district completely forego the funding in this section, or does it become available to the district once the district offers 20 hours of in-person instruction for all students?

(3) If the latter is the case in (2) above, is the funding pro-rated for the percentage of weeks through the end of the year that the district has offered 20 hours of in-person instruction or more a week to its students?

(4) If the latter is the case in (2) above, but the funding isn't pro-rated for the percentage of weeks through the end of the year that the district has offered 20 hours of in-person instruction or more a week to its students, does the funding become available to the district in its entirety once the district offers 20 hours of in-person instruction or more a week to its students?

MDE legislative liaison Dr. Sheryl Kennedy has reached out to subcommittee and appropriation committee chairs for clarity associated with the 20-hour requirement but has yet to receive a response.

Since before the beginning of the school year, I have called on districts to offer an option of in-person instruction. To lessen the confusion and to implement this section of law with fidelity, I urge you to clarify promptly—in a legislative amendment—the intent of the legislature relative to the questions posed above.

Public Act 3 of 2021

Page 3

March 16, 2021

Thank you for your consideration of this urgent issue. Department staff and I would be happy to work immediately and directly with legislators and legislative staff on language to rectify this issue.

Sincerely,

A handwritten signature in black ink that reads "Michael F. Rice". The signature is written in a cursive, flowing style.

Michael F. Rice, Ph.D.

State Superintendent

cc: State Board of Education
Governor Gretchen Whitmer
Jen Flood
David Massaron
Beth Bullion
Bethany Wicksall
Brandy Johnson
Michigan Education Alliance