



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

MEMORANDUM

DATE: March 26, 2021

TO: Local and Intermediate School District Superintendents
Public School Academy Directors

FROM: William A. Pearson, Ed.D., Interim Deputy Superintendent
Division of Educator, Student, and School Supports *WAP*
Kyle L. Guerrant, Deputy Superintendent *KG*
Division of Finance and Operations

SUBJECT: Public Act 3 of 2021 – Funding for Summer Programming, Credit Recovery,
and Before- and After-School Programming - MEMO #COVID-19-172

On March 9, 2021, Governor Gretchen Whitmer signed into law Public Act 3 of 2021. Section 23b of the act ([MCL 388.1623b](#)) appropriates \$152.4 million in federal funding for summer programming, credit recovery, and before- and after-school programming as part of the Elementary and Secondary School Emergency Relief (ESSER) II Fund. In addition, \$10 million in state aid funding was appropriated for innovative summer programming or credit recovery programs. This memorandum will outline the components of each subsection, the funding amount, and conclude with a link to the application.

To be eligible for funding in section 23b, local education agencies (LEAs), both traditional public school districts and public school academies (PSAs), as well as intermediate school districts (ISDs) must submit an application to Michigan Department of Education (MDE) no later than **Thursday, April 15, 2021**. Eligible entities must include the following in their application:

- A pledge to provide COVID-19 remediation services to eligible pupils.
- A COVID-19 remediation services plan that addresses requirements for each funded program as outlined below.

Summer Programming

In section 23b(2)(a), there is \$90 million in federal funding allocated for grades K-8 summer programs that are offered as part of COVID-19 remediation services. For COVID-19 remediation services that include a summer program, all of the following must be included in the application:

- A description of the summer program.
- The number of potential eligible pupils who will enroll or the number of eligible pupils enrolled in the summer program.

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- An estimate of costs for the preparation and implementation of the summer program.
- A statement indicating whether the LEA or ISD is requesting that the summer program be designated as innovative under subsection 23b(11) to receive additional funding in 23b(2)(d). LEAs and ISDs must also include reasons why the program is innovative. MDE's innovation council will review applications and determine if the program is innovative and eligible for additional funding.
- Information concerning whether the LEA or ISD intends to contract for services as part of its COVID-19 summer remediation programming.

An approved summer program is eligible to receive \$550 for each pupil enrolled in the COVID-19 remediation program.

A summer program is defined in this section as an educational program that meets at least all of the following:

- Is offered to pupils enrolled in any of grades K-8 in the 2020-21 school year.
- Is offered at any point after June 1, 2021 and before September 1, 2021.
- Is an 8-week program ("week" means a period beginning on Monday and ending on the following Friday).
- Is provided to pupils in-person at a school.
- Is a program that was developed based on the input of teachers and that is teacher led.
- Includes programming in core subject areas, including, but not limited to, mathematics, reading, and science.

Credit Recovery

In section 23b(2)(b), there is \$45 million in federal funding allocated for credit recovery for students in grades 9-12. For COVID-19 remediation services that include a credit recovery program, all of the following must be included in the application:

- A description of the credit recovery program.
- The number of potential eligible pupils who will enroll or the number of eligible pupils enrolled in the credit recovery program.
- An estimate of costs for the preparation and implementation of the credit recovery program.
- A statement indicating whether the LEA or ISD is requesting that the credit recovery program be designated as innovative under subsection 23b(11) to receive additional funding in 23b(2)(d). LEAs and ISDs must also include reasons why the program is innovative. MDE's innovation council will review applications and determine if the program is innovative and eligible for additional funding.
- Information concerning whether the LEA or ISD intends to contract for services as part of its COVID-19 remediation services.

An approved credit recovery program is eligible to receive \$550 for each pupil enrolled in the district's COVID-19 remediation program.

A credit recovery program is defined in this section as an educational program that meets at least all of the following:

- Is offered to pupils enrolled in grades 9-12 during the 2020-21 school year.
- Provides educational remediation to pupils.
- Is offered in-person, online, digitally, by other remote means in a synchronous or asynchronous format, or through any combination of these.
- Is a program that was developed based on the input of teachers and is teacher led.

Before- and After-School Programming

In section 23b(2)(c), there is \$17.4 million in federal funding allocated for before-school, after-school, or before- and after-school programs. For participation in a program offered as part of COVID-19 remediation services, both of the following apply:

- In the 2020-21 school year, the child was enrolled in any of grades K-12 in the eligible LEA or ISD, or a constituent district of the ISD that provides the before-school, after-school, or before- and after-school program.
- The LEA or ISD, or a constituent district of an eligible ISD in which the child was enrolled as described in sub-subparagraph (A), has determined that the child is eligible for enrollment in the eligible LEA's or eligible ISD's before-school, after-school, or before- and after-school program.

All of the following must be included in the application for before-school, after-school, or before- and after-school program:

- A description of the before-school, after-school, or before- and after-school program.
- The number of potential pupils who will enroll or the number of eligible pupils enrolled in the before-school, after-school, or before- and after-school program.
- An estimate of costs for the preparation and implementation of the before-school, after-school, or before- and after-school program.
- Assurance that the before-school, after-school, or before- and after-school program is designed to emphasize remediation for eligible pupils.
- Information concerning whether the LEA or ISD intends to contract for services as part of its COVID-19 remediation services.

An LEA or ISD that receives approval for before-school, after-school, or before- and after-school programs will receive up to \$25,000 to each LEA or ISD as part of its COVID-19 remediation program. Section 23b(8) requires MDE to prioritize funding for before-school, after-school, and before- and after-school programs in the following manner:

- The highest number of pupils who, based on the application for funding, will enroll or are enrolled in the program.
- The largest program.
- The highest amount of costs for the program.

Innovative Summer and Credit Recovery Programming

In Section 23b(2)(d), there is an additional \$10 million in state school aid funding allocated for innovative summer and credit recovery programming. An LEA or ISD may request in its application that its summer and credit recovery program be designated as innovative to receive additional funding under 23(2)(d). Included in the application, LEAs and ISDs will provide reasons why their programs should be designated as innovative. MDE's innovation council will review applications and determine if the program is innovative and eligible for additional funding. A program that is designated as innovative may include, without limitation, one or more of the following:

- Community-based projects
- Integrated kinesthetic or cognitive growth programs
- STEM-based programs
- Outdoor or adventure-based programs
- Any programs that integrate public and private partnerships

Additional examples of innovative programs may include, but are not limited to:

- Robotics and coding
- Project-based learning
- Small class-size personalized learning
- Credit recovery personalized for each student
- Summer programs that combine physical activity and social-emotional learning
- Theater (public speaking, reading, and design)
- Edventures through partnerships with universities and community colleges

If the summer or credit recovery program is designated as innovative by the innovation council, the district is eligible to receive an additional \$100 for each pupil enrolled in the COVID-19 remediation program.

Applications, Deadlines, and Payment

To be eligible for funding outlined in this memorandum, applications must be submitted to MDE by **Thursday, April 15, 2021**.

In an effort to simplify the application processes, MDE has included applications for section 23b and spending plans in section 11r (MCL 388.1611r), with the submission of the monthly extended COVID-19 learning plans. The applications will **open on Tuesday, March 30, 2021** at the following link:

<https://mdoe.state.mi.us/GEMS/public/QuestionnaireHome.aspx?code=i7c9tdfo>

As required in section 23b(12), MDE will make payments to eligible LEAs and ISDs no later than **May 20, 2021**. If funds allocated for summer programming, credit recovery, and innovative programming are not able to fully fund each request, the department will prorate an equal dollar amount per eligible pupil. Additionally, if funds allocated for before-school, after-school, or before- and after-school programs are not able to fully fund each request, the department will prorate an equal amount to each LEA or ISD.

During the application process, LEAs and ISDs will submit an *estimated* number of pupils expected to enroll in its summer program, credit recovery program, and before-school and after-school program. LEAs and ISDs will then need to submit to MDE the *actual* number of pupils enrolled in its programs by **June 15, 2021**. If overpayment of funds occurs based on the actual pupil count, the LEA or ISD will be required to refund to the state the amount of the overpayment. Additional information regarding the reporting of 23b pupil counts will occur in a future memorandum.

For questions regarding the 23b application, please email mde-gems@michigan.gov. Questions regarding the innovation council and innovative programming may be directed to Brian Ciloski at ciloskib@michigan.gov.

Additional information

It is understood that LEAs and ISDs may have questions around summer programming requirements associated with obtaining the 23b funding (MCL 388.1623b). Although this list is not a comprehensive list of questions, the following have been collected to date and the answers are provided:

For summer school, will MDE define what a school day is for it to be eligible for the funding?

Although section 23b does not specify hour, day, or attendance requirements for these summer programs, it does clearly state that a summer program is an 8-week program with a week defined as starting on Monday and ending on the following Friday.

Can the summer school be held cooperatively with a third-party provider?

In section 23b, there is nothing that would restrict use of third-party vendors for providing summer programs associated with these funds.

Does the teacher of the summer program need to be certified in all subjects being covered during this time?

Certification and placement rules apply to all summer programming. Districts may obtain permits for placement. Specific questions should be directed to MDE's Office of Educator Excellence at MDE-EducatorHelp@michigan.gov.

Will districts be able to take an indirect fee for the administration, food service, custodial, organizational supports, and/or disciplinary supports (if needed)?

ESSER federal funding, including the discretionary amount, is subject to the unrestricted indirect rate identified for the local education agency. State funds do not have an associated indirect rate.

What effect does an Individualized Education Program (IEP) have on this effort for students?

Any IEP should be fully adhered to, and in accordance with, the parameters set forth in the IEP.

cc: Michigan Education Alliance
Confederation of Michigan Tribal Education Directors