

HOUSE BILL No. 5816

July 13, 1988, Introduced by Rep. Sitz and referred to the Committee on Education.

A bill to amend section 101 of Act No. 94 of the Public Acts of 1979, entitled

"The state school aid act of 1979,"

as amended by Act No. 298 of the Public Acts of 1986, being section 388.1701 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 101 of Act No. 94 of the Public Acts of
2 1979, as amended by Act No. 298 of the Public Acts of 1986, being
3 section 388.1701 of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 101. (1) To be eligible to receive state aid under
6 this act, not later than the third Friday following the pupil
7 membership count day, each district superintendent through the
8 secretary of the district's board shall file with the
9 intermediate superintendent a certified and sworn copy of the

1 district's enrollment for the current school year. In addition,
2 a district maintaining school during the entire year, as provided
3 under section 1561 of the school code of 1976, shall file with
4 the intermediate superintendent a certified and sworn copy of the
5 enrollment for the current school year pursuant to rules promul-
6 gated by the state board. In case of failure to file the sworn
7 and certified copy not later than the third Friday following the
8 pupil membership count day or pursuant to rules promulgated by
9 the state board, state aid due to be distributed on December 1
10 under this act shall be withheld from the defaulting district. A
11 person who willfully falsifies a figure or statement in the cer-
12 tified and sworn copy of enrollment shall be punished in the
13 manner prescribed by the laws of this state.

14 (2) Each district shall provide a minimum of 180 days of
15 pupil instruction AS REQUIRED BY SECTION 1284 OF THE SCHOOL CODE
16 OF 1976. Except as provided in ~~subsections (6) and (7)~~
17 SUBSECTION (5), a district failing to hold 180 days of pupil
18 instruction shall forfeit 1/180 of its total state aid appropria-
19 tion for each day of failure. A district failing to comply with
20 rules promulgated by the state board, which rules establish the
21 minimum time pupil instruction is to be provided to pupils for
22 the regular school year, shall forfeit from its total state aid
23 allocation an amount determined by applying a ratio of the time
24 duration the district was in noncompliance in relation to the
25 minimum time pupil instruction is required. A district failing
26 to meet both the minimum 180 days of pupil instruction
27 requirement and the prescribed time of pupil instruction

1 requirement shall be penalized only the higher of the 2 amounts
2 calculated under the forfeiture provisions of this subsection.
3 Not later than August 1, the board of each district shall certify
4 to the department the number of days of pupil instruction in the
5 previous school year. If the district did not hold at least 180
6 days of pupil instruction, the deduction of state aid shall be
7 made in the following fiscal year from the first payment of state
8 school aid. Days lost because of strikes or teachers' confer-
9 ences shall not be counted as days of pupil instruction. A dis-
10 trict not having 70% of the district's membership in attendance
11 on any day shall receive state aid in that proportion of $1/180$
12 that the actual percent of attendance bears to 70%. The state
13 board shall promulgate rules for the implementation of this
14 subsection.

15 (3) The first ~~2~~ 5 days when pupil instruction is not pro-
16 vided because of conditions not within the control of school
17 authorities, such as severe storms, fires, epidemics, or health
18 conditions as defined by the city, county, or state health
19 authorities, shall be counted as days of pupil instruction.
20 Subsequent such days shall not be counted as days of pupil
21 instruction.

22 ~~(4) The language of subsection (3) that specifies when cer-~~
23 ~~tain days shall not be counted as days of pupil instruction does~~
24 ~~not apply to a district that has 1 or more collective bargaining~~
25 ~~agreements that obligate the district to provide compensation for~~
26 ~~those days not eligible to be counted as days of pupil~~
27 ~~instruction under that subsection. This exemption shall apply~~

~~1 for the duration of those agreements in effect on the effective
2 date of the amendatory act that adds this subsection. This sub
3 section does not apply after June 30, 1987.~~

4 (4) ~~-(5)-~~ A district shall not be allotted or paid a sum
5 under this act in a fiscal year if the department determines that
6 at the end of the preceding school fiscal year the amount of
7 funds on hand in the district available for the payment of the
8 operation cost in the district exceeded the amount of money
9 expended for operation cost in the district during the preceding
10 school fiscal year.

11 (5) ~~-(6)-~~ A district shall not forfeit part of its state aid
12 appropriation if it adopts or has in existence an alternative
13 scheduling program for pupils in kindergarten, which program is
14 approved by the state board.