

HOUSE BILL No. 5790

April 30, 1992, Introduced by Rep. Keith and referred to the Committee on Education.

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

"The state school aid act of 1979,"

as amended by Act No. 118 of the Public Acts of 1991, 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. 118 of the Public Acts of 1991, 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, being
4 section 380.1561 of the Michigan Compiled Laws, shall file with
5 the intermediate superintendent a certified and sworn copy of the
6 enrollment for the current school year pursuant to rules promul-
7 gated by the state board. In case of failure to file the sworn
8 and certified copy not later than the third Friday following the
9 pupil membership count day or pursuant to rules promulgated by
10 the state board, state aid due to be distributed on December 1
11 under this act shall be withheld from the defaulting district. A
12 person who willfully falsifies a figure or statement in the cer-
13 tified and sworn copy of enrollment shall be punished in the
14 manner prescribed by the laws of this state.

15 (2) Each district shall provide a minimum of 180 FULL days
16 of pupil instruction. Except as provided in subsections (3),
17 (5), and (6), a district failing to hold 180 FULL 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 FULL days of pupil instruction, the deduction of state aid shall
7 be made in the following fiscal year from the first payment of
8 state school aid. Days lost because of strikes or teachers' con-
9 ferences shall not be counted as days of pupil instruction. A
10 district not having the specified percentage of the district's
11 membership in attendance on any day shall receive state aid in
12 that proportion of 1/180 that the actual percent of attendance
13 bears to the specified percentage. The specified percentage to
14 be used for this requirement shall be 70% for 1991-92 and 75% for
15 each subsequent state fiscal year. The state board shall promul-
16 gate rules for the implementation of this subsection. AS USED IN
17 THIS SUBSECTION, "FULL DAY" MEANS THE COMPLETE AMOUNT OF TIME THE
18 DISTRICT NORMALLY SCHEDULES FOR PUPILS TO MEET WITH TEACHERS IN A
19 SCHOOL DAY, WHICH MAY VARY BY GRADE LEVEL, OR ITS EQUIVALENT IN
20 PARTIAL DAYS OF PUPIL INSTRUCTION.

21 (3) The first 2 days when pupil instruction is not provided
22 because of conditions not within the control of school authori-
23 ties, such as severe storms, fires, epidemics, or health condi-
24 tions as defined by the city, county, or state health authori-
25 ties, shall be counted as days of pupil instruction. Subsequent
26 such days shall not be counted as days of pupil instruction.

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

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

12 (6) For 1991-92 only, the state board may waive the 180-day
13 requirement of subsection (2) for a district if the district has
14 adopted an experimental school year schedule in 1 or more build-
15 ings in the district if the experimental school year schedule
16 provides 900 or more hours of pupil instruction and is consistent
17 with all state board policies on school improvement and
18 restructuring. If a district applies for and receives a waiver
19 under this subsection and complies with the terms of the waiver,
20 the district is not subject to forfeiture of part of its state
21 aid allocation for the specific building or program covered by
22 the waiver. A district that receives a waiver under this subsec-
23 tion in 1 fiscal year is not eligible for a waiver under this
24 subsection in a subsequent fiscal year.