

SENATE BILL No. 772

February 26, 1992, Introduced by Senator BOUCHARD 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~~ 200 days
16 of pupil instruction. Except as provided in subsections (3),
17 (5), and (6), a district failing to hold ~~180~~ 200 days of pupil
18 instruction shall forfeit ~~1/180~~ 1/200 of its total state aid
19 ~~appropriation~~ ALLOCATION for each day of failure. A district
20 failing to comply with rules promulgated by the state board,
21 which rules establish the minimum time pupil instruction is to be
22 provided to pupils for the regular school year, shall forfeit
23 from its total state aid allocation an amount determined by
24 applying a ratio of the time duration the district was in noncom-
25 pliance in relation to the minimum time pupil instruction is
26 required. A district failing to meet both the minimum ~~180~~ 200
27 days of pupil instruction requirement and the prescribed time of

1 pupil instruction requirement shall be penalized only the higher
2 of the 2 amounts calculated under the forfeiture provisions of
3 this subsection. Not later than August 1 OF EACH YEAR, the board
4 of each district shall certify to the department the number of
5 days of pupil instruction in the ~~previous~~ IMMEDIATELY PRECEDING
6 school year. If the district did not hold at least ~~180~~ 200
7 days of pupil instruction, the deduction of state aid shall be
8 made in the following fiscal year from the first payment of state
9 school aid. Days lost because of strikes or teachers' confer-
10 ences shall not be counted as days of pupil instruction. A dis-
11 trict not having the specified percentage of the district's mem-
12 bership in attendance on any day shall receive state aid in that
13 proportion of ~~1/180~~ 1/200 that the actual percent of attendance
14 bears to the specified percentage. The specified percentage to
15 be used for this requirement shall be 70% for 1991-92 and 75% for
16 each subsequent state fiscal year. The state board shall promul-
17 gate rules for the implementation of this subsection.

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

24 (4) A district shall not be allotted or paid a sum under
25 this act in a fiscal year if the department determines that at
26 the end of the preceding school fiscal year the amount of funds
27 on hand in the district available for the payment of the

1 operation cost in the district exceeded the amount of money
2 expended for operation cost in the district during the preceding
3 school fiscal year.

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

8 (6) For 1991-92 only, the state board may waive the
9 ~~180-day~~ MINIMUM DAYS OF PUPIL INSTRUCTION requirement of sub-
10 section (2) for a district if the district has adopted an experi-
11 mental school year schedule in 1 or more buildings in the dis-
12 trict if the experimental school year schedule provides 900 or
13 more hours of pupil instruction and is consistent with all state
14 board policies on school improvement and restructuring. If a
15 district applies for and receives a waiver under this subsection
16 and complies with the terms of the waiver, the district is not
17 subject to forfeiture of part of its state aid allocation for the
18 specific building or program covered by the waiver. A district
19 that receives a waiver under this subsection in 1 fiscal year is
20 not eligible for a waiver under this subsection in a subsequent
21 fiscal year.

22 Section 2. This amendatory act shall not take effect unless
23 House Bill No. 5532

24 of the 86th Legislature is enacted into law.