

SENATE BILL No. 865

April 28, 1992, Introduced by Senators DILLINGHAM and
WARTNER 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, ACT NO. 451 OF THE
4 PUBLIC ACTS OF 1976, being section 380.1561 of the Michigan
5 Compiled Laws, shall file with the intermediate superintendent a
6 certified and sworn copy of the enrollment for the current school
7 year pursuant to rules promulgated by the state board. In case
8 of failure to file the sworn and certified copy not later than
9 the third Friday following the pupil membership count day or pur-
10 suant to rules promulgated by the state board, state aid due to
11 be distributed on December 1 under this act shall be withheld
12 from the defaulting district. A person who willfully falsifies a
13 figure or statement in the certified and sworn copy of enrollment
14 shall be punished in the manner prescribed by the laws of this
15 state.

16 (2) Each district shall provide a minimum of 180 days of
17 pupil instruction. Except as provided in subsections (3), (5),
18 ~~and~~ (6), AND (7), a district failing to hold 180 days of pupil
19 instruction shall forfeit 1/180 of its total state aid appropria-
20 tion for each day of failure. A district failing to comply with
21 rules promulgated by the state board, which rules establish the
22 minimum time pupil instruction is to be provided to pupils for
23 the regular school year, shall forfeit from its total state aid
24 allocation an amount determined by applying a ratio of the time
25 duration the district was in noncompliance in relation to the
26 minimum time pupil instruction is required. A district failing
27 to meet both the minimum 180 days of pupil instruction

1 requirement and the prescribed time of pupil instruction
2 requirement shall be penalized only the higher of the 2 amounts
3 calculated under the forfeiture provisions of this subsection.
4 Not later than August 1, the board of each district shall certify
5 to the department the number of days of pupil instruction in the
6 previous school year. If the district did not hold at least 180
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 that the actual percent of attendance bears
14 to the specified percentage. The specified percentage to be used
15 for this requirement shall be 70% for 1991-92 and 75% for each
16 subsequent state fiscal year. The state board shall promulgate
17 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 180-day
9 requirement of subsection (2) for a district if the district has
10 adopted an experimental school year schedule in 1 or more build-
11 ings in the district if the experimental school year schedule
12 provides 900 or more hours of pupil instruction and is consistent
13 with all state board policies on school improvement and
14 restructuring. If a district applies for and receives a waiver
15 under this subsection and complies with the terms of the waiver,
16 the district is not subject to forfeiture of part of its state
17 aid allocation for the specific building or program covered by
18 the waiver. A district that receives a waiver under this subsec-
19 tion in 1 fiscal year is not eligible for a waiver under this
20 subsection in a subsequent fiscal year.

21 (7) FOR 1991-92 ONLY, A DISTRICT SHALL NOT FORFEIT PART OF
22 ITS STATE AID FOR FAILURE TO MEET THE 180-DAY REQUIREMENT UNDER
23 SUBSECTION (2) IF A SCHOOL BUILDING IN THE DISTRICT IS DAMAGED BY
24 A FIRE DURING THE 1991-92 SCHOOL YEAR; IF THE DISTRICT PROVIDES A
25 MINIMUM OF 176 DAYS OF PUPIL INSTRUCTION, INCLUDING DAYS COUNTED
26 AS PUPIL INSTRUCTION UNDER SUBSECTION (3), FOR THE PUPILS OF THE
27 SCHOOL BUILDING DAMAGED BY THE FIRE; AND IF THE DISTRICT MEETS

1 THE 180-DAY REQUIREMENT AT ALL OTHER SCHOOL BUILDINGS IN THE
2 DISTRICT.