



# HOUSE BILL No. 5218

November 18, 1993, Introduced by Reps. Jaye, Goschka and Cropsey and referred to the Committee on Labor.

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. 148 of the Public Acts of 1992, 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. 148 of the Public Acts of 1992, 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 30 calendar days after the  
9 pupil membership count day or pursuant to rules promulgated by  
10 the state board, state aid due to be distributed on December 15  
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 days of  
16 pupil instruction. Except as OTHERWISE provided in ~~subsections~~  
17 ~~(3) and (5)~~ THIS SECTION, a district failing to hold 180 days of  
18 pupil instruction shall forfeit 1/180 of its total state aid  
19 appropriation for each day of failure. A district failing to  
20 comply with rules promulgated by the state board, which rules  
21 establish the minimum time pupil instruction is to be provided to  
22 pupils for the regular school year, shall forfeit from its total  
23 state aid allocation an amount determined by applying a ratio of  
24 the time duration the district was in noncompliance in relation  
25 to the minimum time pupil instruction is required. A district  
26 failing 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 the specified percentage of the district's mem-  
11 bership in attendance on any day shall receive state aid in that  
12 proportion of  $1/180$  that the actual percent of attendance bears  
13 to the specified percentage. The specified percentage to be used  
14 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.

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

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

1 expended for operation cost in the district during the preceding  
2 school fiscal year.

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

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

19       (7) IN ORDER TO RECEIVE ANY FUNDS UNDER THIS ACT, IF THERE  
20 IS A TEACHER STRIKE IN A DISTRICT THAT OCCURS ON OR AFTER THE  
21 SCHEDULED STARTING DATE FOR THE DISTRICT'S SCHOOL YEAR, AS ESTAB-  
22 LISHED PURSUANT TO SECTION 1284 OF THE SCHOOL CODE OF 1976, BEING  
23 SECTION 380.1284 OF THE MICHIGAN COMPILED LAWS, THE DISTRICT  
24 SHALL ENSURE THAT THE MINIMUM 180 DAYS AND 900 HOURS OF PUPIL  
25 INSTRUCTION IS PROVIDED ACCORDING TO THE SCHOOL YEAR SCHEDULE  
26 ADOPTED BY THE BOARD OF THE DISTRICT UNDER SECTION 1284 OF THE

1 SCHOOL CODE OF 1976 BY HIRING SUBSTITUTE TEACHERS TO PROVIDE THE  
2 NECESSARY INSTRUCTION.