



SENATE BILL No. 171

January 26, 1993, 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. 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 FULL days
16 of pupil instruction. Except as provided in subsections (3) and
17 (5), a district failing to hold 180 FULL days of pupil instruc-
18 tion shall forfeit 1/180 of its total state aid appropriation for
19 each day of failure. A district failing to comply with rules
20 promulgated by the state board, which rules establish the minimum
21 time pupil instruction is to be provided to pupils for the regu-
22 lar school year, shall forfeit from its total state aid alloca-
23 tion an amount determined by applying a ratio of the time dura-
24 tion the district was in noncompliance in relation to the minimum
25 time pupil instruction is required. A district failing to meet
26 both the minimum 180 FULL days of pupil instruction requirement
27 and the prescribed time of pupil instruction requirement shall be

1 penalized only the higher of the 2 amounts calculated under the
2 forfeiture provisions of this subsection. Not later than August
3 1, the board of each district shall certify to the department the
4 number of FULL days of pupil instruction in the previous school
5 year. If the district did not hold at least 180 FULL days of
6 pupil instruction, the deduction of state aid shall be made in
7 the following fiscal year from the first payment of state school
8 aid. Days lost because of strikes or teachers' conferences shall
9 not be counted as days of pupil instruction. A district not
10 having the specified percentage of the district's membership in
11 attendance on any day shall receive state aid in that proportion
12 of 1/180 that the actual percent of attendance bears to the spec-
13 ified percentage. The specified percentage to be used for this
14 requirement shall be 70% for 1991-92 and 75% for each subsequent
15 state fiscal year. The state board shall promulgate rules for
16 the implementation of this subsection. AS USED IN THIS SUBSEC-
17 TION, "FULL DAY" MEANS THE COMPLETE AMOUNT OF TIME THE DISTRICT
18 NORMALLY SCHEDULES FOR PUPILS TO MEET WITH TEACHERS IN A SCHOOL
19 DAY, WHICH MAY VARY BY GRADE LEVEL, OR ITS EQUIVALENT IN PARTIAL
20 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) Upon application by the district for a particular fiscal
13 year, the state board may waive the 180-day requirement of sub-
14 section (2) for a district if the district has adopted an experi-
15 mental school year schedule in 1 or more buildings in the dis-
16 trict if the experimental school year schedule provides 900 or
17 more hours of pupil instruction and is consistent with all state
18 board policies on school improvement and restructuring. If a
19 district applies for and receives a waiver under this subsection
20 and complies with the terms of the waiver, for the fiscal year
21 covered by the waiver the district is not subject to forfeiture
22 of part of its state aid allocation for the specific building or
23 program covered by the waiver.