



HOUSE BILL No. 5057

September 19, 1995, Introduced by Reps. Profit, Agee, Brater, Schroer and Baird and referred to the Committee on Education.

A bill to amend section 31a 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. 130 of the Public Acts of 1995, being section 388.1631a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 31a of Act No. 94 of the Public Acts of
2 1979, as amended by Act No. 130 of the Public Acts of 1995, being
3 section 388.1631a of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 31a. (1) From the appropriation in section 11, there
6 is allocated for 1995-96 an amount not to exceed \$230,000,000.00
7 for payments to eligible districts and eligible applicant public
8 school academies under this section. Beginning in 1995-96,
9 subject to subsection (11), the amount of the additional

1 allowance under this section shall be based on the number of
2 actual pupils in membership in the district or public school
3 academy who met the income eligibility criteria for free break-
4 fast, lunch, or milk in the immediately preceding fiscal year, as
5 determined under the national school lunch act, chapter 281,
6 60 Stat. 230, 42 U.S.C. 1751 to 1753, 1755 to 1761, 1762a, 1765
7 to 1766b, and 1769 to 1769h, and reported to the department by
8 December 31 of the immediately preceding fiscal year.

9 (2) To be eligible to receive funding under this section, a
10 public school academy shall apply to the department, in a form
11 and manner prescribed by the department, and a district or public
12 school academy must meet all of the following:

13 (a) The district's or public school academy's combined state
14 and local revenue per membership pupil in the 1995-96 state
15 fiscal year, as calculated under section 20, is less than
16 \$6,500.00, as adjusted by the index calculated under
17 section 20(2).

18 (b) The district or public school academy agrees to use the
19 funding only for purposes allowed under this section and to
20 comply with the program and accountability requirements under
21 this section.

22 (3) An eligible district or eligible public school academy
23 shall receive under this section for each membership pupil in the
24 district or public school academy who met the income eligibility
25 criteria for free breakfast, lunch, or milk, as determined under
26 the national school lunch act and as reported to the department
27 by October 31 of the immediately preceding fiscal year and

1 adjusted not later than December 31 of the immediately preceding
2 fiscal year, an amount per pupil equal to 11.5% of the district's
3 foundation allowance or of the public school academy's per mem-
4 bership pupil allocation under section 20 for the current state
5 fiscal year.

6 (4) Subject to subsections (8) and (9), a district or public
7 school academy receiving funding under this section shall use
8 that money only to provide instructional programs and direct non-
9 instructional services, including, but not limited to, medical or
10 counseling services, for at-risk pupils and for the purposes of
11 subsection (5) and shall not use any of that money for adminis-
12 trative costs or to supplant funds, except for funds allocated to
13 the district or public school academy under this section in the
14 immediately preceding year and already being used by the district
15 or public school academy for at-risk pupils. The instruction or
16 direct noninstructional services provided under this section may
17 be conducted before or after regular school hours or by adding
18 extra school days to the school year and may be conducted using a
19 tutorial method, with paraprofessionals working under the super-
20 vision of a certificated teacher. The ratio of pupils to para-
21 professionals shall be between 10:1 and 15:1. Only 1 certifi-
22 cated teacher is required to supervise instruction using a tuto-
23 rial method.

24 (5) A district or public school academy that receives funds
25 under this section and that operates a school breakfast program
26 under section 1272a of the school code of 1976, being
27 section 380.1272a of the Michigan Compiled Laws, shall use from

1 those funds an amount, not to exceed \$10.00 per pupil for whom
2 the district or public school academy receives funds under this
3 section, necessary to operate the school breakfast program.

4 (6) In order to provide accountability for the program
5 funded under this section, the superintendent of a district or
6 chief executive of a public school academy shall submit to the
7 department, in a succinct form and manner prescribed by the
8 department, a written assurance of the district's or public
9 school academy's compliance with all provisions of this section
10 by May 20 of the current fiscal year. If a district or public
11 school academy does not comply with this subsection, the depart-
12 ment shall withhold an amount equal to the June payment due under
13 this section until the district or public school academy complies
14 with this subsection. If the district or public school academy
15 does not comply with this subsection by the end of the state
16 fiscal year, the withheld funds shall be forfeited to the school
17 aid fund.

18 (7) In order to receive funds under this section, a district
19 or public school academy shall allow access for the department or
20 the department's designee to audit all records related to the
21 program for which it receives those funds. The district or
22 public school academy shall reimburse the state for all disallow-
23 ances found in the audit.

24 (8) Subject to subsection (5), any district may use up to
25 100% of the funds it receives under this section to reduce the
26 ratio of pupils to teachers in grades K-6, or any combination of
27 those grades, in school buildings in which the percentage of

1 pupils described in subsection (1) exceeds the district's
2 aggregate percentage of those pupils. Subject to subsection (5),
3 if a district obtains a waiver from the department, the district
4 may use up to 100% of the funds it receives under this section to
5 reduce the ratio of pupils to teachers in grades K-6, or any com-
6 bination of those grades, in school buildings in which the per-
7 centage of pupils described in subsection (1) is at least 60% of
8 the district's aggregate percentage of those pupils and at least
9 35% of the total number of pupils enrolled in the school
10 building. To obtain a waiver, a district must apply to the
11 department and demonstrate to the satisfaction of the department
12 that the class size reductions would be in the best interests of
13 the district's at-risk pupils.

14 (9) As a pilot project for a period of 3 fiscal years, a
15 district that is located in a county with a population of more
16 than 350,000 and less than 480,000 and that has more than 10,000
17 pupils in membership shall expend funds received under this sec-
18 tion, other than the amount described in subsection (5), attrib-
19 utable to pupils enrolled in grades K-3 for the purpose of reduc-
20 ing class size in grades K-3 in the district to an average of not
21 more than 17 pupils per class, with not more than 19 pupils in
22 any particular class, in each school building in the district in
23 which pupils described in subsection (1) constitute a specified
24 percentage of the total number of pupils in the building. That
25 specified percentage is as follows:

26 (a) For the 1994-95 school year, 59%.

1 (b) For the 1995-96 school year, 50%.

2 (c) For the 1996-97 school year, 25%.

3 (10) If necessary, and before any proration required under
4 section 11, the department shall prorate payments under this sec-
5 tion by reducing the amount of the per pupil payment under this
6 section by a dollar amount calculated by determining the amount
7 by which the amount necessary to fully fund the requirements of
8 this section exceeds the maximum amount allocated under this sec-
9 tion and then dividing that amount by the total statewide number
10 of pupils who met the income eligibility criteria for free break-
11 fast, lunch, or milk in the immediately preceding fiscal year, as
12 described in subsection (1).

13 (11) If a district is formed by consolidation after June 1,
14 1995, and if 1 or more of the original districts was not eligible
15 before the consolidation for an additional allowance under this
16 section, the amount of the additional allowance under this sec-
17 tion for the consolidated district shall be based on the number
18 of pupils described in subsection (1) enrolled in the consoli-
19 dated district who reside in the territory of an original dis-
20 trict that was eligible before the consolidation for an addi-
21 tional allowance under this section.

22 (12) As used in this section, "at-risk pupil" means a pupil
23 for whom the district has documentation that the pupil meets at
24 least ~~2~~ 1 of the following criteria: is a victim of child
25 abuse or neglect; is below grade level in English language and
26 communication skills or mathematics; IS LEARNING DISABLED; IS
27 BILINGUAL; is a pregnant teenager or teenage parent; is eligible

1 for a federal free or reduced-price lunch subsidy; has atypical
2 behavior or attendance patterns; or has a family history of
3 school failure, incarceration, or substance abuse. For pupils
4 for whom the results of at least the applicable MEAP test have
5 been received, at-risk pupil also includes a pupil who does not
6 meet the other criteria under this subsection but who did not
7 achieve at least a score of moderate on the most recent MEAP
8 reading test for which results for the pupil have been received,
9 did not achieve at least a score of moderate on the most recent
10 MEAP mathematics test for which results for the pupil have been
11 received, or achieved less than 50% of the objectives on the most
12 recent MEAP science test for which results for the pupil have
13 been received.