

**SUBSTITUTE FOR
SENATE BILL NO. 1111**

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
by amending section 101 (MCL 388.1701), as amended by 1997 PA
142.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 101. (1) To be eligible to receive state aid under
2 this act, not later than the fifth Wednesday after the pupil mem-
3 bership count day and not later than the fifth Wednesday after
4 the supplemental count day, each district superintendent through
5 the secretary of the district's board shall file with the inter-
6 mediate superintendent a certified and sworn copy of the number
7 of pupils enrolled and in regular daily attendance in the dis-
8 trict as of the pupil membership count day and as of the
9 supplemental count day, as applicable, for the current school
10 year. In addition, a district maintaining school during the

SB 1111, As Passed Senate, May 27, 1998

Senate Bill No. 1111

2

1 entire year, as provided under section 1561 of the revised school
2 code, MCL 380.1561, shall file with the intermediate superinten-
3 dent a certified and sworn copy of the number of pupils enrolled
4 and in regular daily attendance in the district for the current
5 school year pursuant to rules promulgated by the ~~state board~~
6 DEPARTMENT. Not later than the seventh Wednesday after the pupil
7 membership count day and not later than the seventh Wednesday
8 after the supplemental count day, the intermediate district shall
9 transmit to the department the data filed by each of its constit-
10 uent districts. If a district fails to file the sworn and certi-
11 fied copy with the intermediate superintendent in a timely
12 manner, as required under this subsection, the intermediate dis-
13 trict shall notify the department and state aid due to be dis-
14 tributed under this act shall be withheld from the defaulting
15 district immediately, beginning with the next payment after the
16 failure and continuing with each payment until the district com-
17 plies with this subsection. If an intermediate district fails to
18 transmit the data in its possession in a timely and accurate
19 manner to the department, as required under this subsection,
20 state aid due to be distributed under this act shall be withheld
21 from the defaulting intermediate district immediately, beginning
22 with the next payment after the failure and continuing with each
23 payment until the intermediate district complies with this
24 subsection. If a district or intermediate district does not
25 comply with this subsection by the end of the fiscal year, the
26 district or intermediate district forfeits the amount withheld.
27 A person who willfully falsifies a figure or statement in the

SB 1111, As Passed Senate, May 27, 1998

Senate Bill No. 1111

3

1 certified and sworn copy of enrollment shall be punished in the
2 manner prescribed by section 161.

3 (2) To be eligible to receive state aid under this act, not
4 later than the twenty-fourth Wednesday after the pupil membership
5 count day and not later than the twenty-fourth Wednesday after
6 the supplemental count day, an intermediate district shall submit
7 to the department, in a form and manner prescribed by the depart-
8 ment, the audited enrollment and attendance data for the pupils
9 of its constituent districts and of the intermediate district.
10 If an intermediate district fails to transmit the audited data as
11 required under this subsection, state aid due to be distributed
12 under this act shall be withheld from the defaulting intermediate
13 district immediately, beginning with the next payment after the
14 failure and continuing with each payment until the intermediate
15 district complies with this subsection. If an intermediate dis-
16 trict does not comply with this subsection by the end of the
17 fiscal year, the intermediate district forfeits the amount
18 withheld.

19 (3) Each district shall provide the required minimum number
20 of days and hours of pupil instruction under section 1284 of the
21 revised school code, MCL 380.1284. Except as otherwise provided
22 in this act, a district failing to hold the required minimum
23 number of days of pupil instruction shall forfeit from its total
24 state aid allocation for each day of failure an amount determined
25 by applying a ratio of the number of days the district was in
26 noncompliance in relation to the required minimum number of
27 days. Except as otherwise provided in this act, a district

SB 1111, As Passed Senate, May 27, 1998

Senate Bill No. 1111

4

1 failing to comply with the required minimum hours of pupil
2 instruction shall forfeit from its total state aid allocation an
3 amount determined by applying a ratio of the time duration the
4 district was in noncompliance in relation to the required minimum
5 number of hours. A district failing to meet both the minimum
6 number of days of pupil instruction requirement and the minimum
7 number of hours of pupil instruction requirement shall be pena-
8 lized only the higher of the 2 amounts calculated under the for-
9 feiture provisions of this subsection. Not later than August 1,
10 the board of each district shall certify to the department the
11 number of days and hours of pupil instruction in the previous
12 school year. If the district did not hold at least 180 days and
13 the required minimum number of hours of pupil instruction, the
14 deduction of state aid shall be made in the following fiscal year
15 from the first payment of state school aid. A district is not
16 subject to forfeiture of funds under this subsection for a fiscal
17 year in which a forfeiture was already imposed under subsection
18 (7). Days lost because of strikes or teachers' conferences shall
19 not be counted as days of pupil instruction. A district not
20 having at least 75% of the district's membership in attendance on
21 any day of pupil instruction shall receive state aid in that pro-
22 portion of 1 divided by the required minimum number of days of
23 pupil instruction that the actual percent of attendance bears to
24 the specified percentage. IN DETERMINING THE PERCENTAGE OF A
25 DISTRICT'S MEMBERSHIP IN ATTENDANCE ON A PARTICULAR DAY, THE
26 DEPARTMENT SHALL CONSIDER A PUPIL ENGAGED IN AN ACTIVITY
27 DESCRIBED IN SUBSECTION (8)(E) TO BE IN ATTENDANCE IN SCHOOL ON

SB 1111, As Passed Senate, May 27, 1998

Senate Bill No. 1111

5

1 THAT DAY. The ~~state board~~ DEPARTMENT shall promulgate rules for
2 the implementation of this subsection.

3 (4) The first 2 days for which pupil instruction is not pro-
4 vided because of conditions not within the control of school
5 authorities, such as severe storms, fires, epidemics, or health
6 conditions as defined by the city, county, or state health
7 authorities, shall be counted as days of pupil instruction.
8 Subsequent such days shall not be counted as days of pupil
9 instruction.

10 (5) A district shall not forfeit part of its state aid
11 appropriation because it adopts or has in existence an alterna-
12 tive scheduling program for pupils in kindergarten if the program
13 provides at least the number of hours required for a full-time
14 equated membership for a pupil in kindergarten as provided under
15 section 6(4).

16 (6) Upon application by the district for a particular fiscal
17 year, the ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION may
18 waive the minimum number of days of pupil instruction requirement
19 of subsection (3) for a district if the district has adopted an
20 experimental school year schedule in 1 or more buildings in the
21 district if the experimental school year schedule provides the
22 required minimum number or more hours of pupil instruction and is
23 consistent with all ~~state board~~ DEPARTMENT policies on school
24 improvement and restructuring. If a district applies for and
25 receives a waiver under this subsection and complies with the
26 terms of the waiver, for the fiscal year covered by the waiver
27 the district is not subject to forfeiture under this section of

SB 1111, As Passed Senate, May 27, 1998

Senate Bill No. 1111

6

1 part of its state aid allocation for the specific building or
2 program covered by the waiver.

3 (7) Not later than April 15 of each fiscal year, the board
4 of each district shall certify to the department the planned
5 number of days and hours of pupil instruction in the district for
6 the school year ending in the fiscal year. In addition to any
7 other penalty or forfeiture under this section, if at any time
8 the department determines that 1 or more of the following has
9 occurred in a district, the district shall forfeit in the current
10 fiscal year beginning in the next payment to be calculated by the
11 department a proportion of the funds due to the district under
12 this act that is equal to the proportion below the required mini-
13 mum number of days and hours of pupil instruction, as specified
14 in the following:

15 (a) The district fails to operate its schools for at least
16 the required minimum number of days and hours of pupil instruc-
17 tion in a school year, including days counted under subsection
18 (4).

19 (b) The board of the district takes formal action not to
20 operate its schools for at least the required minimum number of
21 days and hours of pupil instruction in a school year, including
22 days counted under subsection (4).

23 (8) In providing the minimum number of DAYS AND hours of
24 pupil instruction required under section 1284 of the revised
25 school code, MCL 380.1284, a district shall use the following
26 guidelines, and a district shall maintain records to substantiate
27 its compliance with the following guidelines:

SB 1111, As Passed Senate, May 27, 1998

Senate Bill No. 1111

7

1 (a) Except as otherwise provided in this subsection, a pupil
2 must be scheduled for at least the required minimum number of
3 hours of instruction, excluding study halls, or at least the sum
4 of 90 hours plus the required minimum number of hours of instruc-
5 tion, including up to 2 study halls.

6 (b) The time a pupil is assigned to any tutorial activity in
7 a block schedule may be considered instructional time, unless
8 that time is determined in an audit to be a study hall period.

9 (c) A pupil in grades 9 to 12 for whom a reduced schedule is
10 determined to be in the individual pupil's best educational
11 interest must be scheduled for a number of hours equal to at
12 least 80% of the required minimum number of hours of pupil
13 instruction to be considered a full-time equivalent pupil.

14 (d) If a pupil in grades 9 to 12 who is enrolled in a coop-
15 erative education program or a special education pupil cannot
16 receive the required minimum number of hours of pupil instruction
17 solely because of travel time between instructional sites during
18 the school day, that travel time, up to a maximum of 2-1/2 hours
19 per school week, shall be considered to be pupil instruction time
20 for the purpose of determining whether the pupil is receiving the
21 required minimum number of hours of pupil instruction. However,
22 if a district demonstrates to the satisfaction of the department
23 that the travel time limitation under this subdivision would
24 create undue costs or hardship to the district, the department
25 may consider more travel time to be pupil instruction time for
26 this purpose.

SB 1111, As Passed Senate, May 27, 1998

Senate Bill No. 1111

8

1 (E) THE TIME A PUPIL SPENDS ENGAGED IN JOB-SHADOWING, OR IN
2 A SIMILAR PROGRAM THAT PROVIDES AN OPPORTUNITY TO OBSERVE DAILY
3 ACTIVITIES IN A PARTICULAR OCCUPATION, SHALL BE CONSIDERED TO BE
4 PUPIL INSTRUCTION TIME FOR THE PURPOSE OF DETERMINING WHETHER THE
5 PUPIL IS RECEIVING THE REQUIRED MINIMUM NUMBER OF DAYS AND HOURS
6 OF PUPIL INSTRUCTION. THE TYPES OF ACTIVITIES THAT QUALIFY TO BE
7 CONSIDERED PUPIL INSTRUCTION UNDER THIS SUBDIVISION, THE AMOUNT
8 OF TIME THAT MAY BE CONSIDERED PUPIL INSTRUCTION TIME, AND THE
9 PROCEDURES TO BE USED TO COUNT AND VERIFY THIS TIME AS PUPIL
10 INSTRUCTION TIME SHALL BE AS DETERMINED BY THE DEPARTMENT.

11 (F) ~~(e)~~ For the 1997-98 school year only, if a district
12 operates an elementary school that is located on an island and
13 provides some pupil instruction for pupils enrolled in that ele-
14 mentary school at 1 or more school buildings operated by the dis-
15 trict that are not located on the island, the travel time for
16 travel for those pupils between the elementary school located on
17 the island and the other school building or buildings, up to a
18 maximum of 1-1/2 hours per school week, shall be considered to be
19 pupil instruction time for those pupils for the purpose of deter-
20 mining whether those pupils are receiving the required minimum
21 number of hours of pupil instruction.

22 (9) The department shall apply the guidelines under subsec-
23 tion (8) in calculating the full-time equivalency of pupils.

24 (10) Upon application by the district for a particular
25 fiscal year, the ~~state board~~ SUPERINTENDENT OF PUBLIC
26 INSTRUCTION may waive for a district the minimum number of days
27 and hours of pupil instruction requirement of subsection (3) for

SB 1111, As Passed Senate, May 27, 1998

Senate Bill No. 1111

9

1 a department-approved alternative education program. If a
2 district applies for and receives a waiver under this subsection
3 and complies with the terms of the waiver, for the fiscal year
4 covered by the waiver the district is not subject to forfeiture
5 under this section for the specific program covered by the
6 waiver.