

SENATE BILL NO. 1111

May 6, 1998, Introduced by Senator GOUGEON and referred to the
Committee on Human Resources, Labor and Veterans Affairs.

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

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 Not later than the seventh Wednesday after the pupil membership
7 count day and not later than the seventh Wednesday after the sup-
8 plemental count day, the intermediate district shall transmit to
9 the department the data filed by each of its constituent
10 districts. If a district fails to file the sworn and certified
11 copy with the intermediate superintendent in a timely manner, as
12 required under this subsection, the intermediate district shall
13 notify the department and state aid due to be distributed under
14 this act shall be withheld from the defaulting district immedi-
15 ately, beginning with the next payment after the failure and con-
16 tinuing with each payment until the district complies with this
17 subsection. If an intermediate district fails to transmit the
18 data in its possession in a timely and accurate manner to the
19 department, as required under this subsection, state aid due to
20 be distributed under this act shall be withheld from the default-
21 ing intermediate district immediately, beginning with the next
22 payment after the failure and continuing with each payment until
23 the intermediate district complies with this subsection. If a
24 district or intermediate district does not comply with this sub-
25 section by the end of the fiscal year, the district or intermedi-
26 ate district forfeits the amount withheld. A person who
27 willfully falsifies a figure or statement in the certified and

1 sworn copy of enrollment shall be punished in the manner
2 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

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. The state board shall promulgate rules
25 for the implementation of this subsection.

26 (4) The first 2 days for which pupil instruction is not
27 provided because of conditions not within the control of school

1 authorities, such as severe storms, fires, epidemics, or health
2 conditions as defined by the city, county, or state health
3 authorities, shall be counted as days of pupil instruction.
4 Subsequent such days shall not be counted as days of pupil
5 instruction.

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

12 (6) Upon application by the district for a particular fiscal
13 year, the state board may waive the minimum number of days of
14 pupil instruction requirement of subsection (3) for a district if
15 the district has adopted an experimental school year schedule in
16 1 or more buildings in the district if the experimental school
17 year schedule provides the required minimum number or more hours
18 of pupil instruction and is consistent with all state board poli-
19 cies on school improvement and restructuring. If a district
20 applies for and receives a waiver under this subsection and com-
21 plies with the terms of the waiver, for the fiscal year covered
22 by the waiver the district is not subject to forfeiture under
23 this section of part of its state aid allocation for the specific
24 building or program covered by the waiver.

25 (7) Not later than April 15 of each fiscal year, the board
26 of each district shall certify to the department the planned
27 number of days and hours of pupil instruction in the district for

1 the school year ending in the fiscal year. In addition to any
2 other penalty or forfeiture under this section, if at any time
3 the department determines that 1 or more of the following has
4 occurred in a district, the district shall forfeit in the current
5 fiscal year beginning in the next payment to be calculated by the
6 department a proportion of the funds due to the district under
7 this act that is equal to the proportion below the required mini-
8 mum number of days and hours of pupil instruction, as specified
9 in the following:

10 (a) The district fails to operate its schools for at least
11 the required minimum number of days and hours of pupil instruc-
12 tion in a school year, including days counted under subsection
13 (4).

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

18 (8) In providing the minimum number of DAYS AND hours of
19 pupil instruction required under section 1284 of the revised
20 school code, MCL 380.1284, a district shall use the following
21 guidelines, and a district shall maintain records to substantiate
22 its compliance with the following guidelines:

23 (a) Except as otherwise provided in this subsection, a pupil
24 must be scheduled for at least the required minimum number of
25 hours of instruction, excluding study halls, or at least the sum
26 of 90 hours plus the required minimum number of hours of
27 instruction, including up to 2 study halls.

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

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

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

22 (E) THE TIME A PUPIL SPENDS ENGAGED IN JOB-SHADOWING, OR IN
23 A SIMILAR PROGRAM THAT PROVIDES AN OPPORTUNITY TO OBSERVE DAILY
24 ACTIVITIES IN A PARTICULAR OCCUPATION, SHALL BE CONSIDERED TO BE
25 PUPIL INSTRUCTION TIME FOR THE PURPOSE OF DETERMINING WHETHER THE
26 PUPIL IS RECEIVING THE REQUIRED MINIMUM NUMBER OF DAYS AND HOURS

1 OF PUPIL INSTRUCTION, UP TO A MAXIMUM OF 1 DAY, OR THE EQUIVALENT
2 NUMBER OF HOURS, PER SCHOOL YEAR.

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

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

16 (10) Upon application by the district for a particular
17 fiscal year, the state board may waive for a district the minimum
18 number of days and hours of pupil instruction requirement of sub-
19 section (3) for a department-approved alternative education
20 program. If a district applies for and receives a waiver under
21 this subsection and complies with the terms of the waiver, for
22 the fiscal year covered by the waiver the district is not subject
23 to forfeiture under this section for the specific program covered
24 by the waiver.