

# HOUSE BILL No. 4435

March 23, 1999, Introduced by Reps. Jelinek, DeRossett, Woronchak, Rick Johnson, DeHart, Birkholz, LaSata, Bovin and Ehardt and referred to the Committee on Education.

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 1998 PA  
339.

## 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~~  
4 NUMBER OF HOURS the district was in noncompliance in relation to  
5 the required minimum number of hours. A district failing to meet  
6 both the minimum number of days of pupil instruction requirement  
7 and the minimum number of hours of pupil instruction requirement  
8 shall be penalized only the higher of the 2 amounts calculated  
9 under the forfeiture provisions of this subsection. Not later  
10 than August 1 EACH YEAR, the board of each district shall certify  
11 to the department the number of days and hours of pupil instruc-  
12 tion in the previous school year. If the district did not hold  
13 at least 180 days and the required minimum number of hours of  
14 pupil instruction, the deduction of state aid shall be made in  
15 the following fiscal year from the first payment of state school  
16 aid. A district is not subject to forfeiture of funds under this  
17 subsection for a fiscal year in which a forfeiture was already  
18 imposed under subsection ~~-(7)-~~ (8). Days lost because of strikes  
19 or teachers' conferences shall not be counted as days of pupil  
20 instruction. A district not having at least 75% of the  
21 district's membership in attendance on any day of pupil instruc-  
22 tion shall receive state aid in that proportion of 1 divided by  
23 the required minimum number of days of pupil instruction that the  
24 actual percent of attendance bears to the specified percentage.  
25 The state board shall promulgate rules for the implementation of  
26 this subsection.

1       (4) The first 2 days for which pupil instruction is not  
2 provided because of conditions not within the control of school  
3 authorities, such as severe storms, fires, epidemics, or health  
4 conditions as defined by the city, county, or state health  
5 authorities, shall be counted as days of pupil instruction. ~~In~~  
6 ~~addition, for 1997-98 only, the department may count as days of~~  
7 ~~pupil instruction up to 6 additional days for which pupil~~  
8 ~~instruction is not provided in a district after May 28, 1998~~  
9 ~~because damage or electrical outages resulting from severe storms~~  
10 ~~prevented the district from providing instruction and up to 2~~  
11 ~~additional days for which pupil instruction is not provided in a~~  
12 ~~district after June 3, 1998 because a bomb threat prevented the~~  
13 ~~district from providing instruction.~~ Subsequent such days shall  
14 not be counted as days of pupil instruction.

15       (5) IF, OVER THE 3 SCHOOL YEARS IMMEDIATELY PRECEDING THE  
16 CURRENT SCHOOL YEAR, A DISTRICT COUNTS AS DAYS OF PUPIL INSTRUC-  
17 TION LESS THAN THE MAXIMUM NUMBER OF DAYS ALLOWED TO BE COUNTED  
18 FOR THAT ENTIRE 3-YEAR PERIOD AS DAYS OF PUPIL INSTRUCTION UNDER  
19 SUBSECTION (4), THE DISTRICT MAY COUNT 1 OR MORE OF THOSE UNUSED  
20 DAYS, UP TO THAT MAXIMUM, AS A DAY OF PUPIL INSTRUCTION FOR THE  
21 CURRENT SCHOOL YEAR, BUT ONLY FOR A DAY FOR WHICH PUPIL INSTRUC-  
22 TION IS NOT PROVIDED DUE TO A REASON DESCRIBED IN SUBSECTION (4).

23       (6) ~~-(5)-~~ A district shall not forfeit part of its state aid  
24 appropriation because it adopts or has in existence an alterna-  
25 tive scheduling program for pupils in kindergarten if the program  
26 provides at least the number of hours required for a full-time

1 equated membership for a pupil in kindergarten as provided under  
2 section 6(4).

3       (7) ~~-(6)-~~ Upon application by the district for a particular  
4 fiscal year, the state board may waive the minimum number of days  
5 of pupil instruction requirement of subsection (3) for a district  
6 if the district has adopted an experimental school year schedule  
7 in 1 or more buildings in the district if the experimental school  
8 year schedule provides the required minimum number or more hours  
9 of pupil instruction and is consistent with all state board poli-  
10 cies on school improvement and restructuring. If a district  
11 applies for and receives a waiver under this subsection and com-  
12 plies with the terms of the waiver, for the fiscal year covered  
13 by the waiver the district is not subject to forfeiture under  
14 this section of part of its state aid allocation for the specific  
15 building or program covered by the waiver.

16       (8) ~~-(7)-~~ Not later than April 15 of each fiscal year, the  
17 board of each district shall certify to the department the  
18 planned number of days and hours of pupil instruction in the dis-  
19 trict for the school year ending in the fiscal year. In addition  
20 to any other penalty or forfeiture under this section, if at any  
21 time the department determines that 1 or more of the following  
22 has occurred in a district, the district shall forfeit in the  
23 current fiscal year beginning in the next payment to be calcu-  
24 lated by the department a proportion of the funds due to the dis-  
25 trict under this act that is equal to the proportion below the  
26 required minimum number of days and hours of pupil instruction,  
27 as specified in the following:

1 (a) The district fails to operate its schools for at least  
2 the required minimum number of days and hours of pupil instruc-  
3 tion in a school year, including days counted under subsection  
4 (4) OR (5).

5 (b) The board of the district takes formal action not to  
6 operate its schools for at least the required minimum number of  
7 days and hours of pupil instruction in a school year, including  
8 days counted under subsection (4) OR (5).

9 (9) ~~-(8)-~~ In providing the minimum number of hours of pupil  
10 instruction required under section 1284 of the revised school  
11 code, MCL 380.1284, a district shall use the following guide-  
12 lines, and a district shall maintain records to substantiate its  
13 compliance with the following guidelines:

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

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

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

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

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

25 (10) ~~-(9)-~~ The department shall apply the guidelines under  
26 subsection ~~-(8)-~~ (9) in calculating the full-time equivalency of  
27 pupils.



1       (11) ~~-(10)-~~ Upon application by the district for a  
2 particular fiscal year, the state board may waive for a district  
3 the minimum number of days and hours of pupil instruction  
4 requirement of subsection (3) for a department-approved alterna-  
5 tive education program. If a district applies for and receives a  
6 waiver under this subsection and complies with the terms of the  
7 waiver, for the fiscal year covered by the waiver the district is  
8 not subject to forfeiture under this section for the specific  
9 program covered by the waiver.