

SENATE BILL No. 865

October 28, 1999, Introduced by Senator EMMONS and referred to the Committee on Appropriations.

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 1999 PA
119.

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 superintendent.
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 at least 180 days of pupil
20 instruction and the required minimum number of hours of pupil
21 instruction under section 1284 of the revised school code, MCL
22 380.1284. Except as otherwise provided in this act, a district
23 failing to hold 180 days of pupil instruction shall forfeit from
24 its total state aid allocation for each day of failure an amount
25 equal to 1/180 of its total state aid allocation. Except as oth-
26 erwise provided in this act, a district failing to comply with
27 the required minimum hours of pupil instruction shall forfeit

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

24 (4) The first 2 days for which pupil instruction is not pro-
25 vided because of conditions not within the control of school
26 authorities, such as severe storms, fires, epidemics, or health
27 conditions as defined by the city, county, or state health

1 authorities, shall be counted as days of pupil instruction. In
2 addition, for 1998-99 only, the department shall count as days of
3 pupil instruction not more than 2 additional days, and shall
4 count as hours of pupil instruction not more than 16.5 hours, for
5 which pupil instruction was not provided in a district after June
6 7, 1999 due to water damage resulting from a water main break.
7 Subsequent such days shall not be counted as days of pupil
8 instruction.

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

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

1 (7) Not later than April 15 of each fiscal year, the board
2 of each district shall certify to the department the planned
3 number of days and hours of pupil instruction in the district for
4 the school year ending in the fiscal year. In addition to any
5 other penalty or forfeiture under this section, if at any time
6 the department determines that 1 or more of the following has
7 occurred in a district, the district shall forfeit in the current
8 fiscal year beginning in the next payment to be calculated by the
9 department a proportion of the funds due to the district under
10 this act that is equal to the proportion below 180 days and the
11 required minimum number of hours of pupil instruction, as speci-
12 fied in the following:

13 (a) The district fails to operate its schools for at least
14 180 days and the required minimum number of hours of pupil
15 instruction in a school year, including days counted under sub-
16 section (4).

17 (b) The board of the district takes formal action not to
18 operate its schools for at least 180 days and the required mini-
19 mum number of hours of pupil instruction in a school year,
20 including days counted under subsection (4).

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

26 (a) Except as otherwise provided in this subsection, a pupil
27 must be scheduled for at least the required minimum number of

1 hours of instruction, excluding study halls, or at least the sum
2 of 90 hours plus the required minimum number of hours of instruc-
3 tion, including up to 2 study halls.

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

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

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

25 (E) FOR 1999-2000 ONLY, FOR A PUPIL WHO IS ATTENDING A
26 SCHOOL OR PROGRAM OF CHOICE CHOSEN BY THE PUPIL'S PARENT OR LEGAL
27 GUARDIAN IN A DISTRICT OFFERING INTRADISTRICT SCHOOLS OF CHOICE

1 OR OTHER SPECIAL PROGRAMS OF CHOICE, NOT MORE THAN 2-1/2 HOURS OF
2 TRAVEL TIME PER SCHOOL WEEK SHALL BE CONSIDERED TO BE PUPIL
3 INSTRUCTION TIME FOR THE PURPOSE OF DETERMINING WHETHER THE PUPIL
4 IS RECEIVING THE REQUIRED MINIMUM NUMBER OF HOURS OF PUPIL
5 INSTRUCTION.

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

8 (10) Upon application by the district for a particular
9 fiscal year, the superintendent may waive for a district the 180
10 days or minimum number of hours of pupil instruction requirement
11 of subsection (3) for a department-approved alternative education
12 program. If a district applies for and receives a waiver under
13 this subsection and complies with the terms of the waiver, for
14 the fiscal year covered by the waiver the district is not subject
15 to forfeiture under this section for the specific program covered
16 by the waiver.