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WAIVE MINIMUM NUMBER OF SCHOOL DAYS IN POTTERVILLE

House Bill 4462 as passed by the House
First Analysis (6-6-02)

Sponsor: Rep. Tom Meyer
Committee: Education (discharged)

THE APPARENT PROBLEM:

On Memorial Day, May 27, 2002, a freight train carrying hazardous materials derailed in Eaton County, just in front of the Independence Commons mobile home park, north of Vermontville Highway in Potterville, Michigan. Following the train wreck, the town of 2,200 people was evacuated for four days, and schools and businesses closed.

The evacuation was necessary because among the 35 de-railed cars, nine were carrying explosive liquid propane, and two others contained sulfuric acid. The derailment caused punctures in at least two of the 34,000-gallon propane tanker cars, prompting local officials to turn off electricity to more than 2,200 customers, and forcing evacuation of the surrounding area until the risk of explosion could be reduced. The Canadian National Railway Company, owner of the train, sent a team of 75 hazardous materials workers to the scene to clean up the spill and clear the tracks. Throughout the week, clean-up efforts were slowed at times by lightening storms, monitored closely by the National Weather Service forecasters in Grand Rapids. Electrical power was restored to most of the area three days following the derailment, after the emergency response team had an opportunity to burn off the leaking propane from two of the tanker cars, and transfer the hazardous materials from others. Officials from the Federal Railroad Association continue to investigate what caused the 58-car train headed from Toronto to Chicago to jump the tracks, and say the investigation could take several months.

During the health and safety emergency, the public schools in Potterville were closed for four days, Tuesday, May 28 through Friday, May 31. The district's 850 students were set to begin their summer recess a week later, at the end of the day on Friday, June 7. School officials worried that the emergency evacuation and school closing had caused the school district to drop below the 180-day minimum required for funding under the State School Aid Act, and they began making plans to make up the lost days between June 10 and June 13. They also contacted state

officials to request a waiver for the days of instruction lost to the evacuation.

Rather than cause further disruption in the Potterville community, the state superintendent of public instruction notified school officials that the 180-day requirement would be waived. Legislation to authorize the waiver was discharged from the House Education Committee and approved by the members of the House of Representatives on June 5.

THE CONTENT OF THE BILL:

Under the Revised School Code (MCL 380.12.84), public schools are required to offer a certain number of days and hours of pupil instruction in order to be eligible for state aid. For many years, the minimum number of school days in Michigan was 180. However, over a ten year period that began in the fall of 1997 and will end in the fall of 2006, the minimum number of school days will increase to 190, as one day is added each year. (The number of instructional hours also increases over the ten years, from 900 to 1,140.)

Under the State School Aid Act (MCL 388.1701), a two-day grace period is provided so that the minimum number of days can be waived. Specifically, the first two days for which pupil instruction is not provided because of conditions not within the control of school authorities, such as severe storms, fires, epidemic, or health considerations, are counted as days of pupil instruction. However, subsequent days that school is closed because of these conditions are not counted. In such instances, the school year is extended in order that school aid not be reduced.

House Bill 4462 would amend the State School Aid Act of 1979 to waive the minimum days of instruction for the current school year, if the days lost were due to a train derailment involving hazardous materials. Specifically, the bill would require that for

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the 2001-2002 school year only, the department count as days of instruction not more than four additional days (and count as hours of instruction not more than 24 hours) for which instruction was *not* provided in a district after May 27, 2002, due to a train derailment involving hazardous materials.

MCL 388.1701

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

The 2,200 citizens of Pottersville--young and old--experienced extraordinary disruption in their lives during the week following Memorial Day when a train carrying hazardous materials derailed, and their town was evacuated. Dozens of police and fire officials used bull horns and went door-to-door trying to clear the town and shut down all entrances to the city, and the electricity to more than 1,000 homes was shut off so that sparks from electric wires would not start a fire. The possibility of an explosion, and the loss of life or property, loomed over the townspeople for several days, as an emergency response team numbering in the hundreds worked to contain the incident. Throughout their dislocation, the school children in the community experienced the great uncertainty that comes of sudden tragedies. Rather than exacerbate that disruption by extending the school year and forcing the cancellation of summer plans such as sports camp, travel, and family vacations, it is appropriate to waive the school days that were missed when the city was evacuated and schools were closed, so the school district will not be penalized with a reduction in its state aid payment.

Against:

The bill is a good one, however it should be amended to provide a policy that would be more generally applicable with emergencies of this kind occur. Clearly, greater flexibility should be granted to the state superintendent of public instruction, to allow immediate response to extraordinary requests for emergency waivers, without the need for legislative intervention. Then, for example, a school district would not risk losing its school aid if a law enforcement officer, acting unilaterally, closed all the roads in a county during a blizzard, forcing school officials to cancel instruction, or as in this instance, when law enforcement officials evacuated an entire town during an emergency involving toxic chemicals.

POSITIONS:

There are no positions on the bill.

Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.