

Legislative Analysis



REDUCE MINIMUM HOURS OF INSTRUCTION IN SCHOOL DISTRICT WITH ROOF DAMAGE

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House Bill 5666 as enrolled
Public Act 127 of 2004
Sponsor: Rep. Howard Walker
House Committee: Education
Senate Committee: Education
Second Analysis (7-29-04)

BRIEF SUMMARY: The bill would amend the State School Aid Act to allow, for the 2003-2004 school year only, a reduction of 20 hours in the minimum number of required annual school instruction hours if pupil instruction was not provided in a school district due to structural roof and truss damage that required a school to be closed. Further, beginning with the 2004-2005 school year, the bill would require the department to count as hours of instruction up to 30 hours not provided by the school district after April 1, due to unusual and extenuating occurrences resulting from conditions not within the control of school authorities.

FISCAL IMPACT: Currently school districts must provide 1,098 hours of instruction in order to receive 100 percent of their state aid. If a district does not fill this requirement and is short of the required hours of instruction, it will forfeit its state aid payment by applying the ratio of noncompliance hours to the required minimum hours. A district that is short 20 hours of the required hours would have its state aid appropriation reduced by approximately 1.82 percent.

THE APPARENT PROBLEM:

Kingsley, Michigan is a village of about 800 people in central Grand Traverse County. In March 1999, after two unsuccessful bond votes, the voters of the Kingsley Area Schools approved a bond proposal to build a new high school. The school opened in August 2001, to accommodate 470 students.

The building was designed by Birtles, Hagerman, DeKryger, Architects, after consultation with members of the community. All classrooms are equipped for multiple computer stations for both students and staff, and teachers share planning offices between pairs of classrooms. The gymnasium seats 1,200 people and features a mezzanine around its perimeter.

In late-February 2004, the three-year-old Kingsley High School was closed indefinitely after major roof problems were discovered. Portions of the roof buckled, and extensive truss problems were discovered at points throughout three-quarters of the building, including in the roof above the cafeteria and kitchen, although according to reports the ceiling looked normal. The cause of the damage is thought to be heavy snow and ice that

had accumulated on the roof, as well as structural problems. The team of architects, engineers, and builders who designed the school are correcting the problems that caused the roof failure, and the school officials expect occupancy by mid-June 2004.

During the winter crisis, school was closed 10 days, while classrooms at two local churches were retrofitted to accommodate high school learners. When classes resumed at the temporary sites, the school day was lengthened by 10 minutes, in order to make-up the time lost during the school closing. It was necessary to lengthen the remaining school days or extend the school year, because Michigan law requires that public schools offer a minimum of 1098 hours of student instruction each year, in order to be eligible for full funding. Because of the emergency school closing, Kingsley High School is at risk of falling 20-hours short of the mandatory minimum hours, despite its move to lengthen the school day, in which case a portion of its funding would be in jeopardy.

To avoid lengthening the school year, legislation has been introduced that would waive the minimum hours of student instruction for Kingsley High School for this academic year.

THE CONTENT OF THE BILL:

House Bill 5666 would amend the State School Aid Act to allow, for the 2003-2004 school year only, a reduction in the minimum number of required annual school instruction hours if pupil instruction was not provided in a school district due to structural roof and truss damage that required a school to be closed. Further, beginning with the 2004-2005 school year, the bill would require the department to count as hours of instruction up to 30 hours not provided by the school district after April 1, due to unusual and extenuating occurrences not within the control of school authorities.

Currently under the law, a school district must offer at least 1,098 hours of instruction each year or forfeit a proportionate amount of its state aid allocation. However, the law also provides that the first 30 hours for which student instruction is not provided because of conditions not within the school authorities' control—such as severe storms, fires, epidemics, or health conditions—are to be counted as hours of student instruction. The bill would retain this provision. In addition to those 30 hours, the Department of Education would count as hours of pupil instruction not more than 20 additional hours for which instruction was not provided, if student instruction had not been provided in a school district during the current school-year, because of structural roof damage that required closing the school.

In addition, beginning in 2004-2005, the Department of Education would be required to count as hours of student instruction up to an additional 30 hours during which instruction was not given, due to unusual and extenuating occurrences that resulted from conditions not within the control of school authorities, if those occurrences happened after April 1.

BACKGROUND INFORMATION:

In rare emergencies such as these, it has become customary that state legislators, and the state superintendent of public instruction waive the minimum number of hours of instruction for a school district. For example, on Memorial Day weekend in 2002, 35 cars of a Canadian National Train derailed in Pottersville, Michigan, causing the evacuation of the town's 2,500 citizens, since nine of the disabled cars carried propane, and two carried sulfuric acid. According to reports, had a propane tank car exploded, shrapnel would have caused damage within a mile radius of the explosion. In this crisis, the electricity was shut-off throughout the community, as the tanks of deadly gas were slowly vented, and the schools were closed to the district's 850 students. A week remained in the school year, and because of the emergency, officials waived the requirement that the students make up the time lost due to the train derailment.

ARGUMENTS:

For:

It makes sense that the minimum number of instructional hours be waived for the students at the Kingsley High School, since their time lost at school was the result of an emergency beyond their control. The community's effort to re-open school after three-quarters of the new school's roof collapsed under the weight of heavy snow and ice is commendable. Nearby church-based classrooms were speedily retrofitted to meet state codes, and school was back in session within 10 days. Further, school officials moved to lengthen each remaining school day by 10-minutes. Nonetheless, it appears the district may yet be 20-hours short of meeting the state's mandatory minimum requirement. This legislation would accomplish that, so that full funding for the Kingsley Area Schools would not be jeopardized.

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■ 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.