

**SUBSTITUTE FOR
SENATE BILL NO. 364**

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 2002
PA 476.

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
3 membership 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
6 intermediate superintendent a certified and sworn copy of the
7 number of pupils enrolled and in regular daily attendance in the
8 district 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
3 superintendent a certified and sworn copy of the number of pupils
4 enrolled and in regular daily attendance in the district for the
5 current school year pursuant to rules promulgated by the
6 superintendent. Not later than the seventh Wednesday after the
7 pupil membership count day and not later than the seventh
8 Wednesday after the supplemental count day, the intermediate
9 district shall transmit to the department the data filed by each
10 of its constituent districts. If a district fails to file the
11 sworn and certified copy with the intermediate superintendent in
12 a timely manner, as required under this subsection, the
13 intermediate district shall notify the department and state aid
14 due to be distributed under this act shall be withheld from the
15 defaulting district immediately, beginning with the next payment
16 after the failure and continuing with each payment until the
17 district complies with this subsection. If an intermediate
18 district fails to transmit the data in its possession in a timely
19 and accurate manner to the department, as required under this
20 subsection, state aid due to be distributed under this act shall
21 be withheld from the defaulting intermediate district
22 immediately, beginning with the next payment after the failure
23 and continuing with each payment until the intermediate district
24 complies with this subsection. If a district or intermediate
25 district does not comply with this subsection by the end of the
26 fiscal year, the district or intermediate district forfeits the
27 amount withheld. A person who willfully falsifies a figure or

1 statement in the certified and sworn copy of enrollment shall be
2 punished in the manner 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
8 department, the audited enrollment and attendance data for the
9 pupils of its constituent districts and of the intermediate
10 district. If an intermediate district fails to transmit the
11 audited data as required under this subsection, state aid due to
12 be distributed under this act shall be withheld from the
13 defaulting intermediate district immediately, beginning with the
14 next payment after the failure and continuing with each payment
15 until the intermediate district complies with this subsection.
16 If an intermediate district does not comply with this subsection
17 by the end of the fiscal year, the intermediate district forfeits
18 the amount withheld.

19 (3) Except as otherwise provided in this section, each
20 district shall provide at least ~~180 days of pupil instruction~~
21 ~~and a number of 1,098~~ hours of pupil instruction. ~~at least~~
22 ~~equal to the required minimum number of hours of pupil~~
23 ~~instruction required for 2000-2001 under section 1284 of the~~
24 ~~revised school code, MCL 380.1284. Except as otherwise provided~~
25 ~~in this act, a district failing to hold 180 days of pupil~~
26 ~~instruction shall forfeit from its total state aid allocation for~~
27 ~~each day of failure an amount equal to 1/180 of its total state~~

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

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1 implementation of this subsection.

2 (4) Except as otherwise provided in this subsection, the
3 first ~~2 days~~ **<<30>> hours** for which pupil instruction is not
4 provided because of conditions not within the control of school
5 authorities, such as severe storms, fires, epidemics, or health
6 conditions as defined by the city, county, or state health
7 authorities, shall be counted as ~~days~~ **hours** of pupil
8 instruction. ~~In addition, for 2001-2002 only, the department~~
9 ~~shall count as days of pupil instruction not more than 4~~
10 ~~additional days, and shall count as hours of pupil instruction~~
11 ~~not more than 24 hours, for which pupil instruction was not~~
12 ~~provided in a district after May 27, 2002 due to a train~~
13 ~~derailment involving hazardous materials. Subsequent such days~~
14 ~~hours shall not be counted as days hours of pupil instruction.~~
15 **<<(5) A district shall not forfeit part of its state aid**
16 **appropriation because it adopts or has in existence an**
17 **alternative scheduling program for pupils in kindergarten if the**
18 **program provides at least the number of hours required under**
19 **subsection (3) for a full-time equated membership for a pupil in**
20 **kindergarten as provided under section 6(4).>>**
21 ~~(6) Upon application by the district for a particular fiscal~~
22 ~~year, the superintendent may waive the minimum number of days of~~
23 ~~pupil instruction requirement of subsection (3) for a district if~~
24 ~~the district has adopted an experimental school year schedule in~~
25 ~~1 or more buildings in the district if the experimental school~~
26 ~~year schedule provides the required minimum number of hours of~~
27 ~~pupil instruction under subsection (3) or more and is consistent~~

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1 ~~with all state board policies on school improvement and~~
2 ~~restructuring. If a district applies for and receives a waiver~~
3 ~~under this subsection and complies with the terms of the waiver,~~
4 ~~for the fiscal year covered by the waiver the district is not~~
5 ~~subject to forfeiture under this section of part of its state aid~~
6 ~~allocation for the specific building or program covered by the~~
7 ~~waiver.~~

8 **(6)** ~~(7)~~ Not later than April 15 of each fiscal year, the
9 board of each district shall certify to the department the
10 planned number of ~~days and~~ hours of pupil instruction in the
11 district for the school year ending in the fiscal year. In
12 addition to any other penalty or forfeiture under this section,
13 if at any time the department determines that 1 or more of the
14 following has occurred in a district, the district shall forfeit
15 in the current fiscal year beginning in the next payment to be
16 calculated by the department a proportion of the funds due to the
17 district under this act that is equal to the proportion below
18 ~~180 days and~~ the required minimum number of hours of pupil
19 instruction under subsection (3), as specified in the following:

20 (a) The district fails to operate its schools for at least
21 ~~180 days and~~ the required minimum number of hours of pupil
22 instruction under subsection (3) in a school year, including
23 ~~days~~ **hours** counted under subsection (4).

24 (b) The board of the district takes formal action not to
25 operate its schools for at least ~~180 days and~~ the required
26 minimum number of hours of pupil instruction under subsection (3)
27 in a school year, including ~~days~~ **hours** counted under subsection

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1 (4).

2 ~~(7)–(8)~~ In providing the minimum number of hours of pupil
3 instruction required under subsection (3), a district shall use
4 the following guidelines, and a district shall maintain records
5 to substantiate its compliance with the following guidelines:

6 (a) Except as otherwise provided in this subsection, a pupil
7 must be scheduled for at least the required minimum number of
8 hours of instruction, excluding study halls, or at least the sum
9 of 90 hours plus the required minimum number of hours of
10 instruction, including up to 2 study halls.

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

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

19 (d) If a pupil in grades 9 to 12 who is enrolled in a
20 cooperative education program or a special education pupil cannot
21 receive the required minimum number of hours of pupil instruction
22 solely because of travel time between instructional sites during
23 the school day, that travel time, up to a maximum of 3 hours per
24 school week, shall be considered to be pupil instruction time for
25 the purpose of determining whether the pupil is receiving the
26 required minimum number of hours of pupil instruction. However,
27 if a district demonstrates to the satisfaction of the department

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1 that the travel time limitation under this subdivision would
2 create undue costs or hardship to the district, the department
3 may consider more travel time to be pupil instruction time for
4 this purpose.

5 **(8)** ~~-(9)-~~ The department shall apply the guidelines under
6 subsection ~~-(8)-~~ **<<(7)>>** in calculating the full-time equivalency of
7 pupils.

8 **(9)** ~~-(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.

17 **(10)** ~~-(11)- Beginning in 2000-2001, a~~ A district may count up
18 to 51 hours of professional development for teachers as hours of
19 pupil instruction. A district that elects to use this exception
20 shall notify the department of its election.

**<<Enacting section 1. This amendatory act does not take effect
unless House Bill No. 4453 of the 92nd Legislature is enacted into law.>>**