

HOUSE BILL No. 4322

March 11, 2003, Introduced by Reps. Ruth Johnson, DeRossett, Vander Veen, LaJoy, Ehhardt, Gielegem, Sheltroun, Rivet, Zelenko, Rocca, Stakoe and Daniels 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 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~~ **described in** section 1561 of the
2 revised school code, MCL 380.1561, shall file with the
3 intermediate superintendent a certified and sworn copy of the
4 number of pupils enrolled and in regular daily attendance in the
5 district for the current school year pursuant to rules
6 promulgated by the superintendent. Not later than the seventh
7 Wednesday after the pupil membership count day and not later than
8 the seventh Wednesday after the supplemental count day, the
9 intermediate district shall transmit to the department the data
10 filed by each of its constituent districts. If a district fails
11 to file the sworn and certified copy with the intermediate
12 superintendent in a timely manner, as required under this
13 subsection, the intermediate district shall notify the department
14 and state aid due to be distributed under this act shall be
15 withheld from the defaulting district immediately, beginning with
16 the next payment after the failure and continuing with each
17 payment until the district complies with this subsection. If an
18 intermediate district fails to transmit the data in its
19 possession in a timely and accurate manner to the department, as
20 required under this subsection, state aid due to be distributed
21 under this act shall be withheld from the defaulting intermediate
22 district immediately, beginning with the next payment after the
23 failure and continuing with each payment until the intermediate
24 district complies with this subsection. If a district or
25 intermediate district does not comply with this subsection by the
26 end of the fiscal year, the district or intermediate district
27 forfeits the amount withheld. A person who willfully falsifies a

1 figure or statement in the certified and sworn copy of enrollment
2 ~~shall be punished in the manner~~ **is subject to penalties**
3 prescribed by section 161.

4 (2) To be eligible to receive state aid under this act, not
5 later than the twenty-fourth Wednesday after the pupil membership
6 count day and not later than the twenty-fourth Wednesday after
7 the supplemental count day, an intermediate district shall submit
8 to the department, in a form and manner prescribed by the
9 department, the audited enrollment and attendance data for the
10 pupils of its constituent districts and of the intermediate
11 district. If an intermediate district fails to transmit the
12 audited data as required under this subsection, state aid due to
13 be distributed under this act shall be withheld from the
14 defaulting intermediate district immediately, beginning with the
15 next payment after the failure and continuing with each payment
16 until the intermediate district complies with this subsection.
17 If an intermediate district does not comply with this subsection
18 by the end of the fiscal year, the intermediate district forfeits
19 the amount withheld.

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

1 failure an amount equal to 1/180 of its total state aid
2 allocation. Except as otherwise provided in this act, a district
3 failing to comply with the required minimum hours of pupil
4 instruction under this subsection shall forfeit from its total
5 state aid allocation an amount determined by applying a ratio of
6 the number of hours the district was in noncompliance in relation
7 to the required minimum number of hours under this subsection. A
8 district failing to meet both the 180 days of pupil instruction
9 requirement and the minimum number of hours of pupil instruction
10 requirement under this subsection shall be penalized only the
11 higher of the 2 amounts calculated under the forfeiture
12 provisions of this subsection. Not later than August 1, the
13 board of each district shall certify to the department the number
14 of days and hours of pupil instruction in the previous school
15 year. If the district did not hold at least 180 days and the
16 required minimum number of hours of pupil instruction under this
17 subsection, the deduction of state aid shall be made in the
18 following fiscal year from the first payment of state school
19 aid. A district is not subject to forfeiture of funds under this
20 subsection for a fiscal year in which a forfeiture was already
21 imposed under subsection ~~-(7)-~~ (9). Days or hours lost because
22 of strikes or teachers' conferences shall not be counted as days
23 or hours of pupil instruction.

24 (4) A district not having at least 75% of the district's
25 membership in attendance on any day of pupil instruction shall
26 receive state aid in that proportion of 1/180 that the actual
27 percent of attendance bears to the specified percentage.

1 However, this subsection does not apply to school attendance on
2 the day designated as "take our daughters & sons to work day" by
3 the Ms. foundation for women.

4 (5) The superintendent shall promulgate rules **he or she**
5 **considers necessary** for the implementation of this ~~subsection~~
6 **section**.

7 (6) ~~-(4)-~~ Except as otherwise provided in this subsection,
8 the first 2 days for which pupil instruction is not provided
9 because of conditions not within the control of school
10 authorities, such as severe storms, fires, epidemics, or health
11 conditions as defined by the city, county, or state health
12 authorities, shall be counted as days of pupil instruction. In
13 addition, for 2001-2002 only, the department shall count as days
14 of pupil instruction not more than 4 additional days, and shall
15 count as hours of pupil instruction not more than 24 hours, for
16 which pupil instruction was not provided in a district after
17 May 27, 2002 due to a train derailment involving hazardous
18 materials. Subsequent such days shall not be counted as days of
19 pupil instruction.

20 (7) ~~-(5)-~~ A district ~~shall~~ **does** not forfeit part of its
21 state aid appropriation because it adopts or has in existence an
22 alternative scheduling program for pupils in kindergarten if the
23 program provides at least the number of hours required under
24 subsection (3) for a full-time equated membership for a pupil in
25 kindergarten as provided under section 6(4).

26 (8) ~~-(6)-~~ Upon application by the district for a particular
27 fiscal year, the superintendent may waive the minimum number of

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

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

25 (a) The district fails to operate its schools for at least
26 180 days and the required minimum number of hours of pupil
27 instruction under subsection (3) in a school year, including days

1 counted under subsection ~~-(4)-~~ (6).

2 (b) The board of the district takes formal action not to
3 operate its schools for at least 180 days and the required
4 minimum number of hours of pupil instruction under subsection (3)
5 in a school year, including days counted under subsection ~~-(4)-~~
6 (6).

7 (10) ~~-(8)-~~ In providing the minimum number of hours of pupil
8 instruction required under subsection (3), a district shall use
9 the following guidelines, and a district shall maintain records
10 to substantiate its compliance with the following guidelines:

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

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

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

24 (d) If a pupil in grades 9 to 12 who is enrolled in a
25 cooperative education program or a special education pupil cannot
26 receive the required minimum number of hours of pupil instruction
27 solely because of travel time between instructional sites during

1 the school day, that travel time, up to a maximum of 3 hours per
2 school week, shall be considered to be pupil instruction time for
3 the purpose of determining whether the pupil is receiving the
4 required minimum number of hours of pupil instruction. However,
5 if a district demonstrates to the satisfaction of the department
6 that the travel time limitation under this subdivision would
7 create undue costs or hardship to the district, the department
8 may consider more travel time to be pupil instruction time for
9 this purpose.

10 (11) ~~-(9)-~~ The department shall apply the guidelines under
11 subsection ~~-(8)-~~ (10) in calculating the full-time equivalency of
12 pupils.

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

22 (13) ~~-(11)-~~ Beginning in 2000-2001, a district may count up
23 to 51 hours of professional development for teachers as hours of
24 pupil instruction. A district that elects to use this exception
25 shall notify the department of its election.