

SENATE BILL No. 1365

September 8, 2004, Introduced by Senator VAN WOERKOM 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 2004 PA
127.

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 center the data filed by each of
10 its constituent districts. If a district fails to file the sworn
11 and certified copy with the intermediate superintendent in a
12 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 center, in a form and manner prescribed by the center, the
8 audited enrollment and attendance data for the pupils of its
9 constituent districts and of the intermediate district. If an
10 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
16 district does not comply with this subsection by the end of the
17 fiscal year, the intermediate district forfeits the amount
18 withheld.

19 (3) Except as otherwise provided in this section, each
20 district shall provide at least 1,098 hours of pupil
21 instruction. Except as otherwise provided in this act, a
22 district failing to comply with the required minimum hours of
23 pupil instruction under this subsection shall forfeit from its
24 total state aid allocation an amount determined by applying a
25 ratio of the number of hours the district was in noncompliance in
26 relation to the required minimum number of hours under this
27 subsection. Not later than August 1, the board of each district

1 shall certify to the department the number of hours of pupil
2 instruction in the previous school year. If the district did not
3 provide at least the required minimum number of hours of pupil
4 instruction under this subsection, the deduction of state aid
5 shall be made in the following fiscal year from the first payment
6 of state school aid. A district is not subject to forfeiture of
7 funds under this subsection for a fiscal year in which a
8 forfeiture was already imposed under subsection (6). Hours lost
9 because of strikes or teachers' conferences shall not be counted
10 as days or hours of pupil instruction. A district not having at
11 least 75% of the district's membership in attendance on any day
12 of pupil instruction shall receive state aid in that proportion
13 of 1/180 that the actual percent of attendance bears to the
14 specified percentage. The superintendent shall promulgate rules
15 for the implementation of this subsection.

16 (4) Except as otherwise provided in this subsection, the
17 first 30 hours for which pupil instruction is not provided
18 because of conditions not within the control of school
19 authorities, such as severe storms, fires, epidemics, or health
20 conditions as defined by the city, county, or state health
21 authorities, shall be counted as hours of pupil instruction. In
22 addition, for 2003-2004 only, the department shall count as hours
23 of pupil instruction not more than 20 additional hours for which
24 pupil instruction was not provided in a school in a district due
25 to structural roof and truss damage that required the school to
26 be closed. Beginning in 2004-2005, the department shall count as
27 hours of pupil instruction for a fiscal year not more than 30

1 additional hours for which pupil instruction is not provided in a
2 district after April 1 of the applicable school year due to
3 unusual and extenuating occurrences resulting from conditions not
4 within the control of school authorities such as those conditions
5 described in this subsection. Subsequent such hours shall not be
6 counted as hours of pupil instruction.

7 (5) A district shall not forfeit part of its state aid
8 appropriation because it adopts or has in existence an
9 alternative scheduling program for pupils in kindergarten if the
10 program provides at least the number of hours required under
11 subsection (3) for a full-time equated membership for a pupil in
12 kindergarten as provided under section 6(4).

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

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

1 subsection (4).

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

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

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

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

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

23 (d) If a pupil in grades 9 to 12 who is enrolled in a
24 cooperative education program or a special education pupil cannot
25 receive the required minimum number of hours of pupil instruction
26 solely because of travel time between instructional sites during
27 the school day, that travel time, up to a maximum of 3 hours per

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

9 **(e) In grades 7 through 12, instructional time that is part**
10 **of a reserve officer training corps (ROTC) program shall be**
11 **considered to be pupil instruction time regardless of whether the**
12 **instructor is a certificated teacher.**

13 (8) The department shall apply the guidelines under
14 subsection (7) in calculating the full-time equivalency of
15 pupils.

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

25 (10) A district may count up to 51 hours of professional
26 development for teachers, including the 5 hours of online
27 professional development provided by the Michigan virtual

1 university under section 98, as hours of pupil instruction. A
2 district that elects to use this exception shall notify the
3 department of its election.