

Legislative Analysis



ANNUAL AMOUNT OF PUPIL INSTRUCTION

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Senate Bill 95 (Substitute H-1)
Sponsor: Sen. Valde Garcia
House Committee: Education
Senate Committee: Education

First Analysis (11-29-06)

BRIEF SUMMARY: The bill would require school districts and public school academies (customarily called charter schools) to provide at least the minimum amount of pupil instruction each school year, as is required under the School Aid Act. It would remove requirements currently in the Revised School Code for incremental yearly increases in the number of school days and hours of instruction.

FISCAL IMPACT: The bill would have no fiscal impact.

THE APPARENT PROBLEM:

To qualify for school aid payments from the state, public schools and public school academies (customarily called charter schools) must provide students with a certain minimum amount of instruction time. Historically, schools were required to provide at least 180 days of instruction each year.

In the 1990s, amendments to the Revised School Code established gradual yearly increases in the minimum number of days and hours of instruction, which were to culminate in the 2006-2007 school year when schools would have had to provide 190 days and 1,140 hours of instruction.

Some school districts believed that those requirements were too rigid, and requested flexibility in establishing school schedules. In response to those concerns, amendments to the School Aid Act in 2003 removed the minimum days requirement and set the minimum hours of pupil instruction at 1,098 hours. These provisions have allowed schools to develop alternative schedules, for example by offering four-day school weeks to save on transportation, food service, and utility costs. Similarly, some schools increased the length of each school day to provide the required number of hours of instruction in fewer days. Those changes, however, were never made in the Revised School Code, which still contains language requiring annual increases in the number of hours and days of instruction.

Legislation has been proposed to make the School Code consistent with the current requirements in the School Aid Act.

THE CONTENT OF THE BILL:

Senate Bill 95 (H-1) would amend the Revised School Code to require school districts and public school academies (or charter schools) to provide at least the minimum amount of pupil instruction each school year, as is required under the School Aid Act. To that end, it would remove requirements for incremental yearly increases in the number of school days and hours of instruction.

Currently, the code requires the board of a school district or charter school to increase the number of days and hours of instruction each school year. For example, in 2005-2006, the code required 189 days of instruction and 1,134 hours of instruction; in 2006-2007, schools must offer 190 days and 1,140 hours of instruction, with some exceptions. (See Background Information.)

The bill would delete these provisions, and instead would require the boards of public schools, including charter schools, to provide at least the minimum amount of pupil instruction each school year required under the School Aid Act.

MCL 380.1284

HOUSE COMMITTEE ACTION:

The House Education Committee added three amendments to the bill. All amendments eliminate references to the term "hours" in an effort to provide for greater flexibility in the code should future changes in the School Aid Act require a different minimum level of instruction. Instead of references to "minimum *number of hours* of pupil instruction," the bill was amended to read "minimum *amount* of pupil instruction."

BACKGROUND INFORMATION:

In the 1990s, both the Revised School Code and the School Aid Act were amended to require that instructional time in schools increase from a minimum of 180 days to a minimum of 190 days. The school year was to be lengthened gradually over the course of 10 years, in order that Michigan students could better compete academically with their peers in other countries. Researchers noted that U. S. students fared poorly on international comparison tests of academic achievement, in part because students in leading countries attended school longer each year than do most students in the United States.

However, as the number of days increases incrementally, the code stipulates that the required minimum number of days or hours of instruction may not be increased for a particular year if the Department of Education determines that the percentage growth in the basic foundation allowance under the School Aid Act for the fiscal year in which the school year begins is less than the percentage increase in the average United States consumer price index (CPI) during the preceding calendar year as compared to the second preceding calendar year. If there is no increase in the number of days or hours of

instruction for a given year, then the increase for the next year in which the percentage growth in school aid funding exceeds the percentage growth in the CPI must be one day and the corresponding number of hours, until the minimum number of days required is 190 and the minimum number of hours required is 1,140.

The code allows the board of a school district or board of directors of a PSA to choose, by resolution, to provide fewer days of instruction for a given year than the statute indicates, as long as the board or board of directors provides at least the required number of hours of instruction and not fewer than 180 days of instruction.

ARGUMENTS:

For:

Both the School Aid Act and the Revised School Code contain language establishing minimum instruction time for public schools and charter schools. While the School Aid Act was amended in 2003 and reflects the most recent decision of lawmakers on the subject, the Revised School Code was never updated to reflect the 2003 amendments to the act. To reconcile the two statutes and eliminate the need to amend both every time there is a change, the bill would remove the instruction requirements in the code, instead referring to the provisions in the School Aid Act.

POSITIONS:

The Michigan Department of Education supports the bill. (11-29-06)

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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.