

HOUSE BILL No. 6025

May 2, 2006, Introduced by Rep. Caswell 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 2005 PA 155.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 101. (1) To be eligible to receive state aid under this
2 act, not later than the fifth Wednesday after the pupil membership
3 count day and not later than the fifth Wednesday after the
4 supplemental count day, each district superintendent through the
5 secretary of the district's board shall file with the intermediate
6 superintendent a certified and sworn copy of the number of pupils
7 enrolled and in regular daily attendance in the district as of the
8 pupil membership count day and as of the supplemental count day, as
9 applicable, for the current school year. In addition, a district
10 maintaining school during the entire year, as provided under
11 section 1561 of the revised school code, MCL 380.1561, shall file

1 with the intermediate superintendent a certified and sworn copy of
2 the number of pupils enrolled and in regular daily attendance in
3 the district for the current school year pursuant to rules
4 promulgated by the superintendent. Not later than the seventh
5 Wednesday after the pupil membership count day and not later than
6 the seventh Wednesday after the supplemental count day, the
7 intermediate district shall transmit to the center revised data, as
8 applicable, for each of its constituent districts. If a district
9 fails to file the sworn and certified copy with the intermediate
10 superintendent in a timely manner, as required under this
11 subsection, the intermediate district shall notify the department
12 and state aid due to be distributed under this act shall be
13 withheld from the defaulting district immediately, beginning with
14 the next payment after the failure and continuing with each payment
15 until the district complies with this subsection. If an
16 intermediate district fails to transmit the data in its possession
17 in a timely and accurate manner to the center, as required under
18 this subsection, state aid due to be distributed under this act
19 shall be withheld from the defaulting intermediate district
20 immediately, beginning with the next payment after the failure and
21 continuing with each payment until the intermediate district
22 complies with this subsection. If a district or intermediate
23 district does not comply with this subsection by the end of the
24 fiscal year, the district or intermediate district forfeits the
25 amount withheld. A person who willfully falsifies a figure or
26 statement in the certified and sworn copy of enrollment shall be
27 punished in the manner prescribed by section 161.

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

16 (3) All of the following apply to the provision of pupil
17 instruction:

18 (a) Except as otherwise provided in this section, each
19 district shall provide at least ~~1,098~~ **THE MINIMUM NUMBER OF DAYS**
20 **AND** hours of pupil instruction **REQUIRED TO BE PROVIDED UNDER**
21 **SECTION 1284 OF THE REVISED SCHOOL CODE, MCL 380.1284**. Except as
22 otherwise provided in this act, a district failing to comply with
23 the required minimum **DAYS AND** hours of pupil instruction under this
24 subsection shall forfeit from its total state aid allocation an
25 amount determined by applying a ratio of the number of **DAYS AND**
26 hours the district was in noncompliance in relation to the required
27 minimum number of **DAYS AND** hours under this subsection. Not later

1 than August 1, the board of each district shall certify to the
2 department the number of **DAYS AND** hours of pupil instruction in the
3 previous school year. If the district did not provide at least the
4 required minimum number of **DAYS AND** hours of pupil instruction
5 under this subsection, the deduction of state aid shall be made in
6 the following fiscal year from the first payment of state school
7 aid. A district is not subject to forfeiture of funds under this
8 subsection for a fiscal year in which a forfeiture was already
9 imposed under subsection (6). ~~Hours~~ **DAYS OR HOURS** lost because of
10 strikes or teachers' conferences shall not be counted as days or
11 hours of pupil instruction.

12 (b) Except as otherwise provided in subdivision (c), a
13 district not having at least 75% of the district's membership in
14 attendance on any day of pupil instruction shall receive state aid
15 in that proportion of 1/180 that the actual percent of attendance
16 bears to the specified percentage.

17 (c) Beginning in 2005-2006, at the request of a district that
18 operates a department-approved alternative education program and
19 that does not provide instruction for pupils in all of grades K to
20 12, the superintendent shall grant a waiver for a period of 3
21 school years from the requirements of subdivision (b) in order to
22 conduct a pilot study. The waiver shall indicate that an eligible
23 district is subject to the proration provisions of subdivision (b)
24 only if the district does not have at least 50% of the district's
25 membership in attendance on any day of pupil instruction. Not later
26 than 2008-2009, the department shall report on the impact of this
27 waiver on the academic achievement of pupils in these districts to

1 the state budget director and the senate and house appropriations
2 subcommittees on state school aid. In order to be eligible for this
3 waiver, a district must maintain records to substantiate its
4 compliance with the following requirements during the pilot study:

5 (i) The district offers the minimum **DAYS AND** hours of pupil
6 instruction as required under this section.

7 (ii) For each enrolled pupil, the district uses appropriate
8 academic assessments to develop an individual education plan that
9 leads to a high school diploma.

10 (iii) The district tests each pupil to determine academic
11 progress at regular intervals and records the results of those
12 tests in that pupil's individual education plan.

13 (d) The superintendent shall promulgate rules for the
14 implementation of this subsection.

15 (4) Except as otherwise provided in this subsection, the first
16 ~~30~~ **2 DAYS OR 12** hours for which pupil instruction is not provided
17 because of conditions not within the control of school authorities,
18 such as severe storms, fires, epidemics, utility power
19 unavailability, water or sewer failure, or health conditions as
20 defined by the city, county, or state health authorities, shall be
21 counted as **DAYS AND** hours of pupil instruction. ~~Beginning in 2003-~~
22 ~~2004, with~~ **WITH** the approval of the superintendent of public
23 instruction, the department shall count as **DAYS AND** hours of pupil
24 instruction for a fiscal year not more than **5 ADDITIONAL DAYS OR** 30
25 additional hours for which pupil instruction is not provided in a
26 district after April 1 of the applicable school year due to unusual
27 and extenuating occurrences resulting from conditions not within

1 the control of school authorities such as those conditions
2 described in this subsection. Subsequent such **DAYS OR** hours shall
3 not be counted as **DAYS OR** hours of pupil instruction.

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

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

22 (a) The district fails to operate its schools for at least the
23 required minimum number of **DAYS AND** hours of pupil instruction
24 under subsection (3) in a school year, including **DAYS AND** hours
25 counted under subsection (4).

26 (b) The board of the district takes formal action not to
27 operate its schools for at least the required minimum number of

1 **DAYS AND** hours of pupil instruction under subsection (3) in a
2 school year, including **DAYS AND** hours counted under subsection (4).

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

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

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

15 (c) Except as otherwise provided in this subdivision, a pupil
16 in grades 9 to 12 for whom a reduced schedule is determined to be
17 in the individual pupil's best educational interest must be
18 scheduled for a number of **DAYS AND** hours equal to at least 80% of
19 the required minimum number of **DAYS AND** hours of pupil instruction
20 to be considered a full-time equivalent pupil. A pupil in grades 9
21 to 12 who is scheduled in a 4-block schedule may receive a reduced
22 schedule under this subsection if the pupil is scheduled for a
23 number of **DAYS AND** hours equal to at least 75% of the required
24 minimum number of **DAYS AND** hours of pupil instruction to be
25 considered a full-time equivalent pupil.

26 (d) If a pupil in grades 9 to 12 who is enrolled in a
27 cooperative education program or a special education pupil cannot

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

12 (e) In grades 7 through 12, instructional time that is part of
13 a junior reserve officer training corps (JROTC) program shall be
14 considered to be pupil instruction time regardless of whether the
15 instructor is a certificated teacher if all of the following are
16 met:

17 (i) The instructor has met all of the requirements established
18 by the United States department of defense and the applicable
19 branch of the armed services for serving as an instructor in the
20 junior reserve officer training corps program.

21 (ii) The board of the district or intermediate district
22 employing or assigning the instructor complies with the
23 requirements of sections 1230 and 1230a of the revised school code,
24 MCL 380.1230 and 380.1230a, with respect to the instructor to the
25 same extent as if employing the instructor as a regular classroom
26 teacher.

27 (8) The department shall apply the guidelines under subsection

1 (7) in calculating the full-time equivalency of pupils.

2 (9) Upon application by the district for a particular fiscal
3 year, the superintendent may waive for a district the minimum
4 number of **DAYS AND** hours of pupil instruction requirement of
5 subsection (3) for a department-approved alternative education
6 program. If a district applies for and receives a waiver under this
7 subsection and complies with the terms of the waiver, for the
8 fiscal year covered by the waiver the district is not subject to
9 forfeiture under this section for the specific program covered by
10 the waiver.

11 (10) A district may count up to **8-1/2 DAYS OR** 51 hours of
12 qualifying professional development for teachers, including the 5
13 hours of online professional development provided by the Michigan
14 virtual university under section 98, as **DAYS AND** hours of pupil
15 instruction. A district that elects to use this exception shall
16 notify the department of its election. As used in this subsection,
17 "qualifying professional development" means professional
18 development that is focused on 1 or more of the following:

19 (a) Achieving or improving adequate yearly progress as defined
20 under the no child left behind act of 2001, Public Law 107-110.

21 (b) Achieving accreditation or improving a school's
22 accreditation status under section 1280 of the revised school code,
23 MCL 380.1280.

24 (c) Achieving highly qualified teacher status as defined under
25 the no child left behind act of 2001, Public Law 107-110.

26 (d) Maintaining teacher certification.