

SENATE BILL No. 77

January 25, 2005, Introduced by Senators VAN WOERKOM, GILBERT, ALLEN, KUIPERS, GARCIA, GOSCHKA, STAMAS and TOY 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 351.

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

1 maintaining school during the entire year, as provided under
2 section 1561 of the revised school code, MCL 380.1561, shall file
3 with the intermediate superintendent a certified and sworn copy of
4 the number of pupils enrolled and in regular daily attendance in
5 the 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 center revised data, as
10 applicable, for each of its constituent districts. If a district
11 fails 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 payment
17 until the district complies with this subsection. If an
18 intermediate district fails to transmit the data in its possession
19 in a timely and accurate manner to the center, as required under
20 this subsection, state aid due to be distributed under this act
21 shall be withheld from the defaulting intermediate district
22 immediately, beginning with the next payment after the failure and
23 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 the
6 supplemental count day, an intermediate district shall submit to
7 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 district
16 does not comply with this subsection by the end of the fiscal year,
17 the intermediate district forfeits the amount withheld.

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

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

14 (4) Except as otherwise provided in this subsection, the first
15 30 hours for which pupil instruction is not provided because of
16 conditions not within the control of school authorities, such as
17 severe storms, fires, epidemics, utility power unavailability,
18 water or sewer failure, or health conditions as defined by the
19 city, county, or state health authorities, shall be counted as
20 hours of pupil instruction. ~~In addition, for 2003-2004 only, the~~
21 ~~department shall count as hours of pupil instruction not more than~~
22 ~~20 additional hours for which pupil instruction was not provided in~~
23 ~~a school in a district due to structural roof and truss damage that~~
24 ~~required the school to be closed.~~ Beginning in 2003-2004, with the
25 approval of the superintendent of public instruction, the
26 department shall count as hours of pupil instruction for a fiscal
27 year not more than 30 additional hours for which pupil instruction

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

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

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

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

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

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

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

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

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

1 (d) If a pupil in grades 9 to 12 who is enrolled in a
2 cooperative education program or a special education pupil cannot
3 receive the required minimum number of hours of pupil instruction
4 solely because of travel time between instructional sites during
5 the school day, that travel time, up to a maximum of 3 hours per
6 school week, shall be considered to be pupil instruction time for
7 the purpose of determining whether the pupil is receiving the
8 required minimum number of hours of pupil instruction. However, if
9 a district demonstrates to the satisfaction of the department that
10 the travel time limitation under this subdivision would create
11 undue costs or hardship to the district, the department may
12 consider more travel time to be pupil instruction time for this
13 purpose.

14 (E) IN GRADES 7 THROUGH 12, INSTRUCTIONAL TIME THAT IS PART OF
15 A RESERVE OFFICER TRAINING CORPS (ROTC) PROGRAM SHALL BE CONSIDERED
16 TO BE PUPIL INSTRUCTION TIME REGARDLESS OF WHETHER THE INSTRUCTOR
17 IS A CERTIFICATED TEACHER.

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

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

1 (10) A district may count up to 51 hours of qualifying
2 professional development for teachers, including the 5 hours of
3 online professional development provided by the Michigan virtual
4 university under section 98, as hours of pupil instruction. A
5 district that elects to use this exception shall notify the
6 department of its election. As used in this subsection, "qualifying
7 professional development" means professional development that is
8 focused on 1 or more of the following:

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

11 (b) Achieving accreditation or improving a school's
12 accreditation status under section 1280 of the revised school code,
13 MCL 380.1280.

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

16 (d) Maintaining teacher certification.