

SENATE BILL No. 330

March 17, 2005, Introduced by Senators KUIPERS, CASSIS, HARDIMAN, BIRKHOLZ, McMANUS, ALLEN, GOSCHKA and BISHOP 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 31a (MCL 388.1631a), as amended by 2004 PA 351.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 31a. (1) From the money appropriated in section 11, there
2 is allocated for 2004-2005 an amount not to exceed \$314,200,000.00
3 for payments to eligible districts and eligible public school
4 academies under this section. Subject to subsection ~~(12)~~ (13), the
5 amount of the additional allowance under this section shall be
6 based on the number of actual pupils in membership in the district
7 or public school academy who met the income eligibility criteria
8 for free breakfast, lunch, or milk in the immediately preceding
9 state fiscal year, as determined under the Richard B. Russell

1 national school lunch act, 42 USC 1751 to 1769h, and reported to
2 the department by October 31 of the immediately preceding fiscal
3 year and adjusted not later than December 31 of the immediately
4 preceding fiscal year. However, for a public school academy that
5 began operations as a public school academy after the pupil
6 membership count day of the immediately preceding school year, the
7 basis for the additional allowance under this section shall be the
8 number of actual pupils in membership in the public school academy
9 who met the income eligibility criteria for free breakfast, lunch,
10 or milk in the current state fiscal year, as determined under the
11 Richard B. Russell national school lunch act.

12 (2) To be eligible to receive funding under this section,
13 other than funding under subsection (6), a district or public
14 school academy that has not been previously determined to be
15 eligible shall apply to the department, in a form and manner
16 prescribed by the department, and a district or public school
17 academy must meet all of the following:

18 (a) The sum of the district's or public school academy's
19 combined state and local revenue per membership pupil in the
20 current state fiscal year, as calculated under section 20, plus the
21 amount of the district's per pupil allocation under section 20j(2),
22 is less than or equal to \$6,500.00 adjusted by the dollar amount of
23 the difference between the basic foundation allowance under section
24 20 for the current state fiscal year and \$5,000.00, minus \$200.00.

25 (b) The district or public school academy agrees to use the
26 funding only for purposes allowed under this section and to comply
27 with the program and accountability requirements under this

1 section.

2 (3) Except as otherwise provided in this subsection, an
3 eligible district or eligible public school academy shall receive
4 under this section for each membership pupil in the district or
5 public school academy who met the income eligibility criteria for
6 free breakfast, lunch, or milk, as determined under the Richard B.
7 Russell national school lunch act and as reported to the department
8 by October 31 of the immediately preceding fiscal year and adjusted
9 not later than December 31 of the immediately preceding fiscal
10 year, an amount per pupil equal to 11.5% of the sum of the
11 district's foundation allowance or public school academy's per
12 pupil amount calculated under section 20, plus the amount of the
13 district's per pupil allocation under section 20j(2), not to exceed
14 \$6,500.00 adjusted by the dollar amount of the difference between
15 the basic foundation allowance under section 20 for the current
16 state fiscal year and \$5,000.00, minus \$200.00, or of the public
17 school academy's per membership pupil amount calculated under
18 section 20 for the current state fiscal year. A public school
19 academy that began operations as a public school academy after the
20 pupil membership count day of the immediately preceding school year
21 shall receive under this section for each membership pupil in the
22 public school academy who met the income eligibility criteria for
23 free breakfast, lunch, or milk, as determined under the Richard B.
24 Russell national school lunch act and as reported to the department
25 by October 31 of the current fiscal year and adjusted not later
26 than December 31 of the current fiscal year, an amount per pupil
27 equal to 11.5% of the public school academy's per membership pupil

1 amount calculated under section 20 for the current state fiscal
2 year.

3 (4) Except as otherwise provided in this section, a district
4 or public school academy receiving funding under this section shall
5 use that money only to provide instructional programs and direct
6 noninstructional services, including, but not limited to, medical
7 or counseling services, for at-risk pupils; for school health
8 clinics; and for the purposes of subsection (5) or (6). In
9 addition, a district that is organized as a school district of the
10 first class under the revised school code or a district or public
11 school academy in which at least 50% of the pupils in membership
12 met the income eligibility criteria for free breakfast, lunch, or
13 milk in the immediately preceding state fiscal year, as determined
14 and reported as described in subsection (1), may use not more than
15 10% of the funds it receives under this section for school
16 security. A district or public school academy shall not use any of
17 that money for administrative costs or to supplant another program
18 or other funds, except for funds allocated to the district or
19 public school academy under this section in the immediately
20 preceding year and already being used by the district or public
21 school academy for at-risk pupils. The instruction or direct
22 noninstructional services provided under this section may be
23 conducted before or after regular school hours or by adding extra
24 school days to the school year and may include, but are not limited
25 to, tutorial services, early childhood programs to serve children
26 age 0 to 5, and reading programs as described in former section 32f
27 as in effect for 2001-2002. A tutorial method may be conducted with

1 paraprofessionals working under the supervision of a certificated
2 teacher. The ratio of pupils to paraprofessionals shall be between
3 10:1 and 15:1. Only 1 certificated teacher is required to supervise
4 instruction using a tutorial method. As used in this subsection,
5 "to supplant another program" means to take the place of a
6 previously existing instructional program or direct
7 noninstructional services funded from a funding source other than
8 funding under this section.

9 (5) Except as otherwise provided in subsection (11), a
10 district or public school academy that receives funds under this
11 section and that operates a school breakfast program under section
12 1272a of the revised school code, MCL 380.1272a, shall use from the
13 funds received under this section an amount, not to exceed \$10.00
14 per pupil for whom the district or public school academy receives
15 funds under this section, necessary to operate the school breakfast
16 program.

17 (6) From the funds allocated under subsection (1), there is
18 allocated for 2004-2005 an amount not to exceed \$3,743,000.00 to
19 support teen health centers. These grants shall be awarded for 3
20 consecutive years beginning with 2003-2004 in a form and manner
21 approved jointly by the department and the department of community
22 health. Each grant recipient shall remain in compliance with the
23 terms of the grant award or shall forfeit the grant award for the
24 duration of the 3-year period after the noncompliance. Beginning in
25 2004-2005, to continue to receive funding for a teen health center
26 under this section a grant recipient shall ensure that the teen
27 health center has an advisory committee and that at least one-third

1 of the members of the advisory committee are parents or legal
2 guardians of school-aged children. A teen health center program
3 shall recognize the role of a child's parents or legal guardian in
4 the physical and emotional well-being of the child. If any funds
5 allocated under this subsection are not used for the purposes of
6 this subsection for the fiscal year in which they are allocated,
7 those unused funds shall be used that fiscal year to avoid or
8 minimize any proration that would otherwise be required under
9 subsection ~~(12)~~ (13) for that fiscal year.

10 (7) Each district or public school academy receiving funds
11 under this section shall submit to the department by July 15 of
12 each fiscal year a report, not to exceed 10 pages, on the usage by
13 the district or public school academy of funds under this section,
14 which report shall include at least a brief description of each
15 program conducted by the district or public school academy using
16 funds under this section, the amount of funds under this section
17 allocated to each of those programs, the number of at-risk pupils
18 eligible for free or reduced price school lunch who were served by
19 each of those programs, and the total number of at-risk pupils
20 served by each of those programs. If a district or public school
21 academy does not comply with this subsection, the department shall
22 withhold an amount equal to the August payment due under this
23 section until the district or public school academy complies with
24 this subsection. If the district or public school academy does not
25 comply with this subsection by the end of the state fiscal year,
26 the withheld funds shall be forfeited to the school aid fund.

27 (8) In order to receive funds under this section, a district

1 or public school academy shall allow access for the department or
2 the department's designee to audit all records related to the
3 program for which it receives those funds. The district or public
4 school academy shall reimburse the state for all disallowances
5 found in the audit.

6 (9) Subject to subsections (5), (6), ~~and~~ (11), **AND (12)**, any
7 district may use up to 100% of the funds it receives under this
8 section to reduce the ratio of pupils to teachers in grades K-6, or
9 any combination of those grades, in school buildings in which the
10 percentage of pupils described in subsection (1) exceeds the
11 district's aggregate percentage of those pupils. Subject to
12 subsections (5), (6), ~~and~~ (11), **AND (12)**, if a district obtains a
13 waiver from the department, the district may use up to 100% of the
14 funds it receives under this section to reduce the ratio of pupils
15 to teachers in grades K-6, or any combination of those grades, in
16 school buildings in which the percentage of pupils described in
17 subsection (1) is at least 60% of the district's aggregate
18 percentage of those pupils and at least 30% of the total number of
19 pupils enrolled in the school building. To obtain a waiver, a
20 district must apply to the department and demonstrate to the
21 satisfaction of the department that the class size reductions would
22 be in the best interests of the district's at-risk pupils.

23 (10) A district or public school academy may use funds
24 received under this section for adult high school completion,
25 general educational development (G.E.D.) test preparation, adult
26 English as a second language, or adult basic education programs
27 described in section 107.

(11) For an individual school or schools operated by a district or public school academy receiving funds under this section that have been determined by the department to meet the adequate yearly progress standards of the federal no child left behind act of 2001, Public Law 107-110, in both mathematics and English language arts at all applicable grade levels for all applicable subgroups, the district or public school academy may submit to the department an application for flexibility in using the funds received under this section that are attributable to the pupils in the school or schools. The application shall identify the affected school or schools and the affected funds and shall contain a plan for using the funds for specific purposes identified by the district that are designed to benefit at-risk pupils in the school, but that may be different from the purposes otherwise allowable under this section. The department shall approve the application if the department determines that the purposes identified in the plan are reasonably designed to benefit at-risk pupils in the school. If the department does not act to approve or disapprove an application within 30 days after it is submitted to the department, the application is considered to be approved. If an application for flexibility in using the funds is approved, the district may use the funds identified in the application for any purpose identified in the plan.

(12) IF A DISTRICT OR PUBLIC SCHOOL ACADEMY THAT RECEIVES FUNDS UNDER THIS SECTION MEETS THE CRITERIA UNDER THIS SUBSECTION, THE DISTRICT OR PUBLIC SCHOOL ACADEMY SHALL USE AT LEAST 25% OF THE TOTAL FUNDS IT RECEIVES UNDER THIS SECTION TO IMPLEMENT AND OPERATE

1 AN EARLY LEARNING SUCCESS PROGRAM THAT WILL MONITOR INDIVIDUAL
2 PUPIL LEARNING AND PROVIDE SPECIFIC SUPPORT OR LEARNING STRATEGIES
3 TO PUPILS AS EARLY AS POSSIBLE IN ORDER TO REDUCE THE NEED FOR
4 SPECIAL EDUCATION PLACEMENT. THE PROGRAM SHALL INCLUDE LITERACY AND
5 NUMERACY SUPPORTS, SENSORY MOTOR SKILL DEVELOPMENT, BEHAVIOR
6 SUPPORTS, INSTRUCTIONAL CONSULTATION FOR TEACHERS, AND THE
7 DEVELOPMENT OF A PARENT/SCHOOL LEARNING PLAN. A DISTRICT OR PUBLIC
8 SCHOOL ACADEMY IS SUBJECT TO THIS SUBSECTION IF THE DEPARTMENT
9 DETERMINES THAT THE DISTRICT OR PUBLIC SCHOOL ACADEMY MEETS BOTH OF
10 THE FOLLOWING, AS APPLICABLE:

11 (A) THE PERCENTAGE OF PUPILS IN MEMBERSHIP IN THE DISTRICT OR
12 PUBLIC SCHOOL ACADEMY WHO HAVE A LEARNING DISABILITY EXCEEDS THE
13 STATEWIDE PERCENTAGE OF PUPILS WITH A LEARNING DISABILITY.

14 (B) FOR A DISTRICT, MORE THAN 25% OF THE SCHOOLS OPERATED BY
15 THE DISTRICT, FOR THE MOST RECENT SCHOOL YEAR FOR WHICH THE
16 STATISTICS ARE AVAILABLE, DID NOT MEET THE ADEQUATE YEARLY PROGRESS
17 STANDARDS OF THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001, PUBLIC
18 LAW 107-110, IN ENGLISH LANGUAGE ARTS AT 1 OR MORE APPLICABLE GRADE
19 LEVELS OR FOR 1 OR MORE APPLICABLE SUBGROUPS, OR FOR A PUBLIC
20 SCHOOL ACADEMY, THE PUBLIC SCHOOL ACADEMY, FOR THE MOST RECENT
21 SCHOOL YEAR FOR WHICH THE STATISTICS ARE AVAILABLE, DID NOT MEET
22 THE ADEQUATE YEARLY PROGRESS STANDARDS OF THE FEDERAL NO CHILD LEFT
23 BEHIND ACT OF 2001, PUBLIC LAW 107-110, IN ENGLISH LANGUAGE ARTS AT
24 1 OR MORE APPLICABLE GRADE LEVELS OR FOR 1 OR MORE APPLICABLE
25 SUBGROUPS.

26 (13) ~~—(12)—~~ If necessary, and before any proration required
27 under section 11, the department shall prorate payments under this

1 section by reducing the amount of the per pupil payment under this
2 section by a dollar amount calculated by determining the amount by
3 which the amount necessary to fully fund the requirements of this
4 section exceeds the maximum amount allocated under this section and
5 then dividing that amount by the total statewide number of pupils
6 who met the income eligibility criteria for free breakfast, lunch,
7 or milk in the immediately preceding fiscal year, as described in
8 subsection (1).

9 (14) ~~—(13)—~~ If a district is formed by consolidation after
10 June 1, 1995, and if 1 or more of the original districts was not
11 eligible before the consolidation for an additional allowance under
12 this section, the amount of the additional allowance under this
13 section for the consolidated district shall be based on the number
14 of pupils described in subsection (1) enrolled in the consolidated
15 district who reside in the territory of an original district that
16 was eligible before the consolidation for an additional allowance
17 under this section.

18 (15) ~~—(14)—~~ A district or public school academy that does not
19 meet the eligibility requirement under subsection (2)(a) is
20 eligible for funding under this section if at least 1/4 of the
21 pupils in membership in the district or public school academy met
22 the income eligibility criteria for free breakfast, lunch, or milk
23 in the immediately preceding state fiscal year, as determined and
24 reported as described in subsection (1), and at least 4,500 of the
25 pupils in membership in the district or public school academy met
26 the income eligibility criteria for free breakfast, lunch, or milk
27 in the immediately preceding state fiscal year, as determined and

1 reported as described in subsection (1). A district or public
2 school academy that is eligible for funding under this section
3 because the district meets the requirements of this subsection
4 shall receive under this section for each membership pupil in the
5 district or public school academy who met the income eligibility
6 criteria for free breakfast, lunch, or milk in the immediately
7 preceding fiscal year, as determined and reported as described in
8 subsection (1), an amount per pupil equal to 11.5% of the sum of
9 the district's foundation allowance or public school academy's per
10 pupil allocation under section 20, plus the amount of the
11 district's per pupil allocation under section 20j(2), not to exceed
12 \$6,500.00 adjusted by the dollar amount of the difference between
13 the basic foundation allowance under section 20 for the current
14 state fiscal year and \$5,000.00, minus \$200.00.

15 (16) ~~—(15)—~~ As used in this section, "at-risk pupil" means a
16 pupil for whom the district has documentation that the pupil meets
17 at least 2 of the following criteria: is a victim of child abuse or
18 neglect; is below grade level in English language and communication
19 skills or mathematics; is a pregnant teenager or teenage parent; is
20 eligible for a federal free or reduced-price lunch subsidy; has
21 atypical behavior or attendance patterns; or has a family history
22 of school failure, incarceration, or substance abuse. For pupils
23 for whom the results of at least the applicable Michigan education
24 assessment program (MEAP) test have been received, at-risk pupil
25 also includes a pupil who does not meet the other criteria under
26 this subsection but who did not achieve at least a score of level 2
27 on the most recent MEAP English language arts, mathematics, or

1 science test for which results for the pupil have been received.
2 For pupils in grades K-3, at-risk pupil also includes a pupil who
3 is at risk of not meeting the district's core academic curricular
4 objectives in English language arts or mathematics.