

Legislative Analysis



PUBLIC-PRIVATE SCHOOL COURSES

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 836 (Substitute H-1)

Sponsor: Sen. Gerald Van Woerkom

House Committee: Education

Senate Committee: Education

First Analysis (6-18-08)

BRIEF SUMMARY:

The bill would revise the terms under which a district could receive state school aid for a non-public school student or for a home-schooled student enrolled in courses provided by the district. It would require that requests for instruction, and the response to such requests, be done in writing, and also allow students to seek instruction beyond the host school district.

FISCAL IMPACT: This bill would have an indeterminate fiscal impact to the state and local school districts. Passage of this bill may result in more private and home-schooled children being eligible to take elective classes at a public school, and this would result in those students being counted as part-time students, which would increase school aid costs. The additional costs would be equal to the number of additional part-time students participating, multiplied by the foundation allowance for the educating district.

THE APPARENT PROBLEM:

Many parents of non-public school students request that nearby public schools provide "nonessential elective course" instruction to their children. To do so, they must first request the school district in which they reside to provide the instruction, but if that district cannot, then they are free to make their request of a contiguous district that enters into a cooperative agreement with their home district.

Generally, school districts respond positively to requests for instruction by non-public and home-schooled students, since they receive state school-aid for each student who enrolls. And generally, if a school district does not or cannot offer a course for which instruction is sought, they refer the students to a nearby district with whom they have a cooperative arrangement to offer shared instruction. However, occasionally a school district both denies a request to provide instruction and also refuses to refer students to a nearby school that can. According to committee testimony, this has been the case for two years with Hudson Area Schools and Sacred Heart School.

It has been suggested that the law be changed, both to require that all requests from and responses to those seeking instruction be made in writing, and also to allow any contiguous school district to offer the instruction when the home district cannot, whether or not there exists a cooperative arrangement.

THE CONTENT OF THE BILL:

Senate Bill 836 (H-1) would amend the State School Aid Act to revise the terms under which a district could receive state school aid for a non-public school student or for a home-schooled student enrolled in courses provided by the district.

Currently under the law, a parent (or legal guardian) of a minor who is enrolled in a non-public school within a school district, or who resides in a school district and is being home-schooled, may enroll the minor in a curricular offering being provided by the district at the public school site. State school aid may be provided for a minor under these provisions only if certain conditions are met. These include a requirement that the non-public school be located, or the non-public students be educated, within the geographic boundaries of either the school district or of a contiguous school district operating under a cooperative program for which the district is a member and established for the purpose of providing non-essential elective courses to non-public school students.

Senate Bill 836 (H-1) would rewrite this provision.

Instead, the bill specifies that school aid could be provided to a school district for a non-public school student or for a home-schooled minor only if either of the following applied:

- (1) The non-public school was located, or the non-public students educated, within the geographic boundaries of the district.
- (2) The district in which the non-public school was located had denied a written request from the non-public school to provide all or a portion of certain instruction for a school year, and so the instruction was provided instead by a contiguous district. This would apply if the home district did not agree in writing to provide some or all of the requested instruction by May 1 immediately preceding the school year or within 60 days after the request (if the request had been made after March 1).

The bill requires that a school district that receives a written request to provide instruction reply to the request in writing by May 1 or, if the request is made after March 1, within 60 days of the request being submitted. The written reply must specify whether the district agrees or does not agree to provide each portion of instruction requested.

MCL 388.1766b

HOUSE COMMITTEE ACTION:

The House Education Committee adopted one amendment to the Senate-passed version of Senate Bill 836. That amendment *requires that requests from and responses to those seeking instruction from a public school district be submitted annually in writing*.

ARGUMENTS:

For:

This bill gives the parents of non-public school students greater flexibility when they want to supplement their children's home school or private school academic experience. For example, students who wish to enroll in band or a foreign language can do so, if the local school district offers the courses. If the local district does not and cannot, this bill would allow the student to seek the instruction at a contiguous school district, whether or not that district and the home district had a cooperative agreement.

In order to avoid confusion, and to hold the parties accountable, the bill would require that all requests from and responses to those seeking instruction be in writing. That requirement would better ensure that the interactions between parents and schools are clear to both. The documents--signed and dated--also would facilitate timely and more responsive decision-making.

POSITIONS:

The Michigan Department of Education supports the bill. (6-17-08)

The Michigan Association of School Boards supports the bill. (6-17-08)

The Michigan Association of Non-Public Schools supports the bill. (6-17-08)

The Michigan Catholic Conference supports the bill. (6-17-08)

Sacred Heart School supports the bill. (6-17-08)

Legislative Analyst: J. Hunault
Fiscal Analyst: Mary Ann Cleary
Bethany Wicksall

■ 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.