

HOUSE BILL No. 6273

June 19, 2008, Introduced by Reps. Pastor, Dean, Pearce and Stahl 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 2006 PA 342.

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

1 applicable, for the current school year. In addition, a district
2 maintaining school during the entire year, as provided under
3 section 1561 of the revised school code, MCL 380.1561, shall file
4 with the intermediate superintendent a certified and sworn copy of
5 the number of pupils enrolled and in regular daily attendance in
6 the district for the current school year pursuant to rules
7 promulgated by the superintendent. Not later than the seventh
8 Wednesday after the pupil membership count day and not later than
9 the seventh Wednesday after the supplemental count day, the
10 intermediate district shall transmit to the center revised data, as
11 applicable, for each of its constituent districts. If a district
12 fails to file the sworn and certified copy with the intermediate
13 superintendent in a timely manner, as required under this
14 subsection, the intermediate district shall notify the department
15 and state aid due to be distributed under this act shall be
16 withheld from the defaulting district immediately, beginning with
17 the next payment after the failure and continuing with each payment
18 until the district complies with this subsection. If an
19 intermediate district fails to transmit the data in its possession
20 in a timely and accurate manner to the center, as required under
21 this subsection, state aid due to be distributed under this act
22 shall be withheld from the defaulting intermediate district
23 immediately, beginning with the next payment after the failure and
24 continuing with each payment until the intermediate district
25 complies with this subsection. If a district or intermediate
26 district does not comply with this subsection by the end of the
27 fiscal year, the district or intermediate district forfeits the

1 amount withheld. A person who willfully falsifies a figure or
2 statement in the certified and sworn copy of enrollment shall be
3 punished in the manner prescribed by section 161.

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

19 (3) All of the following apply to the provision of pupil
20 instruction:

21 (a) Except as otherwise provided in this section, each
22 district shall provide at least 1,098 hours of pupil instruction.
23 Except as otherwise provided in this act, a district failing to
24 comply with the required minimum hours of pupil instruction under
25 this subsection shall forfeit from its total state aid allocation
26 an amount determined by applying a ratio of the number of hours the
27 district was in noncompliance in relation to the required minimum

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

17 (A) Except as otherwise provided in this subsection, the first
18 30 hours for which pupil instruction is not provided because of
19 conditions not within the control of school authorities, such as
20 severe storms, fires, epidemics, utility power unavailability,
21 water or sewer failure, or health conditions as defined by the
22 city, county, or state health authorities, shall be counted as
23 hours of pupil instruction.

24 (B) Beginning in 2003-2004, with the approval of the
25 superintendent of public instruction, the department shall count as
26 hours of pupil instruction for a fiscal year not more than 30
27 additional hours for which pupil instruction is not provided in a

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

6 (C) BEGINNING IN 2007-2008, THE DEPARTMENT SHALL COUNT AS
7 HOURS OF PUPIL INSTRUCTION FOR A FISCAL YEAR ANY OTHER HOURS FOR
8 WHICH PUPIL INSTRUCTION IS NOT PROVIDED IN A DISTRICT DUE TO
9 INTENTIONAL PROPERTY DAMAGE TO A SCHOOL FACILITY, SUCH AS ARSON,
10 THAT IS COMMITTED BY A PERSON OTHER THAN A PUPIL OR AN EMPLOYEE OR
11 SCHOOL OFFICIAL OF THE DISTRICT.

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

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

1 of pupil instruction under subsection (3), as specified in the
2 following:

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

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

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

15 (a) Except as otherwise provided in this subsection, a pupil
16 must be scheduled for at least the required minimum number of hours
17 of instruction, excluding study halls, or at least the sum of 90
18 hours plus the required minimum number of hours of instruction,
19 including up to 2 study halls.

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

23 (c) Except as otherwise provided in this subdivision, a pupil
24 in grades 9 to 12 for whom a reduced schedule is determined to be
25 in the individual pupil's best educational interest must be
26 scheduled for a number of hours equal to at least 80% of the
27 required minimum number of hours of pupil instruction to be

1 considered a full-time equivalent pupil. A pupil in grades 9 to 12
2 who is scheduled in a 4-block schedule may receive a reduced
3 schedule under this subsection if the pupil is scheduled for a
4 number of hours equal to at least 75% of the required minimum
5 number of hours of pupil instruction to be considered a full-time
6 equivalent pupil.

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

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

25 (i) The instructor has met all of the requirements established
26 by the United States department of defense and the applicable
27 branch of the armed services for serving as an instructor in the

1 junior reserve officer training corps program.

2 (ii) The board of the district or intermediate district
3 employing or assigning the instructor complies with the
4 requirements of sections 1230 and 1230a of the revised school code,
5 MCL 380.1230 and 380.1230a, with respect to the instructor to the
6 same extent as if employing the instructor as a regular classroom
7 teacher.

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

10 (9) Upon application by the district for a particular fiscal
11 year, the superintendent may waive for a district the minimum
12 number of hours of pupil instruction requirement of subsection (3)
13 for a department-approved alternative education program. If a
14 district applies for and receives a waiver under this subsection
15 and complies with the terms of the waiver, for the fiscal year
16 covered by the waiver the district is not subject to forfeiture
17 under this section for the specific program covered by the waiver.
18 If the district does not comply with the terms of the waiver, the
19 amount of the forfeiture shall be calculated based upon a
20 comparison of the number of hours of pupil instruction actually
21 provided to the minimum number of hours of pupil instruction
22 required under subsection (3).

23 (10) A district may count up to 38 hours of qualifying
24 professional development for teachers, including the 5 hours of
25 online professional development provided by the Michigan virtual
26 university under section 98, as hours of pupil instruction.
27 However, if a collective bargaining agreement that provides more

1 than 38 but not more than 51 hours of professional development for
2 teachers is in effect for employees of a district as of ~~the~~
3 ~~effective date of the 2006 amendatory act that amended this~~
4 ~~subsection~~ **OCTOBER 1, 2006**, then until the fiscal year that begins
5 after the expiration of that collective bargaining agreement a
6 district may count up to 51 hours of qualifying professional
7 development for teachers, including the 5 hours of online
8 professional development provided by the Michigan virtual
9 university under section 98, as hours of pupil instruction. A
10 district that elects to use this exception shall notify the
11 department of its election. As used in this subsection, "qualifying
12 professional development" means professional development that is
13 focused on 1 or more of the following:

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

16 (b) Achieving accreditation or improving a school's
17 accreditation status under section 1280 of the revised school code,
18 MCL 380.1280.

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

21 (d) Maintaining teacher certification.