

# Legislative Analysis



## KINDERGARTEN ENTRY AGE; EDUCATION ACHIEVEMENT AUTHORITY (EAA) SYSTEM

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**Senate Bill 316 (Substitute H-2)**  
**Sponsor: Sen. Darwin L. Booher**  
**House Committee: Education**  
**Senate Committee: Education**

*(Enacted as Public Act 199 of 2012)*

**Complete to 6-12-12**

### A SUMMARY OF SENATE BILL 316 (H-2) AS REPORTED BY COMMITTEE 6-7-12

#### **Senate Bill 316 – State School Aid Act**

Senate Bill 316 (H-2) is tie-barred to House Bill 4513, which amends the Revised School Code, so that it could not go into effect unless House Bill 4513 is also enacted into law. Senate Bill 316 (H-2) makes technical adjustments to make the bill's provisions consistent with the language of the School Aid budget embodied in House Bill 5372 CR-1\* (which is awaiting signature by the Governor).

First, Senate Bill 316 (H-2) would amend the State School Aid Act (MCL 388.1606 et al) by amending the definition of "membership." Under the act, to be counted in membership, a pupil must be five years old by December 1. The bill, instead, specifies that the pupil must meet the minimum age requirement established in the Revised School Code.

In addition, Senate Bill 316 (H-2) would amend four definitions found in the State School Aid Act to extend those definitions to the schools that constitute the Education Achievement Authority (EAA) System.

The EAA System is a separate system of schools created by an inter-local agreement between Detroit Public Schools and Eastern Michigan University, headed by a chancellor. The system comprises those Detroit schools whose students have the lowest academic achievement, as measured by the state assessment tests. Its first year of operation will be the 2012-2013 school year. The definitions that are modified by Senate Bill 316 (H-2) so they apply to the EAA System include those for the terms "membership," "pupil," "pupils in grades 1 to 12 actually enrolled and in regular daily attendance," and "textbook." In the case of the first three terms, the modification makes EAA schools eligible for state school aid payments. In the case of the term "textbook," the modification allows the chancellor of the Education Achievement Authority to select and approve textbooks and instructional materials. (In regular school districts, this authority rests with the governing board of the district.)

Senate Bill 316 (H-2) also modifies the definition of the term "membership" in three additional ways. First, the bill eliminates the following language: *full time equated*

*memberships for pupils in kindergarten shall be determined by dividing the number of class hours scheduled and provided per year per kindergarten pupil by a number equal to ½ the number used for determining full time equated memberships for pupils in grades 1 to 12.*

Second, the bill specifies that "beginning in 2012-2013, full-time equated memberships for pupils in kindergarten shall be determined by dividing the number of *instructional* hours (currently the law specifies *class* hours) scheduled and provided per year per kindergarten pupil by the same number used for determining full-time equated memberships for pupils in grades 1 to 12."

Third, Senate Bill 316 (H-2) continues, however, to specify: "To the extent allowable under federal law, for a district or public school academy that provides evidence satisfactory to the department that it used federal Title I money in the two immediately preceding school fiscal years to fund full-time kindergarten, full-time equated memberships for pupils in kindergarten shall be determined by dividing the number of class hours scheduled and provided per year per kindergarten pupil by a number equal to ½ the number used for determined full-time equated memberships for pupils in grades 1 to 12." The bill also requires the Department of Education to seek clarification from the federal Department of Education as to whether this is an allowable use of federal Title I money, and the bill specifies that the change in the counting of full-time equated memberships for pupils in kindergarten that takes effect in 2012-2013 is not a mandate.

Under the bill, not later than the fifth Wednesday after the pupil membership count day, each school district, charter school, and the Education Achievement System must report to the Department of Education and the Center for Education Information, the number of instructional hours scheduled per kindergarten pupil for 2012-2013. If the number of instructional hours is not equal for all kindergarten pupils, then the number of kindergarten pupils scheduled to receive each of the different numbers of instructional hours must be reported.

Further, Senate Bill 316 (H-2) would modify the definition for "pupil" to include a pupil enrolled in the Michigan virtual school. Now that definition applies only to a pupil enrolled in the Michigan virtual *high* school.

Finally, Senate Bill 316 (H-2) would eliminate the definition "university school," which is defined to mean an instructional program operated by a public university under Section 23.

#### **POSITIONS:**

The Michigan Education Association supports the bill. (5-7-12)

The Michigan Association of School Boards opposes the bill. (5-7-12)

## **BACKGROUND INFORMATION:**

The House Education Committee did not report an accompanying bill, Senate Bill 315. Senate Bill 315 is identical to House Bill 4513, which is already on the House Calendar. Senate Bill 316 (H-2), summarized above, is tie-barred to House Bill 4513, so that it could not go into effect, unless House Bill 4513 were also enacted into law. Both House Bill 4513 and Senate Bill 315 would amend the Revised School Code.

House Bill 4513 and Senate Bill 315 would amend the Revised School Code (MCL 380.114) to move up the minimum age requirement for a child enrolling in kindergarten so that a child would have to be five years of age by September 1, rather than December 1 (as is the case now). The requirement would be phased in over three years, starting in the 2013-14 school year.

Under current law, in school districts that provide kindergarten, a child may enroll in kindergarten if the child is at least 5 years old on December 1 of the school year of enrollment. Under, House Bill 4513 and Senate Bill 315, a child could enroll in kindergarten if he or she were at least five years old on November 1 of the 2013-14 school year, on October 1 of the 2014-15 school year, and on the September 1 immediately preceding enrollment for the 2015-16 school year.

The identical bills would, however, permit the parent or guardian of a child who is under 5 years old on the required date but who will be at least 5 years old by December 1 of the school year to enroll their student. To do so, the parent or guardian must notify the school district by June 1 immediately prior to the school year of the intention to enroll the child in kindergarten for the upcoming school year. (If a child becomes a resident of the school district after June 1, the written notification must be provided by August 1.) The district could make a recommendation that the child is not ready to enroll in kindergarten due to the child's age or other factors, but the parent or guardian would still have the choice to enroll the child. The bills would require districts enrolling children who turn 5 between September 1 and December 1 to report by December 31 the number of such children enrolled.

The bills would also delete an outdated provision permitting children who turn five years of age before March 1 of a school year to enroll in a kindergarten program in a district with semi-annual promotions.

## **FISCAL IMPACT:**

Technically, the bill would have no state or local fiscal impact, as the bill makes technical changes in the State School Aid Act. The provision concerning the kindergarten entry age ties back to the Revised School Code as amended by House Bill 4513, which would move up the kindergarten entry age from 5 years old by December 1 of the school year to 5 years old by September 1 prior to the school year. House Bill 4513 would reduce pupil counts, resulting in a cost savings to the state and a loss of revenue for school districts, depending on the extent to which parents seek to enroll their child.

The other provisions of the bill, including the instructional hours for a full-time equated kindergarten pupil, adjusting districts' pupil counts per Section 25, and the references to the Education Achievement Authority were already a part of the FY 2012-13 School Aid budget. They are incorporated here to avoid a conflict with the budget bill.

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■ 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.