

## **SCHOOL AID FOR NON-PUBLIC SCHOOL STUDENTS' INSTRUCTION FROM PUBLIC SCHOOLS**

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**Senate Bill 621 (Substitute H-2)**

*(Enacted as Public Act 130 of 2012)*

**Sponsor: Sen. Goeff Hansen**

**House Committee: Education**

**Senate Committee: Education**

**Complete to 2-14-12**

### **A SUMMARY OF SENATE BILL 621 AS REPORTED FROM HOUSE COMMITTEE**

The bill amends Section 166b of the State School Aid Act to address when a nonpublic school student or home-schooled student receiving public school instruction in a private school setting can be counted by the public school for purposes of receiving State School Aid funding.

[Reportedly, the vast majority of nonpublic schools have shared-time agreements in place with resident school districts or contiguous districts. Those agreements would not be affected. The bill, instead, would apply to situations where the resident district did not provide shared-time courses at the nonpublic school site, thus allowing the nonpublic school to work with more districts to provide instruction to its students.]

Section 166b of the act currently addresses two situations. The first is when the parent of a nonpublic school student or of a home-schooled student enrolls in a curricular offering at a public school or charter school. The language dealing with that situation is not changed by Senate Bill 621. The second is when a private school student or home-schooled student is enrolled in a curricular offering being provided by a public school district at the site of a nonpublic school. Senate Bill 621 deals with this second situation. The act and this bill address when a nonpublic school student or home-schooled student receiving public school instruction in a private school setting can be counted by the public school for purposes of receiving State School Aid funding.

Generally speaking, under certain circumstances, the bill would allow a nonpublic student to be counted by a public school district for State Aid purposes when that student was receiving public school instruction provided by "an eligible other district." Under the bill, the phrase "eligible other district" is defined to mean a district that is located in the same intermediate district as the district in which the nonpublic school is located or is located in an intermediate district that is contiguous to that intermediate school district.

Under current law, a private- or home-schooled student can be enrolled by a parent or guardian in a public school course offered at a private school site; however, the private school or the residence of the home schooled student must be located within the territory of the public school district. Senate Bill 621(H-2) would retain this provision, but remove the requirement that the private school be located within the public school

district. Instead, the bill would, as described below, allow a nonpublic student to receive public school instruction from any district in the resident intermediate school district (ISD) or in an intermediate school district contiguous to that resident intermediate district.

Current law also says that the public school can receive state aid for a student enrolled in a curricular offering of the public district at a private school site only if six conditions are met. The bill retains these six conditions, but modifies two of them—the first and the fourth (see below).

At present, a nonpublic student must be enrolled in a course offered by the resident public school district or, if the resident district does not agree to provide the instruction, offered by a contiguous district, in order for the instructing public school district to be eligible for State Aid. In contrast, under Senate Bill 621 (H-2), a private school or home-schooled student may be counted for State Aid purposes by a school district or charter school if these six criteria are met when the student enrolls for coursework:

- First (modified), when either of the following occurs with respect to geographic boundaries:
  - (1) the private school is located (or the private- or home-schooled students are educated) within the geographic boundaries of the educating-district; or,
  - (2) if the district in which the nonpublic school is located does not agree to provide instruction requested by the nonpublic school by certain deadlines, then the instruction can be provided by an "eligible other district" as defined in the bill.

Specifically, instruction by an "eligible other district" is permitted if the nonpublic school has submitted a written request to the district and the district does not agree to provide some or all of that instruction by May 1 immediately preceding that school year, or if the request is submitted after March 1 immediately preceding that school year, and the public school district does not agree to provide the instruction within 60 days after the nonpublic school submits the request.

House Bill 621 (H-2) specifies further that this would not require a nonpublic school to submit more than one request to the district in which it is located for that district to provide instruction, and does not require a nonpublic school to submit an additional request to provide additional instruction beyond that originally requested before having the instruction provided by an eligible other district. Further, a charter school in "an eligible other district" could provide the instruction under the same conditions as "an eligible other district."

- Second, the private school is registered with the Department of Education and meets state reporting requirements.
- Third, the scheduled instruction occurs during the regular school day.

- Fourth (modified), the instruction is provided directly by a certified teacher [from] the district or charter school or intermediate district. (Currently the law says "an employee of the district.")
- Fifth, the curriculum is also available to full-time pupils in the district or charter school.
- And sixth, the courses offered are restricted to non-essential elective courses for students in grades 1 to 12.

These proposed changes apply, and all conditions must be met, only when a public school district or a charter school intends to count the private- or home-school student in membership, for the purposes of State Aid funding.

MCL 388.1766b

## **FISCAL IMPACT:**

The bill would amend the shared-time provisions of the School Aid Act to expand the geographic limitations placed on shared-time (nonessential elective) classes taught by the resident public school district (i.e., the district in which the nonpublic school is located) at the site of the nonpublic school. It does this by permitting school districts located within the same intermediate school district and districts located in an ISD contiguous to the ISD of the resident district to provide shared time courses to nonpublic students.<sup>1</sup>

Public school districts teaching nonpublic school students under a shared-time agreement may count those pupils for pupil membership purposes. On this point, the Pupil Accounting Manual notes, "[t]he calculation of the part-time membership FTE for each pupil, from the nonpublic school, in a nonessential elective course is computed by dividing the number of eligible classes enrolled in and attended by the nonpublic student [. . .] by the number of classes required to be a full time pupil (1.0 FTE) at the public school."<sup>2</sup>

As noted earlier, reportedly, the vast majority of nonpublic schools have shared-time agreements in place with resident school districts or contiguous districts. Those agreements would not be affected. The bill, instead, would apply to situations where the resident district did not provide shared-time courses at the nonpublic school site, thus allowing the nonpublic school to work with more districts to provide instruction to its students. In expanding this provision, the bill would tend to increase pupil counts as it would permit nonpublic students previously unable to take shared-time courses due to the geographic restrictions currently in place to take shared-time courses through a public school, thereby increasing state School Aid expenditures due to higher statewide pupil membership counts. For State Aid purposes, these shared-time students are counted like

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<sup>1</sup> Under the State School Aid Act, nonpublic students may also take nonessential elective classes through the public school district at the site of the public school district. The bill does not amend that provision.

<sup>2</sup> [http://www.michigan.gov/documents/5E-NonPubPtTimeHomeSchooled\\_41434\\_7.pdf](http://www.michigan.gov/documents/5E-NonPubPtTimeHomeSchooled_41434_7.pdf)

"choice" students, meaning the instructing district receives aid based on the lesser of its own foundation allowance and the foundation allowance of the resident district.

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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.