

SCHOOL AID FOR NON-PUBLIC SCHOOL STUDENTS' INSTRUCTION

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Senate Bill 621 as passed by the Senate

Sponsor: Sen. Goeff Hansen

House Committee: Education

Senate Committee: Education

Complete to 1-17-12

A SUMMARY OF SENATE BILL 621 AS PASSED BY THE SENATE 10-27-11

Senate Bill 621 (S-2) would amend a section of the State School Aid Act (MCL 388.1766b) that determines when a public school district can count a private school or home school student for State Aid purposes. 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 at a nonpublic school site from any school district located in the intermediate school district in which the nonpublic school or student was located or from a school district in a contiguous intermediate school district.

Now under the 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 would retain this provision, but remove the requirement that the private school be located within the public school district.

Current law says that the public school can receive state aid for such students only if six conditions are met. The bill retains these six conditions, but modifies two of them. Now, a nonpublic student must be enrolled in a course in the resident public school district or, if the resident district does not agree to provide the instruction, in a contiguous district, in order for the instructing public school district to be eligible for State Aid. The bill would, as described below, allow a nonpublic student to receive public school instruction in any district in the resident intermediate school district (ISD) or in an intermediate school district contiguous to that resident intermediate district.

Under Senate Bill 621 (S-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, 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) the private school is located (or the nonpublic students are educated) in another district in the same intermediate district or a contiguous intermediate district.

This second case would apply where the resident district did not agree to provide the instruction within 60 days of being requested to do so.

- 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, 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.

Senate Bill 621 (S-2) is tie-barred to Senate Bill 619, so that it could not go into effect unless Senate Bill 619 is also enacted into law. [Note: Senate Bill 619 would amend the Revised School Code to delete the limit on the number of cyber schools that may be operated in Michigan, and also revise the legal requirements for cyber schools.]

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.¹ 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."²

¹ 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.

² http://www.michigan.gov/documents/5E-NonPubPtTimeHomeSchooled_41434_7.pdf

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 "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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