



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 621 (as enacted)
Sponsor: Senator Geoffrey Hansen
Senate Committee: Education
House Committee: Education

PUBLIC ACT 130 of 2012

Date Completed: 11-2-12

CONTENT

The bill amended the State School Aid Act, with respect to the provision of State aid for instruction of nonpublic students by public schools, by broadening geographic boundaries for nonpublic student instruction, for eligibility to receive State aid, when the resident district refuses to provide instruction after a request has been submitted.

Under the Act, a nonpublic student may be counted for State aid purposes by a public school district or public school academy (PSA) if the nonpublic school site is located, or the nonpublic students are educated, within the geographic boundaries of the district that is doing the educating. Previously, if the resident district would not provide the instruction upon request, then a nonpublic student also could be counted for State aid by a public school or PSA if the educating district or public school academy were contiguous to the resident district that did not agree to offer instruction to nonpublic students.

The bill broadened the geographic boundaries in situations where the resident district (i.e., the district in which the nonpublic school is located) does not agree to provide instruction to nonpublic students. Specifically, under the bill, a nonpublic student may be counted for State aid purposes if the instruction is provided by a public district or PSA located within the same intermediate school district (ISD) as the district in which the nonpublic school is located, or is located in an ISD contiguous to that resident ISD. The bill specifies that a nonpublic school is not required to make more than one request for instruction at the

resident district, or submit an additional request for additional instruction beyond the instruction requested originally, before having the instruction provided by a district other than the resident district.

The bill also requires, for State aid purposes, instruction to be provided directly by "a certified teacher at" rather than by "an employee of" a district, PSA, or ISD.

The Act does require other criteria be met in order to count a nonpublic student in membership for the purpose of State aid funding, but the bill made changes only to the geographic boundaries, and the other criteria remain unchanged. Those other criteria include: that the nonpublic school is registered with the Department of Education and meets all State reporting requirements for nonpublic schools; that instruction is scheduled to occur during the regular school day; that the curriculum is also available to full-time pupils at the public district or PSA during the regular school day; and that the curriculum offering is restricted to nonessential elective courses for pupils in grades 1 to 12.

The bill's changes apply only for the purposes of a public district's or PSA's ability to count a nonpublic student in membership, for the purposes of State aid funding. A nonpublic student may choose to enroll at any public district or PSA regardless of geographic boundaries (if allowed by that district or PSA), but unless the criteria laid out under the Act are met, the State will not make any State aid payments for that student's instruction.

The bill took effect on May 15, 2012.

FISCAL IMPACT

If the former geographic boundaries were limiting the enrollment of nonpublic students in elective courses at public schools (and subsequent State aid payment for the instruction provided), then this bill will increase State costs commensurate with the additional nonpublic students who may be enrolled and counted by "nonresident" public districts and PSAs, but the magnitude is indeterminate. The expansion of the geographic boundaries for instruction as permitted by the bill will occur only in situations where the resident district denies a request to provide elective course instruction to nonpublic students. In cases where the resident district agrees to provide the instruction, students of nonpublic schools located within the boundaries of that resident district will continue to be required to attend that district for State aid to be provided.

Fiscal Analyst: Kathryn Summers

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