



**Senate Fiscal Agency**  
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House Bill 4206 (Substitute H-3 as passed by the House)  
Sponsor: Representative Ben Frederick  
House Committee: Education  
                                    Ways and Means  
Senate Committee: Education and Career Readiness

## CONTENT

**The bill would amend the State School Aid Act to do the following:**

- Specify that if, because of a documented condition not within the control of school authorities, a district did not have at least 60%, instead of 75%, of the district's membership in attendance that day, the district would receive State aid in that proportion of 1/180 that the actual percentage of attendance would bear to the specified percentage.
- Require the Department of Education, with the approval of the Superintendent of Public Instruction, to count as hours and days of pupil instruction the days and the equivalent number of hours for which pupil instruction was not provided that would be included in a period for which the Governor had issued an executive order declaring a state of emergency, if certain conditions were met.
- Specify that, for 2018-2019 only, if a district did not provide pupil instruction for greater than fourteen days due to conditions described above, including those days counted as days of pupil instruction under the bill, but the district did provide at least the required minimum number of hours of pupil instruction, the district would not forfeit funding from its total State aid allocation.

### Forfeiture of State Aid; Conditions Outside District's Control

Under the Act, each district must provide at least 180 days of pupil instruction. A district that fails to comply with the required minimum hours and days of pupil instruction under the Act must forfeit from its total State aid allocation an amount determined by applying a ratio of the number of hours or days the district was in noncompliance in relation to the required minimum number of hours and days in the Act.

Generally, a district not having at least 75% of the district's membership in attendance on any day of pupil instruction must receive State aid in that proportion of 1/180 that the actual percent of attendance bears to the specified percentage.

Under the bill, if a district did not have at least 75% of the district's membership in attendance because of documented conditions not within the control of school authorities, then the district would not be penalized for those days. Instead, for any of those days, if the district did not have at least 60% of the district's membership in attendance on that day, the district would receive State aid in that proportion of 1/180 that the actual percentage of attendance bears to the specified percentage. For any day of pupil instruction in which a district did not have 75% of the districts membership in attendance on that day, the district would have to report

to the Department the percentage of the district's membership that was in attendance, in the form and manner prescribed by the Department.

#### Forgiveness of Days Beyond First Six Days

Under the Act, the first six days or the equivalent number of hours for which pupil instruction is not provided because of conditions not within the control of school authorities, such as severe storms, fires, epidemics, utility power unavailability, water or sewer failure, or health conditions as defined by the city, county, or state health authorities, must be counted as hours and days of pupil instruction.

With the approval of the Superintendent of Public Instruction, the Department must count as hours and days of pupil instruction for a fiscal year not more than three additional days or the equivalent number of additional hours for which pupil instruction is not provided in a district due to unusual and extenuating occurrences resulting from conditions not within the control of school authorities such as those conditions described above. Subsequent hours or days must not be counted as hours or days of pupil instruction. The bill would delete this requirement.

Under the bill, in addition to the six days, with the approval of the Superintendent of Public Instruction, the Department would have to count as hours and days of pupil instruction the days and the equivalent number of hours for which pupil instruction was not provided that were included in a period for which the Governor had issued an executive order declaring a state of emergency if all of the following requirements were met:

- The district provided its hourly employees the full compensation that they would have been entitled to had they worked for the period during which pupil instruction was not provided.
- The district provided written documentation to the Department that its hourly employees described above received full compensation.
- Part or all of the district was located in a geographic area for which the Executive Order applied.

The requirement to provide full compensation to hourly employees would not apply to an hourly employee covered by a collective bargaining agreement or employment agreement that was ratified after the bill's effective date or an hourly employee who was employed by the district after the bill's effective date.

With the approval of the Superintendent of Public Instruction, the Department would have to count as hours and days of pupil instruction for a fiscal year not more than three additional days or the equivalent number of additional hours for which pupil instruction was not provided in a district due to unusual and extenuating occurrences resulting from conditions not within the control of school authorities.

For 2018-2019 only, if a district did not provide pupil instruction for greater than fourteen days due to conditions described above, including those days counted as days of pupil instruction under the bill, but the district did provide at least the required minimum number of hours of pupil instruction, the district would not be subject to the minimum number of days of pupil instruction requirement of the Act. The exception in the bill would only apply to a district if both of the following were met:

- In providing the minimum number of hours of pupil instruction required under the bill, the district added pupil instruction time to a scheduled day in at least 30-minute increments.
- The district met the bill's requirements pertaining to a period for which the Governor had issued an executive order declaring a state of emergency, as applicable.

**FISCAL IMPACT**

By designating state-of-emergency days as days and hours of pupil instruction if a district met the requirements related to hourly workers, a school district would not have to make up those days, or face a reduction in State aid if it chose not to make up those days, if it otherwise would have exceeded the cap on 'snow days'. However, if the requirements related to hourly workers would result in higher costs (in those existing situations where a collective bargaining agreement for hourly workers does not address compensation when pupil instruction is not provided due to weather), a district would need to compare the costs of paying the hourly workers for state-of-emergency days to the benefits of not having to make up those days.

If a district in excess of the 'snow day' cap, in the absence of this bill, would have chosen to take a reduction in State aid rather than make up the days, then the State would experience a reduction in costs equal to the financial penalty assessed to the district. If a district otherwise would have made up the snow days in excess of the cap, then there would be no fiscal impact to the State, but the district likely would face increased costs associated with adding days of instruction to the school year.

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