

SENATE BILL NO. 212

April 17, 2025, Introduced by Senators DAMOOSE, BELLINO, OUTMAN, WOJNO, CHANG, HOITENGA, MCBROOM and KLINEFELT and referred to Committee on Appropriations.

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
by amending section 101 (MCL 388.1701), as amended by 2023 PA 103.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 101. (1) To be eligible to receive state aid under this
2 article, not later than the fifth Wednesday after the pupil
3 membership count day and not later than the fifth Wednesday after
4 the supplemental count day, each district superintendent shall
5 submit and certify to the center and the intermediate

1 superintendent, in the form and manner prescribed by the center,
2 the number of pupils enrolled and in regular daily attendance,
3 including identification of tuition-paying pupils, in the district
4 as of the pupil membership count day and as of the supplemental
5 count day, as applicable, for the current school year. In addition,
6 a district maintaining school during the entire year shall submit
7 and certify to the center and the intermediate superintendent, in
8 the form and manner prescribed by the center, the number of pupils
9 enrolled and in regular daily attendance in the district for the
10 current school year pursuant to rules promulgated by the
11 superintendent. Not later than the sixth Wednesday after the pupil
12 membership count day and not later than the sixth Wednesday after
13 the supplemental count day, the district shall resolve any pupil
14 membership conflicts with another district, correct any data
15 issues, and recertify the data in a form and manner prescribed by
16 the center and file the certified data with the intermediate
17 superintendent. If a district fails to submit and certify the
18 attendance data, as required under this subsection, the center
19 shall notify the department and the department shall withhold state
20 aid due to be distributed under this article from the defaulting
21 district immediately, beginning with the next payment after the
22 failure and continuing with each payment until the district
23 complies with this subsection. If a district does not comply with
24 this subsection by the end of the fiscal year, the district
25 forfeits the amount withheld. A person who willfully falsifies a
26 figure or statement in the certified and sworn copy of enrollment
27 is subject to penalty as prescribed by section 161.

28 (2) To be eligible to receive state aid under this article,
29 not later than the twenty-fourth Wednesday after the pupil

1 membership count day and not later than the twenty-fourth Wednesday
2 after the supplemental count day, an intermediate district shall
3 submit to the center, in a form and manner prescribed by the
4 center, the audited enrollment and attendance data as described in
5 subsection (1) for the pupils of its constituent districts and of
6 the intermediate district. If an intermediate district fails to
7 submit the audited data as required under this subsection, the
8 department shall withhold state aid due to be distributed under
9 this article from the defaulting intermediate district immediately,
10 beginning with the next payment after the failure and continuing
11 with each payment until the intermediate district complies with
12 this subsection. If an intermediate district does not comply with
13 this subsection by the end of the fiscal year, the intermediate
14 district forfeits the amount withheld.

15 (3) Except as otherwise provided in subsections (11) and (12)
16 all of the following apply to the provision of pupil instruction:

17 (a) Except as otherwise provided in this section, each
18 district shall provide at least 1,098 hours and 180 days of pupil
19 instruction. If a collective bargaining agreement that provides a
20 complete school calendar was in effect for employees of a district
21 as of June 24, 2014, and if that school calendar is not in
22 compliance with this subdivision, then this subdivision does not
23 apply to that district until after the expiration of that
24 collective bargaining agreement. A district may apply for a waiver
25 under **subdivision (h) and** subsection (9) from the requirements of
26 this subdivision.

27 (b) Except as otherwise provided in this article, a district
28 failing to comply with the required minimum hours and days of pupil
29 instruction under this subsection forfeits from its total state aid

1 allocation an amount determined by applying a ratio of the number
2 of hours or days the district was in noncompliance in relation to
3 the required minimum number of hours and days under this
4 subsection. Not later than the first business day in August, the
5 board of each district shall either certify to the department that
6 the district was in full compliance with this section regarding the
7 number of hours and days of pupil instruction in the previous
8 school year, or report to the department, in a form and manner
9 prescribed by the center, each instance of noncompliance. If the
10 district did not provide at least the required minimum number of
11 hours and days of pupil instruction under this subsection, the
12 department shall make the deduction of state aid in the following
13 fiscal year from the first payment of state school aid. A district
14 is not subject to forfeiture of funds under this subsection for a
15 fiscal year in which a forfeiture was already imposed under
16 subsection (6).

17 (c) Hours or days lost because of strikes or teachers'
18 conferences are not counted as hours or days of pupil instruction.

19 (d) Except as otherwise provided in subdivisions (e) and (f),
20 if a district does not have at least 75% of the district's
21 membership in attendance on any day of pupil instruction, the
22 department shall pay the district state aid in that proportion of
23 $1/180$ that the actual percent of attendance bears to 75%.

24 (e) If a district adds 1 or more days of pupil instruction to
25 the end of its instructional calendar for a school year to comply
26 with subdivision (a) because the district otherwise would fail to
27 provide the required minimum number of days of pupil instruction
28 even after the operation of subsection (4) due to conditions not
29 within the control of school authorities, then subdivision (d) does

1 not apply for any day of pupil instruction that is added to the end
2 of the instructional calendar. Instead, for any of those days, if
3 the district does not have at least 60% of the district's
4 membership in attendance on that day, the department shall pay the
5 district state aid in that proportion of 1/180 that the actual
6 percentage of attendance bears to 60%. For any day of pupil
7 instruction added to the instructional calendar as described in
8 this subdivision, the district shall report to the department the
9 percentage of the district's membership that is in attendance, in
10 the form and manner prescribed by the department.

11 (f) At the request of a district that operates a department-
12 approved alternative education program and that does not provide
13 instruction for pupils in all of grades K to 12, the superintendent
14 shall grant a waiver from the requirements of subdivision (d). The
15 waiver must provide that an eligible district is subject to the
16 proration provisions of subdivision (d) only if the district does
17 not have at least 50% of the district's membership in attendance on
18 any day of pupil instruction. In order to be eligible for this
19 waiver, a district must maintain records to substantiate its
20 compliance with the following requirements:

21 (i) The district offers the minimum hours of pupil instruction
22 as required under this section.

23 (ii) For each enrolled pupil, the district uses appropriate
24 academic assessments to develop an individual education plan that
25 leads to a high school diploma.

26 (iii) The district tests each pupil to determine academic
27 progress at regular intervals and records the results of those
28 tests in that pupil's individual education plan.

29 (g) All of the following apply to a waiver granted under

1 subdivision (f):

2 (i) If the waiver is for a blended model of delivery, a waiver
3 that is granted for the 2011-2012 fiscal year or a subsequent
4 fiscal year remains in effect unless it is revoked by the
5 superintendent.

6 (ii) If the waiver is for a 100% online model of delivery and
7 the educational program for which the waiver is granted makes
8 educational services available to pupils for a minimum of at least
9 1,098 hours during a school year and ensures that each pupil
10 participates in the educational program for at least 1,098 hours
11 during a school year, a waiver that is granted for the 2011-2012
12 fiscal year or a subsequent fiscal year remains in effect unless it
13 is revoked by the superintendent.

14 (iii) A waiver that is not a waiver described in subparagraph
15 (i) or (ii) is valid for 3 fiscal years, unless it is revoked by the
16 superintendent, and must be renewed at the end of the 3-year period
17 to remain in effect.

18 (h) For the 2024-2025 school year, the superintendent may
19 waive up to 10 days, or the number of days actually missed due to
20 an extreme weather event, whichever is less, of the minimum hours
21 and days of pupil instruction requirement under subdivision (a) for
22 a district that meets all of the following conditions:

23 (i) The district applies for a waiver described in this
24 subdivision in the form and manner prescribed by the department.

25 (ii) The district could not provide pupil instruction due to
26 extreme weather events that occurred between March 28, 2025 and
27 March 30, 2025.

28 (iii) The district is located wholly or partially in any of the
29 following counties:

- 1 (A) Alcona County.
- 2 (B) Alpena County.
- 3 (C) Antrim County.
- 4 (D) Charlevoix County.
- 5 (E) Cheboygan County.
- 6 (F) Crawford County.
- 7 (G) Emmet County.
- 8 (H) Mackinac County.
- 9 (I) Montmorency County.
- 10 (J) Oscoda County.
- 11 (K) Otsego County.
- 12 (L) Presque Isle County.

13 (i) ~~(h)~~—The superintendent shall promulgate rules for the
14 implementation of this subsection.

15 (4) All of the following apply to the counting of days and
16 hours of pupil instruction under this section:

17 (a) Except as otherwise provided in this subsection, the first
18 6 days or the equivalent number of hours for which pupil
19 instruction is not provided because of conditions not within the
20 control of school authorities, such as severe storms, fires,
21 epidemics, utility power unavailability, water or sewer failure, or
22 health conditions as defined by the city, county, or state health
23 authorities, are counted as hours and days of pupil instruction.

24 (b) With the approval of the superintendent of public
25 instruction, the department shall count as hours and days of pupil
26 instruction for a fiscal year not more than 3 additional days or
27 the equivalent number of additional hours for which pupil
28 instruction is not provided in a district due to unusual and
29 extenuating occurrences resulting from conditions not within the

1 control of school authorities such as those conditions described in
2 this subsection.

3 (c) A district that counts hours or days of professional
4 development for teachers as hours or days of pupil instruction, as
5 provided under subsection (10), is eligible to have additional
6 hours or days counted as hours and days of pupil instruction as
7 provided under subdivision (b) to the same extent as a district
8 that does not count hours or days of professional development for
9 teachers as hours or days of pupil instruction.

10 (d) In deciding whether ~~or not~~ to approve the counting of
11 additional hours or days of pupil instruction under subdivision (b)
12 for a district, the superintendent of public instruction shall not
13 take into account whether ~~or not~~ the district counts hours or days
14 of professional development for teachers as hours or days of pupil
15 instruction, as provided under subsection (10).

16 (e) Subsequent hours or days beyond those described in
17 subdivisions (a) and (b) are not counted as hours or days of pupil
18 instruction.

19 (5) A district does not forfeit part of its state aid
20 appropriation because it adopts or has in existence an alternative
21 scheduling program for pupils in kindergarten if the program
22 provides at least the number of hours required under subsection (3)
23 for a full-time equated membership for a pupil in kindergarten as
24 provided under section 6(4).

25 (6) In addition to any other penalty or forfeiture under this
26 section, if at any time the department determines that 1 or more of
27 the following have occurred in a district, the district forfeits in
28 the current fiscal year beginning in the next payment to be
29 calculated by the department a proportion of the funds due to the

1 district under this article that is equal to the proportion below
2 the required minimum number of hours and days of pupil instruction
3 under subsection (3), as specified in the following:

4 (a) The district fails to operate its schools for at least the
5 required minimum number of hours and days of pupil instruction
6 under subsection (3) in a school year, including hours and days
7 counted under subsection (4).

8 (b) The board of the district takes formal action not to
9 operate its schools for at least the required minimum number of
10 hours and days of pupil instruction under subsection (3) in a
11 school year, including hours and days counted under subsection (4).

12 (7) In providing the minimum number of hours and days of pupil
13 instruction required under subsection (3), a district shall use the
14 following guidelines, and a district shall maintain records to
15 substantiate its compliance with the following guidelines:

16 (a) Except as otherwise provided in this subsection, a pupil
17 must be scheduled for at least the required minimum number of hours
18 of instruction, excluding study halls, or at least the sum of 90
19 hours plus the required minimum number of hours of instruction,
20 including up to 2 study halls.

21 (b) The time a pupil is assigned to any tutorial activity in a
22 block schedule may be considered instructional time, unless that
23 time is determined in an audit to be a study hall period.

24 (c) Except as otherwise provided in this subdivision, a pupil
25 in grades 9 to 12 for whom a reduced schedule is determined to be
26 in the individual pupil's best educational interest must be
27 scheduled for a number of hours equal to at least 80% of the
28 required minimum number of hours of pupil instruction to be
29 considered a full-time equivalent pupil. A pupil in grades 9 to 12

1 who is scheduled in a 4-block schedule may receive a reduced
2 schedule under this subsection if the pupil is scheduled for a
3 number of hours equal to at least 75% of the required minimum
4 number of hours of pupil instruction to be considered a full-time
5 equivalent pupil.

6 (d) If a pupil in grades 9 to 12 who is enrolled in a
7 cooperative education program or a special education pupil cannot
8 receive the required minimum number of hours of pupil instruction
9 solely because of travel time between instructional sites during
10 the school day, that travel time, up to a maximum of 3 hours per
11 school week, is considered to be pupil instruction time for the
12 purpose of determining whether the pupil is receiving the required
13 minimum number of hours of pupil instruction. However, if a
14 district demonstrates to the satisfaction of the department that
15 the travel time limitation under this subdivision would create
16 undue costs or hardship to the district, the department may
17 consider more travel time to be pupil instruction time for this
18 purpose.

19 (e) In grades 7 through 12, instructional time that is part of
20 a Junior Reserve Officer Training Corps (JROTC) program is
21 considered to be pupil instruction time regardless of whether the
22 instructor is a certificated teacher if all of the following are
23 met:

24 (i) The instructor has met all of the requirements established
25 by the United States Department of Defense and the applicable
26 branch of the armed services for serving as an instructor in the
27 Junior Reserve Officer Training Corps program.

28 (ii) The board of the district or intermediate district
29 employing or assigning the instructor complies with the

1 requirements of sections 1230 and 1230a of the revised school code,
2 MCL 380.1230 and 380.1230a, with respect to the instructor to the
3 same extent as if employing the instructor as a regular classroom
4 teacher.

5 (8) Except as otherwise provided in subsections (11) and (12),
6 the department shall apply the guidelines under subsection (7) in
7 calculating the full-time equivalency of pupils.

8 (9) Upon application by the district for a particular fiscal
9 year, the superintendent shall waive for a district the minimum
10 number of hours and days of pupil instruction requirement of
11 subsection (3) for a department-approved alternative education
12 program or another innovative program approved by the department,
13 including a 4-day school week. If a district applies for and
14 receives a waiver under this subsection and complies with the terms
15 of the waiver, the district is not subject to forfeiture under this
16 section for the specific program covered by the waiver. If the
17 district does not comply with the terms of the waiver, the amount
18 of the forfeiture is calculated based upon a comparison of the
19 number of hours and days of pupil instruction actually provided to
20 the minimum number of hours and days of pupil instruction required
21 under subsection (3). A district shall report pupils enrolled in a
22 department-approved alternative education program under this
23 subsection to the center in a form and manner determined by the
24 center. All of the following apply to a waiver granted under this
25 subsection:

26 (a) If the waiver is for a blended model of delivery, a waiver
27 that is granted for the 2011-2012 fiscal year or a subsequent
28 fiscal year remains in effect unless it is revoked by the
29 superintendent.

1 (b) If the waiver is for a 100% online model of delivery and
2 the educational program for which the waiver is granted makes
3 educational services available to pupils for a minimum of at least
4 1,098 hours during a school year and ensures that each pupil is on
5 track for course completion at proficiency level, a waiver that is
6 granted for the 2011-2012 fiscal year or a subsequent fiscal year
7 remains in effect unless it is revoked by the superintendent.

8 (c) A waiver that is not a waiver described in subdivision (a)
9 or (b) is valid for 3 fiscal years, unless it is revoked by the
10 superintendent, and must be renewed at the end of the 3-year period
11 to remain in effect.

12 (10) A district may count up to 38 hours of professional
13 development for teachers as hours of pupil instruction. All of the
14 following apply to the counting of professional development as
15 pupil instruction under this subsection:

16 (a) If the professional development exceeds 5 hours in a
17 single day, that day may be counted as a day of pupil instruction.

18 (b) At least 8 hours of the professional development counted
19 as hours of pupil instruction under this subsection must be
20 recommended by a districtwide professional development advisory
21 committee appointed by the district board. The advisory committee
22 must be composed of teachers employed by the district who represent
23 a variety of grades and subject matter specializations, including
24 special education; nonteaching staff; parents; and administrators.
25 The majority membership of the committee must be composed of
26 teaching staff.

27 (c) Professional development provided online is allowable and
28 encouraged, as long as the instruction has been approved by the
29 district. The department shall issue a list of approved online

1 professional development providers that must include the Michigan
2 Virtual School.

3 (d) Professional development may only be counted as hours of
4 pupil instruction under this subsection for the pupils of those
5 teachers scheduled to participate in the professional development.

6 (e) The professional development must meet all of the
7 following to be counted as pupil instruction under this subsection:

8 (i) Be aligned to the school or district improvement plan for
9 the school or district in which the professional development is
10 being provided.

11 (ii) Be linked to 1 or more criteria in the evaluation tool
12 developed or adopted by the district or intermediate district under
13 section 1249 of the revised school code, MCL 380.1249.

14 (iii) Has been approved by the department as counting for state
15 continuing education clock hours. The number of hours of
16 professional development counted as hours of pupil instruction
17 under this subsection may not exceed the number of state continuing
18 education clock hours for which the professional development was
19 approved.

20 (iv) Not more than a combined total of 10 hours of the
21 professional development takes place before the first scheduled day
22 of school for the school year ending in the fiscal year and after
23 the last scheduled day of school for that school year.

24 (v) Not more than 10 hours of the professional development
25 takes place in a single month.

26 (vi) At least 75% of teachers scheduled to participate in the
27 professional development are in attendance.

28 (11) Subsections (3) and (8) do not apply to a school of
29 excellence that is a cyber school, as that term is defined in

1 section 551 of the revised school code, MCL 380.551, and is in
2 compliance with section 553a of the revised school code, MCL
3 380.553a. Beginning July 1, 2021, this subsection is subject to
4 section 8c. It is the intent of the legislature that the
5 immediately preceding sentence apply retroactively and is effective
6 July 1, 2021.

7 (12) Subsections (3) and (8) do not apply to eligible pupils
8 enrolled in a dropout recovery program that meets the requirements
9 of section 23a. As used in this subsection, "eligible pupil" means
10 that term as defined in section 23a.

11 (13) At least every 2 years the superintendent shall review
12 the waiver standards set forth in the pupil accounting and auditing
13 manuals to ensure that the waiver standards and waiver process
14 continue to be appropriate and responsive to changing trends in
15 online learning. The superintendent shall solicit and consider
16 input from stakeholders as part of this review.