

# HOUSE BILL No. 4248

February 21, 1989, Introduced by Rep. Keith and referred to the Committee on Education.

A bill to amend sections 6 and 101 of Act No. 94 of the Public Acts of 1979, entitled as amended

"The state school aid act of 1979,"

section 6 as amended by Act No. 318 of the Public Acts of 1988 and section 101 as amended by Act No. 298 of the Public Acts of 1986, being sections 388.1606 and 388.1701 of the Michigan Compiled Laws; and to add section 167.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Sections 6 and 101 of Act No. 94 of the Public  
2 Acts of 1979, section 6 as amended by Act No. 318 of the Public  
3 Acts of 1988 and section 101 as amended by Act No. 298 of the  
4 Public Acts of 1986, being sections 388.1606 and 388.1701 of the  
5 Michigan Compiled Laws, are amended and section 167 is added to  
6 read as follows:

1       Sec. 6. (1) "Center program" means a program operated by a  
2 district or intermediate district for special education pupils  
3 from several districts in programs for the autistically impaired,  
4 trainable mentally impaired, severely mentally impaired, severely  
5 multiply impaired, hearing impaired, physically and otherwise  
6 health impaired, visually impaired, and programs for emotionally  
7 impaired housed in buildings that do not serve regular education  
8 pupils. Unless otherwise approved by the department, a center  
9 program either shall serve all constituent districts within an  
10 intermediate district or shall serve several districts with less  
11 than 50% of the pupils residing in the operating district.

12       (2) "Membership", except as otherwise provided in sections  
13 56 and 62, means the number of full-time equivalent pupils in  
14 grades K to 12 actually enrolled and in regular daily attendance  
15 on the pupil membership count day as determined by the number of  
16 pupils registered for attendance plus pupils received by transfer  
17 and minus pupils lost as defined by rules promulgated by the  
18 state board. In a district operating an extended school year  
19 program approved by the state board, a pupil enrolled, but not  
20 scheduled to be in regular daily attendance on the pupil member-  
21 ship count day, shall be counted. The department shall give a  
22 uniform interpretation of full-time and part-time memberships.  
23 The state board may provide a district with an adjustment of the  
24 district's membership count upon the showing of a substantial  
25 increase in membership due to the closing of a nonpublic school  
26 after the pupil membership count day. In a district offering  
27 classes that are scheduled for a full year in which different

1 pupils participate in different sessions, full-time equated  
 2 memberships shall be determined by dividing the number of class  
 3 hours scheduled and provided per year per pupil by 900 for ele-  
 4 mentary and secondary pupils and by 480 for adult pupils.

5 (3) "Pupil" means a person in membership in a public  
 6 school. A district must have the approval of the pupil's dis-  
 7 trict of residence to count the pupil in membership, except  
 8 approval by the pupil's district of residence shall not be  
 9 required for adult or nonpublic part-time pupils, for pupils  
 10 receiving 1/2 or less of their instruction in a district other  
 11 than their district of residence, or for those pupils who were  
 12 enrolled and in regular daily attendance and remain enrolled and  
 13 in regular daily attendance in the district other than their dis-  
 14 trict of residence before April 1, 1981.

15 (4) "Pupil dropout measurement count day" of a district  
 16 means either the third or fourth Friday in February each school  
 17 year.

18 (5) "Pupil membership count day" of a district means:

19 (a) The fourth Friday following Labor day each school year.

20 (b) For a district maintaining school during the entire  
 21 school year, the FOURTH FRIDAY AFTER SCHOOL BEGINS IN EACH QUAR-  
 22 TER OF EACH SCHOOL YEAR. ~~following days:~~

23 ~~(i) Fourth Friday in July.~~

24 ~~(ii) Fourth Friday in October.~~

25 ~~(iii) Fourth Friday in January.~~

26 ~~(iv) Fourth Friday in April.~~

1 (c) A district receiving funds from the job training  
2 partnership act, Public Law 97-300, 96 Stat. 1322, or a district  
3 operating a training program approved by the department may amend  
4 the number of pupils counted on the pupil membership count day to  
5 include pupils participating in the job training partnership act  
6 program or a training program approved by the department. The  
7 pupil membership count day for these pupils shall be the third  
8 Friday after the first Monday after the start of instruction for  
9 the program. Aid received under section 21(1) for these pupils  
10 shall be reduced  $1/480$  for each hour of classroom instruction the  
11 pupils are scheduled to receive under 480 hours and further  
12 reduced to ensure that the combined section 21(1) and the job  
13 training partnership act or other approved training program aid  
14 for the programs do not exceed the cost of the programs as veri-  
15 fied by the intermediate school district of the district operat-  
16 ing the programs.

17 (d) For the 1988-89 school year only, for a district whose  
18 pupils are not in regular daily attendance on the pupil member-  
19 ship count day or on any of the 15 regular school days before the  
20 pupil membership count day, at the option of the district, either  
21 the second or the third Friday following the first Monday after  
22 either the start or resumption of pupil instruction.

23 (6) "Rule" means a rule promulgated pursuant to the adminis-  
24 trative procedures act of 1969, Act No. 306 of the Public Acts of  
25 1969, as amended, being sections 24.201 to 24.328 of the Michigan  
26 Compiled Laws.

1 (7) "The school code of 1976" means Act No. 451 of the  
2 Public Acts of 1976, as amended, being sections 380.1 to 380.1852  
3 of the Michigan Compiled Laws.

4 (8) "School fiscal year" means a fiscal year which commences  
5 July 1 and continues through June 30.

6 (9) "State board" means the state board of education.

7 (10) "Tuition pupil" means a pupil of school age attending  
8 school in a district other than the pupil's district of  
9 residence. A pupil's district of residence shall not require a  
10 high school tuition pupil, as provided under section 111, to  
11 attend another school district after the pupil has been assigned  
12 to a school district.

13 Sec. 101. (1) To be eligible to receive state aid under  
14 this act, not later than the third Friday following the pupil  
15 membership count day, each district superintendent through the  
16 secretary of the district's board shall file with the intermedi-  
17 ate superintendent a certified and sworn copy of the district's  
18 enrollment for the current school year. In addition, a district  
19 maintaining school during the entire year, as provided under sec-  
20 tion 1561 of the school code of 1976, shall file with the inter-  
21 mediate superintendent a certified and sworn copy of the enroll-  
22 ment for the current school year pursuant to rules promulgated by  
23 the state board. In case of failure to file the sworn and certi-  
24 fied copy not later than the third Friday following the pupil  
25 membership count day or pursuant to rules promulgated by the  
26 state board, state aid due to be distributed on December 1 under  
27 this act shall be withheld from the defaulting district. A

1 person who willfully falsifies a figure or statement in the  
2 certified and sworn copy of enrollment shall be punished in the  
3 manner prescribed by the laws of this state.

4 (2) Each district shall provide a minimum of 180 days of  
5 pupil instruction AND A MINIMUM OF 2 TEACHER PROFESSIONAL DEVEL-  
6 OPMENT DAYS OR NONINSTRUCTIONAL WORK DAYS. Except as provided in  
7 ~~subsections (6) and (7)~~ SUBSECTION (5) AND SECTION 167, a dis-  
8 trict failing to hold 180 days of pupil instruction shall forfeit  
9 1/180 of its total state aid appropriation for each day of  
10 failure. A district failing to comply with rules promulgated by  
11 the state board, which rules establish the minimum time pupil  
12 instruction is to be provided to pupils for the regular school  
13 year, shall forfeit from its total state aid allocation an amount  
14 determined by applying a ratio of the time duration the district  
15 was in noncompliance in relation to the minimum time pupil  
16 instruction is required. A district failing to meet both the  
17 minimum 180 days of pupil instruction requirement and the pre-  
18 scribed time of pupil instruction requirement shall be penalized  
19 only the higher of the 2 amounts calculated under the forfeiture  
20 provisions of this subsection. Not later than August 1, the  
21 board of each district shall certify to the department the number  
22 of days of pupil instruction in the previous school year. If the  
23 district did not hold at least 180 days of pupil instruction, the  
24 deduction of state aid shall be made in the following fiscal year  
25 from the first payment of state school aid. Days lost because of  
26 strikes or teachers' conferences shall not be counted as days of  
27 pupil instruction. A district not having 70% of the district's

1 membership in attendance on any day shall receive state aid in  
2 that proportion of 1/180 that the actual percent of attendance  
3 bears to 70%. The state board shall promulgate rules for the  
4 implementation of this subsection.

5 (3) The first 2 days when pupil instruction is not provided  
6 because of conditions not within the control of school authori-  
7 ties, such as severe storms, fires, epidemics, or health condi-  
8 tions as defined by the city, county, or state health authori-  
9 ties, shall be counted as days of pupil instruction. Subsequent  
10 such days shall not be counted as days of pupil instruction.

11 ~~(4) The language of subsection (3) that specifies when cer-~~  
12 ~~tain days shall not be counted as days of pupil instruction does~~  
13 ~~not apply to a district that has 1 or more collective bargaining~~  
14 ~~agreements that obligate the district to provide compensation for~~  
15 ~~those days not eligible to be counted as days of pupil instruc-~~  
16 ~~tion under that subsection. This exemption shall apply for the~~  
17 ~~duration of those agreements in effect on the effective date of~~  
18 ~~the amendatory act that adds this subsection. This subsection~~  
19 ~~does not apply after June 30, 1987.~~

20 (4) ~~(5)~~ A district shall not be allotted or paid a sum  
21 under this act in a fiscal year if the department determines that  
22 at the end of the preceding school fiscal year the amount of  
23 funds on hand in the district available for the payment of the  
24 operation cost in the district exceeded the amount of money  
25 expended for operation cost in the district during the preceding  
26 school fiscal year.

1       (5) ~~(6)~~ A district shall not forfeit part of its state aid  
2 appropriation if it adopts or has in existence an alternative  
3 scheduling program for pupils in kindergarten, which program is  
4 approved by the state board.

5       SEC. 167. (1) WHEN A PUBLIC SCHOOL EMPLOYEES' STRIKE PRE-  
6 VENTS AN EMPLOYER FROM FULFILLING THE REQUIREMENT FOR 180 DAYS OF  
7 STUDENT INSTRUCTION IMPOSED BY SECTION 1284 OF THE SCHOOL CODE OF  
8 1976, ACT NO. 451 OF THE PUBLIC ACTS OF 1976, BEING SECTION  
9 380.1284 OF THE MICHIGAN COMPILED LAWS, AND SECTION 101 OF THIS  
10 ACT, AN EMPLOYEE ENGAGED IN THE STRIKE SHALL FORFEIT 1/180 OR A  
11 DAY'S PROPORTION, WHICHEVER IS LESS, OF THE EMPLOYEE'S ANNUAL  
12 SALARY, AS DETERMINED IN THE MASTER AGREEMENT SUBSEQUENTLY RATI-  
13 FIED, FOR EACH DAY THE REQUIREMENT IS NOT FULFILLED. AN EMPLOYEE  
14 WHO DISPUTES THE FORFEITURE MAY APPLY TO THE EMPLOYMENT RELATIONS  
15 COMMISSION FOR A DETERMINATION OF THE EXACT AMOUNT OF THE FORFEI-  
16 TURE UNDER RULES THE COMMISSION PROMULGATES. UPON PROPER SHOWING  
17 BY THE EMPLOYEE, THE COMMISSION MAY ISSUE AN ORDER CORRECTING THE  
18 EMPLOYER'S DETERMINATION. THE SCHOOL YEAR, FOR PURPOSES OF COM-  
19 PUTING THE 180 DAYS OF INSTRUCTION, SHALL CONCLUDE ON OR BEFORE  
20 THE THIRD FRIDAY IN JUNE. THE DETERMINATION OF 180 DAYS OF STU-  
21 DENT INSTRUCTION SHALL NOT INCLUDE SATURDAYS, SUNDAYS,  
22 THANKSGIVING DAY, CHRISTMAS DAY, NEW YEAR'S DAY, MEMORIAL DAY,  
23 DAYS LOST BECAUSE OF EMPLOYEE STRIKES, TEACHER PROFESSIONAL  
24 DEVELOPMENT DAYS, OR NONINSTRUCTIONAL WORK DAYS. THE CALENDAR  
25 SHALL INCLUDE AT LEAST 10 VACATION DAYS, SCHEDULED AFTER THE  
26 FIRST 2 WEEKS OF THE SCHOOL YEAR AND BEFORE THE LAST 2 WEEKS OF  
27 THE SCHOOL YEAR. SATURDAYS, SUNDAYS, HOLIDAYS, TEACHER



1 PROFESSIONAL DEVELOPMENT DAYS, OR NONINSTRUCTIONAL WORK DAYS  
2 SHALL NOT BE USED TO COMPUTE VACATION DAYS.

3 (2) IF A DISTRICT IS UNABLE TO PROVIDE 180 DAYS OF STUDENT  
4 INSTRUCTION BY THE THIRD FRIDAY OF JUNE BECAUSE OF A LEGAL SCHOOL  
5 EMPLOYEES' STRIKE, AS PERMITTED BY SECTION 20 OF ACT NO. 336 OF  
6 THE PUBLIC ACTS OF 1947, BEING SECTION 423.220 OF THE MICHIGAN  
7 COMPILED LAWS, THE DEPARTMENT SHALL ESTIMATE AND MAKE, IN THE  
8 SAME STATE FISCAL YEAR THE STRIKE OCCURS, A DEDUCTION FROM THE  
9 DISTRICT'S TOTAL STATE AID APPROPRIATION EQUAL TO THE FORFEITURE  
10 OF WAGES OR SALARY REQUIRED FOR THE STRIKING EMPLOYEES UNDER SEC-  
11 TION 21 OF ACT NO. 336 OF THE PUBLIC ACTS OF 1947, BEING SECTION  
12 423.221 OF THE MICHIGAN COMPILED LAWS. IF THE REQUIRED DEDUCTION  
13 EXCEEDS THE DISTRICT'S TOTAL STATE AID APPROPRIATION OR IF THE  
14 DISTRICT DOES NOT RECEIVE STATE AID, THE DISTRICT SHALL REMIT TO  
15 THE STATE, IN A MANNER PRESCRIBED BY THE DEPARTMENT, THE AMOUNT  
16 OF THE EXCESS, OR IN THE CASE OF A DISTRICT THAT DOES NOT RECEIVE  
17 STATE AID, THE TOTAL AMOUNT OF REVENUE LOST FROM THE GENERAL FUND  
18 OF THE DISTRICT TO PAY THE DEDUCTION FOR DEPOSIT IN THE GENERAL  
19 FUND OF THE STATE. IF A DISPUTE CONCERNING THE FORFEITURE OF  
20 WAGES OR SALARY UNDER SECTION 21 OF ACT NO. 336 OF THE PUBLIC  
21 ACTS OF 1947 IS PENDING, THE AMOUNT OF THE SALARY OR WAGE FORFEI-  
22 TURE IN DISPUTE SHALL NOT BE DEDUCTED FROM THE DISTRICT'S STATE  
23 AID OR REMITTED FROM THE DISTRICT'S GENERAL FUND. FOR PURPOSES  
24 OF THIS SUBSECTION, THE 180 DAYS OF STUDENT INSTRUCTION SHALL BE  
25 IN COMPLIANCE WITH SUBSECTION (1).

1 Section 2. This amendatory act shall not take effect unless  
2 all of the following bills of the 85th Legislature are enacted  
3 into law:

4 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4250 (request  
5 no. 00490'89).

6 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4249 (request  
7 no. 00491'89).