

# HOUSE BILL No. 4228

February 9, 1999, Introduced by Rep. Kelly and referred to the Committee on Education.

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 1998 PA  
339.

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

1       Sec. 101. (1) To be eligible to receive state aid under  
2 this act, not later than the fifth Wednesday after the pupil mem-  
3 bership count day and not later than the fifth Wednesday after  
4 the supplemental count day, each district superintendent through  
5 the secretary of the district's board shall file with the inter-  
6 mediate superintendent a certified and sworn copy of the number  
7 of pupils enrolled and in regular daily attendance in the dis-  
8 trict as of the pupil membership count day and as of the  
9 supplemental count day, as applicable, for the current school  
10 year. In addition, a district maintaining school during the

1 entire CALENDAR year, as ~~provided under~~ DESCRIBED IN section  
2 ~~1561~~ 1561(1) of the revised school code, MCL 380.1561, shall  
3 file with the intermediate superintendent a certified and sworn  
4 copy of the number of pupils enrolled and in regular daily  
5 attendance in the district for the current school year pursuant  
6 to rules promulgated by the state board. Not later than the sev-  
7 enth Wednesday after the pupil membership count day and not later  
8 than the seventh Wednesday after the supplemental count day, the  
9 intermediate district shall transmit to the department the data  
10 filed by each of its constituent districts. If a district fails  
11 to file the sworn and certified copy with the intermediate super-  
12 intendent in a timely manner, as required under this subsection,  
13 the intermediate district shall notify the department and state  
14 aid due to be distributed under this act shall be withheld from  
15 the defaulting district immediately, beginning with the next pay-  
16 ment after the failure and continuing with each payment until the  
17 district complies with this subsection. If an intermediate dis-  
18 trict fails to transmit the data in its possession in a timely  
19 and accurate manner to the department, as required under this  
20 subsection, state aid due to be distributed under this act shall  
21 be withheld from the defaulting intermediate district immediate-  
22 ly, beginning with the next payment after the failure and con-  
23 tinuing with each payment until the intermediate district com-  
24 plies with this subsection. If a district or intermediate dis-  
25 trict does not comply with this subsection by the end of the  
26 fiscal year, the district or intermediate district forfeits the  
27 amount withheld. A person who willfully falsifies a figure or

1 statement in the certified and sworn copy of enrollment shall be  
2 punished in the manner prescribed by section 161.

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

19       (3) Each district shall provide the required minimum number  
20 of days and hours of pupil instruction under section 1284 of the  
21 revised school code, MCL 380.1284. Except as otherwise provided  
22 in this act, a district failing to hold the required minimum  
23 number of days of pupil instruction shall forfeit from its total  
24 state aid allocation for each day of failure an amount determined  
25 by applying a ratio of the number of days the district was in  
26 noncompliance in relation to the required minimum number of  
27 days. Except as otherwise provided in this act, a district

1 failing to comply with the required minimum hours of pupil  
2 instruction shall forfeit from its total state aid allocation an  
3 amount determined by applying a ratio of the time duration the  
4 district was in noncompliance in relation to the required minimum  
5 number of hours. A district failing to meet both the minimum  
6 number of days of pupil instruction requirement and the minimum  
7 number of hours of pupil instruction requirement shall be pena-  
8 lized only the higher of the 2 amounts calculated under the for-  
9 feiture provisions of this subsection. Not later than August 1,  
10 the board of each district shall certify to the department the  
11 number of days and hours of pupil instruction in the previous  
12 school year. If the district did not hold at least 180 days and  
13 the required minimum number of hours of pupil instruction, the  
14 deduction of state aid shall be made in the following fiscal year  
15 from the first payment of state school aid. A district is not  
16 subject to forfeiture of funds under this subsection for a fiscal  
17 year in which a forfeiture was already imposed under subsection  
18 (7). Days lost because of strikes or teachers' conferences shall  
19 not be counted as days of pupil instruction. A district not  
20 having at least 75% of the district's membership in attendance on  
21 any day of pupil instruction shall receive state aid in that pro-  
22 portion of 1 divided by the required minimum number of days of  
23 pupil instruction that the actual percent of attendance bears to  
24 the specified percentage. The state board shall promulgate rules  
25 for the implementation of this subsection.

26 (4) The first 2 days for which pupil instruction is not  
27 provided because of conditions not within the control of school

1 authorities, such as severe storms, fires, epidemics, or health  
2 conditions as defined by the city, county, or state health  
3 authorities, shall be counted as days of pupil instruction. ~~In~~  
4 ~~addition, for 1997-98 only, the department may count as days of~~  
5 ~~pupil instruction up to 6 additional days for which pupil~~  
6 ~~instruction is not provided in a district after May 28, 1998~~  
7 ~~because damage or electrical outages resulting from severe storms~~  
8 ~~prevented the district from providing instruction and up to 2~~  
9 ~~additional days for which pupil instruction is not provided in a~~  
10 ~~district after June 3, 1998 because a bomb threat prevented the~~  
11 ~~district from providing instruction.~~ Subsequent such days shall  
12 not be counted as days of pupil instruction. HOWEVER, FOR  
13 1998-99 ONLY, ALL SCHEDULED SCHOOL DAYS ON WHICH PUPIL INSTRUCC-  
14 TION WAS NOT PROVIDED BECAUSE OF SEVERE STORMS SHALL BE COUNTED  
15 AS DAYS OF PUPIL INSTRUCTION.

16 (5) A district shall not forfeit part of its state aid  
17 appropriation because it adopts or has in existence an alterna-  
18 tive scheduling program for pupils in kindergarten if the program  
19 provides at least the number of hours required for a full-time  
20 equated membership for a pupil in kindergarten as provided under  
21 section 6(4).

22 (6) Upon application by the district for a particular fiscal  
23 year, the state board may waive the minimum number of days of  
24 pupil instruction requirement of subsection (3) for a district if  
25 the district has adopted an experimental school year schedule in  
26 1 or more buildings in the district if the experimental school  
27 year schedule provides AT LEAST the required minimum number ~~or~~

1 ~~more~~ OF hours of pupil instruction and is consistent with all  
2 state board policies on school improvement and restructuring. If  
3 a district applies for and receives a waiver under this subsec-  
4 tion and complies with the terms of the waiver, for the fiscal  
5 year covered by the waiver the district is not subject to forfei-  
6 ture under this section of part of its state aid allocation for  
7 the specific building or program covered by the waiver.

8 (7) Not later than April 15 of each fiscal year, the board  
9 of each district shall certify to the department the planned  
10 number of days and hours of pupil instruction in the district for  
11 the school year ending in the fiscal year. In addition to any  
12 other penalty or forfeiture under this section, if at any time  
13 the department determines that 1 or more of the following has  
14 occurred in a district, the district shall forfeit in the current  
15 fiscal year beginning in the next payment to be calculated by the  
16 department a proportion of the funds due to the district under  
17 this act that is equal to the proportion below the required mini-  
18 mum number of days and hours of pupil instruction, as specified  
19 in the following:

20 (a) The district fails to operate its schools for at least  
21 the required minimum number of days and hours of pupil instruc-  
22 tion in a school year, including days counted under subsection  
23 (4).

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

1       (8) In providing the minimum number of hours of pupil  
2 instruction required under section 1284 of the revised school  
3 code, MCL 380.1284, a district shall use the following guide-  
4 lines, and a district shall maintain records to substantiate its  
5 compliance with the following guidelines:

6       (a) Except as otherwise provided in this subsection, a pupil  
7 must be scheduled for at least the required minimum number of  
8 hours of instruction, excluding study halls, or at least the sum  
9 of 90 hours plus the required minimum number of hours of instruc-  
10 tion, including up to 2 study halls.

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

14       (c) A pupil in grades 9 to 12 for whom a reduced schedule is  
15 determined to be in the individual pupil's best educational  
16 interest must be scheduled for a number of hours equal to at  
17 least 80% of the required minimum number of hours of pupil  
18 instruction to be considered a full-time equivalent pupil.

19       (d) If a pupil in grades 9 to 12 who is enrolled in a coop-  
20 erative education program or a special education pupil cannot  
21 receive the required minimum number of hours of pupil instruction  
22 solely because of travel time between instructional sites during  
23 the school day, that travel time, up to a maximum of 2-1/2 hours  
24 per school week, shall be considered to be pupil instruction time  
25 for the purpose of determining whether the pupil is receiving the  
26 required minimum number of hours of pupil instruction. However,  
27 if a district demonstrates to the satisfaction of the department

1 that the travel time limitation under this subdivision would  
2 create undue costs or hardship to the district, the department  
3 may consider more travel time to be pupil instruction time for  
4 this purpose.

5 ~~-(e) For the 1997-98 school year only, if a district oper-~~  
6 ~~ates an elementary school that is located on an island and pro-~~  
7 ~~vides some pupil instruction for pupils enrolled in that elemen-~~  
8 ~~tary school at 1 or more school buildings operated by the dis-~~  
9 ~~trict that are not located on the island, the travel time for~~  
10 ~~travel for those pupils between the elementary school located on~~  
11 ~~the island and the other school building or buildings, up to a~~  
12 ~~maximum of 1-1/2 hours per school week, shall be considered to be~~  
13 ~~pupil instruction time for those pupils for the purpose of deter-~~  
14 ~~mining whether those pupils are receiving the required minimum~~  
15 ~~number of hours of pupil instruction.~~

16 (9) The department shall apply the guidelines under subsec-  
17 tion (8) in calculating the full-time equivalency of pupils.

18 (10) Upon application by the district for a particular  
19 fiscal year, the state board may waive for a district the minimum  
20 number of days and hours of pupil instruction requirement of sub-  
21 section (3) for a department-approved alternative education  
22 program. If a district applies for and receives a waiver under  
23 this subsection and complies with the terms of the waiver, for  
24 the fiscal year covered by the waiver the district is not subject  
25 to forfeiture under this section for the specific program covered  
26 by the waiver.