

# HOUSE BILL No. 5209

October 16, 2001, Introduced by Rep. Woronchak 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 2000 PA  
297.

**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

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

1 sworn copy of enrollment shall be punished in the manner  
2 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) Except as otherwise provided in this section, each dis-  
20 trict shall provide at least 180 days of pupil instruction and a  
21 number of hours of pupil instruction at least equal to the  
22 required minimum number of hours of pupil instruction required  
23 for 2000-2001 under section 1284 of the revised school code,  
24 MCL 380.1284. Except as otherwise provided in this act, a dis-  
25 trict failing to hold 180 days of pupil instruction shall forfeit  
26 from its total state aid allocation for each day of failure an  
27 amount equal to 1/180 of its total state aid allocation. Except

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

1           (4) The first 2 days for which pupil instruction is not  
2 provided because of conditions not within the control of school  
3 authorities, such as severe storms, fires, epidemics, or health  
4 conditions as defined by the city, county, or state health  
5 authorities, shall be counted as days of pupil instruction.  
6 Subsequent such days shall not be counted as days of pupil  
7 instruction.

8           (5) A district shall not forfeit part of its state aid  
9 appropriation because it adopts or has in existence an alterna-  
10 tive scheduling program for pupils in kindergarten if the program  
11 provides at least the number of hours required under subsection  
12 (3) for a full-time equated membership for a pupil in kindergar-  
13 ten as provided under section 6(4).

14           (6) Upon application by the district for a particular fiscal  
15 year, the superintendent may waive the minimum number of days of  
16 pupil instruction requirement of subsection (3) for a district if  
17 the district has adopted an experimental school year schedule in  
18 1 or more buildings in the district if the experimental school  
19 year schedule provides the required minimum number of hours of  
20 pupil instruction under subsection (3) or more and is consistent  
21 with all state board policies on school improvement and  
22 restructuring. If a district applies for and receives a waiver  
23 under this subsection and complies with the terms of the waiver,  
24 for the fiscal year covered by the waiver the district is not  
25 subject to forfeiture under this section of part of its state aid  
26 allocation for the specific building or program covered by the  
27 waiver.

1 (7) Not later than April 15 of each fiscal year, the board  
2 of each district shall certify to the department the planned  
3 number of days and hours of pupil instruction in the district for  
4 the school year ending in the fiscal year. In addition to any  
5 other penalty or forfeiture under this section, if at any time  
6 the department determines that 1 or more of the following has  
7 occurred in a district, the district shall forfeit in the current  
8 fiscal year beginning in the next payment to be calculated by the  
9 department a proportion of the funds due to the district under  
10 this act that is equal to the proportion below 180 days and the  
11 required minimum number of hours of pupil instruction under sub-  
12 section (3), as specified in the following:

13 (a) The district fails to operate its schools for at least  
14 180 days and the required minimum number of hours of pupil  
15 instruction under subsection (3) in a school year, including days  
16 counted under subsection (4).

17 (b) The board of the district takes formal action not to  
18 operate its schools for at least 180 days and the required mini-  
19 mum number of hours of pupil instruction under subsection (3) in  
20 a school year, including days counted under subsection (4).

21 (8) In providing the minimum number of hours of pupil  
22 instruction required under subsection (3), a district shall use  
23 the following guidelines, and a district shall maintain records  
24 to substantiate its compliance with the following guidelines:

25 (a) Except as otherwise provided in this subsection, a pupil  
26 must be scheduled for at least the required minimum number of  
27 hours of instruction, excluding study halls, or at least the sum

1 of 90 hours plus the required minimum number of hours of  
2 instruction, including up to 2 study halls.

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

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

11 (d) If a pupil in grades 9 to 12 who is enrolled in a coop-  
12 erative education program or a special education pupil cannot  
13 receive the required minimum number of hours of pupil instruction  
14 solely because of travel time between instructional sites during  
15 the school day, that travel time, up to a maximum of 2-1/2 hours  
16 per school week, shall be considered to be pupil instruction time  
17 for the purpose of determining whether the pupil is receiving the  
18 required minimum number of hours of pupil instruction. However,  
19 if a district demonstrates to the satisfaction of the department  
20 that the travel time limitation under this subdivision would  
21 create undue costs or hardship to the district, the department  
22 may consider more travel time to be pupil instruction time for  
23 this purpose.

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

26 (10) Upon application by the district for a particular  
27 fiscal year, the superintendent may waive for a district the 180

1 days or minimum number of hours of pupil instruction requirement  
2 of subsection (3) for a department-approved alternative education  
3 program. If a district applies for and receives a waiver under  
4 this subsection and complies with the terms of the waiver, for  
5 the fiscal year covered by the waiver the district is not subject  
6 to forfeiture under this section for the specific program covered  
7 by the waiver.

8 (11) Beginning in 2000-2001, a district may count up to 51  
9 hours of professional development for teachers as hours of pupil  
10 instruction. A district that elects to use this exception shall  
11 notify the department of its election. ANY PROFESSIONAL DEVELOP-  
12 MENT HOURS SCHEDULED FOR THE WEEK OF SEPTEMBER 10, 2001 THAT WERE  
13 NOT ACTUALLY HELD DUE TO THE EXTRAORDINARY CIRCUMSTANCES OF THAT  
14 WEEK MAY BE COUNTED FOR THE PURPOSES OF THIS SUBSECTION AS IF  
15 THEY WERE HELD.