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Senate Bill 836 (as enacted)  
Sponsor: Senator Gerald Van Woerkom  
Senate Committee: Education  
House Committee: Education

**PUBLIC ACT 219 of 2008**

Date Completed: 8-27-08

**RATIONALE**

Shared time instructional programs allow a student at a nonpublic school or a home-schooled student to enroll in certain elective classes provided by a local school district. Such a program gives these students access to classes that otherwise would be unavailable to them. The nonpublic students are considered to be part-time students for the purposes of the State School Aid Act, if the courses and the schools meet certain conditions. Until recently, in order to qualify for school aid, either a nonpublic school had to make an arrangement with the school district in which the school was located, or the local district had to enter into a cooperative arrangement with a neighboring district to provide elective courses to nonpublic students.

Reportedly, some parochial schools had difficulty obtaining the agreement of the local district to arrange a shared time program with a neighboring district. If the local district did not provide the shared-time instruction, the nonpublic school had no other course of action. Therefore, it was suggested that the law should permit a shared time agreement to proceed with a neighboring district when the local district is unable or unwilling to provide all or some of the required instruction.

**CONTENT**

**The bill amended the State School Aid Act to revise the terms under which a district may receive State school aid for a nonpublic school student or home-schooled student enrolled in certain**

**curricular offerings provided by the district.**

The bill took effect on July 16, 2008, and is described in detail below.

The Act permits a parent or legal guardian of a minor who is enrolled in a nonpublic school within a district, or who resides in a district and is being home-schooled, to enroll the minor in a curricular offering being provided by the district at the nonpublic school site.

State school aid may be provided for a minor under these provisions only if certain conditions are met. Previously, these included a requirement that the nonpublic school be located, or the nonpublic students be educated, within the geographic boundaries of either the district or a contiguous district operating under a cooperative program for which the district was a member and that was established for the purpose of providing nonessential elective courses to nonpublic school students.

The bill removed that requirement. Instead, school aid may be provided for a nonpublic school student or a home-schooled pupil if the nonpublic school is located, or the nonpublic students are educated, within the geographic boundaries of the district, or if the local district has not agreed to provide certain instruction and it is provided by a contiguous district, as described below.

Specifically, school aid may be provided for a nonpublic student or home-schooled pupil

if the nonpublic school has submitted a written request for a specific fiscal year to the district in which the school is located for the district to provide certain instruction for a school year and the district does not agree to provide some or all of that instruction by May 1 immediately preceding that school year, or, if the request is submitted after March 1 immediately preceding that school year, within 60 days after the request is submitted, the portion of the instruction that the district has not agreed to provide instead is provided by a district that is contiguous to the district in which the nonpublic school is located. This provision applies only to instruction or a portion of instruction that is specifically included in the written request to the district in which the nonpublic school is located and that was denied by that district.

The district that receives a written request described above must reply in writing by May 1 immediately preceding the applicable school year, or if the request is made after March 1 immediately preceding that school year, within 60 days after the request is submitted. The written reply must specify whether the district agrees or does not agree to provide the instruction for each portion of instruction included in the request.

MCL 388.1766b

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

Shared time programs are valuable to nonpublic schools because they allow those schools to offer courses that otherwise would be unaffordable or impractical. For instance, if a nonpublic school has a small student body, and only a few students are interested in a particular subject, the cost of hiring a teacher to provide that course may be prohibitive. Under a shared time program, the school can arrange with the local district or a neighboring district to provide a highly qualified teacher to conduct the classes. The district may count the pupils in the program as part-time pupils under the State School Aid Act, helping to pay for the cost of the program. In addition, a shared time program can help to build an

enduring relationship between the nonpublic school and the public school. This can be particularly beneficial for students who are in small parochial schools, for example, who may later enter the larger public schools. The shared time program can help to ease that transition by familiarizing the students with the public school and some of its teachers.

In many cases, a nonpublic school will make arrangements with the local school district to provide certain elective courses, such as art classes, physical education, certain computer classes, or other nonessential electives. Alternatively, a nonpublic school may arrange shared time instruction with a neighboring district; previously, however, this could be done only if the local district entered into a cooperative program with the neighboring district for that purpose. If a district was unwilling to enter into such a cooperative agreement, the nonpublic school had little or no recourse, and was unable to offer certain classes to its students.

There were reports of nonpublic schools' having some difficulty securing such agreements. Sacred Heart School in Hudson, Michigan, for example, reportedly had a shared time agreement with the adjacent Pittsford Area Schools for two years, but in the third year the school was unable to secure an agreement with the local school district.

The previous requirement for a cooperative program between districts created an unnecessary restriction on the ability of a nonpublic school to negotiate a shared time agreement with a public school district. By removing the requirement that the neighboring district be in a cooperative program with the home district, the bill gives nonpublic schools more flexibility in arranging shared time programs.

Legislative Analyst: Curtis Walker

## **FISCAL IMPACT**

If the bill results in more opportunities for children at nonpublic or home schools to be counted as part-time memberships in district-taught elective classes, then State school aid costs will increase. The increase will be equal to the number of additional part-time members newly taught (as a result of this bill) and counted in a district's

membership, multiplied by the district's foundation allowance. This, then, will increase local school aid revenue by the same amount. It is estimated, though, that the fiscal impact of this legislation will be small.

Fiscal Analyst: Kathryn Summers-Coty

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.