

SENATE BILL No. 927

February 7, 2012, Introduced by Senators PROOS, BOOHER, BRANDENBURG, HANSEN, JONES, COLBECK, JANSEN, PAPPAGEORGE, ROBERTSON and MARLEAU and referred to the 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 2010 PA 110.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 101. (1) To be eligible to receive state aid under this
2 act, not later than the fifth Wednesday after the pupil membership
3 count day and not later than the fifth Wednesday after the
4 supplemental count day, each district superintendent shall submit
5 to the center and the intermediate superintendent, in the form and
6 manner prescribed by the center, the number of pupils enrolled and
7 in regular daily attendance in the district as of the pupil
8 membership count day and as of the supplemental count day, as
9 applicable, for the current school year. In addition, a district
10 maintaining school during the entire year, as provided under

1 section 1561 of the revised school code, MCL 380.1561, shall submit
2 to the center and the intermediate superintendent, in the form and
3 manner prescribed by the center, the number of pupils enrolled and
4 in regular daily attendance in the district for the current school
5 year pursuant to rules promulgated by the superintendent. Not later
6 than the seventh Wednesday after the pupil membership count day and
7 not later than the seventh Wednesday after the supplemental count
8 day, the district shall certify the data ~~in a form and manner~~
9 ~~prescribed by the center~~ and file the certified data with the
10 intermediate superintendent. **THE DATA SHALL BE CERTIFIED BY A SWORN**
11 **STATEMENT PRESCRIBED BY THE CENTER THAT VERIFIES THE ACCURACY OF**
12 **THE DATA AND IS SIGNED BY THE DISTRICT SUPERINTENDENT OR CHIEF**
13 **ADMINISTRATIVE OFFICER AND BY THE PRESIDENT OF THE DISTRICT'S**
14 **SCHOOL BOARD OR BOARD OF DIRECTORS.** If a district fails to submit
15 and certify the attendance data, as required under this subsection,
16 the center shall notify the department and state aid due to be
17 distributed under this act shall be withheld from the defaulting
18 district immediately, beginning with the next payment after the
19 failure and continuing with each payment until the district
20 complies with this subsection. If a district does not comply with
21 this subsection by the end of the fiscal year, the district
22 forfeits the amount withheld. A person who willfully falsifies a
23 figure or statement in the certified and sworn copy of enrollment
24 shall be punished in the manner prescribed by section 161.

25 (2) To be eligible to receive state aid under this act, not
26 later than the twenty-fourth Wednesday after the pupil membership
27 count day and not later than the twenty-fourth Wednesday after the

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

13 (3) Except as otherwise provided in subsection (11), all of
14 the following apply to the provision of pupil instruction:

15 (a) Except as otherwise provided in this section, each
16 district shall provide at least 1,098 hours and, beginning in 2010-
17 2011, the required minimum number of days of pupil instruction. For
18 2010-2011 and for 2011-2012, the required minimum number of days of
19 pupil instruction is 165. Beginning in 2012-2013, the required
20 minimum number of days of pupil instruction is 170. However,
21 beginning in 2010-2011, a district shall not provide fewer days of
22 pupil instruction than the district provided for 2009-2010. A
23 district may apply for a waiver under subsection (9) from the
24 requirements of this subdivision.

25 (b) Except as otherwise provided in this act, a district
26 failing to comply with the required minimum hours and days of pupil
27 instruction under this subsection shall forfeit from its total

1 state aid allocation an amount determined by applying a ratio of
2 the number of hours or days the district was in noncompliance in
3 relation to the required minimum number of hours and days under
4 this subsection. Not later than August 1, the board of each
5 district shall certify to the department the number of hours and,
6 beginning in 2010-2011, days of pupil instruction in the previous
7 school year. If the district did not provide at least the required
8 minimum number of hours and days of pupil instruction under this
9 subsection, the deduction of state aid shall be made in the
10 following fiscal year from the first payment of state school aid. A
11 district is not subject to forfeiture of funds under this
12 subsection for a fiscal year in which a forfeiture was already
13 imposed under subsection (6).

14 (c) Hours or days lost because of strikes or teachers'
15 conferences shall not be counted as hours or days of pupil
16 instruction.

17 (d) If a collective bargaining agreement that provides a
18 complete school calendar is in effect for employees of a district
19 as of October 19, 2009, and if that school calendar is not in
20 compliance with this subsection, then this subsection does not
21 apply to that district until after the expiration of that
22 collective bargaining agreement.

23 (e) Except as otherwise provided in subdivision (f), a
24 district not having at least 75% of the district's membership in
25 attendance on any day of pupil instruction shall receive state aid
26 in that proportion of $1/180$ that the actual percent of attendance
27 bears to the specified percentage.

1 (f) At the request of a district that operates a department-
2 approved alternative education program and that does not provide
3 instruction for pupils in all of grades K to 12, the superintendent
4 may grant a waiver from the requirements of subdivision (e) in
5 order to conduct a pilot study. The waiver shall indicate that an
6 eligible district is subject to the proration provisions of
7 subdivision (e) only if the district does not have at least 50% of
8 the district's membership in attendance on any day of pupil
9 instruction. In order to be eligible for this waiver, a district
10 must maintain records to substantiate its compliance with the
11 following requirements during the pilot study:

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

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

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

20 (g) The superintendent shall promulgate rules for the
21 implementation of this subsection.

22 (4) Except as otherwise provided in this subsection, the first
23 6 days or the equivalent number of hours for which pupil
24 instruction is not provided because of conditions not within the
25 control of school authorities, such as severe storms, fires,
26 epidemics, utility power unavailability, water or sewer failure, or
27 health conditions as defined by the city, county, or state health

1 authorities, shall be counted as hours and days of pupil
2 instruction. With the approval of the superintendent of public
3 instruction, the department shall count as hours and days of pupil
4 instruction for a fiscal year not more than 6 additional days or
5 the equivalent number of additional hours for which pupil
6 instruction is not provided in a district after April 1 of the
7 applicable school year due to unusual and extenuating occurrences
8 resulting from conditions not within the control of school
9 authorities such as those conditions described in this subsection.
10 Subsequent such hours or days shall not be counted as hours or days
11 of pupil instruction.

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

18 (6) Not later than April 15 of each fiscal year, the board of
19 each district shall certify to the department the planned number of
20 hours and days of pupil instruction in the district for the school
21 year ending in the fiscal year. In addition to any other penalty or
22 forfeiture under this section, if at any time the department
23 determines that 1 or more of the following has occurred in a
24 district, the district shall forfeit in the current fiscal year
25 beginning in the next payment to be calculated by the department a
26 proportion of the funds due to the district under this act that is
27 equal to the proportion below the required minimum number of hours

1 and days of pupil instruction under subsection (3), as specified in
2 the following:

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

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

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

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

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

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

1 considered a full-time equivalent pupil. A pupil in grades 9 to 12
2 who is scheduled in a 4-block schedule may receive a reduced
3 schedule under this subsection if the pupil is scheduled for a
4 number of hours equal to at least 75% of the required minimum
5 number of hours of pupil instruction to be considered a full-time
6 equivalent pupil.

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

20 (e) In grades 7 through 12, instructional time that is part of
21 a junior reserve officer training corps (JROTC) program shall be
22 considered to be pupil instruction time regardless of whether the
23 instructor is a certificated teacher if all of the following are
24 met:

25 (i) The instructor has met all of the requirements established
26 by the United States department of defense and the applicable
27 branch of the armed services for serving as an instructor in the

1 junior reserve officer training corps program.

2 (ii) The board of the district or intermediate district
3 employing or assigning the instructor complies with the
4 requirements of sections 1230 and 1230a of the revised school code,
5 MCL 380.1230 and 380.1230a, with respect to the instructor to the
6 same extent as if employing the instructor as a regular classroom
7 teacher.

8 (8) Except as otherwise provided in subsection (11), the
9 department shall apply the guidelines under subsection (7) in
10 calculating the full-time equivalency of pupils.

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

1 center.

2 (10) A district may count up to 38 hours of qualifying
3 professional development for teachers as hours of pupil
4 instruction. Professional development provided online is allowable
5 and encouraged, as long as the instruction has been approved by the
6 district. The department shall issue a list of approved online
7 professional development providers, which shall include the
8 Michigan virtual university. However, if a collective bargaining
9 agreement that provides more than 38 but not more than 51 hours of
10 professional development for teachers is in effect for employees of
11 a district as of October 1, 2006, then until the fiscal year that
12 begins after the expiration of that collective bargaining agreement
13 a district may count up to 51 hours of qualifying professional
14 development for teachers as hours of pupil instruction. A district
15 that elects to use this exception shall notify the department of
16 its election. As used in this subsection, "qualifying professional
17 development" means professional development that is focused on 1 or
18 more of the following:

19 (a) Achieving or improving adequate yearly progress as defined
20 under the no child left behind act of 2001, Public Law 107-110.

21 (b) Achieving accreditation or improving a school's
22 accreditation status under section 1280 of the revised school code,
23 MCL 380.1280.

24 (c) Achieving highly qualified teacher status as defined under
25 the no child left behind act of 2001, Public Law 107-110.

26 (d) Integrating technology into classroom instruction.

27 (e) Maintaining teacher certification.

1 (11) Subsections (3) and (8) do not apply to a school of
2 excellence that is a cyber school, as defined in section 551 of the
3 revised school code, MCL 380.551, and is in compliance with section
4 553a of the revised school code, MCL 380.553a.

5 (12) The department shall study the actual costs of providing
6 distance learning or other alternative instructional delivery that
7 is being used in this state and shall report on its findings to the
8 house and senate fiscal agencies and the office of the state budget
9 not later than September 10, 2012. Upon request by the department,
10 a school of excellence described in subsection (11), the Michigan
11 virtual university, or a school that receives a seat time waiver
12 from the department under this section shall submit to the
13 department any data requested by the department for the purposes of
14 this study.