

THE STATE SCHOOL AID ACT OF 1979 (EXCERPT)
Act 94 of 1979

***** 388.1766b.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2018 *****

388.1766b.amended Minor enrolled in nonpublic school or home school; enrollment in district, public school academy, or intermediate district in certain curricular offering; state school aid; requirements; "eligible other district" defined; nonessential course; minor as part-time pupil; reply by district.

Sec. 166b. (1) This act does not prohibit a parent or legal guardian of a minor who is enrolled in any of grades kindergarten to 12 in a nonpublic school or who is being home-schooled from also enrolling the minor in a district, public school academy, or intermediate district in any curricular offering that is provided by the district, public school academy, or intermediate district at a public school site and is available to pupils in the minor's grade level or age group, subject to compliance with the same requirements that apply to a full-time pupil's participation in the offering. However, state school aid shall be provided under this act for a minor enrolled as described in this subsection only for a curricular offering that is restricted to nonessential elective courses and is available to full-time pupils in the minor's grade level or age group. For the purposes of this subsection, a curricular offering includes optional experiences associated with the curricular offering.

(2) This act does not prohibit a parent or legal guardian of a minor who is enrolled in any of grades kindergarten to 12 in a nonpublic school or who resides within a district and is being home-schooled from also enrolling the minor in the district in any nonessential elective curricular offering being provided by the district at a nonpublic school site or that is provided by the district, a public school academy, or an intermediate district at a public school site, and that is available to pupils in the minor's grade level or age group, subject to compliance with the same requirements that apply to a full-time pupil's participation in the offering. For the purposes of this subsection, a curricular offering includes optional experiences associated with the curricular offering. State school aid shall be provided under this act for a minor enrolled as described in this subsection only if all of the following apply:

(a) Either of the following:

(i) The nonpublic school site is located, or the nonpublic students are educated, within the geographic boundaries of the district.

(ii) If the nonpublic school has submitted a written request to the district in which the nonpublic school is located for the district to provide certain instruction under this subsection 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 nonpublic school submits the request, the instruction is instead provided by an eligible other district. This subparagraph does not require a nonpublic school to submit more than 1 request to the district in which the nonpublic school is located for that district to provide instruction under this subsection, and does not require a nonpublic school to submit an additional request to the district in which the nonpublic school is located for that district to provide additional instruction under this subsection beyond the instruction requested in the original request, before having the instruction provided by an eligible other district. A public school academy that is located in the district in which the nonpublic school is located or in an eligible other district also may provide instruction under this subparagraph under the same conditions as an eligible other district. As used in this subparagraph, "eligible other district" means a district that is located in the same intermediate district as the district in which the nonpublic school is located or is located in an intermediate district that is contiguous to that intermediate district.

(b) The nonpublic school is registered with the department as a nonpublic school and meets all state reporting requirements for nonpublic schools.

(c) The instruction is provided directly by a certified teacher of the district, public school academy, or intermediate district.

(d) The curricular offering is also available to full-time pupils in the minor's grade level or age group in the district or public school academy at a public school site.

(e) The curricular offering is restricted to nonessential elective courses for pupils in grades kindergarten to 12.

(f) The district ensures that all individuals that have contact with pupils as part of a course provided to pupils enrolled in the district under section 166b and counted in membership under section 6 have not been convicted of sexual misconduct.

(g) The district ensures that an individual who provides direct or indirect curricular offerings to pupils as part of an optional or required course provided to pupils enrolled in the district under section 166b and

counted in membership under section 6, or who has unsupervised contact with pupils as part of such a course, is subject to the requirements under sections 1230, 1230a, 1230b, 1230c, 1230d, 1230e, and 1230g of the revised school code, MCL 380.1230, 380.1230a, 380.1230b, 380.1230c, 380.1230d, 380.1230e, and 380.1230g, as if the individual is offered full-time or part-time employment in the district, is an employee of the district, or is assigned to regularly and continuously work under contract in any of its schools, as applicable.

(h) The district ensures that each optional experience associated with a course provided to pupils enrolled in the district under section 166b and counted in membership under section 6 is offered on a schedule that ensures that the experience is available to the majority of full-time pupils in membership in the district in the same grade level or age group as pupils participating in the course and enrolled in the district under section 166b.

(i) The district provides the department information necessary to quantify all of the following, in a form and manner prescribed by the department in conjunction with the center:

(i) A complete listing of all courses provided to pupils counted in membership in the district.

(ii) Course enrollments by each participant using local coding and the school codes for the exchange of data (SCED).

(iii) Identification of each course teacher or mentor.

(3) A nonessential course in grades 1 to 8 is a course other than a mathematics, science, social studies, and English language arts course required by the district for grade progression. Nonessential courses in grades 9 to 12 are those other than algebra 1, algebra 2, English 9-12, geometry, biology, chemistry, physics, economics, geography, American history, world history, the Constitution, government, and civics, or courses that fulfill the same credit requirement as these courses. Nonessential elective courses include courses offered by the local district for high school credit that are also capable of generating postsecondary credit, including, at least, advanced placement and international baccalaureate courses. College level courses taken by high school students for college credit are nonessential courses. Remedial courses for any grade in the above-listed essential courses are considered essential. Kindergarten is considered nonessential.

(4) Subject to section 6(4)(ii), a minor enrolled as described in this section is a part-time pupil for purposes of state school aid under this act.

(5) A district that receives a written request to provide instruction under subsection (2) shall reply to the request 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 nonpublic school submits the request. The written reply shall specify whether the district agrees to provide or does not agree to provide the instruction for each portion of instruction included in the request.

History: Add. 1993, Act 175, Eff. Oct. 1, 1993;—Am. 1995, Act 130, Eff. Oct. 1, 1995;—Am. 1996, Act 300, Eff. Oct. 1, 1996;—Am. 1998, Act 339, Imd. Eff. Oct. 13, 1998;—Am. 1999, Act 119, Imd. Eff. July 20, 1999;—Am. 2008, Act 219, Imd. Eff. July 16, 2008;—Am. 2010, Act 110, Eff. Oct. 1, 2010;—Am. 2010, Act 204, Imd. Eff. Oct. 12, 2010;—Am. 2012, Act 130, Imd. Eff. May 15, 2012;—Am. 2015, Act 222, Eff. Mar. 16, 2016;—Am. 2016, Act 249, Eff. Oct. 1, 2016;—Am. 2017, Act 108, Eff. Oct. 1, 2017;—Am. 2017, Act 143, Imd. Eff. Nov. 2, 2017;—Am. 2018, Act 265, Eff. Oct. 1, 2018.

Compiler's note: Enacting section 1 of Act 204 of 2010 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at \$10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at \$10,824,041,900.00."