

SENATE BILL No. 16

January 8, 2003, Introduced by Senator JELINEK 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 2002 PA
476.

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
3 membership 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
6 intermediate superintendent a certified and sworn copy of the
7 number of pupils enrolled and in regular daily attendance in the
8 district 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

SENATE BILL No. 16

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

1 figure or statement in the certified and sworn copy of enrollment
2 shall be 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
8 department, the audited enrollment and attendance data for the
9 pupils of its constituent districts and of the intermediate
10 district. If an intermediate district fails to transmit the
11 audited data as required under this subsection, state aid due to
12 be distributed under this act shall be withheld from the
13 defaulting intermediate district immediately, beginning with the
14 next payment after the failure and continuing with each payment
15 until the intermediate district complies with this subsection.
16 If an intermediate district does not comply with this subsection
17 by the end of the fiscal year, the intermediate district forfeits
18 the amount withheld.

19 (3) Except as otherwise provided in this section, each
20 district shall provide at least 180 days of pupil instruction and
21 a 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
25 district failing to hold 180 days of pupil instruction shall
26 forfeit from its total state aid allocation for each day of
27 failure an amount equal to 1/180 of its total state aid

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

1 (4) Except as otherwise provided in this subsection **and**
2 **subsection (5)**, the first 2 days for which pupil instruction is
3 not provided because of conditions not within the control of
4 school authorities, such as severe storms, fires, epidemics, or
5 health conditions as defined by the city, county, or state health
6 authorities, shall be counted as days of pupil instruction. In
7 addition, for 2001-2002 only, the department shall count as days
8 of pupil instruction not more than 4 additional days, and shall
9 count as hours of pupil instruction not more than 24 hours, for
10 which pupil instruction was not provided in a district after
11 May 27, 2002 due to a train derailment involving hazardous
12 materials. Subsequent such days shall not be counted as days of
13 pupil instruction.

14 (5) **If, over the 3 school years immediately preceding the**
15 **current school year, a district counts as days of pupil**
16 **instruction less than the maximum number of days allowed to be**
17 **counted for that entire 3-year period as days of pupil**
18 **instruction under subsection (4), the district may count 1 or**
19 **more of those unused days, up to that maximum, as a day of pupil**
20 **instruction for the current school year, but only for a day for**
21 **which pupil instruction is not provided due to a reason allowed**
22 **under subsection (4).**

23 (6) ~~(5)~~ A district shall not forfeit part of its state aid
24 appropriation because it adopts or has in existence an
25 alternative scheduling program for pupils in kindergarten if the
26 program provides at least the number of hours required under
27 subsection (3) for a full-time equated membership for a pupil in

1 kindergarten as provided under section 6(4).

2 (7) ~~-(6)-~~ Upon application by the district for a particular
3 fiscal year, the superintendent may waive the minimum number of
4 days of pupil instruction requirement of subsection (3) for a
5 district if the district has adopted an experimental school year
6 schedule in 1 or more buildings in the district if the
7 experimental school year schedule provides the required minimum
8 number of hours of pupil instruction under subsection (3) or more
9 and is consistent with all state board policies on school
10 improvement and restructuring. If a district applies for and
11 receives a waiver under this subsection and complies with the
12 terms of the waiver, for the fiscal year covered by the waiver
13 the district is not subject to forfeiture under this section of
14 part of its state aid allocation for the specific building or
15 program covered by the waiver.

16 (8) ~~-(7)-~~ Not later than April 15 of each fiscal year, the
17 board of each district shall certify to the department the
18 planned number of days and hours of pupil instruction in the
19 district for the school year ending in the fiscal year. In
20 addition to any other penalty or forfeiture under this section,
21 if at any time the department determines that 1 or more of the
22 following has occurred in a district, the district shall forfeit
23 in the current fiscal year beginning in the next payment to be
24 calculated by the department a proportion of the funds due to the
25 district under this act that is equal to the proportion below 180
26 days and the required minimum number of hours of pupil
27 instruction under subsection (3), as specified in the following:

1 (a) The district fails to operate its schools for at least
2 180 days and the required minimum number of hours of pupil
3 instruction under subsection (3) in a school year, including days
4 counted under subsection (4) **or (5)**.

5 (b) The board of the district takes formal action not to
6 operate its schools for at least 180 days and the required
7 minimum number of hours of pupil instruction under subsection (3)
8 in a school year, including days counted under subsection (4) **or**
9 **(5)**.

10 **(9) —(8)—** In providing the minimum number of hours of pupil
11 instruction required under subsection (3), a district shall use
12 the following guidelines, and a district shall maintain records
13 to substantiate its compliance with the following guidelines:

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

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

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

27 (d) If a pupil in grades 9 to 12 who is enrolled in a

1 cooperative education program or a special education pupil cannot
2 receive the required minimum number of hours of pupil instruction
3 solely because of travel time between instructional sites during
4 the school day, that travel time, up to a maximum of 3 hours per
5 school week, shall be considered to be pupil instruction time for
6 the purpose of determining whether the pupil is receiving the
7 required minimum number of hours of pupil instruction. However,
8 if a district demonstrates to the satisfaction of the department
9 that the travel time limitation under this subdivision would
10 create undue costs or hardship to the district, the department
11 may consider more travel time to be pupil instruction time for
12 this purpose.

13 **(10)** ~~-(9)-~~ The department shall apply the guidelines under
14 subsection ~~-(8)-~~ **(9)** in calculating the full-time equivalency of
15 pupils.

16 **(11)** ~~-(10)-~~ Upon application by the district for a particular
17 fiscal year, the superintendent may waive for a district the 180
18 days or minimum number of hours of pupil instruction requirement
19 of subsection (3) for a department-approved alternative education
20 program. If a district applies for and receives a waiver under
21 this subsection and complies with the terms of the waiver, for
22 the fiscal year covered by the waiver the district is not subject
23 to forfeiture under this section for the specific program covered
24 by the waiver.

25 **(12)** ~~-(11)-~~ Beginning in 2000-2001, a district may count up
26 to 51 hours of professional development for teachers as hours of
27 pupil instruction. A district that elects to use this exception

1 shall notify the department of its election.