

SENATE BILL No. 291

March 11, 2003, Introduced by Senators CROPSEY, PRUSI, McMANUS, LELAND,
ALLEN, GOSCHKA and BIRKHOLZ 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. 291

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). Days or hours lost because of
21 strikes or teachers' conferences shall not be counted as days or
22 hours of pupil instruction. A district not having at least 75%
23 of the district's membership in attendance on any day of pupil
24 instruction shall receive state aid in that proportion of 1/180
25 that the actual percent of attendance bears to the specified
26 percentage. The superintendent shall promulgate rules for the
27 implementation of this subsection.

1 (4) Except as otherwise provided in this subsection, the
2 first ~~2~~ 4 days for which pupil instruction is not provided
3 because of conditions not within the control of school
4 authorities, such as severe storms, fires, epidemics, or health
5 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) A district shall not forfeit part of its state aid
15 appropriation because it adopts or has in existence an
16 alternative scheduling program for pupils in kindergarten if the
17 program provides at least the number of hours required under
18 subsection (3) for a full-time equated membership for a pupil in
19 kindergarten as provided under section 6(4).

20 (6) Upon application by the district for a particular fiscal
21 year, the superintendent may waive the minimum number of days of
22 pupil instruction requirement of subsection (3) for a district if
23 the district has adopted an experimental school year schedule in
24 1 or more buildings in the district if the experimental school
25 year schedule provides the required minimum number of hours of
26 pupil instruction under subsection (3) or more and is consistent
27 with all state board policies on school improvement and

1 restructuring. If a district applies for and receives a waiver
2 under this subsection and complies with the terms of the waiver,
3 for the fiscal year covered by the waiver the district is not
4 subject to forfeiture under this section of part of its state aid
5 allocation for the specific building or program covered by the
6 waiver.

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

19 (a) The district fails to operate its schools for at least
20 180 days and the required minimum number of hours of pupil
21 instruction under subsection (3) in a school year, including days
22 counted under subsection (4).

23 (b) The board of the district takes formal action not to
24 operate its schools for at least 180 days and the required
25 minimum number of hours of pupil instruction under subsection (3)
26 in a school year, including days counted under subsection (4).

27 (8) In providing the minimum number of hours of pupil

1 instruction required under subsection (3), a district shall use
2 the following guidelines, and a district shall maintain records
3 to substantiate its compliance with the following guidelines:

4 (a) Except as otherwise provided in this subsection, a pupil
5 must be scheduled for at least the required minimum number of
6 hours of instruction, excluding study halls, or at least the sum
7 of 90 hours plus the required minimum number of hours of
8 instruction, including up to 2 study halls.

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

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

17 (d) If a pupil in grades 9 to 12 who is enrolled in a
18 cooperative education program or a special education pupil cannot
19 receive the required minimum number of hours of pupil instruction
20 solely because of travel time between instructional sites during
21 the school day, that travel time, up to a maximum of 3 hours per
22 school week, shall be considered to be pupil instruction time for
23 the purpose of determining whether the pupil is receiving the
24 required minimum number of hours of pupil instruction. However,
25 if a district demonstrates to the satisfaction of the department
26 that the travel time limitation under this subdivision would
27 create undue costs or hardship to the district, the department

1 may consider more travel time to be pupil instruction time for
2 this purpose.

3 (9) The department shall apply the guidelines under
4 subsection (8) in calculating the full-time equivalency of
5 pupils.

6 (10) Upon application by the district for a particular fiscal
7 year, the superintendent may waive for a district the 180 days or
8 minimum number of hours of pupil instruction requirement of
9 subsection (3) for a department-approved alternative education
10 program. If a district applies for and receives a waiver under
11 this subsection and complies with the terms of the waiver, for
12 the fiscal year covered by the waiver the district is not subject
13 to forfeiture under this section for the specific program covered
14 by the waiver.

15 (11) ~~Beginning in 2000-2001, a~~ A district may count up to
16 51 hours of professional development for teachers as hours of
17 pupil instruction. A district that elects to use this exception
18 shall notify the department of its election.