

HOUSE BILL No. 4326

February 27, 2007, Introduced by Reps. Stakoe, Stahl, Steil, Moolenaar, Rick Jones, Mayes, Polidori, Marleau and Shaffer 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 2006 PA 342.

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

1 punished in the manner prescribed by section 161.

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

17 (3) All of the following apply to the provision of pupil
18 instruction:

19 (a) Except as otherwise provided in this section, each
20 district shall provide at least 1,098 hours of pupil instruction.
21 Except as otherwise provided in this act, a district failing to
22 comply with the required minimum hours of pupil instruction under
23 this subsection shall forfeit from its total state aid allocation
24 an amount determined by applying a ratio of the number of hours the
25 district was in noncompliance in relation to the required minimum
26 number of hours under this subsection. Not later than August 1, the
27 board of each district shall certify to the department the number

1 of hours of pupil instruction in the previous school year. If the
2 district did not provide at least the required minimum number of
3 hours of pupil instruction under this subsection, the deduction of
4 state aid shall be made in the following fiscal year from the first
5 payment of state school aid. A district is not subject to
6 forfeiture of funds under this subsection for a fiscal year in
7 which a forfeiture was already imposed under subsection (6). Hours
8 lost because of strikes or teachers' conferences shall not be
9 counted as days or hours of pupil instruction.

10 (b) Except as otherwise provided in subdivision (c), a
11 district not having at least 75% of the district's membership in
12 attendance on any day of pupil instruction shall receive state aid
13 in that proportion of 1/180 that the actual percent of attendance
14 bears to the specified percentage.

15 (c) Beginning in 2005-2006, at the request of a district that
16 operates a department-approved alternative education program and
17 that does not provide instruction for pupils in all of grades K to
18 12, the superintendent shall grant a waiver for a period of 3
19 school years from the requirements of subdivision (b) in order to
20 conduct a pilot study. The waiver shall indicate that an eligible
21 district is subject to the proration provisions of subdivision (b)
22 only if the district does not have at least 50% of the district's
23 membership in attendance on any day of pupil instruction. Not later
24 than 2008-2009, the department shall report on the impact of this
25 waiver on the academic achievement of pupils in these districts to
26 the state budget director and the senate and house appropriations
27 subcommittees on state school aid. In order to be eligible for this

1 waiver, a district must maintain records to substantiate its
2 compliance with the following requirements during the pilot study:

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

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

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

11 (d) The superintendent shall promulgate rules for the
12 implementation of this subsection.

13 (4) Except as otherwise provided in this subsection, the first
14 30 hours for which pupil instruction is not provided because of
15 conditions not within the control of school authorities, such as
16 severe storms, fires, epidemics, utility power unavailability,
17 water or sewer failure, or health conditions as defined by the
18 city, county, or state health authorities, shall be counted as
19 hours of pupil instruction. ~~Beginning in 2003-2004, with~~ **WITH** the
20 approval of the superintendent of public instruction, the
21 department shall count as hours of pupil instruction for a fiscal
22 year not more than 30 additional hours for which pupil instruction
23 is not provided in a district after April 1 of the applicable
24 school year due to unusual and extenuating occurrences resulting
25 from conditions not within the control of school authorities such
26 as those conditions described in this subsection. Subsequent such
27 hours shall not be counted as hours of pupil instruction.

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

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

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

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

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

1 instruction required under subsection (3), a district shall use the
2 following guidelines, and a district shall maintain records to
3 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 hours
6 of instruction, excluding study halls, or at least the sum of 90
7 hours plus the required minimum number of hours of instruction,
8 including up to 2 study halls.

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

12 (c) Except as otherwise provided in this subdivision, a pupil
13 in grades 9 to 12 for whom a reduced schedule is determined to be
14 in the individual pupil's best educational interest must be
15 scheduled for a number of hours equal to at least 80% of the
16 required minimum number of hours of pupil instruction to be
17 considered a full-time equivalent pupil. A pupil in grades 9 to 12
18 who is scheduled in a 4-block schedule may receive a reduced
19 schedule under this subsection if the pupil is scheduled for a
20 number of hours equal to at least 75% of the required minimum
21 number of hours of pupil instruction to be considered a full-time
22 equivalent pupil.

23 (d) If a pupil in grades 9 to 12 who is enrolled in a
24 cooperative education program or a special education pupil cannot
25 receive the required minimum number of hours of pupil instruction
26 solely because of travel time between instructional sites during
27 the school day, that travel time, up to a maximum of 3 hours per

1 school week, shall be considered to be pupil instruction time for
2 the purpose of determining whether the pupil is receiving the
3 required minimum number of hours of pupil instruction. However, if
4 a district demonstrates to the satisfaction of the department that
5 the travel time limitation under this subdivision would create
6 undue costs or hardship to the district, the department may
7 consider more travel time to be pupil instruction time for this
8 purpose.

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

14 (i) The instructor has met all of the requirements established
15 by the United States department of defense and the applicable
16 branch of the armed services for serving as an instructor in the
17 junior reserve officer training corps program.

18 (ii) The board of the district or intermediate district
19 employing or assigning the instructor complies with the
20 requirements of sections 1230 and 1230a of the revised school code,
21 MCL 380.1230 and 380.1230a, with respect to the instructor to the
22 same extent as if employing the instructor as a regular classroom
23 teacher.

24 **(F) FOR PUPILS IN GRADE 8, THE TIME A PUPIL SPENDS IN WORK-**
25 **BASED LEARNING SHALL BE COUNTED AS PUPIL INSTRUCTION TIME AS**
26 **PROVIDED UNDER GUIDELINES DEVELOPED BY THE DEPARTMENT FOR WORK-**
27 **BASED LEARNING IN THE MIDDLE SCHOOL GRADES. THE DEPARTMENT, IN**

1 COLLABORATION WITH THE DEPARTMENT OF LABOR AND ECONOMIC GROWTH,
2 SHALL DEVELOP GUIDELINES FOR COUNTING WORK-BASED LEARNING AS PUPIL
3 INSTRUCTION TIME. UNTIL THE DEPARTMENT DEVELOPS AND IMPLEMENTS
4 THOSE GUIDELINES, A DISTRICT MAY COUNT AS PUPIL INSTRUCTION TIME
5 FOR PUPILS IN GRADE 8 THE TIME A PUPIL SPENDS IN WORK-BASED
6 LEARNING, UP TO A MAXIMUM OF 90 MINUTES PER SCHOOL DAY, IF ALL OF
7 THE FOLLOWING ARE MET:

8 (i) THE PUPIL'S PLACEMENT IN THE WORK-BASED LEARNING IS MADE
9 UNDER AN IN-SCHOOL PLACEMENT POLICY THAT INCLUDES PROCEDURES
10 DESIGNED TO MATCH A PUPIL'S SPECIFIC NEEDS AND ABILITIES WITH THE
11 SPECIFIC FUNCTIONS AND ACTIVITIES INVOLVED IN THE WORK-BASED
12 LEARNING.

13 (ii) THE DISTRICT MAINTAINS A COURSE DESCRIPTION FOR THE WORK-
14 BASED LEARNING THAT INCLUDES SPECIFIC GOALS AND OBJECTIVES.

15 (iii) THE PUPIL'S WORK-BASED LEARNING IS MONITORED AND ASSESSED
16 BY AN EMPLOYEE OF THE DISTRICT AND THE PUPIL IS ASSIGNED A GRADE
17 FOR THE WORK-BASED LEARNING BY A CERTIFICATED TEACHER.

18 (iv) NOT MORE THAN 25% OF PUPILS ENROLLED IN GRADE 8 IN THE
19 DISTRICT ARE PLACED IN WORK-BASED LEARNING DURING ANY MARKING
20 PERIOD.

21 (8) The department shall apply the guidelines under subsection
22 (7) in calculating the full-time equivalency of pupils.

23 (9) Upon application by the district for a particular fiscal
24 year, the superintendent may waive for a district the minimum
25 number of hours of pupil instruction requirement of subsection (3)
26 for a department-approved alternative education program. If a
27 district applies for and receives a waiver under this subsection

1 and complies with the terms of the waiver, for the fiscal year
2 covered by the waiver the district is not subject to forfeiture
3 under this section for the specific program covered by the waiver.
4 If the district does not comply with the terms of the waiver, the
5 amount of the forfeiture shall be calculated based upon a
6 comparison of the number of hours of pupil instruction actually
7 provided to the minimum number of hours of pupil instruction
8 required under subsection (3).

9 (10) A district may count up to 38 hours of qualifying
10 professional development for teachers, including the 5 hours of
11 online professional development provided by the Michigan virtual
12 university under section 98, as hours of pupil instruction.
13 However, if a collective bargaining agreement that provides more
14 than 38 but not more than 51 hours of professional development for
15 teachers is in effect for employees of a district as of the
16 effective date of the 2006 amendatory act that amended this
17 subsection, then until the fiscal year that begins after the
18 expiration of that collective bargaining agreement a district may
19 count up to 51 hours of qualifying professional development for
20 teachers, including the 5 hours of online professional development
21 provided by the Michigan virtual university under section 98, as
22 hours of pupil instruction. A district that elects to use this
23 exception shall notify the department of its election. As used in
24 this subsection, "qualifying professional development" means
25 professional development that is focused on 1 or more of the
26 following:

27 (a) Achieving or improving adequate yearly progress as defined

1 under the no child left behind act of 2001, Public Law 107-110.

2 (b) Achieving accreditation or improving a school's
3 accreditation status under section 1280 of the revised school code,
4 MCL 380.1280.

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

7 (d) Maintaining teacher certification.