

# HOUSE BILL No. 4108

February 7, 1989, Introduced by Rep. Keith and referred to the Committee on Education.

A bill to amend section 101 of Act No. 94 of the Public Acts of 1979, entitled as amended

"The state school aid act of 1979,"

as amended by Act No. 298 of the Public Acts of 1986, being section 388.1701 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 101 of Act No. 94 of the Public Acts of  
2 1979, as amended by Act No. 298 of the Public Acts of 1986, being  
3 section 388.1701 of the Michigan Compiled Laws, is amended to  
4 read as follows:

5       Sec. 101. (1) To be eligible to receive state aid under  
6 this act, not later than the third Friday following the pupil  
7 membership count day, each district superintendent through the  
8 secretary of the district's board shall file with the  
9 intermediate superintendent a certified and sworn copy of the

1 district's enrollment for the current school year. In addition,  
2 a district maintaining school during the entire year, as provided  
3 under section 1561 of the school code of 1976, shall file with  
4 the intermediate superintendent a certified and sworn copy of the  
5 enrollment for the current school year pursuant to rules promul-  
6 gated by the state board. In case of failure to file the sworn  
7 and certified copy not later than the third Friday following the  
8 pupil membership count day or pursuant to rules promulgated by  
9 the state board, state aid due to be distributed on December 1  
10 under this act shall be withheld from the defaulting district. A  
11 person who willfully falsifies a figure or statement in the cer-  
12 tified and sworn copy of enrollment shall be punished in the  
13 manner prescribed by the laws of this state.

14 (2) Each district shall provide a minimum of 180 days of  
15 pupil instruction AS REQUIRED BY SECTION 1284 OF THE SCHOOL CODE  
16 OF 1976. Except as provided in ~~subsections (6) and (7)~~ THIS  
17 SUBSECTION AND SUBSECTION (4), a district failing to hold 180  
18 days of pupil instruction shall forfeit 1/180 of its total state  
19 aid appropriation OR \$50.00 PER PUPIL, WHICHEVER IS GREATER, for  
20 each day of failure. THE AMOUNT FORFEITED SHALL NOT EXCEED THE  
21 DISTRICT'S TOTAL AMOUNT OF STATE SCHOOL AID PROVIDED UNDER THIS  
22 ACT. A district failing to comply with rules promulgated by the  
23 state board, which rules establish the minimum time pupil  
24 instruction is to be provided to pupils for the regular school  
25 year, shall forfeit from its total state aid allocation an amount  
26 determined by applying a ratio of the time duration the district  
27 was in noncompliance in relation to the minimum time pupil

1 instruction is required. A district failing to meet both the  
2 minimum 180 days of pupil instruction requirement and the pre-  
3 scribed time of pupil instruction requirement shall be penalized  
4 only the higher of the 2 amounts calculated under the forfeiture  
5 provisions of this subsection. Not later than August 1, the  
6 board of each district shall certify to the department the number  
7 of days of pupil instruction in the ~~previous~~ IMMEDIATELY  
8 PRECEDING school year. If the district did not hold at least 180  
9 days of pupil instruction, the deduction of state aid shall be  
10 made in the following fiscal year from the first payment of state  
11 school aid. ~~Days lost because of strikes or teachers' confer-~~  
12 ~~ences shall not be counted as days of pupil instruction.~~ A dis-  
13 trict not having 70% of the district's membership in attendance  
14 on any day shall receive state aid in that proportion of 1/180  
15 that the actual percent of attendance bears to 70%. The state  
16 board shall promulgate rules for the implementation of this  
17 subsection.

18 ~~(3) The first 2 days when pupil instruction is not provided~~  
19 ~~because of conditions not within the control of school authori-~~  
20 ~~ties, such as severe storms, fires, epidemics, or health condi-~~  
21 ~~tions as defined by the city, county, or state health authori-~~  
22 ~~ties, shall be counted as days of pupil instruction. Subsequent~~  
23 ~~such days shall not be counted as days of pupil instruction.~~

24 ~~(4) The language of subsection (3) that specifies when cer-~~  
25 ~~tain days shall not be counted as days of pupil instruction does~~  
26 ~~not apply to a district that has 1 or more collective bargaining~~  
27 ~~agreements that obligate the district to provide compensation for~~

~~1 those days not eligible to be counted as days of pupil  
2 instruction under that subsection. This exemption shall apply  
3 for the duration of those agreements in effect on the effective  
4 date of the amendatory act that adds this subsection. This sub-  
5 section does not apply after June 30, 1987.~~

6       (3) ~~(5)~~ A district shall not be allotted or paid a sum  
7 under this act in a fiscal year if the department determines that  
8 at the end of the IMMEDIATELY preceding school fiscal year the  
9 amount of funds on hand in the district available for the payment  
10 of the operation cost in the district exceeded the amount of  
11 money expended for operation cost in the district during the pre-  
12 ceding school fiscal year.

13       (4) ~~(6)~~ A district shall not forfeit part of its state aid  
14 appropriation if it adopts or has in existence an alternative  
15 scheduling program for pupils in kindergarten, which program is  
16 approved by the state board.

17       Section 2. This amendatory act shall not take effect unless  
18 Senate Bill No. \_\_\_\_\_ or House Bill No. 4107 (request  
19 no. 00489'89) of the 85th Legislature is enacted into law.