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BILL ANALYSIS

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Senate Bill 95 (as enrolled)
Sponsor: Senator Valde Garcia
Senate Committee: Education
House Committee: Education

PUBLIC ACT 534 of 2006

Date Completed: 1-18-07

RATIONALE

To qualify for school aid payments from the State, public schools and public school academies in Michigan must provide students with a certain minimum amount of instruction time. Historically, schools were required to provide at least 180 days of instruction each year, although legislation was passed in the 1990s to require more instruction time in Michigan's schools as part of an effort to improve the quality of education in the State. Amendments to the Revised School Code established yearly increases in the minimum number of days and hours of instruction, which were to culminate in the 2006-2007 school year, when schools would have had to provide 190 days and 1,140 hours of instruction.

As the increases took effect, some school districts expressed concern that the requirements were too rigid, and requested flexibility in establishing school schedules. In response, amendments to the State School Aid Act in 2003 removed the minimum days' requirement and set the minimum hours of pupil instruction at 1,098 hours. These provisions have allowed schools to develop alternative schedules, for example by offering four-day school weeks to save on transportation, food service, and utility costs. Some schools also increased the length of each school day to provide the required number of hours of instruction in fewer days.

Those changes were not reflected in the Revised School Code, however, which until recently still contained language requiring annual increases in the number of hours and days of instruction. Consequently, it was

suggested that the Code be made consistent with the requirements in the School Aid Act.

CONTENT

The bill amended the Revised School Code to require school districts and public school academies (PSAs) to provide at least the minimum amount of pupil instruction each school year required under the State School Aid Act; and to remove requirements for incremental yearly increases in the number of school days and hours of instruction.

The bill took effect on December 29, 2006.

Previously, the Code required the board of a school district or PSA to increase the number of days and hours of instruction each school year, requiring 189 days of instruction and 1,134 hours of instruction in 2005-2006, and 190 days and 1,140 hours of instruction in 2006-2007, except as provided in the Code.

The required minimum number of days or hours of instruction could not be increased for a particular year if the Department of Education determined that the percentage growth in the basic foundation allowance under the School Aid Act for the fiscal year in which the school year began was less than the percentage increase in the average United States consumer price index (CPI) during the preceding calendar year as compared to the second preceding calendar year. If there was no increase in the number of days or hours of instruction for a

given year, then an increase of one day and the corresponding number of hours was required for the next year in which the percentage growth in school aid funding exceeded the percentage growth in the CPI, until the minimum number of days required was 190 and the minimum number of hours required was 1,140.

The Code allowed the board of a school district or board of directors of a PSA to choose, by resolution, to provide fewer days of instruction for a given year than the statute indicated, as long as the board or board of directors provided at least the required number of hours of instruction and at least 180 days of instruction.

The bill removed these provisions, and instead requires the board or board of directors to ensure that the school district or PSA provides at least the minimum amount of pupil instruction each school year required under the School Aid Act.

MCL 380.1284

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Both the School Aid Act and the Revised School Code contain language establishing minimum instruction time for public schools and PSAs. While the School Aid Act was amended in 2003 and reflects the most recent decision of law-makers on the subject, the Revised School Code was not updated to reflect those amendments to the Act. To reconcile the two statutes and eliminate the need to amend both every time there is a change, the bill removed the specific instruction requirements in the Code, instead referring to the provisions in the School Aid Act.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.