

<b>STATE OF MICHIGAN</b>	<b>SUMMONS AND COMPLAINT</b>	<b>CASE NO.</b> 17- 000068 -MB
<b>IN THE COURT OF CLAIMS</b>		

**Court address** 925 West Ottawa Street, 2nd Floor, P.O. Box 30022, Lansing, MI 48909-7522 **Court telephone no.** (517) 373-0807

Plaintiff's name(s), address(es), and telephone no(s). Council of Organizations and Others for Education About Parochialism (CAP), et al	v	Defendant's name(s), address(es), and telephone no(s).  State of Michigan P.O. Box 30212 Lansing, MI 48909
Plaintiff's attorney, bar no., address, and telephone no. Jeffrey S. Donahue (P48588) - White Schneider PC Daniel S. Korobkin (P72842) - ACLU Peter H. Ellsworth (P23657) - Dickinson Wright PLLC		

**SUMMONS NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state). (MCR 2.111[C])
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued 3-21-2017	This summons expires 6-20-2017	Court clerk <b>Jerome W. Zimmer Jr.</b>
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\*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

**COMPLAINT** *Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.*

☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.

**Family Division Cases**

☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.

☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in \_\_\_\_\_ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.

**General Civil Cases**

☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in \_\_\_\_\_ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.

**VENUE**

Plaintiff(s) residence (include city, township, or village) Ingham County, Michigan	Defendant(s) residence (include city, township, or village) Ingham County, Michigan
Place where action arose or business conducted Ingham County, Michigan	

03/21/2017

Date

Signature of attorney/plaintiff

Jeffrey S. Donahue (P48588)

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

STATE OF MICHIGAN  
IN THE COURT OF CLAIMS

COUNCIL of ORGANIZATIONS AND OTHERS  
FOR EDUCATION ABOUT PAROCHIAL AID (CAP);  
AMERICAN CIVIL LIBERTIES UNION OF  
MICHIGAN (ACLU); MICHIGAN PARENTS  
FOR SCHOOLS; 482FORWARD;  
MICHIGAN ASSOCIATION OF SCHOOL BOARDS;  
MICHIGAN ASSOCIATION OF SCHOOL  
ADMINISTRATORS; MICHIGAN ASSOCIATION OF  
INTERMEDIATE SCHOOL ADMINISTRATORS;  
MICHIGAN SCHOOL BUSINESS OFFICIALS;  
MICHIGAN ASSOCIATION OF SECONDARY  
SCHOOL PRINCIPALS; MIDDLE CITIES  
EDUCATION ASSOCIATION; MICHIGAN  
ELEMENTARY AND MIDDLE SCHOOL  
PRINCIPALS ASSOCIATION; KALAMAZOO  
PUBLIC SCHOOLS; AND KALAMAZOO PUBLIC  
SCHOOLS BOARD OF EDUCATION,

Plaintiffs,

v

STATE OF MICHIGAN;  
RICK SNYDER, Governor, in his official capacity;  
MICHIGAN DEPARTMENT OF EDUCATION;  
and BRIAN WHISTON, Superintendent of  
Public Instruction, in his official capacity,

Defendants.

Case No. 17- 000068 -MB

Hon. STEPHENS

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Association, Michigan Elementary  
and Middle School Principals  
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Schools, and Kalamazoo Public  
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**COMPLAINT FOR DECLARATORY RELIEF, WRIT OF MANDAMUS, INJUNCTIVE  
AND OTHER RELIEF**

Plaintiffs, Council of Organizations and Others for Education about  
Parochiaid; American Civil Liberties Union of Michigan; Michigan Parents for Schools;  
482Forward; Michigan Association of School Boards; Michigan Association of School

Administrators; Michigan School Business Officials; Michigan Association of Intermediate School Administrators; Michigan Association of Secondary School Principals; Middle Cities Education Association; Michigan Elementary and Middle School Principals Association; Kalamazoo Public Schools; and Kalamazoo Public Schools Board of Education, by and through their attorneys from White Schneider PC, ACLU Fund of Michigan and Dickinson Wright PLLC, bring this Complaint against the State of Michigan; Rick Snyder, Governor, in his official capacity; Michigan Department of Education; and Brian Whiston, Superintendent of Public Instruction, in his official capacity (collectively, "Defendants"), seeking declaratory relief, a writ of mandamus, and injunctive and other relief. In support of this Complaint, Plaintiffs state the following:

## **I. INTRODUCTION**

1. The Michigan Constitution of 1963, Article 8, § 2, ¶ 2, prohibits public funds from being used directly or indirectly to: (1) aid or maintain any private, denominational or other nonpublic school; (2) support the attendance of students at any private, denominational or other nonpublic school; or (3) support the employment of persons at any private, denominational or other nonpublic school.

2. In § 152b of 2016 PA 249 (at times, the "Act"), the Michigan Legislature appropriated \$2,500,000.00 to reimburse nonpublic schools for the cost of compliance with the statutes and regulations identified in the Nonpublic Mandate Report, produced on November 25, 2014, by Defendant Michigan Department of Education ("MDE"), and other similar laws and regulations enacted since.

3. Defendant Governor Snyder signed the Act into law on June 27, 2016, expressing doubts as to its constitutionality. Governor Snyder stated: "We're still

looking at the consequences and the best ways to look at the legal issues associated with that, but at this point I thought it appropriate to move ahead and let's address the legal question separately." *Snyder signs education budget with aid to private schools*, Detroit News (June 27, 2016).

4. The funds appropriated by the Michigan Legislature in § 152b of the Act will directly or indirectly aid and maintain nonpublic schools, directly or indirectly support the attendance of students at nonpublic schools and directly or indirectly support the employment of persons at nonpublic schools in violation of Article 8, § 2, of the Michigan Constitution.

5. Article 4, § 30 of the Michigan Constitution provides that "[t]he assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes."

6. By definition, the funds appropriated for nonpublic schools by the Michigan Legislature in § 152b of the Act are public monies that are for private purposes.

7. The senate did not pass 2016 PA 249 by two-thirds. Thus, as two-thirds of each house of the Michigan Legislature did not approve of the appropriation of public money for private purposes, § 152b of the Act is unconstitutional.

8. Defendant MDE produced the original Nonpublic Mandate Report of November 25, 2014, which designates the statutes and regulations eligible for reimbursement by § 152b.

9. Further, § 152b delegated to MDE the responsibility of publishing a submittal form for nonpublic schools to request reimbursement for costs under § 152b.

10. Pursuant to § 152b, nonpublic schools may request reimbursements through June 15, 2017, and § 152b requires MDE to pay out reimbursement requests by not later than August 15, 2017.

11. This is an action for declaratory relief seeking a declaration that the appropriation and expenditure of funds pursuant to § 152b of the Act is unconstitutional under Michigan Constitution of 1963, Article 8, § 2, ¶ 2 and Article 4, § 30, and for injunctive relief seeking to enjoin the payment of public funds to nonpublic schools under § 152b, as these payments violate the Michigan Constitution.

## **II. JURISDICTION, VENUE, & THE PARTIES**

12. This action is filed pursuant to Section 6419 of the Revised Judicature Act, MCL 600.6419; MCR 2.605; MCR 2.201(C)(5); MCR 3.305, and the Court's power to grant injunctive relief.

13. This Court has jurisdiction to hear claims for declaratory and injunctive relief against Defendants and to issue a writ of mandamus against Defendants.

14. The conduct giving rise to this action occurred in Lansing, Michigan, which is also the principal location of the governmental units involved.

15. Venue is proper in this Court under Sections 1615 and 1621 of the Revised Judicature Act, MCL 600.1615, 1621(a).

16. Plaintiff, the Council of Organizations and Others for Education About Parochialism ("CAP"), is a domestic nonprofit corporation organized for the civic,

protective or improvement purpose of providing education to the public on a variety of subjects, including the risks of granting public aid to nonpublic schools in Michigan.

17. Plaintiff, the American Civil Liberties Union of Michigan (“ACLU”), is a domestic nonprofit corporation organized for the civic, protective or improvement purpose of protecting rights guaranteed by the United States and Michigan Constitutions.

18. Plaintiff, Michigan Parents for Schools (“MiPFS”), is a domestic nonprofit corporation organized for the civic, protective or improvement purpose of assisting parents to advocate for public schools to receive appropriate resources and funding to properly educate children.

19. Plaintiff, 482Forward is a domestic nonprofit corporation organized for the civic, protective or improvement purpose of developing activities and programs to educate and support Detroit parents, youth, and community members to build stronger public schools and improve student achievement.

20. Plaintiff Michigan Association of School Boards is a voluntary, nonprofit association of local and intermediate boards of education throughout the State of Michigan, whose membership consists of boards of education of over 600 local school boards and intermediate school boards in this state. The activities of MASB include training programs and workshops for school leaders, informational support through publications and person-to-person contact, management consulting, policy analysis, legal services, and labor relations representation. The mission of MASB is to provide quality educational leadership services for all Michigan boards of education, and to advocate for student achievement and public education.

21. Plaintiff Michigan Association of School Administrators (at times, "MASA") is a voluntary, nonprofit association of public school administrators, and is the professional association serving superintendents and their first line of assistants, who serve as CEOs for their community's public schools. The mission of MASA is to develop leadership and unity within its membership to achieve the continuous improvement of public education in Michigan. MASA serves as an information-rich source of advice and support in areas critical to over 700 public school superintendents and first-line assistants in 584 school districts and 56 intermediate school districts. MASA serves nearly 2000 members including professionals, retirees, and businesses, helping the leaders of Michigan's most important public institutions get better results for more than 1.5 million students.

22. Plaintiff Michigan Association of Intermediate School Administrators is comprised of public school superintendents and administrators representing the 56 Intermediate School Districts ("ISD") in the State of Michigan. ISD administrators provide and coordinate essential services to their constituent school districts to facilitate teaching and learning. By coordinating efforts and resources, ISDs provide specialized services to students that would not be affordable/feasible otherwise. These services can include special education, vocational training, interdisciplinary subjects, language programs, early childhood education, parent services, community involvement, transportation, extracurricular activities, lifelong learning and adult education.

23. Plaintiff Michigan School Business Officials (at times, "MSBO") is a nonprofit professional organization founded in 1937 to serve the multifaceted interests of public education. MSBO strives to continually improve the leadership of and



management in public school business and operational services while serving over 2,500 school business professionals who work in the non-curricular aspects of a school district, primarily in the areas of finance, accounting, facilities, technology, transportation, human resources, and food and nutrition services. MSBO provides professional development opportunities, certification programs, technical support, informational publications, advocacy and school business solutions to and for its members.

24. Plaintiff Michigan Association of Secondary School Principals (at times, "MASSP") is a 503(c)(6) nonprofit organization that is committed to the improvement of secondary public education (middle level, high school, career technical). In pursuit of this commitment, MASSP provides leadership, service, information, and professional development, promotes standards of excellence, and encourages cooperation with other professional Associations. MASSP also gives appropriate assistance and advice to improve the status and welfare of its members; represent the beliefs of secondary school administrators to state and national policy makers, and promote student activities that instill leadership and community service.

25. Plaintiff Middle Cities Education Association is a consortium of urban public school districts which was formed out of a shared commitment to improving educational opportunities for the urban learner. The unique mission and emphasis of Middle Cities is to serve as an advocate for member districts to insure quality educational programs for all urban students in public school districts.

26. Plaintiff Michigan Elementary and Middle School Principals Association is comprised of a community of public school principals dedicated to

advocating, leading and learning, and recognizes the evolving nature of the public school principal's role.

27. Plaintiff Kalamazoo Public Schools is a Michigan public school district comprised of approximately 12,000 students—the largest public school district in southwest Michigan and the second largest on the west side of the state.

28. Plaintiff Kalamazoo Public Schools Board of Education is the governing body of Kalamazoo Public Schools.

29. Plaintiffs have standing to bring this action pursuant to MCL 600.2041(3), MCR 2.201(B)(4) and *Lansing Schools Educ Assn v Lansing Bd of Educ*, 487 Mich 349 (2010).

30. Defendant, Governor Rick Snyder, executes the executive power of the State of Michigan as set forth in Const. 1963, Art. 5.

31. Defendant, Michigan Department of Education, was established pursuant to Article 8, § 3 of the Michigan Constitution. The MDE's powers and duties are limited to those "provided by law." Const. 1963, Art. 8, § 3.

32. The MDE's principal place of business is 608 W. Allegan Street, Lansing, Ingham County, Michigan 48909.

33. Defendant, Brian Whiston ("Whiston") is the Michigan Superintendent of Public Instruction ("State Superintendent"), appointed by the Michigan State Board of Education ("SBE") pursuant to its authority under Article 8, § 3 of the Michigan Constitution.

34. The State Superintendent is responsible for the execution of SBE policy, and the State Superintendent is the principal executive officer of the MDE.

35. The State Superintendent has the same principal place of business as the MDE.

### III. GENERAL ALLEGATIONS

36. The second paragraph of Article 8, § 2, of the Michigan Constitution of 1963 was added through Proposal C during the 1970 election and became effective as of December 19, 1970.

37. Paragraph 2 of Article 8, § 2, of the Michigan Constitution of 1963 reads as follows:

No public monies or property shall be appropriated or paid or any public credit utilized, by the legislature or any other political subdivision or agency of the state directly or indirectly to aid or maintain any private, denominational or other nonpublic, pre-elementary, elementary, or secondary school. No payment, credit, tax benefit, exemption or deductions, tuition voucher, subsidy, grant or loan of public monies or property shall be provided, directly or indirectly, to support the attendance of any student or the employment of any person at any such nonpublic school or at any location or institution where instruction is offered in whole or in part to such nonpublic school students. The legislature may provide for the transportation of students to and from any school.

38. Section 236 of 2014 PA 252 required the MDE to produce and compile a report that identifies the “mandates” imposed upon nonpublic schools. The report was to include student health, safety requirements, accountability, and educational requirements, but was not limited to these categories.

39. Nowhere does 2014 PA 252 specifically define the terms “mandate” or “mandates” as they are used in § 236.

40. To comply with the requirement of § 236, the MDE produced the Nonpublic Mandate Report dated November 25, 2014, listing 44 category-like

“nonpublic mandates,” as compiled by the Library of Michigan reference staff. (Exhibit A).

41. For the 2016-2017 school year and pursuant to § 11 of 2016 PA 249, the Michigan Legislature appropriated a sum of \$218,900,000.00 from the general fund to the annual education budget.

42. From these funds, and pursuant to § 152b(1) of 2016 PA 249, the Legislature earmarked \$2,500,000.00 from the 2016-2017 general fund appropriation to reimburse nonpublic schools for the “actual costs” incurred for complying with the “nonpublic mandates” as listed in the Nonpublic Mandate Report of November 25, 2014.

43. In addition, the MDE was designated as the agency in charge of receiving requests for reimbursement from nonpublic schools and paying out money from the funds appropriated under § 152b(1).

44. The Legislature delegated to the MDE the task of, by no later than January 1, 2017, producing and publishing a form for nonpublic schools to request reimbursement for mandates identified in the Nonpublic Mandate Report. (Exhibit B, reimbursement form).

45. The Legislature required the MDE to include any laws or regulations enacted after the publication of the Nonpublic Mandate Report, as reimbursable mandate(s) under § 152b.

46. In order to become eligible for reimbursement of the costs incurred during the 2016-2017 school year for complying with any mandate set out in the Nonpublic Mandate Report or enacted thereafter, a nonpublic school is required to submit a completed reimbursement form to the MDE no later than June 15, 2017.

47. For each nonpublic school that timely submits a reimbursement request form, the MDE is required to pay out eligible reimbursable costs no later than August 15, 2017.

48. In determining the amount of funds to be paid out as reimbursement to nonpublic schools, the MDE is to reimburse nonpublic schools for the “actual cost” to comply with the mandate.

49. As a component of the “actual cost” of compliance, § 152b(9) specifically includes employee wages as a reimbursable cost for each nonpublic mandate.

50. Since there is nothing in § 152b of 2016 PA 249 that limits payouts of requested reimbursements until after the deadline for submitting requests, and because the MDE has published a form for nonpublic schools to request reimbursement under the law, the MDE could begin making payments to nonpublic schools at any time.

51. On July 13, 2016, Governor Snyder requested an advisory opinion from the Michigan Supreme Court concerning the constitutionality of § 152b in light of the language of Article 8, § 2 of the Michigan Constitution of 1963. (Exhibit C). The Supreme Court declined to issue an advisory opinion. (Exhibit D).

52. The Governor’s Executive Budget Recommendation for Fiscal Year 2017, State School Aid Appropriations, proposed to repeal § 152b and recommended no funding for any reimbursements in 2017. (Exhibit E, excerpts from House Fiscal Agency Summary).

53. The appropriation of public funds to reimburse nonpublic schools for “actual costs” incurred in complying with state laws and regulations under § 152b of 2016 PA 249 violates Article 8, § 2 of the Michigan Constitution of 1963.

54. Article 4, § 30 of the Michigan Constitution provides that “[t]he assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.”

55. The funds appropriated by the Michigan Legislature in § 152b of 2016 PA 249 are public monies that are provided for private purposes.

56. As the senate did not pass 2016 PA 249 by two-thirds, two-thirds of each house of the Michigan Legislature did not approve of the appropriation of this public money for private purposes and, therefore, § 152b of 2016 PA 249 is unconstitutional.

57. There are no circumstances under which this law can be applied constitutionally; therefore, it is unconstitutional on its face.

58. Alternatively, absent declaratory or injunctive relief, Defendants will administer this law in an unconstitutional manner, as applied.

#### **COUNT I: REQUEST FOR DECLARATORY RELIEF**

59. Plaintiffs hereby reaffirm and re-allege Paragraphs 1-58 as if stated verbatim herein.

60. Pursuant to MCR 2.605, this Court has authority to declare the rights and legal relations of the parties to this action.

61. There exists an actual case and controversy between the parties in that they dispute the constitutionality of § 152b of 2016 PA 249 under the Michigan Constitution of 1963, Article 8, § 2 and Article 4, § 30.

WHEREFORE, the Plaintiffs request an Order from the Court declaring that:

a. The appropriation of \$2,500,000.00 of public funds to nonpublic schools in Section 152b of 2016 PA 249 is unconstitutional on its face, or alternatively as applied, under the language of the Michigan Constitution of 1963, Article 8, § 2 and Article 4, § 30; and

b. An Order granting Plaintiffs such other relief that this Court deems equitable and just under the circumstances.

#### **COUNT II: REQUEST FOR WRIT OF MANDAMUS**

62. Plaintiffs hereby reaffirm and re-allege Paragraphs 1-61 as if stated verbatim herein.

63. A writ of mandamus is an extraordinary writ.

64. The Court of Claims has jurisdiction to hear and determine any claim or demand, including extraordinary writs, against the state or any of its departments or officers pursuant to MCL 600.6419 and MCR 3.305.

65. Defendant Michigan Department of Education and Defendant Whiston have a clear legal duty not to spend public funds in a way that violates the Michigan Constitution.

66. Plaintiffs have a clear legal right to demand that public funds not be paid to nonpublic schools in a way which violates the Michigan Constitution.

67. The act of holding and paying public funds as set out in § 152b of 2016 PA 249 is ministerial in nature.

68. No other adequate legal or equitable remedy exists that might achieve the same result.

WHEREFORE, Plaintiffs request a writ of mandamus from the Court:

a. Prohibiting the Superintendent of Public Instruction and the Michigan Department of Education from paying out funds appropriated under § 152b of 2016 PA 249;

b. Granting Plaintiffs any such further relief as the Court deems equitable and just under the circumstances.

**COUNT III: REQUEST FOR PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF**

69. Plaintiffs hereby reaffirm and re-allege Paragraphs 1-68 as if stated verbatim herein.

70. As the Legislature's appropriation of public funds to nonpublic schools is unconstitutional on its face, or at a minimum unconstitutional as applied, Plaintiffs have a high likelihood of success on the merits of their claim.

71. A preliminary and permanent injunction would be in the public's best interest because the public has an interest in maintaining the status quo and in ensuring that funds are appropriated by the Legislature and paid out by the Michigan Department of Education within the limits of the Michigan Constitution.

72. Plaintiffs face a real and imminent danger of irreparable harm if an injunction is not issued enjoining Defendants from reimbursing nonpublic schools against the restrictions imposed by the Michigan Constitution. A "loss of a constitutional



right constitutes irreparable harm which cannot be adequately remedied by an action at law." *Garner v Michigan State University*, 185 Mich App 750, 764 (1990), *app den* 439 Mich 881 (1991); *Chicago Teachers Union v Hudson*, 475 US 292 (1986).

73. At the least, the balance of equities weighs in favor of injunctive relief.

WHEREFORE, Plaintiffs request:

- a. An immediate Order preliminarily enjoining Defendants from paying out funds appropriated to reimburse nonpublic schools pursuant to § 152b of 2016 PA 249;
- b. An Order permanently enjoining Defendants from paying out funds appropriated to reimburse nonpublic schools pursuant to § 152b of 2016 PA 249;
- c. An Order granting Plaintiffs other relief that this Court deems equitable and just under the circumstances.

Respectfully submitted,

WHITE SCHNEIDER PC  
Attorneys for Plaintiff CAP

Dated: March 21, 2017

By



Jeffrey S. Donahue (P48588)

AMERICAN CIVIL LIBERTIES UNION  
OF MICHIGAN

Attorneys for Plaintiffs ACLU of Michigan,  
Michigan Parents for Schools, and  
482Forward

Dated: March 21, 2017

By

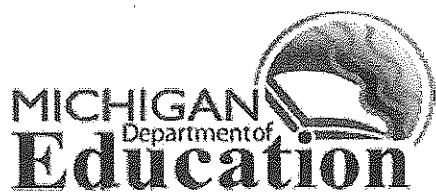
*Kristin Totten* / *BY PERMISSION*  
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Association of Secondary School  
Principals, Middle Cities Education  
Association, Michigan Elementary  
and Middle School Principals  
Association, Kalamazoo Public  
Schools, and Kalamazoo Public  
Schools Board of Education

Dated: March 21, 2017

By

*Brandon C. Hubbard* / *BY PERMISSION*  
*(P71085)*  
Brandon C. Hubbard (P71085)



Public Act 252 of 2014

NONPUBLIC MANDATE REPORT

November 25, 2014 (Revised)

Michigan Department of Education.



## NONPUBLICMANDATEREPORT

TO THE STATE BUDGET DIRECTOR, THE HOUSE AND SENATE APPROPRIATIONS SUBCOMMITTEES  
RESPONSIBLE FOR THE DEPARTMENT OF EDUCATION, AND THE SENATE AND HOUSE FISCAL AGENCIES

Public Act 252 of 2014

### Summary of Legislation

Sec. 236 of (2014 PA 252) from the funds appropriated in part 1, the department shall compile a report that identifies the mandates required of nonpublic schools. In compiling the report, the department may consult with relevant statewide education associations in Michigan. The report compiled by the department shall indicate the type of mandate, including, but not limited to, student health, student or building safety, accountability, and educational requirements, and shall indicate whether a school has to report on the specified mandates. The report required under this section shall be completed by April 1, 2015, and transmitted to the state budget director, the house and senate appropriations subcommittees responsible for the department of education, and the senate and house fiscal agencies not later than April 15, 2015.

### Summary of Data Collection of Nonpublic School Mandates

The list of Michigan Compiled Laws (MCL) and Michigan Administrative Regulations (R) that impose mandates on nonpublic schools is the product of a thorough search conducted by the Library of Michigan through Lexis. The Library of Michigan reference staff researched hundreds of pages of results one page at a time, screening the most recent edition of the Michigan Association of Nonpublic Schools (MANS) Manual, which includes the School Legal Obligation Compliance Checklist, as well as the list compiled by the Michigan Catholic Conference. The research did not include federal law, nor did it include Pre-K or post-secondary provisions unless they also applied to K-12.

The list is comprehensive, but it is not exhaustive. As evidenced by examples, such as requirements regarding underground storage tanks and blood borne pathogen training, not all of these mandates are relevant based on the nonpublic school setting. They apply only because a school, as an institution, has to comply with laws regarding employment practices, environmental regulation, building codes, etc., just as any other institution or place of business would.

### Summary of Nonpublic School Mandate Report

The laws found to be pertinent are presented in the table below. The report includes the MCL citation, a brief description of the law, the category assigned to the law, and a deliverable column. A deliverable represents if the mandate requires a report(s), the submission of a form(s), or other types of documents to be produced.

The categories used are listed and defined below:

Accountability: pertaining to student, school, or other records

Building Safety: pertaining to building and structural requirements

Educational Requirements: pertaining to curriculum, teacher certification, instruction hours, etc.

School Operations: pertaining to concerns such as fair labor practices, taxation, environmental regulations

Student Health: pertaining to the physiological or mental health of students

Student/Staff Safety: pertaining to the providing a safe environment for students and staff

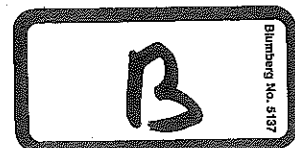
# NONPUBLIC MANDATES <sup>(1)</sup>

MCL / RULE	DESCRIPTION	CATEGORY	DELIVERABLE
29.5p	Hazardous Chemicals—Employee Right to Know	School Operations Student/Staff Safety	no
29.19	Fire/Tornado Drills/Lockdown/Shelter in Place	Student/Staff Safety	yes
257.715a	State Police inspection 12+ passenger motor vehicles	Student/Staff Safety	no
257.1807—257.1873	(Pupil Transportation Act) School bus owned/operated by nonpublic school must meet or exceed federal and state motor vehicle safety standards	Student/Staff Safety	no
289.1101-289.8111	Food Law	School Operations - Student/Staff Safety	no
324.8316	Notice of pesticide application at school or day care center	Student/Staff Safety	no
333.9155	Concussion education	Student Health	no
333.9208	Immunizations	Student Health	no
333.17609	Licensure of school speech pathologist	Student Health	no
380.1135	Student records	Accountability	yes
380.1137a	Release of student information to parent subject to PPO	Accountability	no
380.1151	English as basic language of instruction	Educational Requirements	no
380.1166	Constitution and governments mandatory courses	Educational Requirements	no
380.1177—380.1177a	Immunization statements and vision screening	Student Health	yes
380.1179	Possession/use of inhalers and epinephrine auto-injectors	Student Health	no
380.1230—380.1230h	Required criminal background check by State Police/FBI; unprofessional employment history check; registered educational personnel	Student/Staff Safety	yes
380.1274b	Products containing mercury; prohibit in schools	Student/Staff Safety	no
380.1233; R390-1145	Teaching or counseling as noncertificated teacher ; special permits; emergency permits	Educational Requirements	no
380.1531—380.1538	Teacher certification and administrator certificates	Educational Requirements	yes
380.1539b	Notification of conviction of listed offense	Student/Staff Safety	yes
380.1561	Compulsory school attendance	Educational Requirements	no
380.1578	Attendance records	Accountability	yes
388.514	Postsecondary Enrollment options	Educational Requirements	yes
388.519—388.520	Postsecondary Enrollment Act information and counseling	Educational Requirements	no
388.551—388.557	Private, Denominational & Parochial Schools Act	School Operations	no
388.851—388.855b	Construction of school buildings	Building Safety	no
388.863	Compliance with federal asbestos building regulation	Building Safety	no
388.1904	Career and technical preparation program; enrollment; records	Educational Requirements	yes
388.1909—388.1910	Career and Technical preparation information and counseling	Educational Requirements	no
408.411—408.424	Workforce Opportunity Wage Act (minimum wage)	School Operations	no
408.681—408.687	Playground Equipment Safety Act	Student/Staff Safety	no
409.104—409.106	Youth Employment Standards Act; work permits in student files	School Operations	no
423.501—423.512	Bullard-Plawewski Employee Right to Know Act (employee files)	School Operations	no
722.112	Child care organizations	School Operations	yes
722.115c	Child care organization criminal history and criminal background checks	Student/Staff Safety	yes
722.621—722.638	Child Protection Law	Student/Staff Safety	yes
R 257.955	Annual school bus inspections	Student/Staff Safety	no
R 285.637	Pesticide use	Student/Staff Safety	no
R 289.570.1—289.570.6	Food establishment manager certification	School Operations	no
R325.70001—325.70018	Bloodborne Pathogens	Student/Staff Safety	yes
R340.293	Notification to district of auxiliary services needed	Educational Requirements	no
R340.484	Boarding school requirements	School Operations - Includes aspects of all categories	no
R390.1146	Mentor teachers for noncertificated instructors	Educational Requirements	no
R390.1147	Certification of school counselors	Educational Requirements	no

Pursuant to Section 152b of MCL 388.1752b, the following Reimbursement Form has been compiled by Michigan Department of Education. Nonpublic schools will utilize the MEGS+ system to seek reimbursement of costs incurred during the 2016-17 school year. The MEGS+ application will be available to nonpublic schools in spring 2017. A nonpublic school is not eligible for reimbursement under this section unless the Nonpublic School submits the form by June 15, 2017. By August 15, 2017, the Department shall distribute funds to nonpublic schools that submit a completed form in a timely manner. The Superintendent shall determine the amount of funds to be paid to each nonpublic school in an amount that does not exceed the nonpublic school's actual cost to comply with the requirements. The Legislature defined "actual cost" to mean "the hourly wage for the employee or employees performing the reported task or tasks and is to be calculated in accordance to the form published by the department under subsection (2), which shall include a detailed itemization of cost". The nonpublic school shall not charge more than the hourly wage of its lowest-paid employee capable of performing the task and be charged in 15 minute increments rounded down.

### Section 152b Reimbursement Form

<b>MCL Rule</b>	<b>Short Description</b>	<b>Category</b>
29.5p	Hazardous Chemicals – Employee Right to Know	Student/Staff Safety
29.19	Fire/Tornado/Lockdown/Shelter in Place	Student/Staff Safety
257.715a	State Police Inspection 12+ passenger motor vehicle	Student/Staff Safety
257.1807-1873	(Pupil Transportation Act) Meet/Exceed standards	Student/Staff Safety
289.1101-8111	Food Law	Student/Staff Safety
324.8316	Notice of pesticide application	Student/Staff Safety
333.9155-9156	Concussion Education	Student Health
333.9208	Immunizations	Student Health
333.17609	Licensure of School Speech Pathologist	Student Health
380.1137a	Release of student information to parent (PPO)	Accountability
380.1177-1177a	Immunization statements and vision screening	Student Health
380.1179-1179a	Possession/Use of inhalers/epinephrine auto injector	Student Health
380.1230-1230h	Required criminal background check	Student/Staff Safety
380.1233	Teaching or Counseling as noncertified teacher; permit	Educational Req.
380.1274b	Products containing mercury; prohibit in schools	Student/Staff Safety



<b>MCL Rule</b>	<b>Short Description</b>	<b>Category</b>
380.1531-1538	Teacher certification and administrator certificates	Educational Req.
380.1539b	Conviction of person holding board approval	Student/Staff Safety
380.1561	Compulsory school attendance	Educational Req.
380.1578	Attendance Records	Accountability
388.514	Postsecondary Enrollment options	Educational Req.
388.519-520	Postsecondary Enrollment Act information/counseling	Educational Req.
388.551-557	Private, Denominational & Parochial Schools Act	School Operations
388.851-855b	Construction of School Buildings	Building Safety
388.863	Compliance with Federal asbestos building regulation	Building Safety
388.1904	Career & Technical prep program; enrollment; records	Educational Req.
388.1909-1910	Career & Technical prep information and counseling	Educational Req.
408.681-687	Playground Equipment Safety Act	Student/Staff Safety
409.104-106	Youth Employment Standards Act; Work Permits	School Operations
722.115c	Child Care organization criminal history; background	Student/Staff Safety
722.621-638	Child Protection Law	Student/Staff Safety
R257.955	Annual School Bus inspections	Student/Staff Safety
R285.637	Pesticide use	Student/Staff Safety
R289.570.1-570.6	Food Establishment manager certification	School Operations
R325.70001-70018	Bloodborne Pathogens	Student/Staff Safety
R340.293	Notification to district of auxiliary services needed	Educational Req.
R340.484	Boarding School requirements	School Operations
R390.1145	Permits in Emergency situations	Educational Req.
R390.1146	Mentor teachers for noncertified instructors	Educational Req.
R390.1147	Certification of School Counselors	Educational Req.



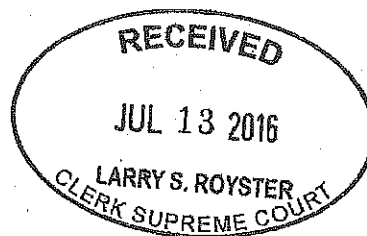


STATE OF MICHIGAN  
EXECUTIVE OFFICE  
LANSING

RICK SNYDER  
GOVERNOR

BRIAN CALLEY  
LT. GOVERNOR

July 13, 2016



Honorable Robert P. Young, Jr.  
Chief Justice  
Michigan Supreme Court  
Michigan Hall of Justice  
925 W. Ottawa St.  
Lansing, Michigan 48913

Dear Chief Justice Young:

Under Article 3, Section 8 of the Michigan Constitution of 1963, the Governor may, on solemn occasions, request that the Michigan Supreme Court issue an opinion on an important question of law. Such a request must concern the constitutionality of legislation and must be made after the legislation has been enacted into law but before the effective date. The Michigan Supreme Court's prompt resolution of important constitutional questions through advisory opinions greatly assists the people of Michigan by avoiding the proliferation of state and federal lawsuits on the same question and by providing the necessary constitutional certainty before moving forward with the implementation of the law.

On June 27, 2016, I signed into law Senate Bill 801 (education budget) which became Public Act 249 of 2016. This request for an advisory opinion involves the constitutionality of Section 152b of the Act, which becomes effective on October 1, 2016. A copy of the Act is attached as Exhibit A. The relevant part of this legislation would appropriate an amount of general funds for the 2017 fiscal year, not to exceed \$2,500,000.00, to reimburse certain mandatory costs incurred by nonpublic schools. Attached as Exhibit B is the November 25, 2014 nonpublic school mandate report referenced in Section 152b.

Constitutional questions have been raised about Section 152b of the Act. I have received a written request to line-item veto Section 152b signed by representatives of the Michigan Association of School Administrators, the Michigan Association of School Boards, the Michigan Parent Teacher Organization, the Tri-County Alliance, the Michigan Elementary & Middle School Principals Association, the Michigan Association of Secondary School Principals, and the Michigan Cited Education Association. This request asserted that the appropriation authorized by Section 152b would violate Article VIII, § 2 of the Michigan Constitution of 1963. I have also received a letter encouraging me to sign the education budget into law with Section 152b signed by representatives of the Michigan Catholic Conference, the Michigan Association of Non-Public Schools, Agudath Israel of America, Christian Schools International, the Michigan District Office of the Lutheran Church-Missouri Synod, the Michigan Association of Public School Academies, and the Great Lakes Education Product. This letter asserts that Section 152b would not violate Article VIII, § 2 of the Michigan Constitution of 1963. Both groups have presented thoughtful arguments about the constitutional merits of the legislation in question.

Additionally, the Chief Legal Counsel to the Attorney General has written an opinion letter to Michigan Senator Howard Walker in which he concluded that the Attorney General was



Page 2  
July 13, 2016

"unable to definitively answer" whether Const 1963, art VIII, § 2 prohibits the legislature from reimbursing nonpublic schools for certain, similar administrative costs. A copy of this letter is attached as Exhibit C.

It has been reported that the American Civil Liberties Union is considering a legal challenge to Section 152b. Protracted litigation over the constitutionality of the provision in question likely would not result in a final determination before October 1, 2016, when the law is scheduled to become effective.

The Michigan Supreme Court addressed the scope and reach of Article VIII, § 2 of the Michigan Constitution of 1963 in the case of *Traverse City School District v Attorney General*, 384 Mich 390 (1971) in the context of approving the constitutionality of shared time services and auxiliary services. While that decision provides helpful guidance, the Court was not called upon to apply Article VIII, § 2 of the Michigan Constitution of 1963 to the unique factual context presented by Section 152b of 2016 PA 249.

Given the concerns that have been expressed over the constitutionality of Section 152b, and the benefit of having a final answer on this question before the law becomes effective, I find this to be a solemn occasion and respectfully request that the Court issue an advisory opinion on the following question of statewide importance:

Whether the appropriation to nonpublic schools authorized by Section 152b of 2016 PA 249 would violate Article VIII, § 2 of the Michigan Constitution of 1963, which prohibits certain types of aid to nonpublic schools.

Prompt review of this question would be greatly appreciated as it will provide needed direction to me, the Legislature, and Michigan residents. I therefore respectfully ask that the Court grant this request in time to enable briefing and issuance of an opinion before October 1, 2016.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Snyder", written in a cursive style.

Rick Snyder  
Governor

# Order

October 5, 2016

154085

*In re* REQUEST FOR ADVISORY OPINION  
REGARDING CONSTITUTIONALITY OF  
2016 PA 249

SC: 154085

Michigan Supreme Court  
Lansing, Michigan

Robert P. Young, Jr.,  
Chief Justice

Stephen J. Markman  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Joan L. Larsen,  
Justices

By order of July 20, 2016, the Governor and any member of the House or Senate was invited to file briefs regarding this request for an advisory opinion. In addition, the Court requested the Attorney General to submit separate briefs arguing both sides of the questions presented in the July 20, 2016 order. On order of the Court, the briefs having been received, the request by the Governor for an advisory opinion on the constitutionality of Section 152b contained in 2016 PA 249 is again considered, and it is DENIED, because we are not persuaded that granting the request would be an appropriate exercise of the Court's discretion.

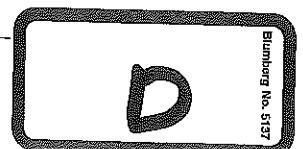


t0928

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 5, 2016

  
Clerk



**Summary: Executive Budget Recommendation  
for Fiscal Year 2017-18  
SCHOOL AID**



**Analysts: Bethany Wicksall  
Samuel Christensen**

	FY 2016-17 Year-to-Date as of 2/8/17	FY 2017-18 Executive	Difference: FY 2017-18 Vs. FY 2016-17	
			Amount	%
IDG/IDT	\$0	\$0	\$0	—
Federal	1,818,632,700	1,726,943,500	(91,689,200)	(5.0)
Local	0	0	0	—
Private	0	0	0	—
Restricted	12,124,309,400	12,360,145,300	235,835,900	1.9
GF/GP	218,900,000	215,000,000	(3,900,000)	(1.8)
<b>Gross</b>	<b>\$14,161,842,100</b>	<b>\$14,302,088,800</b>	<b>\$140,246,700</b>	<b>1.0</b>

Notes: (1) FY 2016-17 year-to-date figures include mid-year budget adjustments through February 8, 2017. (2) Appropriation figures for all years include all proposed appropriation amounts, including amounts designated as "one-time."

**Overview**

The School Aid budget makes appropriations to the state's 536 local school districts, 300 public school academies, the Education Achievement System, and 56 intermediate school districts (ISDs) for operations and certain categorical programs. It also appropriates funds to the Center for Educational Performance and Information, the Workforce Development Agency, and other entities to implement certain grants and other programs related to K-12 education.

**Major Budget Changes From FY 2016-17 Year-to-Date (YTD) Appropriations**

**1. Foundation Allowance - Increase (Secs. 22a and 22b)**

Increases foundation allowances from \$50 to \$100 using the 2x formula. The minimum foundation allowance would increase from \$7,511 to \$7,611 and the state maximum guaranteed foundation allowance would increase from \$8,229 to \$8,279.

<b>Gross</b>	<b>\$9,105,000,000</b>	<b>\$128,000,000</b>
Restricted	8,932,597,200	128,000,000
GF/GP	\$172,402,800	\$0

**2. Foundation Allowance - Cost Revisions (Secs. 22a and 22b)**

Reduces the state share of foundation allowance costs to reflect estimated increases in the local share due to increased taxable values and estimated decreases in pupils.

<b>Gross</b>	<b>\$9,105,000,000</b>	<b>(\$45,000,000)</b>
Restricted	8,932,597,200	(45,000,000)
GF/GP	\$172,402,800	\$0

**3. Foundation Allowance - Cyber Schools (Secs. 22a and 22b)**

Reduces foundation allowances of cyber schools to 80% of the minimum foundation allowance after the school's first year of operation.

<b>Gross</b>	<b>\$80,000,000</b>	<b>(\$16,000,000)</b>
Restricted	80,000,000	(16,000,000)
GF/GP	\$0	\$0

**4. At-Risk (Sec. 31a)**

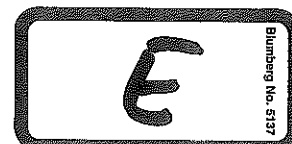
Increases by \$150.0 million to a total of \$529.0 million. Expands to include hold harmless and out-of-formula districts that are currently excluded. Also revises the distribution formula from

<b>Gross</b>	<b>\$378,988,200</b>	<b>\$150,000,000</b>
Restricted	378,988,200	150,000,000
GF/GP	\$0	\$0

- 11.5% x District Foundation x Free Lunch Eligible Pupils to
- 11.5% x Statewide Weighted Average Foundation x Economically Disadvantaged Pupils.

Economically disadvantaged pupils are currently collected and reported by CEPI to the US Department of Education and include pupils who are eligible for both free and reduced-price lunch, Temporary Assistance to Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), or are homeless, migrant, or in foster care. The expanded definition is estimated to increase the number of pupils for whom districts receive funding by 131,000.

However, total funding would not fully fund the expanded formula, so payments would be prorated on a per-pupil basis. The per-pupil allocation received is expected to increase from a current average of \$673 to \$778.



<b>Major Budget Changes From FY 2016-17 Year-to-Date (YTD) Appropriations</b>		<b>FY 2016-17 YTD (as of 2/8/17)</b>	<b>Executive Change from YTD</b>
<b>15. Technology Regional Data Hubs (Sec. 22m) - NEW</b>		<b>Gross</b>	<b>\$0</b>
Provides \$2.2 million to support the Michigan Data Hub Network which was begun with former Sec. 22i Technology Readiness Infrastructure grants. The regional data hubs are designed to improve the efficiency of local school data collection and create common data reporting as required under Sec. 19.		Restricted	0
		GF/GP	\$0
			<b>\$2,200,000</b>
<b>16. Year-Round Instruction Programs (Sec. 31b)</b>		<b>Gross</b>	<b>\$1,500,000</b>
Increases the total for year-round, balanced-calendar instruction grants to \$3.0 million. Grants support districts with funds for building modifications or other nonrecurring costs related to the transition to a balanced-calendar.		Restricted	1,500,000
		GF/GP	\$0
			<b>\$1,500,000</b>
<b>17. MiSTEM Grants (Sec. 99s)</b>		<b>Gross</b>	<b>\$9,549,300</b>
Increases by nearly \$1.0 million but adds \$1.5 million in additional state funds which are offset by a loss of \$549,300 in federal funds. Significantly revises the funding allocations as follows:		Federal	5,249,300
		Restricted	3,000,000
		GF/GP	\$1,300,000
<ul style="list-style-type: none"> <li>\$50,000 for MiSTEM Advisory Council Administration (No Change).</li> <li>\$3.0 million for MiSTEM Advisory Council grants (increase of \$2.0 million).</li> <li>\$7.5 million for the MiSTEM Centers Network which would replace 33 existing MathScience Centers with 10 regional MiSTEM Centers (decrease of \$549,300).</li> <li>Eliminates \$250,000 for Science Olympiad.</li> <li>Eliminates \$250,000 for VanAndel Education Institute.</li> </ul>			<b>\$950,700</b>
			<b>(549,300)</b>
			<b>2,500,000</b>
			<b>(\$1,000,000)</b>
<b>18. Cyber Security Competition Grants (Sec. 99k) - NEW</b>		<b>Gross</b>	<b>\$0</b>
Adds \$500,000 for competitive grants to districts to support teams of pupils in grades 6-12 participating in cybersecurity competitive events through either the Michigan High School Cyber Challenge or CyberPatriot.		Restricted	0
		GF/GP	\$0
			<b>\$500,000</b>
<b>19. Michigan Behavior and Learning Support Initiative (MiBLSI) (Sec. 54b)</b>		<b>Gross</b>	<b>\$1,125,000</b>
Increases by \$475,000 to a total \$1.6 million to continue to pilot the implementation of positive behavioral intervention and supports and to support a statewide structure to support local initiatives for an integrated behavior and reading program.		Restricted	1,125,000
		GF/GP	\$0
			<b>\$475,000</b>
<b>20. Flint Water Emergency Funds (Sec. 11s)</b>		<b>Gross</b>	<b>\$10,142,600</b>
Reduces funding by \$1.4 million to Flint School District and Genesee ISD related to providing additional services for early childhood and supplemental school services, bringing the total to \$8.7 million for FY 2017-18. Funds would be allocated to expanded Great Start Readiness Program (GSRP) eligibility (\$3.0 million), school nurses and social workers (\$2.6 million) in Flint schools, ISD support to Flint residents that attend districts other than Flint (\$2.5 million), and nutrition programs (\$605,000).		Restricted	0
		GF/GP	\$10,142,600
			<b>(\$1,412,500)</b>
<b>21. Program Eliminations</b>		<b>Gross</b>	<b>\$21,904,000</b>
Eliminates 18 categorical programs including the following:		Restricted	15,435,000
<ul style="list-style-type: none"> <li>Sec. 20g – Dissolved District Transition Grants (\$1.9 million)</li> <li>Sec. 21g – Competency Based Funding Pilot (\$500,000)</li> <li>Sec. 22g – Consolidation Incentive Grants (\$3.0 million)</li> <li>Sec. 25f – Strict Discipline Academy Added Costs (\$750,000)</li> <li>Sec. 25g – Dropout Recovery Programs (\$750,000)</li> <li>Sec. 31c – Gang Prevention Programs (\$3.0 million)</li> <li>Sec. 31h – Cooperative Education (Marshall/Albion) (\$300,000)</li> <li>Sec. 31j – Local Produce in School Meals (\$250,000)</li> <li>Sec. 32q – Early Learning Cooperative (\$175,000)</li> <li>Sec. 35a(6) – Michigan Education Corps (\$1.0 million)</li> <li>Sec. 55 – Conductive Learning Study (\$150,000)</li> <li>Sec. 61a(4) – CTE Restaurant Curriculum (\$79,000)</li> <li>Sec. 63 – ISD Health Department Partnership for CTE/Health (\$250,000)</li> <li>Sec. 65 – Detroit PreCollege Engineering Program (\$340,000)</li> <li>Sec. 99t – Online Algebra Tool (\$1.5 million)</li> <li>Sec. 102d – Financial Data Analysis Tools (\$1.5 million)</li> <li>Sec. 104d – Computer Adaptive Tests (\$4.0 million)</li> <li>Sec. 152b – Nonpublic School Reimbursement (\$2.5 million)</li> </ul>		GF/GP	\$6,469,000
			<b>(\$21,904,000)</b>
			<b>(15,435,000)</b>
			<b>(\$6,469,000)</b>

# SCHOOL AID LINE ITEM SUMMARY



		FY 2016-17		FY 2017-18		FY 2018-19	
	SB 801 (PA 249) Enacted	Change from FY17 YTD	Revised Supplemental	Change from FY17 YTD	Exec Rec	Change from FY17 YTD	Exec Rec
54b Special Education Task Force Reforms (MILSI)	\$1,125,000		\$1,125,000	\$475,000	\$1,600,000		\$1,600,000
55 Conductive Learning Study	\$150,000		\$150,000	(\$150,000)	\$0		\$0
56 Special Ed ISD Millage Equalization	\$37,758,100		\$37,758,100		\$37,758,100		\$37,758,100
61a Career & Tech Ed Early/Middle College	\$36,690,300		\$36,690,300	(\$79,000)	\$36,611,300		\$36,611,300
61b Career & Tech Ed Equipment Upgrades	\$9,000,000		\$9,000,000		\$9,000,000		\$9,000,000
61c Career & Tech Ed Millage Equalization	\$3,200,000		\$3,200,000	\$16,800,000	\$20,000,000	(\$20,000,000)	\$0
62 ISD Career & Tech Ed Millage Equalization	\$9,180,000		\$9,180,000		\$9,180,000		\$9,180,000
63 ISD/Health Department Partnership for CTE/Health	\$250,000		\$250,000	(\$250,000)	\$0		\$0
64b Dual Enrollment Incentive Payments	\$1,750,000		\$1,750,000		\$1,750,000		\$1,750,000
65 Detroit PreCollege Engineering	\$340,000		\$340,000	(\$340,000)	\$0		\$0
67 Career and College Readiness Tools	\$3,050,000		\$3,050,000	(\$50,000)	\$3,000,000		\$3,000,000
74 School Bus Driver Safety Instruction	\$1,625,000		\$1,625,000		\$1,625,000		\$1,625,000
74 School Bus Inspections	\$1,695,600		\$1,695,600	\$9,700	\$1,705,300		\$1,705,300
78 Statewide School Drinking Water Quality Program - NEW	\$0		\$0	\$4,500,000	\$4,500,000	(\$4,500,000)	\$0
81 ISD General Operations Support	\$67,108,000		\$67,108,000		\$67,108,000		\$67,108,000
94 Advanced Placement (AP) Incentive Program	\$250,000		\$250,000		\$250,000		\$250,000
94a Center for Educational Performance and Information	\$12,173,200		\$12,173,200	\$4,042,800	\$16,216,000		\$16,216,000
94a Center for Educational Performance and Info - Federal	\$183,500		\$183,500		\$183,500		\$183,500
95a Educator and Administrator Evaluations	\$0		\$0	\$7,000,000	\$7,000,000	(\$7,000,000)	\$0
98 Michigan Virtual University	\$7,387,500		\$7,387,500		\$7,387,500		\$7,387,500
98b FIRST Robotics	\$2,500,000		\$2,500,000		\$2,500,000		\$2,500,000
99b FIRST Robotics	\$0		\$0	\$500,000	\$500,000	(\$500,000)	\$0
99s(2) MISTEM Grants - Council	\$1,050,000		\$1,050,000	\$2,000,000	\$3,050,000		\$3,050,000
99s(4) MISTEM Grants - Math and Science Centers - State	\$2,750,000		\$2,750,000		\$2,750,000		\$2,750,000
99s(4) MISTEM Grants - Math and Science Centers - Federal	\$5,249,300		\$5,249,300	(\$549,300)	\$4,700,000		\$4,700,000
99s(6) MISTEM Grants - Science Olympiad	\$250,000		\$250,000	(\$250,000)	\$0		\$0
99s(6) MISTEM Grants - Van Andel Education Institute	\$250,000		\$250,000	(\$250,000)	\$0		\$0
99t Online Algebra Tool	\$1,500,000		\$1,500,000	(\$1,500,000)	\$0		\$0
102d Financial Data Analysis Tools	\$1,500,000		\$1,500,000	(\$1,500,000)	\$0		\$0
104 Education Assessments - State	\$33,894,400		\$33,894,400	(\$185,000)	\$33,709,400		\$33,709,400
104 Education Assessments - Federal	\$6,250,000		\$6,250,000		\$6,250,000		\$6,250,000
104d Computer Adaptive Test	\$4,000,000		\$4,000,000	(\$4,000,000)	\$0		\$0
107 Adult Education	\$25,000,000		\$25,000,000		\$25,000,000		\$25,000,000
147a IMPERS Cost Offset	\$100,000,000		\$100,000,000		\$100,000,000		\$100,000,000
147a(2) IMPERS Normal Cost Offset - NEW	\$0		\$0	\$48,969,000	\$48,969,000	\$48,968,000	\$97,937,000
147c IMPERS State Share of Unfunded Liability Payments	\$982,800,000		\$982,800,000	(\$22,016,000)	\$960,784,000	\$62,904,000	\$1,023,688,000
152a Adair - Database Payment	\$38,000,500		\$38,000,500		\$38,000,500		\$38,000,500
152b Nonpublic School Reimbursement	\$2,500,000		\$2,500,000	(\$2,500,000)	\$0		\$0
TOTAL APPROPRIATIONS	\$14,161,842,100	(\$103,400,000)	\$14,058,442,100	\$140,246,700	\$14,302,088,800	\$141,900	\$14,302,230,700
REVENUE BY SOURCE							
Federal Aid	\$1,818,632,700	(\$87,900,000)	\$1,730,732,700	(\$91,869,200)	\$1,726,943,500		\$1,726,943,500
School Aid Fund	\$12,052,309,300	(\$15,500,000)	\$12,036,809,300	\$235,835,900	\$12,288,145,200	\$70,142,000	\$12,358,287,200
Community District Trust Fund/Other Restricted Fund	\$72,000,100		\$72,000,100		\$72,000,100	(\$100)	\$72,000,000
General Fund/General Purpose	\$218,900,000	(\$103,400,000)	\$218,900,000	(\$3,900,000)	\$215,000,000	(\$70,000,000)	\$145,000,000
TOTAL REVENUE	\$14,161,842,100	(\$103,400,000)	\$14,058,442,100	\$140,246,700	\$14,302,088,800	\$141,900	\$14,302,230,700



# SCHOOL AID SECTION-BY-SECTION HIGHLIGHTS

Fiscal Year 2017-18

Analysts:  
Bethany Wicksall  
Samuel Christensen

SECTION	CURRENT LAW	EXECUTIVE RECOMMENDATION	HOUSE	SENATE	CONFERENCE
Secs. 3 and 4 Definitions		Deletes definitions for the "Achievement Authority", "Achievement School", and "Education Achievement System" as well as references to them throughout the School Aid Act to reflect the dissolution of the Education Achievement Authority as of June 30, 2017.			
Sec. 6 Pupil Membership Definitions	(4) Defines pupil membership and calculates a district's pupil membership blend equal to 90% of pupils counted on October count day plus 10% of pupils counted on the prior February count day.  (6) Defines "pupil" and establishes conditions under which a district can enroll a nonresident pupil without the resident district's approval.  (7) Defines "Pupil Membership Count Day" as first Wednesday in October with exceptions for year-round schools.	(4) Includes technical revisions to strike language pertaining to the Detroit Community District's first year of operation and to reflect the proposed repeal of Section 25g related to additional payments for dropout recovery programs.  (6) No Change.  (7) No Change.			

SECTION	CURRENT LAW	EXECUTIVE RECOMMENDATION	HOUSE	SENATE	CONFERENCE
Sec. 152b Reimburse-ments to Nonpublic Schools	Appropriates \$2,500,000 GF/GP for FY 2016-17 to reimburse nonpublic schools for the costs of complying with statutory requirements.	Eliminates funding and repeals this section.			
Sec. 166b Nonpublic Pupils	Provides that a nonpublic student may be counted as a part-time pupil by a district for receipt of state aid only for nonessential elective courses that are offered to full-time pupils in that grade level or age group during regularly scheduled school hours.  Requires that MDE shall convene a workgroup to examine the issue of a uniform definition of nonessential elective courses and a uniform definition of par-time pupil.	Eliminates the workgroup which was convened in 2016.			
Enacting Section 1 State Spending and Payments to Locals	N/A	<i>Supplemental Request</i> 2017-2 revises FY 2016-17 total state spending from state sources to \$12,327,709,400 and payments to locals are \$12,164,569,600.  FY 2017-18 total state spending from state sources is \$12,575,145,300 and payments to locals are \$12,411,741,800.			

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