

# MPAAA Legislative Primer

Robert Dickinson

*MPAAA Executive Director*

MPAAA Certification Course

Spring 2024

# Pupil Accounting Legal Primer

## Why it matters

- The laws form the basis of the pupil accounting and auditing work
- The MDE interprets these laws via administrative rules, manuals and other guidance, including audit appeal decisions by State Supt

# Overview

Pupil accounting/auditing based on School Aid Act and School Code

- Part I – Looking up laws, bills, legislative history, etc
- Part II – Basic review of sources of school laws, rules, manuals
- Part III – FERPA, FOIA & HIPAA

# Part I Overview

- How to look up bills
- How to track bills
- How to look up laws

# Looking up Bills

- House (HB) or Senate (SB) Bill
- Typical bill chronology:

Introduced Bill – most bills end here

As Passed by House [or Senate]

As Passed by Senate [or House]

Concurred Bill (if Senate/House have to work out differences)

Public Act – if/when bill becomes law

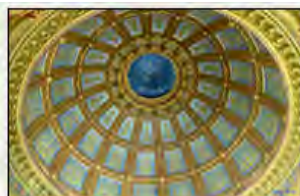
# Looking up Bills

- Legislative Sessions last 2 years
- 21/22 ended 12/31/2022 (actually, day of last legislative session, probably mid-December)
- Anything that didn't become law, died
- Re-submit, new numbers, starting at SB 1 and HB 1 of 23/24
- Cleans house every 24 months

# How to look up bills

- [Legislature.mi.gov](http://Legislature.mi.gov) (NEW)
- Enter bill number or bill content in search engine
- Review marked up bill
- Review Senate and House Fiscal Agency Summaries
- Track bill





# MICHIGAN LEGISLATURE

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[Bills](#)  
[Appropriation Bills \(Passed\)](#)  
[Calendars](#)  
[Committees](#)  
[Committee Bill Records](#)  
[Committee Meetings](#)  
[Concurrent Resolutions](#)  
[Initiatives/Alternative Measures](#)  
[Joint Resolutions](#)  
[Journals](#)  
[Legislators](#)  
[Public Act \(Signed Bills\)](#)  
[Resolutions](#)  
[Rules](#)  
[Session Schedules](#)  
[Search - Basic](#)  
[Search - Advanced](#)

## Laws

[Basic MCL Search](#)  
[Advanced MCL Search](#)  
[Public Act MCL Search](#)  
[Michigan Constitution](#)  
[Chapter Index](#)  
[Executive Orders](#)  
[Executive Reorgs](#)  
[Historical Documents](#)  
[MCL Tables](#)  
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## Bills

[Subscribe to bill updates using RSS news aggregation.](#) [Learn more!](#)

### Bill Search

**Legislative Session**

**Bill Number**

**Key Words**

You can use a wild card, e.g., "limit\*".

### Browse Bills By Session

House

Senate

### Bill Searches

[by Category](#)  
[by Detailed Category](#)  
[by Sponsor](#)  
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[by Committee](#)  
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[Appropriations Bills](#)

### Bill Lists

[Daily Introduced, Passed by Chamber, Enrolled Bills and Adopted Resolution Report](#)  
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[Bills](#)  
[Appropriation Bills \(Passed\)](#)  
[Calendars](#)  
[Committees](#)  
[Committee Bill Records](#)  
[Committee Meetings](#)  
[Concurrent Resolutions](#)  
[Initiatives/Alternative Measures](#)  
[Joint Resolutions](#)  
[Journals](#)  
[Legislators](#)  
[Public Act \(Signed Bills\) Resolutions](#)  
[Rules](#)  
[Session Schedules](#)  
[Search - Basic](#)  
[Search - Advanced](#)

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[Basic MCL Search](#)  
[Advanced MCL Search](#)  
[Public Act MCL Search](#)  
[Michigan Constitution](#)  
[Chapter Index](#)  
[Executive Orders](#)  
[Executive Reorgs](#)  
[Historical Documents](#)  
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[by Detailed Category](#)  
[by Sponsor](#)  
[by PA Affected](#)  
[by Committee](#)  
[by Bill History](#)  
[Appropriations Bills](#)

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[Home](#) [Register](#) [Why Register?](#) [Login](#) [Help](#)

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SENATE BILLS

## Legislature

Bills  
Appropriation Bills (Passed)  
Calendars  
Committees  
Committee Bill Records  
Committee Meetings  
Concurrent Resolutions  
Initiatives/Alternative Measures  
Joint Resolutions  
Journals  
Legislators  
Public Act (Signed Bills)  
Resolutions  
Rules  
Session Schedules  
Search - Basic  
Search - Advanced

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Basic MCL Search  
Advanced MCL Search  
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Michigan Constitution  
Chapter Index  
Executive Orders  
Executive Reorgs  
Historical Documents  
MCL Tables  
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### Senate Bill 0173 (2023) [rss?](#)

[friendly link](#)

[printer friendly](#)

Friendly Link: <http://legislature.mi.gov/doc.aspx?2023-SB-0173> **Public Act 103 of 2023** [Find this PA in the MCL](#)

### Sponsor

[Darrin Camilleri](#) (district 4)

(click name to see bills sponsored by that person)

### Categories

[Appropriations: school aid omnibus](#); [School aid: fiscal year appropriations](#); [Appropriations: school aid](#); [Appropriations: community colleges](#); [Appropriations: higher education](#); [Appropriations: supplemental](#);

[Appropriations: school aid omnibus](#); [appropriations in the school aid act for fiscal year 2023-2024](#); [provide for. Amends, adds & repeals \(See bill\).](#)

### Bill Documents

[Bill Document Formatting Information](#)

(gray icons indicate that the action did not occur or that the document is not available)

### Documents



#### Senate Introduced Bill

Introduced bills appear as they were introduced and reflect no subsequent amendments or changes.



#### As Passed by the Senate

As Passed by the Senate is the bill, as introduced, that includes any adopted Senate amendments.



#### As Passed by the House

As Passed by the House is the bill, as received from the Senate, that includes any adopted House amendments.



#### Conference Report

Report of the Committee of Conference on the matters of difference between the House and the Senate.



#### Senate Concurred Bill

Concurred bill is the version passed in identical form by both houses of the Legislature, issued prior to availability of the Enrolled bill.



#### Public Act

Public Act is a bill that has become law.

### Bill Analysis

#### House Fiscal Agency Analysis



#### Analysis as Passed By The Senate (6/6/2023)

This document analyzes: [SB0173](#)



#### Conference Report Summary (6/28/2023)

This document analyzes: [SB0173](#)

# Bill Page - Summaries

- House Fiscal Agency Analysis
- Senate Fiscal Analysis

Typically a Summary as Introduced and a  
Summary as Passed

House Fiscal Agency <http://www.house.mi.gov/hfa/home.asp>

Senate Fiscal Agency <http://www.senate.michigan.gov/sfa/>



# Review Section of Law

- Friendly link for emailing
- Printer Friendly link, Html or Pdf
- Legislative History provided in chronological order when enacted to newest change, by year, public act # and effective date:

# Review Section of Law

- Citations
  - Laws are restrictive, not permissive
    - Usually can't find a law that allows something
    - There is nothing that prohibits it

# Public Act Search Page

- “Section” number to MCL conversion
  - “388.1600” + section # (addition)
  - Section 1 – MCL 388.1601 – State Aid Act begins
  - Section 6 – MCL 388.1606 - Definitions
  - Section 25e – MCL 388.1625e – FTE Transfer
  - Section 101 – MCL 388.1701 – Days and Hours
- Works in Google as well



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Michigan Compiled Laws Complete Through PA 119 of 2023  
House: Adjourned until Tuesday, September 5, 2023 1:30:00 PM  
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[Home](#) [Register](#) [Why Register?](#) [Login](#) [Help](#)

## Legislature

[Bills](#)  
[Appropriation Bills \(Passed\)](#)  
[Calendars](#)  
[Committees](#)  
[Committee Bill Records](#)  
[Committee Meetings](#)  
[Concurrent Resolutions](#)  
[Initiatives/Alternative Measures](#)  
[Joint Resolutions](#)  
[Journals](#)  
[Legislators](#)  
[Public Act \(Signed Bills\) Resolutions](#)  
[Rules](#)  
[Session Schedules](#)  
[Search - Basic](#)  
[Search - Advanced](#)

## Laws

[Basic MCL Search](#)  
[Advanced MCL Search](#)  
[Public Act MCL Search](#)  
[Michigan Constitution](#)  
[Chapter Index](#)  
[Executive Orders](#)  
[Executive Reorgs](#)  
[Historical Documents](#)  
[MCL Tables](#)  
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Senate

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[by Category](#)  
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[by Sponsor](#)  
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[by Committee](#)  
[by Bill History](#)  
[Appropriations Bills](#)

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[Home](#) [Register](#) [Why Register?](#) [Login](#) [Help](#)

## Legislature

[Bills](#)  
[Appropriation Bills \(Passed\)](#)  
[Calendars](#)  
[Committees](#)  
[Committee Bill Records](#)  
[Committee Meetings](#)  
[Concurrent Resolutions](#)  
[Initiatives/Alternative Measures](#)  
[Joint Resolutions](#)  
[Journals](#)  
[Legislators](#)  
[Public Act \(Signed Bills\)](#)  
[Resolutions](#)  
[Rules](#)  
[Session Schedules](#)  
[Search - Basic](#)  
[Search - Advanced](#)

## Laws

[Basic MCL Search](#)  
[Advanced MCL Search](#)  
[Public Act MCL Search](#)  
[Michigan Constitution](#)  
[Chapter Index](#)  
[Executive Orders](#)  
[Executive Reorgs](#)  
[Historical Documents](#)  
[MCL Tables](#)  
[Often Req Laws](#)  
[Req Outdated Acts](#)

## More

[Archives](#)  
[Email Notifications](#)  
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[Michigan Manuals](#)  
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[Publications](#)  
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## Public Acts

### \*NEW\* See below for Public Act Effective Date Tables

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**Information about these Public Acts can be seen on the [Initiative Page](#).**

### Public Act Legislative Document Search

Public Act Number

Public Act Year

Initiated Laws will not appear in this search result.

### Public Act Tables (requires [Adobe Reader®](#))

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Michigan Compiled Laws Complete Through PA 119 of 2023  
House: Adjourned until Tuesday, September 5, 2023 1:30:00 PM  
Senate: Adjourned until Tuesday, September 5, 2023 10:00:00 AM

[Home](#) [Register](#) [Why Register?](#) [Login](#) [Help](#)

← NAVIGATE  
SENATE BILLS →

## Legislature

Bills  
Appropriation Bills (Passed)  
Calendars  
Committees  
Committee Bill Records  
Committee Meetings  
Concurrent Resolutions  
Initiatives/Alternative  
Measures  
Joint Resolutions  
Journals  
Legislators  
Public Act (Signed Bills)  
Resolutions  
Rules  
Session Schedules  
Search - Basic  
Search - Advanced

## Laws

Basic MCL Search  
Advanced MCL Search  
Public Act MCL Search  
Michigan Constitution  
Chapter Index  
Executive Orders  
Executive Reorgs  
Historical Documents  
MCL Tables  
Often Req Laws  
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## Senate Bill 0012 (2023) [rss?](#)

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Friendly Link: <http://legislature.mi.gov/doc.aspx?2023-SB-0012> **Public Act 7 of 2023** [Find this PA in the MCL](#)

### Sponsors

Dayna Polehanki (district 5)  
Rosemary Bayer, Sean McCann, Kevin Hertel, Mary Cavanagh, Stephanie Chang  
(click name to see bills sponsored by that person)

### Categories

Education: elementary; State agencies (existing): education;

Education: elementary; requirements related to the retention of certain grade 3 pupils; modify. Amends sec. 1280f of 1976 PA 451 (MCL 380.1280f).

### Bill Documents

[Bill Document Formatting Information](#)

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#### House Fiscal Agency Analysis



#### Revised Summary as Passed by the Senate (2/28/2023)

This document analyzes: [SB0012](#)



#### Revised Analysis as Reported from Committee/Enacted Version (3/10/2023)

This document analyzes: [SB0012](#)

### Senate Fiscal Analysis



#### SUMMARY OF INTRODUCED BILL IN COMMITTEE (Date Completed: 1-30-23)

This document analyzes: [SB0012](#)



#### SUMMARY OF BILL REPORTED FROM COMMITTEE (Date Completed: 2-1-23)

This document analyzes: [SB0012](#)



SUMMARY OF BILL ON THIRD READING (Date Completed: 2-1-23)



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[Bills](#)  
[Appropriation Bills \(Passed\)](#)  
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[Concurrent Resolutions](#)  
[Initiatives/Alternative Measures](#)  
[Joint Resolutions](#)  
[Journals](#)  
[Legislators](#)  
[Public Act \(Signed Bills\)](#)  
[Resolutions](#)  
[Rules](#)  
[Session Schedules](#)  
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[Advanced MCL Search](#)  
[Public Act MCL Search](#)  
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[Chapter Index](#)  
[Executive Orders](#)  
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Legal Division, Statutory Compiling and Law Publications Unit  
124 W. Allegan, Lansing, MI 48909

August 08, 2023  
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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0001		0007	Yes	1/31/2023	1/31/2023	1/31/2023	<b><i>Appropriations; supplemental</i></b> ; appropriations for multiple departments and branches for fiscal years 2021-2022 and 2022-2023; provide for. ( <b><i>Sen. Sarah Anthony</i></b> )
0002		0013	No	2/1/2023	2/1/2023	**	<b><i>Elections; presidential primary</i></b> , presidential primary election date; revise. ( <b><i>Sen. Jeremy Moss</i></b> )
0003		0008	Yes	2/14/2023	2/14/2023	2/14/2023	<b><i>Appropriations; supplemental</i></b> ; supplemental appropriations in the school aid act for fiscal years 2021-2022 and 2022-2023; provide for. ( <b><i>Sen. Sarah Anthony</i></b> )
0004	4001		No	3/7/2023	3/7/2023	**	<b><i>Individual income tax retirement or pension benefits</i></b> ; limitations and restrictions on deductions of certain retirement or pension benefits, revenue distributions, earned income tax credit, rebate payments, rebate and revitalization and placemaking funds; revise, increase, and provide for. ( <b><i>Rep. Angela Witwer</i></b> )

0004	4001		No	3/7/2023	3/7/2023	**	<b>Individual income tax</b> retirement or pension benefits; limitations and restrictions on deductions of certain retirement or pension benefits, revenue distributions, earned income tax credit, rebate payments, rebate and revitalization and placemaking funds; revise, increase, and provide for. (Rep. Angela Witwer)
0005	4016		Yes	3/8/2023	3/8/2023	3/8/2023	<b>Appropriations; supplemental</b> ; appropriations for multiple departments for fiscal years 2021-2022 and 2022-2023; provide for. (Rep. Angela Witwer)
0006		0004	No	3/16/2023	3/16/2023	**	<b>Civil rights; general discrimination</b> , sexual orientation and gender identity or expression; include as categories protected under the Elliott-Larsen civil rights act. (Sen. Jeremy Moss)
0007		0012	No	3/24/2023	3/24/2023	**	<b>Education; elementary</b> , requirements related to the retention of certain grade 3 pupils; modify. (Sen. Dayna Polehanki)
0008		0034	No	3/24/2023	3/24/2023	**	<b>Labor; collective bargaining</b> collective bargaining rights; revise to restore former provisions. (Sen. Darrin Camilleri)

\* - I.E. means Legislature voted to give the Act immediate effect.

\*\* - Act takes effect on the 91st day after sine die adjournment of the Legislature.

\*\*\* - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

# - Tie bar.

# How Do I Find the Legislative History

- If know the Bill # and year, great, look it up
- If know the MCL, look at legislative history at end of MCL to identify the Public Act # and year
- If know the Public Act # and/or year, you can use the Pupil Act (Signed Bills) icon on Michigan Legislature webpage  
[http://www.legislature.mi.gov/\(S\(kgjsbfbzejdvmfobj14jkd2\)\)/mileg.aspx?page=PublicActs](http://www.legislature.mi.gov/(S(kgjsbfbzejdvmfobj14jkd2))/mileg.aspx?page=PublicActs)
- Public Act Tables for 1998 - present
- Obtain the Bill Number
- Then do Bill Search by Bill Number and Legislative Session (year)





# MICHIGAN LEGISLATURE

Michigan Compiled Laws Complete Through PA 119 of 2023  
House: Adjourned until Tuesday, September 5, 2023 1:30:00 PM  
Senate: Adjourned until Tuesday, September 5, 2023 10:00:00 AM

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- [Concurrent Resolutions](#)
- [Initiatives/Alternative Measures](#)
- [Joint Resolutions](#)
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- [Legislators](#)
- [Public Act \(Signed Bills\)](#)
- [Resolutions](#)
- [Rules](#)
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You can use a wild card, e.g., "limit\*\*"

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e.g., 2.14

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# MICHIGAN LEGISLATURE

Michigan Compiled Laws Complete Through PA 255 of 2017  
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[Joint Resolutions](#)  
[Journals](#)  
[Legislators](#)  
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


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





















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## Frequently Requested Laws

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 	Administrative Procedures Act of 1969
504K 153K	
 	Adoption Code, MCL 710.21-710.70
479K 959K	
 	Age of Majority Act of 1971
19K 11K	
 	Beverage Containers
120K 42K	
 	Boiler Act of 1965
1K 6K	
 	Bullard-Plawecki Employee Right to Know Act
39K 21K	
 	Charitable Organizations and Solicitations Act
129K 51K	
 	Charter Township Act (The)
260K 81K	
 	Child Abuse and Neglect Prevention Act
61K 26K	
 	Child Custody Act of 1970
166K 60K	
 	Child Protection Law
309K 97K	
 	Condominium Act
565K 201K	

214K	75K	
		Regulation of Collection Practices
38K	20K	
		REVISED JUDICATURE ACT OF 1961
8M	3M	
		Revised School Code (The)
4M	1M	
		Setting Aside Convictions
55K	23K	
		Sex Offenders Registration Act
258K	83K	
		SHOPPING REFORM AND MODERNIZATION ACT
51K	26K	
		Small Claims Court, MCL 600.8401-600.8427
130K	259K	
		State Construction Code Act (Stille-Derossett-Hale Single)
344K	130K	
		State Plumbing Act
1K	6K	
		State School Aid Act of 1979 (The)
4M	947K	
		Status of Minors and Child Support
64K	24K	
		Statutory Will, MCL 700.2519
61K	122K	
		Support and Parenting Time Enforcement Act
510K	155K	
		Trust Mortgage Foreclosure
31K	17K	
		Truth in Renting Act
44K	21K	
		UNIFORM COMMERCIAL CODE
3M	1M	

## THE STATE SCHOOL AID ACT OF 1979 Act 94 of 1979

AN ACT to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts.

**History:** 1979, Act 94, Eff. Oct. 1, 1979;—Am. 1988, Act 318, Eff. Oct. 1, 1988;—Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;—Am. 1997, Act 142, Imd. Eff. Nov. 19, 1997;—Am. 2003, Act 158, Eff. Oct. 1, 2003;—Am. 2011, Act 62, Imd. Eff. June 21, 2011.

**Compiler's note:** Sec. 42, as added by Act 207 of 1990, was vetoed by the governor on July 27, 1990.  
Secs. 43, 92, and 111a, as added by Act 118 of 1991, were vetoed by the governor on October 11, 1991.  
Sec. 71a, as added by Act 283 of 1994, was vetoed by the governor on July 9, 1994.  
Secs. 20h, 28b, 56a, and 94a, as added by Act 130 of 1995, were vetoed by the governor on June 30, 1995.  
Secs. 29 and 95a, as added by Act 300 of 1996, were vetoed by the governor on June 19, 1996.  
Sec. 11e, as added by Act 372 of 1996, was vetoed by the governor July 3, 1996.  
Sec. 11j, Sec. 11k, and Sec. 31b, as added by Act 339 of 1998, were vetoed by the governor on October 13, 1998.  
Secs. 20k and 34, as added by Act 119 of 1999, were vetoed by the governor on July 19, 1999.  
Secs. 11j and 11l, as added by Act 297 of 2000, were vetoed by the governor on June 26, 2000.  
Secs. 22d, 22e, and 55a, as added by Act 158 of 2003, were vetoed by the governor on August 11, 2003.  
Sec. 77, as added by Act 137 of 2007, was vetoed by the governor on November 8, 2007.  
Secs. 20j, 32c, 57, and 99p, as amended by Act 121 of 2009, were vetoed by the governor on October 19, 2009.  
Secs. 20j, 32c, and 99p, as amended by Act 110 of 2010, and sec. 92, as added by Act 110 of 2010, were vetoed by the governor on July 7, 2010.

*The People of the State of Michigan enact:*

### ARTICLE I

#### STATE AID TO PUBLIC SCHOOLS, EARLY CHILDHOOD, AND ADULT EDUCATION

##### 388.1601 Short title.

Sec. 1. The act shall be known and may be cited as "the state school aid act of 1979".

**History:** 1979, Act 94, Eff. Oct. 1, 1979.

**Compiler's note:** For creation of Michigan public educational facilities authority within department of treasury; transfer of certain powers and duties from Michigan strategic fund and Michigan strategic fund board of directors to Michigan public educational facilities authority and Michigan public educational facilities authority board of trustees; transfer of certain powers and duties of Michigan municipal bond authority and Michigan municipal bond authority board of trustees to Michigan public and educational facilities authority and Michigan public education facilities authority board of trustees, see E.R.O. No. 2002-3, compiled at MCL 12.192 of the Michigan Compiled Laws.

##### 388.1602 Meanings of words and phrases.

Sec. 2. As used in this article and article IV, the words and phrases defined in sections 3 to 6 have the meanings ascribed to them in those sections.

**History:** 1979, Act 94, Eff. Oct. 1, 1979;—Am. 2011, Act 62, Eff. Oct. 1, 2011.

##### 388.1603 Definitions; A to D.

Sec. 3. (1) "Average daily attendance", for the purposes of complying with federal law, means 92% of the pupils counted in membership on the pupil membership count day, as defined in section 6(7).

(2) "Board" means the governing body of a district or public school academy.

(3) "Center" means the center for educational performance and information created in section 94a.

(4) "Community district" means a school district organized under part 5b of the revised school code.

(5) "Cooperative education program" means a written voluntary agreement between and among districts to provide certain educational programs for pupils in certain groups of districts. The written agreement shall be approved by all affected districts at least annually and shall specify the educational programs to be provided and the estimated number of pupils from each district who will participate in the educational programs.

Ctrl - F



act from state sources for fiscal year 2008-2009 is estimated at \$11,816,898,200.00 and state appropriations to be paid to local units of government for fiscal year 2008-2009 are estimated at \$11,602,465,900.00."

Enacting section 1 of Act 121 of 2009 provides:

"Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, total state spending in this amendatory act from state sources for fiscal year 2009-2010 is estimated at \$10,825,754,100.00 and state appropriations to be paid to local units of government for fiscal year 2009-2010 are estimated at \$10,718,801,700.00."

Enacting section 1 of Act 204 of 2010 provides:

"Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending in this amendatory act and in 2010 PA 110 from state sources for fiscal year 2010-2011 is estimated at \$10,955,902,900.00 and state appropriations to be paid to local units of government for fiscal year 2010-2011 are estimated at \$10,824,041,900.00."

Enacting section 1 of Act 130 of 2013 provides:

"Enacting section 1. This amendatory act takes effect October 1, 2013."

#### **388.1625 Repealed. 2013, Act 60, Eff. Oct. 1, 2013.**

**Compiler's note:** The repealed section pertained to enrollment of pupil after pupil membership count day and changes in calculation of state school aid.

#### **388.1625a Repealed. 2012, Act 201, Eff. Oct. 1, 2012.**

**Compiler's note:** The repealed section pertained to payment of amounts to educating districts.

#### **388.1625b Repealed. 2012, Act 201, Eff. Oct. 1, 2012.**

**Compiler's note:** The repealed section pertained to applicability of section to educating district not first class.

#### **388.1625c Repealed. 2012, Act 201, Eff. Oct. 1, 2012.**

**Compiler's note:** The repealed section pertained to educating district of first class.

#### **388.1625d Repealed. 2013, Act 60, Eff. Oct. 1, 2013.**

**Compiler's note:** The repealed section pertained to alternative education programs and strict discipline academics.

#### **388.1625e Pupil membership transfer application and pupil transfer process; duties of department; calculation changes; providing information to center and department; pupils enrolled in online courses; pupils enrolled after pupil membership count day and before supplemental count day; pupils counted for pupil membership count day but left state before supplemental count day; report; definitions.**

**Sec. 25e. (1)** The pupil membership transfer application and pupil transfer process administered by the center under this section shall be used for processing pupil transfers.

(2) If a pupil counted in membership for the pupil membership count day transfers from a district or intermediate district to enroll in another district or intermediate district after the pupil membership count day and before the supplemental count day and, due to the pupil's enrollment and attendance status as of the pupil membership count day, the pupil was not counted in membership in the educating district or intermediate district, the educating district or intermediate district may report the enrollment and attendance information to the center through the pupil transfer process within 30 days after the transfer or within 30 days after the pupil membership count certification date, whichever is later. Pupil transfers may be submitted no earlier than the first day after the certification deadline for the pupil membership count day and before the supplemental count day. Upon receipt of the transfer information under this subsection indicating that a pupil has enrolled and is in attendance in an educating district or intermediate district as described in this subsection, the pupil transfer process shall do the following:

(a) Notify the district in which the pupil was previously enrolled.

(b) Notify both the pupil auditing staff of the intermediate district in which the educating district is located and the pupil auditing staff of the intermediate district in which the district that previously enrolled the pupil is located. The pupil auditing staff shall investigate a representative sample based on required audit sample sizes in the pupil auditing manual and may deny the pupil membership transfer.

(c) Aggregate the districtwide changes and notify the department for use in adjusting the state aid payment system.

(3) The department shall do all of the following:

(a) Adjust the membership calculation for each district or intermediate district in which the pupil was previously counted in membership or that previously received an adjustment in its membership calculation under this section due to a change in the pupil's enrollment and attendance so that the district's or intermediate district's membership is prorated to allow the district or intermediate district to receive for each school day, as determined by the financial calendar furnished by the center, in which the pupil was enrolled and in

# Part II Overview

- School Funding Constitutional Provision
- State School Aid Act
- State Revised School Code
- Pupil Accounting Administrative Rules
- Pupil Accounting Manual
- Pupil Auditing Manual
- Michigan Attorney General Opinions

# Michigan Constitution Mandates Free Public Education

- Article VIII, Section 2

The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law.

# Legislation

- The Revised School Code, MCL 380.1 et. seq. provides the basic system of public instruction for elementary and secondary schools
- The State School Aid Act, MCL 388.1601 et. seq. provides the financial support for public elementary and secondary schools in our state
- References to the School Code and School Aid Act are the legal basis of pupil accounting and auditing



# State School Code - MCLs

- 380.501-507
- 380.521-529
- 380.551-556
- 380.627a
- 380.1134
- 380.1135
- 380.1138
- 380.1147
- 380.1148, 1148a
- 380.1175
- 380.1278
- 380.1281
- 380.1284, 1284a, 1284b
- 380.1297, 1298
- 380.1301
- 380.1311, 1311a, 1311b
- 380.1401-1416
- 380.1471-1474
- 380.1561
- 380.1711
- 380.1751

# State School Aid Act - MCLs

- 388.1603
- 388.1606
- 388.1606a
- 388.1614
- 388.1615
- 388.1617b
- 388.1618
- 388.1619
- 388.1621b
- 388.1621f
- 388.1622f
- 388.1623a
- 388.1624, 1624b
- 388.1625e
- 388.1651a
- 388.1652, 1653a
- 388.1691a
- 388.1698
- 388.1701
- 388.1705, 1705c
- 388.1706
- 388.1707
- 388.1709
- 388.1711
- 388.1718
- 388.1763, 1763a
- 388.1766b
- 388.1766d
- 388.1768
- 388.1769
- 388.1901-1913

# Pupil Accounting Administrative Rules

- State Superintendent Establishes Rules Following Administrative Procedures Act (APA) MCL 24.201 – MCL 24.328
- Authorized by MCL 380.1281 (duties of state board of ed, rule waivers), MCL 380.1284 (length of school year, rules), MCL 388.1606(9)(definition of “rule”), MCL 388.1613 (counting membership rules), MCL 388.1701 (days and hours waiver), MCL 388.993&388.994 (1996 Gov. Engler Executive Order transferring administrative powers and duties from state board to state supt.)
- Agency Admin Rules have the effect of law
- Legal references in rules, both PA and MCL ##s

# Search Michigan Administrative Rules

- By Department (of Education)
- By Number (Education Rules in R 340.1 – R 99.102)

[https://www.michigan.gov/lara/0,4601,7-154-89334\\_10576\\_92306---,00.html](https://www.michigan.gov/lara/0,4601,7-154-89334_10576_92306---,00.html)

Google “Michigan Administrative Code”



# Administrative Rules

Pursuant to [MOAHR Administrative Hearing Standard 2023-1](#), administrative proceedings will by default be conducted remotely, unless: (i) an administrative law judge, hearing officer, or Tax Tribunal Member determines in their discretion that all or part of a proceeding should be in person or (ii) a party submits a written request demonstrating good cause for why all or part of the proceeding should be in person and the administrative law judge, hearing officer, or Tax Tribunal Member finds the request should be granted because of accessibility limitations, specific evidentiary issues, or other unique circumstances. To further assist remote hearing participants, MOAHR has developed a [Standards and Guidelines for Remote Hearings](#) manual. This manual contains useful information and best practices relevant to the conduct of remote hearings for all practice areas within MOAHR, except for the Corrections area and the Michigan Tax Tribunal, the latter of which has its own [MTT Video Hearing Guides for Participants](#).

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\* Department:

Education

\* Bureau:

Superintendent of Public Instruction

Search





## MI Administrative Code

### MI Administrative Code(s) for Education - Superintendent of Public Instruction

Show  entries

Search:

Title	Start	End	Admin Code File	Last Updated On
Postsecondary Dual Enrollment Criteria for Fifth-Year High School Pupils	R 388.151	388.155	<a href="#">1566_2015-061ED_AdminCode.pdf</a>	N/A
School Administrator Certification Code	R 380.101	380.136	<a href="#">R 380.101 to R 380.136.pdf</a>	10/15/2020 9:42:57 AM
School District Pupil Accounting for Distribution of State Aid	R 340.1	340.18	<a href="#">R 340.1 to R 340.18.pdf</a>	1/30/2020 9:03:45 AM
School Psychologist Certificate Code	R 380.201	380.214	<a href="#">R 380.201 to R 380.214.pdf</a>	10/15/2020 9:43:33 AM
School Social Worker	R 340.1001	340.1018	<a href="#">R 340.1001 to R 340.1018.pdf</a>	1/30/2020 9:04:30 AM
Special Education Programs and Services	R 340.1701	340.1873	<a href="#">R 340.1701 to R 340.1873.pdf</a>	5/27/2020 9:33:38 AM
State Aid for Transportation of Schoolchildren	R 388.371	388.389	<a href="#">1839_2018-058ED_AdminCode.pdf</a>	N/A
State Aid Rules - Library of Michigan	R 397.01	397.92	<a href="#">604_10575_AdminCode.pdf</a>	N/A
Superintendent Hearings	R 349.291	349.291	<a href="#">570_10542_AdminCode.pdf</a>	N/A
Teacher and School Administrator Evaluation Tools	R 380.21	380.23	<a href="#">1639_2016-031ED_AdminCode.pdf</a>	N/A

Showing 11 to 20 of 23 entries

Previous 1 **2** 3 Next

Search Administrative Code



## DEPARTMENT OF EDUCATION

### SUPERINTENDENT OF PUBLIC INSTRUCTION

#### SCHOOL DISTRICT PUPIL ACCOUNTING FOR DISTRIBUTION OF STATE AID

(By authority conferred on the superintendent of public instruction by sections 1281 and 1284 of 1976 PA 451, MCL 380.1281, MCL 380.1284, sections 6, 13, and 101 of 1979 PA 94, MCL 388.1606, MCL 388.1613 and MCL 388.1701, and Executive Reorganization Orders Nos. 1996-6 and 1996-7, MCL 388.993 and 388.994)

#### **R 340.1 Definitions.**

Rule 1. As used in these rules:

(a) "Attendance" means the presence of a pupil on scheduled school days under the guidance and direction of a certificated teacher either at or away from school.

(b) "Count date" means the pupil membership count day pursuant to section 6(7) of 1979 PA 94, MCL 388.1606(7) and the supplemental pupil count pursuant to section 6a of 1979 PA 94, MCL 388.1606a.

(c) "Early college high school" or "middle college" means a public high school designed to allow a pupil to earn a high school diploma and an associate's degree or up to 2 years of transferable college credits.

(d) "Enroll" or "register" means the act of a pupil appearing in person at a school at any time during the current school term with an intent to attend the school. This enrollment or registrative process of entrance constitutes the act of becoming a pupil of the school district. A pupil unable to appear in school due to physical incapacity or illness, attested

# Pupil Accounting Rules - Overview

- R340.1 Definitions
- **R340.2** Pupils to be counted in membership
- R 340.3 Pupils not to be counted in membership
- R 340.4 Schools of Choice
- **R 340.7** Computation of Membership
- **R340.10** Pupil Instructional Time
- R340.10a Travel Time; Instructional Time

# Pupil Accounting Rules - Overview

- **R340.11** Virtual learning, online learning, distance learning, self-scheduled
- **R340.12** Independent Study
- **R340.13** Learning Labs
- **R340.14** Experiential learning courses
- **R340.15** Work-based learning experiences
- **R340.16** Work-based learning CTE programs
- **R340.17** Postsecondary dual enrollment
- **R340.18** Waivers

# Pupil Accounting Rules

- **The ‘official’ rules are not edited often**
- **2008 last time**
  - **New laws make parts irrelevant, overridden**
- **Can be useful for citations, but start with the Pupil Accounting Manual**



# Pupil Accounting Manual

PAM provides guidance on pupil membership and count requirements – updated annually

<https://www.michigan.gov/mde/Services/financial-management/state-aid/publications/pupil-accounting-manual-pam>

Developed by MDE Office of State Aid and School Finance

Required by Law MCL 388.1618

Legal References/Citations Provided to State Law and Rules in PAM Sections

# PAM Section 1 – Required Documentation

- District Level: calendar, attendance policy, grad requirements, board approved courses
- Building/Program Level: teacher/class schedule, pupil alpha list, Pop III lists, attendance records, attendance policy, excused absence documentation
- Pupil Level: enrollment record (CA60), proof of identity and age, schedule
- Statutory References

# PAM Section 2- Days and Hours

- Days of Instruction
- Hours of Instruction

Special Ed Early Childhood Classroom  
Program, R 340.1754 - 450

Special Ed Early Childhood Services,  
R 340.1755 or 1862 - 180

- Calendars – district wide vs. building/program,  
common calendar, labor day start, legal  
holidays

# PAM Section 2 – Days and Hours Cont.

- Pupil Instructional Hours Requirements
- Certified Teacher Requirement
- Forgiven Days and Hours
- 75% Attendance Requirement
- State Aid Penalty for failing to meet required days, hours and/or 75% attendance
- Statutory References



# PAM Section 3 – Count Requirements

- Count Days – 1st Wed in Oct, 2<sup>nd</sup> Wed in Feb
- Pupil Eligibility - enroll on or before count day, meet age requirement, proof of identity and age, residency, class schedule, attendance
- Teacher Certification
- Audit Appeals – potentially 3 steps
  1. Informal appeal to ISD auditor
  2. Appeal to MDE Office of Audits
  3. Appeal to State Superintendent
- Statutory references

# PAM Section 4 - Residency

- Resident Pupils – district of residence, home of relative, etc.
- Nonresident Pupils Treated as Residents – charter schools, schools of choice, alt ed, nonpublic part time pupils, child of employee, etc.
- Waiver/Release from Resident District – annually
- Statutory References

# PAM Section 5 – Nonconventional Pupils aka Pop IIIs

- Section 5-A Alternative Ed Pupils
- Section 5-B Cooperative Ed Programs
- Section 5-C Home Based
- Section 5-D Homebound/Hospitalized
- Section 5-E Nonpublic Part-Time and Homeschooled Pupils
- Section 5-F Part-time Pupils

# PAM Section 5 – Pop III Cont.

- Section 5-G-A Postsecondary Dual Enrollment
- Section 5-G-B Early Middle College
- Section 5-H Reduced-Schedule Pupils
- Section 5-I 105/105c Schools of Choice
- Section 5-J ISD Schools of Choice
- Section 5-K Special Ed Early Childhood
- Section 5-L Special Ed Transition Services



# PAM Section 5 – Pop Ills Cont.

- Section 5-M Split-Schedule Pupils
- Section 5-N Suspension and Expulsion
- Section 5-O-A Offline Program-based Instruction Independent Study
- Section 5-O-B Offline Seat Time Waiver
- Section 5-O-C Cyber Schools
- Section 5-O-D Virtual Learning
- Section 5-P Work Based Learning

# Section 5 – NEW Pop IIs

- Section 5-Q-A Section 23a Dropout Recovery Program
- Section 5-Q-B Section 25e Pupil Membership Transfers
- Each Section 5 Subsection has Statutory References

# PAM Section 6 and Appendices

- 6-A Experiential Learning
- 6-B Peer to Peer Programs
- Appendix A Glossary of Terms
- Appendix B Abbreviations/Acronyms

# Pupil Membership Auditing Manual

- Resource for conducting pupil membership audits
- Prepared by MDE Office of Financial Management
- Updated annually and subject to change
- Required by law MCL 388.1618
- Topical Index included with References/Citations to School Code, School Aid Act, Pupil Accounting Rules and PAM



# Pupil Auditing Manual

- Introduction – pupil membership audit required
- General Requirements
  - Desk audit each building/program every count
  - Field audit on audit cycle for field audits
  - Audit frequency and scope based on risk assessment
- Legal references included

# Pupil Auditing Manual –Desk Audit

- Review of district documentation
- Desk Audit Program Check List
- Desk Audit Adjustments
- Legal References included

# Pupil Auditing Manual – Field Audit

- Review pupil membership records verify counts and interview school district staff
- Field Audit Program
- Local District Planning Form
- Risk Assessment
- Select Sample
- Conduct Field Audit for Pop I, II, and III
- Audit Adjustment

# Pupil Auditing Manual – Field Audit

- Pupil Enrollment, Age, Residency
- Pop I Present on Count Day – verify attendance
- Pop II Absent on Count Day – 10/30 day rule
- Pop III Nonconventional Pupils – Section 5 and 6 of the PAM – each have their own audit standard and audit requirements

# Pupil Auditing Manual – Reports & Appeals

- Audit Report - DS 4061/DS 4120 and Audit Narrative in MSDS MCL 388.1618
- State Aid Payments adjusted MCL 388.1615(2)
- Appeals – ISD Informal Appeal and Appeal to MDE Office of Financial Management and Final Appeal to State Superintendent
- State Supt Decisions on Audit Appeals on MDE Administrative Law Website



# Pupil Auditing Manual – GAD Audit

- Graduation and Dropout Audit for the previous 3 grad year cohorts - 4 year, 5 year and 6 year grad rate.
- GAD Application in MSDS
- GAD Audit late October- early December
- CEPI calculates grad/dropout rate late January
- GAD Audit high school buildings subject to field audit that year 2% grad code, 5% exempt code
- Can also submit exit code change requests

# Pupil Auditing Manual – 25e Audit

- Transfer of funds from one District (the one at fall count day) to new District, prior to Spring Count day
- Auditors review & approve/deny claims
- ISD of District MAKING claim
- Audit standards are provided
- Denied claims can be re-presented
- Most claims must be submitted before the Spring count day

# Pupil Auditing Manual - Appendices

- Statement of Independence
- Desk Audit Program
- Local District Planning Form
- Building Risk Assessment Form
- Sample Summary and Analysis
- FTE Adjustment Form
- General Audit Findings
- Specific Audit Findings
- CPA Confirmation Request
- Acronyms and Due Dates
- Legal References

# Pupil Auditing Manual – Legal Reference Appendix L

- By topic A to Z
- Includes reference to:
  - School Code
  - School Aid Act
  - Pupil Accounting Rule
  - Pupil Accounting Manual
  - Other

# Audit Appeals – State Supt

- State Supt Decisions are posted on MDE Administrative Law website  
<https://www.michigan.gov/mde/services/administrative-law>
- Click on Single word link 'Decisions'
- Click on the + before Audit Cases in the top left corner, scroll down to see decisions, by district and date





The Office of Administrative Law is responsible for providing final decisions in administrative appeals to the agency. The primary responsibility of the Office of Administrative Law is to review the proposed decisions of administrative law judges of the Department of Licensing and Regulatory Affairs' Michigan Office of Administrative Hearing and Rules in cases involving the Department of Education. These cases include appeals to the State Tenure Commission in teacher tenure matters; appeals to the Superintendent of Public Instruction in cases involving property transfers, educator certification revocations and denials, and pupil membership audits; and other complaint and compliance matters. Failure to provide these services would result in the denial of statutory due process rights.

Contact information for teacher tenure cases is:

**State Tenure Commission**

608 W. Allegan Street

P.O. Box 30008

Lansing, MI 48909

Phone: 517-241-6986

Fax: 517-241-6987

Email: [MDE-AdminLaw@michigan.gov](mailto:MDE-AdminLaw@michigan.gov)

- [State Tenure Commission Members](#)
- [State Tenure Commission Rules](#)
- [Teachers' Tenure Act](#)
- [State Tenure Commission- Claim of Appeal template](#)
- [Filing a claim of appeal with the State Tenure Commission](#)
- [State Tenure Commission- Proof of Service](#)

Contact information for cases involving the Superintendent of Public Instruction is:

**Superintendent of Public Instruction**

608 W. Allegan Street

P.O. Box 30008

Lansing, MI 48909

Phone: 517-241-6986

Fax: 517-241-6987

Email: [MDE-SuperintendentAppeals@michigan.gov](mailto:MDE-SuperintendentAppeals@michigan.gov)

- [Property Transfer Handbook](#)
- [MDE Administrative Rules](#)

[Decisions](#)

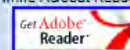
- AUDIT CASES
- CHILD AND ADULT CARE FOOD PRO
- PRELIMINARY TENURE CASES
- PROPERTY TRANSFER CASES
- SPECIAL EDUCATION CASES
- TEACHER CERTIFICATION CASES
- TENURE COMMISSION DECISIONS



## Office of Administrative Law MDE ADLAW

### [Instructions on how to use MDE ADLAW](#)

PLEASE NOTE: Special Ed Cases are in PDF format. Some of the PDF files are large and may load slowly. Please be patient while Acrobat Reader and the PDF loads.



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<http://www.ag.state.mi.us/opinion/opinions.aspx>





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# Search AG Opinions by Number

- Each Attorney General Opinion has it's own number
- Pupil Accounting Manual references AG opinions like this, with number then year, See PAM Residency p. 4-5

## **Attorney General Opinions:**

5004, May 1976

5112, Dec 1976

5574, Sept 1979

5782, Sept 1980

5925, June 1981

5995, Oct 1981

6316, Sept 1985

7154, March 2004



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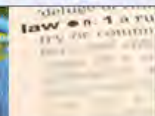
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Opinion Number	Year	Subject
<a href="#">5574</a>	1979	Residency of pupils

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# Other State Website Links

- State Aid Home Page

<http://www.michigan.gov/SASF>

- Permanent link to other pages
- Funding
- Updated regularly (23/24 manuals)
- Resources and Related Info
  - Pupil Accounting Information



# State Aid & School Finance

The unit is responsible for administering the State School Aid Act and distributing over eleven billion dollars in state funds to public school districts across the state. In addition, this unit provides guidance on issues of school finance and tax policy, public school district financial accounting, various financing mechanisms available to school districts, and information on pupil accounting statutes and rules. Finally, the unit provides interpretation, analysis, and coordination of Departmental activities related to the annual development of the State School Aid K-12 budget.

## What's New

[CARES Act and Coronavirus Relief Fund \(CRF\) Information](#)

[State School Aid Update](#)

[FY22 Estimated State Portion of Foundation for Hold Harmless Districts](#)

[State Aid Financial Status Reports](#)

[State Aid Nonresident Reports](#)

[Taxable Value Information](#)

## Publications

[ESSA School-Level Financial Reporting](#)



## **Publications**

[ESSA School-Level Financial Reporting](#)

[Budget and Salary Compensation Transparency Reporting](#)

[Bulletin 1011 - Analysis of Michigan Public Schools Revenue and Expenditures](#)

[Bulletin 1014 - Michigan Public Schools Ranked by Select Financial Information](#)

[Indirect Cost Rates](#)

[Michigan Public School District Maintenance of Effort](#)

[Nonpublic School Dual Enrollment](#)

[Number of Public School Districts in Michigan](#)

[Michigan Public School Accounting Manual](#)

[MPERS Section 147c Information & Guidance](#)

[Pupil Accounting Manual \(PAM\)](#)

## **Resources and Related Information**

[Deficit District Information](#)

[Public School Accounting](#)

[Pupil Accounting Information \(including Waivers and Program Guidance\)](#)

[School Statistics - CEPI](#)

[State Aid Payment Calculation](#)

[State Aid Payment Information](#)



# Other State Website Links

## Pupil Accounting Information Page

<https://www.michigan.gov/mde/services/financial-management/state-aid/related-info/pupil-accounting-information>

- Links to most of what we've discussed
- Reference documents
- Waivers
- Current topics and useful memos

# Sharing Records

## **FOIA, FERPA & HIPAA**

- Freedom of Information Act (FOIA)
  - All District records not exempted may be requested
- Federal Educational Rights and Privacy Act (FERPA)
  - Allows student record to be seen by appropriate individuals
- Health Insurance Portability and Accountability Act (HIPAA)
  - Limits sharing of medical information

# Release of Records under FOIA

- Anyone can request records from a public body
- Ask to inspect, copy, or receive a copy of the record
- No age restrictions (cannot refuse the request of a minor BECAUSE they are a minor)
- 5 days to respond with the record, or request for more information, or a 10 day extension to prepare for complex requests
- Not required to CREATE documents, merely share existing ones

# Review of Records under FERPA

- Parents have the right to view their children's educational records
- Students assume that right when they turn 18
- Districts have obligation not to share records with outside parties without parental consent
- Districts must provide parents notice of their rights under FERPA

# HIPAA

- HIPAA rules govern control and release of medical records
- Vast majority of student health information held by a school are considered EDUCATIONAL records, not medical records
- School Districts are not considered 'Covered Entities'
- Unless school provides health care for non-students, HIPAA does not apply



# Protecting Records

- Freedom of Information Act (FOIA)
  - Exempt records are not required to be shared
  - Reasonable costs can be charged
- Federal Educational Rights and Privacy Act (FERPA)
  - Any record containing Personally Identifiable Information (PII) is protected

# FOIA Exceptions

- Student records covered by FERPA
  - FERPA trumps FOIA
- Law enforcement records
- Records covered by attorney-client privilege
- Pending bids on public contracts
- Test questions and answers or scoring keys
- records relating to civil actions
- Requests by prisoners in County, state or federal correctional facilities

# Getting Help

## FOIA Assistance

- Michigan Attorney General Website
- Go to [www.michigan.gov/ag](http://www.michigan.gov/ag)
- Choose 'FOIA and Open Meetings' from top menu

# Getting Help

## FOIA Assistance

- Frequently Asked Questions
- Informational pamphlets to distribute
- All current legal citations
- Open Meetings handbook as well

# FERPA

- Parents have the right to view their children's educational records
- Students assume that right when they turn 18
- Districts have obligation not to share records with outside parties without parental consent
- Districts must provide parents notice of their rights under FERPA

# FERPA

## What are educational records?

- Every record that the district holds that contains Personally Identifiable Information (PII)
  - Exception – personal notes for personal use only
- PII – Any information that discloses an individual's identity
  - Even summary data that can reasonably point to an individual



# FERPA

## Parents:

- FERPA defines a parent as a natural parent, a guardian, or an individual acting in the place of a parent or guardian. In the case of divorce or separation of a student's parents, both parents maintain full rights under FERPA unless some legally binding document or law revokes those rights.
- It is NOT the school's responsibility to hunt down or find those documents. Only to act on them when they are presented.

# FERPA

## Accessing and viewing records

- District has 45 days after a written request to make records available
- District must comply with reasonable requests for explanation of documents
- Copies do not have to be made, so long as parent can view documents

# FERPA

## **Amending records**

- Parent has the right to request that incorrect data be corrected in the record.
- School is obligated to **CONSIDER** the request.
- If the school decides to not change the data, they must inform the parent of their right to a hearing.
- If a hearing is held, and the parent the decision is made to not change the data, the parent has the right to put a statement into the student's file explaining their position on the contested information.
- School has to maintain that statement and produce it whenever it discloses the contested data on the student.

# FERPA

## Amending records

- Under FERPA, schools are not required to consider requests to change:
  - A grade for a student because they feel the student should have been given a better grade
  - Opinions
  - Disability placement decisions regarding the student
  - Discipline decisions regarding the student

# FERPA

## Student rights

- When a student turns 18, their FERPA rights transfer from the parents to the student
  - Also applies when a student enters college at any age (full time enrollment)
- Parents may no longer view student's records, unless:
  - Student is listed as a dependent on parent's current tax records
  - Pursuant to a health emergency
  - Student consents



# FERPA

## Sharing protected records

- District may not disclose information without parental consent, unless:
  - Directory Information
  - Exempt recipient

# FERPA

## Directory information

- Information that is not harmful, or intrusive to privacy
  - Name
  - Address & other contact information
  - Date and place of birth
  - May NEVER include Social security number
- District may determine what it constitutes directory information

# FERPA

## Directory information

- Student numbers
  - Can be considered directory information
  - Can be displayed on student ID
- UNLESS
  - Number is used as a password, without other PIN or counter code, to gain access to student data
  - In that case, it cannot be on the badge, and is not eligible to be considered directory information

# FERPA

## Directory information

- May be disclosed without consent if:
  - Annually, notice is given to all parents of what records district deems to be directory
  - Gives parents the option to opt out of disclosure
- If parent opts out, Directory info for that student **MUST NOT BE PROVIDED.**
  - Most SIS have FERPA opt-out check boxes
  - Important that custom reports reference that status

# FERPA

## **Exempt recipients (within the district)**

- Records may be shared with:
  - Employees of the district with a ‘legitimate educational interest’
  - Teachers, administrators
  - Attorneys, counselors, nurses
  - IT staff
  - Contractors, consultants, 3<sup>rd</sup> parties providing services



## **Exempt recipients (outside the district)**

- Records may be shared with:
  - Public health and law enforcement
  - Emergency responders
    - Only for imminent or already existing emergencies.  
Not as preparation for future hypothetical events

## **Exempt recipients (outside the district)**

- Records may be shared with:
  - School a student transfers to
  - Accrediting organizations
  - Local, state or federal officials with audit or program evaluation needs
  - Organizations the student has applied to for admission for school, or for financial aid
  - To comply with a subpoena or judicial order

# FERPA

## Annual Notice

- Must include:
  - Parent's rights to inspect records
  - Right to request corrections
  - Right of consent to disclosure of PII
  - Procedure for inspecting records
  - Procedure to requesting corrections
  - Information of reporting complaints to USED Family Policy Compliance Office
- Frequently included in student handbook

# FERPA – Privacy of Student Records

- Privacy Technical Assistance Center  
USDOE

<http://ptac.ed.gov/> FERPA 101 – website has good FERPA training materials

- Family Policy Compliance Office USDOE  
<http://familypolicy.ed.gov/>

# Questions?

[rob@mpaaa.org](mailto:rob@mpaaa.org)  
(517) 853-1413