

SENATE BILL NO. 27

January 13, 1999, Introduced by Senator SCHUETTE and referred to the Committee on Appropriations.

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 6 (MCL 388.1606), as amended by 1998 PA 339; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) "Center program" means a program operated by a
2 district or intermediate district for special education pupils
3 from several districts in programs for the autistically impaired,
4 trainable mentally impaired, severely mentally impaired, severely
5 multiply impaired, hearing impaired, physically and otherwise
6 health impaired, and visually impaired. Programs for emotionally
7 impaired pupils housed in buildings that do not serve regular
8 education pupils also qualify. Unless otherwise approved by the
9 department, a center program either shall serve all constituent
10 districts within an intermediate district or shall serve several

1 districts with less than 50% of the pupils residing in the
2 operating district. In addition, special education center pro-
3 gram pupils placed part-time in noncenter programs to comply with
4 the least restrictive environment provisions of section 612 of
5 part B of the individuals with disabilities education act, title
6 VI of Public Law 91-230, 20 U.S.C. 1412, may be considered center
7 program pupils for pupil accounting purposes for the time sched-
8 uled in either a center program or a noncenter program.

9 (2) "District pupil retention rate" means the proportion of
10 pupils who have not dropped out of school in the immediately pre-
11 ceding school year and is equal to 1 minus the quotient of the
12 number of pupils unaccounted for in the immediately preceding
13 school year, as determined pursuant to subsection (3), divided by
14 the pupils of the immediately preceding school year.

15 (3) "District pupil retention report" means a report of the
16 number of pupils, excluding migrant and adult, in the district
17 for the immediately preceding school year, adjusted for those
18 pupils who have transferred into the district, transferred out of
19 the district, transferred to alternative programs, and have grad-
20 uated, to determine the number of pupils who are unaccounted
21 for. The number of pupils unaccounted for shall be calculated as
22 determined by the department.

23 (4) "Membership", except as otherwise provided in this act,
24 means for a district, public school academy, university school,
25 or intermediate district the sum of the product of .6 times the
26 number of full-time equated pupils in grades K to 12 actually
27 enrolled and in regular daily attendance on the pupil membership

1 count day for the current school year, plus the product of .4
2 times the final audited count from the supplemental count day for
3 the immediately preceding school year, as determined by the
4 department and calculated by adding the number of pupils regis-
5 tered for attendance plus pupils received by transfer and minus
6 pupils lost as defined by rules promulgated by the state board,
7 and as corrected by a subsequent department audit. The amount of
8 the foundation allowance for a pupil in membership is determined
9 under section 20. In making the calculation of membership, all
10 of the following, as applicable, apply to determining the member-
11 ship of a district, public school academy, university school, or
12 intermediate district:

13 (a) Except as otherwise provided in this subsection, a pupil
14 shall be counted in membership in the pupil's educating district
15 or districts. An individual pupil shall not be counted for more
16 than a total of 1.0 full-time equated membership.

17 (b) If a pupil is educated in a district other than the
18 pupil's district of residence and the educating district is not
19 in the same intermediate district as the pupil's district of res-
20 idence, if the pupil is not being educated as part of a coopera-
21 tive education program, if the pupil's district of residence does
22 not give the educating district its approval to count the pupil
23 in membership in the educating district, and if the pupil is not
24 covered by an exception specified in subsection (6) to the
25 requirement that the educating district must have the approval of
26 the pupil's district of residence to count the pupil in

1 membership, the pupil shall not be counted in membership in any
2 district.

3 (c) A special education pupil educated by the intermediate
4 district shall be counted in membership in the intermediate
5 district.

6 (d) A pupil placed by a court or state agency in an
7 on-grounds program of a juvenile detention facility, a child
8 caring institution, or a mental health institution, or a pupil
9 funded under section 53a, shall be counted in membership in the
10 district or intermediate district approved by the department to
11 operate the program.

12 (e) A pupil enrolled in the Michigan schools for the deaf
13 and blind shall be counted in membership in the pupil's interme-
14 diate district of residence.

15 (f) A pupil enrolled in a vocational education program sup-
16 ported by a millage levied over an area larger than a single dis-
17 trict or in an area vocational-technical education program estab-
18 lished pursuant to section 690 of the revised school code, MCL
19 380.690, shall be counted only in the pupil's district of
20 residence.

21 (g) A pupil enrolled in a university school shall be counted
22 in membership in the university school.

23 (h) A pupil enrolled in a public school academy shall be
24 counted in membership in the public school academy.

25 (i) For a new district, university school, or public school
26 academy beginning its operation after December 31, 1994,

1 membership for the first 2 full or partial fiscal years of
2 operation shall be determined as follows:

3 (i) If operations begin before the pupil membership count
4 day for the fiscal year, membership is the average number of
5 full-time equated pupils in grades K to 12 actually enrolled and
6 in regular daily attendance on the pupil membership count day for
7 the current school year and on the supplemental count day for the
8 current school year, as determined by the department and calcu-
9 lated by adding the number of pupils registered for attendance on
10 the pupil membership count day plus pupils received by transfer
11 and minus pupils lost as defined by rules promulgated by the
12 state board, and as corrected by a subsequent department audit,
13 plus the final audited count from the supplemental count day for
14 the current school year, and dividing that sum by 2.

15 (ii) If operations begin after the pupil membership count
16 day for the fiscal year and not later than the supplemental count
17 day for the fiscal year, membership is the final audited count of
18 the number of full-time equated pupils in grades K to 12 actually
19 enrolled and in regular daily attendance on the supplemental
20 count day for the current school year.

21 (j) If a district is the authorizing body for a public
22 school academy, then, in the first school year in which pupils
23 are counted in membership on the pupil membership count day in
24 the public school academy, the determination of the district's
25 membership shall exclude from the district's pupil count for the
26 immediately preceding supplemental count day any pupils who are
27 counted in the public school academy on that first pupil

1 membership count day who were also counted in the district on the
2 immediately preceding supplemental count day.

3 (k) In a district, public school academy, university school,
4 or intermediate district operating an extended school year pro-
5 gram approved by the state board, a pupil enrolled, but not
6 scheduled to be in regular daily attendance on a pupil membership
7 count day, shall be counted.

8 (l) Pupils to be counted in membership shall be not less
9 than 5 years of age on December 1 and less than 20 years of age
10 on September 1 of the school year except a special education
11 pupil who is enrolled and receiving instruction in a special edu-
12 cation program approved by the department and not having a high
13 school diploma who is less than 26 years of age as of September 1
14 of the current school year shall be counted in membership.

15 (m) An individual who has obtained a high school diploma
16 shall not be counted in membership. An individual who has
17 obtained a general education development (G.E.D.) certificate
18 shall not be counted in membership. An individual participating
19 in a job training program funded under former section 107a or a
20 jobs program funded under former section 107b, both administered
21 by the Michigan jobs commission, or participating in any succes-
22 sor of either of those 2 programs, shall not be counted in
23 membership.

24 (n) If a pupil counted in membership in a public school
25 academy is also educated by a district or intermediate district
26 as part of a cooperative education program, the pupil shall be
27 counted in membership only in the public school academy, and the

1 instructional time scheduled for the pupil in the district or
2 intermediate district shall be included in the full-time equated
3 membership determination under subdivision (q). However, for
4 pupils receiving instruction in both a public school academy and
5 in a district or intermediate district but not as a part of a
6 cooperative education program, the following apply:

7 (i) If the public school academy provides instruction for at
8 least 1/2 of the class hours specified in subdivision (q), the
9 public school academy shall receive as its prorated share of the
10 full-time equated membership for each of those pupils an amount
11 equal to 1 times the product of the hours of instruction the
12 public school academy provides divided by the number of hours
13 specified in subdivision (q) for full-time equivalency, and the
14 remainder of the full-time membership for each of those pupils
15 shall be allocated to the district or intermediate district pro-
16 viding the remainder of the hours of instruction.

17 (ii) If the public school academy provides instruction for
18 less than 1/2 of the class hours specified in subdivision (q),
19 the district or intermediate district providing the remainder of
20 the hours of instruction shall receive as its prorated share of
21 the full-time equated membership for each of those pupils an
22 amount equal to 1 times the product of the hours of instruction
23 the district or intermediate district provides divided by the
24 number of hours specified in subdivision (q) for full-time equiv-
25 alency, and the remainder of the full-time membership for each of
26 those pupils shall be allocated to the public school academy.

1 (o) An individual less than 16 years of age as of September
2 1 of the current school year who is being educated in an
3 alternative education program shall not be counted in membership
4 if there are also adult education participants being educated in
5 the same program or classroom.

6 (p) The department shall give a uniform interpretation of
7 full-time and part-time memberships.

8 (q) The number of class hours used to calculate full-time
9 equated memberships shall be consistent with section 1284 of the
10 revised school code, MCL 380.1284. In determining full-time
11 equated memberships for pupils who are enrolled in a postsecond-
12 ary institution, a pupil shall not be considered to be less than
13 a full-time equated pupil solely because of the effect of his or
14 her postsecondary enrollment, including necessary travel time, on
15 the number of class hours provided by the district to the pupil.

16 (r) Full-time equated memberships for pupils in kindergarten
17 shall be determined by dividing the number of class hours sched-
18 uled and provided per year per kindergarten pupil by a number
19 equal to 1/2 the number used for determining full-time equated
20 memberships for pupils in grades 1 to 12.

21 (s) For a district that has qualified currently migrant
22 pupils enrolled in the district as of the pupil membership count
23 day who were not counted in membership in the district on the
24 supplemental count day for the immediately preceding school year,
25 as determined by the department using the criteria used for eli-
26 gibility for the migrant education program under the improving
27 America's schools act of 1994, Public Law 103-382, 108

1 Stat. 3518, the number of those pupils counted in the district's
2 membership is $\frac{3}{4}$ of the number of those pupils counted on the
3 pupil membership count day only.

4 (t) For a district, university school, or public school
5 academy that has pupils enrolled in a grade level that was not
6 offered by the district, university school, or public school
7 academy in the immediately preceding school year, the number of
8 pupils enrolled in that grade level to be counted in membership
9 is the average of the number of those pupils enrolled and in reg-
10 ular daily attendance on the pupil membership count day and the
11 supplemental count day of the current school year, as determined
12 by the department. Membership shall be calculated by adding the
13 number of pupils registered for attendance in that grade level on
14 the pupil membership count day plus pupils received by transfer
15 and minus pupils lost as defined by rules promulgated by the
16 state board, and as corrected by subsequent department audit,
17 plus the final audited count from the supplemental count day for
18 the current school year, and dividing that sum by 2.

19 (u) A pupil enrolled in a cooperative education program may
20 be counted in membership in the pupil's district of residence
21 with the written approval of all parties to the cooperative
22 agreement.

23 (v) If, as a result of a disciplinary action, a district
24 determines through the district's alternative education program
25 that the best instructional placement for a pupil is in the
26 pupil's home, if that placement is authorized in writing by the
27 district superintendent and district alternative education

1 supervisor, and if the district provides appropriate instruction
2 as described in this subdivision to the pupil at the pupil's
3 home, the district may count the pupil in membership on a pro
4 rata basis, with the proration based on the number of hours of
5 instruction the district actually provides to the pupil divided
6 by the number of hours specified in subdivision (q) for full-time
7 equivalency. For the purposes of this subdivision, a district
8 shall be considered to be providing appropriate instruction if
9 all of the following are met:

10 (i) The district provides at least 2 nonconsecutive hours of
11 instruction per week to the pupil at the pupil's home under the
12 supervision of a certificated teacher.

13 (ii) The district provides instructional materials,
14 resources, and supplies, except computers, that are comparable to
15 those otherwise provided in the district's alternative education
16 program.

17 (iii) Course content is comparable to that in the district's
18 alternative education program.

19 (iv) Credit earned is awarded to the pupil and placed on the
20 pupil's transcript.

21 (v) A pupil enrolled in an alternative education program
22 described in section 25 shall be counted in membership in the
23 district or public school academy that expelled the pupil.

24 (x) For 1997-98 only, if a pupil was enrolled in a public
25 school academy on the pupil membership count day, if the public
26 school academy's contract with its authorizing body is revoked,
27 and if the pupil enrolls in a district within 45 days after the

1 pupil membership count day, the department shall adjust the
2 district's pupil count for the pupil membership count day to
3 include the pupil in the count.

4 (5) "Public school academy" means a public school academy
5 operating under the revised school code.

6 (6) "Pupil" means a person in membership in a public
7 school. A district must have the approval of the pupil's dis-
8 trict of residence to count the pupil in membership, except
9 approval by the pupil's district of residence ~~shall~~ IS not ~~be~~
10 required for nonpublic part-time pupils enrolled in grades 1 to
11 12 in accordance with section 166b, for pupils receiving 1/2 or
12 less of their instruction in a district other than their district
13 of residence, for pupils enrolled in a public school academy or
14 university school, ~~for pupils enrolled in a district other than~~
15 ~~their district of residence under an intermediate district~~
16 ~~schools of choice pilot program as described in section 91a or~~
17 ~~former section 91 if the intermediate district and its constitu-~~
18 ~~ent districts have been exempted from section 105,~~ OR for pupils
19 enrolled in a district other than their district of residence but
20 within the same intermediate district. ~~if the educating district~~
21 ~~enrolls nonresident pupils in accordance with section 105, or for~~
22 ~~pupils enrolled in a district other than their district of resi-~~
23 ~~dence if the pupils have been continuously enrolled in the edu-~~
24 ~~cating district since a school year in which the pupils enrolled~~
25 ~~in the educating district under section 105 and in which the edu-~~
26 ~~cating district enrolled nonresident pupils in accordance with~~
27 ~~section 105.~~ However, if a district that is not a first class

1 district educates pupils who reside in a first class district and
2 if the primary instructional site for those pupils is located
3 within the boundaries of the first class district, the educating
4 district must have the approval of the first class district to
5 count those pupils in membership. UNLESS OTHERWISE PROVIDED BY
6 LAW, A DISTRICT IS NOT REQUIRED TO ALLOW A CHILD TO ENROLL IN THE
7 DISTRICT IF THE CHILD IS NOT A RESIDENT OF THE DISTRICT. As used
8 in this subsection, "first class district" means a district orga-
9 nized as a school district of the first class under the revised
10 school code.

11 (7) "Pupil membership count day" of a district or intermedi-
12 ate district means:

13 (a) Except as provided in subdivision (b), the fourth
14 Wednesday in September each school year.

15 (b) For a district or intermediate district maintaining
16 school during the entire school year, the following days:

17 (i) Fourth Wednesday in July.

18 (ii) Fourth Wednesday in September.

19 (iii) Second Wednesday in February.

20 (iv) Fourth Wednesday in April.

21 (8) "Rule" means a rule promulgated pursuant to the adminis-
22 trative procedures act of 1969, 1969 PA 306, MCL 24.201 to
23 24.328.

24 (9) "The revised school code" means 1976 PA 451, MCL 380.1
25 to 380.1852.

26 (10) "School fiscal year" means a fiscal year that commences
27 July 1 and continues through June 30.

1 (11) "State board" means the state board of education.

2 (12) "Supplemental count day" means the day on which the
3 supplemental pupil count is conducted under section 6a.

4 (13) "Tuition pupil" means a pupil of school age attending
5 school in a district other than the pupil's district of residence
6 for whom tuition may be charged. Tuition pupil does not include
7 a pupil who is a special education pupil ~~—~~ OR a pupil enrolled
8 in a district other than the pupil's district of residence but
9 within the same intermediate district. ~~if the educating district~~
10 ~~enrolls nonresident pupils in accordance with section 105; a~~
11 ~~pupil enrolled in a district other than the pupil's district of~~
12 ~~residence if the pupil has been continuously enrolled in the edu-~~
13 ~~cating district since a school year in which the pupil enrolled~~
14 ~~in the educating district under section 105 and in which the edu-~~
15 ~~cating district enrolled nonresident pupils in accordance with~~
16 ~~section 105; or a pupil served by an intermediate district~~
17 ~~schools of choice pilot program as described in section 91a or~~
18 ~~former section 91 if the intermediate district and its constitu-~~
19 ~~ent districts have been exempted from section 105.—~~ A pupil's
20 district of residence shall not require a high school tuition
21 pupil, as provided under section 111, to attend another school
22 district after the pupil has been assigned to a school district.

23 (14) "State school aid fund" means the state school aid fund
24 established in section 11 of article IX of the state constitution
25 of 1963.

1 (15) "Taxable value" means the taxable value of property as
2 determined under section 27a of the general property tax act,
3 1893 PA 206, MCL 211.27a.

4 (16) "Total state aid" or "total state school aid" means the
5 total combined amount of all funds due to a district, intermedi-
6 ate district, or other entity under all of the provisions of this
7 act.

8 (17) "University school" means an instructional program
9 operated by a public university under section 23 that meets the
10 requirements of section 23.

11 Enacting section 1. Sections 91a, 91b, 91c, 105, 105a, and
12 105b of the state school aid act of 1979, 1979 PA 94, MCL
13 388.1691a, 388.1691b, 388.1691c, 388.1705, 388.1705a, and
14 388.1705b, are repealed.