

SENATE BILL NO. 337

February 23, 1999, Introduced by Senators BULLARD, SIKKEMA, HAMMERSTROM, ROGERS, JAYE and MC COTTER 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 553; 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. EXCEPT AS
8 OTHERWISE PROVIDED IN THIS ACT, FOR 1999-2000 AND SUCCEEDING
9 FISCAL YEARS, MEMBERSHIP FOR A DISTRICT, PUBLIC SCHOOL ACADEMY,
10 UNIVERSITY SCHOOL, OR INTERMEDIATE DISTRICT SHALL BE CALCULATED
11 AS AN AVERAGE OF 3 PUPIL COUNTS DURING THE CURRENT SCHOOL YEAR,
12 AND MEANS THE QUOTIENT OF THE SUM OF THE NUMBER OF FULL-TIME
13 EQUATED PUPILS IN GRADES K TO 12 ACTUALLY ENROLLED AND IN REGULAR
14 DAILY ATTENDANCE ON EACH PUPIL MEMBERSHIP COUNT DAY IN THE CUR-
15 RENT SCHOOL YEAR, AS DETERMINED BY THE DEPARTMENT AND CALCULATED
16 EACH OF THOSE DAYS BY ADDING THE NUMBER OF PUPILS REGISTERED FOR
17 ATTENDANCE PLUS PUPILS RECEIVED BY TRANSFER AND MINUS PUPILS LOST
18 AS DEFINED BY RULES PROMULGATED BY THE STATE BOARD, AND AS COR-
19 RECTED BY A SUBSEQUENT DEPARTMENT AUDIT, DIVIDED BY 3. The amount
20 of the foundation allowance for a pupil in membership is deter-
21 mined under section 20. In making the calculation of membership,
22 all of the following, as applicable, apply to determining the
23 membership of a district, public school academy, university
24 school, or intermediate district:

25 (a) Except as otherwise provided in this subsection, a pupil
26 shall be counted in membership in the pupil's educating district

1 or districts. An individual pupil shall not be counted for more
2 than a total of 1.0 full-time equated membership.

3 (b) If a pupil is educated in a district other than the
4 pupil's district of residence and the educating district is not
5 in the same intermediate district as the pupil's district of res-
6 idence, if the pupil is not being educated as part of a coopera-
7 tive education program, if the pupil's district of residence does
8 not give the educating district its approval to count the pupil
9 in membership in the educating district, and if the pupil is not
10 covered by an exception specified in subsection (6) to the
11 requirement that the educating district must have the approval of
12 the pupil's district of residence to count the pupil in member-
13 ship, the pupil shall not be counted in membership in any
14 district.

15 (c) A special education pupil educated by the intermediate
16 district shall be counted in membership in the intermediate
17 district.

18 (d) A pupil placed by a court or state agency in an
19 on-grounds program of a juvenile detention facility, a child
20 caring institution, or a mental health institution, or a pupil
21 funded under section 53a, shall be counted in membership in the
22 district or intermediate district approved by the department to
23 operate the program.

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

1 (f) A pupil enrolled in a vocational education program
2 supported by a millage levied over an area larger than a single
3 district or in an area vocational-technical education program
4 established pursuant to section 690 of the revised school code,
5 MCL 380.690, shall be counted only in the pupil's district of
6 residence.

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

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

11 (i) For a new district, university school, or public school
12 academy beginning its operation after December 31, 1994, member-
13 ship for the first 2 full or partial fiscal years of operation
14 shall be determined as follows:

15 (i) If operations begin before the pupil membership count
16 day for the fiscal year, membership is the average number of
17 full-time equated pupils in grades K to 12 actually enrolled and
18 in regular daily attendance on the pupil membership count day for
19 the current school year and on the supplemental count day for the
20 current school year, as determined by the department and calcu-
21 lated by adding the number of pupils registered for attendance on
22 the pupil membership count day plus pupils received by transfer
23 and minus pupils lost as defined by rules promulgated by the
24 state board, and as corrected by a subsequent department audit,
25 plus the final audited count from the supplemental count day for
26 the current school year, and dividing that sum by 2.

1 (ii) If operations begin after the pupil membership count
2 day for the fiscal year and not later than the supplemental count
3 day for the fiscal year, membership is the final audited count of
4 the number of full-time equated pupils in grades K to 12 actually
5 enrolled and in regular daily attendance on the supplemental
6 count day for the current school year.

7 (j) If a district is the authorizing body for a public
8 school academy, then, in the first school year in which pupils
9 are counted in membership on the pupil membership count day in
10 the public school academy, the determination of the district's
11 membership shall exclude from the district's pupil count for the
12 immediately preceding supplemental count day any pupils who are
13 counted in the public school academy on that first pupil member-
14 ship count day who were also counted in the district on the imme-
15 diately preceding supplemental count day.

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

21 (l) Pupils to be counted in membership shall be not less
22 than 5 years of age on December 1 and less than 20 years of age
23 on September 1 of the school year except a special education
24 pupil who is enrolled and receiving instruction in a special edu-
25 cation program approved by the department and not having a high
26 school diploma who is less than 26 years of age as of September 1
27 of the current school year shall be counted in membership.

1 (m) An individual who has obtained a high school diploma
2 shall not be counted in membership. An individual who has
3 obtained a general education development (G.E.D.) certificate
4 shall not be counted in membership. An individual participating
5 in a job training program funded under former section 107a or a
6 jobs program funded under former section 107b, both administered
7 by the Michigan jobs commission, or participating in any succes-
8 sor of either of those 2 programs, shall not be counted in
9 membership.

10 (n) If a pupil counted in membership in a public school
11 academy is also educated by a district or intermediate district
12 as part of a cooperative education program, the pupil shall be
13 counted in membership only in the public school academy, and the
14 instructional time scheduled for the pupil in the district or
15 intermediate district shall be included in the full-time equated
16 membership determination under subdivision (q). However, for
17 pupils receiving instruction in both a public school academy and
18 in a district or intermediate district but not as a part of a
19 cooperative education program, the following apply:

20 (i) If the public school academy provides instruction for at
21 least 1/2 of the class hours specified in subdivision (q), the
22 public school academy shall receive as its prorated share of the
23 full-time equated membership for each of those pupils an amount
24 equal to 1 times the product of the hours of instruction the
25 public school academy provides divided by the number of hours
26 specified in subdivision (q) for full-time equivalency, and the
27 remainder of the full-time membership for each of those pupils

1 shall be allocated to the district or intermediate district
2 providing the remainder of the hours of instruction.

3 (ii) If the public school academy provides instruction for
4 less than 1/2 of the class hours specified in subdivision (q),
5 the district or intermediate district providing the remainder of
6 the hours of instruction shall receive as its prorated share of
7 the full-time equated membership for each of those pupils an
8 amount equal to 1 times the product of the hours of instruction
9 the district or intermediate district provides divided by the
10 number of hours specified in subdivision (q) for full-time equiv-
11 alency, and the remainder of the full-time membership for each of
12 those pupils shall be allocated to the public school academy.

13 (o) An individual less than 16 years of age as of September
14 1 of the current school year who is being educated in an alterna-
15 tive education program shall not be counted in membership if
16 there are also adult education participants being educated in the
17 same program or classroom.

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

20 (q) The number of class hours used to calculate full-time
21 equated memberships shall be consistent with section 1284 of the
22 revised school code, MCL 380.1284. In determining full-time
23 equated memberships for pupils who are enrolled in a postsecond-
24 ary institution, a pupil shall not be considered to be less than
25 a full-time equated pupil solely because of the effect of his or
26 her postsecondary enrollment, including necessary travel time, on
27 the number of class hours provided by the district to the pupil.

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

6 (s) For a district that has qualified currently migrant
7 pupils enrolled in the district as of the pupil membership count
8 day who were not counted in membership in the district on the
9 supplemental count day for the immediately preceding school year,
10 as determined by the department using the criteria used for eli-
11 gibility for the migrant education program under the improving
12 America's schools act of 1994, Public Law 103-382, 108
13 Stat. 3518, the number of those pupils counted in the district's
14 membership is $3/4$ of the number of those pupils counted on the
15 pupil membership count day only.

16 (t) For a district, university school, or public school
17 academy that has pupils enrolled in a grade level that was not
18 offered by the district, university school, or public school
19 academy in the immediately preceding school year, the number of
20 pupils enrolled in that grade level to be counted in membership
21 is the average of the number of those pupils enrolled and in reg-
22 ular daily attendance on the pupil membership count day and the
23 supplemental count day of the current school year, as determined
24 by the department. Membership shall be calculated by adding the
25 number of pupils registered for attendance in that grade level on
26 the pupil membership count day plus pupils received by transfer
27 and minus pupils lost as defined by rules promulgated by the

1 state board, and as corrected by subsequent department audit,
2 plus the final audited count from the supplemental count day for
3 the current school year, and dividing that sum by 2.

4 (u) A pupil enrolled in a cooperative education program may
5 be counted in membership in the pupil's district of residence
6 with the written approval of all parties to the cooperative
7 agreement.

8 (v) If, as a result of a disciplinary action, a district
9 determines through the district's alternative or disciplinary
10 education program that the best instructional placement for a
11 pupil is in the pupil's home, if that placement is authorized in
12 writing by the district superintendent and district alternative
13 or disciplinary education supervisor, and if the district pro-
14 vides appropriate instruction as described in this subdivision to
15 the pupil at the pupil's home, the district may count the pupil
16 in membership on a pro rata basis, with the proration based on
17 the number of hours of instruction the district actually provides
18 to the pupil divided by the number of hours specified in
19 subdivision (q) for full-time equivalency. For the purposes of
20 this subdivision, a district shall be considered to be providing
21 appropriate instruction if all of the following are met:

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

25 (ii) The district provides instructional materials,
26 resources, and supplies, except computers, that are comparable to

1 those otherwise provided in the district's alternative education
2 program.

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

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

7 (w) A pupil enrolled in an alternative or disciplinary edu-
8 cation program described in section 25 shall be counted in mem-
9 bership in the district or public school academy that expelled
10 the pupil.

11 (x) For 1997-98 only, if a pupil was enrolled in a public
12 school academy on the pupil membership count day, if the public
13 school academy's contract with its authorizing body is revoked,
14 and if the pupil enrolls in a district within 45 days after the
15 pupil membership count day, the department shall adjust the
16 district's pupil count for the pupil membership count day to
17 include the pupil in the count.

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

20 (6) "Pupil" means a person in membership in a public
21 school. A district must have the approval of the pupil's dis-
22 trict of residence to count the pupil in membership, except
23 approval by the pupil's district of residence shall not be
24 required for any of the following:

25 (a) Nonpublic part-time pupils enrolled in grades 1 to 12 in
26 accordance with section 166b.

1 (b) Pupils receiving 1/2 or less of their instruction in a
2 district other than their district of residence.

3 (c) Pupils enrolled in a public school academy or university
4 school.

5 (d) Pupils enrolled in a district other than their district
6 of residence under an intermediate district schools of choice
7 pilot program as described in section 91a or former section 91 if
8 the intermediate district and its constituent districts have been
9 exempted from section 105.

10 (e) Pupils enrolled in a district other than their district
11 of residence but within the same intermediate district if the
12 educating district enrolls nonresident pupils in accordance with
13 section 105.

14 (f) Pupils enrolled in a district other than their district
15 of residence if the pupils have been continuously enrolled in the
16 educating district since a school year in which the pupils
17 enrolled in the educating district under section 105 and in which
18 the educating district enrolled nonresident pupils in accordance
19 with section 105.

20 (g) A nonresident pupil who has made an official written
21 complaint or whose parent or legal guardian has made an official
22 written complaint to law enforcement officials and to school
23 officials of the pupil's district of residence that the pupil has
24 been the victim of a criminal sexual assault or other serious
25 assault, if the official complaint either indicates that the
26 assault occurred at school or that the assault was committed by 1
27 or more other pupils enrolled in the school the nonresident pupil

1 would otherwise attend in the district of residence or by an
2 employee of the district of residence. A person who intention-
3 ally makes a false report of a crime to law enforcement officials
4 for the purposes of this subdivision is subject to section 411a
5 of the Michigan penal code, 1931 PA 328, MCL 750.411a, which pro-
6 vides criminal penalties for that conduct. As used in this
7 subdivision:

8 (i) "At school" means in a classroom, elsewhere on school
9 premises, on a school bus or other school-related vehicle, or at
10 a school-sponsored activity or event whether or not it is held on
11 school premises.

12 (ii) "Serious assault" means an act that constitutes a
13 felony violation of chapter XI of the Michigan penal code, 1931
14 PA 328, MCL 750.81 to 750.90f, or that constitutes an assault and
15 infliction of serious or aggravated injury under section 81a of
16 the Michigan penal code, 1931 PA 328, MCL 750.81a.

17 However, if a district that is not a first class district
18 educates pupils who reside in a first class district and if the
19 primary instructional site for those pupils is located within the
20 boundaries of the first class district, the educating district
21 must have the approval of the first class district to count those
22 pupils in membership. As used in this subsection, "first class
23 district" means a district organized as a school district of the
24 first class under the revised school code.

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

1 (a) Except as provided in subdivision (b) OR (C), the fourth
2 Wednesday in September each school year.

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

5 (i) Fourth Wednesday in July.

6 (ii) Fourth Wednesday in September.

7 (iii) Second Wednesday in February.

8 (iv) Fourth Wednesday in April.

9 (C) BEGINNING IN SEPTEMBER 1999 FOR THE 1999-2000 AND EACH
10 SUCCEEDING FISCAL YEAR, EACH OF THE FOLLOWING DAYS:

11 (i) THE FOURTH WEDNESDAY IN SEPTEMBER.

12 (ii) THE FOURTH WEDNESDAY IN JANUARY.

13 (iii) THE FOURTH WEDNESDAY IN APRIL.

14 (8) "Rule" means a rule promulgated pursuant to the adminis-
15 trative procedures act of 1969, 1969 PA 306, MCL 24.201 to
16 24.328.

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

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

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

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

24 (13) "Tuition pupil" means a pupil of school age attending
25 school in a district other than the pupil's district of residence
26 for whom tuition may be charged. Tuition pupil does not include
27 a pupil who is a special education pupil or a pupil described in

1 subsection (6)(d) to (g). A pupil's district of residence shall
2 not require a high school tuition pupil, as provided under sec-
3 tion 111, to attend another school district after the pupil has
4 been assigned to a school district.

5 (14) "State school aid fund" means the state school aid fund
6 established in section 11 of article IX of the state constitution
7 of 1963.

8 (15) "Taxable value" means the taxable value of property as
9 determined under section 27a of the general property tax act,
10 1893 PA 206, MCL 211.27a.

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

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

18 Enacting section 1. Section 6a of the state school aid act
19 of 1979, 1979 PA 94, MCL 388.1606a, is repealed effective
20 October 1, 1999.