



# HOUSE BILL No. 5264

October 17, 1995, Introduced by Reps. Bush, Perricone, Crissman, Hill, Bodem, Hammerstrom, Geiger, McNutt, Randall, London, McBryde, Pitoniak and Galloway and referred to the Committee on Education.

A bill to amend section 6 of Act No. 94 of the Public Acts of 1979, entitled as amended

"The state school aid act of 1979,"

as amended by Act No. 130 of the Public Acts of 1995, being section 388.1606 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 6 of Act No. 94 of the Public Acts of  
2 1979, as amended by Act No. 130 of the Public Acts of 1995, being  
3 section 388.1606 of the Michigan Compiled Laws, is amended to  
4 read as follows:

5 Sec. 6. (1) "Center program" means a program operated by a  
6 district or intermediate district for special education pupils  
7 from several districts in programs for the autistically impaired,  
8 trainable mentally impaired, severely mentally impaired, severely  
9 multiply impaired, hearing impaired, physically and otherwise

1 health impaired, and visually impaired. Programs for emotionally  
2 impaired pupils housed in buildings that do not serve regular  
3 education pupils shall also qualify. Unless otherwise approved  
4 by the department, a center program either shall serve all con-  
5 stituent districts within an intermediate district or shall serve  
6 several districts with less than 50% of the pupils residing in  
7 the operating district.

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

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

22       (4) "Membership", except as otherwise provided in this act,  
23 means the average number of full-time equated pupils in grades K  
24 to 12 actually enrolled and in regular daily attendance in a dis-  
25 trict, public school academy, university school, or intermediate  
26 district on the pupil membership count day for the current school  
27 year and on the supplemental count day for the immediately

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

13 (a) Except as otherwise provided in this subsection, a pupil  
14 shall be counted in membership in the pupil's district of  
15 residence.

16 (b) ~~—A~~ SUBJECT TO SUBDIVISION (J), A pupil educated as part  
17 of a cooperative education program, or enrolled in a grade not  
18 offered by the pupil's district of residence, in a district other  
19 than the pupil's district of residence shall be counted in mem-  
20 bership in the pupil's district of residence, but the responsi-  
21 bility for reporting the pupil's attendance is as follows:

22 (i) If the pupil is educated in the district that is not the  
23 pupil's district of residence for 1/2 time or less, the pupil's  
24 district of residence shall report the pupil's attendance to the  
25 department as part of reporting the district's membership count.

26 (ii) If the pupil is educated in the district that is not  
27 the pupil's district of residence for more than 1/2 time, that

1 other district shall report the pupil's attendance to the  
2 department.

3 (c) ~~if~~ SUBJECT TO SUBDIVISION (J), IF a pupil is educated  
4 in a district other than the pupil's district of residence with  
5 the approval of the pupil's district of residence and not as part  
6 of a cooperative education program and not in a grade not offered  
7 by the pupil's district of residence, the pupil shall be counted  
8 in membership in the educating district.

9 (d) ~~if~~ SUBJECT TO SUBDIVISION (J), IF a pupil is educated  
10 in a district other than the pupil's district of residence and  
11 not as part of a cooperative education program, if the pupil's  
12 district of residence does not give the educating district its  
13 approval to count the pupil in membership in the educating dis-  
14 trict, and if the pupil is not covered by an exception specified  
15 in subsection (6) to the requirement that the educating district  
16 must have the approval of the pupil's district of residence to  
17 count the pupil in membership, the pupil shall not be counted in  
18 membership in any district.

19 (e) A special education pupil educated by the intermediate  
20 district shall be counted in membership in the intermediate  
21 district. A special education pupil who is educated in a center  
22 program operated by a district and who is not required to be  
23 counted in membership in an intermediate district shall be  
24 counted in membership in the educating district.

25 (f) A pupil placed by a court or state agency in an  
26 on-grounds program of a juvenile detention facility, a child  
27 caring institution, or a mental health institution, or a pupil

1 funded under section 53, shall be counted in membership in the  
2 district or intermediate district approved by the department to  
3 operate the program.

4 (g) A pupil under court jurisdiction who is placed outside  
5 the district of residence in which the pupil's parents or legal  
6 guardian resides shall be counted in membership in the educating  
7 district.

8 (h) A pupil enrolled in the Michigan school for the blind or  
9 the Michigan school for the deaf shall be counted in membership  
10 in the pupil's intermediate district of residence.

11 (i) A pupil enrolled in a university school shall be counted  
12 in membership in the university school.

13 (J) A PUPIL ENROLLED IN AN ALTERNATIVE EDUCATION PROGRAM FOR  
14 PUPILS EXPELLED UNDER SECTION 1311(2) OF THE SCHOOL CODE OF 1976,  
15 BEING SECTION 380.1311 OF THE MICHIGAN COMPILED LAWS, AS  
16 DESCRIBED IN SECTION 1311(3) OF THE SCHOOL CODE OF 1976, SHALL BE  
17 COUNTED IN MEMBERSHIP IN THE DISTRICT, PUBLIC SCHOOL ACADEMY,  
18 INTERMEDIATE DISTRICT, OR COOPERATIVE EDUCATION PROGRAM OPERATING  
19 THE PROGRAM.

20 (K) ~~(j)~~ If a pupil is enrolled in a district other than  
21 the pupil's district of residence under section 91a or under an  
22 intermediate district schools of choice pilot program under  
23 former section 91, the pupil shall be counted in membership in  
24 the educating district.

25 (L) ~~(k)~~ If a pupil is enrolled in a district other than  
26 the pupil's district of residence but within the same  
27 intermediate district and if at least 50% of the constituent

1 districts of the intermediate district continue to participate in  
2 an intermediate district schools of choice pilot program under  
3 former section 91, the pupil shall be counted in the educating  
4 district.

5 (M) ~~(t)~~ A pupil enrolled in a public school academy shall  
6 be counted in membership in the public school academy. However,  
7 the membership of a public school academy shall be determined as  
8 follows:

9 (i) For a public school academy, or its predecessor entity  
10 operating in 1994-95 under former section 23d if applicable, mem-  
11 bership is the average number of full-time equated pupils in  
12 grades K to 12 actually enrolled and in regular daily attendance  
13 on the pupil membership count day for the current school year and  
14 on the supplemental count day for the immediately preceding  
15 school year, as determined by the department and calculated by  
16 adding the number of pupils registered for attendance on the  
17 pupil membership count day plus pupils received by transfer and  
18 minus pupils lost as defined by rules promulgated by the state  
19 board, and as corrected by a subsequent department audit, plus  
20 the final audited count from the supplemental count day for the  
21 immediately preceding school year, and dividing that sum by 2.

22 (ii) For a public school academy beginning operations after  
23 March 30, 1995 and before the 1995-96 pupil membership count day  
24 that is not the successor to an alternative public school oper-  
25 ated in 1994-95 under FORMER section 23d, membership is the aver-  
26 age 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 and on the supplemental  
2 count day for the current school year, as determined by the  
3 department and calculated by adding the number of pupils regis-  
4 tered for attendance on the pupil membership count day plus  
5 pupils received by transfer and minus pupils lost as defined by  
6 rules promulgated by the state board, and as corrected by a sub-  
7 sequent department audit, plus the final audited count from the  
8 supplemental count day for the current school year, and dividing  
9 that sum by 2.

10 (iii) For a public school academy beginning operations in  
11 1995-96 after the pupil membership count day and not later than  
12 the supplemental count day, membership is the final audited count  
13 of the number of full-time equated pupils in grades K to 12 actu-  
14 ally enrolled and in regular daily attendance on the supplemental  
15 count day for the current school year.

16 (iv) For a public school academy that received funds under  
17 section 23 in 1994-95, membership is the average of the final  
18 audited count of the number of full-time equated pupils in grades  
19 K to 12 actually enrolled and in regular daily attendance on the  
20 pupil membership count day for the current school year and the  
21 number of full-time equated pupils used to calculate payments  
22 under section 23 in 1994-95.

23 (N) ~~(m)~~ If a district is the authorizing body for a public  
24 school academy, then, in the first school year in which pupils  
25 are counted in membership on the pupil membership count day in  
26 the public school academy, the determination of the district's  
27 membership shall exclude from the district's pupil count for the

1 immediately preceding supplemental count day any pupils who are  
2 counted in the public school academy on that first pupil member-  
3 ship count day who were also counted in the district on the imme-  
4 diately preceding supplemental count day.

5 (O) ~~(n)~~ In a district, public school academy, university  
6 school, or intermediate district operating an extended school  
7 year program approved by the state board, a pupil enrolled, but  
8 not scheduled to be in regular daily attendance on a pupil mem-  
9 bership count day, shall be counted.

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

17 (Q) ~~(p)~~ An individual who has obtained a high school  
18 diploma shall not be counted in membership. An individual who  
19 has obtained a general education development (G.E.D.) certifi-  
20 cate shall not be counted in membership. An individual partici-  
21 pating in a job training program funded under former section 107a  
22 or a jobs program funded under former section 107b, both adminis-  
23 tered by the Michigan jobs commission, or participating in any  
24 successor of either of those 2 programs, shall not be counted in  
25 membership.

26 (R) ~~(q)~~ A pupil counted in membership in a public school  
27 academy on the pupil membership count day or the supplemental

1 count day shall not be counted in a membership in a district or  
2 intermediate district on the same count day.

3 (S) ~~(r)~~ An individual less than 16 years of age as of  
4 September 1 of the current school year who is being educated in  
5 an alternative education program shall not be counted in member-  
6 ship if there are also adult education participants being edu-  
7 cated in the same program or classroom.

8 (T) ~~(s)~~ The department shall give a uniform interpretation  
9 of full-time and part-time memberships.

10 (U) ~~(t)~~ For the purposes of this subsection, full-time  
11 equated memberships for pupils in grades 1 to 12 shall be deter-  
12 mined by dividing the number of class hours scheduled and pro-  
13 vided per year per pupil by 900 for 1994-95, 990 for 1995-96 and  
14 1996-97, 1,035 for 1997-98 and 1998-99, and 1,080 for 1999-2000  
15 and succeeding fiscal years. In determining full-time equated  
16 memberships for pupils who are dually enrolled in a postsecondary  
17 institution under section 21b, a pupil shall not be considered to  
18 be less than a full-time equated pupil solely because of the  
19 effect of his or her dual enrollment on the number of class hours  
20 provided by the district to the pupil.

21 (V) ~~(u)~~ Beginning in 1995-96, full-time equated member-  
22 ships for pupils in kindergarten shall be determined by dividing  
23 the number of class hours scheduled and provided per year per  
24 kindergarten pupil by a number equal to 1/2 the number used for  
25 determining full-time equated memberships for pupils in grades 1  
26 to 12.

1       (W) ~~-(v)-~~ For a district that has qualified currently  
2 migrant pupils enrolled in the district as of the pupil  
3 membership count day who were not counted in membership in the  
4 district on the supplemental count day for the immediately pre-  
5 ceding school year, as determined by the department using the  
6 criteria used for eligibility for the migrant education program  
7 under the Hawkins-Stafford elementary and secondary school  
8 improvement amendments of 1988, Public Law 100-297, 102  
9 Stat. 130, the number of those pupils counted in the district's  
10 membership is 3/4 of the number of those pupils counted on the  
11 pupil membership count day only.

12       (5) "Public school academy" means a public school academy  
13 operating under part 6a or 6b of the school code of 1976, BEING  
14 SECTIONS 380.501 TO 380.507 AND 380.511 TO 380.518 OF THE  
15 MICHIGAN COMPILED LAWS.

16       (6) "Pupil" means a person in membership in a public  
17 school. A district must have the approval of the pupil's dis-  
18 trict of residence to count the pupil in membership, except  
19 approval by the pupil's district of residence shall not be  
20 required for nonpublic part-time pupils, for pupils receiving 1/2  
21 or less of their instruction in a district other than their dis-  
22 trict of residence, for pupils enrolled in a university school,  
23 for pupils enrolled in a district other than their district of  
24 residence under an intermediate district schools of choice pilot  
25 program as described in section 91a or former section 91, for  
26 pupils enrolled in a district other than their district of  
27 residence but within the same intermediate district if at least

1 50% of the constituent districts of the intermediate district  
2 continue to participate in an intermediate district schools of  
3 choice pilot program under former section 91, or for those pupils  
4 who were enrolled and in regular daily attendance and remain  
5 enrolled and in regular daily attendance in the district other  
6 than their district of residence before April 1, 1981.

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

9 (a) Except as provided in subdivision (b), the following  
10 days:

11 (i) For the 1995-96 school year, the first Friday in  
12 October.

13 (ii) Beginning with the 1996-97 school year, the fourth  
14 Friday 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 Friday in July.

18 (ii) Fourth Friday in October.

19 (iii) Fourth Friday in January.

20 (iv) Fourth Friday in April.

21 (8) "Rule" means a rule promulgated pursuant to the adminis-  
22 trative procedures act of 1969, Act No. 306 of the Public Acts of  
23 1969, being sections 24.201 to 24.328 of the Michigan Compiled  
24 Laws.

25 (9) "The school code of 1976" means Act No. 451 of the  
26 Public Acts of 1976, being sections 380.1 to 380.1852 of the  
27 Michigan Compiled Laws.

1       (10) "School fiscal year" means a fiscal year which  
2 commences July 1 and continues through June 30.

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

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

6       (13) "Tuition pupil" means a pupil of school age attending  
7 school in a district other than the pupil's district of residence  
8 for whom tuition may be charged. Tuition pupil does not include  
9 a pupil who is a special education pupil; a pupil enrolled in a  
10 district other than the pupil's district of residence but within  
11 the same intermediate district if at least 50% of the constituent  
12 districts of the intermediate district continue to participate in  
13 an intermediate district schools of choice pilot program under  
14 former section 91; or a pupil served by an intermediate district  
15 schools of choice pilot program as described in section 91a or  
16 former section 91. A pupil's district of residence shall not  
17 require a high school tuition pupil, as provided under section  
18 111, to attend another school district after the pupil has been  
19 assigned to a school district.

20       (14) "State school aid fund" means the state school aid fund  
21 established in section 11 of article IX of the state constitution  
22 of 1963.

23       (15) "Taxable value" means the taxable value of property as  
24 determined under section 27a of the general property tax act, Act  
25 No. 206 of the Public Acts of 1893, being section 211.27a of the  
26 Michigan Compiled Laws.

1       (16) "Total state aid" or "total state school aid" means the  
2 total combined amount of all funds due to a district,  
3 intermediate district, or other entity under all of the provi-  
4 sions of this act.

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