



SENATE BILL No. 1190

October 1, 1996, Introduced by Senator BULLARD and referred to the Committee on Appropriations.

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. 300 of the Public Acts of 1996, 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. 300 of the Public Acts of 1996, 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. In addition, special education center
8 program pupils placed part-time in noncenter programs to comply
9 with the least restrictive environment provisions of section 612
10 of part B of the individuals with disabilities education act,
11 title VI of Public Law 91-230, 20 U.S.C. 1412, may be considered
12 center program pupils for pupil accounting purposes for the time
13 scheduled in either a center program or a noncenter program.

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

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

1 (4) "Membership", except as otherwise provided in this act,
2 means for 1996-97 the average number of full-time equated pupils
3 in grades K to 12 actually enrolled and in regular daily
4 attendance in a district, public school academy, university
5 school, or intermediate district on the pupil membership count
6 day for the current school year and on the supplemental count day
7 for the immediately preceding school year, as determined by the
8 department and calculated by adding the number of pupils regis-
9 tered for attendance plus pupils received by transfer and minus
10 pupils lost as defined by rules promulgated by the state board,
11 and as corrected by a subsequent department audit, plus the final
12 audited count from the supplemental count day for the immediately
13 preceding school year, and dividing that sum by 2. The amount of
14 the foundation allowance to be paid on behalf of a pupil in mem-
15 bership is determined under section 20. In making the calcula-
16 tion of membership, all of the following, as applicable, apply to
17 determining the membership of a district, public school academy,
18 university school, or intermediate district:

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

23 (b) If a pupil is educated in a district other than the
24 pupil's district of residence and the educating district is not
25 in the same intermediate district as the pupil's district of res-
26 idence, if the pupil is not being educated as part of a
27 cooperative education program, if the pupil's district of

1 residence does not give the educating district its approval to
2 count the pupil in membership in the educating district, and if
3 the pupil is not covered by an exception specified in
4 subsection (6) to the requirement that the educating district
5 must have the approval of the pupil's district of residence to
6 count the pupil in membership, the pupil shall not be counted in
7 membership in any district.

8 (c) A special education pupil educated by the intermediate
9 district shall be counted in membership in the intermediate
10 district. A special education pupil who is educated in a center
11 program operated by a district and who is not required to be
12 counted in membership in an intermediate district shall be
13 counted in membership in the educating district.

14 (d) A pupil placed by a court or state agency in an
15 on-grounds program of a juvenile detention facility, a child
16 caring institution, or a mental health institution, or a pupil
17 funded under section ~~53~~ or 53a, shall be counted in membership
18 in the district or intermediate district approved by the depart-
19 ment to operate the program.

20 (e) A pupil enrolled in the Michigan school for the deaf and
21 blind shall be counted in membership in the pupil's intermediate
22 district of residence.

23 (f) A pupil enrolled in a vocational education program sup-
24 ported by a millage levied over an area larger than a single dis-
25 trict or in an area vocational-technical education program estab-
26 lished pursuant to section 690 of the revised school code, being

1 section 380.690 of the Michigan Compiled Laws, shall be counted
2 only in the pupil's district of residence.

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

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

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

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

23 (ii) If operations begin after the pupil membership count
24 day for the fiscal year and not later than the supplemental count
25 day for the fiscal year, membership is the final audited count of
26 the number of full-time equated pupils in grades K to 12 actually

1 enrolled and in regular daily attendance on the supplemental
2 count day for the current school year.

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

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

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

24 (m) An individual who has obtained a high school diploma
25 shall not be counted in membership. An individual who has
26 obtained a general education development (G.E.D.) certificate
27 shall not be counted in membership. An individual participating

1 in a job training program funded under former section 107a or a
2 jobs program funded under former section 107b, both administered
3 by the Michigan jobs commission, or participating in any succes-
4 sor of either of those 2 programs, shall not be counted in
5 membership.

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

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

26 (ii) If the public school academy provides instruction for
27 less than 1/2 of the class hours specified in subdivision (q),

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

9 (o) An individual less than 16 years of age as of September
10 1 of the current school year who is being educated in an alterna-
11 tive education program shall not be counted in membership if
12 there are also adult education participants being educated in the
13 same program or classroom.

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

16 (q) For the purposes of this subsection, full-time equated
17 memberships for pupils in grades 1 to 12 shall be determined by
18 dividing the number of class hours scheduled and provided per
19 year per pupil by 900 for 1994-95, and by 990 for 1995-96 and
20 1996-97. For succeeding fiscal years, the number of class hours
21 used to calculate full-time equated memberships shall be consis-
22 tent with section 1284 of the revised school code, being section
23 380.1284 of the Michigan Compiled Laws. In determining full-time
24 equated memberships for pupils who are enrolled in a postsecond-
25 ary institution under the postsecondary enrollment options act,
26 Act No. 160 of the Public Acts of 1996, being sections 388.511 to
27 388.524 of the Michigan Compiled Laws, a pupil shall not be

1 considered to be less than a full-time equated pupil solely
2 because of the effect of his or her postsecondary enrollment,
3 including necessary travel time, on the number of class hours
4 provided by the district to the pupil.

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

10 (s) For a district that has qualified currently migrant
11 pupils enrolled in the district as of the pupil membership count
12 day who were not counted in membership in the district on the
13 supplemental count day for the immediately preceding school year,
14 as determined by the department using the criteria used for eli-
15 gibility for the migrant education program under the
16 Hawkins-Stafford elementary and secondary school improvement
17 amendments of 1988, Public Law 100-297, 102 Stat. 130, the number
18 of those pupils counted in the district's membership is $3/4$ of
19 the number of those pupils counted on the pupil membership count
20 day only.

21 (t) For a district, university school, or public school
22 academy that has pupils enrolled in a grade level that was not
23 offered by the district, university school, or public school
24 academy in the immediately preceding school year, the number of
25 pupils enrolled in that grade level to be counted in membership
26 is the average of the number of those pupils enrolled and in
27 regular daily attendance on the pupil membership count day and

1 the supplemental count day of the current school year, as
2 determined by the department. Membership shall be calculated by
3 adding the number of pupils registered for attendance in that
4 grade level on the pupil membership count day plus pupils
5 received by transfer and minus pupils lost as defined by rules
6 promulgated by the state board, and as corrected by subsequent
7 department audit, plus the final audited count from the supple-
8 mental count day for the current school year, and dividing that
9 sum by 2.

10 (U) ~~(v)~~ For purposes of calculating membership for 1996-97
11 only, the department shall use for the February 1996 supplemental
12 count the definition of membership under this subsection that is
13 in effect on the 1996-97 pupil membership count day.

14 (V) ~~(x)~~ If a district is located wholly on an island and
15 the district's membership for 1995-96 was at least 80 but less
16 than 100 full-time equated pupils, the district's membership for
17 1996-97 shall be considered to be 90 full-time equated pupils or
18 the district's actual 1996-97 membership, whichever is greater.

19 (W) ~~(y)~~ For 1996-97 only, if a district has individuals at
20 least age 16 as of December 1 and less than age 20 as of
21 September 1 of the school year who are enrolled in the district
22 in a department-approved alternative education program and who
23 were enrolled in an alternative education program operated
24 through adult education in 1995-96 and therefore not counted in
25 membership in a district on the 1996 supplemental count day, the
26 number of those individuals counted in the district's membership

1 is the number of those individuals counted as pupils on the
2 district's 1996 pupil membership count day only.

3 (X) ~~(z)~~ A pupil enrolled in a cooperative education pro-
4 gram may be counted in membership in the pupil's district of res-
5 idence with the written approval of all parties to the coopera-
6 tive agreement.

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

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

24 (ii) The district provides instructional materials,
25 resources, and supplies, except computers, that are comparable to
26 those otherwise provided in the district's alternative education
27 program.

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

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

5 (2) ~~(bb)~~ A pupil enrolled in an alternative education pro-
6 gram described in section 25 shall be counted in membership in
7 the district or public school academy that expelled the pupil.

8 (5) "Public school academy" means a public school academy
9 operating under part 6a or 6b of the revised school code, being
10 sections 380.501 to 380.507 and 380.511 to 380.518 of the
11 Michigan Compiled Laws.

12 (6) "Pupil" means a person in membership in a public
13 school. A district must have the approval of the pupil's dis-
14 trict of residence to count the pupil in membership, except
15 approval by the pupil's district of residence shall not be
16 required for nonpublic part-time pupils; ~~✓~~ for pupils receiving
17 1/2 or less of their instruction in a district other than their
18 district of residence; ~~✓~~ for pupils enrolled in a public school
19 academy or university school; ~~✓~~ for pupils enrolled in a dis-
20 trict other than their district of residence under an intermedi-
21 ate district schools of choice pilot program as described in
22 section 91a or former section 91 if the intermediate district and
23 its constituent districts have been exempted from section 105;
24 ~~✓~~ or, IF THE EDUCATING DISTRICT ENROLLS NONRESIDENT PUPILS IN
25 ACCORDANCE WITH SECTION 105, for pupils enrolled in a district
26 other than their district of residence but within the same
27 intermediate district ~~if the educating district enrolls~~

1 ~~nonresident pupils in accordance with section 105~~ OR ENROLLED IN
2 THE EDUCATING DISTRICT UNDER SECTION 105(11).

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

5 (a) Except as provided in subdivision (b), the fourth Friday
6 in September each school year.

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

9 (i) Fourth Friday in July.

10 (ii) Fourth Friday in September.

11 (iii) Second Friday in February.

12 (iv) Fourth Friday in April.

13 (8) "Rule" means a rule promulgated pursuant to the adminis-
14 trative procedures act of 1969, Act No. 306 of the Public Acts of
15 1969, being sections 24.201 to 24.328 of the Michigan Compiled
16 Laws.

17 (9) "The revised school code" means Act No. 451 of the
18 Public Acts of 1976, being sections 380.1 to 380.1852 of the
19 Michigan Compiled Laws.

20 (10) "School fiscal year" means a fiscal year which com-
21 mences July 1 and continues through June 30.

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

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

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

1 a pupil who is a special education pupil; IF THE EDUCATING
2 DISTRICT ENROLLS NONRESIDENT PUPILS IN ACCORDANCE WITH SECTION
3 105, a pupil enrolled in a district other than the pupil's dis-
4 trict of residence but within the same intermediate district ~~if~~
5 ~~the educating district enrolls nonresident pupils in accordance~~
6 ~~with section 105~~ OR ENROLLED IN THE EDUCATING DISTRICT UNDER
7 SECTION 105(11); or a pupil served by an intermediate district
8 schools of choice pilot program as described in section 91a or
9 former section 91 if the intermediate district and its constitu-
10 ent districts have been exempted from section 105. A pupil's
11 district of residence shall not require a high school tuition
12 pupil, as provided under section 111, to attend another school
13 district after the pupil has been assigned to a school district.

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

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

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

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