

HOUSE BILL No. 6147

September 22, 1998, Introduced by Rep. Law 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 1997 PA 142.

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
11 districts with less than 50% of the pupils residing in the

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

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 for a district, public school academy, university school,
24 or intermediate district the sum of the product of .6 times the
25 number of full-time equated pupils in grades K to 12 actually
26 enrolled and in regular daily attendance on the pupil membership
27 count day for the current school year, plus the product of .4

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (l) Pupils to be counted in membership shall be not less
7 than 5 years of age on December 1 and less than 20 years of age
8 on September 1 of the school year except a special education
9 pupil who is enrolled and receiving instruction in a special edu-
10 cation program approved by the department and not having a high
11 school diploma who is less than 26 years of age as of September 1
12 of the current school year shall be counted in membership.
13 BEGINNING JULY 1, 2004, A SPECIAL EDUCATION PUPIL SHALL NOT BE
14 COUNTED IN MEMBERSHIP UNLESS HE OR SHE IS LESS THAN 21 YEARS OF
15 AGE AS OF SEPTEMBER 1 OF THE CURRENT SCHOOL YEAR.

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

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

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

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

18 (ii) If the public school academy provides instruction for
19 less than 1/2 of the class hours specified in subdivision (q),
20 the district or intermediate district providing the remainder of
21 the hours of instruction shall receive as its prorated share of
22 the full-time equated membership for each of those pupils an
23 amount equal to 1 times the product of the hours of instruction
24 the district or intermediate district provides divided by the
25 number of hours specified in subdivision (q) for full-time equiv-
26 alency, and the remainder of the full-time membership for each of
27 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 alterna-
3 tive education program shall not be counted in membership if
4 there are also adult education participants being educated in the
5 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 under the postsecondary enrollment options act,
13 1996 PA 160, MCL 388.511 to 388.524, a pupil shall not be consid-
14 ered to be less than a full-time equated pupil solely because of
15 the effect of his or her postsecondary enrollment, including nec-
16 essary travel time, on the number of class hours provided by the
17 district to the pupil.

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

23 (s) For a district that has qualified currently migrant
24 pupils enrolled in the district as of the pupil membership count
25 day who were not counted in membership in the district on the
26 supplemental count day for the immediately preceding school year,
27 as determined by the department using the criteria used for

1 eligibility for the migrant education program under the improving
2 America's schools act of 1994, Public Law 103-382, 108
3 Stat. 3518, the number of those pupils counted in the district's
4 membership is 3/4 of the number of those pupils counted on the
5 pupil membership count day only.

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

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

25 (v) If, as a result of a disciplinary action, a district
26 determines through the district's alternative education program
27 that the best instructional placement for a pupil is in the

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

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

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

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

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

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

26 (x) For 1997-98 only, if a pupil was enrolled in a public
27 school academy on the pupil membership count day, if the public

1 school academy's contract with its authorizing body is revoked,
2 and if the pupil enrolls in a district within 45 days after the
3 pupil membership count day, the department shall adjust the
4 district's pupil count for the pupil membership count day to
5 include the pupil in the count.

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

8 (6) "Pupil" means a person in membership in a public
9 school. A district must have the approval of the pupil's dis-
10 trict of residence to count the pupil in membership, except
11 approval by the pupil's district of residence shall not be
12 required for nonpublic part-time pupils, for pupils receiving 1/2
13 or less of their instruction in a district other than their dis-
14 trict of residence, for pupils enrolled in a public school acad-
15 emy or university school, for pupils enrolled in a district other
16 than their district of residence under 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, for pupils
20 enrolled in a district other than their district of residence but
21 within the same intermediate district if the educating district
22 enrolls nonresident pupils in accordance with section 105, or for
23 pupils enrolled in a district other than their district of resi-
24 dence if the pupils have been continuously enrolled in the edu-
25 cating district since a school year in which the pupils enrolled
26 in the educating district under section 105 and in which the
27 educating district enrolled nonresident pupils in accordance with

1 section 105. However, if a district that is not a first class
2 district educates pupils who reside in a first class district and
3 if the primary instructional site for those pupils is located
4 within the boundaries of the first class district, the educating
5 district must have the approval of the first class district to
6 count those pupils in membership. As used in this subsection,
7 "first class district" means a district organized as a school
8 district of the first class under the revised school code.

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

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

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

15 (i) Fourth Wednesday in July.

16 (ii) Fourth Wednesday in September.

17 (iii) Second Wednesday in February.

18 (iv) Fourth Wednesday in April.

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

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

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

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

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

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

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

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

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

8 Enacting section 1. This amendatory act does not take
9 effect unless Senate Bill No. _____ or House Bill No. _____
10 (request no. 06622'98) of the 89th Legislature is enacted into
11 law.