

# HOUSE BILL No. 4217

February 9, 1999, Introduced by Reps. Hart, Gosselin, Stamas, Kukuk, Voorhees, Hager, Patterson, Garcia, Shulman, Jansen, Tabor, Pappageorge, Koetje and Allen 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.

## **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 THE 1998-1999 AND 1999-2000 for a district, public  
24 school academy, university school, or intermediate district the  
25 sum of the product of .6 times the number of full-time equated  
26 pupils in grades K to 12 actually enrolled and in regular daily  
27 attendance on the pupil membership count day for the current

1 school year, plus the product of .4 times the final audited count  
2 from the supplemental count day for the immediately preceding  
3 school year. — FOR 2000-2001 AND EACH SUCCEEDING FISCAL YEAR,  
4 MEMBERSHIP MEANS FOR A DISTRICT, PUBLIC SCHOOL ACADEMY, UNIVER-  
5 SITY SCHOOL, OR INTERMEDIATE DISTRICT THE NUMBER OF FULL-TIME  
6 EQUATED PUPILS IN REGULAR DAILY ATTENDANCE ON THE PUPIL MEMBER-  
7 SHIP COUNT DAY FOR THE CURRENT SCHOOL YEAR. ALL PUPIL COUNTS  
8 USED IN THIS SUBSECTION ARE as determined by the department and  
9 calculated by adding the number of pupils registered for  
10 attendance plus pupils received by transfer and minus pupils lost  
11 as defined by rules promulgated by the state board, and as cor-  
12 rected by a subsequent department audit. The amount of the foun-  
13 dation allowance for a pupil in membership is determined under  
14 section 20. In making the calculation of membership, all of the  
15 following, as applicable, apply to determining the membership of  
16 a district, public school academy, university school, or interme-  
17 diate district:

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

22 (b) If a pupil is educated in a district other than the  
23 pupil's district of residence and the educating district is not  
24 in the same intermediate district as the pupil's district of res-  
25 idence, if the pupil is not being educated as part of a coopera-  
26 tive education program, if the pupil's district of residence does  
27 not give the educating district its approval to count the pupil

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

7 (c) A special education pupil educated by the intermediate  
8 district shall be counted in membership in the intermediate  
9 district.

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

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

19 (f) A pupil enrolled in a vocational education program sup-  
20 ported by a millage levied over an area larger than a single dis-  
21 trict or in an area vocational-technical education program estab-  
22 lished pursuant to section 690 of the revised school code, MCL  
23 380.690, shall be counted only in the pupil's district of  
24 residence.

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

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

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

7 (i) If operations begin before the pupil membership count  
8 day for the fiscal year, membership is the average number of  
9 full-time equated pupils in grades K to 12 actually enrolled and  
10 in regular daily attendance on the pupil membership count day for  
11 the current school year and on the supplemental count day for the  
12 current school year, as determined by the department and calcu-  
13 lated by adding the number of pupils registered for attendance 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 a 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 (ii) If operations begin after the pupil membership count  
20 day for the fiscal year and not later than the supplemental count  
21 day for the fiscal year, membership is the final audited count of  
22 the number of full-time equated pupils in grades K to 12 actually  
23 enrolled and in regular daily attendance on the supplemental  
24 count day for the current school year.

25 (j) If a district is the authorizing body for a public  
26 school academy, then, in the first school year in which pupils  
27 are counted in membership on the pupil membership count day in

1 the public school academy, the determination of the district's  
2 membership shall exclude from the district's pupil count for the  
3 immediately preceding supplemental count day any pupils who are  
4 counted in the public school academy on that first pupil member-  
5 ship count day who were also counted in the district on the imme-  
6 diately preceding supplemental count day.

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

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

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

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

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

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

1 number of hours specified in subdivision (q) for full-time  
2 equivalency, and the remainder of the full-time membership for  
3 each of those pupils shall be allocated to the public school  
4 academy.

5 (o) An individual less than 16 years of age as of September  
6 1 of the current school year who is being educated in an alterna-  
7 tive education program shall not be counted in membership if  
8 there are also adult education participants being educated in the  
9 same program or classroom.

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

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

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

25 (s) For a district that has qualified currently migrant  
26 pupils enrolled in the district as of the pupil membership count  
27 day who were not counted in membership in the district on the



1 supplemental count day for the immediately preceding school year,  
2 as determined by the department using the criteria used for eli-  
3 gibility for the migrant education program under the improving  
4 America's schools act of 1994, Public Law 103-382, 108  
5 Stat. 3518, the number of those pupils counted in the district's  
6 membership is 3/4 of the number of those pupils counted on the  
7 pupil membership count day only.

8       (t) For a district, university school, or public school  
9 academy that has pupils enrolled in a grade level that was not  
10 offered by the district, university school, or public school  
11 academy in the immediately preceding school year, the number of  
12 pupils enrolled in that grade level to be counted in membership  
13 is the average of the number of those pupils enrolled and in reg-  
14 ular daily attendance on the pupil membership count day and the  
15 supplemental count day of the current school year, as determined  
16 by the department. Membership shall be calculated by adding the  
17 number of pupils registered for attendance in that grade level 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 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       (u) A pupil enrolled in a cooperative education program may  
24 be counted in membership in the pupil's district of residence  
25 with the written approval of all parties to the cooperative  
26 agreement.

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

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

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

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

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

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

4 (x) For 1997-98 only, if a pupil was enrolled in a public  
5 school academy on the pupil membership count day, if the public  
6 school academy's contract with its authorizing body is revoked,  
7 and if the pupil enrolls in a district within 45 days after the  
8 pupil membership count day, the department shall adjust the  
9 district's pupil count for the pupil membership count day to  
10 include the pupil in the count.

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

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

1 enrolls nonresident pupils in accordance with section 105, or for  
2 pupils enrolled in a district other than their district of resi-  
3 dence if the pupils have been continuously enrolled in the edu-  
4 cating district since a school year in which the pupils enrolled  
5 in the educating district under section 105 and in which the edu-  
6 cating district enrolled nonresident pupils in accordance with  
7 section 105. However, if a district that is not a first class  
8 district educates pupils who reside in a first class district and  
9 if the primary instructional site for those pupils is located  
10 within the boundaries of the first class district, the educating  
11 district must have the approval of the first class district to  
12 count those pupils in membership. As used in this subsection,  
13 "first class district" means a district organized as a school  
14 district of the first class under the revised school code.

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

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

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

21 (i) Fourth Wednesday in July.

22 (ii) Fourth Wednesday in September.

23 (iii) Second Wednesday in February.

24 (iv) Fourth Wednesday in April.

25 (8) "Rule" means a rule promulgated pursuant to the adminis-  
26 trative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
27 24.328.

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

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

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

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

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

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

4       (15) "Taxable value" means the taxable value of property as  
5 determined under section 27a of the general property tax act,  
6 1893 PA 206, MCL 211.27a.

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

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