

HOUSE BILL No. 4504

April 9, 2013, Introduced by Reps. Lyons and Haines and referred to the Committee on Appropriations.

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
(MCL 388.1601 to 388.1896) by adding section 27.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 27. (1) SUBJECT TO SUBSECTION (2), IF A PUPIL COUNTED IN
2 MEMBERSHIP IN A DISTRICT OR INTERMEDIATE DISTRICT IS ADMITTED TO A
3 RESIDENTIAL MENTAL HEALTH FACILITY THAT PROVIDES AN APPROPRIATE
4 EDUCATIONAL PROGRAM, AND IF THE MENTAL HEALTH FACILITY REPORTS THE
5 ADMISSION INFORMATION AND NUMBER OF DAYS THAT THE PUPIL WAS
6 EDUCATED AT THE RESIDENTIAL MENTAL HEALTH PROGRAM TO THE DEPARTMENT
7 AND TO THE DISTRICT OR INTERMEDIATE DISTRICT IN WHICH THE PUPIL IS
8 COUNTED IN MEMBERSHIP, THEN THE DISTRICT OR INTERMEDIATE DISTRICT
9 IN WHICH THE PUPIL IS COUNTED IN MEMBERSHIP SHALL PAY TO THE

1 RESIDENTIAL MENTAL HEALTH FACILITY AN AMOUNT EQUAL TO THE AMOUNT OF
2 THE FOUNDATION ALLOWANCE OR PER-PUPIL PAYMENT AS CALCULATED UNDER
3 SECTION 20 FOR THE DISTRICT OR INTERMEDIATE DISTRICT IN WHICH THE
4 PUPIL IS COUNTED IN MEMBERSHIP, PRORATED ACCORDING TO THE NUMBER OF
5 DAYS OF THE SCHOOL YEAR ENDING IN THE FISCAL YEAR THE PUPIL IS
6 EDUCATED AT THE RESIDENTIAL MENTAL HEALTH PROGRAM COMPARED TO THE
7 NUMBER OF DAYS OF THE SCHOOL YEAR ENDING IN THE FISCAL YEAR THE
8 PUPIL WAS ACTUALLY ENROLLED IN THE DISTRICT OR INTERMEDIATE
9 DISTRICT IN WHICH THE PUPIL IS COUNTED IN MEMBERSHIP. THE
10 FOUNDATION ALLOWANCE OR PER-PUPIL PAYMENT SHALL BE ADJUSTED BY THE
11 PUPIL'S FULL-TIME EQUATED STATUS AS AFFECTED BY THE MEMBERSHIP
12 DEFINITION UNDER SECTION 6(4).

13 (2) THIS SECTION APPLIES ONLY IF ALL OF THE FOLLOWING ARE MET:

14 (A) THE PUPIL IS ADMITTED TO THE RESIDENTIAL MENTAL HEALTH
15 FACILITY UNDER A LICENSED PHYSICIAN'S WRITTEN ORDER AND THAT ORDER
16 IS BASED ON MEDICAL NECESSITY.

17 (B) THE RESIDENTIAL MENTAL HEALTH FACILITY PROVIDES AN
18 APPROPRIATE EDUCATIONAL PROGRAM THAT MEETS THE REQUIREMENTS
19 PRESCRIBED UNDER RULES PROMULGATED UNDER SUBSECTION (4).

20 (C) THE RESIDENTIAL MENTAL HEALTH FACILITY REPORTS THE
21 ADMISSION INFORMATION AND NUMBER OF DAYS THAT THE PUPIL WAS
22 EDUCATED AT THE RESIDENTIAL MENTAL HEALTH PROGRAM TO THE DEPARTMENT
23 AND TO THE DISTRICT OR INTERMEDIATE DISTRICT IN WHICH THE PUPIL IS
24 COUNTED IN MEMBERSHIP, IN THE MANNER PRESCRIBED UNDER RULES
25 PROMULGATED UNDER SUBSECTION (4).

26 (3) IF A DISTRICT OR INTERMEDIATE DISTRICT DOES NOT MAKE THE
27 PAYMENT REQUIRED UNDER THIS SECTION WITHIN 60 DAYS AFTER RECEIPT OF

1 THE REPORT OF ADMISSION AND EDUCATION INFORMATION UNDER SUBSECTION
2 (2), THE DEPARTMENT SHALL CALCULATE THE AMOUNT OWED, AND SHALL
3 WITHHOLD AN AMOUNT EQUAL TO 2 TIMES THAT AMOUNT FROM THE REMAINING
4 STATE SCHOOL AID PAYMENTS TO THE DISTRICT OR INTERMEDIATE DISTRICT
5 FOR THAT FISCAL YEAR UNDER THIS ACT UNTIL THE PAYMENT IS MADE.

6 (4) THE SUPERINTENDENT SHALL PROMULGATE RULES FOR THE
7 IMPLEMENTATION OF THIS SECTION, INCLUDING, BUT NOT LIMITED TO,
8 RULES PRESCRIBING REQUIREMENTS AND PROCEDURES FOR DETERMINING IF A
9 RESIDENTIAL MENTAL HEALTH FACILITY IS PROVIDING AN APPROPRIATE
10 EDUCATIONAL PROGRAM AND RULES AS NECESSARY PRESCRIBING PROCEDURES
11 FOR REPORTING ADMISSION INFORMATION AND ALLOCATING FUNDING AS
12 PROVIDED IN THIS SECTION.

13 (5) THE PAYMENTS MADE TO A RESIDENTIAL MENTAL HEALTH FACILITY
14 UNDER THIS SECTION ARE IN ADDITION TO FUNDS ALLOCATED TO THE
15 FACILITY UNDER FEDERAL LAW.

16 (6) AS USED IN THIS SECTION, "LICENSED PHYSICIAN" MEANS A
17 PHYSICIAN LICENSED UNDER PART 170 OF THE PUBLIC HEALTH CODE, 1978
18 PA 368, MCL 333.17001 TO 333.17084, OR AN OSTEOPATHIC PHYSICIAN
19 LICENSED UNDER PART 175 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
20 333.17501 TO 333.17556.