

HOUSE BILL No. 5928

June 27, 1990, Introduced by Rep. Keith 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. 235 of the Public Acts of 1989, being section 388.1606 of the Michigan Compiled Laws; and to add sections 19e, 34b, and 34c.

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. 235 of the Public Acts of 1989, being
3 section 388.1606 of the Michigan Compiled Laws, is amended and
4 sections 19e, 34b, and 34c are added to 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

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

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

15 (3) "District membership retention report" means a report of
16 the membership of the district for the immediately preceding
17 school year, adjusted for those pupils who have transferred into
18 the district, transferred out of the district, transferred to
19 alternative programs, and have graduated, to determine the number
20 of pupils who are unaccounted for. The number of pupils unac-
21 counted for shall be calculated as determined by the department.
22 For purposes of this report, membership does not include migrant
23 or adult pupils.

24 (4) "Membership", except as otherwise provided in sections
25 56 and 62, means the number of full-time equivalent pupils in
26 grades K to 12 actually enrolled and in regular daily attendance
27 on the pupil membership count day as determined by the number of

1 pupils registered for attendance plus pupils received by transfer
2 and minus pupils lost as defined by rules promulgated by the
3 state board. In a district operating an extended school year
4 program approved by the state board, a pupil enrolled, but not
5 scheduled to be in regular daily attendance on the pupil member-
6 ship count day, shall be counted. The department shall give a
7 uniform interpretation of full-time and part-time memberships.
8 The state board may provide a district with an adjustment of the
9 district's membership count upon the showing of a substantial
10 increase in membership due to the closing of a nonpublic school
11 after the pupil membership count day. In a district offering
12 classes that are scheduled for a full year in which different
13 pupils participate in different sessions, full-time equated mem-
14 berships shall be determined by dividing the number of class
15 hours scheduled and provided per year per pupil by 900 for ele-
16 mentary and secondary pupils and by 480 for adult pupils.

17 (5) "Pupil" means a person in membership in a public
18 school. A district must have the approval of the pupil's dis-
19 trict of residence to count the pupil in membership, except
20 approval by the pupil's district of residence shall not be
21 required for adult or nonpublic part-time pupils, for pupils
22 receiving 1/2 or less of their instruction in a district other
23 than their district of residence, or for those pupils who were
24 enrolled and in regular daily attendance and remain enrolled and
25 in regular daily attendance in the district other than their dis-
26 trict of residence before April 1, 1981.

1 (6) "Pupil membership count day" of a district means:

2 (a) FOR A DISTRICT MAINTAINING SCHOOL FOR A PERIOD OF LESS
3 THAN THE ENTIRE SCHOOL YEAR, THE FOLLOWING DAYS:

4 (i) The fourth Friday following Labor day each school year.

5 (ii) THE FOURTH FRIDAY IN JANUARY, BUT SOLELY TO CONDUCT AN
6 ADDITIONAL PUPIL MEMBERSHIP COUNT FOR THE PURPOSES OF
7 SECTION 19E.

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

10 (i) Fourth Friday in July.

11 (ii) Fourth Friday in October.

12 (iii) Fourth Friday in January.

13 (iv) Fourth Friday in April.

14 (c) A district receiving funds from the job training part-
15 nership act, Public Law 97-300, 96 Stat. 1322, or a district
16 operating a training program approved by the department may amend
17 the number of pupils counted on the pupil membership count day to
18 include pupils participating in the job training partnership act
19 program or a training program approved by the department. The
20 pupil membership count day for these pupils shall be the third
21 Friday after the first Monday after the start of instruction for
22 the program. Aid received under section 21(1) for these pupils
23 shall be reduced $1/480$ for each hour of classroom instruction the
24 pupils are scheduled to receive under 480 hours and further
25 reduced to ensure that the combined section 21(1) and the job
26 training partnership act or other approved training program aid
27 for the programs do not exceed the cost of the programs as

1 verified by the intermediate school district of the district
2 operating the programs.

3 (d) For the 1989-90 school year only, for a district whose
4 pupils are not in regular daily attendance on the pupil member-
5 ship count day or on any of the 15 regular school days before the
6 pupil membership count day, at the option of the district, either
7 the second or the third Friday following the first Monday after
8 either the start or resumption of pupil instruction.

9 (7) "Rule" means a rule promulgated pursuant to the adminis-
10 trative procedures act of 1969, Act No. 306 of the Public Acts of
11 1969, as amended, being sections 24.201 to 24.328 of the Michigan
12 Compiled Laws.

13 (8) "The school code of 1976" means Act No. 451 of the
14 Public Acts of 1976, as amended, being sections 380.1 to 380.1852
15 of the Michigan Compiled Laws.

16 (9) "School fiscal year" means a fiscal year which commences
17 July 1 and continues through June 30.

18 (10) "State board" means the state board of education.

19 (11) "Tuition pupil" means a pupil of school age attending
20 school in a district other than the pupil's district of
21 residence. A pupil's district of residence shall not require a
22 high school tuition pupil, as provided under section 111, to
23 attend another school district after the pupil has been assigned
24 to a school district.

25 SEC. 19E. (1) TO CONTINUE TO RECEIVE ALL OF THE FUNDS FOR
26 WHICH A DISTRICT QUALIFIES UNDER THIS ACT, THE BOARD OF THE
27 DISTRICT SHALL DO ALL OF THE FOLLOWING:

1 (A) ADOPT A COMPULSORY ATTENDANCE POLICY THAT CONFORMS TO
2 THE MANDATORY ATTENDANCE REQUIREMENTS OF SECTION 1561 OF THE
3 SCHOOL CODE OF 1976, BEING SECTION 380.1561 OF THE MICHIGAN
4 COMPILED LAWS.

5 (B) CONDUCT A MEMBERSHIP COUNT ON THE FOURTH FRIDAY IN
6 JANUARY TO DETERMINE IF INDIVIDUALS AGE 16 OR OVER HAVE VACATED
7 MEMBERSHIP IN THE DISTRICT IN VIOLATION OF SECTION 1561 OF THE
8 SCHOOL CODE OF 1976 SINCE THE FOURTH FRIDAY OF SEPTEMBER OF THAT
9 SCHOOL YEAR.

10 (C) REPORT TO THE DEPARTMENT ANY INDIVIDUALS AGE 16 OR OVER
11 WHO HAVE VACATED MEMBERSHIP IN THE DISTRICT IN VIOLATION OF SEC-
12 TION 1561 OF THE SCHOOL CODE OF 1976 BETWEEN THE FOURTH FRIDAY IN
13 SEPTEMBER AND THE FOURTH FRIDAY IN JANUARY.

14 (2) IF A DISTRICT THAT RECEIVES FUNDS UNDER SECTION 21(1)
15 REPORTS 1 OR MORE INDIVIDUALS TO THE DEPARTMENT UNDER SUBSECTION
16 (1)(C), THE DISTRICT SHALL FORFEIT FOR EACH INDIVIDUAL REPORTED
17 AN AMOUNT EQUAL TO 50% OF ITS NET MEMBERSHIP ALLOCATION ATTRIBUT-
18 ABLE TO THE INDIVIDUAL'S MEMBERSHIP IN THE DISTRICT. FUNDS FOR-
19 FEITED UNDER THIS SUBSECTION SHALL BE USED FOR THE PURPOSES
20 DESCRIBED IN SUBSECTION (4).

21 (3) IF A DISTRICT SUBJECT TO A DEDUCTION UNDER SECTION 21(4)
22 REPORTS 1 OR MORE INDIVIDUALS TO THE DEPARTMENT UNDER SUBSECTION
23 (1)(C), THE DISTRICT SHALL FORFEIT FOR EACH INDIVIDUAL REPORTED
24 AN AMOUNT EQUAL TO 50% OF THE AVERAGE PER PUPIL MEMBERSHIP ALLOW-
25 ANCE FOR THE IMMEDIATELY PRECEDING STATE FISCAL YEAR. THE AMOUNT
26 FORFEITED SHALL BE DEDUCTED FROM STATE AID DUE TO THE DISTRICT
27 BEFORE CALCULATING THE BASE REVENUE DEDUCTION UNDER

1 SECTION 21(4). FUNDS FORFEITED UNDER THIS SUBSECTION SHALL BE
2 USED FOR THE PURPOSES DESCRIBED IN SUBSECTION (4).

3 (4) FROM THE AMOUNT APPROPRIATED IN SECTION 11, THERE IS
4 ALLOCATED TO EACH INTERMEDIATE SCHOOL DISTRICT AN AMOUNT NOT TO
5 EXCEED THE SUM OF ALL FUNDS FORFEITED UNDER SUBSECTION (2) OR
6 (3), OR BOTH, BY DISTRICTS CONSTITUENT TO THE INTERMEDIATE SCHOOL
7 DISTRICT. THE INTERMEDIATE SCHOOL BOARD SHALL USE FUNDS ALLO-
8 CATED UNDER THIS SECTION TO PROVIDE ON BEHALF OF ITS CONSTITUENT
9 DISTRICTS 1 OR MORE OF THE FOLLOWING COOPERATIVE EDUCATIONAL
10 PROGRAMS:

11 (A) AN ALTERNATIVE EDUCATION PROGRAM APPROVED BY THE
12 DEPARTMENT.

13 (B) A PROGRAM OF VOCATIONAL EDUCATION THAT INCLUDES APPREN-
14 TICESHIP OR WORK-STUDY, OR BOTH.

15 (C) A PROGRAM OF INDEPENDENT STUDY APPROVED BY THE
16 DEPARTMENT.

17 (D) AN ACADEMIC OR VOCATIONAL PROGRAM AT A COMMUNITY
18 COLLEGE.

19 (E) A DROPOUT PREVENTION PROGRAM.

20 (F) ANOTHER PROGRAM OR SERVICE APPROVED BY THE DEPARTMENT
21 DESIGNED TO FACILITATE HIGH SCHOOL COMPLETION.

22 (5) AN INTERMEDIATE SCHOOL DISTRICT MAY PROVIDE THE PROGRAMS
23 REQUIRED UNDER SUBSECTION (4) EITHER SOLELY OR AS PART OF A CON-
24 SORTIUM OF INTERMEDIATE SCHOOL DISTRICTS.

25 SEC. 34B. (1) FROM THE AMOUNT APPROPRIATED IN SECTION 11,
26 THERE IS ALLOCATED AN AMOUNT NOT TO EXCEED \$35,000,000.00 FOR THE
27 1991-92 STATE FISCAL YEAR TO ELIGIBLE DISTRICTS FOR ACHIEVEMENT

1 INCENTIVE GRANTS TO REWARD IMPROVEMENT IN PUPIL ACADEMIC
2 PERFORMANCE.

3 (2) TO BE ELIGIBLE FOR A GRANT UNDER THIS SECTION, A DIS-
4 TRICT SHALL MEET ALL OF THE FOLLOWING CONDITIONS:

5 (A) NOT LATER THAN JULY 1, 1991, MAKES AVAILABLE TO THE
6 INTERMEDIATE SCHOOL DISTRICT TO WHICH IT IS CONSTITUENT THE
7 ANNUAL EDUCATION REPORT DESCRIBED IN SECTION 1204A OF THE SCHOOL
8 CODE OF 1976, BEING SECTION 380.1204A OF THE MICHIGAN COMPILED
9 LAWS, AND THE ANNUAL EDUCATIONAL REPORT CONTAINS A COMPARISON
10 WITH THE IMMEDIATELY PRECEDING SCHOOL YEAR, FOR EACH SCHOOL IN
11 THE DISTRICT, OF AGGREGATE PUPIL ACHIEVEMENT BASED ON AN ASSESS-
12 MENT OF PUPIL ACHIEVEMENT ADOPTED BY THE DISTRICT. THE ASSESS-
13 MENT OF PUPIL ACHIEVEMENT SHALL BE ESTABLISHED IN CONJUNCTION
14 WITH THE MISSION STATEMENT, STUDENT OUTCOME GOALS, AND EVALUATION
15 PROCESS OF THE SCHOOL IMPROVEMENT PLAN DESCRIBED IN SECTION 1277
16 OF THE SCHOOL CODE OF 1976, BEING SECTION 380.1277 OF THE
17 MICHIGAN COMPILED LAWS, AND SHALL BE BASED ON THE RESULTS OF A
18 LOCALLY ADMINISTERED STUDENT COMPETENCY TEST, STATEWIDE ACHIEVE-
19 MENT TEST, OR NATIONALLY NORMED ACHIEVEMENT TEST THAT IS ADMINIS-
20 TERED TO PUPILS ENROLLED IN THE DISTRICT AND IS APPROVED BY THE
21 STATE BOARD.

22 (B) THE DISTRICT CONTAINS 1 OR MORE ELIGIBLE SCHOOLS. AN
23 ELIGIBLE SCHOOL IS A SCHOOL THAT DEMONSTRATES STATISTICALLY SIG-
24 NIFICANT IMPROVEMENT, AS DEFINED BY THE STATE BOARD, IN PUPIL
25 ACADEMIC PERFORMANCE BASED ON THE ASSESSMENT OF PUPIL ACHIEVEMENT
26 DATA CONTAINED IN THE ANNUAL EDUCATION REPORT DESCRIBED IN
27 SUBDIVISION (A) AND THE SAME ASSESSMENT OF PUPIL ACHIEVEMENT DATA

1 EXAMINED OVER THE 3-YEAR PERIOD ENDING WITH THE SCHOOL YEAR IN
2 WHICH THE EXAMINATION OF THE DATA IS MADE, AND THAT IS EITHER
3 DETERMINED BY THE DEPARTMENT TO BE AMONG THE 40% OF SCHOOLS IN
4 THE STATE THAT DEMONSTRATE THE GREATEST STATISTICAL IMPROVEMENT
5 DESCRIBED IN THIS SUBDIVISION OR DETERMINED BY A SELECTION COM-
6 MITTEE CREATED UNDER SUBSECTION (6) OR (7) TO BE AMONG THE 40% OF
7 SCHOOLS WITHIN THE SELECTION COMMITTEE'S JURISDICTION THAT DEMON-
8 STRATE THE GREATEST STATISTICAL IMPROVEMENT DESCRIBED IN THIS
9 SUBDIVISION.

10 (3) THE DEPARTMENT SHALL ALLOCATE GRANT FUNDS UNDER THIS
11 SECTION TO ELIGIBLE DISTRICTS PURSUANT TO SUBSECTION (4).

12 (4) THE DEPARTMENT SHALL DETERMINE THE TOTAL NUMBER OF
13 PUPILS WHO ARE ENROLLED IN THIS STATE IN ELIGIBLE SCHOOLS, AS
14 DESCRIBED IN SUBSECTION (2)(B), COUNTING A PUPIL ENROLLED IN A
15 PROGRAM DESCRIBED IN SECTION 31 AS 1.5 PUPILS. THE DEPARTMENT
16 SHALL THEN DETERMINE AN ELIGIBLE DISTRICT'S ALLOCATION UNDER THIS
17 SECTION BY MULTIPLYING THE TOTAL AMOUNT ALLOCATED IN SUBSECTION
18 (1) BY THE PERCENTAGE OF THOSE PUPILS WHO ARE ENROLLED IN THAT
19 SCHOOL DISTRICT.

20 (5) A DISTRICT THAT RECEIVES ACHIEVEMENT INCENTIVE GRANT
21 FUNDS UNDER THIS SECTION SHALL DO ALL OF THE FOLLOWING:

22 (A) DISTRIBUTE THE FUNDS AMONG THE ELIGIBLE SCHOOLS, AS
23 DESCRIBED IN SUBSECTION (2)(B), IN THE DISTRICT AND REPORT TO THE
24 DEPARTMENT THE DOLLAR AMOUNT OF ALLOCATION TO EACH SCHOOL NOT
25 LATER THAN DECEMBER 1, 1991.

26 (B) DELEGATE TO THE BUILDING TEAM, AS DESCRIBED IN
27 SECTION 1277 OF THE SCHOOL CODE OF 1976, IN EACH ELIGIBLE SCHOOL

1 THE RESPONSIBILITY TO DETERMINE HOW FUNDS WILL BE USED TO FURTHER
2 IMPROVE PUPIL ACHIEVEMENT IN THE SCHOOL.

3 (C) PROVIDE A BRIEF EVALUATION REPORT TO THE DEPARTMENT NOT
4 LATER THAN AUGUST 30, 1992, DESCRIBING HOW THE FUNDS WERE SPENT
5 IN EACH SCHOOL AND THE ANTICIPATED IMPACT OF THE FUNDS.

6 (6) UPON THE REQUEST OF THE BOARD OF A CONSTITUENT DISTRICT,
7 AN INTERMEDIATE SCHOOL BOARD MAY ESTABLISH A SELECTION COMMITTEE
8 TO IDENTIFY THE ELIGIBLE SCHOOLS WITHIN THAT CONSTITUENT
9 DISTRICT. THE SELECTION COMMITTEE SHALL CONSIST OF REPRESENTA-
10 TIVES FROM ELIGIBLE CONSTITUENT DISTRICTS' SCHOOL IMPROVEMENT
11 TEAMS ESTABLISHED UNDER SECTION 1277 OF THE SCHOOL CODE OF 1976
12 AND SHALL INCLUDE AT LEAST SCHOOL BOARD MEMBERS, SCHOOL BUILDING
13 ADMINISTRATORS, TEACHERS, COMMUNITY MEMBERS, AND PARENTS. IF A
14 FIRST CLASS SCHOOL DISTRICT IS CONSTITUENT TO AN INTERMEDIATE
15 SCHOOL DISTRICT THAT ESTABLISHES A SELECTION COMMITTEE AND DOES
16 NOT ESTABLISH ITS OWN SELECTION COMMITTEE UNDER SUBSECTION (7),
17 THE NUMBER OF REPRESENTATIVES OF THE FIRST CLASS SCHOOL DISTRICT
18 ON THE SELECTION COMMITTEE SHALL BE IN PROPORTION TO THE PERCENT-
19 AGE OF PUPILS IN THE INTERMEDIATE SCHOOL DISTRICT WHO ARE
20 ENROLLED IN THE FIRST CLASS SCHOOL DISTRICT.

21 (7) A FIRST CLASS SCHOOL DISTRICT MAY ESTABLISH A SELECTION
22 COMMITTEE INDEPENDENT OF AN INTERMEDIATE SCHOOL DISTRICT TO IDENTIFY
23 THE ELIGIBLE SCHOOLS WITHIN THE FIRST CLASS SCHOOL
24 DISTRICT. THE SELECTION COMMITTEE SHALL CONSIST OF REPRESENTA-
25 TIVES DESCRIBED IN SUBSECTION (6).

26 SEC. 34C. (1) FROM THE AMOUNT APPROPRIATED IN SECTION 11,
27 THERE IS ALLOCATED AN AMOUNT NOT TO EXCEED \$15,000,000.00 FOR THE

1 1991-92 STATE FISCAL YEAR TO ELIGIBLE DISTRICTS FOR ACHIEVEMENT
2 INCENTIVE GRANTS TO REWARD ELIGIBLE SCHOOLS IN ELIGIBLE SCHOOL
3 DISTRICTS FOR IMPROVEMENT IN PUPIL ATTENDANCE AS DEFINED IN SUB-
4 SECTIONS (2) AND (3) OR IMPROVEMENT IN PUPIL RETENTION AS DEFINED
5 BY THE STATE BOARD.

6 (2) A DISTRICT IS ELIGIBLE FOR FUNDS UNDER THIS SECTION IF
7 IT SUBMITS EVIDENCE SATISFACTORY TO THE DEPARTMENT THAT THE
8 ATTENDANCE RATE, AS DEFINED BY THE STATE BOARD, IN THE DISTRICT
9 FOR THE 1990-91 SCHOOL YEAR INCREASED BY AT LEAST 3% OVER THAT
10 FOR THE 1989-90 SCHOOL YEAR OR THAT THE DISTRICT MEETS THE PUPIL
11 RETENTION STANDARDS DEVELOPED BY THE STATE BOARD.

12 (3) A SCHOOL IS ELIGIBLE FOR FUNDS UNDER THIS SECTION IF IT
13 SUBMITS EVIDENCE SATISFACTORY TO THE DEPARTMENT THAT THE
14 ATTENDANCE RATE, AS DEFINED BY THE STATE BOARD, AT THE SCHOOL FOR
15 THE 1990-91 SCHOOL YEAR INCREASED BY AT LEAST 3% OVER THAT FOR
16 THE 1989-90 SCHOOL YEAR OR THAT THE SCHOOL MEETS THE PUPIL RETEN-
17 TION STANDARDS DEVELOPED BY THE STATE BOARD.

18 (4) A DISTRICT THAT RECEIVES ACHIEVEMENT INCENTIVE FUNDS
19 UNDER THIS SECTION SHALL DO ALL OF THE FOLLOWING:

20 (A) DISTRIBUTE THE FUNDS AMONG THE ELIGIBLE SCHOOLS WITHIN
21 THE DISTRICT AND REPORT TO THE DEPARTMENT NOT LATER THAN
22 DECEMBER 1, 1991 THE DOLLAR AMOUNT OF THE ALLOCATION TO EACH ELI-
23 GIBLE SCHOOL.

24 (B) DELEGATE TO A BUILDING TEAM IN EACH ELIGIBLE SCHOOL THE
25 RESPONSIBILITY OF DETERMINING HOW THE FUNDS WILL BE USED TO CON-
26 TINUE TO IMPROVE PUPIL ATTENDANCE OR RETENTION IN THE SCHOOL.
27 THE BUILDING TEAM SHALL CONSIST OF THE INDIVIDUALS DESCRIBED IN

1 SECTION 1277 OF THE SCHOOL CODE OF 1976, BEING SECTION 380.1277
2 OF THE MICHIGAN COMPILED LAWS.

3 (C) PROVIDE TO THE DEPARTMENT NOT LATER THAN AUGUST 30, 1992
4 A BRIEF EVALUATION REPORT DESCRIBING HOW THE FUNDS WERE SPENT IN
5 EACH ELIGIBLE SCHOOL AND THE ANTICIPATED IMPACT OF THE SPENDING
6 OF THE FUNDS.

7 Section 2. This amendatory act shall not take effect unless
8 all of the following bills of the 85th Legislature are enacted
9 into law:

10 (a) House Bill No. 5299.

11 (b) House Bill No. _____ or Senate Bill No. 5927 (request
12 no. 05963'90).