

HOUSE BILL No. 5567

February 27, 1992, Introduced by Reps. Gilmer, Keith, Martin, Johnson, O'Neill, Trim, Munsell, Dolan, Dresch, Bender, Randall, Hillegonds, Bryant and Dobb and referred to the Committee on Education.

A bill to amend sections 6, 7, and 104a of Act No. 94 of the Public Acts of 1979, entitled as amended

"The state school aid act of 1979,"

section 6 as amended by Act No. 200 of the Public Acts of 1991, section 7 as amended by Act No. 212 of the Public Acts of 1986, and section 104a as added by Act No. 118 of the Public Acts of 1991, being sections 388.1606, 388.1607, and 388.1704a of the Michigan Compiled Laws; and to add section 49.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 6, 7, and 104a of Act No. 94 of the
2 Public Acts of 1979, section 6 as amended by Act No. 200 of the
3 Public Acts of 1991, section 7 as amended by Act No. 212 of the
4 Public Acts of 1986, and section 104a as added by Act No. 118 of
5 the Public Acts of 1991, being sections 388.1606, 388.1607, and

1 388.1704a of the Michigan Compiled Laws, are amended and section
2 49 is added to read as follows:

3 Sec. 6. (1) "Center program" means a program operated by a
4 district or intermediate district for special education pupils
5 from several districts in programs for the autistically impaired,
6 trainable mentally impaired, severely mentally impaired, severely
7 multiply impaired, hearing impaired, physically and otherwise
8 health impaired, and visually impaired. Programs for emotionally
9 impaired pupils housed in buildings that do not serve regular
10 education pupils shall also qualify. Unless otherwise approved
11 by the department, a center program either shall serve all con-
12 stituent districts within an intermediate district or shall serve
13 several districts with less than 50% of the pupils residing in
14 the operating district. In addition, pupils approved by the
15 department, who formerly would have been placed in a center pro-
16 gram, placed in noncenter programs to comply with the least
17 restrictive environment provisions of section 612 of the educa-
18 tion of the handicapped act, 20 U.S.C. 1412, may be counted under
19 this section provided:

20 (a) The pupil is special education eligible and receiving
21 special education programs or services on the pupil count date;
22 and

23 (b) The pupil is eligible as autistically impaired, traina-
24 ble mentally impaired, severely mentally impaired, and severely
25 multiply impaired.

26 (2) "District pupil retention rate" means the proportion of
27 pupils who have not dropped out of school in the immediately

1 preceding school year and is equal to 1 minus the quotient of the
2 number of pupils unaccounted for in the immediately preceding
3 school year, as determined pursuant to subsection (3), divided by
4 the pupils of the immediately preceding school year.

5 (3) "District pupil retention report" means a report of the
6 number of pupils, excluding migrant and adult, in the district
7 for the immediately preceding school year, adjusted for those
8 pupils who have transferred into the district, transferred out of
9 the district, transferred to alternative programs, and have grad-
10 uated, to determine the number of pupils who are unaccounted
11 for. The number of pupils unaccounted for shall be calculated as
12 determined by the department.

13 (4) "Membership", except as otherwise provided in sections
14 56 and 62, means the number of full-time equivalent pupils in
15 grades K to 12 and in adult education programs actually enrolled
16 and in regular daily attendance on the pupil membership count day
17 as determined by the number of pupils registered for attendance
18 plus pupils received by transfer and minus pupils lost as defined
19 by rules promulgated by the state board. In a district operating
20 an extended school year program approved by the state board, a
21 pupil enrolled, but not scheduled to be in regular daily
22 attendance on the pupil membership count day, shall be counted.
23 A pupil enrolled in a university-operated instructional program
24 under section 23c shall not be counted in membership in a
25 district. AN INDIVIDUAL ENROLLED IN REMEDIAL INSTRUCTION PURSU-
26 ANT TO AN EDUCATIONAL WARRANTY UNDER SECTION 1305 OF THE SCHOOL
27 CODE OF 1976, BEING SECTION 380.1305 OF THE MICHIGAN COMPILED

1 LAWS, SHALL NOT BE COUNTED IN MEMBERSHIP. The department shall
2 give a uniform interpretation of full-time and part-time
3 memberships. The state board may provide a district with an
4 adjustment of the district's membership count upon the showing of
5 a substantial increase in membership due to the closing of a non-
6 public school or a substantial influx of new residents into the
7 district resulting in a membership increase in a single building
8 of at least 5% but not less than 25 pupils after the pupil mem-
9 bership count day. In a district offering classes that are
10 scheduled for a full year in which different pupils participate
11 in different sessions, known as "slot-funded" classes, full-time
12 equated memberships shall be determined by dividing the number of
13 class hours scheduled and provided per year per pupil by 900 for
14 elementary and secondary pupils and by 480 for adult education
15 pupils, and for each 480-hour block of such a class for adult
16 education pupils, the maximum full-time equated membership per
17 training station is 1 full-time equated membership. The number
18 of pupils enrolled in each 480-hour block of a class that is
19 scheduled for a full year in which different pupils participate
20 in different sessions shall not exceed the number of training
21 stations.

22 (5) "Pupil" means a person in membership in a public
23 school. A district must have the approval of the pupil's dis-
24 trict of residence to count the pupil in membership, except
25 approval by the pupil's district of residence shall not be
26 required for adult or nonpublic part-time pupils, for pupils
27 receiving 1/2 or less of their instruction in a district other

1 than their district of residence, or for those pupils who were
2 enrolled and in regular daily attendance and remain enrolled and
3 in regular daily attendance in the district other than their dis-
4 trict of residence before April 1, 1981.

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

6 (a) The fourth Friday following Labor day each school year.

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

9 (i) Fourth Friday in July.

10 (ii) Fourth Friday in October.

11 (iii) Fourth Friday in January.

12 (iv) Fourth Friday in April.

13 (c) A district receiving funds from the job training part-
14 nership act, Public Law 97-300, 96 Stat. 1322, or a district
15 operating a training program approved by the department may amend
16 the number of pupils counted on the pupil membership count day to
17 include pupils participating in the job training partnership act
18 program or a training program approved by the department. The
19 pupil membership count day for these pupils shall be the third
20 Friday after the first Monday after the start of instruction for
21 the program. Aid received under section 21(1) for these pupils
22 shall be reduced $1/480$ for each hour of classroom instruction the
23 pupils are scheduled to receive under 480 hours and further
24 reduced to ensure that the combined section 21(1) and the job
25 training partnership act or other approved training program aid
26 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 1991-92 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. 7. Costs for school operating purposes include all of
26 the following expenditures from the general fund of a district or
27 from the operating funds of an intermediate district:

1 (a) Expenditures for instruction and support services,
2 including salaries and employee benefits of teachers and other
3 employees, purchased services, textbooks, and other supplies and
4 materials.

5 (b) Expenditures for furniture and equipment, for alter-
6 ations necessary to maintain school facilities in a safe and san-
7 itary condition, for funding the cost of energy conservation
8 improvements in school facilities, and for deficiencies in oper-
9 ating expenses for the preceding year.

10 (c) Expenditures for school lunch programs, bookstore opera-
11 tions, interscholastic athletics, community services, and cooper-
12 ative education projects.

13 (D) REIMBURSEMENTS UNDER SECTION 49 TO ANOTHER DISTRICT, AN
14 INTERMEDIATE DISTRICT, OR A CHARTER SCHOOL FOR PROVIDING REMEDIAL
15 INSTRUCTION UNDER SECTION 1305 OF THE SCHOOL CODE OF 1976, BEING
16 SECTION 380.1305 OF THE MICHIGAN COMPILED LAWS, TO AN INDIVIDUAL
17 WHO HAS RECEIVED A HIGH SCHOOL DIPLOMA FROM THE DISTRICT.

18 SEC. 49. A DISTRICT, INTERMEDIATE DISTRICT, OR CHARTER
19 SCHOOL THAT PROVIDES REMEDIAL INSTRUCTION TO AN INDIVIDUAL PURSU-
20 ANT TO SECTION 1305 OF THE SCHOOL CODE OF 1976, BEING SECTION
21 380.1305 OF THE MICHIGAN COMPILED LAWS, SHALL CHARGE THE DISTRICT
22 FROM WHICH THE INDIVIDUAL RECEIVED HIS OR HER HIGH SCHOOL DIPLOMA
23 FOR REIMBURSEMENT FOR PROVIDING THE REMEDIAL INSTRUCTION, COM-
24 PUTED AS SPECIFIED IN SECTION 1305 OF THE SCHOOL CODE OF 1976.
25 IN ORDER TO RECEIVE STATE SCHOOL AID UNDER THIS ACT, THE DISTRICT
26 THAT ISSUED THE DIPLOMA TO THE INDIVIDUAL SHALL REIMBURSE THE
27 PROVIDING DISTRICT, INTERMEDIATE DISTRICT, OR CHARTER SCHOOL FOR

1 THE REMEDIAL INSTRUCTION, COMPUTED AS SPECIFIED IN SECTION 1305
2 OF THE SCHOOL CODE OF 1976.

3 Sec. 104a. (1) In order to receive state aid under this act
4 in 1993-94, 1994-95, or 1995-96, a district shall comply with
5 this section and shall award a state-endorsed high school diploma
6 to a pupil scheduled to graduate in 1994, 1995, or 1996 only if
7 the pupil achieves at least 1 of the following:

8 (a) A passing score on a locally-developed and
9 state-approved basic proficiency test.

10 (b) If the pupil is eligible to take the general education
11 development (G.E.D.) test, a passing score on that test.

12 (c) Achieves at least category 2 on the reading portion of
13 the Michigan educational assessment program (MEAP) grade 10 test,
14 at least 50% of the objectives on the mathematics portion of the
15 MEAP grade 10 test, and at least 50% of the objectives on the
16 science portion of the MEAP grade 11 test.

17 (2) A district that offers a pupil the opportunity to pass a
18 basic proficiency test as 1 means to obtain a state-endorsed
19 diploma in 1994, 1995, or 1996 may submit the district's own
20 basic proficiency test to the department for approval to be used
21 by the district to assess proficiency.

22 (3) A pupil who does not achieve at least 1 of the require-
23 ments listed in subsection (1) may be reevaluated each school
24 year until the pupil achieves at least 1 of those requirements
25 for a state-endorsed diploma. In addition, the board of the dis-
26 trict in which the pupil is enrolled shall provide that there be
27 at least 1 meeting attended by at least the pupil, and in the

1 case of a minor, a parent, legal guardian, or person in loco
2 parentis of the pupil, and a member of the district's staff who
3 is proficient in the measurement and evaluation of pupils. The
4 purpose of each meeting shall be to determine an educational pro-
5 gram for the pupil designed to have the pupil reach proficiency
6 in each subject or skill area in which he or she was assessed by
7 the testing as not proficient. The board may provide special
8 programs for the pupil or may develop a program using the educa-
9 tional programs regularly provided by the district. A pupil may
10 be reevaluated at any time the district administers the grade 10
11 or grade 11 MEAP tests, the GED test, or the district's own
12 state-approved basic proficiency test.

13 (4) For a state-endorsed diploma, a pupil must achieve at
14 least 1 of the requirements listed in subsection (1) in addition
15 to any other requirements established by law or by the board of a
16 district for a high school diploma. If the board of a district
17 determines that a pupil qualifies for a state-endorsed diploma,
18 the board shall indicate on the pupil's high school diploma that
19 it is a state-endorsed diploma.

20 (5) Upon completion of all other requirements for a high
21 school diploma, an individual may repeat any of the tests speci-
22 fied in subsection (1) at any time the district regularly offers
23 the test and upon achieving at least 1 of the requirements listed
24 in subsection (1) shall be awarded a state-endorsed diploma.

25 (6) The state board may exempt special education pupils from
26 the requirements of this section, but shall provide for special
27 education pupils to have available an assessment and

1 certification of their proficiency in various subjects and skills
2 before completion of their education in their district or other
3 publicly supported program. The individualized educational plan-
4 ning committee for a special education pupil shall implement this
5 subsection and shall provide that any assessment of the pupil be
6 in a form appropriate to the special needs of the pupil.

7 (7) Not later than ~~July~~ MAY 31, 1993, the department shall
8 develop and the state board shall approve assessment instruments
9 to determine pupil proficiency in communication skills, mathemat-
10 ics, science, and other subject areas specified by the state
11 board. The assessment instruments shall be based on the state
12 board model core curriculum outcomes. Beginning with the gradu-
13 ating class of 1997, a pupil shall not receive a high school
14 diploma unless the pupil achieves passing scores on the assess-
15 ment instruments developed under this section.

16 Section 2. Sections 6 and 7 of Act No. 94 of the Public
17 Acts of 1979, as amended by this amendatory act, and section 49
18 of Act No. 94 of the Public Acts of 1979, as added by this amen-
19 datory act, shall take effect June 1, 1993.

20 Section 3. This amendatory act shall not take effect unless
21 Senate Bill No. _____ or House Bill No. 5566 (request
22 no. 04370'91 *) of the 86th Legislature is enacted into law.