

# SENATE BILL No. 23

January 24, 1991, Introduced by Senators N. SMITH and  
WELBORN and referred to the Committee on Appropriations.

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. 207 of the Public Acts of 1990, being sec-  
tion 388.1606 of the Michigan Compiled Laws.

## 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. 207 of the Public Acts of 1990, being  
3 section 388.1606 of the Michigan Compiled Laws, is amended to  
4 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  
9 multiply impaired, hearing impaired, physically and otherwise

1 health impaired, and visually impaired. Programs for emotionally  
2 impaired pupils housed in buildings that do not serve regular  
3 education pupils ~~shall~~ also qualify. Unless otherwise approved  
4 by the department, a center program either shall serve all con-  
5 stituent districts within an intermediate district or shall serve  
6 several districts with less than 50% of the pupils residing in  
7 the operating district. In addition, pupils approved by the  
8 department, who formerly would have been placed in a center pro-  
9 gram, placed in noncenter programs to comply with the least  
10 restrictive environment provisions of section 612 of the educa-  
11 tion of the handicapped act, 20 U.S.C. 1412, may be counted under  
12 this section ~~provided~~ IF THE PUPIL MEETS BOTH OF THE FOLLOWING  
13 REQUIREMENTS:

14 (a) The pupil is special education eligible and receiving  
15 special education programs or services on the pupil count date.  
16 ~~and~~

17 (b) The pupil is eligible as autistically impaired, traina-  
18 ble mentally impaired, severely mentally impaired, and severely  
19 multiply impaired.

20 (2) "District pupil retention rate" means the proportion of  
21 pupils who have not dropped out of school in the immediately pre-  
22 ceding school year and is equal to 1 minus the quotient of the  
23 number of pupils unaccounted for in the immediately preceding  
24 school year, as determined pursuant to subsection (3), divided by  
25 the pupils of the immediately preceding school year.

26 (3) "District pupil retention report" means a report of the  
27 number of pupils, excluding migrant and adult, in the district

1 for the immediately preceding school year, adjusted for those  
2 pupils who have transferred into the district, transferred out of  
3 the district, transferred to alternative programs, and have grad-  
4 uated, to determine the number of pupils who are unaccounted  
5 for. The number of pupils unaccounted for shall be calculated as  
6 determined by the department.

7       (4) "Membership", except as otherwise provided in sections  
8 56 and 62, means the number of full-time equivalent pupils in  
9 grades K to 12 actually enrolled and in regular daily attendance  
10 on the pupil membership count day as determined by the number of  
11 pupils registered for attendance plus pupils received by transfer  
12 and minus pupils lost as defined by rules promulgated by the  
13 state board. In a district operating an extended school year  
14 program approved by the state board, a pupil enrolled ~~—~~ but not  
15 scheduled to be in regular daily attendance on the pupil member-  
16 ship count day ~~—~~ shall be counted. The department shall give a  
17 uniform interpretation of full-time and part-time memberships.  
18 The state board may provide a district with an adjustment of the  
19 district's membership count upon the showing of a substantial  
20 increase in membership due to the closing of a nonpublic school  
21 after the pupil membership count day. In a district offering  
22 classes that are scheduled for a full year in which different  
23 pupils participate in different sessions, full-time equated mem-  
24 berships shall be determined by dividing the number of class  
25 hours scheduled and provided per year per pupil by 900 for ele-  
26 mentary and secondary pupils and by 480 for adult pupils.

1 (5) "Pupil" means a person in membership in a public  
2 school. ~~A district must have the approval of the pupil's~~  
3 ~~district of residence to count the pupil in membership, except~~  
4 ~~approval by the pupil's district of residence shall not be~~  
5 ~~required for adult or nonpublic part time pupils, for pupils~~  
6 ~~receiving 1/2 or less of their instruction in a district other~~  
7 ~~than their district of residence, or for those pupils who were~~  
8 ~~enrolled and in regular daily attendance and remain enrolled and~~  
9 ~~in regular daily attendance in the district other than their dis-~~  
10 ~~trict of residence before April 1, 1981.~~

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

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

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

15 (i) Fourth Friday in July.

16 (ii) Fourth Friday in October.

17 (iii) Fourth Friday in January.

18 (iv) Fourth Friday in April.

19 (c) A district receiving funds from the job training part-  
20 nership act, Public Law 97-300, 96 Stat. 1322, or a district  
21 operating a training program approved by the department may amend  
22 the number of pupils counted on the pupil membership count day to  
23 include pupils participating in the job training partnership act  
24 program or a training program approved by the department. The  
25 pupil membership count day for these pupils ~~shall be~~ IS the  
26 third Friday after the first Monday after the start of  
27 instruction for the program. Aid received under section 21(1)

1 for these pupils shall be reduced 1/480 for each hour of  
2 classroom instruction the pupils are scheduled to receive under  
3 480 hours and further reduced to ensure that the combined section  
4 21(1) and the job training partnership act or other approved  
5 training program aid for the programs ~~do~~ DOES not exceed the  
6 cost of the programs as verified by the intermediate school dis-  
7 trict of the district operating the programs.

8 (d) For the 1990-91 school year only, for a district whose  
9 pupils are not in regular daily attendance on the pupil member-  
10 ship count day or on any of the 15 regular school days before the  
11 pupil membership count day, at the option of the district, either  
12 the second or the third Friday following the first Monday after  
13 either the start or resumption of pupil instruction.

14 (7) "Rule" means a rule promulgated pursuant to the adminis-  
15 trative procedures act of 1969, Act No. 306 of the Public Acts of  
16 1969, as amended, being sections 24.201 to 24.328 of the Michigan  
17 Compiled Laws.

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

21 (9) "School fiscal year" means a fiscal year ~~which~~ THAT  
22 commences July 1 and continues through June 30.

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

24 (11) "Tuition pupil" means a pupil of school age attending  
25 school in a district other than the pupil's district of residence  
26 FOR WHOM TUITION IS REQUIRED TO BE PAID. A pupil's district of  
27 residence shall not require a high school tuition pupil, as

1 provided under section 111, to attend another school district  
2 after the pupil has been assigned to a school district.