

# SENATE BILL No. 776

March 3, 1992, Introduced by Senator BOUCHARD 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. 775  
22 of the 86th Legislature is enacted into law.