

Act No. 95
Public Acts of 1993
Approved by the Governor
July 13, 1993
Filed with the Secretary of State
July 13, 1993

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Reps. Bender and Cropsey

ENROLLED HOUSE BILL No. 4652

AN ACT to amend sections 6 and 13 of Act No. 94 of the Public Acts of 1979, entitled as amended "An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to prescribe penalties; and to repeal certain acts and parts of acts," as amended by Act No. 148 of the Public Acts of 1992, being sections 388.1606 and 388.1613 of the Michigan Compiled Laws; and to add section 24a.

The People of the State of Michigan enact:

Section 1. Sections 6 and 13 of Act No. 94 of the Public Acts of 1979, as amended by Act No. 148 of the Public Acts of 1992, being sections 388.1606 and 388.1613 of the Michigan Compiled Laws, are amended and section 24a is added to read as follows:

Sec. 6. (1) "Center program" means a program operated by a district or intermediate district for special education pupils from several districts in programs for the autistically impaired, trainable mentally impaired, severely mentally impaired, severely multiply impaired, hearing impaired, physically and otherwise health impaired, and visually impaired. Programs for emotionally impaired pupils housed in buildings that do not serve regular education pupils shall also qualify. Unless otherwise approved by the department, a center program either shall serve all constituent districts within an intermediate district or shall serve several districts with less than 50% of the pupils residing in the operating district. In addition, pupils approved by the department, who formerly would have been placed in a center program, placed in noncenter programs to comply with the least restrictive environment provisions of section 612 of part B of the individuals with disabilities education act, public law 91-230, 20 U.S.C. 1412, may be counted under this section provided:

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

(b) The pupil is eligible as autistically impaired, trainable mentally impaired, severely mentally impaired, and severely multiply impaired.

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

(3) "District pupil retention report" means a report of the number of pupils, excluding migrant and adult, in the district for the immediately preceding school year, adjusted for those pupils who have transferred into the district,

transferred out of the district, transferred to alternative programs, and have graduated, to determine the number of pupils who are unaccounted for. The number of pupils unaccounted for shall be calculated as determined by the department.

(4) "Membership", except as otherwise provided in sections 56 and 62, means the number of full-time equivalent pupils in grades K to 12 and in adult education programs actually enrolled and in regular daily attendance on the pupil membership count day as determined by the number of pupils registered for attendance plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the state board. However, for 1992-93 only, a district's or intermediate district's membership for all full-time pupils in grades K to 12, except pupils counted under section 24 or section 24a, shall be considered to be the number of full-time pupils in grades K to 12, except pupils counted under section 24 or section 24a, in membership in the district or intermediate district in 1991-92, as determined by the department in the 1991-92 final audited membership count. In a district operating an extended school year program approved by the state board, a pupil enrolled, but not scheduled to be in regular daily attendance on the pupil membership count day, shall be counted. A pupil enrolled in a university-operated instructional program under section 23c shall not be counted in membership in a district. The department shall give a uniform interpretation of full-time and part-time memberships. The state board may provide a district with an adjustment of the district's membership count upon the showing of a substantial increase in membership due to the closing of a nonpublic school or a substantial influx of new residents into the district resulting in a membership increase in a single building of at least 5% but not less than 25 pupils after the pupil membership count day. In a district offering classes that are scheduled for a full year in which different pupils participate in different sessions, known as "slot-funded" classes, full-time equated memberships shall be determined by dividing the number of class hours scheduled and provided per year per pupil by 900 for elementary and secondary pupils and by 480 for adult education pupils, and for each 480-hour block of such a class for adult education pupils, the maximum full-time equated membership per training station is 1 full-time equated membership. The number of pupils enrolled in each 480-hour block of a class that is scheduled for a full year in which different pupils participate in different sessions and the number of participants in an EDGE program under section 107b shall not exceed the number of training stations. After January 1, 1993, a district shall not include persons enrolled in a "slot-funded" class in membership unless the class began before December 1, 1992 and is scheduled to end not later than February 1, 1993. For 1992-93, a district's membership in "slot-funded" classes shall not exceed 1/2 of the district's 1991-92 final audited membership in those classes, not counting pupils age 18 to 20 with a high school diploma.

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

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

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

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

(i) Fourth Friday in July.

(ii) Fourth Friday in October.

(iii) Fourth Friday in January.

(iv) Fourth Friday in April.

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

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

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

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

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

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

Sec. 13. The apportionments and limitations of the apportionments made under this act shall be made on the membership and number of teachers and other professionals approved by the superintendent of public instruction employed as of the pupil membership count day of each year, on the cost of pupil transportation for the preceding school year, and on the state equalized valuation and the operating millage of each district for the calendar year. However, for 1992-93 only, a district's or intermediate district's membership for all full-time pupils in grades K to 12, except pupils counted under section 24 or section 24a, shall be considered to be the number of full-time pupils in grades K to 12, except pupils counted under section 24 or section 24a, in membership in the district or intermediate district in 1991-92, as determined by the department in the 1991-92 final audited membership count. Apportionments shall be made under this act for teachers and other personnel approved by the superintendent of public instruction in special education programs and services initiated after the pupil membership count day pursuant to section 53. In addition, a district maintaining school during the entire year, as provided in section 1561 of the school code of 1976, being section 380.1561 of the Michigan Compiled Laws, shall count memberships and teachers pursuant to rules promulgated by the state board.

Sec. 24a. If the territory of a nonoperating district has been attached to an operating district pursuant to section 922 of the school code of 1976, being section 380.922 of the Michigan Compiled Laws, and the operating district has pupils who reside in the attached territory enrolled in 1992-93 who were not counted in membership in the operating district in 1991-92, the operating district may count those pupils in membership in 1992-93.

This act is ordered to take immediate effect.

Co-Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.