



HOUSE BILL No. 4652

April 22, 1993, Introduced by Reps. Bender and Cropsey and referred to the Committee on Education.

A bill to amend sections 6 and 13 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. 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:

1 Section 1. Sections 6 and 13 of Act No. 94 of the Public
2 Acts of 1979, as amended by Act No. 148 of the Public Acts of
3 1992, being sections 388.1606 and 388.1613 of the Michigan
4 Compiled Laws, are amended and section 24a is added to read as
5 follows:

6 Sec. 6. (1) "Center program" means a program operated by a
7 district or intermediate district for special education pupils
8 from several districts in programs for the autistically impaired,

1 trainable mentally impaired, severely mentally impaired, severely
2 multiply impaired, hearing impaired, physically and otherwise
3 health impaired, and visually impaired. Programs for emotionally
4 impaired pupils housed in buildings that do not serve regular
5 education pupils shall also qualify. Unless otherwise approved
6 by the department, a center program either shall serve all con-
7 stituent districts within an intermediate district or shall serve
8 several districts with less than 50% of the pupils residing in
9 the operating district. In addition, pupils approved by the
10 department, who formerly would have been placed in a center pro-
11 gram, placed in noncenter programs to comply with the least
12 restrictive environment provisions of section 612 of part B of
13 the individuals with disabilities education act, public law
14 91-230, 20 U.S.C. 1412, may be counted under this section
15 provided:

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

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

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

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

9 (4) "Membership", except as otherwise provided in sections
10 56 and 62, means the number of full-time equivalent pupils in
11 grades K to 12 and in adult education programs actually enrolled
12 and in regular daily attendance on the pupil membership count day
13 as determined by the number of pupils registered for attendance
14 plus pupils received by transfer and minus pupils lost as defined
15 by rules promulgated by the state board. However, for 1992-93
16 only, a district's or intermediate district's membership for all
17 full-time pupils in grades K to 12, except pupils counted under
18 section 24 OR SECTION 24A, shall be considered to be the number
19 of full-time pupils in grades K to 12, except pupils counted
20 under section 24 OR SECTION 24A, in membership in the district or
21 intermediate district in 1991-92, as determined by the department
22 in the 1991-92 final audited membership count. In a district
23 operating an extended school year program approved by the state
24 board, a pupil enrolled, but not scheduled to be in regular daily
25 attendance on the pupil membership count day, shall be counted.
26 A pupil enrolled in a university-operated instructional program
27 under section 23c shall not be counted in membership in a

1 district. The department shall give a uniform interpretation of
2 full-time and part-time memberships. The state board may provide
3 a district with an adjustment of the district's membership count
4 upon the showing of a substantial increase in membership due to
5 the closing of a nonpublic school or a substantial influx of new
6 residents into the district resulting in a membership increase in
7 a single building of at least 5% but not less than 25 pupils
8 after the pupil membership count day. In a district offering
9 classes that are scheduled for a full year in which different
10 pupils participate in different sessions, known as "slot-funded"
11 classes, full-time equated memberships shall be determined by
12 dividing the number of class hours scheduled and provided per
13 year per pupil by 900 for elementary and secondary pupils and by
14 480 for adult education pupils, and for each 480-hour block of
15 such a class for adult education pupils, the maximum full-time
16 equated membership per training station is 1 full-time equated
17 membership. The number of pupils enrolled in each 480-hour block
18 of a class that is scheduled for a full year in which different
19 pupils participate in different sessions and the number of par-
20 ticipants in an ~~edge~~ EDGE program under section 107b shall not
21 exceed the number of training stations. After January 1, 1993, a
22 district shall not include persons enrolled in a "slot-funded"
23 class in membership unless the class began before December 1,
24 1992 and is scheduled to end not later than February 1, 1993.
25 For 1992-93, a district's membership in "slot-funded" classes
26 shall not exceed 1/2 of the district's 1991-92 final audited

1 membership in those classes, not counting pupils age 18 to 20
2 with a high school diploma.

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

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

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

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

17 (i) Fourth Friday in July.

18 (ii) Fourth Friday in October.

19 (iii) Fourth Friday in January.

20 (iv) Fourth Friday in April.

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

1 Friday after the first Monday after the start of instruction for
2 the program. Aid received under section 21(1) for these pupils
3 shall be reduced 1/480 for each hour of classroom instruction the
4 pupils are scheduled to receive under 480 hours and further
5 reduced to ensure that the combined section 21(1) and the job
6 training partnership act or other approved training program aid
7 for the programs do not exceed the cost of the instructional com-
8 ponent of the programs as verified by the intermediate school
9 district of the district operating the programs.

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

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

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

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

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

26 Sec. 13. The apportionments and limitations of the
27 apportionments made under this act shall be made on the

1 membership and number of teachers and other professionals
2 approved by the superintendent of public instruction employed as
3 of the pupil membership count day of each year, on the cost of
4 pupil transportation for the preceding school year, and on the
5 state equalized valuation and the operating millage of each dis-
6 trict for the calendar year. However, for 1992-93 only, a
7 district's or intermediate district's membership for all
8 full-time pupils in grades K to 12, except pupils counted under
9 section 24 OR SECTION 24A, shall be considered to be the number
10 of full-time pupils in grades K to 12, except pupils counted
11 under section 24 OR SECTION 24A, in membership in the district or
12 intermediate district in 1991-92, as determined by the department
13 in the 1991-92 final audited membership count. Apportionments
14 shall be made under this act for teachers and other personnel
15 approved by the superintendent of public instruction in special
16 education programs and services initiated after the pupil member-
17 ship count day pursuant to section 53. In addition, a district
18 maintaining school during the entire year, as provided in section
19 1561 of the school code of 1976, being section 380.1561 of the
20 Michigan Compiled Laws, shall count memberships and teachers pur-
21 suant to rules promulgated by the state board.

22 SEC. 24A. IF THE TERRITORY OF A NONOPERATING DISTRICT HAS
23 BEEN ATTACHED TO AN OPERATING DISTRICT PURSUANT TO SECTION 922 OF
24 THE SCHOOL CODE OF 1976, BEING SECTION 380.922 OF THE MICHIGAN
25 COMPILED LAWS, AND THE OPERATING DISTRICT HAS PUPILS WHO RESIDE
26 IN THE ATTACHED TERRITORY ENROLLED IN 1992-93 WHO WERE NOT
27 COUNTED IN MEMBERSHIP IN THE OPERATING DISTRICT IN 1991-92, THE

1 OPERATING DISTRICT MAY COUNT THOSE PUPILS IN MEMBERSHIP IN
2 1992-93.