



HOUSE BILL No. 5951

November 29 1994, Introduced by Reps Oxender, Berman, Gilmer and Middleton 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 283 of the Public Acts of 1994, being section 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 283 of the Public Acts of 1994, 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 part B of
11 the individuals with disabilities education act public law
12 91-230, 20 U S C 1412, may be counted under this section if all
13 of the following are met

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

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

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

25 (3) District pupil retention report means a report of the
26 number of pupils, excluding migrant and adult, in the district
27 for the immediately preceding school year adjusted for those

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

6 (4) "Membership", except as otherwise provided in this act,
7 means the average number of full-time equated pupils in grades K
8 to 12 actually enrolled and in regular daily attendance on the
9 pupil membership count day for the current school year and on the
10 supplemental count day ~~under section 6a~~ for the immediately
11 preceding school year, as determined by the department and calcu-
12 lated by adding the unaudited count completed by the department
13 not later than 45 days after the pupil membership count day of
14 the number of pupils registered for attendance plus pupils
15 received by transfer and minus pupils lost as defined by rules
16 promulgated by the state board, and as corrected by a subsequent
17 department audit, plus the final audited count from the supple-
18 mental count day for the immediately preceding school year, and
19 dividing that sum by 2 For 1994-95 only, for a public school
20 academy, membership means the average number of full-time equated
21 pupils in grades K-12 actually enrolled and in regular daily
22 attendance in the public school academy on the academy membership
23 count days, as determined by the department and calculated by
24 averaging the unaudited count completed by the department not
25 later than 45 days after each academy membership count day for
26 the public school academy and as corrected by a subsequent
27 department audit If a pupil counted in membership in a public

1 school academy on the December academy membership count day was
2 previously counted in membership in a district on the immediately
3 preceding pupil membership count day, the district's pupil mem-
4 bership count for that pupil membership count day shall be
5 reduced by 1/2 pupil If a pupil counted in membership in a
6 public school academy on the April academy membership count day
7 was previously counted in membership in a district on the immedi-
8 ately preceding supplemental count day the district s supplemen-
9 tal membership count for that supplemental count day shall be
10 reduced by 1/2 pupil In addition, all of the following apply to
11 determining the membership of a district, public school academy,
12 or intermediate district

13 (a) In a district operating an extended school year program
14 approved by the state board, a pupil enrolled, but not scheduled
15 to be in regular daily attendance on a pupil membership count
16 day, shall be counted

17 (b) Pupils to be counted in membership shall be not less
18 than 5 years of age on December 1 and less than 20 years of age
19 on September 1 of the school year except a special education
20 pupil who is enrolled and receiving instruction in a special edu-
21 cation program approved by the department and not having a high
22 school diploma who is less than 26 years of age as of September 1
23 of the current school year shall be counted in membership

24 (c) An individual who has obtained a high school diploma
25 shall not be counted in membership An individual who has
26 obtained a general education development (G E D) certificate
27 shall not be counted in membership

1 (d) The department shall give a uniform interpretation of
2 full-time and part-time memberships including an interpretation
3 of full-time membership for kindergarten pupils for 1994-95

4 (e) An intermediate district that operates a program under
5 section 86 may count in its membership the number of full-time
6 equated pupils who are enrolled and in regular daily attendance
7 in the program under section 86 on the pupil membership count day
8 in the current school year A pupil counted in membership in an
9 intermediate district under this subdivision shall not be counted
10 in membership in a district

11 (f) For the purposes of this subsection, full-time equated
12 memberships for pupils in grades 1 to 12 shall be determined by
13 dividing the number of class hours scheduled and provided per
14 year per pupil by 900 for 1994-95, 990 for 1995-96 and 1996-97
15 1,035 for 1997-98 and 1998-99 and 1 080 for 1999-2000 and suc-
16 ceeding fiscal years Beginning in 1995-96 full-time equated
17 memberships for pupils in kindergarten shall be determined by
18 dividing the number of class hours scheduled and provided per
19 year per kindergarten pupil by a number equal to 1/2 the number
20 used for determining full-time equated memberships for pupils in
21 grades 1 to 12

22 (g) For a district that has qualified currently migrant
23 pupils enrolled in the district as of the pupil membership count
24 day who were not counted in membership in the district on the
25 supplemental count day under section 6a for the immediately pre-
26 ceding school year, as determined by the department using the
27 criteria used for eligibility for the migrant education program

1 under the Hawkins-Stafford elementary and secondary school
2 improvement amendments of 1988 Public Law 100-297 the number of
3 those pupils counted in the district's membership is 3/4 of the
4 number of those pupils counted on the pupil membership count day
5 only

6 (H) A PUPIL ENROLLED IN A VOCATIONAL EDUCATION PROGRAM SUP-
7 PORTED BY A MILLAGE LEVIED OVER AN AREA LARGER THAN A SINGLE DIS-
8 TRICT SHALL BE COUNTED ONLY IN THE PUPIL'S DISTRICT OF RESIDENCE

9 (I) ~~(h)~~ For 1994-95 only, if a district has individuals at
10 least age 16 as of December 1 and less than age 20 as of
11 September 1 of the school year who are enrolled in the district
12 in a department-approved alternative education program conducted
13 through an adult education program and who were not counted in
14 membership in a district on the 1994 supplemental count day under
15 section 6a, the number of those individuals counted in the
16 district's membership is the number of those individuals counted
17 as pupils on the district's 1994 pupil membership count day
18 only

19 (5) 'Public school academy' means a public school academy
20 operating under part 6a of the school code of 1976

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

1 in regular daily attendance and remain enrolled and in regular
 2 daily attendance in the district other than their district of
 3 residence before April 1, 1981

4 (7) 'Pupil membership count day" of a district or intermedi-
 5 ate district means

6 (a) The first Friday in October each school year

7 (b) For a district or intermediate district maintaining
 8 school during the entire 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 (8) Rule' means a rule promulgated pursuant to the adminis-
 14 trative procedures act of 1969, Act No 306 of the Public Acts of
 15 1969, as amended, being sections 24 201 to 24 328 of the Michigan
 16 Compiled Laws

17 (9) "The school code of 1976" means Act No 451 of the
 18 Public Acts of 1976, as amended, being sections 380 1 to 380 1852
 19 of the Michigan Compiled Laws

20 (10) 'School fiscal year means a fiscal year which com-
 21 mences July 1 and continues through June 30

22 (11) State board' means the state board of education

23 (12) Supplemental count day' means the day on which the
 24 supplemental pupil count is conducted under section 6a

25 (13) Tuition pupil' means a pupil of school age attending
 26 school in a district other than the pupil's district of

27 residence TUITION PUPIL DOES NOT INCLUDE A PUPIL WHO IS A

1 SPECIAL EDUCATION PUPIL OR A PUPIL SERVED BY A COOPERATIVE
 2 EDUCATION PROGRAM OR BY A VOCATIONAL EDUCATION PROGRAM SUPPORTED
 3 BY A MILLAGE LEVIED OVER AN AREA LARGER THAN A SINGLE SCHOOL
 4 DISTRICT A pupil's district of residence shall not require a
 5 high school tuition pupil, as provided under section 111, to
 6 attend another school district after the pupil has been assigned
 7 to a school district

8 (14) "State school aid fund" means the state school aid fund
 9 established in section 11 of article IX of the state constitution
 10 of 1963

11 (15) "Total state aid" or "total state school aid" means the
 12 total combined amount of all funds due to a district, intermedi-
 13 ate district, or other entity under all of the provisions of this
 14 act

15 Section 2 This amendatory act shall not take effect unless
 16 all of the following bills of the 87th Legislature are enacted
 17 into law

18 (a) Senate Bill No _____ or House Bill No 5952 (request
 19 no 07092 94)

20 (b) Senate Bill No _____ or House Bill No 5953 (request
 21 no 07093'94)