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BILL ANALYSIS

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Senate Bill 639 (Substitute S-3)  
Sponsor: Senator Bill Schuette  
Committee: Education

Date Completed: 10-5-95

**SUMMARY OF SENATE BILL 639 (Substitute S-3):**

The bill would amend the State School Aid Act to revise definitions of “membership”, “pupil”, and “tuition pupil” by deleting provisions concerning whether a pupil is counted in a school district’s pupil membership count for purposes of State aid. In particular, the bill would delete requirements that a district have the approval of a pupil’s district of residence to count the pupil in membership.

Membership

The Act defines membership as the average number of full-time equated pupils in grades K-12 enrolled and in regular daily attendance in a district, public school academy, university school, or intermediate school district (ISD) on the pupil membership count day for the current school year and on the supplemental count day for the immediately preceding school year. The Act also provides a method for calculating membership and specifies conditions that apply to determining membership.

Under the Act, if a pupil is educated in a district other than the pupil’s district of residence with the approval of the pupil’s district of residence and not as part of a cooperative education program and not in a grade that is not offered by the pupil’s district of residence, the pupil must be counted in the membership in the educating district. The bill would delete the provision requiring the approval of a pupil’s district of residence. The bill also specifies that a district could not count nonresident pupils in membership unless, if the number of nonresident children seeking to enroll in a school or grade in the district exceeded the capacity set by the district for enrollment of nonresident pupils in that school or grade, the district accepted nonresident children for enrollment in that school or grade on a random basis, subject to the following:

- Except as provided for expelled children, enrollment priority would have to be given to a sibling of a pupil enrolled in the district.
- Except as provided for expelled children, a district would have to allow any nonresident pupil who was enrolled in the district in the immediately preceding school year to enroll in the district in the appropriate grade and, unless that grade were not offered at that school, in the same school as he or she attended in the immediately preceding school year.
- A district could refuse to enroll a nonresident child who had been expelled from another district.

The bill also would delete the current provision that a pupil may not be counted in membership in any district if the pupil is educated in a district other than the pupil’s district of residence and not

as part of a cooperative education program, if the pupil's district of residence does not give the educating district its approval to count the pupil in membership in the educating district, and if the pupil is not covered by exceptions specified in the Act to the requirement that the educating district have the approval of the pupil's district of residence to count the pupil in membership.

In addition, the bill would delete provisions requiring that a pupil be counted in membership in the educating district if the pupil is enrolled in a district other than his or her district of residence under an ISD's schools of choice pilot program; or, if the pupil is enrolled in a district other than the pupil's district of residence but within the same ISD and if at least 50% of the constituent districts of the ISD continue to participate in an ISD schools of choice pilot program.

### Pupil

The bill would redefine "pupil" as a person in membership in a public school. The bill would delete provisions in the definition requiring a district to have the approval of a pupil's district of residence to count the pupil in membership, except if the pupils are nonpublic part-time pupils; they are receiving not more than one-half of their instruction in a district other than their district of residence; they are enrolled in a university school; they were enrolled in district other than their district of residence as part of an ISD schools of choice pilot program; they are enrolled in a district other than their district of residence but within the same ISD if at least 50% of the ISD's constituent districts continue to participate in an ISD schools of choice pilot program; or, they were enrolled and in regular daily attendance and remained as such prior to April 1, 1981.

### Tuition Pupil

The bill would delete from the definition of "tuition pupil" the requirements that a pupil be enrolled in a district other than the pupil's district of residence but within the same ISD if at least 50% of the constituent districts continue to participate in an ISD schools of choice pilot program; or a pupil is served by an ISD schools of choice pilot program.

MCL 388.1606

Legislative Analyst: L. Arasim

### **FISCAL IMPACT**

The bill would have a fiscal impact on State and local government as described below.

Under the current State School Aid Act, the State payment for a student is based on the foundation allowance of the pupil's district of residence. For Students currently in public schools, the State payment would not be changed by the choice provisions of the bill. The open enrollment provisions, however, could attract children currently educated in private or home schools to the public school system. This would increase pupil membership and thus the State cost of funding the foundation allowance appropriation. The appropriation for the foundation allowance is fixed, however, and if expenditures were estimated to exceed the appropriated amount, payments to all districts from the foundation allowance would be subject to proration. Alternatively, a supplemental appropriation could be made to allow full funding of the foundation allowance.

The increase in public school enrollment due to the proposed school choice provisions is unknown; however, the table below shows estimates of the State costs that could be incurred if a percentage of the 194,000 private and home-schooled students enrolled in public schools under choice.

The table below is based on the estimated Statewide average foundation allowance in FY 1995-96 of \$5,538.

Pupil membership is determined currently based on the average of the pupils enrolled and in attendance on the October count day of the school year and the supplemental pupil count from the February count day prior from the school year. A student choosing a new school district in the fall would generate only a 0.5 full-time equivalent (FTE) membership in that district in the first year of enrollment. Similarly, the loss to a district of a student leaving at the start of the school year due to choice would be a 0.5 FTE reduction in the first school year.

**Estimated State Costs of Non-Public Pupils Transferring to Public Schools**

<u>Percentage of Non-Public Pupils Assumed to Transfer into Public Schools</u>	<u>Number of Pupils (% of 194,000)</u>	<u>FY 1995-96 Statewide Average Foundation Allowance</u>	<u>Estimated Potential State Cost of Non-Public Pupils Transferring to Public Schools</u>
1%	1,940	\$5,538	\$10.7 million
3%	5,820	\$5,538	\$32.2 million
5%	9,700	\$5,538	\$53.7 million
10%	19,400	\$5,538	\$107.4 million

The impact of the choice provisions on local school districts would vary based on local circumstances. A local district would lose a foundation allowance for each pupil that left for another district under choice. (Some districts already permit students to leave for other districts under some circumstances, "releasing" the pupil, which allows the student to be counted in the membership of the educating district.) A district that increased pupil membership due to choice would gain a foundation allowance (up to a \$6,653 State payment per pupil in FY 1995-96) for each pupil accepted. Some districts would be able to increase enrollments and revenues due to choice. Other districts might choose to accept few students or might not attract new enrollment; thus, students leaving under choice provisions would not be replaced, reducing the district's pupil membership and revenue under the foundation allowance appropriation.

The bill would continue the definition of tuition pupils as any nonresident pupil for whom tuition could be charged. This appears to allow tuition to be charged to nonresident students participating in open enrollment. Section 111 of the State School Aid Act permits a district to charge tuition at uniform rates that do not exceed the maximums established in the School Code.

Local districts could incur additional expenses in establishing the number of places available for choice and conducting enrollment and random student selection processes; however, these costs are indeterminable.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.