



# HOUSE BILL No. 4642

March 21, 1995, Introduced by Reps. Dalman, Middaugh, Cropsey, McBryde, McManus, Goschka, DeLange and Walberg and referred to the Committee on Higher Education.

A bill to amend sections 6, 21b, 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. 360 of the Public Acts of 1994, section 21b as amended by Act No. 283 of the Public Acts of 1994, and section 104a as amended by Act No. 336 of the Public Acts of 1993, being sections 388.1606, 388.1621b, and 388.1704a of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 6, 21b, and 104a of Act No. 94 of the  
2 Public Acts of 1979, section 6 as amended by Act No. 360 of the  
3 Public Acts of 1994, section 21b as amended by Act No. 283 of the  
4 Public Acts of 1994, and section 104a as amended by Act No. 336  
5 of the Public Acts of 1993, being sections 388.1606, 388.1621b,

1 and 388.1704a of the Michigan Compiled Laws, are amended to read  
2 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 part B of  
18 the individuals with disabilities education act, ~~public law~~  
19 PUBLIC LAW 91-230, 20 U.S.C. 1412, may be counted under this sec-  
20 tion if all of the following are met:

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

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 this act,  
14 means the average number of full-time equated pupils in grades K  
15 to 12 actually enrolled and in regular daily attendance on the  
16 pupil membership count day for the current school year and on the  
17 supplemental count day for the immediately preceding school year,  
18 as determined by the department and calculated by adding the  
19 unaudited count completed by the department not later than 45  
20 days after the pupil membership count day of the number of pupils  
21 registered for attendance plus pupils received by transfer and  
22 minus pupils lost as defined by rules promulgated by the state  
23 board, and as corrected by a subsequent department audit, plus  
24 the final audited count from the supplemental count day for the  
25 immediately preceding school year, and dividing that sum by 2.  
26 For 1994-95 only, for a public school academy, membership means  
27 the average number of full-time equated pupils in grades K-12

1 actually enrolled and in regular daily attendance in the public  
2 school academy on the academy membership count days, as deter-  
3 mined by the department and calculated by averaging the unaudited  
4 count completed by the department not later than 45 days after  
5 each academy membership count day for the public school academy  
6 and as corrected by a subsequent department audit. If a pupil  
7 counted in membership in a public school academy on the December  
8 academy membership count day was previously counted in membership  
9 in a district on the immediately preceding pupil membership count  
10 day, the district's pupil membership count for that pupil member-  
11 ship count day shall be reduced by 1/2 pupil. If a pupil counted  
12 in membership in a public school academy on the April academy  
13 membership count day was previously counted in membership in a  
14 district on the immediately preceding supplemental count day, the  
15 district's supplemental membership count for that supplemental  
16 count day shall be reduced by 1/2 pupil. In addition, all of the  
17 following apply to determining the membership of a district,  
18 public school academy, or intermediate district:

19       (a) In a district operating an extended school year program  
20 approved by the state board, a pupil enrolled, but not scheduled  
21 to be in regular daily attendance on a pupil membership count  
22 day, shall be counted.

23       (b) Pupils to be counted in membership shall be not less  
24 than 5 years of age on December 1 and less than 20 years of age  
25 on September 1 of the school year except a special education  
26 pupil who is enrolled and receiving instruction in a special  
27 education program approved by the department and not having a

1 high school diploma who is less than 26 years of age as of  
2 September 1 of the current school year shall be counted in  
3 membership.

4 (c) An individual who has obtained a high school diploma  
5 shall not be counted in membership. An individual who has  
6 obtained a general education development (G.E.D.) certificate  
7 shall not be counted in membership.

8 (d) The department shall give a uniform interpretation of  
9 full-time and part-time memberships, including an interpretation  
10 of full-time membership for kindergarten pupils for 1994-95.

11 (e) An intermediate district that operates a program under  
12 section 86 may count in its membership the number of full-time  
13 equated pupils who are enrolled and in regular daily attendance  
14 in the program under section 86 on the pupil membership count day  
15 in the current school year. A pupil counted in membership in an  
16 intermediate district under this subdivision shall not be counted  
17 in membership in a district.

18 (f) For the purposes of this subsection, full-time equated  
19 memberships for pupils in grades 1 to 12 shall be determined by  
20 dividing the number of class hours scheduled and provided per  
21 year per pupil by 900 for 1994-95, 990 for 1995-96 and 1996-97,  
22 1,035 for 1997-98 and 1998-99, and 1,080 for 1999-2000 and suc-  
23 ceeding fiscal years. In determining full-time equated member-  
24 ships for pupils who are ~~dually~~ enrolled in a postsecondary  
25 institution under ~~section 21b~~ THE POSTSECONDARY ENROLLMENT  
26 OPTIONS ACT, a pupil shall not be considered to be less than a  
27 full-time equated pupil solely because of the effect of his or

1 her ~~total~~ POSTSECONDARY enrollment on the number of class hours  
2 provided by the district to the pupil. Beginning in 1995-96,  
3 full-time equated memberships for pupils in kindergarten shall be  
4 determined by dividing the number of class hours scheduled and  
5 provided per year per kindergarten pupil by a number equal to 1/2  
6 the number used for determining full-time equated memberships for  
7 pupils in grades 1 to 12.

8 (g) For a district that has qualified currently migrant  
9 pupils enrolled in the district as of the pupil membership count  
10 day who were not counted in membership in the district on the  
11 supplemental count day for the immediately preceding school year,  
12 as determined by the department using the criteria used for eli-  
13 gibility for the migrant education program under the  
14 Hawkins-Stafford elementary and secondary school improvement  
15 amendments of 1988, Public Law 100-297, the number of those  
16 pupils counted in the district's membership is 3/4 of the number  
17 of those pupils counted on the pupil membership count day only.

18 (h) A pupil enrolled in a vocational education program sup-  
19 ported by a millage levied over an area larger than a single dis-  
20 trict or in an area vocational-technical education program estab-  
21 lished pursuant to section 690 of the school code of 1976, being  
22 section 380.690 of the Michigan Compiled Laws, shall be counted  
23 only in the pupil's district of residence.

24 (i) For 1994-95 only, if a district has individuals at least  
25 age 16 as of December 1 and less than age 20 as of September 1 of  
26 the school year who are enrolled in the district in a  
27 department-approved alternative education program and who were

1 not counted in membership in a district on the 1994 supplemental  
2 count day, the number of those individuals counted in the  
3 district's membership is the number of those individuals counted  
4 as pupils on the district's 1994 pupil membership count day  
5 only.

6       (j) For 1994-95 only, the membership of an instructional  
7 program operated by a public university under section 23 that is  
8 funded under this act as a district shall be considered to be the  
9 average number of full-time equated pupils in grades K to 12  
10 actually enrolled and in regular daily attendance in the instruc-  
11 tional program on the pupil membership count day for the 1993-94  
12 school year, adjusted by subtracting 16 membership pupils, and on  
13 the supplemental count day in the 1993-94 school year, as deter-  
14 mined by the department and calculated by adding the final  
15 audited counts for those 2 count days, with the count for the  
16 1993-94 pupil membership count day adjusted as provided in this  
17 subdivision, and dividing that sum by 2.

18       (k) For 1994-95 only, if there are individuals enrolled in  
19 an intermediate district in a special education program that is  
20 not a center program and those individuals were deducted from the  
21 intermediate district's count for the 1994 supplemental count day  
22 because of residency in a district that did not receive an allo-  
23 cation under FORMER section 21(1) in 1993-94, the number of those  
24 individuals counted in the intermediate district's membership is  
25 the number of those individuals counted as pupils on the 1994  
26 pupil membership count day only.

1 (5) "Public school academy" means a public school academy  
2 operating under part 6a or 6b of the school code of 1976, BEING  
3 SECTIONS 380.501 TO 380.507 AND 380.511 TO 380.518 OF THE  
4 MICHIGAN COMPILED LAWS.

5 (6) "Pupil" means a person in membership in a public  
6 school. A district must have the approval of the pupil's dis-  
7 trict of residence to count the pupil in membership, except  
8 approval by the pupil's district of residence shall not be  
9 required for nonpublic part-time pupils, for pupils receiving 1/2  
10 or less of their instruction in a district other than their dis-  
11 trict of residence, for pupils enrolled in a school operated  
12 under section 23 or 23d, or for those pupils who were enrolled  
13 and in regular daily attendance and remain enrolled and in regu-  
14 lar daily attendance in the district other than their district of  
15 residence before April 1, 1981.

16 (7) "Pupil membership count day" of a district or intermedi-  
17 ate district means:

18 (a) The first Friday in October each school year.

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

21 (i) Fourth Friday in July.

22 (ii) Fourth Friday in October.

23 (iii) Fourth Friday in January.

24 (iv) Fourth Friday in April.

25 (8) "Rule" means a rule promulgated pursuant to the adminis-  
26 trative procedures act of 1969, Act No. 306 of the Public Acts of



1 1969, ~~as amended,~~ being sections 24.201 to 24.328 of the  
2 Michigan Compiled Laws.

3 (9) "The school code of 1976" means Act No. 451 of the  
4 Public Acts of 1976, ~~as amended,~~ being sections 380.1 to  
5 380.1852 of the Michigan Compiled Laws.

6 (10) "School fiscal year" means a fiscal year which com-  
7 mences July 1 and continues through June 30.

8 (11) "State board" means the state board of education.

9 (12) "Supplemental count day" means the day on which the  
10 supplemental pupil count is conducted under section 6a.

11 (13) "Tuition pupil" means a pupil of school age attending  
12 school in a district other than the pupil's district of  
13 residence. Tuition pupil does not include a pupil who is a spe-  
14 cial education pupil; a pupil served by a cooperative education  
15 program; a pupil served by a vocational education program sup-  
16 ported by a millage levied over an area larger than a single  
17 school district or by an area vocational-technical education pro-  
18 gram established pursuant to section 690 of the school code of  
19 1976; or a pupil served by an intermediate district schools of  
20 choice pilot program as described in former section 91. A  
21 pupil's district of residence shall not require a high school  
22 tuition pupil, as provided under section 111, to attend another  
23 school district after the pupil has been assigned to a school  
24 district.

25 (14) "State school aid fund" means the state school aid fund  
26 established in section 11 of article IX of the state constitution  
27 of 1963.

1 (15) "Total state aid" or "total state school aid" means the  
2 total combined amount of all funds due to a district, intermedi-  
3 ate district, or other entity under all of the provisions of this  
4 act.

5 Sec. 21b. ~~(1) Subject to subsection (2), a~~ A district  
6 shall use funds ~~allocated~~ RECEIVED under ~~this act~~ SECTION 20  
7 to support the attendance of a district pupil at ~~a public or~~  
8 ~~private degree granting~~ AN ELIGIBLE postsecondary institution  
9 UNDER THE POSTSECONDARY ENROLLMENT OPTIONS ACT, AS PROVIDED IN  
10 THAT ACT. ~~that is located in this state or that is a party to a~~  
11 ~~reciprocal agreement approved by the state board with a public or~~  
12 ~~private degree granting postsecondary institution located in this~~  
13 ~~state, if all of the following conditions are met:~~

14 ~~(a) The pupil has earned sufficient credits so that he or~~  
15 ~~she is in at least grade 12 and has qualified for a state~~  
16 ~~endorsement in all of the subject areas specified in section~~  
17 ~~104a, but he or she has not yet completed all local graduation~~  
18 ~~requirements.~~

19 ~~(b) The pupil is enrolled in the district and is also~~  
20 ~~enrolled in the postsecondary institution during the district's~~  
21 ~~regular academic year.~~

22 ~~(2) A district shall pay tuition and fees under this section~~  
23 ~~only for a course that is not offered by the district and is an~~  
24 ~~academic course not ordinarily taken as an activity course.~~

25 ~~(3) Not later than August 15 of each year, a district shall~~  
26 ~~provide to each pupil who will be in grade 12 in the upcoming~~  
27 ~~school year a letter describing the conditions under which a~~

~~1 pupil is eligible for tuition and fee support under the criteria  
2 specified in this section. Upon request by an eligible pupil or  
3 his or her parent or guardian, the district shall provide to the  
4 eligible pupil a letter signed by the pupil's principal indicat-  
5 ing the pupil's eligibility.~~

~~6 (4) If the pupil provides the postsecondary institution with  
7 written proof of eligibility for tuition and fee support from the  
8 district, a postsecondary institution enrolling a pupil described  
9 in this section shall transmit to the district a bill detailing  
10 the tuition and fees for the dual enrollment course of the  
11 dually enrolled pupil. The district shall cause to be paid to  
12 the postsecondary institution on behalf of the pupil an amount  
13 not to exceed the lesser of the actual charge for tuition and  
14 fees or the sum of the district's local school operating revenue  
15 per membership pupil and the state portion of the district's  
16 foundation allowance under section 20, adjusted for the propor-  
17 tion of the school year that the pupil attends the postsecondary  
18 institution. The pupil is responsible for payment of the remain-  
19 der of the tuition and fees associated with his or her dual  
20 enrollment. As used in this subsection, "local school operating  
21 revenue per membership pupil" means that term as defined in sec-  
22 tion 20.~~

~~23 (5) Upon completion of the district's high school graduation  
24 requirements, a pupil is no longer eligible for tuition and fee  
25 support under this section.~~

~~26 (6) If a dually enrolled pupil does not complete the  
27 postsecondary course, the postsecondary institution shall forward~~

~~1 to the district any funds that are refundable due to  
2 noncompletion of the course.~~

~~3 (7) Each intermediate district shall collect from its con-  
4 stituent districts and provide to the department, at the same  
5 time as it submits the annual comprehensive financial report  
6 required under section 18(3), a report on the dollars expended  
7 for dually enrolled pupils, the number of pupils eligible for  
8 dual enrollment, and the number of dually enrolled pupils during  
9 the immediately preceding school year in each of its constituent  
10 districts. Not later than March 1 of each year, the department  
11 shall prepare and submit to the house and senate fiscal agencies  
12 and the department of management and budget a summary annual  
13 report based on the information received under this subsection.~~

~~14 (8) A district shall not restrict a pupil's attendance at a  
15 postsecondary institution described in subsection (1) based  
16 solely on whether or not the pupil is eligible for tuition and  
17 fee support under this section.~~

18 Sec. 104a. (1) In order to receive state aid under this act  
19 in 1993-94, 1994-95, or 1995-96, a district shall comply with  
20 this section and shall award a state-endorsed high school diploma  
21 to an eligible graduate as provided in this section. For a pupil  
22 scheduled to graduate in 1994, 1995, or 1996 to be eligible for a  
23 state-endorsement in 1 or more of the subject areas of communica-  
24 tion arts, mathematics, or science, the pupil must achieve at  
25 least 1 of the following:

1 (a) A passing score on locally-adopted and state-approved  
2 basic proficiency tests measuring proficiency in 1 or more of the  
3 subject areas specified in this subsection.

4 (b) If the pupil is eligible to take the general education  
5 development (G.E.D.) test, a passing score in 1 or more of the  
6 subject areas specified in this subsection and tested in the  
7 G.E.D. test.

8 (c) For a state endorsement in communications arts, at least  
9 category 2 on the reading portion of the Michigan educational  
10 assessment program (MEAP) grade 10 test; for a state endorsement  
11 in mathematics, at least 50% of the objectives on the mathematics  
12 portion of the MEAP grade 10 test; and, for a state endorsement  
13 in science, at least 50% of the objectives on the science portion  
14 of the MEAP grade 11 test.

15 (2) Beginning with pupils scheduled to graduate in 1997, if  
16 a pupil achieves the outcomes required by the state board, as  
17 measured by an assessment instrument developed under subsection  
18 (8), for a state-endorsed high school diploma in 1 or more of the  
19 subject areas of communications skills, mathematics, and science,  
20 the pupil's district shall award a state endorsement on the  
21 pupil's diploma in each of the subject areas in which the pupil  
22 demonstrated the required proficiency. A district shall not  
23 award a state endorsement to a pupil unless the pupil meets the  
24 applicable requirements for the endorsement, as described in this  
25 subsection. A school district may award a high school diploma to  
26 a pupil who successfully completes local district requirements  
27 established in accordance with state law for high school

1 graduation, regardless of whether the pupil is eligible for any  
2 state endorsement.

3 (3) A district that offers a pupil the opportunity to pass a  
4 basic proficiency test described in subsection (1)(a) as 1 means  
5 to obtain a state-endorsed diploma in 1994, 1995, or 1996 may  
6 submit the district's own basic proficiency test to the depart-  
7 ment for approval to be used by the district to assess  
8 proficiency.

9 (4) A pupil who does not achieve at least 1 of the require-  
10 ments listed in subsection (1) or the requirements of  
11 subsection (2), as applicable, may be reevaluated each school  
12 year until the pupil achieves an applicable requirement for a  
13 state-endorsed diploma. In addition, the board of the district  
14 in which the pupil is enrolled shall provide that there be at  
15 least 1 meeting attended by at least the pupil and a member of  
16 the district's staff or a local or intermediate district consul-  
17 tant who is proficient in the measurement and evaluation of  
18 pupils. The district may provide the meeting as a group meeting  
19 for pupils in similar circumstances. If the pupil is a minor,  
20 the district shall invite and encourage the pupil's parent, legal  
21 guardian, or person in loco parentis to attend the meeting and  
22 shall mail a notice of the meeting to the pupil's parent, legal  
23 guardian, or person in loco parentis. The purpose of this meet-  
24 ing and any subsequent meeting under this subsection shall be to  
25 determine an educational program for the pupil designed to have  
26 the pupil reach proficiency in each subject or skill area in  
27 which he or she was assessed by the testing as not proficient.

1 In addition, a district may provide for subsequent meetings with  
2 the pupil conducted by a high school counselor or teacher desig-  
3 nated by the pupil's high school principal, and shall invite and  
4 encourage the pupil's parent, legal guardian, or person in loco  
5 parentis to attend the subsequent meetings. The board may pro-  
6 vide special programs for the pupil or may develop a program  
7 using the educational programs regularly provided by the  
8 district. A pupil may be reevaluated at any time the district  
9 administers an applicable assessment instrument.

10 (5) For a state-endorsed diploma, a pupil must achieve at  
11 least 1 of the requirements listed in subsection (1) or the  
12 requirements of subsection (2), as applicable, in addition to any  
13 other requirements established by law or by the board of a dis-  
14 trict for a high school diploma. If the board of a district  
15 determines that a pupil qualifies for a state-endorsed diploma,  
16 the board shall indicate on the pupil's high school diploma and  
17 transcript that the pupil achieved the proficiency necessary for  
18 receipt of a state-endorsed diploma.

19 (6) An individual may repeat any of the tests or assessment  
20 instruments specified in subsection (1) or subsection (2), as  
21 applicable, at any time the district regularly offers the test or  
22 assessment or, for the MEAP tests described in subsection (1)(c),  
23 during the month of April or first 2 weeks of May, and, upon  
24 achieving at least 1 of the requirements listed in subsection (1)  
25 or the requirements of subsection (2), as applicable, and com-  
26 pleting all other applicable requirements for a high school  
27 diploma, shall be awarded a state-endorsed diploma.

1       (7) A district shall provide accommodations to a pupil with  
2 disabilities for the proficiency testing or assessment required  
3 under this section, as provided under section 504 of title V of  
4 the rehabilitation act of 1973, Public Law 93-112, 29 U.S.C. 794;  
5 subtitle A of title II of the Americans with disabilities act of  
6 1990, Public Law 101-336, 42 U.S.C. 12131 to 12134; and the  
7 implementing regulations for those statutes. A special education  
8 pupil scheduled to graduate in 1994, 1995, or 1996 who has passed  
9 an alternative form of assessment permitted under this section as  
10 it was in effect for 1992-93 shall receive the applicable  
11 endorsement under this section.

12       (8) Not later than July 31, 1993, for the purposes of this  
13 section, the state board shall develop or select and approve  
14 assessment instruments to determine pupil proficiency in communi-  
15 cations skills, mathematics, and science. The assessment instru-  
16 ments shall be based on the state board model core curriculum  
17 outcomes.

18       (9) Not later than July 31, 1995, the state board shall  
19 develop or select and approve assessment instruments for the pur-  
20 pose of awarding state endorsements of advanced mastery in speci-  
21 fied subject areas.

22       (10) UPON WRITTEN REQUEST BY THE PUPIL'S PARENT OR LEGAL  
23 GUARDIAN STATING THAT THE REQUEST IS BEING MADE FOR THE PURPOSE  
24 OF PROVIDING THE PUPIL WITH AN OPPORTUNITY TO QUALIFY TO TAKE 1  
25 OR MORE POSTSECONDARY COURSES AS AN ELIGIBLE STUDENT UNDER THE  
26 POSTSECONDARY ENROLLMENT OPTIONS ACT, THE BOARD OF A DISTRICT  
27 SHALL ALLOW A PUPIL WHO IS IN AT LEAST GRADE 8 TO TAKE A TEST OR



1 ASSESSMENT DESCRIBED IN SUBSECTION (1) OR (2) WITHOUT CHARGE AT  
2 ANY TIME THE TEST OR ASSESSMENT IS REGULARLY ADMINISTERED BY THE  
3 DISTRICT. A DISTRICT IS NOT REQUIRED TO INCLUDE IN AN ANNUAL  
4 EDUCATION REPORT, OR IN ANY OTHER REPORT SUBMITTED TO THE DEPART-  
5 MENT FOR ACCREDITATION PURPOSES, RESULTS OF TESTS OR ASSESSMENTS  
6 TAKEN UNDER THIS SUBSECTION BY A PUPIL IN GRADE 10 OR LOWER.

7 Section 2. This amendatory act shall not take effect unless  
8 all of the following bills of the 88th Legislature are enacted  
9 into law:

10 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4643  
11 (request no. 01807'95 \*).

12 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4644  
13 (request no. 01807'95 a \*).

14 (c) Senate Bill No. \_\_\_\_\_ or House Bill No. 4640  
15 (request no. 02366'95 \*).

16 (d) Senate Bill No. \_\_\_\_\_ or House Bill No. 4641  
17 (request no. 02367'95 \*).