



SENATE BILL No. 599

June 15, 1995, Introduced by Senators DINGELL, GEAKE, GOUGEON, HOFFMAN, MCMANUS, PETERS and EMMONS and referred to the Committee on Families, Mental Health and Human Services.

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. 360 of the Public Acts of 1994, being section 388.1606 of the Michigan Compiled Laws; and to add section 24b.

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. 360 of the Public Acts of 1994, being
3 section 388.1606 of the Michigan Compiled Laws, is amended and
4 section 24b is added to 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

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

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

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

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

26 (3) "District pupil retention report" means a report of the
27 number of pupils, excluding migrant and adult, in the district

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

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

1 counted in membership in a public school academy on the December
2 academy membership count day was previously counted in membership
3 in a district on the immediately preceding pupil membership count
4 day, the district's pupil membership count for that pupil member-
5 ship count day shall be reduced by 1/2 pupil. If a pupil counted
6 in membership in a public school academy on the April academy
7 membership count day was previously counted in membership in a
8 district on the immediately preceding supplemental count day, the
9 district's supplemental membership count for that supplemental
10 count day shall be reduced by 1/2 pupil. In addition, all of the
11 following apply to determining the membership of a district,
12 public school academy, 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. In determining full-time equated member-
17 ships for pupils who are dually enrolled in a postsecondary
18 institution under section 21b, a pupil shall not be considered to
19 be less than a full-time equated pupil solely because of the
20 effect of his or her dual enrollment on the number of class hours
21 provided by the district to the pupil. Beginning in 1995-96,
22 full-time equated memberships for pupils in kindergarten shall be
23 determined by dividing the number of class hours scheduled and
24 provided per year per kindergarten pupil by a number equal to $1/2$
25 the number used for determining full-time equated memberships for
26 pupils in grades 1 to 12.

1 (g) For a district that has qualified currently migrant
2 pupils enrolled in the district as of the pupil membership count
3 day who were not counted in membership in the district on the
4 supplemental count day for the immediately preceding school year,
5 as determined by the department using the criteria used for eli-
6 gibility for the migrant education program under the
7 Hawkins-Stafford elementary and secondary school improvement
8 amendments of 1988, Public Law 100-297, 102 STAT. 130, the number
9 of those pupils counted in the district's membership is 3/4 of
10 the number of those pupils counted on the pupil membership count
11 day only.

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

18 (i) For 1994-95 only, if a district has individuals at least
19 age 16 as of December 1 and less than age 20 as of September 1 of
20 the school year who are enrolled in the district in a
21 department-approved alternative education program and who were
22 not counted in membership in a district on the 1994 supplemental
23 count day, the number of those individuals counted in the
24 district's membership is the number of those individuals counted
25 as pupils on the district's 1994 pupil membership count day
26 only.

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

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

22 (l) A PUPIL DESCRIBED IN SECTION 24B WHO IS ENROLLED IN MORE
23 THAN 1 DISTRICT UNDER THAT SECTION SHALL BE COUNTED AS A
24 PART-TIME PUPIL IN MEMBERSHIP IN EACH DISTRICT. HOWEVER, THE
25 COMBINED TOTAL OF THE PART-TIME MEMBERSHIPS OF THE PUPIL SHALL
26 NOT EXCEED 1 FULL-TIME EQUATED PUPIL.

1 (5) "Public school academy" means a public school academy
2 operating under part 6a or 6b of the school code of 1976.

3 (6) "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~~ IS not ~~be~~
7 required for nonpublic part-time pupils, for pupils receiving 1/2
8 or less of their instruction in a district other than their dis-
9 trict of residence, for pupils enrolled in a school operated
10 under section 23, ~~or 23d,~~ or for those pupils who were enrolled
11 and in regular daily attendance and remain enrolled and in regu-
12 lar daily attendance in the district other than their district of
13 residence before April 1, 1981.

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

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

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

19 (i) Fourth Friday in July.

20 (ii) Fourth Friday in October.

21 (iii) Fourth Friday in January.

22 (iv) Fourth Friday in April.

23 (8) "Rule" means a rule promulgated pursuant to the adminis-
24 trative procedures act of 1969, Act No. 306 of the Public Acts of
25 1969, ~~as amended,~~ being sections 24.201 to 24.328 of the
26 Michigan Compiled Laws.

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

4 (10) "School fiscal year" means a fiscal year ~~which~~ THAT
5 commences July 1 and continues through June 30.

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

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

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

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

26 (15) "Total state aid" or "total state school aid" means the
27 total combined amount of all funds due to a district,

1 intermediate district, or other entity under all of the
2 provisions of this act.

3 SEC. 24B. IF A CHILD RESIDES REGULARLY IN 2 DIFFERENT DIS-
4 TRICTS AS A RESULT OF A JOINT CUSTODY ORDER BY A COURT, THE CHILD
5 SHALL BE CONSIDERED TO BE A RESIDENT OF BOTH DISTRICTS FOR THE
6 PURPOSES OF THIS ACT AND, IF THE CHILD MEETS THE APPLICABLE AGE
7 REQUIREMENTS, THE CHILD MAY ENROLL AND BE COUNTED IN MEMBERSHIP
8 UNDER SECTION 6(4) IN EITHER OR BOTH OF THOSE DISTRICTS.

9 Section 2. This amendatory act shall not take effect unless
10 Senate Bill No. 600
11 of the 88th Legislature is enacted into law.