



SENATE BILL No. 639

September 12, 1995, Introduced by Senators SCHUETTE, STILLE, STEIL, SHUGARS, ROGERS, BENNETT, EMMONS, POSTHUMUS, CARL, MC MANUS and SCHWARZ and referred to the Committee on Education.

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. 130 of the Public Acts of 1995, 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. 130 of the Public Acts of 1995, 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.

8 (2) "District pupil retention rate" means the proportion of
9 pupils who have not dropped out of school in the immediately pre-
10 ceding school year and is equal to 1 minus the quotient of the
11 number of pupils unaccounted for in the immediately preceding
12 school year, as determined pursuant to subsection (3), divided by
13 the pupils of the immediately preceding school year.

14 (3) "District pupil retention report" means a report of the
15 number of pupils, excluding migrant and adult, in the district
16 for the immediately preceding school year, adjusted for those
17 pupils who have transferred into the district, transferred out of
18 the district, transferred to alternative programs, and have grad-
19 uated, to determine the number of pupils who are unaccounted
20 for. The number of pupils unaccounted for shall be calculated as
21 determined by the department.

22 (4) "Membership", except as otherwise provided in this act,
23 means the average number of full-time equated pupils in grades K
24 to 12 actually enrolled and in regular daily attendance in a dis-
25 trict, public school academy, university school, or intermediate
26 district on the pupil membership count day for the current school
27 year and on the supplemental count day for the immediately

1 preceding school year, as determined by the department and
2 calculated by adding the number of pupils registered for
3 attendance plus pupils received by transfer and minus pupils lost
4 as defined by rules promulgated by the state board, and as cor-
5 rected by a subsequent department audit, plus the final audited
6 count from the supplemental count day for the immediately preced-
7 ing school year, and dividing that sum by 2. The amount of the
8 foundation allowance to be paid on behalf of a pupil in member-
9 ship is determined under section 20. In making the calculation
10 of membership, all of the following, as applicable, apply to
11 determining the membership of a district, public school academy,
12 university school, or intermediate district:

13 (a) Except as otherwise provided in this subsection, a pupil
14 shall be counted in membership in the pupil's district of
15 residence.

16 (b) A pupil educated as part of a cooperative education pro-
17 gram, or enrolled in a grade not offered by the pupil's district
18 of residence, in a district other than the pupil's district of
19 residence shall be counted in membership in the pupil's district
20 of residence, but the responsibility for reporting the pupil's
21 attendance is as follows:

22 (i) If the pupil is educated in the district that is not the
23 pupil's district of residence for 1/2 time or less, the pupil's
24 district of residence shall report the pupil's attendance to the
25 department as part of reporting the district's membership count.

26 (ii) If the pupil is educated in the district that is not
27 the pupil's district of residence for more than 1/2 time, that

1 other district shall report the pupil's attendance to the
2 department.

3 (c) If a pupil is educated in a district other than the
4 pupil's district of residence with the approval of the pupil's
5 district of residence and not as part of a cooperative education
6 program and not in a grade not offered by the pupil's district of
7 residence, the pupil shall be counted in membership in the edu-
8 cating district.

9 (d) If a pupil is educated in a district other than the
10 pupil's district of residence and not as part of a cooperative
11 education program, if the pupil's district of residence does not
12 give the educating district its approval to count the pupil in
13 membership in the educating district, and if the pupil is not
14 covered by an exception specified in subsection (6) to the
15 requirement that the educating district must have the approval of
16 the pupil's district of residence to count the pupil in member-
17 ship, the pupil shall not be counted in membership in any
18 district.

19 (e) A special education pupil educated by the intermediate
20 district shall be counted in membership in the intermediate
21 district. A special education pupil who is educated in a center
22 program operated by a district and who is not required to be
23 counted in membership in an intermediate district shall be
24 counted in membership in the educating district.

25 (f) A pupil placed by a court or state agency in an
26 on-grounds program of a juvenile detention facility, a child
27 caring institution, or a mental health institution, or a pupil

1 funded under section 53, shall be counted in membership in the
2 district or intermediate district approved by the department to
3 operate the program.

4 (g) A pupil under court jurisdiction who is placed outside
5 the district of residence in which the pupil's parents or legal
6 guardian resides shall be counted in membership in the educating
7 district.

8 (h) A pupil enrolled in the Michigan school for the blind or
9 the Michigan school for the deaf shall be counted in membership
10 in the pupil's intermediate district of residence.

11 (i) A pupil enrolled in a university school shall be counted
12 in membership in the university school.

13 (j) If a pupil is enrolled in a district other than the
14 pupil's district of residence under section 91a or under an
15 intermediate district schools of choice pilot program under
16 former section 91, the pupil shall be counted in membership in
17 the educating district.

18 (k) If a pupil is enrolled in a district other than the
19 pupil's district of residence but within the same intermediate
20 district and if at least 50% of the constituent districts of the
21 intermediate district continue to participate in an intermediate
22 district schools of choice pilot program under former section 91,
23 the pupil shall be counted in the educating district.

24 (l) A pupil enrolled in a public school academy shall be
25 counted in membership in the public school academy. However, the
26 membership of a public school academy shall be determined as
27 follows:

1 (i) For a public school academy, or its predecessor entity
2 operating in 1994-95 under former section 23d if applicable, mem-
3 bership is the average number of full-time equated pupils in
4 grades K to 12 actually enrolled and in regular daily attendance
5 on the pupil membership count day for the current school year and
6 on the supplemental count day for the immediately preceding
7 school year, as determined by the department and calculated by
8 adding the number of pupils registered for attendance on the
9 pupil membership count day plus pupils received by transfer and
10 minus pupils lost as defined by rules promulgated by the state
11 board, and as corrected by a subsequent department audit, plus
12 the final audited count from the supplemental count day for the
13 immediately preceding school year, and dividing that sum by 2.

14 (ii) For a public school academy beginning operations after
15 March 30, 1995 and before the 1995-96 pupil membership count day
16 that is not the successor to an alternative public school oper-
17 ated in 1994-95 under FORMER section 23d, membership is the aver-
18 age number of full-time equated pupils in grades K to 12 actually
19 enrolled and in regular daily attendance on the pupil membership
20 count day for the current school year and on the supplemental
21 count day for the current school year, as determined by the
22 department and calculated by adding the number of pupils regis-
23 tered for attendance on the pupil membership count day plus
24 pupils received by transfer and minus pupils lost as defined by
25 rules promulgated by the state board, and as corrected by a sub-
26 sequent department audit, plus the final audited count from the

1 supplemental count day for the current school year, and dividing
2 that sum by 2.

3 (iii) For a public school academy beginning operations in
4 1995-96 after the pupil membership count day and not later than
5 the supplemental count day, membership is the final audited count
6 of the number of full-time equated pupils in grades K to 12 actu-
7 ally enrolled and in regular daily attendance on the supplemental
8 count day for the current school year.

9 (iv) For a public school academy that received funds under
10 section 23 in 1994-95, membership is the average of the final
11 audited count of the number of full-time equated pupils in grades
12 K to 12 actually enrolled and in regular daily attendance on the
13 pupil membership count day for the current school year and the
14 number of full-time equated pupils used to calculate payments
15 under section 23 in 1994-95.

16 (m) If a district is the authorizing body for a public
17 school academy, then, in the first school year in which pupils
18 are counted in membership on the pupil membership count day in
19 the public school academy, the determination of the district's
20 membership shall exclude from the district's pupil count for the
21 immediately preceding supplemental count day any pupils who are
22 counted in the public school academy on that first pupil member-
23 ship count day who were also counted in the district on the imme-
24 diately preceding supplemental count day.

25 (n) In a district, public school academy, university school,
26 or intermediate district operating an extended school year
27 program approved by the state board, a pupil enrolled, but not

1 scheduled to be in regular daily attendance on a pupil membership
2 count day, shall be counted.

3 (o) Pupils to be counted in membership shall be not less
4 than 5 years of age on December 1 and less than 20 years of age
5 on September 1 of the school year except a special education
6 pupil who is enrolled and receiving instruction in a special edu-
7 cation program approved by the department and not having a high
8 school diploma who is less than 26 years of age as of September 1
9 of the current school year shall be counted in membership.

10 (p) An individual who has obtained a high school diploma
11 shall not be counted in membership. An individual who has
12 obtained a general education development (G.E.D.) certificate
13 shall not be counted in membership. An individual participating
14 in a job training program funded under former section 107a or a
15 jobs program funded under former section 107b, both administered
16 by the Michigan jobs commission, or participating in any succes-
17 sor of either of those 2 programs, shall not be counted in
18 membership.

19 (q) A pupil counted in membership in a public school academy
20 on the pupil membership count day or the supplemental count day
21 shall not be counted in a membership in a district or intermedi-
22 ate district on the same count day.

23 (r) An individual less than 16 years of age as of September
24 1 of the current school year who is being educated in an alterna-
25 tive education program shall not be counted in membership if
26 there are also adult education participants being educated in the
27 same program or classroom.

1 (s) The department shall give a uniform interpretation of
2 full-time and part-time memberships.

3 (t) For the purposes of this subsection, full-time equated
4 memberships for pupils in grades 1 to 12 shall be determined by
5 dividing the number of class hours scheduled and provided per
6 year per pupil by 900 for 1994-95, 990 for 1995-96 and 1996-97,
7 1,035 for 1997-98 and 1998-99, and 1,080 for 1999-2000 and suc-
8 ceeding fiscal years. In determining full-time equated member-
9 ships for pupils who are dually enrolled in a postsecondary
10 institution under section 21b, a pupil shall not be considered to
11 be less than a full-time equated pupil solely because of the
12 effect of his or her dual enrollment on the number of class hours
13 provided by the district to the pupil.

14 (u) Beginning in 1995-96, full-time equated memberships for
15 pupils in kindergarten shall be determined by dividing the number
16 of class hours scheduled and provided per year per kindergarten
17 pupil by a number equal to 1/2 the number used for determining
18 full-time equated memberships for pupils in grades 1 to 12.

19 (v) For a district that has qualified currently migrant
20 pupils enrolled in the district as of the pupil membership count
21 day who were not counted in membership in the district on the
22 supplemental count day for the immediately preceding school year,
23 as determined by the department using the criteria used for eli-
24 gibility for the migrant education program under the
25 Hawkins-Stafford elementary and secondary school improvement
26 amendments of 1988, Public Law 100-297, 102 Stat. 130, the number
27 of those pupils counted in the district's membership is 3/4 of

1 the number of those pupils counted on the pupil membership count
2 day only.

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

7 (6) "Pupil" means a person in membership in a public
8 school. ~~A district must have the approval of the pupil's dis-~~
9 ~~trict of residence to count the pupil in membership, except~~
10 ~~approval by the pupil's district of residence shall not be~~
11 ~~required for nonpublic part time pupils, for pupils receiving 1/2~~
12 ~~or less of their instruction in a district other than their dis-~~
13 ~~trict of residence, for pupils enrolled in a university school,~~
14 ~~for pupils enrolled in a district other than their district of~~
15 ~~residence under an intermediate district schools of choice pilot~~
16 ~~program as described in section 91a or former section 91, for~~
17 ~~pupils enrolled in a district other than their district of resi-~~
18 ~~dence but within the same intermediate district if at least 50%~~
19 ~~of the constituent districts of the intermediate district con-~~
20 ~~tinue to participate in an intermediate district schools of~~
21 ~~choice pilot program under former section 91, or for those pupils~~
22 ~~who were enrolled and in regular daily attendance and remain~~
23 ~~enrolled and in regular daily attendance in the district other~~
24 ~~than their district of residence before April 1, 1981. UNLESS~~
25 OTHERWISE PROVIDED BY LAW, A DISTRICT IS NOT REQUIRED TO ALLOW A
26 CHILD WHO IS NOT A RESIDENT OF THE DISTRICT TO ENROLL IN THE
27 DISTRICT.

1 (7) "Pupil membership count day" of a district or
2 intermediate district means:

3 (a) Except as provided in subdivision (b), the following
4 days:

5 (i) For the 1995-96 school year, the first Friday in
6 October.

7 (ii) Beginning with the 1996-97 school year, the fourth
8 Friday in September each school year.

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

11 (i) Fourth Friday in July.

12 (ii) Fourth Friday in October.

13 (iii) Fourth Friday in January.

14 (iv) Fourth Friday in April.

15 (8) "Rule" means a rule promulgated pursuant to the adminis-
16 trative procedures act of 1969, Act No. 306 of the Public Acts of
17 1969, being sections 24.201 to 24.328 of the Michigan Compiled
18 Laws.

19 (9) "The school code of 1976" means Act No. 451 of the
20 Public Acts of 1976, being sections 380.1 to 380.1852 of the
21 Michigan Compiled Laws.

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

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

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

1 (13) "Tuition pupil" means a pupil of school age attending
2 school in a district other than the pupil's district of residence
3 for whom tuition may be charged. Tuition pupil does not include
4 a pupil who is a special education pupil; a pupil enrolled in a
5 district other than the pupil's district of residence but within
6 the same intermediate district if at least 50% of the constituent
7 districts of the intermediate district continue to participate in
8 an intermediate district schools of choice pilot program under
9 former section 91; or a pupil served by an intermediate district
10 schools of choice pilot program as described in section 91a or
11 former section 91. A pupil's district of residence shall not
12 require a high school tuition pupil, as provided under section
13 111, to attend another school district after the pupil has been
14 assigned to a school district.

15 (14) "State school aid fund" means the state school aid fund
16 established in section 11 of article IX of the state constitution
17 of 1963.

18 (15) "Taxable value" means the taxable value of property as
19 determined under section 27a of the general property tax act, Act
20 No. 206 of the Public Acts of 1893, being section 211.27a of the
21 Michigan Compiled Laws.

22 (16) "Total state aid" or "total state school aid" means the
23 total combined amount of all funds due to a district, intermedi-
24 ate district, or other entity under all of the provisions of this
25 act.

1 (17) "University school" means an instructional program
2 operated by a public university under section 23 that meets the
3 requirements of section 23.