

# HOUSE BILL No. 4616

May 4, 1999, Introduced by Reps. Geiger, Cameron Brown, Bisbee, Birkholz, Vander Roest, Voorhees, Jelinek, Allen, Hart and Rick Johnson and referred to the Committee on Education.

A bill to amend 1979 PA 94, entitled  
"The state school aid act of 1979,"  
by amending section 6 (MCL 388.1606), as amended by 1998 PA 553.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 6. (1) "Center program" means a program operated by a  
2 district or intermediate district for special education pupils  
3 from several districts in programs for the autistically impaired,  
4 trainable mentally impaired, severely mentally impaired, severely  
5 multiply impaired, hearing impaired, physically and otherwise  
6 health impaired, and visually impaired. Programs for emotionally  
7 impaired pupils housed in buildings that do not serve regular  
8 education pupils also qualify. Unless otherwise approved by the  
9 department, a center program either shall serve all constituent  
10 districts within an intermediate district or shall serve several  
11 districts with less than 50% of the pupils residing in the

1 operating district. In addition, special education center  
2 program pupils placed part-time in noncenter programs to comply  
3 with the least restrictive environment provisions of section 612  
4 of part B of the individuals with disabilities education act,  
5 title VI of Public Law 91-230, 20 U.S.C. 1412, may be considered  
6 center program pupils for pupil accounting purposes for the time  
7 scheduled in either a center program or a noncenter program.

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 for a district, public school academy, university school,  
24 or intermediate district the sum of the product of .6 times the  
25 number of full-time equated pupils in grades K to 12 actually  
26 enrolled and in regular daily attendance on the pupil membership  
27 count day for the current school year, plus the product of .4

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

12 (a) Except as otherwise provided in this subsection, a pupil  
13 shall be counted in membership in the pupil's educating district  
14 or districts. An individual pupil shall not be counted for more  
15 than a total of 1.0 full-time equated membership.

16 (b) If a pupil is educated in a district other than the  
17 pupil's district of residence and the educating district is not  
18 in the same intermediate district as the pupil's district of res-  
19 idence, if the pupil is not being educated as part of a coopera-  
20 tive education program, if the pupil's district of residence does  
21 not give the educating district its approval to count the pupil  
22 in membership in the educating district, and if the pupil is not  
23 covered by an exception specified in subsection (6) to the  
24 requirement that the educating district must have the approval of  
25 the pupil's district of residence to count the pupil in member-  
26 ship, the pupil shall not be counted in membership in any  
27 district.

1 (c) A special education pupil educated by the intermediate  
2 district shall be counted in membership in the intermediate  
3 district.

4 (d) A pupil placed by a court or state agency in an  
5 on-grounds program of a juvenile detention facility, a child  
6 caring institution, or a mental health institution, or a pupil  
7 funded under section 53a, shall be counted in membership in the  
8 district or intermediate district approved by the department to  
9 operate the program.

10 (e) A pupil enrolled in the Michigan schools for the deaf  
11 and blind shall be counted in membership in the pupil's interme-  
12 diate district of residence.

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

19 (g) A pupil enrolled in a university school shall be counted  
20 in membership in the university school.

21 (h) A pupil enrolled in a public school academy shall be  
22 counted in membership in the public school academy.

23 (i) For a new district, university school, or public school  
24 academy beginning its operation after December 31, 1994, member-  
25 ship for the first 2 full or partial fiscal years of operation  
26 shall be determined as follows:

1       (i) If operations begin before the pupil membership count  
2 day for the fiscal year, membership is the average number of  
3 full-time equated pupils in grades K to 12 actually enrolled and  
4 in regular daily attendance on the pupil membership count day for  
5 the current school year and on the supplemental count day for the  
6 current school year, as determined by the department and calcu-  
7 lated by adding the number of pupils registered for attendance on  
8 the pupil membership count day plus pupils received by transfer  
9 and minus pupils lost as defined by rules promulgated by the  
10 state board, and as corrected by a subsequent department audit,  
11 plus the final audited count from the supplemental count day for  
12 the current school year, and dividing that sum by 2.

13       (ii) If operations begin after the pupil membership count  
14 day for the fiscal year and not later than the supplemental count  
15 day for the fiscal year, membership is the final audited count of  
16 the number of full-time equated pupils in grades K to 12 actually  
17 enrolled and in regular daily attendance on the supplemental  
18 count day for the current school year.

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

1 (k) In a district, public school academy, university school,  
2 or intermediate district operating an extended school year pro-  
3 gram approved by the state board, a pupil enrolled, but not  
4 scheduled to be in regular daily attendance on a pupil membership  
5 count day, shall be counted.

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

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

22 (n) If a pupil counted in membership in a public school  
23 academy is also educated by a district or intermediate district  
24 as part of a cooperative education program, the pupil shall be  
25 counted in membership only in the public school academy, and the  
26 instructional time scheduled for the pupil in the district or  
27 intermediate district shall be included in the full-time equated

1 membership determination under subdivision (q). However, for  
2 pupils receiving instruction in both a public school academy and  
3 in a district or intermediate district but not as a part of a  
4 cooperative education program, the following apply:

5       (i) If the public school academy provides instruction for at  
6 least 1/2 of the class hours specified in subdivision (q), the  
7 public school academy shall receive as its prorated share of the  
8 full-time equated membership for each of those pupils an amount  
9 equal to 1 times the product of the hours of instruction the  
10 public school academy provides divided by the number of hours  
11 specified in subdivision (q) for full-time equivalency, and the  
12 remainder of the full-time membership for each of those pupils  
13 shall be allocated to the district or intermediate district pro-  
14 viding the remainder of the hours of instruction.

15       (ii) If the public school academy provides instruction for  
16 less than 1/2 of the class hours specified in subdivision (q),  
17 the district or intermediate district providing the remainder of  
18 the hours of instruction shall receive as its prorated share of  
19 the full-time equated membership for each of those pupils an  
20 amount equal to 1 times the product of the hours of instruction  
21 the district or intermediate district provides divided by the  
22 number of hours specified in subdivision (q) for full-time equiv-  
23 alency, and the remainder of the full-time membership for each of  
24 those pupils shall be allocated to the public school academy.

25       (o) An individual less than 16 years of age as of September  
26 1 of the current school year who is being educated in an  
27 alternative education program shall not be counted in membership

1 if there are also adult education participants being educated in  
2 the same program or classroom.

3 (p) The department shall give a uniform interpretation of  
4 full-time and part-time memberships.

5 (q) The number of class hours used to calculate full-time  
6 equated memberships shall be consistent with section 1284 of the  
7 revised school code, MCL 380.1284. In determining full-time  
8 equated memberships for pupils who are enrolled in a postsecond-  
9 ary institution, a pupil shall not be considered to be less than  
10 a full-time equated pupil solely because of the effect of his or  
11 her postsecondary enrollment, including necessary travel time, on  
12 the number of class hours provided by the district to the pupil.

13 (r) Full-time equated memberships for pupils in kindergarten  
14 shall be determined by dividing the number of class hours sched-  
15 uled and provided per year per kindergarten pupil by a number  
16 equal to  $1/2$  the number used for determining full-time equated  
17 memberships for pupils in grades 1 to 12.

18 (s) For a district that has qualified currently migrant  
19 pupils enrolled in the district as of the pupil membership count  
20 day who were not counted in membership in the district on the  
21 supplemental count day for the immediately preceding school year,  
22 as determined by the department using the criteria used for eli-  
23 gibility for the migrant education program under the improving  
24 America's schools act of 1994, Public Law 103-382, 108  
25 Stat. 3518, the number of those pupils counted in the district's  
26 membership is  $3/4$  of the number of those pupils counted on the  
27 pupil membership count day only.



1       (t) For a district, university school, or public school  
2 academy that has pupils enrolled in a grade level that was not  
3 offered by the district, university school, or public school  
4 academy in the immediately preceding school year, the number of  
5 pupils enrolled in that grade level to be counted in membership  
6 is the average of the number of those pupils enrolled and in reg-  
7 ular daily attendance on the pupil membership count day and the  
8 supplemental count day of the current school year, as determined  
9 by the department. Membership shall be calculated by adding the  
10 number of pupils registered for attendance in that grade level on  
11 the pupil membership count day plus pupils received by transfer  
12 and minus pupils lost as defined by rules promulgated by the  
13 state board, and as corrected by subsequent department audit,  
14 plus the final audited count from the supplemental count day for  
15 the current school year, and dividing that sum by 2.

16       (u) A pupil enrolled in a cooperative education program may  
17 be counted in membership in the pupil's district of residence  
18 with the written approval of all parties to the cooperative  
19 agreement.

20       (v) If, as a result of a disciplinary action, a district  
21 determines through the district's alternative or disciplinary  
22 education program that the best instructional placement for a  
23 pupil is in the pupil's home, if that placement is authorized in  
24 writing by the district superintendent and district alternative  
25 or disciplinary education supervisor, and if the district pro-  
26 vides appropriate instruction as described in this subdivision to  
27 the pupil at the pupil's home, the district may count the pupil

1 in membership on a pro rata basis, with the proration based on  
2 the number of hours of instruction the district actually provides  
3 to the pupil divided by the number of hours specified in  
4 subdivision (q) for full-time equivalency. For the purposes of  
5 this subdivision, a district shall be considered to be providing  
6 appropriate instruction if all of the following are met:

7 (i) The district provides at least 2 nonconsecutive hours of  
8 instruction per week to the pupil at the pupil's home under the  
9 supervision of a certificated teacher.

10 (ii) The district provides instructional materials,  
11 resources, and supplies, except computers, that are comparable to  
12 those otherwise provided in the district's alternative education  
13 program.

14 (iii) Course content is comparable to that in the district's  
15 alternative education program.

16 (iv) Credit earned is awarded to the pupil and placed on the  
17 pupil's transcript.

18 (w) A pupil enrolled in an alternative or disciplinary edu-  
19 cation program described in section 25 shall be counted in mem-  
20 bership in the district or public school academy that expelled  
21 the pupil.

22 ~~-(x) For 1997-98 only, if a pupil was enrolled in a public~~  
23 ~~school academy on the pupil membership count day, if the public~~  
24 ~~school academy's contract with its authorizing body is revoked,~~  
25 ~~and if the pupil enrolls in a district within 45 days after the~~  
26 ~~pupil membership count day, the department shall adjust the~~

~~1 district's pupil count for the pupil membership count day to~~  
~~2 include the pupil in the count.~~

3 (5) "Public school academy" means a public school academy  
4 operating under the revised school code.

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 any of the following:

10 (a) ~~Nonpublic~~ A NONPUBLIC part-time ~~pupils~~ PUPIL  
11 enrolled in grades 1 to 12 in accordance with section 166b.

12 (b) ~~Pupils~~ A PUPIL receiving 1/2 or less of ~~their~~ HIS OR  
13 HER instruction in a district other than ~~their~~ HIS OR HER dis-  
14 trict of residence.

15 (c) ~~Pupils~~ A PUPIL enrolled in a public school academy or  
16 university school.

17 (d) ~~Pupils~~ A PUPIL enrolled in a district other than  
18 ~~their~~ HIS OR HER district of residence under an intermediate  
19 district schools of choice pilot program as described in  
20 section 91a or former section 91 if the intermediate district and  
21 its constituent districts have been exempted from section 105.

22 (e) ~~Pupils~~ A PUPIL enrolled in a district other than  
23 ~~their~~ HIS OR HER district of residence but within the same  
24 intermediate district if the educating district enrolls nonresi-  
25 dent pupils in accordance with section 105.

26 (f) ~~Pupils~~ A PUPIL enrolled in a district other than  
27 ~~their~~ HIS OR HER district of residence if the ~~pupils have~~

1 PUPIL HAS been continuously enrolled in the educating district  
2 since a school year in which the ~~pupils~~ PUPIL enrolled in the  
3 educating district under section 105 and in which the educating  
4 district enrolled nonresident pupils in accordance with section  
5 105.

6 (g) A nonresident pupil who has made an official written  
7 complaint or whose parent or legal guardian has made an official  
8 written complaint to law enforcement officials and to school  
9 officials of the pupil's district of residence that the pupil has  
10 been the victim of a criminal sexual assault or other serious  
11 assault, if the official complaint either indicates that the  
12 assault occurred at school or that the assault was committed by 1  
13 or more other pupils enrolled in the school the nonresident pupil  
14 would otherwise attend in the district of residence or by an  
15 employee of the district of residence. A person who intention-  
16 ally makes a false report of a crime to law enforcement officials  
17 for the purposes of this subdivision is subject to section 411a  
18 of the Michigan penal code, 1931 PA 328, MCL 750.411a, which pro-  
19 vides criminal penalties for that conduct. As used in this  
20 subdivision:

21 (i) "At school" means in a classroom, elsewhere on school  
22 premises, on a school bus or other school-related vehicle, or at  
23 a school-sponsored activity or event whether or not it is held on  
24 school premises.

25 (ii) "Serious assault" means an act that constitutes a  
26 felony violation of chapter XI of the Michigan penal code, 1931  
27 PA 328, MCL 750.81 to 750.90f, or that constitutes an assault and

1 infliction of serious or aggravated injury under section 81a of  
2 the Michigan penal code, 1931 PA 328, MCL 750.81a.

3 (H) A PUPIL ENROLLED IN AN ALTERNATIVE EDUCATION PROGRAM  
4 OPERATED BY A DISTRICT OTHER THAN HIS OR HER DISTRICT OF  
5 RESIDENCE.

6 However, if a district that is not a first class district  
7 educates pupils who reside in a first class district and if the  
8 primary instructional site for those pupils is located within the  
9 boundaries of the first class district, the educating district  
10 must have the approval of the first class district to count those  
11 pupils in membership. As used in this subsection, "first class  
12 district" means a district organized as a school district of the  
13 first class under the revised school code.

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

16 (a) Except as provided in subdivision (b), the fourth  
17 Wednesday in September each school year.

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

20 (i) Fourth Wednesday in July.

21 (ii) Fourth Wednesday in September.

22 (iii) Second Wednesday in February.

23 (iv) Fourth Wednesday in April.

24 (8) "Rule" means a rule promulgated pursuant to the adminis-  
25 trative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
26 24.328.

1 (9) "The revised school code" means 1976 PA 451, MCL 380.1  
2 to 380.1852.

3 (10) "School fiscal year" means a fiscal year that commences  
4 July 1 and continues through June 30.

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

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

8 (13) "Tuition pupil" means a pupil of school age attending  
9 school in a district other than the pupil's district of residence  
10 for whom tuition may be charged. Tuition pupil does not include  
11 a pupil who is a special education pupil or a pupil described in  
12 subsection (6)(d) to ~~(g)~~ (H). A pupil's district of residence  
13 shall not require a high school tuition pupil, as provided under  
14 section 111, to attend another school district after the pupil  
15 has been assigned to a school district.

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

19 (15) "Taxable value" means the taxable value of property as  
20 determined under section 27a of the general property tax act,  
21 1893 PA 206, MCL 211.27a.

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.