

HOUSE BILL No. 4727

May 3, 2001, Introduced by Reps. Shackleton, Bovin, Rich Brown, Jelinek, Stewart, Van Woerkom, Mead, Newell, Kowall, Spade, Neumann, Middaugh, Birkholz and Adamini and referred to the Committee on Appropriations.

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 2000 PA 297.

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 ~~1999-2000 for a district, public school academy, uni-~~
24 ~~versity school, or intermediate district the sum of the product~~
25 ~~of .75 times the number of full-time equated pupils in grades K~~
26 ~~to 12 actually enrolled and in regular daily attendance on the~~
27 ~~pupil membership count day for the current school year, plus the~~

~~1 product of .25 times the final audited count from the~~
~~2 supplemental count day for the immediately preceding school~~
~~3 year. Beginning in 2000-2001, membership means for~~ a district,
4 public school academy, university school, or intermediate dis-
5 trict the sum of the product of .8 times the number of full-time
6 equated pupils in grades K to 12 actually enrolled and in regular
7 daily attendance on the pupil membership count day for the cur-
8 rent school year, plus the product of .2 times the final audited
9 count from the supplemental count day for the immediately preced-
10 ing school year. All pupil counts used in this subsection are as
11 determined by the department and calculated by adding the number
12 of pupils registered for attendance plus pupils received by
13 transfer and minus pupils lost as defined by rules promulgated by
14 the superintendent, and as corrected by a subsequent department
15 audit. The amount of the foundation allowance for a pupil in
16 membership is determined under section 20. In making the calcu-
17 lation of membership, all of the following, as applicable, apply
18 to determining the membership of a district, public school acade-
19 my, university school, or intermediate district:

20 (a) Except as otherwise provided in this subsection, and
21 pursuant to subsection (6), a pupil shall be counted in member-
22 ship in the pupil's educating district or districts. An individ-
23 ual pupil shall not be counted for more than a total of 1.0
24 full-time equated membership.

25 (b) If a pupil is educated in a district other than the
26 pupil's district of residence, if the pupil is not being educated
27 as part of a cooperative education program, if the pupil's

1 district of residence does not give the educating district its
2 approval to count the pupil in membership in the educating dis-
3 trict, and if the pupil is not covered by an exception specified
4 in subsection (6) to the requirement that the educating district
5 must have the approval of the pupil's district of residence to
6 count the pupil in membership, the pupil shall not be counted in
7 membership in any district.

8 (c) A special education pupil educated by the intermediate
9 district shall be counted in membership in the intermediate
10 district.

11 (d) A pupil placed by a court or state agency in an
12 on-grounds program of a juvenile detention facility, a child
13 caring institution, or a mental health institution, or a pupil
14 funded under section 53a, shall be counted in membership in the
15 district or intermediate district approved by the department to
16 operate the program.

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

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

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

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

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

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

19 (ii) If operations begin after the pupil membership count
20 day for the fiscal year and not later than the supplemental count
21 day for the fiscal year, membership is the final audited count of
22 the number of full-time equated pupils in grades K to 12 actually
23 enrolled and in regular daily attendance on the supplemental
24 count day for the current school year.

25 (j) If a district is the authorizing body for a public
26 school academy, then, in the first school year in which pupils
27 are counted in membership on the pupil membership count day in

1 the public school academy, the determination of the district's
2 membership shall exclude from the district's pupil count for the
3 immediately preceding supplemental count day any pupils who are
4 counted in the public school academy on that first pupil member-
5 ship count day who were also counted in the district on the imme-
6 diately preceding supplemental count day.

7 (k) In a district, public school academy, university school,
8 or intermediate district operating an extended school year pro-
9 gram approved by the superintendent, a pupil enrolled, but not
10 scheduled to be in regular daily attendance on a pupil membership
11 count day, shall be counted.

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

19 (m) An individual who has obtained a high school diploma
20 shall not be counted in membership. An individual who has
21 obtained a general education development (G.E.D.) certificate
22 shall not be counted in membership. An individual participating
23 in a job training program funded under former section 107a or a
24 jobs program funded under former section 107b, administered by
25 the Michigan strategic fund or the department of career develop-
26 ment, or participating in any successor of either of those 2
27 programs, shall not be counted in membership.

1 (n) If a pupil counted in membership in a public school
2 academy is also educated by a district or intermediate district
3 as part of a cooperative education program, the pupil shall be
4 counted in membership only in the public school academy, and the
5 instructional time scheduled for the pupil in the district or
6 intermediate district shall be included in the full-time equated
7 membership determination under subdivision (q). However, for
8 pupils receiving instruction in both a public school academy and
9 in a district or intermediate district but not as a part of a
10 cooperative education program, the following apply:

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

21 (ii) If the public school academy provides instruction for
22 less than 1/2 of the class hours specified in subdivision (q),
23 the district or intermediate district providing the remainder of
24 the hours of instruction shall receive as its prorated share of
25 the full-time equated membership for each of those pupils an
26 amount equal to 1 times the product of the hours of instruction
27 the district or intermediate district provides divided by the

1 number of hours specified in subdivision (q) for full-time
2 equivalency, and the remainder of the full-time membership for
3 each of those pupils shall be allocated to the public school
4 academy.

5 (o) An individual less than 16 years of age as of September
6 1 of the current school year who is being educated in an alterna-
7 tive education program shall not be counted in membership if
8 there are also adult education participants being educated in the
9 same program or classroom.

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

12 (q) The number of class hours used to calculate full-time
13 equated memberships shall be consistent with section 101(3). In
14 determining full-time equated memberships for pupils who are
15 enrolled in a postsecondary institution, a pupil shall not be
16 considered to be less than a full-time equated pupil solely
17 because of the effect of his or her postsecondary enrollment,
18 including necessary travel time, on the number of class hours
19 provided by the district to the pupil.

20 (r) Full-time equated memberships for pupils in kindergarten
21 shall be determined by dividing the number of class hours sched-
22 uled and provided per year per kindergarten pupil by a number
23 equal to 1/2 the number used for determining full-time equated
24 memberships for pupils in grades 1 to 12.

25 (s) For a district, university school, or public school
26 academy that has pupils enrolled in a grade level that was not
27 offered by the district, university school, or public school

1 academy in the immediately preceding school year, the number of
2 pupils enrolled in that grade level to be counted in membership
3 is the average of the number of those pupils enrolled and in reg-
4 ular daily attendance on the pupil membership count day and the
5 supplemental count day of the current school year, as determined
6 by the department. Membership shall be calculated by adding the
7 number of pupils registered for attendance in that grade level 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 superintendent, and as corrected by 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 (t) A pupil enrolled in a cooperative education program may
14 be counted in membership in the pupil's district of residence
15 with the written approval of all parties to the cooperative
16 agreement.

17 (u) If, as a result of a disciplinary action, a district
18 determines through the district's alternative or disciplinary
19 education program that the best instructional placement for a
20 pupil is in the pupil's home, if that placement is authorized in
21 writing by the district superintendent and district alternative
22 or disciplinary education supervisor, and if the district pro-
23 vides appropriate instruction as described in this subdivision to
24 the pupil at the pupil's home, the district may count the pupil
25 in membership on a pro rata basis, with the proration based on
26 the number of hours of instruction the district actually provides
27 to the pupil divided by the number of hours specified in

1 subdivision (q) for full-time equivalency. For the purposes of
2 this subdivision, a district shall be considered to be providing
3 appropriate instruction if all of the following are met:

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

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

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

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

15 (v) A pupil enrolled in an alternative or disciplinary edu-
16 cation program described in section 25 shall be counted in mem-
17 bership in the district or public school academy that expelled
18 the pupil.

19 (w) If a pupil was enrolled in a public school academy on
20 the pupil membership count day, if the public school academy's
21 contract with its authorizing body is revoked, and if the pupil
22 enrolls in a district within 45 days after the pupil membership
23 count day, the department shall adjust the district's pupil count
24 for the pupil membership count day to include the pupil in the
25 count.

26 (x) For ~~1999-2000, for a public school academy that has~~
27 ~~been in operation for at least 2 years and that suspended~~

~~1 operations for at least 1 semester and is resuming operations,~~
~~2 membership is the sum of the product of .75 times the number of~~
~~3 full-time equated pupils in grades K to 12 actually enrolled and~~
~~4 in regular daily attendance on the first pupil membership count~~
~~5 day or supplemental count day, whichever is first, occurring~~
~~6 after operations resume, plus the product of .25 times the final~~
~~7 audited count from the most recent pupil membership count day or~~
~~8 supplemental count day that occurred before suspending opera-~~
~~9 tions, as determined by the superintendent. Beginning in~~
10 2000-2001, for a public school academy that has been in opera-
11 tion for at least 2 years and that suspended operations for at
12 least 1 semester and is resuming operations, membership is the
13 sum of the product of .8 times the number of full-time equated
14 pupils in grades K to 12 actually enrolled and in regular daily
15 attendance on the first pupil membership count day or supplemen-
16 tal count day, whichever is first, occurring after operations
17 resume, plus the product of .2 times the final audited count from
18 the most recent pupil membership count day or supplemental count
19 day that occurred before suspending operations, as determined by
20 the superintendent.

21 (y) ~~For 2000-2001 only, if~~ IF a district's membership for
22 a particular fiscal year, as otherwise calculated under this sub-
23 section, would be less than 1,550 pupils, the district's member-
24 ship for that fiscal year shall be considered to be the greater
25 of the following:

26 (i) The average of the district's membership for the
27 3-fiscal-year period ending with that fiscal year, calculated by

1 adding the district's actual membership for that fiscal year, as
2 otherwise calculated under this subsection, plus the district's
3 membership for each of the 2 immediately preceding fiscal years,
4 and dividing the sum of those 3 membership figures by 3.

5 (ii) The district's actual membership as otherwise calcu-
6 lated under this subsection.

7 (5) "Public school academy" means a public school academy or
8 strict discipline academy operating under the revised school
9 code.

10 (6) "Pupil" means a person in membership in a public
11 school. A district must have the approval of the pupil's dis-
12 trict of residence to count the pupil in membership, except
13 approval by the pupil's district of residence shall not be
14 required for any of the following:

15 (a) A nonpublic part-time pupil enrolled in grades 1 to 12
16 in accordance with section 166b.

17 (b) A pupil receiving 1/2 or less of his or her instruction
18 in a district other than the pupil's district of residence.

19 (c) A pupil enrolled in a public school academy or univer-
20 sity school.

21 (d) A pupil enrolled in a district other than the pupil's
22 district of residence under an intermediate district schools of
23 choice pilot program as described in section 91a or former
24 section 91 if the intermediate district and its constituent dis-
25 tricts have been exempted from section 105.

26 (e) A pupil enrolled in a district other than the pupil's
27 district of residence but within the same intermediate district

1 if the educating district enrolls nonresident pupils in
2 accordance with section 105.

3 (f) A pupil enrolled in a district other than the pupil's
4 district of residence if the pupil has been continuously enrolled
5 in the educating district since a school year in which the pupil
6 enrolled in the educating district under section 105 or 105c and
7 in which the educating district enrolled nonresident pupils in
8 accordance with section 105 or 105c.

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

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

1 (ii) "Serious assault" means an act that constitutes a
2 felony violation of chapter XI of the Michigan penal code, 1931
3 PA 328, MCL 750.81 to 750.90g, or that constitutes an assault and
4 infliction of serious or aggravated injury under section 81a of
5 the Michigan penal code, 1931 PA 328, MCL 750.81a.

6 (h) A pupil enrolled in a district located in a contiguous
7 intermediate district, as described in section 105c, if the edu-
8 cating district enrolls those nonresident pupils in accordance
9 with section 105c.

10 (i) A pupil whose district of residence changed after the
11 pupil membership count day and before the supplemental count day
12 and who continues to be enrolled on the supplemental count day as
13 a nonresident in the district in which he or she was enrolled as
14 a resident on the pupil membership count day of the same school
15 year.

16 (j) A pupil enrolled in an alternative education program
17 operated by a district other than his or her district of resi-
18 dence who meets 1 or more of the following:

19 (i) The pupil has been suspended or expelled from his or her
20 district of residence for any reason, including, but not limited
21 to, a suspension or expulsion under section 1310, 1311, or 1311a
22 of the revised school code, MCL 380.1310, 380.1311, and
23 380.1311a.

24 (ii) The pupil had previously dropped out of school.

25 (iii) The pupil is pregnant or is a parent.

26 (iv) The pupil has been referred to the program by a court.

1 (k) A pupil enrolled in the Michigan virtual high school,
2 for the pupil's enrollment in the Michigan virtual high school.

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

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

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

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

17 (i) Fourth Wednesday in July.

18 (ii) Fourth Wednesday in September.

19 (iii) Second Wednesday in February.

20 (iv) Fourth Wednesday in April.

21 (8) "Pupils in grades K to 12 actually enrolled and in regu-
22 lar daily attendance" means pupils in grades K to 12 in
23 attendance and receiving instruction in all classes for which
24 they are enrolled on the pupil membership count day or the sup-
25 plemental count day, as applicable. A pupil who is absent from
26 any of the classes in which the pupil is enrolled on the pupil
27 membership count day or supplemental count day and who does not

1 attend each of those classes during the 10 consecutive school
2 days immediately following the pupil membership count day or sup-
3 plemental count day, except for a pupil who has been excused by
4 the district, shall not be counted as 1.0 full-time equated
5 membership. In addition, a pupil who is excused from attendance
6 on the pupil membership count day or supplemental count day and
7 who fails to attend each of the classes in which the pupil is
8 enrolled within 30 calendar days after the pupil membership count
9 day or supplemental count day shall not be counted as 1.0
10 full-time equated membership. Pupils not counted as 1.0
11 full-time equated membership due to an absence from a class shall
12 be counted as a prorated membership for the classes the pupil
13 attended. For purposes of this subsection, "class" means a
14 period of time in 1 day when pupils and a certificated teacher or
15 legally qualified substitute teacher are together and instruction
16 is taking place.

17 (9) "Rule" means a rule promulgated pursuant to the adminis-
18 trative procedures act of 1969, 1969 PA 306, MCL 24.201 to
19 24.328.

20 (10) "The revised school code" means 1976 PA 451, MCL 380.1
21 to 380.1852.

22 (11) "School fiscal year" means a fiscal year that commences
23 July 1 and continues through June 30.

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

25 (13) "Superintendent", unless the context clearly refers to
26 a district or intermediate district superintendent, means the

1 superintendent of public instruction described in section 3 of
2 article VIII of the state constitution of 1963.

3 (14) "Supplemental count day" means the day on which the
4 supplemental pupil count is conducted under section 6a.

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

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

16 (17) "Taxable value" means the taxable value of property as
17 determined under section 27a of the general property tax act,
18 1893 PA 206, MCL 211.27a.

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

23 (19) "University school" means an instructional program
24 operated by a public university under section 23 that meets the
25 requirements of section 23.