

HOUSE BILL No. 4798

May 30, 2013, Introduced by Reps. Rogers and Rutledge 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 3 (MCL 388.1603), as amended by 2012 PA 201.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) "Achievement authority" means the education
2 achievement authority, the public body corporate and special
3 authority initially created under section 5 of article III and
4 section 28 of article VII of the state constitution of 1963 and the
5 urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to
6 124.512, by an interlocal agreement effective August 11, 2011,
7 between the school district of the city of Detroit and the board of
8 regents of eastern Michigan university, a state public university.

9 (2) "Achievement school" means a public school within the
10 education achievement system operated, managed, authorized,

1 established, or overseen by the achievement authority.

2 (3) "Average daily attendance", for the purposes of complying
3 with federal law, means 92% of the pupils counted in membership on
4 the pupil membership count day, as defined in section 6(7).

5 (4) "Board" means the governing body of a district or public
6 school academy.

7 (5) "Center" means the center for educational performance and
8 information created in section 94a.

9 (6) "Cooperative education program" means a written voluntary
10 agreement between and among districts to provide certain
11 educational programs for pupils in certain groups of districts. The
12 written agreement shall be approved by all affected districts at
13 least annually and shall specify the educational programs to be
14 provided and the estimated number of pupils from each district who
15 will participate in the educational programs.

16 (7) **"DELINQUENT PLAN DISTRICT" MEANS A DISTRICT THAT MEETS**
17 **BOTH OF THE FOLLOWING:**

18 (A) **THE DISTRICT EITHER HAS FAILED TO SUBMIT A DEFICIT**
19 **ELIMINATION PLAN REQUIRED UNDER SECTION 102 OR HAS SUBMITTED A**
20 **DEFICIT ELIMINATION PLAN UNDER SECTION 102 BUT THAT PLAN HAS NOT**
21 **BEEN APPROVED BY THE DEPARTMENT WITHIN 90 DAYS AFTER IT WAS**
22 **SUBMITTED.**

23 (B) **THE SUPERINTENDENT AND THE STATE TREASURER HAVE BOTH**
24 **DETERMINED THAT THE DISTRICT IS NOT FINANCIALLY VIABLE AND IS**
25 **UNABLE TO EDUCATE DISTRICT RESIDENTS FOR A SCHOOL YEAR, AND HAVE**
26 **PROVIDED THE DISTRICT WITH WRITTEN NOTICE OF THIS DETERMINATION.**

27 (8) ~~(7)~~—"Department", except in section 107, means the

1 department of education.

2 (9) ~~(8)~~—"District" means a local school district established
3 under the revised school code or, except in sections 6(4), 6(6),
4 13, 20, 22a, 31a, 51a(14), 105, 105c, and 166b, a public school
5 academy. Except in sections 6(4), 6(6), 6(8), 13, 20, 22a, 31a,
6 105, 105c, and 166b, district also includes the education
7 achievement system.

8 (10) ~~(9)~~—"District of residence", except as otherwise provided
9 in this subsection, means the district in which a pupil's custodial
10 parent or parents or legal guardian resides. For a pupil described
11 in section 24b, the pupil's district of residence is the district
12 in which the pupil enrolls under that section. For a pupil
13 described in section 6(4)(d), the pupil's district of residence
14 shall be considered to be the district or intermediate district in
15 which the pupil is counted in membership under that section. For a
16 pupil under court jurisdiction who is placed outside the district
17 in which the pupil's custodial parent or parents or legal guardian
18 resides, the pupil's district of residence shall be considered to
19 be the educating district or educating intermediate district. **FOR A**
20 **PUPIL WITH A PARENT OR LEGAL GUARDIAN WHO RESIDES IN A DELINQUENT**
21 **PLAN DISTRICT, THE PUPIL'S DISTRICT OF RESIDENCE IS CONSIDERED TO**
22 **BE THE PUPIL'S EDUCATING DISTRICT OR EDUCATING INTERMEDIATE**
23 **DISTRICT.**

24 (11) ~~(10)~~—"District superintendent" means the superintendent
25 of a district, the chief administrator of a public school academy,
26 or the chancellor of the achievement authority.