



SENATE BILL No. 264

January 26, 1993, Introduced by Senators BOUCHARD and WELBORN and referred to the Committee on Education.

A bill to amend sections 6 and 7 of Act No. 94 of the Public Acts of 1979, entitled as amended

"The state school aid act of 1979,"

section 6 as amended by Act No. 148 of the Public Acts of 1992 and section 7 as amended by Act No. 212 of the Public Acts of 1986, being sections 388.1606 and 388.1607 of the Michigan Compiled Laws; and to add section 49.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 6 and 7 of Act No. 94 of the Public
2 Acts of 1979, section 6 as amended by Act No. 148 of the Public
3 Acts of 1992 and section 7 as amended by Act No. 212 of the
4 Public Acts of 1986, being sections 388.1606 and 388.1607 of the
5 Michigan Compiled Laws, are amended and section 49 is added to
6 read as follows:

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 shall also qualify. Unless otherwise approved
9 by the department, a center program either shall serve all con-
10 stituent districts within an intermediate district or shall serve
11 several districts with less than 50% of the pupils residing in
12 the operating district. In addition, pupils approved by the
13 department, who formerly would have been placed in a center pro-
14 gram, placed in noncenter programs to comply with the least
15 restrictive environment provisions of section 612 of part B of
16 the individuals with disabilities education act, public law
17 91-230, 20 U.S.C. 1412, may be counted under this section
18 provided:

19 (a) The pupil is special education eligible and receiving
20 special education programs or services on the pupil count date;
21 and

22 (b) The pupil is eligible as autistically impaired, traina-
23 ble mentally impaired, severely mentally impaired, and severely
24 multiply impaired.

25 (2) "District pupil retention rate" means the proportion of
26 pupils who have not dropped out of school in the immediately
27 preceding school year and is equal to 1 minus the quotient of the

1 number of pupils unaccounted for in the immediately preceding
2 school year, as determined pursuant to subsection (3), divided by
3 the pupils of the immediately preceding school year.

4 (3) "District pupil retention report" means a report of the
5 number of pupils, excluding migrant and adult, in the district
6 for the immediately preceding school year, adjusted for those
7 pupils who have transferred into the district, transferred out of
8 the district, transferred to alternative programs, and have grad-
9 uated, to determine the number of pupils who are unaccounted
10 for. The number of pupils unaccounted for shall be calculated as
11 determined by the department.

12 (4) "Membership", except as otherwise provided in sections
13 56 and 62, means the number of full-time equivalent pupils in
14 grades K to 12 and in adult education programs actually enrolled
15 and in regular daily attendance on the pupil membership count day
16 as determined by the number of pupils registered for attendance
17 plus pupils received by transfer and minus pupils lost as defined
18 by rules promulgated by the state board. However, for 1992-93
19 only, a district's or intermediate district's membership for all
20 full-time pupils in grades K to 12, except pupils counted under
21 section 24, shall be considered to be the number of full-time
22 pupils in grades K to 12, except pupils counted under section 24,
23 in membership in the district or intermediate district in
24 1991-92, as determined by the department in the 1991-92 final
25 audited membership count. In a district operating an extended
26 school year program approved by the state board, a pupil
27 enrolled, but not scheduled to be in regular daily attendance on

1 the pupil membership count day, shall be counted. A pupil
2 enrolled in a university-operated instructional program under
3 section 23c shall not be counted in membership in a district. AN
4 INDIVIDUAL ENROLLED IN REMEDIAL INSTRUCTION PURSUANT TO AN EDUCA-
5 TIONAL WARRANTY UNDER SECTION 1305 OF THE SCHOOL CODE OF 1976,
6 BEING SECTION 380.1305 OF THE MICHIGAN COMPILED LAWS, SHALL NOT
7 BE COUNTED IN MEMBERSHIP. The department shall give a uniform
8 interpretation of full-time and part-time memberships. The state
9 board may provide a district with an adjustment of the district's
10 membership count upon the showing of a substantial increase in
11 membership due to the closing of a nonpublic school or a substan-
12 tial influx of new residents into the district resulting in a
13 membership increase in a single building of at least 5% but not
14 less than 25 pupils after the pupil membership count day. In a
15 district offering classes that are scheduled for a full year in
16 which different pupils participate in different sessions, known
17 as "slot-funded" classes, full-time equated memberships shall be
18 determined by dividing the number of class hours scheduled and
19 provided per year per pupil by 900 for elementary and secondary
20 pupils and by 480 for adult education pupils, and for each
21 480-hour block of such a class for adult education pupils, the
22 maximum full-time equated membership per training station is 1
23 full-time equated membership. The number of pupils enrolled in
24 each 480-hour block of a class that is scheduled for a full year
25 in which different pupils participate in different sessions and
26 the number of participants in an edge program under section 107b
27 shall not exceed the number of training stations. After January

1 1, 1993, a district shall not include persons enrolled in a
2 "slot-funded" class in membership unless the class began before
3 December 1, 1992 and is scheduled to end not later than
4 February 1, 1993. For 1992-93, a district's membership in
5 "slot-funded" classes shall not exceed 1/2 of the district's
6 1991-92 final audited membership in those classes, not counting
7 pupils age 18 to 20 with a high school diploma.

8 (5) "Pupil" means a person in membership in a public
9 school. A district must have the approval of the pupil's dis-
10 trict of residence to count the pupil in membership, except
11 approval by the pupil's district of residence shall not be
12 required for adult or nonpublic part-time pupils, for pupils
13 receiving 1/2 or less of their instruction in a district other
14 than their district of residence, or for those pupils who were
15 enrolled and in regular daily attendance and remain enrolled and
16 in regular daily attendance in the district other than their dis-
17 trict of residence before April 1, 1981.

18 (6) "Pupil membership count day" of a district means:

19 (a) The fourth Friday following Labor day each school year.

20 (b) For a district maintaining school during the entire
21 school year, the following days:

22 (i) Fourth Friday in July.

23 (ii) Fourth Friday in October.

24 (iii) Fourth Friday in January.

25 (iv) Fourth Friday in April.

26 (c) A district receiving funds from the job training
27 partnership act, Public Law 97-300, 96 Stat. 1322, or a district

1 operating a training program approved by the department may amend
2 the number of pupils counted on the pupil membership count day to
3 include pupils participating in the job training partnership act
4 program or a training program approved by the department. The
5 pupil membership count day for these pupils shall be the third
6 Friday after the first Monday after the start of instruction for
7 the program. Aid received under section 21(1) for these pupils
8 shall be reduced $1/480$ for each hour of classroom instruction the
9 pupils are scheduled to receive under 480 hours and further
10 reduced to ensure that the combined section 21(1) and the job
11 training partnership act or other approved training program aid
12 for the programs do not exceed the cost of the instructional com-
13 ponent of the programs as verified by the intermediate school
14 district of the district operating the programs.

15 (7) "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, as amended, being sections 24.201 to 24.328 of the Michigan
18 Compiled Laws.

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

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

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

25 (11) "Tuition pupil" means a pupil of school age attending
26 school in a district other than the pupil's district of
27 residence. A pupil's district of residence shall not require a

1 high school tuition pupil, as provided under section 111, to
2 attend another school district after the pupil has been assigned
3 to a school district.

4 Sec. 7. Costs for school operating purposes include all of
5 the following expenditures from the general fund of a district or
6 from the operating funds of an intermediate district:

7 (a) Expenditures for instruction and support services,
8 including salaries and employee benefits of teachers and other
9 employees, purchased services, textbooks, and other supplies and
10 materials.

11 (b) Expenditures for furniture and equipment, for alter-
12 ations necessary to maintain school facilities in a safe and san-
13 itary condition, for funding the cost of energy conservation
14 improvements in school facilities, and for deficiencies in oper-
15 ating expenses for the preceding year.

16 (c) Expenditures for school lunch programs, bookstore opera-
17 tions, interscholastic athletics, community services, and cooper-
18 ative education projects.

19 (D) REIMBURSEMENTS UNDER SECTION 49 TO ANOTHER DISTRICT, AN
20 INTERMEDIATE DISTRICT, OR A CHARTER SCHOOL FOR PROVIDING REMEDIAL
21 INSTRUCTION UNDER SECTION 1305 OF THE SCHOOL CODE OF 1976, BEING
22 SECTION 380.1305 OF THE MICHIGAN COMPILED LAWS, TO AN INDIVIDUAL
23 WHO HAS RECEIVED A HIGH SCHOOL DIPLOMA FROM THE DISTRICT.

24 SEC. 49. A DISTRICT, INTERMEDIATE DISTRICT, OR CHARTER
25 SCHOOL THAT PROVIDES REMEDIAL INSTRUCTION TO AN INDIVIDUAL PURSU-
26 ANT TO SECTION 1305 OF THE SCHOOL CODE OF 1976, BEING SECTION
27 380.1305 OF THE MICHIGAN COMPILED LAWS, SHALL CHARGE THE DISTRICT

1 FROM WHICH THE INDIVIDUAL RECEIVED HIS OR HER HIGH SCHOOL DIPLOMA
2 FOR REIMBURSEMENT FOR PROVIDING THE REMEDIAL INSTRUCTION, COM-
3 PUTED AS SPECIFIED IN SECTION 1305 OF THE SCHOOL CODE OF 1976.
4 IN ORDER TO RECEIVE STATE SCHOOL AID UNDER THIS ACT, THE DISTRICT
5 THAT ISSUED THE DIPLOMA TO THE INDIVIDUAL SHALL REIMBURSE THE
6 PROVIDING DISTRICT, INTERMEDIATE DISTRICT, OR CHARTER SCHOOL FOR
7 THE REMEDIAL INSTRUCTION, COMPUTED AS SPECIFIED IN SECTION 1305
8 OF THE SCHOOL CODE OF 1976.

9 Section 2. This amendatory act shall take effect June 1,
10 1993.

11 Section 3. This amendatory act shall not take effect unless
12 Senate Bill No. 263
13 of the 87th Legislature is enacted into law.