

HOUSE BILL No. 4692

May 18, 1999, Introduced by Reps. Voorhees, Kukuk, Hart, Lemmons, Gosselin, Koetje, Bradstreet, Pappageorge, DeWeese and Jansen and referred to the Committee on Education.

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
by amending sections 6 and 166d (MCL 388.1606 and 388.1766d),
section 6 as amended by 1998 PA 553 and section 166d as amended
by 1998 PA 339.

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

1 districts within an intermediate district or shall serve several
2 districts with less than 50% of the pupils residing in the oper-
3 ating district. In addition, special education center program
4 pupils placed part-time in noncenter programs to comply with the
5 least restrictive environment provisions of section 612 of part B
6 of the individuals with disabilities education act, title VI of
7 Public Law 91-230, 20 U.S.C. 1412, may be considered center pro-
8 gram pupils for pupil accounting purposes for the time scheduled
9 in either a center program or a noncenter program.

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

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

24 (4) "Membership", except as otherwise provided in this act,
25 means for a district, public school academy, university school,
26 or intermediate district the sum of the product of .6 times the
27 number of full-time equated pupils in grades K to 12 actually

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

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

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

1 the pupil's district of residence to count the pupil in
2 membership, the pupil shall not be counted in membership in any
3 district.

4 (c) A special education pupil educated by the intermediate
5 district shall be counted in membership in the intermediate
6 district.

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

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

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

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

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

26 (i) For a new district, university school, or public school
27 academy beginning its operation after December 31, 1994,

1 membership for the first 2 full or partial fiscal years of
2 operation shall be determined as follows:

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

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

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

1 counted in the public school academy on that first pupil
2 membership count day who were also counted in the district on the
3 immediately preceding supplemental count day.

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

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

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

25 (n) If a pupil counted in membership in a public school
26 academy is also educated by a district or intermediate district
27 as part of a cooperative education program, the pupil shall be

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

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

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

1 (o) An individual less than 16 years of age as of September
2 1 of the current school year who is being educated in an alterna-
3 tive education program shall not be counted in membership if
4 there are also adult education participants being educated in the
5 same program or classroom.

6 (p) The department shall give a uniform interpretation of
7 full-time and part-time memberships. A NONPUBLIC SCHOOL STUDENT
8 WHO IS ENROLLED PART-TIME IN A DISTRICT, INTERMEDIATE DISTRICT,
9 OR PUBLIC SCHOOL ACADEMY SHALL BE COUNTED AS A PART-TIME PUPIL
10 FOR THE PURPOSES OF THIS ACT AND SHALL BE COUNTED TOWARD DETER-
11 MINING THE DISTRICT'S, INTERMEDIATE DISTRICT'S, OR PUBLIC SCHOOL
12 ACADEMY'S FULL-TIME EQUATED MEMBERSHIP ON THE SAME BASIS AS ANY
13 OTHER PART-TIME PUPIL.

14 (q) The number of class hours used to calculate full-time
15 equated memberships shall be consistent with section 1284 of the
16 revised school code, MCL 380.1284. In determining full-time
17 equated memberships for pupils who are enrolled in a postsecond-
18 ary institution, a pupil shall not be considered to be less than
19 a full-time equated pupil solely because of the effect of his or
20 her postsecondary enrollment, including necessary travel time, on
21 the number of class hours provided by the district to the pupil.

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

1 (s) For a district that has qualified currently migrant
2 pupils enrolled in the district as of the pupil membership count
3 day who were not counted in membership in the district on the
4 supplemental count day for the immediately preceding school year,
5 as determined by the department using the criteria used for eli-
6 gibility for the migrant education program under the improving
7 America's schools act of 1994, Public Law 103-382, 108
8 Stat. 3518, the number of those pupils counted in the district's
9 membership is 3/4 of the number of those pupils counted on the
10 pupil membership count day only.

11 (t) For a district, university school, or public school
12 academy that has pupils enrolled in a grade level that was not
13 offered by the district, university school, or public school
14 academy in the immediately preceding school year, the number of
15 pupils enrolled in that grade level to be counted in membership
16 is the average of the number of those pupils enrolled and in reg-
17 ular daily attendance on the pupil membership count day and the
18 supplemental count day of the current school year, as determined
19 by the department. Membership shall be calculated by adding the
20 number of pupils registered for attendance in that grade level on
21 the pupil membership count day plus pupils received by transfer
22 and minus pupils lost as defined by rules promulgated by the
23 ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION, and as cor-
24 rected by subsequent department audit, plus the final audited
25 count from the supplemental count day for the current school
26 year, and dividing that sum by 2.

1 (u) A pupil enrolled in a cooperative education program may
2 be counted in membership in the pupil's district of residence
3 with the written approval of all parties to the cooperative
4 agreement.

5 (v) If, as a result of a disciplinary action, a district
6 determines through the district's alternative or disciplinary
7 education program that the best instructional placement for a
8 pupil is in the pupil's home, if that placement is authorized in
9 writing by the district superintendent and district alternative
10 or disciplinary education supervisor, and if the district pro-
11 vides appropriate instruction as described in this subdivision to
12 the pupil at the pupil's home, the district may count the pupil
13 in membership on a pro rata basis, with the proration based on
14 the number of hours of instruction the district actually provides
15 to the pupil divided by the number of hours specified in
16 subdivision (q) for full-time equivalency. For the purposes of
17 this subdivision, a district shall be considered to be providing
18 appropriate instruction if all of the following are met:

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

22 (ii) The district provides instructional materials,
23 resources, and supplies, except computers, that are comparable to
24 those otherwise provided in the district's alternative education
25 program.

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

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

3 (w) A pupil enrolled in an alternative or disciplinary edu-
4 cation program described in section 25 shall be counted in mem-
5 bership in the district or public school academy that expelled
6 the pupil.

7 (x) For 1997-98 only, if a pupil was enrolled in a public
8 school academy on the pupil membership count day, if the public
9 school academy's contract with its authorizing body is revoked,
10 and if the pupil enrolls in a district within 45 days after the
11 pupil membership count day, the department shall adjust the
12 district's pupil count for the pupil membership count day to
13 include the pupil in the count.

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

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

21 (a) Nonpublic part-time pupils enrolled in grades 1 to 12 in
22 accordance with section 166b.

23 (b) Pupils receiving 1/2 or less of their instruction in a
24 district other than their district of residence.

25 (c) Pupils enrolled in a public school academy or university
26 school.

1 (d) Pupils enrolled in a district other than their district
2 of residence under an intermediate district schools of choice
3 pilot program as described in section 91a or former section 91 if
4 the intermediate district and its constituent districts have been
5 exempted from section 105.

6 (e) Pupils enrolled in a district other than their district
7 of residence but within the same intermediate district if the
8 educating district enrolls nonresident pupils in accordance with
9 section 105.

10 (f) Pupils enrolled in a district other than their district
11 of residence if the pupils have been continuously enrolled in the
12 educating district since a school year in which the pupils
13 enrolled in the educating district under section 105 and in which
14 the educating district enrolled nonresident pupils in accordance
15 with section 105.

16 (g) A nonresident pupil who has made an official written
17 complaint or whose parent or legal guardian has made an official
18 written complaint to law enforcement officials and to school
19 officials of the pupil's district of residence that the pupil has
20 been the victim of a criminal sexual assault or other serious
21 assault, if the official complaint either indicates that the
22 assault occurred at school or that the assault was committed by 1
23 or more other pupils enrolled in the school the nonresident pupil
24 would otherwise attend in the district of residence or by an
25 employee of the district of residence. A person who intention-
26 ally makes a false report of a crime to law enforcement officials
27 for the purposes of this subdivision is subject to section 411a

1 of the Michigan penal code, 1931 PA 328, MCL 750.411a, which
2 provides criminal penalties for that conduct. As used in this
3 subdivision:

4 (i) "At school" means in a classroom, elsewhere on school
5 premises, on a school bus or other school-related vehicle, or at
6 a school-sponsored activity or event whether or not it is held on
7 school premises.

8 (ii) "Serious assault" means an act that constitutes a
9 felony violation of chapter XI of the Michigan penal code, 1931
10 PA 328, MCL 750.81 to 750.90f, or that constitutes an assault and
11 infliction of serious or aggravated injury under section 81a of
12 the Michigan penal code, 1931 PA 328, MCL 750.81a.

13 However, if a district that is not a first class district
14 educates pupils who reside in a first class district and if the
15 primary instructional site for those pupils is located within the
16 boundaries of the first class district, the educating district
17 must have the approval of the first class district to count those
18 pupils in membership. As used in this subsection, "first class
19 district" means a district organized as a school district of the
20 first class under the revised school code.

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

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

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

- 1 (i) Fourth Wednesday in July.
- 2 (ii) Fourth Wednesday in September.
- 3 (iii) Second Wednesday in February.
- 4 (iv) Fourth Wednesday in April.
- 5 (8) "Rule" means a rule promulgated pursuant to the adminis-
6 trative procedures act of 1969, 1969 PA 306, MCL 24.201 to
7 24.328.
- 8 (9) "The revised school code" means 1976 PA 451, MCL 380.1
9 to 380.1852.
- 10 (10) "School fiscal year" means a fiscal year that commences
11 July 1 and continues through June 30.
- 12 (11) "State board" means the state board of education.
- 13 (12) "Supplemental count day" means the day on which the
14 supplemental pupil count is conducted under section 6a.
- 15 (13) "Tuition pupil" means a pupil of school age attending
16 school in a district other than the pupil's district of residence
17 for whom tuition may be charged. Tuition pupil does not include
18 a pupil who is a special education pupil or a pupil described in
19 subsection (6)(d) to (g). A pupil's district of residence shall
20 not require a high school tuition pupil, as provided under sec-
21 tion 111, to attend another school district after the pupil has
22 been assigned to a school district.
- 23 (14) "State school aid fund" means the state school aid fund
24 established in section 11 of article IX of the state constitution
25 of 1963.

1 (15) "Taxable value" means the taxable value of property as
2 determined under section 27a of the general property tax act,
3 1893 PA 206, MCL 211.27a.

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

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

11 Sec. 166b. (1) ~~This act does not prohibit a~~ A parent or
12 legal guardian of a minor who is enrolled in any of grades 1 to
13 12 in a nonpublic school or who is being home-schooled ~~from also~~
14 ~~enrolling~~ MAY ALSO ENROLL the minor in a district or intermedi-
15 ate district in any curricular offering, REGARDLESS OF WHETHER IT
16 IS A CORE ACADEMIC COURSE OR A NONESSENTIAL ELECTIVE COURSE, that
17 is provided by the district or intermediate district at a public
18 school site and is available to pupils in the minor's grade level
19 or age group, subject to compliance with the same requirements
20 that apply to a full-time pupil's participation in the offering.
21 However, state school aid shall be provided under this act for a
22 minor enrolled as described in this subsection only for curricu-
23 lar offerings that are offered to full-time pupils in the minor's
24 grade level or age group during regularly scheduled school
25 hours. A DISTRICT OR INTERMEDIATE DISTRICT MAY REQUIRE A MINOR
26 ENROLLED UNDER THIS SUBSECTION TO ATTEND CONSECUTIVE CLASS
27 PERIODS OR HOURS.

1 (2) This act does not prohibit a parent or legal guardian of
2 a minor who is enrolled in any of grades 1 to 12 in a nonpublic
3 school located within the district or who resides within the dis-
4 trict and is being home-schooled from also enrolling the minor in
5 the district in a curricular offering being provided by the dis-
6 trict at the nonpublic school site. However, state school aid
7 shall be provided under this act for a minor enrolled as
8 described in this subsection only if all of the following apply:

9 (a) The nonpublic school site is located, or the nonpublic
10 students are educated, within the geographic boundaries of the
11 district.

12 (b) The nonpublic school is registered with the department
13 as a nonpublic school and meets all state reporting requirements
14 for nonpublic schools.

15 (c) The instruction is scheduled to occur during the regular
16 school day.

17 (d) The instruction is provided directly by an employee of
18 the district or of an intermediate district.

19 (e) The curricular offering is also available to full-time
20 pupils in the minor's grade level or age group in the district
21 during the regular school day at a public school site.

22 (f) The curricular offering is restricted to nonessential
23 elective courses for pupils in grades 1 to 12.

24 (3) A minor enrolled as described in this section is a
25 part-time pupil for purposes of state school aid under this act
26 AND SHALL BE COUNTED TOWARD DETERMINING THE DISTRICT'S OR

1 INTERMEDIATE DISTRICT'S FULL-TIME EQUATED MEMBERSHIP ON THE SAME
2 BASIS AS ANY OTHER PART-TIME PUPIL.