

# HOUSE BILL No. 4369

March 24, 2015, Introduced by Reps. Potvin, Victory and LaVoy 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 2014 PA 196.

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

1           Sec. 6. (1) "Center program" means a program operated by a  
2 district or by an intermediate district for special education  
3 pupils from several districts in programs for pupils with autism  
4 spectrum disorder, pupils with severe cognitive impairment, pupils  
5 with moderate cognitive impairment, pupils with severe multiple  
6 impairments, pupils with hearing impairment, pupils with visual  
7 impairment, and pupils with physical impairment or other health  
8 impairment. Programs for pupils with emotional impairment housed in  
9 buildings that do not serve regular education pupils also qualify.  
10 Unless otherwise approved by the department, a center program  
11 either shall serve all constituent districts within an intermediate

1 district or shall serve several districts with less than 50% of the  
2 pupils residing in the operating district. In addition, special  
3 education center program pupils placed part-time in noncenter  
4 programs to comply with the least restrictive environment  
5 provisions of section 612 of part B of the individuals with  
6 disabilities education act, 20 USC 1412, may be considered center  
7 program pupils for pupil accounting purposes for the time scheduled  
8 in either a center program or a noncenter program.

9 (2) "District and high school graduation rate" means the  
10 annual completion and pupil dropout rate that is calculated by the  
11 center pursuant to nationally recognized standards.

12 (3) "District and high school graduation report" means a  
13 report of the number of pupils, excluding adult participants, in  
14 the district for the immediately preceding school year, adjusted  
15 for those pupils who have transferred into or out of the district  
16 or high school, who leave high school with a diploma or other  
17 credential of equal status.

18 (4) "Membership", except as otherwise provided in this  
19 article, means for a district, a public school academy, the  
20 education achievement system, or an intermediate district the sum  
21 of the product of .90 times the number of full-time equated pupils  
22 in grades K to 12 actually enrolled and in regular daily attendance  
23 on the pupil membership count day for the current school year, plus  
24 the product of .10 times the final audited count from the  
25 supplemental count day for the current school year. A district's,  
26 public school academy's, or intermediate district's membership  
27 shall be adjusted as provided under section 25e for pupils who

1 enroll in the district, public school academy, or intermediate  
2 district after the pupil membership count day. All pupil counts  
3 used in this subsection are as determined by the department and  
4 calculated by adding the number of pupils registered for attendance  
5 plus pupils received by transfer and minus pupils lost as defined  
6 by rules promulgated by the superintendent, and as corrected by a  
7 subsequent department audit. For the purposes of this section and  
8 section 6a, for a school of excellence that is a cyber school, as  
9 defined in section 551 of the revised school code, MCL 380.551, and  
10 is in compliance with section 553a of the revised school code, MCL  
11 380.553a, a pupil's participation in the cyber school's educational  
12 program is considered regular daily attendance; for the education  
13 achievement system, a pupil's participation in an online  
14 educational program of the education achievement system or of an  
15 achievement school is considered regular daily attendance; and for  
16 a district a pupil's participation in an online course as defined  
17 in section 21f is considered regular daily attendance. The amount  
18 of the foundation allowance for a pupil in membership is determined  
19 under section 20. In making the calculation of membership, all of  
20 the following, as applicable, apply to determining the membership  
21 of a district, a public school academy, the education achievement  
22 system, or an intermediate district:

23 (a) Except as otherwise provided in this subsection, and  
24 pursuant to subsection (6), a pupil shall be counted in membership  
25 in the pupil's educating district or districts. An individual pupil  
26 shall not be counted for more than a total of 1.0 full-time equated  
27 membership.

1           (b) If a pupil is educated in a district other than the  
2 pupil's district of residence, if the pupil is not being educated  
3 as part of a cooperative education program, if the pupil's district  
4 of residence does not give the educating district its approval to  
5 count the pupil in membership in the educating district, and if the  
6 pupil is not covered by an exception specified in subsection (6) to  
7 the requirement that the educating district must have the approval  
8 of the pupil's district of residence to count the pupil in  
9 membership, the pupil shall not be counted in membership in any  
10 district.

11           (c) A special education pupil educated by the intermediate  
12 district shall be counted in membership in the intermediate  
13 district.

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

20           (e) A pupil enrolled in the Michigan schools for the deaf and  
21 blind shall be counted in membership in the pupil's intermediate  
22 district of residence.

23           (f) A pupil enrolled in a career and technical education  
24 program supported by a millage levied over an area larger than a  
25 single district or in an area vocational-technical education  
26 program established pursuant to section 690 of the revised school  
27 code, MCL 380.690, shall be counted only in the pupil's district of

1 residence.

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

4 (h) A pupil enrolled in an achievement school shall be counted  
5 in membership in the education achievement system.

6 (i) For a new district or public school academy beginning its  
7 operation after December 31, 1994, or for the education achievement  
8 system or an achievement school, membership for the first 2 full or  
9 partial fiscal years of operation shall be determined as follows:

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

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

1           (j) If a district is the authorizing body for a public school  
2 academy, then, in the first school year in which pupils are counted  
3 in membership on the pupil membership count day in the public  
4 school academy, the determination of the district's membership  
5 shall exclude from the district's pupil count for the immediately  
6 preceding supplemental count day any pupils who are counted in the  
7 public school academy on that first pupil membership count day who  
8 were also counted in the district on the immediately preceding  
9 supplemental count day.

10           (k) In a district, a public school academy, the education  
11 achievement system, or an intermediate district operating an  
12 extended school year program approved by the superintendent, a  
13 pupil enrolled, but not scheduled to be in regular daily attendance  
14 on a pupil membership count day, shall be counted.

15           (l) To be counted in membership, a pupil shall meet the minimum  
16 age requirement to be eligible to attend school under section 1147  
17 of the revised school code, MCL 380.1147, or shall be enrolled  
18 under subsection (3) of that section, and shall be less than 20  
19 years of age on September 1 of the school year except as follows:

20           (i) A special education pupil who is enrolled and receiving  
21 instruction in a special education program or service approved by  
22 the department, who does not have a high school diploma, and who is  
23 less than 26 years of age as of September 1 of the current school  
24 year shall be counted in membership.

25           (ii) A pupil who is determined by the department to meet all of  
26 the following may be counted in membership:

27           (A) Is enrolled in a public school academy or an alternative

1 education high school diploma program, that is primarily focused on  
2 educating homeless pupils.

3 (B) Had dropped out of school for more than 1 year and has re-  
4 entered school.

5 (C) Is less than 22 years of age as of September 1 of the  
6 current school year.

7 (iii) If a child does not meet the minimum age requirement to be  
8 eligible to attend school for that school year under section 1147  
9 of the revised school code, MCL 380.1147, but will be 5 years of  
10 age not later than December 1 of that school year, the district may  
11 count the child in membership for that school year if the parent or  
12 legal guardian has notified the district in writing that he or she  
13 intends to enroll the child in kindergarten for that school year.

14 (m) An individual who has obtained a high school diploma shall  
15 not be counted in membership. An individual who has obtained a  
16 general educational development (G.E.D.) certificate shall not be  
17 counted in membership unless the individual is a pupil with a  
18 disability as defined in R 340.1702 of the Michigan administrative  
19 code. An individual participating in a job training program funded  
20 under former section 107a or a jobs program funded under former  
21 section 107b, administered by the Michigan strategic fund, or  
22 participating in any successor of either of those 2 programs, shall  
23 not be counted in membership.

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

1 the public school academy or the education achievement system  
2 unless a written agreement signed by all parties designates the  
3 party or parties in which the pupil shall be counted in membership,  
4 and the instructional time scheduled for the pupil in the district  
5 or intermediate district shall be included in the full-time equated  
6 membership determination under subdivision (q). However, for pupils  
7 receiving instruction in both a public school academy or the  
8 education achievement system and in a district or intermediate  
9 district but not as a part of a cooperative education program, the  
10 following apply:

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

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

1 of instruction the district or intermediate district provides  
2 divided by the number of hours specified in subdivision (q) for  
3 full-time equivalency, and the remainder of the full-time  
4 membership for each of those pupils shall be allocated to the  
5 public school academy or the education achievement system.

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

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

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

21 (r) Beginning in 2012-2013, full-time equated memberships for  
22 pupils in kindergarten shall be determined by dividing the number  
23 of instructional hours scheduled and provided per year per  
24 kindergarten pupil by the same number used for determining full-  
25 time equated memberships for pupils in grades 1 to 12. However, to  
26 the extent allowable under federal law, for a district or public  
27 school academy that provides evidence satisfactory to the

1 department that it used federal title I money in the 2 immediately  
2 preceding school fiscal years to fund full-time kindergarten, full-  
3 time equated memberships for pupils in kindergarten shall be  
4 determined by dividing the number of class hours scheduled and  
5 provided per year per kindergarten pupil by a number equal to  $1/2$   
6 the number used for determining full-time equated memberships for  
7 pupils in grades 1 to 12. The change in the counting of full-time  
8 equated memberships for pupils in kindergarten that took effect for  
9 2012-2013 is not a mandate.

10 (s) For a district, a public school academy, or the education  
11 achievement system that has pupils enrolled in a grade level that  
12 was not offered by the district, the public school academy, or the  
13 education achievement system in the immediately preceding school  
14 year, the number of pupils enrolled in that grade level to be  
15 counted in membership is the average of the number of those pupils  
16 enrolled and in regular daily attendance on the pupil membership  
17 count day and the supplemental count day of the current school  
18 year, as determined by the department. Membership shall be  
19 calculated by adding the number of pupils registered for attendance  
20 in that grade level on the pupil membership count day plus pupils  
21 received by transfer and minus pupils lost as defined by rules  
22 promulgated by the superintendent, and as corrected by subsequent  
23 department audit, plus the final audited count from the  
24 supplemental count day for the current school year, and dividing  
25 that sum by 2.

26 (t) A pupil enrolled in a cooperative education program may be  
27 counted in membership in the pupil's district of residence with the

1 written approval of all parties to the cooperative agreement.

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

18 (i) The district provides at least 2 nonconsecutive hours of  
19 instruction per week to the pupil at the pupil's home or otherwise  
20 apart from the general school population under the supervision of a  
21 certificated teacher.

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

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

27 (iv) Credit earned is awarded to the pupil and placed on the

1 pupil's transcript.

2 (v) If a pupil was enrolled in a public school academy on the  
3 pupil membership count day, if the public school academy's contract  
4 with its authorizing body is revoked or the public school academy  
5 otherwise ceases to operate, and if the pupil enrolls in a district  
6 or the education achievement system within 45 days after the pupil  
7 membership count day, the department shall adjust the district's or  
8 the education achievement system's pupil count for the pupil  
9 membership count day to include the pupil in the count.

10 (w) For a public school academy that has been in operation for  
11 at least 2 years and that suspended operations for at least 1  
12 semester and is resuming operations, membership is the sum of the  
13 product of .90 times the number of full-time equated pupils in  
14 grades K to 12 actually enrolled and in regular daily attendance on  
15 the first pupil membership count day or supplemental count day,  
16 whichever is first, occurring after operations resume, plus the  
17 product of .10 times the final audited count from the most recent  
18 pupil membership count day or supplemental count day that occurred  
19 before suspending operations, as determined by the superintendent.

20 (x) If a district's membership for a particular fiscal year,  
21 as otherwise calculated under this subsection, would be less than  
22 1,550 pupils and the district has 4.5 or fewer pupils per square  
23 mile, as determined by the department, and if the district does not  
24 receive funding under section 22d(2), the district's membership  
25 shall be considered to be the membership figure calculated under  
26 this subdivision. If a district educates and counts in its  
27 membership pupils in grades 9 to 12 who reside in a contiguous

1 district that does not operate grades 9 to 12 and if 1 or both of  
2 the affected districts request the department to use the  
3 determination allowed under this sentence, the department shall  
4 include the square mileage of both districts in determining the  
5 number of pupils per square mile for each of the districts for the  
6 purposes of this subdivision. The membership figure calculated  
7 under this subdivision is the greater of the following:

8 (i) The average of the district's membership for the 3-fiscal-  
9 year period ending with that fiscal year, calculated by adding the  
10 district's actual membership for each of those 3 fiscal years, as  
11 otherwise calculated under this subsection, and dividing the sum of  
12 those 3 membership figures by 3.

13 (ii) The district's actual membership for that fiscal year as  
14 otherwise calculated under this subsection.

15 (y) Full-time equated memberships for special education pupils  
16 who are not enrolled in kindergarten but are enrolled in a  
17 classroom program under R 340.1754 of the Michigan administrative  
18 code shall be determined by dividing the number of class hours  
19 scheduled and provided per year by 450. Full-time equated  
20 memberships for special education pupils who are not enrolled in  
21 kindergarten but are receiving early childhood special education  
22 services under R 340.1755 or 340.1862 of the Michigan  
23 administrative code shall be determined by dividing the number of  
24 hours of service scheduled and provided per year per pupil by 180.

25 (z) A pupil of a district that begins its school year after  
26 Labor day who is enrolled in an intermediate district program that  
27 begins before Labor ~~day~~ **DAY** shall not be considered to be less than

1 a full-time pupil solely due to instructional time scheduled but  
2 not attended by the pupil before Labor ~~day~~-**DAY**.

3 (aa) For the first year in which a pupil is counted in  
4 membership on the pupil membership count day in a middle college  
5 program, the membership is the average of the full-time equated  
6 membership on the pupil membership count day and on the  
7 supplemental count day for the current school year, as determined  
8 by the department.

9 (bb) A district, a public school academy, or the education  
10 achievement system that educates a pupil who attends a United  
11 States Olympic education center may count the pupil in membership  
12 regardless of whether or not the pupil is a resident of this state.

13 (cc) A pupil enrolled in a district other than the pupil's  
14 district of residence pursuant to section 1148(2) of the revised  
15 school code, MCL 380.1148, shall be counted in the educating  
16 district or the education achievement system.

17 (dd) For a pupil enrolled in a dropout recovery program that  
18 meets the requirements of section 23a, the pupil shall be counted  
19 as 1/12 of a full-time equated membership for each month that the  
20 district operating the program reports that the pupil was enrolled  
21 in the program and was in full attendance. However, if the special  
22 membership counting provisions under this subdivision and the  
23 operation of the other membership counting provisions under this  
24 subsection result in a pupil being counted as more than 1.0 FTE in  
25 a fiscal year, the payment made for the pupil under sections 22a  
26 and 22b shall not be based on more than 1.0 FTE for that pupil, and  
27 any portion of an FTE for that pupil that exceeds 1.0 shall instead

1 be paid under section 25f. The district operating the program shall  
2 report to the center the number of pupils who were enrolled in the  
3 program and were in full attendance for a month not later than the  
4 tenth day of the next month. A district shall not report a pupil as  
5 being in full attendance for a month unless both of the following  
6 are met:

7 (i) A personalized learning plan is in place on or before the  
8 first school day of the month for the first month the pupil  
9 participates in the program.

10 (ii) The pupil meets the district's definition under section  
11 23a of satisfactory monthly progress for that month or, if the  
12 pupil does not meet that definition of satisfactory monthly  
13 progress for that month, the pupil did meet that definition of  
14 satisfactory monthly progress in the immediately preceding month  
15 and appropriate interventions are implemented within 10 school days  
16 after it is determined that the pupil does not meet that definition  
17 of satisfactory monthly progress.

18 **(EE) IF A SPECIAL EDUCATION PUPIL IS EXPELLED UNDER SECTION**  
19 **1311 OR 1311A OF THE REVISED SCHOOL CODE, MCL 380.1311 AND**  
20 **380.1311A, AND IS NOT IN ATTENDANCE ON THE PUPIL MEMBERSHIP COUNT**  
21 **DAY BECAUSE OF THE EXPULSION, AND IF THE PUPIL REMAINS ENROLLED IN**  
22 **THE DISTRICT AND RESUMES REGULAR DAILY ATTENDANCE DURING THAT**  
23 **SCHOOL YEAR, THE DISTRICT'S MEMBERSHIP SHALL BE ADJUSTED TO COUNT**  
24 **THE PUPIL IN MEMBERSHIP AS IF HE OR SHE HAD BEEN IN ATTENDANCE ON**  
25 **THE PUPIL MEMBERSHIP COUNT DAY.**

26 (5) "Public school academy" means that term as defined in  
27 section 5 of the revised school code, MCL 380.5.

1           (6) "Pupil" means a person in membership in a public school. A  
2 district must have the approval of the pupil's district of  
3 residence to count the pupil in membership, except approval by the  
4 pupil's district of residence is not required for any of the  
5 following:

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

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

10           (c) A pupil enrolled in a public school academy or the  
11 education achievement system.

12           (d) A pupil enrolled in a district other than the pupil's  
13 district of residence under an intermediate district schools of  
14 choice pilot program as described in section 91a or former section  
15 91 if the intermediate district and its constituent districts have  
16 been exempted from section 105.

17           (e) A pupil enrolled in a district other than the pupil's  
18 district of residence if the pupil is enrolled in accordance with  
19 section 105 or 105c.

20           (f) A pupil who has made an official written complaint or  
21 whose parent or legal guardian has made an official written  
22 complaint to law enforcement officials and to school officials of  
23 the pupil's district of residence that the pupil has been the  
24 victim of a criminal sexual assault or other serious assault, if  
25 the official complaint either indicates that the assault occurred  
26 at school or that the assault was committed by 1 or more other  
27 pupils enrolled in the school the pupil would otherwise attend in

1 the district of residence or by an employee of the district of  
2 residence. A person who intentionally makes a false report of a  
3 crime to law enforcement officials for the purposes of this  
4 subdivision is subject to section 411a of the Michigan penal code,  
5 1931 PA 328, MCL 750.411a, which provides criminal penalties for  
6 that conduct. As used in this subdivision:

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

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

16 (g) A pupil whose district of residence changed after the  
17 pupil membership count day and before the supplemental count day  
18 and who continues to be enrolled on the supplemental count day as a  
19 nonresident in the district in which he or she was enrolled as a  
20 resident on the pupil membership count day of the same school year.

21 (h) A pupil enrolled in an alternative education program  
22 operated by a district other than his or her district of residence  
23 who meets 1 or more of the following:

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

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

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

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

4           (i) A pupil enrolled in the Michigan virtual school, for the  
5 pupil's enrollment in the Michigan virtual school.

6           (j) A pupil who is the child of a person who works at the  
7 district or who is the child of a person who worked at the district  
8 as of the time the pupil first enrolled in the district but who no  
9 longer works at the district due to a workforce reduction. As used  
10 in this subdivision, "child" includes an adopted child, stepchild,  
11 or legal ward.

12           (k) An expelled pupil who has been denied reinstatement by the  
13 expelling district and is reinstated by another school board under  
14 section 1311 or 1311a of the revised school code, MCL 380.1311 and  
15 380.1311a.

16           (l) A pupil enrolled in a district other than the pupil's  
17 district of residence in a middle college program if the pupil's  
18 district of residence and the enrolling district are both  
19 constituent districts of the same intermediate district.

20           (m) A pupil enrolled in a district other than the pupil's  
21 district of residence who attends a United States Olympic education  
22 center.

23           (n) A pupil enrolled in a district other than the pupil's  
24 district of residence pursuant to section 1148(2) of the revised  
25 school code, MCL 380.1148.

26           (o) A pupil who enrolls in a district other than the pupil's  
27 district of residence as a result of the pupil's school not making

1 adequate yearly progress under the no child left behind act of  
2 2001, Public Law 107-110.

3 (p) An online learning pupil enrolled in a district other than  
4 the pupil's district of residence as an eligible pupil under  
5 section 21f.

6 However, if a district educates pupils who reside in another  
7 district and if the primary instructional site for those pupils is  
8 established by the educating district after 2009-2010 and is  
9 located within the boundaries of that other district, the educating  
10 district must have the approval of that other district to count  
11 those pupils in membership.

12 (7) "Pupil membership count day" of a district or intermediate  
13 district means:

14 (a) Except as provided in subdivision (b), the first Wednesday  
15 in October each school year or, for a district or building in which  
16 school is not in session on that Wednesday due to conditions not  
17 within the control of school authorities, with the approval of the  
18 superintendent, the immediately following day on which school is in  
19 session in the district or building.

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

22 (i) Fourth Wednesday in July.

23 (ii) First Wednesday in October.

24 (iii) Second Wednesday in February.

25 (iv) Fourth Wednesday in April.

26 (8) "Pupils in grades K to 12 actually enrolled and in regular  
27 daily attendance" means pupils in grades K to 12 in attendance and

1 receiving instruction in all classes for which they are enrolled on  
2 the pupil membership count day or the supplemental count day, as  
3 applicable. Except as otherwise provided in this subsection, a  
4 pupil who is absent from any of the classes in which the pupil is  
5 enrolled on the pupil membership count day or supplemental count  
6 day and who does not attend each of those classes during the 10  
7 consecutive school days immediately following the pupil membership  
8 count day or supplemental count day, except for a pupil who has  
9 been excused by the district, shall not be counted as 1.0 full-time  
10 equated membership. A pupil who is excused from attendance on the  
11 pupil membership count day or supplemental count day and who fails  
12 to attend each of the classes in which the pupil is enrolled within  
13 30 calendar days after the pupil membership count day or  
14 supplemental count day shall not be counted as 1.0 full-time  
15 equated membership. In addition, a pupil who was enrolled and in  
16 attendance in a district, an intermediate district, a public school  
17 academy, or the education achievement system before the pupil  
18 membership count day or supplemental count day of a particular year  
19 but was expelled or suspended on the pupil membership count day or  
20 supplemental count day shall only be counted as 1.0 full-time  
21 equated membership if the pupil resumed attendance in the district,  
22 intermediate district, public school academy, or education  
23 achievement system within 45 days after the pupil membership count  
24 day or supplemental count day of that particular year. Pupils not  
25 counted as 1.0 full-time equated membership due to an absence from  
26 a class shall be counted as a prorated membership for the classes  
27 the pupil attended. For purposes of this subsection, "class" means

1 a period of time in 1 day when pupils and a certificated teacher or  
2 legally qualified substitute teacher are together and instruction  
3 is taking place.

4 (9) "Rule" means a rule promulgated pursuant to the  
5 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
6 24.328.

7 (10) "The revised school code" means 1976 PA 451, MCL 380.1 to  
8 380.1852.

9 (11) "School district of the first class", "first class school  
10 district", and "district of the first class" mean, for the purposes  
11 of this article only, a district that had at least 40,000 pupils in  
12 membership for the immediately preceding fiscal year.

13 (12) "School fiscal year" means a fiscal year that commences  
14 July 1 and continues through June 30.

15 (13) "State board" means the state board of education.

16 (14) "Superintendent", unless the context clearly refers to a  
17 district or intermediate district superintendent, means the  
18 superintendent of public instruction described in section 3 of  
19 article VIII of the state constitution of 1963.

20 (15) "Supplemental count day" means the day on which the  
21 supplemental pupil count is conducted under section 6a.

22 (16) "Tuition pupil" means a pupil of school age attending  
23 school in a district other than the pupil's district of residence  
24 for whom tuition may be charged to the district of residence.

25 Tuition pupil does not include a pupil who is a special education  
26 pupil, a pupil described in subsection (6)(c) to (p), or a pupil  
27 whose parent or guardian voluntarily enrolls the pupil in a

1 district that is not the pupil's district of residence. A pupil's  
2 district of residence shall not require a high school tuition  
3 pupil, as provided under section 111, to attend another school  
4 district after the pupil has been assigned to a school district.

5 (17) "State school aid fund" means the state school aid fund  
6 established in section 11 of article IX of the state constitution  
7 of 1963.

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

11 (19) "Textbook" means a book, electronic book, or other  
12 instructional print or electronic resource that is selected and  
13 approved by the governing board of a district or, for an  
14 achievement school, by the chancellor of the achievement authority  
15 and that contains a presentation of principles of a subject, or  
16 that is a literary work relevant to the study of a subject required  
17 for the use of classroom pupils, or another type of course material  
18 that forms the basis of classroom instruction.

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

23 Enacting section 1. This amendatory act takes effect 90 days  
24 after the date it is enacted into law.