

HOUSE BILL No. 4790

July 15, 2015, Introduced by Rep. McBroom 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 6 (MCL 388.1606), as amended by 2015 PA 85.

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 education
14 participants, in the district for the immediately preceding school
15 year, adjusted for those pupils who have transferred into or out of
16 the district or high school, who leave high school with a diploma
17 or other 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 immediately preceding school year. A
26 district's, public school academy's, or intermediate district's
27 membership shall be adjusted as provided under section 25e for

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

26 (a) Except as otherwise provided in this subsection, and
27 pursuant to subsection (6), a pupil shall be counted in membership

1 in the pupil's educating district or districts. An individual pupil
2 shall not be counted for more than a total of 1.0 full-time equated
3 membership.

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

14 (c) A special education pupil educated by the intermediate
15 district shall be counted in membership in the intermediate
16 district.

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

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

26 (f) A pupil enrolled in a career and technical education
27 program supported by a millage levied over an area larger than a

1 single district or in an area vocational-technical education
2 program established pursuant to section 690 of the revised school
3 code, MCL 380.690, shall be counted only in the pupil's district of
4 residence.

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

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

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

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

25 (ii) If operations begin after the pupil membership count day
26 for the fiscal year and not later than the supplemental count day
27 for the fiscal year, membership is the final audited count of the

1 number of full-time equated pupils in grades K to 12 actually
2 enrolled and in regular daily attendance on the supplemental count
3 day for the current school year.

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

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

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

24 (i) A special education pupil who is enrolled and receiving
25 instruction in a special education program or service approved by
26 the department, who does not have a high school diploma, and who is
27 less than 26 years of age as of September 1 of the current school

1 year shall be counted in membership.

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

4 (A) Is enrolled in a public school academy or an alternative
5 education high school diploma program, that is primarily focused on
6 educating homeless pupils.

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

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

11 (D) Is considered to be homeless under 42 USC 11302.

12 (iii) If a child does not meet the minimum age requirement to
13 be eligible to attend school for that school year under section
14 1147 of the revised school code, MCL 380.1147, but will be 5 years
15 of age not later than December 1 of that school year, the district
16 may count the child in membership for that school year if the
17 parent or legal guardian has notified the district in writing that
18 he or she intends to enroll the child in kindergarten for that
19 school year.

20 (m) An individual who has obtained a high school diploma shall
21 not be counted in membership. An individual who has obtained a
22 general educational development (G.E.D.) certificate shall not be
23 counted in membership unless the individual is a student with a
24 disability as defined in R 340.1702 of the Michigan administrative
25 code. An individual participating in a job training program funded
26 under former section 107a or a jobs program funded under former
27 section 107b, administered by the Michigan strategic fund, or

1 participating in any successor of either of those 2 programs, shall
2 not be counted in membership.

3 (n) If a pupil counted in membership in a public school
4 academy or the education achievement system is also educated by a
5 district or intermediate district as part of a cooperative
6 education program, the pupil shall be counted in membership only in
7 the public school academy or the education achievement system
8 unless a written agreement signed by all parties designates the
9 party or parties in which the pupil shall be counted in membership,
10 and the instructional time scheduled for the pupil in the district
11 or intermediate district shall be included in the full-time equated
12 membership determination under subdivision (q) and section 101.
13 However, for pupils receiving instruction in both a public school
14 academy or the education achievement system and in a district or
15 intermediate district but not as a part of a cooperative education
16 program, the following apply:

17 (i) If the public school academy or the education achievement
18 system provides instruction for at least 1/2 of the class hours
19 required under section 101, the public school academy or the
20 education achievement system shall receive as its prorated share of
21 the full-time equated membership for each of those pupils an amount
22 equal to 1 times the product of the hours of instruction the public
23 school academy or the education achievement system provides divided
24 by the number of hours required under section 101 for full-time
25 equivalency, and the remainder of the full-time membership for each
26 of those pupils shall be allocated to the district or intermediate
27 district providing the remainder of the hours of instruction.

1 (ii) If the public school academy or the education achievement
2 system provides instruction for less than 1/2 of the class hours
3 required under section 101, the district or intermediate district
4 providing the remainder of the hours of instruction shall receive
5 as its prorated share of the full-time equated membership for each
6 of those pupils an amount equal to 1 times the product of the hours
7 of instruction the district or intermediate district provides
8 divided by the number of hours required under section 101 for full-
9 time equivalency, and the remainder of the full-time membership for
10 each of those pupils shall be allocated to the public school
11 academy or the education achievement system.

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

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

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

27 (r) Full-time equated memberships for pupils in kindergarten

1 shall be determined by dividing the number of instructional hours
2 scheduled and provided per year per kindergarten pupil by the same
3 number used for determining full-time equated memberships for
4 pupils in grades 1 to 12. However, to the extent allowable under
5 federal law, for a district or public school academy that provides
6 evidence satisfactory to the department that it used federal title
7 I money in the 2 immediately preceding school fiscal years to fund
8 full-time kindergarten, full-time equated memberships for pupils in
9 kindergarten shall be determined by dividing the number of class
10 hours scheduled and provided per year per kindergarten pupil by a
11 number equal to $1/2$ the number used for determining full-time
12 equated memberships for pupils in grades 1 to 12. The change in the
13 counting of full-time equated memberships for pupils in
14 kindergarten that took effect for 2012-2013 is not a mandate.

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

1 department audit, plus the final audited count from the
2 supplemental count day for the current school year, and dividing
3 that sum by 2.

4 (t) A pupil enrolled in a cooperative education program may be
5 counted in membership in the pupil's district of residence with the
6 written approval of all parties to the cooperative agreement.

7 (u) If, as a result of a disciplinary action, a district
8 determines through the district's alternative or disciplinary
9 education program that the best instructional placement for a pupil
10 is in the pupil's home or otherwise apart from the general school
11 population, if that placement is authorized in writing by the
12 district superintendent and district alternative or disciplinary
13 education supervisor, and if the district provides appropriate
14 instruction as described in this subdivision to the pupil at the
15 pupil's home or otherwise apart from the general school population,
16 the district may count the pupil in membership on a pro rata basis,
17 with the proration based on the number of hours of instruction the
18 district actually provides to the pupil divided by the number of
19 hours required under section 101 for full-time equivalency. For the
20 purposes of this subdivision, a district shall be considered to be
21 providing appropriate instruction if all of the following are met:

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

26 (ii) The district provides instructional materials, resources,
27 and supplies that are comparable to those otherwise provided in the

1 district's alternative education program.

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

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

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

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

24 (x) If a district's membership for a particular fiscal year,
25 as otherwise calculated under this subsection, would be less than
26 1,550 pupils and the district has 4.5 or fewer pupils per square
27 mile, as determined by the department, and if the district does not

1 receive funding under section 22d(2), the district's membership
2 shall be considered to be the membership figure calculated under
3 this subdivision. If a district educates and counts in its
4 membership pupils in grades 9 to 12 who reside in a contiguous
5 district that does not operate grades 9 to 12 and if 1 or both of
6 the affected districts request the department to use the
7 determination allowed under this sentence, the department shall
8 include the square mileage of both districts in determining the
9 number of pupils per square mile for each of the districts for the
10 purposes of this subdivision. The membership figure calculated
11 under this subdivision is the greater of the following:

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

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

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

1 hours of service scheduled and provided per year per-pupil by 180.

2 (z) A pupil of a district that begins its school year after
3 Labor Day who is enrolled in an intermediate district program that
4 begins before Labor Day shall not be considered to be less than a
5 full-time pupil solely due to instructional time scheduled but not
6 attended by the pupil before Labor Day.

7 (aa) For the first year in which a pupil is counted in
8 membership on the pupil membership count day in a middle college
9 program, the membership is the average of the full-time equated
10 membership on the pupil membership count day and on the
11 supplemental count day for the current school year, as determined
12 by the department. If a pupil described in this subdivision was
13 counted in membership by the operating district on the immediately
14 preceding supplemental count day, the pupil shall be excluded from
15 the district's immediately preceding supplemental count for the
16 purposes of determining the district's membership.

17 (bb) A district, a public school academy, or the education
18 achievement system that educates a pupil who attends a United
19 States Olympic Education Center may count the pupil in membership
20 regardless of whether or not the pupil is a resident of this state.

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

25 (dd) For a pupil enrolled in a dropout recovery program that
26 meets the requirements of section 23a, the pupil shall be counted
27 as 1/12 of a full-time equated membership for each month that the

1 district operating the program reports that the pupil was enrolled
2 in the program and was in full attendance. However, if the special
3 membership counting provisions under this subdivision and the
4 operation of the other membership counting provisions under this
5 subsection result in a pupil being counted as more than 1.0 FTE in
6 a fiscal year, the payment made for the pupil under sections 22a
7 and 22b shall not be based on more than 1.0 FTE for that pupil, and
8 any portion of an FTE for that pupil that exceeds 1.0 shall instead
9 be paid under section 25g. The district operating the program shall
10 report to the center the number of pupils who were enrolled in the
11 program and were in full attendance for a month not later than the
12 tenth day of the next month. A district shall not report a pupil as
13 being in full attendance for a month unless both of the following
14 are met:

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

18 (ii) The pupil meets the district's definition under section
19 23a of satisfactory monthly progress for that month or, if the
20 pupil does not meet that definition of satisfactory monthly
21 progress for that month, the pupil did meet that definition of
22 satisfactory monthly progress in the immediately preceding month
23 and appropriate interventions are implemented within 10 school days
24 after it is determined that the pupil does not meet that definition
25 of satisfactory monthly progress.

26 (ee) A pupil participating in an online course under section
27 21f shall be counted in membership in the district enrolling the

1 pupil.

2 (ff) If a public school academy that is not in its first or
3 second year of operation closes at the end of a school year and
4 does not reopen for the next school year, the department shall
5 adjust the membership count of the district or the education
6 achievement system in which a former pupil of the public school
7 academy enrolls and is in regular daily attendance for the next
8 school year to ensure that the district or the education
9 achievement system receives the same amount of membership aid for
10 the pupil as if the pupil were counted in the district or the
11 education achievement system on the supplemental count day of the
12 preceding school year.

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

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

20 (a) A nonpublic part-time pupil enrolled in grades ~~1-K~~ to 12
21 in accordance with section 166b.

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

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

26 (d) A pupil enrolled in a district other than the pupil's
27 district of residence under an intermediate district schools of

1 choice pilot program as described in section 91a or former section
2 91 if the intermediate district and its constituent districts have
3 been exempted from section 105.

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

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

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

25 (ii) "Serious assault" means an act that constitutes a felony
26 violation of chapter XI of the Michigan penal code, 1931 PA 328,
27 MCL 750.81 to 750.90h, or that constitutes an assault and

1 infliction of serious or aggravated injury under section 81a of the
2 Michigan penal code, 1931 PA 328, MCL 750.81a.

3 (g) A pupil whose district of residence changed after the
4 pupil membership count day and before the supplemental count day
5 and who continues to be enrolled on the supplemental count day as a
6 nonresident in the district in which he or she was enrolled as a
7 resident on the pupil membership count day of the same school year.

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

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

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

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

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

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

20 (j) A pupil who is the child of a person who works at the
21 district or who is the child of a person who worked at the district
22 as of the time the pupil first enrolled in the district but who no
23 longer works at the district due to a workforce reduction. As used
24 in this subdivision, "child" includes an adopted child, stepchild,
25 or legal ward.

26 (k) An expelled pupil who has been denied reinstatement by the
27 expelling district and is reinstated by another school board under

1 section 1311 or 1311a of the revised school code, MCL 380.1311 and
2 380.1311a.

3 (l) A pupil enrolled in a district other than the pupil's
4 district of residence in a middle college program if the pupil's
5 district of residence and the enrolling district are both
6 constituent districts of the same intermediate district.

7 (m) A pupil enrolled in a district other than the pupil's
8 district of residence who attends a United States Olympic Education
9 Center.

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

13 (o) A pupil who enrolls in a district other than the pupil's
14 district of residence as a result of the pupil's school not making
15 adequate yearly progress under the no child left behind act of
16 2001, Public Law 107-110.

17 However, if a district educates pupils who reside in another
18 district and if the primary instructional site for those pupils is
19 established by the educating district after 2009-2010 and is
20 located within the boundaries of that other district, the educating
21 district must have the approval of that other district to count
22 those pupils in membership.

23 (7) "Pupil membership count day" of a district or intermediate
24 district means:

25 (a) Except as provided in subdivision (b), the first Wednesday
26 in October each school year or, for a district or building in which
27 school is not in session on that Wednesday due to conditions not

1 within the control of school authorities, with the approval of the
2 superintendent, the immediately following day on which school is in
3 session in the district or building.

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

6 (i) Fourth Wednesday in July.

7 (ii) First Wednesday in October.

8 (iii) Second Wednesday in February.

9 (iv) Fourth Wednesday in April.

10 (8) "Pupils in grades K to 12 actually enrolled and in regular
11 daily attendance" means pupils in grades K to 12 in attendance and
12 receiving instruction in all classes for which they are enrolled on
13 the pupil membership count day or the supplemental count day, as
14 applicable. Except as otherwise provided in this subsection, a
15 pupil who is absent from any of the classes in which the pupil is
16 enrolled on the pupil membership count day or supplemental count
17 day and who does not attend each of those classes during the 10
18 consecutive school days immediately following the pupil membership
19 count day or supplemental count day, except for a pupil who has
20 been excused by the district, shall not be counted as 1.0 full-time
21 equated membership. A pupil who is excused from attendance on the
22 pupil membership count day or supplemental count day and who fails
23 to attend each of the classes in which the pupil is enrolled within
24 30 calendar days after the pupil membership count day or
25 supplemental count day shall not be counted as 1.0 full-time
26 equated membership. In addition, a pupil who was enrolled and in
27 attendance in a district, an intermediate district, a public school

1 academy, or the education achievement system before the pupil
2 membership count day or supplemental count day of a particular year
3 but was expelled or suspended on the pupil membership count day or
4 supplemental count day shall only be counted as 1.0 full-time
5 equated membership if the pupil resumed attendance in the district,
6 intermediate district, public school academy, or education
7 achievement system within 45 days after the pupil membership count
8 day or supplemental count day of that particular year. Pupils not
9 counted as 1.0 full-time equated membership due to an absence from
10 a class shall be counted as a prorated membership for the classes
11 the pupil attended. For purposes of this subsection, "class" means
12 a period of time in 1 day when pupils and a certificated teacher or
13 legally qualified substitute teacher are together and instruction
14 is taking place.

15 (9) "Rule" means a rule promulgated pursuant to the
16 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
17 24.328.

18 (10) "The revised school code" means 1976 PA 451, MCL 380.1 to
19 380.1852.

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

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

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

27 (14) "Superintendent", unless the context clearly refers to a

1 district or intermediate district superintendent, means the
2 superintendent of public instruction described in section 3 of
3 article VIII of the state constitution of 1963.

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

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

9 Tuition pupil does not include a pupil who is a special education
10 pupil, a pupil described in subsection (6)(c) to (p), or a pupil
11 whose parent or guardian voluntarily enrolls the pupil in a
12 district that is not the pupil's district of residence. A pupil's
13 district of residence shall not require a high school tuition
14 pupil, as provided under section 111, to attend another school
15 district after the pupil has been assigned to a school district.

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

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

22 (19) "Textbook" means a book, electronic book, or other
23 instructional print or electronic resource that is selected and
24 approved by the governing board of a district or, for an
25 achievement school, by the chancellor of the achievement authority
26 and that contains a presentation of principles of a subject, or
27 that is a literary work relevant to the study of a subject required

1 for the use of classroom pupils, or another type of course material
2 that forms the basis of classroom instruction.

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

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

9 Enacting section 2. This amendatory act does not take effect
10 unless House Bill No. 4594 of the 98th Legislature is enacted into
11 law.