

HOUSE BILL No. 4872

September 16, 2015, Introduced by Reps. Plawecki, Guerra, Geiss, Derek Miller, Pagan and Schor 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 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
21 **MEMBERSHIP AS OTHERWISE CALCULATED UNDER THIS SUBSECTION FOR THAT**
22 **DISTRICT, PUBLIC SCHOOL ACADEMY, EDUCATION ACHIEVEMENT SYSTEM, OR**
23 **INTERMEDIATE DISTRICT FOR THE CURRENT SCHOOL YEAR OR THE MEMBERSHIP**
24 **AS OTHERWISE CALCULATED UNDER THIS SUBSECTION FOR THAT DISTRICT,**
25 **PUBLIC SCHOOL ACADEMY, EDUCATION ACHIEVEMENT SYSTEM, OR**
26 **INTERMEDIATE DISTRICT FOR THE IMMEDIATELY PRECEDING SCHOOL YEAR,**
27 **WHICHEVER IS GREATER. MEMBERSHIP AS OTHERWISE CALCULATED UNDER THIS**

1 **SUBSECTION IS THE** sum of the product of .90 times the number of
2 full-time equated pupils in grades K to 12 actually enrolled and in
3 regular daily attendance on the pupil membership count day for the
4 current school year, plus the product of .10 times the final
5 audited count from the supplemental count day for the immediately
6 preceding school year. A district's, public school academy's, or
7 intermediate district's membership shall be adjusted as provided
8 under section 25e for pupils who enroll in the district, public
9 school academy, or intermediate district after the pupil membership
10 count day. All pupil counts used in this subsection are as
11 determined by the department and calculated by adding the number of
12 pupils registered for attendance plus pupils received by transfer
13 and minus pupils lost as defined by rules promulgated by the
14 superintendent, and as corrected by a subsequent department audit.
15 For the purposes of this section and section 6a, for a school of
16 excellence that is a cyber school, as defined in section 551 of the
17 revised school code, MCL 380.551, and is in compliance with section
18 553a of the revised school code, MCL 380.553a, a pupil's
19 participation, as determined by the department in accordance with
20 the pupil accounting manual, in the cyber school's educational
21 program is considered regular daily attendance; for the education
22 achievement system, a pupil's participation, as determined by the
23 department in accordance with the pupil accounting manual, in an
24 online educational program of the education achievement system or
25 of an achievement school is considered regular daily attendance;
26 and for a district a pupil's participation in an online course as
27 defined in section 21f is considered regular daily attendance. The

1 amount of the foundation allowance for a pupil in membership is
2 determined under section 20. In making the calculation of
3 membership, all of the following, as applicable, apply to
4 determining the membership of a district, a public school academy,
5 the education achievement system, or an intermediate district:

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

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

21 (c) A special education pupil educated by the intermediate
22 district shall be counted in membership in the intermediate
23 district.

24 (d) A pupil placed by a court or state agency in an on-grounds
25 program of a juvenile detention facility, a child caring
26 institution, or a mental health institution, or a pupil funded
27 under section 53a, shall be counted in membership in the district

1 or intermediate district approved by the department to operate the
2 program.

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

6 (f) A pupil enrolled in a career and technical education
7 program supported by a millage levied over an area larger than a
8 single district or in an area vocational-technical education
9 program established pursuant to section 690 of the revised school
10 code, MCL 380.690, shall be counted only in the pupil's district of
11 residence.

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

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

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

20 (i) If operations begin before the pupil membership count day
21 for the fiscal year, membership is the average number of full-time
22 equated pupils in grades K to 12 actually enrolled and in regular
23 daily attendance on the pupil membership count day for the current
24 school year and on the supplemental count day for the current
25 school year, as determined by the department and calculated by
26 adding the number of pupils registered for attendance on the pupil
27 membership count day plus pupils received by transfer and minus

1 pupils lost as defined by rules promulgated by the superintendent,
2 and as corrected by a subsequent department audit, plus the final
3 audited count from the supplemental count day for the current
4 school year, and dividing that sum by 2.

5 (ii) If operations begin after the pupil membership count day
6 for the fiscal year and not later than the supplemental count day
7 for the fiscal year, membership is the final audited count of the
8 number of full-time equated pupils in grades K to 12 actually
9 enrolled and in regular daily attendance on the supplemental count
10 day for the current school year.

11 (j) If a district is the authorizing body for a public school
12 academy, then, in the first school year in which pupils are counted
13 in membership on the pupil membership count day in the public
14 school academy, the determination of the district's membership
15 shall exclude from the district's pupil count for the immediately
16 preceding supplemental count day any pupils who are counted in the
17 public school academy on that first pupil membership count day who
18 were also counted in the district on the immediately preceding
19 supplemental count day.

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

25 (l) To be counted in membership, a pupil shall meet the
26 minimum age requirement to be eligible to attend school under
27 section 1147 of the revised school code, MCL 380.1147, or shall be

1 enrolled under subsection (3) of that section, and shall be less
2 than 20 years of age on September 1 of the school year except as
3 follows:

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

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

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

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

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

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

19 (iii) If a child does not meet the minimum age requirement to
20 be eligible to attend school for that school year under section
21 1147 of the revised school code, MCL 380.1147, but will be 5 years
22 of age not later than December 1 of that school year, the district
23 may count the child in membership for that school year if the
24 parent or legal guardian has notified the district in writing that
25 he or she intends to enroll the child in kindergarten for that
26 school year.

27 (m) An individual who has obtained a high school diploma shall

1 not be counted in membership. An individual who has obtained a
2 general educational development (G.E.D.) certificate shall not be
3 counted in membership unless the individual is a student with a
4 disability as defined in R 340.1702 of the Michigan administrative
5 code. An individual participating in a job training program funded
6 under former section 107a or a jobs program funded under former
7 section 107b, administered by the Michigan strategic fund, or
8 participating in any successor of either of those 2 programs, shall
9 not be counted in membership.

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

24 (i) If the public school academy or the education achievement
25 system provides instruction for at least 1/2 of the class hours
26 required under section 101, the public school academy or the
27 education achievement system shall receive as its prorated share of

1 the full-time equated membership for each of those pupils an amount
2 equal to 1 times the product of the hours of instruction the public
3 school academy or the education achievement system provides divided
4 by the number of hours required under section 101 for full-time
5 equivalency, and the remainder of the full-time membership for each
6 of those pupils shall be allocated to the district or intermediate
7 district providing the remainder of the hours of instruction.

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

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

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

26 (q) The number of class hours used to calculate full-time
27 equated memberships shall be consistent with section 101. In

1 determining full-time equated memberships for pupils who are
2 enrolled in a postsecondary institution, a pupil shall not be
3 considered to be less than a full-time equated pupil solely because
4 of the effect of his or her postsecondary enrollment, including
5 necessary travel time, on the number of class hours provided by the
6 district to the pupil.

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

22 (s) For a district, a public school academy, or the education
23 achievement system that has pupils enrolled in a grade level that
24 was not offered by the district, the public school academy, or the
25 education achievement system in the immediately preceding school
26 year, the number of pupils enrolled in that grade level to be
27 counted in membership is the average of the number of those pupils

1 enrolled and in regular daily attendance on the pupil membership
2 count day and the supplemental count day of the current school
3 year, as determined by the department. Membership shall be
4 calculated by adding the number of pupils registered for attendance
5 in that grade level on the pupil membership count day plus pupils
6 received by transfer and minus pupils lost as defined by rules
7 promulgated by the superintendent, and as corrected by subsequent
8 department audit, plus the final audited count from the
9 supplemental count day for the current school year, and dividing
10 that sum by 2.

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

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

1 providing appropriate instruction if all of the following are met:

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

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

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

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

13 (v) If a pupil was enrolled in a public school academy on the
14 pupil membership count day, if the public school academy's contract
15 with its authorizing body is revoked or the public school academy
16 otherwise ceases to operate, and if the pupil enrolls in a district
17 or the education achievement system within 45 days after the pupil
18 membership count day, the department shall adjust the district's or
19 the education achievement system's pupil count for the pupil
20 membership count day to include the pupil in the count.

21 (w) For a public school academy that has been in operation for
22 at least 2 years and that suspended operations for at least 1
23 semester and is resuming operations, membership is the sum of the
24 product of .90 times the number of full-time equated pupils in
25 grades K to 12 actually enrolled and in regular daily attendance on
26 the first pupil membership count day or supplemental count day,
27 whichever is first, occurring after operations resume, plus the

1 product of .10 times the final audited count from the most recent
2 pupil membership count day or supplemental count day that occurred
3 before suspending operations, as determined by the superintendent.

4 (x) If a district's membership for a particular fiscal year,
5 as otherwise calculated under this subsection, would be less than
6 1,550 pupils and the district has 4.5 or fewer pupils per square
7 mile, as determined by the department, and if the district does not
8 receive funding under section 22d(2), the district's membership
9 shall be considered to be the membership figure calculated under
10 this subdivision. If a district educates and counts in its
11 membership pupils in grades 9 to 12 who reside in a contiguous
12 district that does not operate grades 9 to 12 and if 1 or both of
13 the affected districts request the department to use the
14 determination allowed under this sentence, the department shall
15 include the square mileage of both districts in determining the
16 number of pupils per square mile for each of the districts for the
17 purposes of this subdivision. The membership figure calculated
18 under this subdivision is the greater of the following:

19 (i) The average of the district's membership for the 3-fiscal-
20 year period ending with that fiscal year, calculated by adding the
21 district's actual membership for each of those 3 fiscal years, as
22 otherwise calculated under this subsection, and dividing the sum of
23 those 3 membership figures by 3.

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

26 (y) Full-time equated memberships for special education pupils
27 who are not enrolled in kindergarten but are enrolled in a

1 classroom program under R 340.1754 of the Michigan administrative
2 code shall be determined by dividing the number of class hours
3 scheduled and provided per year by 450. Full-time equated
4 memberships for special education pupils who are not enrolled in
5 kindergarten but are receiving early childhood special education
6 services under R 340.1755 or R 340.1862 of the Michigan
7 administrative code shall be determined by dividing the number of
8 hours of service scheduled and provided per year per-pupil by 180.

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

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

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

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

5 (dd) For a pupil enrolled in a dropout recovery program that
6 meets the requirements of section 23a, the pupil shall be counted
7 as 1/12 of a full-time equated membership for each month that the
8 district operating the program reports that the pupil was enrolled
9 in the program and was in full attendance. However, if the special
10 membership counting provisions under this subdivision and the
11 operation of the other membership counting provisions under this
12 subsection result in a pupil being counted as more than 1.0 FTE in
13 a fiscal year, the payment made for the pupil under sections 22a
14 and 22b shall not be based on more than 1.0 FTE for that pupil, and
15 any portion of an FTE for that pupil that exceeds 1.0 shall instead
16 be paid under section 25g. The district operating the program shall
17 report to the center the number of pupils who were enrolled in the
18 program and were in full attendance for a month not later than the
19 tenth day of the next month. A district shall not report a pupil as
20 being in full attendance for a month unless both of the following
21 are met:

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

25 (ii) The pupil meets the district's definition under section
26 23a of satisfactory monthly progress for that month or, if the
27 pupil does not meet that definition of satisfactory monthly

1 progress for that month, the pupil did meet that definition of
2 satisfactory monthly progress in the immediately preceding month
3 and appropriate interventions are implemented within 10 school days
4 after it is determined that the pupil does not meet that definition
5 of satisfactory monthly progress.

6 (ee) A pupil participating in an online course under section
7 21f shall be counted in membership in the district enrolling the
8 pupil.

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

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

22 (6) "Pupil" means a person in membership in a public school. A
23 district must have the approval of the pupil's district of
24 residence to count the pupil in membership, except approval by the
25 pupil's district of residence is not required for any of the
26 following:

27 (a) A nonpublic part-time pupil enrolled in grades 1 to 12 in

1 accordance with section 166b.

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

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

6 (d) A pupil enrolled in a district other than the pupil's
7 district of residence under an intermediate district schools of
8 choice pilot program as described in section 91a or former section
9 91 if the intermediate district and its constituent districts have
10 been exempted from section 105.

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

14 (f) A pupil who has made an official written complaint or
15 whose parent or legal guardian has made an official written
16 complaint to law enforcement officials and to school officials of
17 the pupil's district of residence that the pupil has been the
18 victim of a criminal sexual assault or other serious assault, if
19 the official complaint either indicates that the assault occurred
20 at school or that the assault was committed by 1 or more other
21 pupils enrolled in the school the pupil would otherwise attend in
22 the district of residence or by an employee of the district of
23 residence. A person who intentionally makes a false report of a
24 crime to law enforcement officials for the purposes of this
25 subdivision is subject to section 411a of the Michigan penal code,
26 1931 PA 328, MCL 750.411a, which provides criminal penalties for
27 that conduct. As used in this subdivision:

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

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

10 (g) A pupil whose district of residence changed after the
11 pupil membership count day and before the supplemental count day
12 and who continues to be enrolled on the supplemental count day as a
13 nonresident in the district in which he or she was enrolled as a
14 resident on the pupil membership count day of the same school year.

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

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

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

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

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

25 (i) A pupil enrolled in the Michigan ~~virtual school~~, **VIRTUAL**
26 **SCHOOL**, for the pupil's enrollment in the Michigan ~~virtual~~
27 ~~school~~. **VIRTUAL SCHOOL**.

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

7 (k) An expelled pupil who has been denied reinstatement by the
8 expelling district and is reinstated by another school board under
9 section 1311 or 1311a of the revised school code, MCL 380.1311 and
10 380.1311a.

11 (l) A pupil enrolled in a district other than the pupil's
12 district of residence in a middle college program if the pupil's
13 district of residence and the enrolling district are both
14 constituent districts of the same intermediate district.

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

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

21 (o) A pupil who enrolls in a district other than the pupil's
22 district of residence as a result of the pupil's school not making
23 adequate yearly progress under the no child left behind act of
24 2001, Public Law 107-110.

25 However, if a district educates pupils who reside in another
26 district and if the primary instructional site for those pupils is
27 established by the educating district after 2009-2010 and is

1 located within the boundaries of that other district, the educating
2 district must have the approval of that other district to count
3 those pupils in membership.

4 (7) "Pupil membership count day" of a district or intermediate
5 district means:

6 (a) Except as provided in subdivision (b), the first Wednesday
7 in October each school year or, for a district or building in which
8 school is not in session on that Wednesday due to conditions not
9 within the control of school authorities, with the approval of the
10 superintendent, the immediately following day on which school is in
11 session in the district or building.

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

14 (i) Fourth Wednesday in July.

15 (ii) First Wednesday in October.

16 (iii) Second Wednesday in February.

17 (iv) Fourth Wednesday in April.

18 (8) "Pupils in grades K to 12 actually enrolled and in regular
19 daily attendance" means pupils in grades K to 12 in attendance and
20 receiving instruction in all classes for which they are enrolled on
21 the pupil membership count day or the supplemental count day, as
22 applicable. Except as otherwise provided in this subsection, a
23 pupil who is absent from any of the classes in which the pupil is
24 enrolled on the pupil membership count day or supplemental count
25 day and who does not attend each of those classes during the 10
26 consecutive school days immediately following the pupil membership
27 count day or supplemental count day, except for a pupil who has

1 been excused by the district, shall not be counted as 1.0 full-time
2 equated membership. A pupil who is excused from attendance on the
3 pupil membership count day or supplemental count day and who fails
4 to attend each of the classes in which the pupil is enrolled within
5 30 calendar days after the pupil membership count day or
6 supplemental count day shall not be counted as 1.0 full-time
7 equated membership. In addition, a pupil who was enrolled and in
8 attendance in a district, an intermediate district, a public school
9 academy, or the education achievement system before the pupil
10 membership count day or supplemental count day of a particular year
11 but was expelled or suspended on the pupil membership count day or
12 supplemental count day shall only be counted as 1.0 full-time
13 equated membership if the pupil resumed attendance in the district,
14 intermediate district, public school academy, or education
15 achievement system within 45 days after the pupil membership count
16 day or supplemental count day of that particular year. Pupils not
17 counted as 1.0 full-time equated membership due to an absence from
18 a class shall be counted as a prorated membership for the classes
19 the pupil attended. For purposes of this subsection, "class" means
20 a period of time in 1 day when pupils and a certificated teacher or
21 legally qualified substitute teacher are together and instruction
22 is taking place.

23 (9) "Rule" means a rule promulgated pursuant to the
24 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
25 24.328.

26 (10) "The revised school code" means 1976 PA 451, MCL 380.1 to
27 380.1852.

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

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

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

8 (14) "Superintendent", unless the context clearly refers to a
9 district or intermediate district superintendent, means the
10 superintendent of public instruction described in section 3 of
11 article VIII of the state constitution of 1963.

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

14 (16) "Tuition pupil" means a pupil of school age attending
15 school in a district other than the pupil's district of residence
16 for whom tuition may be charged to the district of residence.
17 Tuition pupil does not include a pupil who is a special education
18 pupil, a pupil described in subsection (6)(c) to ~~(p)~~, ~~(o)~~, or a
19 pupil whose parent or guardian voluntarily enrolls the pupil in a
20 district that is not the pupil's district of residence. A pupil's
21 district of residence shall not require a high school tuition
22 pupil, as provided under section 111, to attend another school
23 district after the pupil has been assigned to a school district.

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

27 (18) "Taxable value" means the taxable value of property as

1 determined under section 27a of the general property tax act, 1893
2 PA 206, MCL 211.27a.

3 (19) "Textbook" means a book, electronic book, or other
4 instructional print or electronic resource that is selected and
5 approved by the governing board of a district or, for an
6 achievement school, by the chancellor of the achievement authority
7 and that contains a presentation of principles of a subject, or
8 that is a literary work relevant to the study of a subject required
9 for the use of classroom pupils, or another type of course material
10 that forms the basis of classroom instruction.

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

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