

HOUSE BILL No. 4254

February 21, 2017, Introduced by Reps. Hammoud, Wittenberg, Pagan, Chang, Gay-Dagnogo, Moss, Elder, Jones, Runestad and Geiss 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 2016 PA 249.

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

1 buildings that do not serve regular education pupils also qualify.
2 Unless otherwise approved by the department, a center program
3 either shall serve all constituent districts within an intermediate
4 district or shall serve several districts with less than 50% of the
5 pupils residing in the operating district. In addition, special
6 education center program pupils placed part-time in noncenter
7 programs to comply with the least restrictive environment
8 provisions of section 612 of part B of the individuals with
9 disabilities education act, 20 USC 1412, may be considered center
10 program pupils for pupil accounting purposes for the time scheduled
11 in either a center program or a noncenter program.

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

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

21 (4) "Membership", except as otherwise provided in this
22 article, means for a district, a public school academy, the
23 education achievement system, or an intermediate district the
24 **MEMBERSHIP AS OTHERWISE CALCULATED UNDER THIS SUBSECTION FOR THAT**
25 **DISTRICT, PUBLIC SCHOOL ACADEMY, EDUCATION ACHIEVEMENT SYSTEM, OR**
26 **INTERMEDIATE DISTRICT FOR THE CURRENT SCHOOL YEAR OR THE MEMBERSHIP**
27 **AS OTHERWISE CALCULATED UNDER THIS SUBSECTION FOR THAT DISTRICT,**

1 PUBLIC SCHOOL ACADEMY, EDUCATION ACHIEVEMENT SYSTEM, OR
2 INTERMEDIATE DISTRICT FOR THE IMMEDIATELY PRECEDING SCHOOL YEAR,
3 WHICHEVER IS GREATER. MEMBERSHIP AS OTHERWISE CALCULATED UNDER THIS
4 SUBSECTION IS THE sum of the product of .90 times the number of
5 full-time equated pupils in grades K to 12 actually enrolled and in
6 regular daily attendance on the pupil membership count day for the
7 current school year, plus the product of .10 times the final
8 audited count from the supplemental count day for the immediately
9 preceding school year. A district's, public school academy's, or
10 intermediate district's membership shall be adjusted as provided
11 under section 25e for pupils who enroll after the pupil membership
12 count day in a strict discipline academy operating under sections
13 1311b to 1311m of the revised school code, MCL 380.1311b to
14 380.1311m. However, for a district that is a community district in
15 its first year of operation, "membership" means the sum of the
16 product of .90 times the number of full-time equated pupils in
17 grades K to 12 actually enrolled and in regular daily attendance in
18 the community district on the pupil membership count day for the
19 current school year, plus the product of .10 times the final
20 audited count from the supplemental count day of pupils in grades K
21 to 12 actually enrolled and in regular daily attendance in a
22 qualifying school district as defined in section 5 of the revised
23 school code, MCL 380.5, for the immediately preceding school year.
24 All pupil counts used in this subsection are as determined by the
25 department and calculated by adding the number of pupils registered
26 for attendance plus pupils received by transfer and minus pupils
27 lost as defined by rules promulgated by the superintendent, and as

1 corrected by a subsequent department audit. For the purposes of
2 this section and section 6a, for a school of excellence that is a
3 cyber school, as defined in section 551 of the revised school code,
4 MCL 380.551, and is in compliance with section 553a of the revised
5 school code, MCL 380.553a, a pupil's participation in the cyber
6 school's educational program is considered regular daily
7 attendance; for the education achievement system, a pupil's
8 participation in a virtual educational program of the education
9 achievement system or of an achievement school is considered
10 regular daily attendance; and for a district a pupil's
11 participation in a virtual course as defined in section 21f is
12 considered regular daily attendance. The amount of the foundation
13 allowance for a pupil in membership is determined under section 20.
14 In making the calculation of membership, all of the following, as
15 applicable, apply to determining the membership of a district, a
16 public school academy, the education achievement system, or an
17 intermediate district:

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

23 (b) If a pupil is educated in a district other than the
24 pupil's district of residence, if the pupil is not being educated
25 as part of a cooperative education program, if the pupil's district
26 of residence does not give the educating district its approval to
27 count the pupil in membership in the educating district, and if the

1 pupil is not covered by an exception specified in subsection (6) to
2 the requirement that the educating district must have the approval
3 of the pupil's district of residence to count the pupil in
4 membership, the pupil shall not be counted in membership in any
5 district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (A) Is enrolled in a public school academy or an alternative
24 education high school diploma program, that is primarily focused on
25 educating pupils with extreme barriers to education, such as being
26 homeless as defined under 42 USC 11302.

27 (B) Had dropped out of school.

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

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

11 (m) An individual who has achieved a high school diploma shall
12 not be counted in membership. An individual who has achieved a high
13 school equivalency certificate shall not be counted in membership
14 unless the individual is a student with a disability as defined in
15 R 340.1702 of the Michigan ~~administrative code.~~ **ADMINISTRATIVE**
16 **CODE.** An individual participating in a job training program funded
17 under former section 107a or a jobs program funded under former
18 section 107b, administered by the department of talent and economic
19 development, or participating in any successor of either of those 2
20 programs, shall not be counted in membership.

21 (n) If a pupil counted in membership in a public school
22 academy or the education achievement system is also educated by a
23 district or intermediate district as part of a cooperative
24 education program, the pupil shall be counted in membership only in
25 the public school academy or the education achievement system
26 unless a written agreement signed by all parties designates the
27 party or parties in which the pupil shall be counted in membership,

1 and the instructional time scheduled for the pupil in the district
2 or intermediate district shall be included in the full-time equated
3 membership determination under subdivision (q) and section 101.

4 However, for pupils receiving instruction in both a public school
5 academy or the education achievement system and in a district or
6 intermediate district but not as a part of a cooperative education
7 program, the following apply:

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

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

1 each of those pupils shall be allocated to the public school
2 academy or the education achievement system.

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

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

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

18 (r) Full-time equated memberships for pupils in kindergarten
19 shall be determined by dividing the number of instructional hours
20 scheduled and provided per year per kindergarten pupil by the same
21 number used for determining full-time equated memberships for
22 pupils in grades 1 to 12. However, to the extent allowable under
23 federal law, for a district or public school academy that provides
24 evidence satisfactory to the department that it used federal title
25 I money in the 2 immediately preceding school fiscal years to fund
26 full-time kindergarten, full-time equated memberships for pupils in
27 kindergarten shall be determined by dividing the number of class

1 hours scheduled and provided per year per kindergarten pupil by a
2 number equal to $1/2$ the number used for determining full-time
3 equated memberships for pupils in grades 1 to 12. The change in the
4 counting of full-time equated memberships for pupils in
5 kindergarten that took effect for 2012-2013 is not a mandate.

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

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

25 (u) If, as a result of a disciplinary action, a district
26 determines through the district's alternative or disciplinary
27 education program that the best instructional placement for a pupil

1 is in the pupil's home or otherwise apart from the general school
2 population, if that placement is authorized in writing by the
3 district superintendent and district alternative or disciplinary
4 education supervisor, and if the district provides appropriate
5 instruction as described in this subdivision to the pupil at the
6 pupil's home or otherwise apart from the general school population,
7 the district may count the pupil in membership on a pro rata basis,
8 with the proration based on the number of hours of instruction the
9 district actually provides to the pupil divided by the number of
10 hours required under section 101 for full-time equivalency. For the
11 purposes of this subdivision, a district shall be considered to be
12 providing appropriate instruction if all of the following are met:

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

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

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

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

24 (v) If a pupil was enrolled in a public school academy on the
25 pupil membership count day, if the public school academy's contract
26 with its authorizing body is revoked or the public school academy
27 otherwise ceases to operate, and if the pupil enrolls in a district

1 or the education achievement system within 45 days after the pupil
2 membership count day, the department shall adjust the district's or
3 the education achievement system's pupil count for the pupil
4 membership count day to include the pupil in the count.

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

15 (x) If a district's membership for a particular fiscal year,
16 as otherwise calculated under this subsection, would be less than
17 1,550 pupils and the district has 4.5 or fewer pupils per square
18 mile, as determined by the department, and if the district does not
19 receive funding under section 22d(2), the district's membership
20 shall be considered to be the membership figure calculated under
21 this subdivision. If a district educates and counts in its
22 membership pupils in grades 9 to 12 who reside in a contiguous
23 district that does not operate grades 9 to 12 and if 1 or both of
24 the affected districts request the department to use the
25 determination allowed under this sentence, the department shall
26 include the square mileage of both districts in determining the
27 number of pupils per square mile for each of the districts for the

1 purposes of this subdivision. The membership figure calculated
2 under this subdivision is the greater of the following:

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

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

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

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

26 (aa) For the first year in which a pupil is counted in
27 membership on the pupil membership count day in a middle college

1 program, the membership is the average of the full-time equated
2 membership on the pupil membership count day and on the
3 supplemental count day for the current school year, as determined
4 by the department. If a pupil described in this subdivision was
5 counted in membership by the operating district on the immediately
6 preceding supplemental count day, the pupil shall be excluded from
7 the district's immediately preceding supplemental count for the
8 purposes of determining the district's membership.

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 25g. 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 30
4 days after the end of the month. A district shall not report a
5 pupil as being in full attendance for a month unless both of the
6 following 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) A pupil participating in a virtual course under section
19 21f shall be counted in membership in the district enrolling the
20 pupil.

21 (ff) If a public school academy that is not in its first or
22 second year of operation closes at the end of a school year and
23 does not reopen for the next school year, the department shall
24 adjust the membership count of the district or the education
25 achievement system in which a former pupil of the public school
26 academy enrolls and is in regular daily attendance for the next
27 school year to ensure that the district or the education

1 achievement system receives the same amount of membership aid for
2 the pupil as if the pupil were counted in the district or the
3 education achievement system on the supplemental count day of the
4 preceding school year.

5 (gg) If a special education pupil is expelled under section
6 1311 or 1311a of the revised school code, MCL 380.1311 and
7 380.1311a, and is not in attendance on the pupil membership count
8 day because of the expulsion, and if the pupil remains enrolled in
9 the district and resumes regular daily attendance during that
10 school year, the district's membership shall be adjusted to count
11 the pupil in membership as if he or she had been in attendance on
12 the pupil membership count day.

13 (hh) A pupil enrolled in a community district shall be counted
14 in membership in the community district. For a community district
15 in its first fiscal year of operations only, until the department
16 is able to calculate the community district's membership, the
17 department shall consider the community district's membership to be
18 the same as the membership for the immediately preceding fiscal
19 year for a district with the same boundaries as the community
20 district that had membership for that fiscal year.

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

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

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

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

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

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

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

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

1 that conduct. As used in this subdivision:

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

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

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

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

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

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

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

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

26 (i) A pupil enrolled in the Michigan Virtual School, for the
27 pupil's enrollment in the Michigan 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, or the every student succeeds act, Public
25 Law 114-95.

26 However, except for pupils enrolled in the youth challenge
27 program at the site at which the youth challenge program operated

1 for 2015-2016, if a district educates pupils who reside in another
2 district and if the primary instructional site for those pupils is
3 established by the educating district after 2009-2010 and is
4 located within the boundaries of that other district, the educating
5 district must have the approval of that other district to count
6 those pupils in membership.

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

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

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

17 (i) Fourth Wednesday in July.

18 (ii) First Wednesday in October.

19 (iii) Second Wednesday in February.

20 (iv) Fourth Wednesday in April.

21 (8) "Pupils in grades K to 12 actually enrolled and in regular
22 daily attendance" means pupils in grades K to 12 in attendance and
23 receiving instruction in all classes for which they are enrolled on
24 the pupil membership count day or the supplemental count day, as
25 applicable. Except as otherwise provided in this subsection, a
26 pupil who is absent from any of the classes in which the pupil is
27 enrolled on the pupil membership count day or supplemental count

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

26 (9) "Rule" means a rule promulgated pursuant to the
27 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to

1 24.328.

2 (10) "The revised school code" means 1976 PA 451, MCL 380.1 to
3 380.1852.

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

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

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

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

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

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

20 Tuition pupil does not include a pupil who is a special education
21 pupil, a pupil described in subsection (6)(c) to (o), or a pupil
22 whose parent or guardian voluntarily enrolls the pupil in a
23 district that is not the pupil's district of residence. A pupil's
24 district of residence shall not require a high school tuition
25 pupil, as provided under section 111, to attend another school
26 district after the pupil has been assigned to a school district.

27 (17) "State school aid fund" means the state school aid fund

1 established in section 11 of article IX of the state constitution
2 of 1963.

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

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

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

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