

HOUSE BILL No. 4587

May 4, 2017, Introduced by Reps. Kesto, Tedder, Webber, Graves, McCready, Crawford, Reilly, Howrylak, Inman and Wittenberg 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
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 after the pupil membership count day in a strict
2 discipline academy operating under sections 1311b to 1311m of the
3 revised school code, MCL 380.1311b to 380.1311m. However, for a
4 district that is a community district in its first year of
5 operation, "membership" means the sum of the product of .90 times
6 the number of full-time equated pupils in grades K to 12 actually
7 enrolled and in regular daily attendance in the community district
8 on the pupil membership count day for the current school year, plus
9 the product of .10 times the final audited count from the
10 supplemental count day of pupils in grades K to 12 actually
11 enrolled and in regular daily attendance in a qualifying school
12 district as defined in section 5 of the revised school code, MCL
13 380.5, for the immediately preceding school year. All pupil counts
14 used in this subsection are as determined by the department and
15 calculated by adding the number of pupils registered for attendance
16 plus pupils received by transfer and minus pupils lost as defined
17 by rules promulgated by the superintendent, and as corrected by a
18 subsequent department audit. For the purposes of this section and
19 section 6a, for a school of excellence that is a cyber school, as
20 defined in section 551 of the revised school code, MCL 380.551, and
21 is in compliance with section 553a of the revised school code, MCL
22 380.553a, a pupil's participation in the cyber school's educational
23 program is considered regular daily attendance; for the education
24 achievement system, a pupil's participation in a virtual
25 educational program of the education achievement system or of an
26 achievement school is considered regular daily attendance; and for
27 a district a pupil's participation in a virtual course as defined

1 in section 21f is considered regular daily attendance. The amount
2 of the foundation allowance for a pupil in membership is determined
3 under section 20. In making the calculation of membership, all of
4 the following, as applicable, apply to determining the membership
5 of a district, a public school academy, the education achievement
6 system, or an intermediate district:

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

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

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

25 (d) A pupil placed by a court or state agency in an on-grounds
26 program of a juvenile detention facility, a child caring
27 institution, or a mental health institution, or a pupil funded

1 under section 53a, shall be counted in membership in the district
2 or intermediate district approved by the department to operate the
3 program.

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

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

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

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

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

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

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

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

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

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

26 (l) To be counted in membership, a pupil shall meet the
27 minimum age requirement to be eligible to attend school under

1 section 1147 of the revised school code, MCL 380.1147, or shall be
2 enrolled under subsection (3) of that section, and shall be less
3 than 20 years of age on September 1 of the school year except as
4 follows:

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

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

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

16 (B) Had dropped out of school.

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

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 achieved a high school diploma shall

1 not be counted in membership. An individual who has achieved a high
2 school equivalency certificate shall not be counted in membership
3 unless the individual is a student with a disability as defined in
4 R 340.1702 of the Michigan ~~administrative code.~~ **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 department of talent and economic
8 development, or participating in any successor of either of those 2
9 programs, shall 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~~ **ADMINISTRATIVE CODE** shall be determined by dividing the number
3 of class hours scheduled and provided per year by 450. Full-time
4 equated memberships for special education pupils who are not
5 enrolled in kindergarten but are receiving early childhood special
6 education services under R 340.1755 or R 340.1862 of the Michigan
7 ~~administrative code~~ **ADMINISTRATIVE CODE** shall be determined by
8 dividing the number of hours of service scheduled and provided per
9 year per-pupil by 180.

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

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

25 (bb) A district, a public school academy, or the education
26 achievement system that educates a pupil who attends a United
27 States Olympic Education Center may count the pupil in membership

1 regardless of whether or not the pupil is a resident of this state.

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

6 (dd) For a pupil enrolled in a dropout recovery program that
7 meets the requirements of section 23a, the pupil shall be counted
8 as 1/12 of a full-time equated membership for each month that the
9 district operating the program reports that the pupil was enrolled
10 in the program and was in full attendance. However, if the special
11 membership counting provisions under this subdivision and the
12 operation of the other membership counting provisions under this
13 subsection result in a pupil being counted as more than 1.0 FTE in
14 a fiscal year, the payment made for the pupil under sections 22a
15 and 22b shall not be based on more than 1.0 FTE for that pupil, and
16 any portion of an FTE for that pupil that exceeds 1.0 shall instead
17 be paid under section 25g. The district operating the program shall
18 report to the center the number of pupils who were enrolled in the
19 program and were in full attendance for a month not later than 30
20 days after the end of the month. A district shall not report a
21 pupil as being in full attendance for a month unless both of the
22 following are met:

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

26 (ii) The pupil meets the district's definition under section
27 23a of satisfactory monthly progress for that month or, if the

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

7 (ee) A pupil participating in a virtual course under section
8 21f shall be counted in membership in the district enrolling the
9 pupil.

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

21 (gg) If a special education pupil is expelled under section
22 1311 or 1311a of the revised school code, MCL 380.1311 and
23 380.1311a, and is not in attendance on the pupil membership count
24 day because of the expulsion, and if the pupil remains enrolled in
25 the district and resumes regular daily attendance during that
26 school year, the district's membership shall be adjusted to count
27 the pupil in membership as if he or she had been in attendance on

1 the pupil membership count day.

2 (hh) A pupil enrolled in a community district shall be counted
3 in membership in the community district. For a community district
4 in its first fiscal year of operations only, until the department
5 is able to calculate the community district's membership, the
6 department shall consider the community district's membership to be
7 the same as the membership for the immediately preceding fiscal
8 year for a district with the same boundaries as the community
9 district that had membership for that fiscal year.

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

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

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

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

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

23 (d) A pupil enrolled in a district other than the pupil's
24 district of residence under an intermediate district schools of
25 choice pilot program as described in section 91a or former section
26 91 if the intermediate district and its constituent districts have
27 been exempted from section 105.

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

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

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

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

27 (g) A pupil whose district of residence changed after the

1 pupil membership count day and before the supplemental count day
2 and who continues to be enrolled on the supplemental count day as a
3 nonresident in the district in which he or she was enrolled as a
4 resident on the pupil membership count day of the same school year.

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

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

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

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

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

15 (i) A pupil enrolled in the Michigan Virtual School, for the
16 pupil's enrollment in the Michigan Virtual School.

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

23 (k) An expelled pupil who has been denied reinstatement by the
24 expelling district and is reinstated by another school board under
25 section 1311 or 1311a of the revised school code, MCL 380.1311 and
26 380.1311a.

27 (l) A pupil enrolled in a district other than the pupil's

1 district of residence in a middle college program if the pupil's
2 district of residence and the enrolling district are both
3 constituent districts of the same intermediate district.

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

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

10 (o) A pupil who enrolls in a district other than the pupil's
11 district of residence as a result of the pupil's school not making
12 adequate yearly progress under the no child left behind act of
13 2001, Public Law 107-110, or the every student succeeds act, Public
14 Law 114-95.

15 However, except for pupils enrolled in the youth challenge
16 program at the site at which the youth challenge program operated
17 for 2015-2016, 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

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

(9) "PROSPERITY REGION" MEANS EITHER A STATE PROSPERITY REGION AS IDENTIFIED BY THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET OR A COUNTY IN THIS STATE WITH A POPULATION OF AT LEAST 500,000 AS OF THE MOST RECENT DECENNIAL CENSUS.

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

(11) ~~(10)~~—"The revised school code" means 1976 PA 451, MCL 380.1 to 380.1852.

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

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

3 **(14)** ~~(13)~~—"State board" means the state board of education.

4 **(15)** ~~(14)~~—"Superintendent", unless the context clearly refers
5 to a district or intermediate district superintendent, means the
6 superintendent of public instruction described in section 3 of
7 article VIII of the state constitution of 1963.

8 **(16)** ~~(15)~~—"Supplemental count day" means the day on which the
9 supplemental pupil count is conducted under section 6a.

10 **(17)** ~~(16)~~—"Tuition pupil" means a pupil of school age
11 attending school in a district other than the pupil's district of
12 residence for whom tuition may be charged to the district of
13 residence. Tuition pupil does not include a pupil who is a special
14 education pupil, a pupil described in subsection (6)(c) to (o), or
15 a pupil whose parent or guardian voluntarily enrolls the pupil in a
16 district that is not the pupil's district of residence. A pupil's
17 district of residence shall not require a high school tuition
18 pupil, as provided under section 111, to attend another school
19 district after the pupil has been assigned to a school district.

20 **(18)** ~~(17)~~—"State school aid fund" means the state school aid
21 fund established in section 11 of article IX of the state
22 constitution of 1963.

23 **(19)** ~~(18)~~—"Taxable value" means the taxable value of property
24 as determined under section 27a of the general property tax act,
25 1893 PA 206, MCL 211.27a.

26 **(20)** ~~(19)~~—"Textbook" means a book, electronic book, or other
27 instructional print or electronic resource that is selected and

1 approved by the governing board of a district or, for an
2 achievement school, by the chancellor of the achievement authority
3 and that contains a presentation of principles of a subject, or
4 that is a literary work relevant to the study of a subject required
5 for the use of classroom pupils, or another type of course material
6 that forms the basis of classroom instruction.

7 **(21)** ~~(20)~~—"Total state aid" or "total state school aid" means
8 the total combined amount of all funds due to a district,
9 intermediate district, or other entity under all of the provisions
10 of this article.

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