

SENATE BILL NO. 628

October 31, 2019, Introduced by Senators ALEXANDER, MOSS, CHANG, WOJNO, IRWIN, MCCANN, GEISS, POLEHANKI and BRINKS and referred to the Committee on Government Operations.

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 2019 PA 58.

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

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

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

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

23 (4) "Membership", except as otherwise provided in this
24 article, means for a district, a public school academy, or an
25 intermediate district the sum of the product of .90 times the
26 number of full-time equated pupils in grades K to 12 actually
27 enrolled and in regular daily attendance on the pupil membership
28 count day for the current school year, plus the product of .10
29 times the final audited count from the supplemental count day for

1 the immediately preceding school year. A district's, public school
2 academy's, or intermediate district's membership is adjusted as
3 provided under section 25e for pupils who enroll after the pupil
4 membership count day in a strict discipline academy operating under
5 sections 1311b to 1311m of the revised school code, MCL 380.1311b
6 to 380.1311m. However, for a district that is a community district,
7 "membership" means the sum of the product of .90 times the number
8 of full-time equated pupils in grades K to 12 actually enrolled and
9 in regular daily attendance in the community district on the pupil
10 membership count day for the current school year, plus the product
11 of .10 times the sum of the final audited count from the
12 supplemental count day of pupils in grades K to 12 actually
13 enrolled and in regular daily attendance in the community district
14 for the immediately preceding school year. All pupil counts used in
15 this subsection are as determined by the department and calculated
16 by adding the number of pupils registered for attendance plus
17 pupils received by transfer and minus pupils lost as defined by
18 rules promulgated by the superintendent, and as corrected by a
19 subsequent department audit. The amount of the foundation allowance
20 for a pupil in membership is determined under section 20. In making
21 the calculation of membership, all of the following, as applicable,
22 apply to determining the membership of a district, a public school
23 academy, or an intermediate district:

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

29 (b) If a pupil is educated in a district other than the

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

9 (c) A special education pupil educated by the intermediate
10 district is counted in membership in the intermediate district.

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

17 (e) A pupil enrolled in the Michigan Schools for the Deaf and
18 Blind is counted in membership in the pupil's intermediate district
19 of residence.

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

26 (g) A pupil enrolled in a public school academy is counted in
27 membership in the public school academy.

28 (h) For the purposes of this section and section 6a, for a
29 cyber school, as defined in section 551 of the revised school code,

1 MCL 380.551, that is in compliance with section 553a of the revised
2 school code, MCL 380.553a, a pupil's participation in the cyber
3 school's educational program is considered regular daily
4 attendance, and for a district or public school academy, a pupil's
5 participation in a virtual course as defined in section 21f is
6 considered regular daily attendance. For the purposes of this
7 subdivision, for a pupil enrolled in a cyber school and utilizing
8 sequential learning, participation means that term as defined in
9 the pupil accounting manual, section 5-o-d: requirements for
10 counting pupils in membership-subsection 10.

11 (i) For a new district or public school academy beginning its
12 operation after December 31, 1994, membership for the first 2 full
13 or partial fiscal years of operation is determined as follows:

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

26 (ii) If operations begin after the pupil membership count day
27 for the fiscal year and not later than the supplemental count day
28 for the fiscal year, membership is the final audited count of the
29 number of full-time equated pupils in grades K to 12 actually

1 enrolled and in regular daily attendance on the supplemental count
2 day for the current school year.

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

12 (k) For an extended school year program approved by the
13 superintendent, a pupil enrolled, but not scheduled to be in
14 regular daily attendance, on a pupil membership count day, is
15 counted in membership.

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

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

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

28 (A) Is enrolled in a public school academy or an alternative
29 education high school diploma program, that is primarily focused on

1 educating pupils with extreme barriers to education, such as being
2 homeless as defined under 42 USC 11302.

3 (B) Had dropped out of school.

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

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

13 (m) An individual who has achieved a high school diploma is
14 not counted in membership. An individual who has achieved a high
15 school equivalency certificate is not counted in membership unless
16 the individual is a student with a disability as defined in R
17 340.1702 of the Michigan Administrative Code. An individual
18 participating in a job training program funded under former section
19 107a or a jobs program funded under former section 107b,
20 administered by the department of labor and economic opportunity,
21 or participating in any successor of either of those 2 programs, is
22 not counted in membership.

23 (n) If a pupil counted in membership in a public school
24 academy is also educated by a district or intermediate district as
25 part of a cooperative education program, the pupil is counted in
26 membership only in the public school academy unless a written
27 agreement signed by all parties designates the party or parties in
28 which the pupil is counted in membership, and the instructional
29 time scheduled for the pupil in the district or intermediate

1 district is included in the full-time equated membership
2 determination under subdivision (q) and section 101. However, for
3 pupils receiving instruction in both a public school academy and in
4 a district or intermediate district but not as a part of a
5 cooperative education program, the following apply:

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

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

26 (o) An individual less than 16 years of age as of September 1
27 of the current school year who is being educated in an alternative
28 education program is not counted in membership if there are also
29 adult education participants being educated in the same program or

1 classroom.

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

4 (q) The number of class hours used to calculate full-time
5 equated memberships must be consistent with section 101. In
6 determining full-time equated memberships for pupils who are
7 enrolled in a postsecondary institution or for pupils engaged in an
8 internship or work experience under section 1279h of the revised
9 school code, MCL 380.1279h, a pupil is not considered to be less
10 than a full-time equated pupil solely because of the effect of his
11 or her postsecondary enrollment or engagement in the internship or
12 work experience, including necessary travel time, on the number of
13 class hours provided by the district to the pupil.

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

29 (s) For a district or a public school academy that has pupils

1 enrolled in a grade level that was not offered by the district or
2 public school academy in the immediately preceding school year, the
3 number of pupils enrolled in that grade level to be counted in
4 membership is the average of the number of those pupils enrolled
5 and in regular daily attendance on the pupil membership count day
6 and the supplemental count day of the current school year, as
7 determined by the department. Membership is calculated by adding
8 the number of pupils registered for attendance in that grade level
9 on the pupil membership count day plus pupils received by transfer
10 and minus pupils lost as defined by rules promulgated by the
11 superintendent, and as corrected by subsequent department audit,
12 plus the final audited count from the supplemental count day for
13 the current school year, and dividing that sum by 2.

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

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

1 purposes of this subdivision, a district is considered to be
2 providing appropriate instruction if all of the following are met:

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

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

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

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

14 (v) If a pupil was enrolled in a public school academy on the
15 pupil membership count day, if the public school academy's contract
16 with its authorizing body is revoked or the public school academy
17 otherwise ceases to operate, and if the pupil enrolls in a district
18 within 45 days after the pupil membership count day, the department
19 shall adjust the district's pupil count for the pupil membership
20 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
28 product of .10 times the final audited count from the most recent
29 pupil membership count day or supplemental count day that occurred

1 before suspending operations, as determined by the superintendent.

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

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

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

24 (y) Full-time equated memberships for special education pupils
25 who are not enrolled in kindergarten but are enrolled in a
26 classroom program under R 340.1754 of the Michigan Administrative
27 Code are determined by dividing the number of class hours scheduled
28 and provided per year by 450. Full-time equated memberships for
29 special education pupils who are not enrolled in kindergarten but

1 are receiving early childhood special education services under R
2 340.1755 or R 340.1862 of the Michigan Administrative Code are
3 determined by dividing the number of hours of service scheduled and
4 provided per year per-pupil by 180.

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

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

20 (bb) A district or public school academy that educates a pupil
21 who attends a United States Olympic Education Center may count the
22 pupil in membership regardless of whether or not the pupil is a
23 resident of this state.

24 (cc) A pupil enrolled in a district other than the pupil's
25 district of residence under section 1148(2) of the revised school
26 code, MCL 380.1148, is counted in the educating district.

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

1 operating the program reports that the pupil was enrolled in the
2 program and was in full attendance. However, if the special
3 membership counting provisions under this subdivision and the
4 operation of the other membership counting provisions under this
5 subsection result in a pupil being counted as more than 1.0 FTE in
6 a fiscal year, the payment made for the pupil under sections 22a
7 and 22b must not be based on more than 1.0 FTE for that pupil, and
8 any portion of an FTE for that pupil that exceeds 1.0 is instead
9 paid under section 25g. The district operating the program shall
10 report to the center the number of pupils who were enrolled in the
11 program and were in full attendance for a month not later than 30
12 days after the end of the month. A district shall not report a
13 pupil as being in full attendance for a month unless both of the
14 following are met:

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

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

26 (ee) A pupil participating in a virtual course under section
27 21f is counted in membership in the district enrolling the pupil.

28 (ff) If a public school academy that is not in its first or
29 second year of operation closes at the end of a school year and

1 does not reopen for the next school year, the department shall
2 adjust the membership count of the district or other public school
3 academy in which a former pupil of the closed public school academy
4 enrolls and is in regular daily attendance for the next school year
5 to ensure that the district or other public school academy receives
6 the same amount of membership aid for the pupil as if the pupil
7 were counted in the district or other public school academy on the
8 supplemental count day of the preceding school year.

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

17 (hh) A pupil enrolled in a community district is counted in
18 membership in the community district.

19 (ii) A part-time pupil enrolled in a nonpublic school in
20 grades K to 12 in accordance with section 166b shall not be counted
21 as more than 0.75 of a full-time equated membership.

22 (jj) A district that borders another state or a public school
23 academy that operates at least grades 9 to 12 and is located within
24 20 miles of a border with another state may count in membership a
25 pupil who is enrolled in a course at a college or university that
26 is located in the bordering state and within 20 miles of the border
27 with this state if all of the following are met:

28 (i) The pupil would meet the definition of an eligible student
29 under the postsecondary enrollment options act, 1996 PA 160, MCL

1 388.511 to 388.524, if the course were an eligible course under
2 that act.

3 (ii) The course in which the pupil is enrolled would meet the
4 definition of an eligible course under the postsecondary enrollment
5 options act, 1996 PA 160, MCL 388.511 to 388.524, if the course
6 were provided by an eligible postsecondary institution under that
7 act.

8 (iii) The department determines that the college or university
9 is an institution that, in the other state, fulfills a function
10 comparable to a state university or community college, as those
11 terms are defined in section 3 of the postsecondary enrollment
12 options act, 1996 PA 160, MCL 388.513, or is an independent
13 nonprofit degree-granting college or university.

14 (iv) The district or public school academy pays for a portion
15 of the pupil's tuition at the college or university in an amount
16 equal to the eligible charges that the district or public school
17 academy would pay to an eligible postsecondary institution under
18 the postsecondary enrollment options act, 1996 PA 160, MCL 388.511
19 to 388.524, as if the course were an eligible course under that
20 act.

21 (v) The district or public school academy awards high school
22 credit to a pupil who successfully completes a course as described
23 in this subdivision.

24 (kk) A pupil enrolled in a middle college program may be
25 counted for more than a total of 1.0 full-time equated membership
26 if the pupil is enrolled in more than the minimum number of
27 instructional days and hours required under section 101 and the
28 pupil is expected to complete the 5-year program with both a high
29 school diploma and at least 60 transferable college credits or is

1 expected to earn an associate's degree in fewer than 5 years.

2 (II) If a district's or public school academy's membership for
3 a particular fiscal year, as otherwise calculated under this
4 subsection, includes pupils counted in membership who are enrolled
5 under section 166b, all of the following apply for the purposes of
6 this subdivision:

7 (i) If the district's or public school academy's membership for
8 pupils counted under section 166b equals or exceeds 5% of the
9 district's or public school academy's membership for pupils not
10 counted in membership under section 166b in the immediately
11 preceding fiscal year, then the growth in the district's or public
12 school academy's membership for pupils counted under section 166b
13 must not exceed 10%.

14 (ii) If the district's or public school academy's membership
15 for pupils counted under section 166b is less than 5% of the
16 district's or public school academy's membership for pupils not
17 counted in membership under section 166b in the immediately
18 preceding fiscal year, then the district's or public school
19 academy's membership for pupils counted under section 166b must not
20 exceed the greater of the following:

21 (A) 5% of the district's or public school academy's membership
22 for pupils not counted in membership under section 166b.

23 (B) 10% more than the district's or public school academy's
24 membership for pupils counted under section 166b in the immediately
25 preceding fiscal year.

26 (iii) If 1 or more districts consolidate or are parties to an
27 annexation, then the calculations under subdivisions (i) and (ii)
28 must be applied to the combined total membership for pupils counted
29 in those districts for the fiscal year immediately preceding the

1 consolidation or annexation.

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

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

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

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

13 (c) A pupil enrolled in a public school academy.

14 (d) A pupil enrolled in a district other than the pupil's
15 district of residence under an intermediate district schools of
16 choice pilot program as described in section 91a or former section
17 91 if the intermediate district and its constituent districts have
18 been exempted from section 105.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (o) A pupil who enrolls in a district other than the pupil's
25 district of residence as a result of the pupil's school not making
26 adequate yearly progress under the no child left behind act of
27 2001, Public Law 107-110, or the every student succeeds act, Public
28 Law 114-95.

29 However, if a district educates pupils who reside in another

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

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

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

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

- 16 (i) Fourth Wednesday in July.
17 (ii) First Wednesday in October.
18 (iii) Second Wednesday in February.
19 (iv) Fourth Wednesday in April.

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

1 been excused by the district, is not 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 is not counted as 1.0 full-time equated
7 membership. In addition, a pupil who was enrolled and in attendance
8 in a district, intermediate district, or public school academy
9 before the pupil membership count day or supplemental count day of
10 a particular year but was expelled or suspended on the pupil
11 membership count day or supplemental count day is only counted as
12 1.0 full-time equated membership if the pupil resumed attendance in
13 the district, intermediate district, or public school academy
14 within 45 days after the pupil membership count day or supplemental
15 count day of that particular year. A pupil not counted as 1.0 full-
16 time equated membership due to an absence from a class is counted
17 as a prorated membership for the classes the pupil attended. For
18 purposes of this subsection, "class" means a period of time in 1
19 day when pupils and a certificated teacher, a teacher engaged to
20 teach under section 1233b of the revised school code, MCL
21 380.1233b, or an individual working under a valid substitute
22 permit, authorization, or approval issued by the department, are
23 together and instruction is taking place.

24 (9) "Rule" means a rule promulgated pursuant to the
25 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
26 24.328.

27 (10) "The revised school code" means the revised school code,
28 1976 PA 451, MCL 380.1 to 380.1852.

29 (11) "School district of the first class", "first class school

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

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

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

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

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

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

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

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

29 (19) "Textbook" means a book, electronic book, or other

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

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

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

12 Enacting section 2. This amendatory act does not take effect
13 unless Senate Bill No. 622

14 of the 100th Legislature is enacted into law.