

# SENATE BILL NO. 1062

August 15, 2020, Introduced by Senator BAYER and referred to the Committee on Education and Career Readiness.

A bill to amend 1979 PA 94, entitled  
"The state school aid act of 1979,"  
by amending sections 6 and 101 (MCL 388.1606 and 388.1701), 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

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

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

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

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

1 of .10 times the final audited count from the supplemental count  
2 day for the immediately preceding school year. **For 2020-2021 only,**  
3 **membership means for a district, a public school academy, or an**  
4 **intermediate district an amount equal to the district's, public**  
5 **school academy's, or intermediate district's 2019-2020 membership**  
6 **as calculated under this section in 2019-2020.** A district's, public  
7 school academy's, or intermediate district's membership is adjusted  
8 as provided under section 25e for pupils who enroll after the pupil  
9 membership count day in a strict discipline academy operating under  
10 sections 1311b to 1311m of the revised school code, MCL 380.1311b  
11 to 380.1311m. However, **except as otherwise provided in this**  
12 **subsection,** for a district that is a community district,  
13 ~~"membership"~~ **membership** means the sum of the product of .90 times  
14 the number of full-time equated pupils in grades K to 12 actually  
15 enrolled and in regular daily attendance in the community district  
16 on the pupil membership count day for the current school year, plus  
17 the product of .10 times the sum of the final audited count from  
18 the supplemental count day of pupils in grades K to 12 actually  
19 enrolled and in regular daily attendance in the community district  
20 for the immediately preceding school year. **For 2020-2021 only, for**  
21 **a district that is a community district, membership means an amount**  
22 **equal to the community district's 2019-2020 membership as**  
23 **calculated under this section in 2019-2020.** All pupil counts used  
24 in this subsection are as determined by the department and  
25 calculated by adding the number of pupils registered for attendance  
26 plus pupils received by transfer and minus pupils lost as defined  
27 by rules promulgated by the superintendent, and as corrected by a  
28 subsequent department audit. The amount of the foundation allowance  
29 for a pupil in membership is determined under section 20. In making

1 the calculation of membership, all of the following, as applicable,  
2 apply to determining the membership of a district, a public school  
3 academy, or an intermediate district:

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

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

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

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

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

29 (f) A pupil enrolled in a career and technical education

1 program supported by a millage levied over an area larger than a  
2 single district or in an area vocational-technical education  
3 program established under section 690 of the revised school code,  
4 MCL 380.690, is counted in membership only in the pupil's district  
5 of residence.

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

8 (h) For the purposes of this section and section 6a, for a  
9 cyber school, as defined in section 551 of the revised school code,  
10 MCL 380.551, that is in compliance with section 553a of the revised  
11 school code, MCL 380.553a, a pupil's participation in the cyber  
12 school's educational program is considered regular daily  
13 attendance, and for a district or public school academy, a pupil's  
14 participation in a virtual course as defined in section 21f is  
15 considered regular daily attendance. For the purposes of this  
16 subdivision, for a pupil enrolled in a cyber school and utilizing  
17 sequential learning, participation means that term as defined in  
18 the pupil accounting manual, section 5-o-d: requirements for  
19 counting pupils in membership-subsection 10.

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

23 (i) If operations begin before the pupil membership count day  
24 for the fiscal year, membership is the average number of full-time  
25 equated pupils in grades K to 12 actually enrolled and in regular  
26 daily attendance on the pupil membership count day for the current  
27 school year and on the supplemental count day for the current  
28 school year, as determined by the department and calculated by  
29 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 excludes 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) For an extended school year program approved by the  
22 superintendent, a pupil enrolled, but not scheduled to be in  
23 regular daily attendance, on a pupil membership count day, is  
24 counted in membership.

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

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

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

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

12 (B) Had dropped out of school.

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

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

22 (m) An individual who has achieved a high school diploma is  
23 not counted in membership. An individual who has achieved a high  
24 school equivalency certificate is not counted in membership unless  
25 the individual is a student with a disability as defined in R  
26 340.1702 of the Michigan Administrative Code. An individual  
27 participating in a job training program funded under former section  
28 107a or a jobs program funded under former section 107b,  
29 administered by the department of labor and economic opportunity,

1 or participating in any successor of either of those 2 programs, is  
2 not counted in membership.

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

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

25 (ii) If the public school academy provides instruction for less  
26 than 1/2 of the class hours required under section 101, the  
27 district or intermediate district providing the remainder of the  
28 hours of instruction receives as its prorated share of the full-  
29 time equated membership for each of those pupils an amount equal to



1 1 times the product of the hours of instruction the district or  
2 intermediate district provides divided by the number of hours  
3 required under section 101 for full-time equivalency, and the  
4 remainder of the full-time membership for each of those pupils is  
5 allocated to the public school academy.

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

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

13 (q) The number of class hours used to calculate full-time  
14 equated memberships must be consistent with section 101. In  
15 determining full-time equated memberships for pupils who are  
16 enrolled in a postsecondary institution or for pupils engaged in an  
17 internship or work experience under section 1279h of the revised  
18 school code, MCL 380.1279h, a pupil is not considered to be less  
19 than a full-time equated pupil solely because of the effect of his  
20 or her postsecondary enrollment or engagement in the internship or  
21 work experience, including necessary travel time, on the number of  
22 class hours provided by the district to the pupil.

23 (r) Full-time equated memberships for pupils in kindergarten  
24 are determined by dividing the number of instructional hours  
25 scheduled and provided per year per kindergarten pupil by the same  
26 number used for determining full-time equated memberships for  
27 pupils in grades 1 to 12. However, to the extent allowable under  
28 federal law, for a district or public school academy that provides  
29 evidence satisfactory to the department that it used federal title

1 I money in the 2 immediately preceding school fiscal years to fund  
2 full-time kindergarten, full-time equated memberships for pupils in  
3 kindergarten are determined by dividing the number of class hours  
4 scheduled and provided per year per kindergarten pupil by a number  
5 equal to 1/2 the number used for determining full-time equated  
6 memberships for pupils in grades 1 to 12. The change in the  
7 counting of full-time equated memberships for pupils in  
8 kindergarten that took effect for 2012-2013 is not a mandate.

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

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

26 (u) If, as a result of a disciplinary action, a district  
27 determines through the district's alternative or disciplinary  
28 education program that the best instructional placement for a pupil  
29 is in the pupil's home or otherwise apart from the general school

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

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

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

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

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

23 (v) If a pupil was enrolled in a public school academy on the  
24 pupil membership count day, if the public school academy's contract  
25 with its authorizing body is revoked or the public school academy  
26 otherwise ceases to operate, and if the pupil enrolls in a district  
27 within 45 days after the pupil membership count day, the department  
28 shall adjust the district's pupil count for the pupil membership  
29 count day to include the pupil in the count.

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

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

26 (i) The average of the district's membership for the 3-fiscal-  
27 year period ending with that fiscal year, calculated by adding the  
28 district's actual membership for each of those 3 fiscal years, as  
29 otherwise calculated under this subsection, and dividing the sum of

1 those 3 membership figures by 3.

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

4 (y) Full-time equated memberships for special education pupils  
5 who are not enrolled in kindergarten but are enrolled in a  
6 classroom program under R 340.1754 of the Michigan Administrative  
7 Code are determined by dividing the number of class hours scheduled  
8 and provided per year by 450. Full-time equated memberships for  
9 special education pupils who are not enrolled in kindergarten but  
10 are receiving early childhood special education services under R  
11 340.1755 or R 340.1862 of the Michigan Administrative Code are  
12 determined by dividing the number of hours of service scheduled and  
13 provided per year per-pupil by 180.

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

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

29 (bb) A district or public school academy that educates a pupil

1 who attends a United States Olympic Education Center may count the  
2 pupil in membership regardless of whether or not the pupil is a  
3 resident of this state.

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

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

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

27 (ii) The pupil meets the district's definition under section  
28 23a of satisfactory monthly progress for that month or, if the  
29 pupil does not meet that definition of satisfactory monthly

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

6 (ee) A pupil participating in a virtual course under section  
7 21f is counted in membership in the district enrolling the pupil.

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

18 (gg) If a special education pupil is expelled under section  
19 1311 or 1311a of the revised school code, MCL 380.1311 and  
20 380.1311a, and is not in attendance on the pupil membership count  
21 day because of the expulsion, and if the pupil remains enrolled in  
22 the district and resumes regular daily attendance during that  
23 school year, the district's membership is adjusted to count the  
24 pupil in membership as if he or she had been in attendance on the  
25 pupil membership count day.

26 (hh) A pupil enrolled in a community district is counted in  
27 membership in the community district.

28 (ii) A part-time pupil enrolled in a nonpublic school in  
29 grades K to 12 in accordance with section 166b shall not be counted

1 as more than 0.75 of a full-time equated membership.

2 (jj) A district that borders another state or a public school  
3 academy that operates at least grades 9 to 12 and is located within  
4 20 miles of a border with another state may count in membership a  
5 pupil who is enrolled in a course at a college or university that  
6 is located in the bordering state and within 20 miles of the border  
7 with this state if all of the following are met:

8 (i) The pupil would meet the definition of an eligible student  
9 under the postsecondary enrollment options act, 1996 PA 160, MCL  
10 388.511 to 388.524, if the course were an eligible course under  
11 that act.

12 (ii) The course in which the pupil is enrolled would meet the  
13 definition of an eligible course under the postsecondary enrollment  
14 options act, 1996 PA 160, MCL 388.511 to 388.524, if the course  
15 were provided by an eligible postsecondary institution under that  
16 act.

17 (iii) The department determines that the college or university  
18 is an institution that, in the other state, fulfills a function  
19 comparable to a state university or community college, as those  
20 terms are defined in section 3 of the postsecondary enrollment  
21 options act, 1996 PA 160, MCL 388.513, or is an independent  
22 nonprofit degree-granting college or university.

23 (iv) The district or public school academy pays for a portion  
24 of the pupil's tuition at the college or university in an amount  
25 equal to the eligible charges that the district or public school  
26 academy would pay to an eligible postsecondary institution under  
27 the postsecondary enrollment options act, 1996 PA 160, MCL 388.511  
28 to 388.524, as if the course were an eligible course under that  
29 act.



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

4           (kk) A pupil enrolled in a middle college program may be  
5 counted for more than a total of 1.0 full-time equated membership  
6 if the pupil is enrolled in more than the minimum number of  
7 instructional days and hours required under section 101 and the  
8 pupil is expected to complete the 5-year program with both a high  
9 school diploma and at least 60 transferable college credits or is  
10 expected to earn an associate's degree in fewer than 5 years.

11           (ll) If a district's or public school academy's membership for  
12 a particular fiscal year, as otherwise calculated under this  
13 subsection, includes pupils counted in membership who are enrolled  
14 under section 166b, all of the following apply for the purposes of  
15 this subdivision:

16           (i) If the district's or public school academy's membership for  
17 pupils counted under section 166b equals or exceeds 5% of the  
18 district's or public school academy's membership for pupils not  
19 counted in membership under section 166b in the immediately  
20 preceding fiscal year, then the growth in the district's or public  
21 school academy's membership for pupils counted under section 166b  
22 must not exceed 10%.

23           (ii) If the district's or public school academy's membership  
24 for pupils counted under section 166b is less than 5% of the  
25 district's or public school academy's membership for pupils not  
26 counted in membership under section 166b in the immediately  
27 preceding fiscal year, then the district's or public school  
28 academy's membership for pupils counted under section 166b must not  
29 exceed the greater of the following:

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

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

6 (iii) If 1 or more districts consolidate or are parties to an  
7 annexation, then the calculations under subdivisions (i) and (ii)  
8 must be applied to the combined total membership for pupils counted  
9 in those districts for the fiscal year immediately preceding the  
10 consolidation or annexation.

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

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

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

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

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

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.

28 (e) A pupil enrolled in a district other than the pupil's  
29 district of residence if the pupil is enrolled in accordance with

1 section 105 or 105c.

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

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

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

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

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

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

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

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

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

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

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

19 (k) An expelled pupil who has been denied reinstatement by the  
20 expelling district and is reinstated by another school board under  
21 section 1311 or 1311a of the revised school code, MCL 380.1311 and  
22 380.1311a.

23 (l) A pupil enrolled in a district other than the pupil's  
24 district of residence in a middle college program if the pupil's  
25 district of residence and the enrolling district are both  
26 constituent districts of the same intermediate district.

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

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

4 (o) A pupil who enrolls in a district other than the pupil's  
5 district of residence as a result of the pupil's school not making  
6 adequate yearly progress under the no child left behind act of  
7 2001, Public Law 107-110, or the every student succeeds act, Public  
8 Law 114-95.

9 However, if a district educates pupils who reside in another  
10 district and if the primary instructional site for those pupils is  
11 established by the educating district after 2009-2010 and is  
12 located within the boundaries of that other district, the educating  
13 district must have the approval of that other district to count  
14 those pupils in membership.

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

17 (a) Except as provided in subdivision (b), the first Wednesday  
18 in October each school year or, for a district or building in which  
19 school is not in session on that Wednesday due to conditions not  
20 within the control of school authorities, with the approval of the  
21 superintendent, the immediately following day on which school is in  
22 session in the district or building.

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

25 (i) Fourth Wednesday in July.

26 (ii) First Wednesday in October.

27 (iii) Second Wednesday in February.

28 (iv) Fourth Wednesday in April.

29 (8) "Pupils in grades K to 12 actually enrolled and in regular

1 daily attendance" means pupils in grades K to 12 in attendance and  
2 receiving instruction in all classes for which they are enrolled on  
3 the pupil membership count day or the supplemental count day, as  
4 applicable. Except as otherwise provided in this subsection, a  
5 pupil who is absent from any of the classes in which the pupil is  
6 enrolled on the pupil membership count day or supplemental count  
7 day and who does not attend each of those classes during the 10  
8 consecutive school days immediately following the pupil membership  
9 count day or supplemental count day, except for a pupil who has  
10 been excused by the district, is not counted as 1.0 full-time  
11 equated membership. A pupil who is excused from attendance on the  
12 pupil membership count day or supplemental count day and who fails  
13 to attend each of the classes in which the pupil is enrolled within  
14 30 calendar days after the pupil membership count day or  
15 supplemental count day is not counted as 1.0 full-time equated  
16 membership. In addition, a pupil who was enrolled and in attendance  
17 in a district, intermediate district, or public school academy  
18 before the pupil membership count day or supplemental count day of  
19 a particular year but was expelled or suspended on the pupil  
20 membership count day or supplemental count day is only counted as  
21 1.0 full-time equated membership if the pupil resumed attendance in  
22 the district, intermediate district, or public school academy  
23 within 45 days after the pupil membership count day or supplemental  
24 count day of that particular year. A pupil not counted as 1.0 full-  
25 time equated membership due to an absence from a class is counted  
26 as a prorated membership for the classes the pupil attended. For  
27 purposes of this subsection, "class" means a period of time in 1  
28 day when pupils and a certificated teacher, a teacher engaged to  
29 teach under section 1233b of the revised school code, MCL

1 380.1233b, or an individual working under a valid substitute  
2 permit, authorization, or approval issued by the department, are  
3 together and instruction is taking place.

4 (9) "Rule" means a rule promulgated pursuant to the  
5 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
6 24.328.

7 (10) "The revised school code" means the revised school code,  
8 1976 PA 451, MCL 380.1 to 380.1852.

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

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

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

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

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

22 (16) "Tuition pupil" means a pupil of school age attending  
23 school in a district other than the pupil's district of residence  
24 for whom tuition may be charged to the district of residence.  
25 Tuition pupil does not include a pupil who is a special education  
26 pupil, a pupil described in subsection (6)(c) to (o), or a pupil  
27 whose parent or guardian voluntarily enrolls the pupil in a  
28 district that is not the pupil's district of residence. A pupil's  
29 district of residence shall not require a high school tuition

pupil, as provided under section 111, to attend another school district after the pupil has been assigned to a school district.

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

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

(19) "Textbook" means a book, electronic book, or other instructional print or electronic resource that is selected and approved by the governing board of a district and that contains a presentation of principles of a subject, or that is a literary work relevant to the study of a subject required for the use of classroom pupils, or another type of course material that forms the basis of classroom instruction.

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

Sec. 101. (1) To be eligible to receive state aid under this article, not later than the fifth Wednesday after the pupil membership count day and not later than the fifth Wednesday after the supplemental count day, each district superintendent shall submit and certify to the center and the intermediate superintendent, in the form and manner prescribed by the center, the number of pupils enrolled and in regular daily attendance, including identification of tuition-paying pupils, in the district as of the pupil membership count day and as of the supplemental count day, as applicable, for the current school year. **For the 2020-2021 school year only, a district is not required to submit**



1 and certify to the center and the intermediate superintendent the  
2 number of pupils enrolled and in regular daily attendance in the  
3 district as of the pupil membership count day as required in the  
4 immediately preceding sentence. In addition, a district maintaining  
5 school during the entire year shall submit and certify to the  
6 center and the intermediate superintendent, in the form and manner  
7 prescribed by the center, the number of pupils enrolled and in  
8 regular daily attendance in the district for the current school  
9 year pursuant to rules promulgated by the superintendent. Not later  
10 than the sixth Wednesday after the pupil membership count day,  
11 **excluding the sixth Wednesday after the 2020-2021 pupil membership**  
12 **count day**, and not later than the sixth Wednesday after the  
13 supplemental count day, the district shall resolve any pupil  
14 membership conflicts with another district, correct any data  
15 issues, and recertify the data in a form and manner prescribed by  
16 the center and file the certified data with the intermediate  
17 superintendent. If a district fails to submit and certify the  
18 attendance data, as required under this subsection, the center  
19 shall notify the department and the department shall withhold state  
20 aid due to be distributed under this article from the defaulting  
21 district immediately, beginning with the next payment after the  
22 failure and continuing with each payment until the district  
23 complies with this subsection. If a district does not comply with  
24 this subsection by the end of the fiscal year, the district  
25 forfeits the amount withheld. A person who willfully falsifies a  
26 figure or statement in the certified and sworn copy of enrollment  
27 is subject to penalty as prescribed by section 161.

28 (2) To be eligible to receive state aid under this article,  
29 not later than the twenty-fourth Wednesday after the pupil

1 membership count day and not later than the twenty-fourth Wednesday  
2 after the supplemental count day, an intermediate district shall  
3 submit to the center, in a form and manner prescribed by the  
4 center, the audited enrollment and attendance data for the pupils  
5 of its constituent districts and of the intermediate district. **For**  
6 **the 2020-2021 school year only, an intermediate district is not**  
7 **required to submit to the center audited enrollment and attendance**  
8 **data for the pupils of its constituent districts and of the**  
9 **intermediate district as required in the immediately preceding**  
10 **sentence.** If an intermediate district fails to submit the audited  
11 data as required under this subsection, the department shall  
12 withhold state aid due to be distributed under this article from  
13 the defaulting intermediate district immediately, beginning with  
14 the next payment after the failure and continuing with each payment  
15 until the intermediate district complies with this subsection. If  
16 an intermediate district does not comply with this subsection by  
17 the end of the fiscal year, the intermediate district forfeits the  
18 amount withheld.

19 (3) Except as otherwise provided in subsections (11) and (12),  
20 all of the following apply to the provision of pupil instruction:

21 (a) Except as otherwise provided in this section, each  
22 district shall provide at least 1,098 hours and 180 days of pupil  
23 instruction. If a collective bargaining agreement that provides a  
24 complete school calendar was in effect for employees of a district  
25 as of June 24, 2014, and if that school calendar is not in  
26 compliance with this subdivision, then this subdivision does not  
27 apply to that district until after the expiration of that  
28 collective bargaining agreement. A district may apply for a waiver  
29 under subsection (9) from the requirements of this subdivision.

(b) Except as otherwise provided in this **section or this** article, a district failing to comply with the required minimum hours and days of pupil instruction under this subsection forfeits from its total state aid allocation an amount determined by applying a ratio of the number of hours or days the district was in noncompliance in relation to the required minimum number of hours and days under this subsection. Not later than August 1, the board of each district shall either certify to the department that the district was in full compliance with this section regarding the number of hours and days of pupil instruction in the previous school year, or report to the department, in a form and manner prescribed by the center, each instance of noncompliance. If the district did not provide at least the required minimum number of hours and days of pupil instruction under this subsection, the department shall make the deduction of state aid in the following fiscal year from the first payment of state school aid. A district is not subject to forfeiture of funds under this subsection for a fiscal year in which a forfeiture was already imposed under subsection (6).

(c) Hours or days lost because of strikes or teachers' conferences are not counted as hours or days of pupil instruction.

(d) Except as otherwise provided in **this subdivision and** subdivisions (e) and (f), if a district does not have at least 75% of the district's membership in attendance on any day of pupil instruction, the department shall pay the district state aid in that proportion of 1/180 that the actual percent of attendance bears to 75%. **A district is not required to comply with the requirement in the immediately preceding sentence for the 2020-2021 school year.**

1           (e) If a district adds 1 or more days of pupil instruction to  
2 the end of its instructional calendar for a school year to comply  
3 with subdivision (a) because the district otherwise would fail to  
4 provide the required minimum number of days of pupil instruction  
5 even after the operation of subsection (4) due to conditions not  
6 within the control of school authorities, then subdivision (d) does  
7 not apply for any day of pupil instruction that is added to the end  
8 of the instructional calendar. Instead, for any of those days, if  
9 the district does not have at least 60% of the district's  
10 membership in attendance on that day, the department shall pay the  
11 district state aid in that proportion of 1/180 that the actual  
12 percentage of attendance bears to 60%. For any day of pupil  
13 instruction added to the instructional calendar as described in  
14 this subdivision, the district shall report to the department the  
15 percentage of the district's membership that is in attendance, in  
16 the form and manner prescribed by the department.

17           (f) At the request of a district that operates a department-  
18 approved alternative education program and that does not provide  
19 instruction for pupils in all of grades K to 12, the superintendent  
20 shall grant a waiver from the requirements of subdivision (d). The  
21 waiver must provide that an eligible district is subject to the  
22 proration provisions of subdivision (d) only if the district does  
23 not have at least 50% of the district's membership in attendance on  
24 any day of pupil instruction. In order to be eligible for this  
25 waiver, a district must maintain records to substantiate its  
26 compliance with the following requirements:

27           (i) The district offers the minimum hours of pupil instruction  
28 as required under this section.

29           (ii) For each enrolled pupil, the district uses appropriate

1 academic assessments to develop an individual education plan that  
2 leads to a high school diploma.

3 (iii) The district tests each pupil to determine academic  
4 progress at regular intervals and records the results of those  
5 tests in that pupil's individual education plan.

6 (g) All of the following apply to a waiver granted under  
7 subdivision (f):

8 (i) If the waiver is for a blended model of delivery, a waiver  
9 that is granted for the 2011-2012 fiscal year or a subsequent  
10 fiscal year remains in effect unless it is revoked by the  
11 superintendent.

12 (ii) If the waiver is for a 100% online model of delivery and  
13 the educational program for which the waiver is granted makes  
14 educational services available to pupils for a minimum of at least  
15 1,098 hours during a school year and ensures that each pupil  
16 participates in the educational program for at least 1,098 hours  
17 during a school year, a waiver that is granted for the 2011-2012  
18 fiscal year or a subsequent fiscal year remains in effect unless it  
19 is revoked by the superintendent.

20 (iii) A waiver that is not a waiver described in subparagraph  
21 (i) or (ii) is valid for 1 fiscal year and must be renewed annually  
22 to remain in effect.

23 (h) The superintendent shall promulgate rules for the  
24 implementation of this subsection.

25 (4) Except as otherwise provided in this subsection, the first  
26 6 days or the equivalent number of hours for which pupil  
27 instruction is not provided because of conditions not within the  
28 control of school authorities, such as severe storms, fires,  
29 epidemics, utility power unavailability, water or sewer failure, or

1 health conditions as defined by the city, county, or state health  
 2 authorities, are counted as hours and days of pupil instruction.  
 3 ~~For 2018-2019 only, in addition to these 6 days, if pupil~~  
 4 ~~instruction is not provided on 1 or more days that are included in~~  
 5 ~~a period for which the governor has issued an executive order~~  
 6 ~~declaring a state of emergency across this state, upon request by a~~  
 7 ~~district to the superintendent of public instruction, in a form and~~  
 8 ~~manner prescribed by the department, that 1 or more of those days~~  
 9 ~~and the equivalent number of hours count as days and hours of pupil~~  
 10 ~~instruction, the department shall count those requested days and~~  
 11 ~~the equivalent number of hours as days and hours of pupil~~  
 12 ~~instruction for the purposes of this section. For 2018-2019, the~~  
 13 ~~days included in the executive order are January 29, 2019 to~~  
 14 ~~February 2, 2019.~~ With the approval of the superintendent of public  
 15 instruction, the department shall count as hours and days of pupil  
 16 instruction for a fiscal year not more than 3 additional days or  
 17 the equivalent number of additional hours for which pupil  
 18 instruction is not provided in a district due to unusual and  
 19 extenuating occurrences resulting from conditions not within the  
 20 control of school authorities such as those conditions described in  
 21 this subsection. Subsequent such hours or days are not counted as  
 22 hours or days of pupil instruction.

23 (5) A district does not forfeit part of its state aid  
 24 appropriation because it adopts or has in existence an alternative  
 25 scheduling program for pupils in kindergarten if the program  
 26 provides at least the number of hours required under subsection (3)  
 27 for a full-time equated membership for a pupil in kindergarten as  
 28 provided under section 6(4).

29 (6) ~~In~~ **Except as otherwise provided in this section, in**

1 addition to any other penalty or forfeiture under this section, if  
2 at any time the department determines that 1 or more of the  
3 following have occurred in a district, the district forfeits in the  
4 current fiscal year beginning in the next payment to be calculated  
5 by the department a proportion of the funds due to the district  
6 under this article that is equal to the proportion below the  
7 required minimum number of hours and days of pupil instruction  
8 under subsection (3), as specified in the following:

9 (a) The district fails to operate its schools for at least the  
10 required minimum number of hours and days of pupil instruction  
11 under subsection (3) in a school year, including hours and days  
12 counted under subsection (4).

13 (b) The board of the district takes formal action not to  
14 operate its schools for at least the required minimum number of  
15 hours and days of pupil instruction under subsection (3) in a  
16 school year, including hours and days counted under subsection (4).

17 (7) In providing the minimum number of hours and days of pupil  
18 instruction required under subsection (3), a district shall use the  
19 following guidelines, and a district shall maintain records to  
20 substantiate its compliance with the following guidelines:

21 (a) Except as otherwise provided in this subsection, a pupil  
22 must be scheduled for at least the required minimum number of hours  
23 of instruction, excluding study halls, or at least the sum of 90  
24 hours plus the required minimum number of hours of instruction,  
25 including up to 2 study halls.

26 (b) The time a pupil is assigned to any tutorial activity in a  
27 block schedule may be considered instructional time, unless that  
28 time is determined in an audit to be a study hall period.

29 (c) Except as otherwise provided in this subdivision, a pupil

1 in grades 9 to 12 for whom a reduced schedule is determined to be  
2 in the individual pupil's best educational interest must be  
3 scheduled for a number of hours equal to at least 80% of the  
4 required minimum number of hours of pupil instruction to be  
5 considered a full-time equivalent pupil. A pupil in grades 9 to 12  
6 who is scheduled in a 4-block schedule may receive a reduced  
7 schedule under this subsection if the pupil is scheduled for a  
8 number of hours equal to at least 75% of the required minimum  
9 number of hours of pupil instruction to be considered a full-time  
10 equivalent pupil.

11 (d) If a pupil in grades 9 to 12 who is enrolled in a  
12 cooperative education program or a special education pupil cannot  
13 receive the required minimum number of hours of pupil instruction  
14 solely because of travel time between instructional sites during  
15 the school day, that travel time, up to a maximum of 3 hours per  
16 school week, is considered to be pupil instruction time for the  
17 purpose of determining whether the pupil is receiving the required  
18 minimum number of hours of pupil instruction. However, if a  
19 district demonstrates to the satisfaction of the department that  
20 the travel time limitation under this subdivision would create  
21 undue costs or hardship to the district, the department may  
22 consider more travel time to be pupil instruction time for this  
23 purpose.

24 (e) In grades 7 through 12, instructional time that is part of  
25 a Junior Reserve Officer Training Corps (JROTC) program is  
26 considered to be pupil instruction time regardless of whether the  
27 instructor is a certificated teacher if all of the following are  
28 met:

29 (i) The instructor has met all of the requirements established



1 by the United States Department of Defense and the applicable  
2 branch of the armed services for serving as an instructor in the  
3 Junior Reserve Officer Training Corps program.

4 (ii) The board of the district or intermediate district  
5 employing or assigning the instructor complies with the  
6 requirements of sections 1230 and 1230a of the revised school code,  
7 MCL 380.1230 and 380.1230a, with respect to the instructor to the  
8 same extent as if employing the instructor as a regular classroom  
9 teacher.

10 (8) Except as otherwise provided in subsections (11), ~~and~~  
11 (12), **and (14)**, the department shall apply the guidelines under  
12 subsection (7) in calculating the full-time equivalency of pupils.

13 (9) Upon application by the district for a particular fiscal  
14 year, the superintendent shall waive for a district the minimum  
15 number of hours and days of pupil instruction requirement of  
16 subsection (3) for a department-approved alternative education  
17 program or another innovative program approved by the department,  
18 including a 4-day school week. If a district applies for and  
19 receives a waiver under this subsection and complies with the terms  
20 of the waiver, the district is not subject to forfeiture under this  
21 section for the specific program covered by the waiver. If the  
22 district does not comply with the terms of the waiver, the amount  
23 of the forfeiture is calculated based upon a comparison of the  
24 number of hours and days of pupil instruction actually provided to  
25 the minimum number of hours and days of pupil instruction required  
26 under subsection (3). A district shall report pupils enrolled in a  
27 department-approved alternative education program under this  
28 subsection to the center in a form and manner determined by the  
29 center. All of the following apply to a waiver granted under this

1 subsection:

2 (a) If the waiver is for a blended model of delivery, a waiver  
3 that is granted for the 2011-2012 fiscal year or a subsequent  
4 fiscal year remains in effect unless it is revoked by the  
5 superintendent.

6 (b) If the waiver is for a 100% online model of delivery and  
7 the educational program for which the waiver is granted makes  
8 educational services available to pupils for a minimum of at least  
9 1,098 hours during a school year and ensures that each pupil is on  
10 track for course completion at proficiency level, a waiver that is  
11 granted for the 2011-2012 fiscal year or a subsequent fiscal year  
12 remains in effect unless it is revoked by the superintendent.

13 (c) A waiver that is not a waiver described in subdivision (a)  
14 or (b) is valid for 1 fiscal year and must be renewed annually to  
15 remain in effect.

16 (10) A district may count up to 38 hours of qualifying  
17 professional development for teachers as hours of pupil  
18 instruction. All of the following apply to the counting of  
19 qualifying professional development as pupil instruction under this  
20 subsection:

21 (a) If qualifying professional development exceeds 5 hours in  
22 a single day, that day may be counted as a day of pupil  
23 instruction.

24 (b) At least 8 hours of the qualifying professional  
25 development counted as hours of pupil instruction under this  
26 subsection must be recommended by a districtwide professional  
27 development advisory committee appointed by the district board. The  
28 advisory committee must be composed of teachers employed by the  
29 district who represent a variety of grades and subject matter

1 specializations, including special education; nonteaching staff;  
2 parents; and administrators. The majority membership of the  
3 committee ~~shall~~**must** be composed of teaching staff.

4 (c) Professional development provided online is allowable and  
5 encouraged, as long as the instruction has been approved by the  
6 district. The department shall issue a list of approved online  
7 professional development providers ~~, which~~**that** must include the  
8 Michigan Virtual School.

9 (d) Qualifying professional development may only be counted as  
10 hours of pupil instruction for the pupils of those teachers  
11 scheduled to participate in the qualifying professional  
12 development.

13 (e) For professional development to be considered qualifying  
14 professional development under this subsection, the professional  
15 development must meet all of the following:

16 (i) Is aligned to the school or district improvement plan for  
17 the school or district in which the professional development is  
18 being provided.

19 (ii) Is linked to 1 or more criteria in the evaluation tool  
20 developed or adopted by the district or intermediate district under  
21 section 1249 of the revised school code, MCL 380.1249.

22 (iii) Has been approved by the department as counting for state  
23 continuing education clock hours. The number of hours of  
24 professional development counted as hours of pupil instruction may  
25 not exceed the number of state continuing education clock hours for  
26 which the qualifying professional development was approved.

27 (iv) Not more than a combined total of 10 hours of the  
28 professional development takes place before the first scheduled day  
29 of school for the school year ending in the fiscal year and after

1 the last scheduled day of school for that school year.

2 (v) No more than 10 hours of qualifying professional  
3 development takes place in a single month.

4 (vi) At least 75% of teachers scheduled to participate in the  
5 professional development are in attendance.

6 (11) Subsections (3) and (8) do not apply to a school of  
7 excellence that is a cyber school, as **that term is** defined in  
8 section 551 of the revised school code, MCL 380.551, and is in  
9 compliance with section 553a of the revised school code, MCL  
10 380.553a.

11 (12) Subsections (3) and (8) do not apply to eligible pupils  
12 enrolled in a dropout recovery program that meets the requirements  
13 of section 23a. As used in this subsection, "eligible pupil" means  
14 that term as defined in section 23a.

15 (13) At least every 2 years the superintendent shall review  
16 the waiver standards set forth in the pupil accounting and auditing  
17 manuals to ensure that the waiver standards and waiver process  
18 continue to be appropriate and responsive to changing trends in  
19 online learning. The superintendent shall solicit and consider  
20 input from stakeholders as part of this review.

21 **(14) For the 2020-2021 school year only, a district is not**  
22 **required to provide at least 1,098 hours of pupil instruction under**  
23 **subsection (3) (a) .**