

# SENATE BILL NO. 59

February 04, 2025, Introduced by Senator MCBROOM and referred to Committee on Appropriations.

A bill to amend 1979 PA 94, entitled  
"The state school aid act of 1979,"  
by amending sections 6 and 11 (MCL 388.1606 and 388.1611), section  
6 as amended by 2023 PA 320 and section 11 as amended by 2024 PA  
148, and by adding section 61e.

## **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

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

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

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

(4) "Membership", except as otherwise provided in this article, means for a district, a public school academy, or an intermediate district the sum of the product of .90 times the number of full-time equated pupils in grades K to 12 actually

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

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

27 (b) If a pupil is educated in a district other than the  
28 pupil's district of residence, if the pupil is not being educated  
29 as part of a cooperative education program, if the pupil's district

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

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

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

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

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

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

26 (h) For the purposes of this section and section 6a, for a  
27 cyber school, as that term is defined in section 551 of the revised  
28 school code, MCL 380.551, that is in compliance with section 553a  
29 of the revised school code, MCL 380.553a, a pupil's participation

1 in the cyber school's educational program is considered regular  
2 daily attendance, and for a district or public school academy, a  
3 pupil's participation in a virtual course as that term is defined  
4 in section 21f is considered regular daily attendance. Beginning  
5 July 1, 2021, this subdivision is subject to section 8c. It is the  
6 intent of the legislature that the immediately preceding sentence  
7 apply retroactively and is effective July 1, 2021. For the purposes  
8 of this subdivision, for a pupil enrolled in a cyber school, all of  
9 the following apply with regard to the participation requirement as  
10 described in this subdivision:

11 (i) Except as otherwise provided in this subdivision, the pupil  
12 shall participate in each scheduled course on pupil membership  
13 count day or supplemental count day, as applicable. If the pupil is  
14 absent on pupil membership count day or supplemental count day, as  
15 applicable, the pupil must attend and participate in class during  
16 the next 10 consecutive school days if the absence was unexcused,  
17 or during the next 30 calendar days if the absence was excused.

18 (ii) For a pupil who is not learning sequentially, 1 or more of  
19 the following must be met on pupil membership count day or  
20 supplemental count day, as applicable, for each scheduled course to  
21 satisfy the participation requirement under this subdivision:

22 (A) The pupil attended a live lesson from the teacher.

23 (B) The pupil logged into a lesson or lesson activity and the  
24 login can be documented.

25 (C) The pupil and teacher engaged in a subject-oriented  
26 telephone conversation.

27 (D) There is documentation of an email dialogue between the  
28 pupil and teacher.

29 (E) There is documentation of activity or work between the

1 learning coach and pupil.

2 (F) An alternate form of attendance as determined and agreed  
3 upon by the cyber school and the pupil membership auditor was met.

4 (iii) For a pupil using sequential learning, the participation  
5 requirement under this subdivision is satisfied if either of the  
6 following occurs:

7 (A) Except as otherwise provided in this sub-subparagraph, the  
8 pupil and the teacher of record or mentor complete a 2-way  
9 interaction for 1 course during the week on which pupil membership  
10 count day or supplemental count day, as applicable, occurs, and the  
11 3 consecutive weeks following that week. However, if a school break  
12 is scheduled during any of the weeks described in this sub-  
13 subparagraph that is 4 or more days in length or instruction has  
14 been canceled districtwide during any of the weeks described in  
15 this sub-subparagraph for 3 or more school days, the district is  
16 not required to ensure that the pupil and the teacher of record or  
17 mentor completed a 2-way interaction for that week. As used in this  
18 sub-subparagraph:

19 (I) "2-way interaction" means the communication that occurs  
20 between the teacher of record or mentor and pupil, where 1 party  
21 initiates communication and a response from the other party follows  
22 that communication. Responses as described in this sub-sub-  
23 subparagraph must be to the communication initiated by the teacher  
24 of record or mentor, and not some other action taken. This  
25 interaction may occur through, but is not limited to, means such as  
26 email, telephone, instant messaging, or face-to-face conversation.  
27 A parent- or legal-guardian-facilitated 2-way interaction is  
28 considered a 2-way interaction if the pupil is in any of grades K  
29 to 5 and does not yet possess the skills necessary to participate

1 in 2-way interactions unassisted. The interactions described in  
2 this sub-sub-subparagraph must relate to a virtual course on the  
3 pupil's schedule and pertain to course content or progress.

4 (II) "Mentor" means a professional employee of the district  
5 who monitors the pupil's progress, ensures the pupil has access to  
6 needed technology, is available for assistance, and ensures access  
7 to the teacher of record. A mentor may also be the teacher of  
8 record if the mentor meets the definition of a teacher of record  
9 under this sub-subparagraph and the district is the provider for  
10 the course.

11 (III) "Teacher of record" means a teacher to whom all of the  
12 following apply:

13 (1) The teacher is responsible for providing instruction,  
14 determining instructional methods for each pupil, diagnosing  
15 learning needs, assessing pupil learning, prescribing intervention  
16 strategies and modifying lessons, reporting outcomes, and  
17 evaluating the effects of instruction and support strategies. The  
18 teacher of record may coordinate the distribution and assignment of  
19 the responsibilities described in this sub-sub-sub-subparagraph  
20 with other teachers participating in the instructional process for  
21 a course.

22 (2) The teacher is certified for the grade level or is working  
23 under a valid substitute permit, authorization, or approval issued  
24 by the department.

25 (3) The teacher has a personnel identification code provided  
26 by the center.

27 (IV) "Week" means a period that starts on Wednesday and ends  
28 the following Tuesday.

29 (B) The pupil completes a combination of 1 or more of the

1 following activities for each scheduled course on pupil membership  
2 count day or supplemental count day, as applicable:

3 (I) Documented attendance in a virtual course where  
4 synchronous, live instruction occurred with the teacher.

5 (II) Documented completion of a course assignment.

6 (III) Documented completion of a course lesson or lesson  
7 activity.

8 (IV) Documented pupil access to an ongoing lesson, which does  
9 not include a login.

10 (V) Documented physical attendance on pupil membership count  
11 day or supplemental count day, as applicable, in each scheduled  
12 course, if the pupil will attend at least 50% of the instructional  
13 time for each scheduled course on-site, face-to-face with the  
14 teacher of record. As used in this sub-sub-subparagraph, "teacher  
15 of record" means that term as defined in subparagraph (iii) (A).

16 (iv) For purposes of subparagraph (iii), each scheduled course  
17 currently being attempted by the pupil, rather than every course on  
18 the pupil's schedule for the entire term, is considered a part of  
19 each scheduled course for the pupil.

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, and must be less than 20  
28 years of age on September 1 of the school year except as follows:

29 (i) A special education pupil who is enrolled and receiving

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

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

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

11 (B) Had dropped out of school.

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

14 (iii) If a child does not meet the minimum age requirement to be  
15 eligible to attend school for that school year under section 1147  
16 of the revised school code, MCL 380.1147, but will be 5 years of  
17 age not later than December 1 of that school year, the district may  
18 count the child in membership for that school year if the parent or  
19 legal guardian has notified the district in writing that the parent  
20 or legal guardian intends to enroll the child in kindergarten for  
21 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 that term is  
26 defined in R 340.1702 of the Michigan Administrative Code. An  
27 individual participating in a job training program funded under  
28 former section 107a or a jobs program funded under former section  
29 107b, administered by the department of labor and economic

1 opportunity, or participating in any successor of either of those 2  
2 programs, is 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 the  
20 pupil's 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.  
16 Membership is calculated by adding the number of pupils registered  
17 for attendance in that grade level on the pupil membership count  
18 day plus pupils received by transfer and minus pupils lost as  
19 defined by rules promulgated by the superintendent, and as  
20 corrected by subsequent department audit, plus the final audited  
21 count from the supplemental count day for the current school year,  
22 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, the district has 4.5 or fewer pupils per square mile,  
14 as determined by the department, and the district does not receive  
15 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. If a district has established a community engagement  
25 advisory committee in partnership with the department of treasury,  
26 is required to submit a deficit elimination plan or an enhanced  
27 deficit elimination plan under section 1220 of the revised school  
28 code, MCL 380.1220, and is located in a city with a population  
29 between 9,000 and 11,000, as determined by the department, that is

1 in a county with a population between 150,000 and 160,000, as  
2 determined by the department, the district's membership is  
3 considered to be the membership figure calculated under this  
4 subdivision. The membership figure calculated under this  
5 subdivision is the greater of the following:

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

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

13 (y) Full-time equated memberships for special education pupils  
14 who are not enrolled in kindergarten but are enrolled in a  
15 classroom program under R 340.1754 of the Michigan Administrative  
16 Code are determined by dividing the number of class hours scheduled  
17 and provided per year by 450. Full-time equated memberships for  
18 special education pupils who are not enrolled in kindergarten but  
19 are receiving early childhood special education services under R  
20 340.1755 or R 340.1862 of the Michigan Administrative Code are  
21 determined by dividing the number of hours of service scheduled and  
22 provided per year per pupil by 180.

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

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



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

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

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

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

1 days after the end of the month. A district shall not report a  
2 pupil as being in full attendance for a month unless both of the  
3 following are met:

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

7 (ii) Either of the following is met:

8 (A) The pupil meets the district's definition under section  
9 23a of satisfactory monthly progress for that month or, if the  
10 pupil does not meet that definition of satisfactory monthly  
11 progress for that month, the pupil did meet that definition of  
12 satisfactory monthly progress in the immediately preceding month  
13 and appropriate interventions, as defined by the district, are  
14 implemented within 10 school days after it is determined that the  
15 pupil does not meet that definition of satisfactory monthly  
16 progress.

17 (B) For the first 2 months that the pupil participates in the  
18 program, the pupil earns 0.25 credit by the end of the second  
19 month. A pupil described in this sub-subparagraph may be  
20 retroactively reported as being in full attendance for the first  
21 month that the pupil participated in the program.

22 (ee) A pupil participating in a virtual course under section  
23 21f is counted in membership in the district enrolling the pupil.

24 (ff) If a public school academy that is not in its first or  
25 second year of operation closes at the end of a school year and  
26 does not reopen for the next school year, the department shall  
27 adjust the membership count of the district or other public school  
28 academy in which a former pupil of the closed public school academy  
29 enrolls and is in regular daily attendance for the next school year

1 to ensure that the district or other public school academy receives  
2 the same amount of membership aid for the pupil as if the pupil  
3 were counted in the district or other public school academy on the  
4 supplemental count day of the preceding school year.

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

13 (hh) A pupil enrolled in a community district is counted in  
14 membership in the community district.

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

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

24 (i) The pupil would meet the definition of an eligible student  
25 under the postsecondary enrollment options act, 1996 PA 160, MCL  
26 388.511 to 388.524, if the course were an eligible course under  
27 that act.

28 (ii) The course in which the pupil is enrolled would meet the  
29 definition of an eligible course under the postsecondary enrollment

1 options act, 1996 PA 160, MCL 388.511 to 388.524, if the course  
2 were provided by an eligible postsecondary institution under that  
3 act.

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

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

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

20 (kk) A pupil enrolled in a middle college program may be  
21 counted for more than a total of 1.0 full-time equated membership  
22 for any of the school years in which the pupil is enrolled in the  
23 middle college program, but the total full-time equated membership  
24 for that pupil for all of the school years in which the pupil is  
25 enrolled in high school must not be greater than 5.00 full-time  
26 equated membership if the pupil is enrolled in more than the  
27 minimum number of instructional days and hours required under  
28 section 101 and the pupil is expected to complete the 5-year  
29 program with both a high school diploma and at least 60

1 transferable college credits or is expected to earn an associate's  
2 degree in fewer than 5 years. A pupil who graduates with both a  
3 high school diploma and at least 60 transferable college credits or  
4 an associate degree at least 1 semester early is considered to have  
5 completed the middle college program in fewer than 5 years.

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

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

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

25 (A) Five percent of the district's or public school academy's  
26 membership for pupils not counted in membership under section 166b.

27 (B) Ten percent more than the district's or public school  
28 academy's membership for pupils counted under section 166b in the  
29 immediately preceding fiscal year.

1           (iii) If 1 or more districts consolidate or are parties to an  
2 annexation, then the calculations under subparagraphs (i) and (ii)  
3 must be applied to the combined total membership for pupils counted  
4 in those districts for the fiscal year immediately preceding the  
5 consolidation or annexation.

6           (mm) A pupil who participates in a work-based learning  
7 experience or a work-based learning experience related to a state-  
8 approved career and technical education program may be counted as  
9 not more than 0.75 full-time equated membership in addition to the  
10 membership related to the pupil's concurrent enrollment in high  
11 school courses, not to exceed a total of 1.0 full-time equated  
12 membership. The department shall not promulgate or enforce a rule  
13 that requires that a pupil described in this subdivision be counted  
14 as less than 0.75 full-time equated membership. However, a district  
15 may calculate a pupil's participation in a work-based learning  
16 experience or a work-based learning experience related to a state-  
17 approved career and technical education program in an amount that  
18 is less than 0.75 full-time equated membership to ensure that the  
19 pupil is able to meet the district's graduation requirements on  
20 time. If a pupil participates in a work-based learning experience  
21 or work-based learning experience related to a state-approved  
22 career and technical education program that is in-district, the  
23 pupil's participation in the experience must not displace an  
24 existing permanent position in the district. As used in this  
25 subdivision:

26           (i) "In-district" means a placement within the district in  
27 which a pupil is enrolled that directly contributes to the  
28 functions of the district.

29           (ii) "Work-based learning experience" means either of the

1 following:

2 (A) A learning experience that is approved and coordinated by  
3 the board of a district or board of directors of a public school  
4 academy through a training agreement with an employer providing a  
5 paid or unpaid educational experience related to school instruction  
6 that may be offered as part of the pupil's schedule.

7 (B) A learning experience approved by the board of a district  
8 or board of directors of a public school academy related to school  
9 instruction that may be offered as part of a pupil's schedule that  
10 is in-district and is coordinated through an in-district placement  
11 agreement.

12 (iii) "Work-based learning experience related to a state-  
13 approved career and technical education program" means either of  
14 the following:

15 (A) A learning experience related to a state-approved career  
16 and technical education program that is coordinated by a district  
17 or public school academy through a training agreement with an  
18 employer providing an educational experience relating to school  
19 instruction that may be offered as part of the pupil's schedule.

20 (B) A learning experience related to a state-approved career  
21 and technical education program that may be offered as part of a  
22 pupil's schedule that is in-district and is coordinated through an  
23 in-district placement agreement.

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

26 (6) "Pupil" means an individual in membership in a public  
27 school. A district must have the approval of the pupil's district  
28 of residence to count the pupil in membership, except approval by  
29 the pupil's district of residence is not required for any of the

1 following:

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

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

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

7 (d) A pupil enrolled in a district other than the pupil's  
8 district of residence if the pupil is enrolled in accordance with  
9 section 105 or 105c.

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

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

28 (ii) "Serious assault" means an act that constitutes a felony  
29 violation of chapter XI of the Michigan penal code, 1931 PA 328,



1 MCL 750.81 to ~~750.90h~~, **750.90g**, or that constitutes an assault and  
 2 infliction of serious or aggravated injury under section 81a of the  
 3 Michigan penal code, 1931 PA 328, MCL 750.81a.

4 (f) A pupil whose district of residence changed after the  
 5 pupil membership count day and before the supplemental count day  
 6 and who continues to be enrolled on the supplemental count day as a  
 7 nonresident in the district in which the pupil was enrolled as a  
 8 resident on the pupil membership count day of the same school year.

9 (g) A pupil enrolled in an alternative education program  
 10 operated by a district other than the pupil's district of residence  
 11 who meets 1 or more of the following:

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

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

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

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

19 (h) A pupil enrolled in the Michigan Virtual School, for the  
 20 pupil's enrollment in the Michigan Virtual School.

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

27 (j) An expelled pupil who has been denied reinstatement by the  
 28 expelling district and is reinstated by another school board under  
 29 section 1311 or 1311a of the revised school code, MCL 380.1311 and

1 380.1311a.

2 (k) A pupil enrolled in a district other than the pupil's  
3 district of residence in a middle college program if the pupil's  
4 district of residence and the enrolling district are both  
5 constituent districts of the same intermediate district.

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

9 (m) A pupil enrolled in a district other than the pupil's  
10 district of residence under section 1148(2) of the revised school  
11 code, MCL 380.1148.

12 (n) A pupil who enrolls in a district other than the pupil's  
13 district of residence as a result of the pupil's school not making  
14 adequate yearly progress under the no child left behind act of  
15 2001, Public Law 107-110, or the every student succeeds act, Public  
16 Law 114-95. However, if a district educates pupils who reside in  
17 another district and if the primary instructional site for those  
18 pupils is established by the educating district after 2009-2010 and  
19 is located within the boundaries of that other district, the  
20 educating district must have the approval of that other district to  
21 count those pupils in membership.

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

24 (a) Except as provided in subdivision (b) or (c), either of  
25 the following:

26 (i) The first Wednesday in October each school year.

27 (ii) For a district or building in which school is not in  
28 session on the Wednesday described in subparagraph (i) due to  
29 conditions not within the control of school authorities, with the

1 approval of the superintendent, the immediately following day on  
2 which school is in session in the district or building.

3 (b) Except as otherwise provided in subdivision (c), for a  
4 district or intermediate district maintaining school during the  
5 entire school year, the following days:

6 (i) Fourth Wednesday in July.

7 (ii) First Wednesday in October.

8 (iii) Second Wednesday in February.

9 (iv) Fourth Wednesday in April.

10 (c) If a date listed in subdivision (a) or (b) is on a day of  
11 religious or cultural significance, as determined by the district  
12 or intermediate district, the immediately following day on which  
13 school is in session in the district or building.

14 (8) "Pupils in grades K to 12 actually enrolled and in regular  
15 daily attendance" means, except as otherwise provided in this  
16 section, pupils in grades K to 12 in attendance and receiving  
17 instruction in all classes for which they are enrolled on the pupil  
18 membership count day or the supplemental count day, as applicable.  
19 Except as otherwise provided in this section and subsection, a  
20 pupil who is absent from any of the classes in which the pupil is  
21 enrolled on the pupil membership count day or supplemental count  
22 day and who does not attend each of those classes during the 10  
23 consecutive school days immediately following the pupil membership  
24 count day or supplemental count day, except for a pupil who has  
25 been excused by the district, is not counted as 1.0 full-time  
26 equated membership. Except as otherwise provided in this section, a  
27 pupil who is excused from attendance on the pupil membership count  
28 day or supplemental count day and who fails to attend each of the  
29 classes in which the pupil is enrolled within 30 calendar days

1 after the pupil membership count day or supplemental count day is  
2 not counted as 1.0 full-time equated membership. Except as  
3 otherwise provided in this section, in addition, a pupil who was  
4 enrolled and in attendance in a district, intermediate district, or  
5 public school academy before the pupil membership count day or  
6 supplemental count day of a particular year but was expelled or  
7 suspended on the pupil membership count day or supplemental count  
8 day is only counted as 1.0 full-time equated membership if the  
9 pupil resumed attendance in the district, intermediate district, or  
10 public school academy within 45 days after the pupil membership  
11 count day or supplemental count day of that particular year. Except  
12 as otherwise provided in this section, a pupil not counted as 1.0  
13 full-time equated membership due to an absence from a class is  
14 counted as a prorated membership for the classes the pupil  
15 attended. For purposes of this subsection:

16 (a) "Appropriately placed" means holding a valid Michigan  
17 educator credential with the required grade range and discipline or  
18 subject area for the assignment, as defined by the superintendent  
19 of public instruction.

20 (b) "Class" means either of the following, as applicable:

21 (i) A period of time in 1 day when pupils and an individual who  
22 is appropriately placed under a valid certificate, substitute  
23 permit, authorization, or approval issued by the department, are  
24 together and instruction is taking place. This subdivision does not  
25 apply for the 2020-2021, 2021-2022, 2022-2023, and 2023-2024 school  
26 years.

27 (ii) For the 2020-2021, 2021-2022, 2022-2023, and 2023-2024  
28 school years only, a period of time in 1 day when pupils and a  
29 certificated teacher, a teacher engaged to teach under section

1 1233b of the revised school code, MCL 380.1233b, or an individual  
2 working under a valid substitute permit, authorization, or approval  
3 issued by the department are together and instruction is taking  
4 place.

5 (9) "Rule" means a rule promulgated pursuant to the  
6 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
7 24.328.

8 (10) "The revised school code" means the revised school code,  
9 1976 PA 451, MCL 380.1 to 380.1852.

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

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

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

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

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

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

1 district of residence shall not require a high school tuition  
 2 pupil, as provided under section 111, to attend another school  
 3 district after the pupil has been assigned to a school district.

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

7 (18) "Taxable value" means, except as otherwise provided in  
 8 this article, the taxable value of property as determined under  
 9 section 27a of the general property tax act, 1893 PA 206, MCL  
 10 211.27a.

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

18 (20) "Total state aid" or "total state school aid", except as  
 19 otherwise provided in this article, means the total combined amount  
 20 of all funds due to a district, intermediate district, or other  
 21 entity under this article.

22 Sec. 11. (1) For the fiscal year ending September 30, 2025,  
 23 there is appropriated for the public schools of this state and  
 24 certain other state purposes relating to education the sum of  
 25 ~~\$17,769,551,300.00~~ **\$17,771,551,300.00** from the state school aid  
 26 fund, the sum of \$78,830,600.00 from the general fund, an amount  
 27 not to exceed \$41,000,000.00 from the community district education  
 28 trust fund created under section 12 of the Michigan trust fund act,  
 29 2000 PA 489, MCL 12.262, an amount not to exceed \$125,000,000.00

from the school transportation fund created under section 22k, an amount not to exceed \$71,000,000.00 from the enrollment stabilization fund created under section 29, an amount not to exceed \$30,000,000.00 from the school meals reserve fund created under section 30e, an amount not to exceed \$18,000,000.00 from the great start readiness program reserve fund created under section 32e, an amount not to exceed \$334,100,000.00 from the MPSERS retirement obligation reform reserve fund created under section 147b, and an amount not to exceed \$30,000,000.00 from the educator fellowship public provider fund created in section 27d. In addition, all available federal funds are only appropriated as allocated in this article for the fiscal year ending September 30, 2025.

(2) The appropriations under this section are allocated as provided in this article. Money appropriated under this section from the general fund must be expended to fund the purposes of this article before the expenditure of money appropriated under this section from the state school aid fund.

(3) Any general fund allocations under this article that are not expended by the end of the fiscal year are transferred to the school aid stabilization fund created under section 11a.

**Sec. 61e. (1) From the state school aid fund money appropriated in section 11, there is allocated \$2,000,000.00 for 2024-2025 for competitive grants to districts for the payment of extra costs incurred by the districts with regard to pupils who participate in work-based learning experiences or work-based learning experiences related to a state-approved career and technical education program during those pupils' enrollment in a high school at the district.**

1           (2) To receive a competitive grant under this section, a  
2 district must apply for the grant in a form and manner prescribed  
3 by the department.

4           (3) As used in this section, "work-based learning experience"  
5 and "work-based learning experience related to a state-approved  
6 career and technical education program" mean those terms as defined  
7 in section 6(4)(mm).