

**SUBSTITUTE FOR
SENATE BILL NO. 1098**

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
by amending section 6 (MCL 388.1606), as amended by 2018 PA 266.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) "Center program" means a program operated by a
2 district or by an intermediate district for special education
3 pupils from several districts in programs for pupils with autism
4 spectrum disorder, pupils with severe cognitive impairment, pupils
5 with moderate cognitive impairment, pupils with severe multiple
6 impairments, pupils with hearing impairment, pupils with visual
7 impairment, and pupils with physical impairment or other health
8 impairment. Programs for pupils with emotional impairment housed in
9 buildings that do not serve regular education pupils also qualify.
10 Unless otherwise approved by the department, a center program

1 either shall serve all constituent districts within an intermediate
2 district or shall serve several districts with less than 50% of the
3 pupils residing in the operating district. In addition, special
4 education center program pupils placed part-time in noncenter
5 programs to comply with the least restrictive environment
6 provisions of section ~~612 of part B-1412~~ of the individuals with
7 disabilities education act, 20 USC 1412, may be considered center
8 program pupils for pupil accounting purposes for the time scheduled
9 in either a center program or a noncenter program.

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

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

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

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

25 (a) Except as otherwise provided in this subsection, and
26 pursuant to subsection (6), a pupil shall be counted in membership
27 in the pupil's educating district or districts. An individual pupil

1 shall not be counted for more than a total of 1.0 full-time equated
2 membership.

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

13 (c) A special education pupil educated by the intermediate
14 district shall be counted in membership in the intermediate
15 district.

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

22 (e) A pupil enrolled in the Michigan Schools for the Deaf and
23 Blind shall be counted in membership in the pupil's intermediate
24 district of residence.

25 (f) A pupil enrolled in a career and technical education
26 program supported by a millage levied over an area larger than a
27 single district or in an area vocational-technical education

1 program established pursuant to section 690 of the revised school
2 code, MCL 380.690, shall be counted only in the pupil's district of
3 residence.

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

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

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

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

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

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

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

22 (k) For an extended school year program approved by the
23 superintendent, a pupil enrolled, but not scheduled to be in
24 regular daily attendance, on a pupil membership count day, shall be
25 counted in membership.

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

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

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

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

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

16 (B) Had dropped out of school.

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

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

27 (m) An individual who has achieved a high school diploma shall

1 not be counted in membership. An individual who has achieved a high
2 school equivalency certificate shall not be counted in membership
3 unless the individual is a student with a disability as defined in
4 R 340.1702 of the Michigan Administrative Code. An individual
5 participating in a job training program funded under former section
6 107a or a jobs program funded under former section 107b,
7 administered by the department of talent and economic development,
8 or participating in any successor of either of those 2 programs,
9 shall not be counted in membership.

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

22 (i) If the public school academy provides instruction for at
23 least 1/2 of the class hours required under section 101, the public
24 school academy shall receive as its prorated share of the full-time
25 equated membership for each of those pupils an amount equal to 1
26 times the product of the hours of instruction the public school
27 academy provides divided by the number of hours required under

1 section 101 for full-time equivalency, and the remainder of the
2 full-time membership for each of those pupils shall be allocated to
3 the district or intermediate district providing the remainder of
4 the hours of instruction.

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

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

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

22 (q) The number of class hours used to calculate full-time
23 equated memberships shall be consistent with section 101. In
24 determining full-time equated memberships for pupils who are
25 enrolled in a postsecondary institution or for pupils engaged in an
26 internship or work experience under section 1279h of the revised
27 school code, MCL 380.1279h, a pupil shall not be considered to be

1 less than a full-time equated pupil solely because of the effect of
2 his or her postsecondary enrollment or engagement in the internship
3 or work experience, including necessary travel time, on the number
4 of class hours provided by the district to the pupil.

5 (r) Full-time equated memberships for pupils in kindergarten
6 shall be determined by dividing the number of instructional hours
7 scheduled and provided per year per kindergarten pupil by the same
8 number used for determining full-time equated memberships for
9 pupils in grades 1 to 12. However, to the extent allowable under
10 federal law, for a district or public school academy that provides
11 evidence satisfactory to the department that it used federal title
12 I money in the 2 immediately preceding school fiscal years to fund
13 full-time kindergarten, full-time equated memberships for pupils in
14 kindergarten shall be determined by dividing the number of class
15 hours scheduled and provided per year per kindergarten pupil by a
16 number equal to $1/2$ the number used for determining full-time
17 equated memberships for pupils in grades 1 to 12. The change in the
18 counting of full-time equated memberships for pupils in
19 kindergarten that took effect for 2012-2013 is not a mandate.

20 (s) For a district or a public school academy that has pupils
21 enrolled in a grade level that was not offered by the district or
22 public school academy in the immediately preceding school year, the
23 number of pupils enrolled in that grade level to be counted in
24 membership is the average of the number of those pupils enrolled
25 and in regular daily attendance on the pupil membership count day
26 and the supplemental count day of the current school year, as
27 determined by the department. Membership shall be calculated by

1 adding the number of pupils registered for attendance in that grade
2 level on the pupil membership count day plus pupils received by
3 transfer and minus pupils lost as defined by rules promulgated by
4 the superintendent, and as corrected by subsequent department
5 audit, plus the final audited count from the supplemental count day
6 for the current school year, and dividing that sum by 2.

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

10 (u) If, as a result of a disciplinary action, a district
11 determines through the district's alternative or disciplinary
12 education program that the best instructional placement for a pupil
13 is in the pupil's home or otherwise apart from the general school
14 population, if that placement is authorized in writing by the
15 district superintendent and district alternative or disciplinary
16 education supervisor, and if the district provides appropriate
17 instruction as described in this subdivision to the pupil at the
18 pupil's home or otherwise apart from the general school population,
19 the district may count the pupil in membership on a pro rata basis,
20 with the proration based on the number of hours of instruction the
21 district actually provides to the pupil divided by the number of
22 hours required under section 101 for full-time equivalency. For the
23 purposes of this subdivision, a district shall be considered to be
24 providing appropriate instruction if all of the following are met:

25 (i) The district provides at least 2 nonconsecutive hours of
26 instruction per week to the pupil at the pupil's home or otherwise
27 apart from the general school population under the supervision of a

1 certificated teacher.

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

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

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

9 (v) If a pupil was enrolled in a public school academy on the
10 pupil membership count day, if the public school academy's contract
11 with its authorizing body is revoked or the public school academy
12 otherwise ceases to operate, and if the pupil enrolls in a district
13 within 45 days after the pupil membership count day, the department
14 shall adjust the district's pupil count for the pupil membership
15 count day to include the pupil in the count.

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

26 (x) If a district's membership for a particular fiscal year,
27 as otherwise calculated under this subsection, would be less than

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

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

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

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

1 services under R 340.1755 or R 340.1862 of the Michigan
2 Administrative Code shall be determined by dividing the number of
3 hours of service scheduled and provided per year per-pupil by 180.

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

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

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

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

27 (dd) For a pupil enrolled in a dropout recovery program that

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

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

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

1 (ee) A pupil participating in a virtual course under section
2 21f shall be counted in membership in the district enrolling the
3 pupil.

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

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

22 (hh) A pupil enrolled in a community district shall be counted
23 in membership in the community district.

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

27 (jj) A district that borders another state or a public school

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

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

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

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

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

1 academy's membership for pupils counted under section 166b must not
2 exceed the greater of the following:

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

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

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

13 (mm) ~~If~~ **BEGINNING WITH THE 2019-2020 SCHOOL YEAR, IF** a
14 district, intermediate district, or public school academy charges
15 tuition for a pupil that resided out of state in the immediately
16 preceding school year, the pupil shall not be counted in membership
17 in the district, intermediate district, or public school academy.

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

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

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

27 (b) A pupil receiving 1/2 or less of his or her instruction in

1 a district other than the pupil's district of residence.

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

3 (d) A pupil enrolled in a district other than the pupil's
4 district of residence under an intermediate district schools of
5 choice pilot program as described in section 91a or former section
6 91 if the intermediate district and its constituent districts have
7 been exempted from section 105.

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

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

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

1 school premises.

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

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

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

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

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

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

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

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

24 (j) A pupil who is the child of a person who works at the
25 district or who is the child of a person who worked at the district
26 as of the time the pupil first enrolled in the district but who no
27 longer works at the district due to a workforce reduction. As used

1 in this subdivision, "child" includes an adopted child, stepchild,
2 or legal ward.

3 (k) An expelled pupil who has been denied reinstatement by the
4 expelling district and is reinstated by another school board under
5 section 1311 or 1311a of the revised school code, MCL 380.1311 and
6 380.1311a.

7 (l) A pupil enrolled in a district other than the pupil's
8 district of residence in a middle college program if the pupil's
9 district of residence and the enrolling district are both
10 constituent districts of the same intermediate district.

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

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

17 (o) A pupil who enrolls in a district other than the pupil's
18 district of residence as a result of the pupil's school not making
19 adequate yearly progress under the no child left behind act of
20 2001, Public Law 107-110, or the every student succeeds act, Public
21 Law 114-95.

22 However, except for pupils enrolled in the youth challenge
23 program at the site at which the youth challenge program operated
24 for 2015-2016, if a district educates pupils who reside in another
25 district and if the primary instructional site for those pupils is
26 established by the educating district after 2009-2010 and is
27 located within the boundaries of that other district, the educating

1 district must have the approval of that other district to count
2 those pupils in membership.

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

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

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

13 (i) Fourth Wednesday in July.

14 (ii) First Wednesday in October.

15 (iii) Second Wednesday in February.

16 (iv) Fourth Wednesday in April.

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

1 equated membership. A pupil who is excused from attendance on the
2 pupil membership count day or supplemental count day and who fails
3 to attend each of the classes in which the pupil is enrolled within
4 30 calendar days after the pupil membership count day or
5 supplemental count day shall not be counted as 1.0 full-time
6 equated membership. In addition, a pupil who was enrolled and in
7 attendance in a district, intermediate district, or public school
8 academy before the pupil membership count day or supplemental count
9 day of a particular year but was expelled or suspended on the pupil
10 membership count day or supplemental count day shall only be
11 counted as 1.0 full-time equated membership if the pupil resumed
12 attendance in the district, intermediate district, or public school
13 academy within 45 days after the pupil membership count day or
14 supplemental count day of that particular year. Pupils not counted
15 as 1.0 full-time equated membership due to an absence from a class
16 shall be counted as a prorated membership for the classes the pupil
17 attended. For purposes of this subsection, "class" means a period
18 of time in 1 day when pupils and a certificated teacher, a teacher
19 engaged to teach under section 1233b of the revised school code,
20 MCL 380.1233b, or an individual working under a valid substitute
21 permit, authorization, or approval issued by the department, are
22 together and instruction is taking place.

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

26 (10) "The revised school code" means **THE REVISED SCHOOL CODE,**
27 1976 PA 451, MCL 380.1 to 380.1852.

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

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

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

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

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

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

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

27 (18) "Taxable value" means the taxable value of property as

1 determined under section 27a of the general property tax act, 1893
2 PA 206, MCL 211.27a.

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

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

13 Enacting section 1. This amendatory act is retroactive, takes
14 effect September 26, 2018, and is intended to clarify the intent of
15 the legislature that subdivision (mm), as added by 2018 PA 265,
16 applies beginning in the 2019-2020 school year.