

HOUSE BILL NO. 4648

May 23, 2023, Introduced by Reps. Arbit, Steckloff, Dievendorf, Brabec, McFall, Rheingans, Price, Tsernoglou, Farhat, Morgan, Puri, Morse, Churches, Conlin, MacDonell and Aiyash and referred to the Committee on Education.

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
by amending sections 6 and 6a (MCL 388.1606 and 388.1606a), as
amended by 2022 PA 144.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (E) There is documentation of activity or work between the
29 learning coach and pupil.

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

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

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

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

1 this sub-sub-subparagraph must relate to a virtual course on the
2 pupil's schedule and pertain to course content or progress.

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

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

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

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

24 (3) ~~He or she~~ **The teacher** has a personnel identification code
25 provided by the center.

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

28 (B) The pupil completes a combination of 1 or more of the
29 following activities for each scheduled course on pupil membership

1 count day or supplemental count day, as applicable:

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

4 (II) Documented completion of a course assignment.

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

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

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

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

19 (i) For a new district or public school academy beginning its
20 operation after December 31, 1994, membership for the first 2 full
21 or partial fiscal years of operation is determined as 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
28 adding the number of pupils registered for attendance on the pupil
29 membership count day plus pupils received by transfer and minus

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

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

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

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

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

28 (i) A special education pupil who is enrolled and receiving
29 instruction in a special education program or service approved by

1 the department, who does not have a high school diploma, and who is
2 less than 26 years of age as of September 1 of the current school
3 year is counted in membership.

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

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

10 (B) Had dropped out of school.

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

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

21 (m) An individual who has achieved a high school diploma is
22 not counted in membership. An individual who has achieved a high
23 school equivalency certificate is not counted in membership unless
24 the individual is a student with a disability as that term is
25 defined in R 340.1702 of the Michigan Administrative Code. An
26 individual participating in a job training program funded under
27 former section 107a or a jobs program funded under former section
28 107b, administered by the department of labor and economic
29 opportunity, or participating in any successor of either of those 2

1 programs, is not counted in membership.

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

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

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

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

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

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

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

22 (r) Full-time equated memberships for pupils in kindergarten
23 are determined by dividing the number of instructional hours
24 scheduled and provided per year per kindergarten pupil by the same
25 number used for determining full-time equated memberships for
26 pupils in grades 1 to 12. However, to the extent allowable under
27 federal law, for a district or public school academy that provides
28 evidence satisfactory to the department that it used federal title
29 I money in the 2 immediately preceding school fiscal years to fund

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

8 (s) For a district or a public school academy that has pupils
9 enrolled in a grade level that was not offered by the district or
10 public school academy in the immediately preceding school year, the
11 number of pupils enrolled in that grade level to be counted in
12 membership is the average of the number of those pupils enrolled
13 and in regular daily attendance on the pupil membership count day
14 and the supplemental count day of the current school year.

15 Membership is calculated by adding the number of pupils registered
16 for attendance in that grade level on the pupil membership count
17 day plus pupils received by transfer and minus pupils lost as
18 defined by rules promulgated by the superintendent, and as
19 corrected by subsequent department audit, plus the final audited
20 count from the supplemental count day for the current school year,
21 and dividing that sum by 2.

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

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

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

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

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

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

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

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

29 (w) For a public school academy that has been in operation for

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

10 (x) If a district's membership for a particular fiscal year,
11 as otherwise calculated under this subsection, would be less than
12 1,550 pupils, the district has 4.5 or fewer pupils per square mile,
13 as determined by the department, and the district does not receive
14 funding under section 22d(2), the district's membership is
15 considered to be the membership figure calculated under this
16 subdivision. If a district educates and counts in its membership
17 pupils in grades 9 to 12 who reside in a contiguous district that
18 does not operate grades 9 to 12 and if 1 or both of the affected
19 districts request the department to use the determination allowed
20 under this sentence, the department shall include the square
21 mileage of both districts in determining the number of pupils per
22 square mile for each of the districts for the purposes of this
23 subdivision. If a district has established a community engagement
24 advisory committee in partnership with the department of treasury,
25 is required to submit a deficit elimination plan or an enhanced
26 deficit elimination plan under section 1220 of the revised school
27 code, MCL 380.1220, and is located in a city with a population
28 between 9,000 and 11,000, as determined by the department, that is
29 in a county with a population between 150,000 and 160,000, as

1 determined by the department, the district's membership is
2 considered to be the membership figure calculated under this
3 subdivision. The membership figure calculated under this
4 subdivision is the greater of the following:

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

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

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

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

27 (aa) For the first year in which a pupil is counted in
28 membership on the pupil membership count day in a middle college
29 program, the membership is the average of the full-time equated

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

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

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

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

1 pupil as being in full attendance for a month unless both of the
2 following are met:

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

6 (ii) The pupil meets the district's definition under section
7 23a of satisfactory monthly progress for that month or, if the
8 pupil does not meet that definition of satisfactory monthly
9 progress for that month, the pupil did meet that definition of
10 satisfactory monthly progress in the immediately preceding month
11 and appropriate interventions are implemented within 10 school days
12 after it is determined that the pupil does not meet that definition
13 of satisfactory monthly progress.

14 (ee) A pupil participating in a virtual course under section
15 21f is counted in membership in the district enrolling the pupil.

16 (ff) If a public school academy that is not in its first or
17 second year of operation closes at the end of a school year and
18 does not reopen for the next school year, the department shall
19 adjust the membership count of the district or other public school
20 academy in which a former pupil of the closed public school academy
21 enrolls and is in regular daily attendance for the next school year
22 to ensure that the district or other public school academy receives
23 the same amount of membership aid for the pupil as if the pupil
24 were counted in the district or other public school academy on the
25 supplemental count day of the preceding school year.

26 (gg) If a special education pupil is expelled under section
27 1311 or 1311a of the revised school code, MCL 380.1311 and
28 380.1311a, and is not in attendance on the pupil membership count
29 day because of the expulsion, and if the pupil remains enrolled in

1 the district and resumes regular daily attendance during that
2 school year, the district's membership is adjusted to count the
3 pupil in membership as if ~~he or she~~ **the pupil** had been in
4 attendance on the pupil membership count day.

5 (hh) A pupil enrolled in a community district is counted in
6 membership in the community district.

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

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

16 (i) The pupil would meet the definition of an eligible student
17 under the postsecondary enrollment options act, 1996 PA 160, MCL
18 388.511 to 388.524, if the course were an eligible course under
19 that act.

20 (ii) The course in which the pupil is enrolled would meet the
21 definition of an eligible course under the postsecondary enrollment
22 options act, 1996 PA 160, MCL 388.511 to 388.524, if the course
23 were provided by an eligible postsecondary institution under that
24 act.

25 (iii) The department determines that the college or university
26 is an institution that, in the other state, fulfills a function
27 comparable to a state university or community college, as those
28 terms are defined in section 3 of the postsecondary enrollment
29 options act, 1996 PA 160, MCL 388.513, or is an independent

1 nonprofit degree-granting college or university.

2 (iv) The district or public school academy pays for a portion
3 of the pupil's tuition at the college or university in an amount
4 equal to the eligible charges that the district or public school
5 academy would pay to an eligible postsecondary institution under
6 the postsecondary enrollment options act, 1996 PA 160, MCL 388.511
7 to 388.524, as if the course were an eligible course under that
8 act.

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

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

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

24 (i) If the district's or public school academy's membership for
25 pupils counted under section 166b equals or exceeds 5% of the
26 district's or public school academy's membership for pupils not
27 counted in membership under section 166b in the immediately
28 preceding fiscal year, then the growth in the district's or public
29 school academy's membership for pupils counted under section 166b

1 must not exceed 10%.

2 (ii) If the district's or public school academy's membership
3 for pupils counted under section 166b is less than 5% of the
4 district's or public school academy's membership for pupils not
5 counted in membership under section 166b in the immediately
6 preceding fiscal year, then the district's or public school
7 academy's membership for pupils counted under section 166b must not
8 exceed the greater of the following:

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

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

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

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

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

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

28 (b) A pupil receiving 1/2 or less of ~~his or her~~ **the pupil's**
29 instruction in a district other than the pupil's district of

1 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 if the pupil is enrolled in accordance with
5 section 105 or 105c.

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

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

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

29 (f) A pupil whose district of residence changed after the

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

6 (g) A pupil enrolled in an alternative education program
7 operated by a district other than ~~his or her~~ **the pupil's** district
8 of residence who meets 1 or more of the following:

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

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

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

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

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

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

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

29 (k) A pupil enrolled in a district other than the pupil's

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

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

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

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

15 However, if a district educates pupils who reside in another
 16 district and if the primary instructional site for those pupils is
 17 established by the educating district after 2009-2010 and is
 18 located within the boundaries of that other district, the educating
 19 district must have the approval of that other district to count
 20 those pupils in membership.

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

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

25 (i) **The** first Wednesday in October each school year. ~~or, for~~

26 (ii) **For** a district or building in which school is not in
 27 session on that Wednesday due to conditions not within the control
 28 of school authorities, with the approval of the superintendent, the
 29 immediately following day on which school is in session in the

1 district or building.

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

- 5 (i) Fourth Wednesday in July.
- 6 (ii) First Wednesday in October.
- 7 (iii) Second Wednesday in February.
- 8 (iv) Fourth Wednesday in April.

9 **(c) If a date listed in subdivision (a) or (b) is on a day for**
10 **which there is a religious observance or holiday, the immediately**
11 **following day on which school is in session in the district or**
12 **building.**

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

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

16 (a) A period of time in 1 day when pupils and an individual
17 who is appropriately placed under a valid certificate, substitute
18 permit, authorization, or approval issued by the department, are
19 together and instruction is taking place. This subdivision does not
20 apply for the 2020-2021, 2021-2022, and 2022-2023 school years.

21 (b) For the 2020-2021, 2021-2022, and 2022-2023 school years
22 only, a period of time in 1 day when pupils and a certificated
23 teacher, a teacher engaged to teach under section 1233b of the
24 revised school code, MCL 380.1233b, or an individual working under
25 a valid substitute permit, authorization, or approval issued by the
26 department are together and instruction is taking place.

27 (9) "Rule" means a rule promulgated pursuant to the
28 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
29 24.328.

1 (10) "The revised school code" means the revised school code,
2 1976 PA 451, MCL 380.1 to 380.1852.

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

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

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

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

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

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

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

29 (18) "Taxable value" means, except as otherwise provided in

1 this article, the taxable value of property as determined under
2 section 27a of the general property tax act, 1893 PA 206, MCL
3 211.27a.

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

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

15 Sec. 6a. Except as otherwise provided in this act, in addition
16 to the pupil membership count day, there is a supplemental pupil
17 count of the number of full-time equated pupils in grades ~~K-12-K~~ to
18 **12** actually enrolled and in regular daily attendance in a district
19 or intermediate district on the second Wednesday in February or,
20 for a district **or intermediate district** that is not in session on
21 that day due to conditions not within the control of school
22 authorities, with the approval of the superintendent, the
23 immediately following day on which the district **or intermediate**
24 **district** is in session. **However, if a date described in the**
25 **immediately preceding sentence is on a day for which there is a**
26 **religious observance or holiday, the immediately following day on**
27 **which the district or intermediate district is in session is the**
28 **day on which the supplemental pupil count described in this**
29 **subsection must occur.** For the purposes of this act, the day on

1 which the supplemental pupil count is conducted is the supplemental
2 count day.