

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 316

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 2012 PA 29.

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.

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

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

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

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

1 preceding school year. **A DISTRICT'S, PUBLIC SCHOOL ACADEMY'S, OR**
2 **INTERMEDIATE DISTRICT'S MEMBERSHIP SHALL BE ADJUSTED AS PROVIDED**
3 **UNDER SECTION 25 FOR PUPILS WHO ENROLL IN THE DISTRICT, PUBLIC**
4 **SCHOOL ACADEMY, OR INTERMEDIATE DISTRICT AFTER THE PUPIL MEMBERSHIP**
5 **COUNT DAY.** All pupil counts used in this subsection are as
6 determined by the department and calculated by adding the number of
7 pupils registered for attendance plus pupils received by transfer
8 and minus pupils lost as defined by rules promulgated by the
9 superintendent, and as corrected by a subsequent department audit.
10 For the purposes of this section and section 6a, for a school of
11 excellence that is a cyber school, as defined in section 551 of the
12 revised school code, MCL 380.551, and is in compliance with section
13 553a of the revised school code, MCL 380.553a, **OR FOR THE EDUCATION**
14 **ACHIEVEMENT SYSTEM,** a pupil's participation in the cyber school's
15 educational program **OR IN AN ONLINE EDUCATIONAL PROGRAM OF THE**
16 **EDUCATION ACHIEVEMENT SYSTEM OR OF AN ACHIEVEMENT SCHOOL** is
17 considered regular daily attendance. The amount of the foundation
18 allowance for a pupil in membership is determined under section 20.
19 In making the calculation of membership, all of the following, as
20 applicable, apply to determining the membership of a district, **A**
21 **public school academy, ~~university school,~~ THE EDUCATION ACHIEVEMENT**
22 **SYSTEM,** or **AN** intermediate district:

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

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

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

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

20 (e) A pupil enrolled in the Michigan schools for the deaf and
21 blind shall be counted in membership in the pupil's intermediate
22 district of residence.

23 (f) A pupil enrolled in a career and technical education
24 program supported by a millage levied over an area larger than a
25 single district or in an area vocational-technical education
26 program established pursuant to section 690 of the revised school
27 code, MCL 380.690, shall be counted only in the pupil's district of

1 residence.

2 ~~—— (g) A pupil enrolled in a university school shall be counted~~
3 ~~in membership in the university school.~~

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

6 (H) A PUPIL ENROLLED IN AN ACHIEVEMENT SCHOOL SHALL BE COUNTED
7 IN MEMBERSHIP IN THE EDUCATION ACHIEVEMENT SYSTEM.

8 (i) For a new district ~~, university school,~~ or public school
9 academy beginning its operation after December 31, 1994, **OR FOR THE**
10 **EDUCATION ACHIEVEMENT SYSTEM OR AN ACHIEVEMENT SCHOOL**, membership
11 for the first 2 full or partial fiscal years of operation shall be
12 determined as follows:

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

25 (ii) If operations begin after the pupil membership count day
26 for the fiscal year and not later than the supplemental count day
27 for the fiscal year, membership is the final audited count of the

1 number of full-time equated pupils in grades K to 12 actually
2 enrolled and in regular daily attendance on the supplemental count
3 day for the current school year.

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

13 (k) In a district, ~~A public school academy, university school,~~
14 **THE EDUCATION ACHIEVEMENT SYSTEM**, or **AN** intermediate district
15 operating an extended school year program approved by the
16 superintendent, a pupil enrolled, but not scheduled to be in
17 regular daily attendance on a pupil membership count day, shall be
18 counted.

19 ~~(l) Pupils to~~ **TO** be counted in membership, ~~shall be not less~~
20 ~~than 5 years of age on December 1 and~~ **A PUPIL SHALL MEET THE**
21 **MINIMUM AGE REQUIREMENT TO BE ELIGIBLE TO ATTEND SCHOOL UNDER**
22 **SECTION 1147 OF THE REVISED SCHOOL CODE, MCL 380.1147, OR SHALL BE**
23 **ENROLLED UNDER SUBSECTION (3) OF THAT SECTION, AND SHALL BE** less
24 than 20 years of age on September 1 of the school year except as
25 follows:

26 (i) A special education pupil who is enrolled and receiving
27 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 shall be 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 homeless pupils and that is located in a city with a
9 population of more than 500,000.

10 (B) Had dropped out of school for more than 1 year and has re-
11 entered school.

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

14 (m) An individual who has obtained a high school diploma shall
15 not be counted in membership. An individual who has obtained a
16 general educational development (G.E.D.) certificate shall not be
17 counted in membership unless the individual is a ~~student~~-**PUPIL** with
18 a disability as defined in R 340.1702 of the Michigan
19 administrative code. An individual participating in a job training
20 program funded under former section 107a or a jobs program funded
21 under former section 107b, administered by the Michigan strategic
22 fund, ~~or the workforce development agency,~~ or participating in any
23 successor of either of those 2 programs, shall not be counted in
24 membership.

25 (n) If a pupil counted in membership in a public school
26 academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** is also educated by a
27 district or intermediate district as part of a cooperative

1 education program, the pupil shall be counted in membership only in
2 the public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM**
3 unless a written agreement signed by all parties designates the
4 party or parties in which the pupil shall be counted in membership,
5 and the instructional time scheduled for the pupil in the district
6 or intermediate district shall be included in the full-time equated
7 membership determination under subdivision (q). However, for pupils
8 receiving instruction in both a public school academy **OR THE**
9 **EDUCATION ACHIEVEMENT SYSTEM** and in a district or intermediate
10 district but not as a part of a cooperative education program, the
11 following apply:

12 (i) If the public school academy **OR THE EDUCATION ACHIEVEMENT**
13 **SYSTEM** provides instruction for at least 1/2 of the class hours
14 specified in subdivision (q), the public school academy **OR THE**
15 **EDUCATION ACHIEVEMENT SYSTEM** shall receive as its prorated share of
16 the full-time equated membership for each of those pupils an amount
17 equal to 1 times the product of the hours of instruction the public
18 school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM** provides divided
19 by the number of hours specified in subdivision (q) for full-time
20 equivalency, and the remainder of the full-time membership for each
21 of those pupils shall be allocated to the district or intermediate
22 district providing the remainder of the hours of instruction.

23 (ii) If the public school academy **OR THE EDUCATION ACHIEVEMENT**
24 **SYSTEM** provides instruction for less than 1/2 of the class hours
25 specified in subdivision (q), the district or intermediate district
26 providing the remainder of the hours of instruction shall receive
27 as its prorated share of the full-time equated membership for each

1 of those pupils an amount equal to 1 times the product of the hours
2 of instruction the district or intermediate district provides
3 divided by the number of hours specified in subdivision (q) for
4 full-time equivalency, and the remainder of the full-time
5 membership for each of those pupils shall be allocated to the
6 public school academy **OR THE EDUCATION ACHIEVEMENT SYSTEM**.

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

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

14 (q) The number of class hours used to calculate full-time
15 equated memberships shall be consistent with section 101(3). In
16 determining full-time equated memberships for pupils who are
17 enrolled in a postsecondary institution, a pupil shall not be
18 considered to be less than a full-time equated pupil solely because
19 of the effect of his or her postsecondary enrollment, including
20 necessary travel time, on the number of class hours provided by the
21 district to the pupil.

22 ~~(r) Full-time equated memberships for pupils in kindergarten~~
23 ~~shall be determined by dividing the number of class hours scheduled~~
24 ~~and provided per year per kindergarten pupil by a number equal to~~
25 ~~1/2 the number used for determining full-time equated memberships~~
26 ~~for pupils in grades 1 to 12. However, beginning **BEGINNING** in 2012-~~
27 ~~2013, full-time equated memberships for pupils in kindergarten~~

1 shall be determined by dividing the number of ~~class~~INSTRUCTIONAL
2 hours scheduled and provided per year per kindergarten pupil by the
3 same number used for determining full-time equated memberships for
4 pupils in grades 1 to 12. HOWEVER, TO THE EXTENT ALLOWABLE UNDER
5 FEDERAL LAW, FOR A DISTRICT OR PUBLIC SCHOOL ACADEMY THAT PROVIDES
6 EVIDENCE SATISFACTORY TO THE DEPARTMENT THAT IT USED FEDERAL TITLE
7 I MONEY IN THE 2 IMMEDIATELY PRECEDING SCHOOL FISCAL YEARS TO FUND
8 FULL-TIME KINDERGARTEN, FULL-TIME EQUATED MEMBERSHIPS FOR PUPILS IN
9 KINDERGARTEN SHALL BE DETERMINED BY DIVIDING THE NUMBER OF CLASS
10 HOURS SCHEDULED AND PROVIDED PER YEAR PER KINDERGARTEN PUPIL BY A
11 NUMBER EQUAL TO 1/2 THE NUMBER USED FOR DETERMINING FULL-TIME
12 EQUATED MEMBERSHIPS FOR PUPILS IN GRADES 1 TO 12. NOT LATER THAN
13 DECEMBER 1, 2012, THE DEPARTMENT SHALL SEEK A CLARIFICATION FROM
14 THE FEDERAL DEPARTMENT OF EDUCATION AS TO WHETHER THIS IS AN
15 ALLOWABLE USE OF FEDERAL TITLE I MONEY. THE CHANGE IN THE COUNTING
16 OF FULL-TIME EQUATED MEMBERSHIPS FOR PUPILS IN KINDERGARTEN THAT
17 TAKES EFFECT IN 2012-2013 IS NOT A MANDATE. NOT LATER THAN THE
18 FIFTH WEDNESDAY AFTER THE PUPIL MEMBERSHIP COUNT DAY, EACH DISTRICT
19 OR PUBLIC SCHOOL ACADEMY AND THE EDUCATION ACHIEVEMENT SYSTEM SHALL
20 REPORT TO THE DEPARTMENT AND THE CENTER THE NUMBER OF INSTRUCTIONAL
21 HOURS SCHEDULED PER KINDERGARTEN PUPIL FOR 2012-2013. IF THE NUMBER
22 OF INSTRUCTIONAL HOURS SCHEDULED PER KINDERGARTEN PUPIL IS NOT
23 EQUAL FOR ALL KINDERGARTEN PUPILS IN THE DISTRICT, THE DISTRICT OR
24 PUBLIC SCHOOL ACADEMY AND THE EDUCATION ACHIEVEMENT SYSTEM SHALL
25 REPORT THE NUMBER OF KINDERGARTEN PUPILS WHO WERE SCHEDULED TO
26 RECEIVE EACH OF THE DIFFERENT NUMBERS OF INSTRUCTIONAL HOURS
27 SCHEDULED.

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

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

20 (u) If, as a result of a disciplinary action, a district
21 determines through the district's alternative or disciplinary
22 education program that the best instructional placement for a pupil
23 is in the pupil's home or otherwise apart from the general school
24 population, if that placement is authorized in writing by the
25 district superintendent and district alternative or disciplinary
26 education supervisor, and if the district provides appropriate
27 instruction as described in this subdivision to the pupil at the

1 pupil's home or otherwise apart from the general school population,
2 the district may count the pupil in membership on a pro rata basis,
3 with the proration based on the number of hours of instruction the
4 district actually provides to the pupil divided by the number of
5 hours specified in subdivision (q) for full-time equivalency. For
6 the purposes of this subdivision, a district shall be considered to
7 be providing appropriate instruction if all of the following are
8 met:

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

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

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

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

20 (v) A pupil enrolled in an alternative or disciplinary
21 education program described in section 25 shall be counted in
22 membership in the district, ~~or~~ **THE** public school academy, **OR THE**
23 **EDUCATION ACHIEVEMENT SYSTEM** that is educating the pupil.

24 (w) If a pupil was enrolled in a public school academy on the
25 pupil membership count day, if the public school academy's contract
26 with its authorizing body is revoked or the public school academy
27 otherwise ceases to operate, and if the pupil enrolls in a district

1 **OR THE EDUCATION ACHIEVEMENT SYSTEM** within 45 days after the pupil
2 membership count day, the department shall adjust the district's **OR**
3 **THE EDUCATION ACHIEVEMENT SYSTEM'S** pupil count for the pupil
4 membership count day to include the pupil in the count.

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

15 (y) If a district's membership for a particular fiscal year,
16 as otherwise calculated under this subsection, would be less than
17 1,550 pupils and the district has 4.5 or fewer pupils per square
18 mile, as determined by the department, and, beginning in 2007-2008,
19 if the district does not receive funding under section 22d(2), the
20 district's membership shall be considered to be the membership
21 figure calculated under this subdivision. If a district educates
22 and counts in its membership pupils in grades 9 to 12 who reside in
23 a contiguous district that does not operate grades 9 to 12 and if 1
24 or both of the affected districts request the department to use the
25 determination allowed under this sentence, the department shall
26 include the square mileage of both districts in determining the
27 number of pupils per square mile for each of the districts for the

1 purposes of this subdivision. The membership figure calculated
2 under this subdivision is the greater of the following:

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

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

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

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

1 childhood special education services under R 340.1755 of the
2 Michigan administrative code shall be determined by dividing the
3 number of hours of service scheduled and provided per year per
4 pupil by 180.

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

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

20 (dd) A district, **A PUBLIC SCHOOL ACADEMY, OR THE EDUCATION**
21 **ACHIEVEMENT SYSTEM** that educates a pupil who attends a United
22 States Olympic education center may count the pupil in membership
23 regardless of whether or not the pupil is a resident of this state.

24 (ee) A pupil enrolled in a district other than the pupil's
25 district of residence pursuant to section 1148(2) of the revised
26 school code, MCL 380.1148, shall be counted in the educating
27 district **OR THE EDUCATION ACHIEVEMENT SYSTEM.**

1 (5) "Public school academy" means that term as defined in the
2 revised school code.

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

8 (a) A nonpublic part-time pupil enrolled in grades 1 to 12 in
9 accordance with section 166b.

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

12 (c) A pupil enrolled in a public school academy or ~~university~~
13 ~~school~~. **THE EDUCATION ACHIEVEMENT SYSTEM.**

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

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

22 (f) A pupil who has made an official written complaint or
23 whose parent or legal guardian has made an official written
24 complaint to law enforcement officials and to school officials of
25 the pupil's district of residence that the pupil has been the
26 victim of a criminal sexual assault or other serious assault, if
27 the official complaint either indicates that the assault occurred

1 at school or that the assault was committed by 1 or more other
2 pupils enrolled in the school the pupil would otherwise attend in
3 the district of residence or by an employee of the district of
4 residence. A person who intentionally makes a false report of a
5 crime to law enforcement officials for the purposes of this
6 subdivision is subject to section 411a of the Michigan penal code,
7 1931 PA 328, MCL 750.411a, which provides criminal penalties for
8 that conduct. As used in this subdivision:

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

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

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

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

26 (i) The pupil has been suspended or expelled from his or her
27 district of residence for any reason, including, but not limited

1 to, a suspension or expulsion under section 1310, 1311, or 1311a of
2 the revised school code, MCL 380.1310, 380.1311, and 380.1311a.

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

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

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

6 (v) The pupil is enrolled in an alternative or disciplinary
7 education program described in section 25.

8 (i) A pupil enrolled in the Michigan virtual ~~high~~-school, for
9 the pupil's enrollment in the Michigan virtual ~~high~~-school.

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

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

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

24 (m) A pupil enrolled in a district other than the pupil's
25 district of residence who attends a United States Olympic education
26 center.

27 (n) A pupil enrolled in a district other than the pupil's

1 district of residence pursuant to section 1148(2) of the revised
2 school code, MCL 380.1148.

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

7 (p) A pupil enrolled in a district other than the pupil's
8 district of residence as a qualifying pupil under section 22h(2).

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

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

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

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

25 (i) Fourth Wednesday in July.

26 (ii) First Wednesday in October.

27 (iii) Second Wednesday in February.

1 (iv) Fourth Wednesday in April.

2 (8) "Pupils in grades K to 12 actually enrolled and in regular
3 daily attendance" means pupils in grades K to 12 in attendance and
4 receiving instruction in all classes for which they are enrolled on
5 the pupil membership count day or the supplemental count day, as
6 applicable. Except as otherwise provided in this subsection, a
7 pupil who is absent from any of the classes in which the pupil is
8 enrolled on the pupil membership count day or supplemental count
9 day and who does not attend each of those classes during the 10
10 consecutive school days immediately following the pupil membership
11 count day or supplemental count day, except for a pupil who has
12 been excused by the district, shall not be counted as 1.0 full-time
13 equated membership. A pupil who is excused from attendance on the
14 pupil membership count day or supplemental count day and who fails
15 to attend each of the classes in which the pupil is enrolled within
16 30 calendar days after the pupil membership count day or
17 supplemental count day shall not be counted as 1.0 full-time
18 equated membership. In addition, a pupil who was enrolled and in
19 attendance in a district, **AN** intermediate district, ~~or~~ **A** public
20 school academy, **OR THE EDUCATION ACHIEVEMENT SYSTEM** before the
21 pupil membership count day or supplemental count day of a
22 particular year but was expelled or suspended on the pupil
23 membership count day or supplemental count day shall only be
24 counted as 1.0 full-time equated membership if the pupil resumed
25 attendance in the district, intermediate district, ~~or~~ public school
26 academy, **OR EDUCATION ACHIEVEMENT SYSTEM** within 45 days after the
27 pupil membership count day or supplemental count day of that

1 particular year. Pupils not counted as 1.0 full-time equated
2 membership due to an absence from a class shall be counted as a
3 prorated membership for the classes the pupil attended. For
4 purposes of this subsection, "class" means a period of time in 1
5 day when pupils and a certificated teacher or legally qualified
6 substitute teacher are together and instruction is taking place.

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

10 (10) "The revised school code" means 1976 PA 451, MCL 380.1 to
11 380.1852.

12 (11) "School district of the first class", "first class school
13 district", and "district of the first class" mean a district that
14 had at least 60,000 pupils in membership for the immediately
15 preceding fiscal year.

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

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

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

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

25 (16) "Tuition pupil" means a pupil of school age attending
26 school in a district other than the pupil's district of residence
27 for whom tuition may be charged. Tuition pupil does not include a

1 pupil who is a special education pupil or a pupil described in
2 subsection (6)(c) to (o). A pupil's district of residence shall not
3 require a high school tuition pupil, as provided under section 111,
4 to attend another school district after the pupil has been assigned
5 to a school district.

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

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

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

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

24 ~~———— (21) "University school" means an instructional program~~
25 ~~operated by a public university under section 23 that meets the~~
26 ~~requirements of section 23.~~

27 Enacting section 1. This amendatory act does not take effect

1 unless House Bill No. 4513 of the 96th Legislature is enacted into
2 law.