

HOUSE BILL NO. 4954

September 07, 2023, Introduced by Reps. Brabec, Pohutsky, Koleszar, Hope, Brixie, Dievendorf, Morse, Price, Glanville, Rheingans, Arbit, Wilson, Tsernoglou, Steckloff, Liberati, Stone, Paiz, Mentzer, Byrnes, Breen, Skaggs, Wegela, Haadsma, Hood, Hoskins, MacDonell, Conlin, Hill, Morgan and Weiss and referred to the Committee on Health Policy.

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 2023 PA 103.

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

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

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

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

23 (4) "Membership", except as otherwise provided in this
24 article, means for a district, a public school academy, or an
25 intermediate district the sum of the product of .90 times the
26 number of full-time equated pupils in grades K to 12 actually
27 enrolled and in regular daily attendance in the district, public
28 school academy, or intermediate district on the pupil membership
29 count day for the current school year, plus the product of .10

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

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

24 (b) If a pupil is educated in a district other than the
25 pupil's district of residence, if the pupil is not being educated
26 as part of a cooperative education program, if the pupil's district
27 of residence does not give the educating district its approval to
28 count the pupil in membership in the educating district, and if the
29 pupil is not covered by an exception specified in subsection (6) to

1 the requirement that the educating district must have the approval
2 of the pupil's district of residence to count the pupil in
3 membership, the pupil is not counted in membership in any district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (3) The teacher has a personnel identification code provided
23 by the center.

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

26 (B) The pupil completes a combination of 1 or more of the
27 following activities for each scheduled course on pupil membership
28 count day or supplemental count day, as applicable:

29 (I) Documented attendance in a virtual course where

1 synchronous, live instruction occurred with the teacher.

2 (II) Documented completion of a course assignment.

3 (III) Documented completion of a course lesson or lesson
4 activity.

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

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

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

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

20 (i) If operations begin before the pupil membership count day
21 for the fiscal year, membership is the average number of full-time
22 equated pupils in grades K to 12 actually enrolled and in regular
23 daily attendance on the pupil membership count day for the current
24 school year and on the supplemental count day for the current
25 school year, as determined by the department and calculated by
26 adding the number of pupils registered for attendance on the pupil
27 membership count day plus pupils received by transfer and minus
28 pupils lost as defined by rules promulgated by the superintendent,
29 and as corrected by a subsequent department audit, plus the final

1 audited count from the supplemental count day for the current
2 school year, and dividing that sum by 2.

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

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

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

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

26 (i) A special education pupil who is enrolled and receiving
27 instruction in a special education program or service approved by
28 the department, who does not have a high school diploma, and who is
29 less than 26 years of age as of September 1 of the current school

1 year is counted in membership.

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

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

8 (B) Had dropped out of school.

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

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

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

29 (n) If a pupil counted in membership in a public school

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

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

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

1 remainder of the full-time membership for each of those pupils is
2 allocated to the public school academy.

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

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

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

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

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

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

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

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

1 instruction as described in this subdivision to the pupil at the
2 pupil's home or otherwise apart from the general school population,
3 the district may count the pupil in membership on a pro rata basis,
4 with the proration based on the number of hours of instruction the
5 district actually provides to the pupil divided by the number of
6 hours required under section 101 for full-time equivalency. For the
7 purposes of this subdivision, a district is considered to be
8 providing appropriate instruction if all of the following are 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 that are comparable to those otherwise provided in the
15 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) If a pupil was enrolled in a public school academy on the
21 pupil membership count day, if the public school academy's contract
22 with its authorizing body is revoked or the public school academy
23 otherwise ceases to operate, and if the pupil enrolls in a district
24 within 45 days after the pupil membership count day, the department
25 shall adjust the district's pupil count for the pupil membership
26 count day to include the pupil in the count.

27 (w) For a public school academy that has been in operation for
28 at least 2 years and that suspended operations for at least 1
29 semester and is resuming operations, membership is the sum of the

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

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

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

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

25 (aa) For the first year in which a pupil is counted in
26 membership on the pupil membership count day in a middle college
27 program, the membership is the average of the full-time equated
28 membership on the pupil membership count day and on the
29 supplemental count day for the current school year, as determined

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

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

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

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

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

4 (ii) The pupil meets the district's definition under section
5 23a of satisfactory monthly progress for that month or, if the
6 pupil does not meet that definition of satisfactory monthly
7 progress for that month, the pupil did meet that definition of
8 satisfactory monthly progress in the immediately preceding month
9 and appropriate interventions, as defined by the district, are
10 implemented within 10 school days after it is determined that the
11 pupil does not meet that definition of satisfactory monthly
12 progress.

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

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

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

1 school year, the district's membership is adjusted to count the
2 pupil in membership as if the pupil had been in attendance on the
3 pupil membership count day.

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

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

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

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

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

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

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

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

11 (kk) A pupil enrolled in a middle college program may be
12 counted for more than a total of 1.0 full-time equated membership
13 for any of the school years in which the pupil is enrolled in the
14 middle college program, but the total full-time equated membership
15 for that pupil for all of the school years in which the pupil is
16 enrolled in high school must not be greater than 5.00 full-time
17 equated membership if the pupil is enrolled in more than the
18 minimum number of instructional days and hours required under
19 section 101 and the pupil is expected to complete the 5-year
20 program with both a high school diploma and at least 60
21 transferable college credits or is expected to earn an associate's
22 degree in fewer than 5 years. A pupil who graduates with both a
23 high school diploma and at least 60 transferable college credits or
24 an associate degree at least 1 semester early is considered to have
25 completed the middle college program in fewer than 5 years.

26 (ll) If a district's or public school academy's membership for
27 a particular fiscal year, as otherwise calculated under this
28 subsection, includes pupils counted in membership who are enrolled
29 under section 166b, all of the following apply for the purposes of

1 this subdivision:

2 (i) If the district's or public school academy's membership for
3 pupils counted under section 166b equals or exceeds 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 growth in the district's or public
7 school academy's membership for pupils counted under section 166b
8 must not exceed 10%.

9 (ii) If the district's or public school academy's membership
10 for pupils counted under section 166b is less than 5% of the
11 district's or public school academy's membership for pupils not
12 counted in membership under section 166b in the immediately
13 preceding fiscal year, then the district's or public school
14 academy's membership for pupils counted under section 166b must not
15 exceed the greater of the following:

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

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

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

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

28 (6) "Pupil" means an individual in membership in a public
29 school. A district must have the approval of the pupil's district

1 of residence to count the pupil in membership, except approval by
2 the pupil's district of residence is not required for any of the
3 following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (j) An expelled pupil who has been denied reinstatement by the

1 expelling district and is reinstated by another school board under
 2 section 1311 or 1311a of the revised school code, MCL 380.1311 and
 3 380.1311a.

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

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

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

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

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

25 (7) "Pupil membership count day" of a district or intermediate
 26 district means:

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

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

1 (ii) For a district or building in which school is not in
2 session on the Wednesday described in subparagraph (i) due to
3 conditions not within the control of school authorities, with the
4 approval of the superintendent, the immediately following day on
5 which school is in session in the district or building.

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

9 (i) Fourth Wednesday in July.

10 (ii) First Wednesday in October.

11 (iii) Second Wednesday in February.

12 (iv) Fourth Wednesday in April.

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

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

1 pupil who is excused from attendance on the pupil membership count
2 day or supplemental count day and who fails to attend each of the
3 classes in which the pupil is enrolled within 30 calendar days
4 after the pupil membership count day or supplemental count day is
5 not counted as 1.0 full-time equated membership. Except as
6 otherwise provided in this section, in addition, a pupil who was
7 enrolled and in attendance in a district, intermediate district, or
8 public school academy before the pupil membership count day or
9 supplemental count day of a particular year but was expelled or
10 suspended on the pupil membership count day or supplemental count
11 day is only counted as 1.0 full-time equated membership if the
12 pupil resumed attendance in the district, intermediate district, or
13 public school academy within 45 days after the pupil membership
14 count day or supplemental count day of that particular year. Except
15 as otherwise provided in this section, a pupil not counted as 1.0
16 full-time equated membership due to an absence from a class is
17 counted as a prorated membership for the classes the pupil
18 attended. For purposes of this subsection:

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

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

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

1 (ii) For the 2020-2021, 2021-2022, 2022-2023, and 2023-2024
2 school years only, a period of time in 1 day when pupils and a
3 certificated teacher, a teacher engaged to teach under section
4 1233b of the revised school code, MCL 380.1233b, or an individual
5 working under a valid substitute permit, authorization, or approval
6 issued by the department are together and instruction is taking
7 place.

8 (9) "Rule" means a rule promulgated pursuant to the
9 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
10 24.328.

11 (10) "The revised school code" means the revised school code,
12 1976 PA 451, MCL 380.1 to 380.1852.

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

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

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

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

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

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

1 pupil, a pupil described in subsection (6) (d) to (n), or a pupil
2 whose parent or guardian voluntarily enrolls the pupil in a
3 district that is not the pupil's district of residence. A pupil's
4 district of residence shall not require a high school tuition
5 pupil, as provided under section 111, to attend another school
6 district after the pupil has been assigned to a school district.

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

10 (18) "Taxable value" means, except as otherwise provided in
11 this article, the taxable value of property as determined under
12 section 27a of the general property tax act, 1893 PA 206, MCL
13 211.27a.

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

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

25 Enacting section 1. This amendatory act does not take effect
26 unless Senate Bill No. ____ or House Bill No. 4949 (request no.
27 00312'23 *) of the 102nd Legislature is enacted into law.