

# SENATE BILL NO. 1011

April 19, 2022, Introduced by Senator ZORN and referred to the Committee on Education and Career Readiness.

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 2021 PA 48.

**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 subsection or this article, means for a district, a public school  
27 academy, or an intermediate district the sum of the product of .90  
28 times the number of full-time equated pupils in grades K to 12  
29 actually enrolled and in regular daily attendance in the district,

1 public school academy, or intermediate district on the pupil  
2 membership count day for the current school year, plus the product  
3 of .10 times the final audited count from the supplemental count  
4 day of full-time equated pupils in grades K to 12 actually enrolled  
5 and in regular daily attendance in the district, public school  
6 academy, or intermediate district for the immediately preceding  
7 school year. A district's, public school academy's, or intermediate  
8 district's membership is adjusted as provided under section 25e for  
9 pupils who enroll after the pupil membership count day in a strict  
10 discipline academy operating under sections 1311b to 1311m of the  
11 revised school code, MCL 380.1311b to 380.1311m. For 2021-2022  
12 only, membership means for a district, a public school academy, or  
13 an intermediate district, the sum of the product of .90 times the  
14 number of full-time equated pupils in grades K to 12 actually  
15 enrolled and in regular daily attendance in the district, public  
16 school academy, or intermediate district on the pupil membership  
17 count day for the current school year and the product of .10 times  
18 the final audited count of the number of full-time equated pupils  
19 engaged in pandemic learning for spring 2021, or, for a public  
20 school academy that operates as a cyber school, as that term is  
21 defined in section 551 of the revised school code, MCL 380.551, the  
22 final audited count from the supplemental count day of full-time  
23 equated pupils in grades K to 12 actually enrolled and in regular  
24 daily attendance in the public school academy for the immediately  
25 preceding school year. All pupil counts used in this subsection are  
26 as determined by the department and calculated by adding the number  
27 of pupils registered for attendance plus pupils received by  
28 transfer and minus pupils lost as defined by rules promulgated by  
29 the superintendent, and as corrected by a subsequent department

1 audit. The amount of the foundation allowance for a pupil in  
2 membership is determined under section 20. In making the  
3 calculation of membership, all of the following, as applicable,  
4 apply to determining the membership of a district, a public school  
5 academy, or an intermediate district:

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

11 (b) If a pupil is educated in a district other than the  
12 pupil's district of residence, if the pupil is not being educated  
13 as part of a cooperative education program, if the pupil's district  
14 of residence does not give the educating district its approval to  
15 count the pupil in membership in the educating district, and if the  
16 pupil is not covered by an exception specified in subsection (6) to  
17 the requirement that the educating district must have the approval  
18 of the pupil's district of residence to count the pupil in  
19 membership, the pupil is not counted in membership in any district.

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

22 (d) A pupil placed by a court or state agency in an on-grounds  
23 program of a juvenile detention facility, a child caring  
24 institution, or a mental health institution, or a pupil funded  
25 under section 53a, is counted in membership in the district or  
26 intermediate district approved by the department to operate the  
27 program.

28 (e) A pupil enrolled in the Michigan Schools for the Deaf and  
29 Blind is counted in membership in the pupil's intermediate district

1 of residence.

2 (f) A pupil enrolled in a career and technical education  
3 program supported by a millage levied over an area larger than a  
4 single district or in an area vocational-technical education  
5 program established under section 690 of the revised school code,  
6 MCL 380.690, is counted in membership only in the pupil's district  
7 of residence.

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

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

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

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

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

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

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

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

27 (l) To be counted in membership, a pupil must meet the minimum  
28 age requirement to be eligible to attend school under section 1147  
29 of the revised school code, MCL 380.1147, or must be enrolled under

1 subsection (3) of that section, and must be less than 20 years of  
2 age on September 1 of the school year except as follows:

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

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

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

14 (B) Had dropped out of school.

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

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

24 (m) An individual who has achieved a high school diploma is  
25 not counted in membership. An individual who has achieved a high  
26 school equivalency certificate is not counted in membership unless  
27 the individual is a student with a disability as that term is  
28 defined in R 340.1702 of the Michigan Administrative Code. An  
29 individual participating in a job training program funded under

1 former section 107a or a jobs program funded under former section  
2 107b, administered by the department of labor and economic  
3 opportunity, or participating in any successor of either of those 2  
4 programs, is not counted in membership.

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

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

27 (ii) If the public school academy provides instruction for less  
28 than 1/2 of the class hours required under section 101, the  
29 district or intermediate district providing the remainder of the



1 hours of instruction receives as its prorated share of the full-  
2 time equated membership for each of those pupils an amount equal to  
3 1 times the product of the hours of instruction the district or  
4 intermediate district provides divided by the number of hours  
5 required under section 101 for full-time equivalency, and the  
6 remainder of the full-time membership for each of those pupils is  
7 allocated to the public school academy.

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

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

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

25 (r) Full-time equated memberships for pupils in kindergarten  
26 are determined by dividing the number of instructional hours  
27 scheduled and provided per year per kindergarten pupil by the same  
28 number used for determining full-time equated memberships for  
29 pupils in grades 1 to 12. However, to the extent allowable under

1 federal law, for a district or public school academy that provides  
2 evidence satisfactory to the department that it used federal title  
3 I money in the 2 immediately preceding school fiscal years to fund  
4 full-time kindergarten, full-time equated memberships for pupils in  
5 kindergarten are determined by dividing the number of class hours  
6 scheduled and provided per year per kindergarten pupil by a number  
7 equal to 1/2 the number used for determining full-time equated  
8 memberships for pupils in grades 1 to 12. The change in the  
9 counting of full-time equated memberships for pupils in  
10 kindergarten that took effect for 2012-2013 is not a mandate.

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

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

28 (u) If, as a result of a disciplinary action, a district  
29 determines through the district's alternative or disciplinary

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

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

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

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

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

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

1 shall adjust the district's pupil count for the pupil membership  
2 count day to include the pupil in the count.

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

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

1 code, MCL 380.1220, and is located in a city with a population  
2 between 9,000 and 11,000, as determined by the department, that is  
3 in a county with a population between 150,000 and 160,000, as  
4 determined by the department, the district's membership is  
5 considered to be the membership figure calculated under this  
6 subdivision. The membership figure calculated under this  
7 subdivision is the greater of the following:

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

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

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

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

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

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

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

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

1 report to the center the number of pupils who were enrolled in the  
2 program and were in full attendance for a month not later than 30  
3 days after the end of the month. A district shall not report a  
4 pupil as being in full attendance for a month unless both of the  
5 following are met:

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

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

17 (ee) A pupil participating in a virtual course under section  
18 21f is counted in membership in the district enrolling the pupil.

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

29 (gg) If a special education pupil is expelled under section

1 1311 or 1311a of the revised school code, MCL 380.1311 and  
2 380.1311a, and is not in attendance on the pupil membership count  
3 day because of the expulsion, and if the pupil remains enrolled in  
4 the district and resumes regular daily attendance during that  
5 school year, the district's membership is adjusted to count the  
6 pupil in membership as if he or she had been in attendance on the  
7 pupil membership count day.

8 (hh) A pupil enrolled in a community district is counted in  
9 membership in the community district.

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

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

19 (i) The pupil would meet the definition of an eligible student  
20 under the postsecondary enrollment options act, 1996 PA 160, MCL  
21 388.511 to 388.524, if the course were an eligible course under  
22 that act.

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

28 (iii) The department determines that the college or university  
29 is an institution that, in the other state, fulfills a function



1 comparable to a state university or community college, as those  
2 terms are defined in section 3 of the postsecondary enrollment  
3 options act, 1996 PA 160, MCL 388.513, or is an independent  
4 nonprofit degree-granting college or university.

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

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

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

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

27 (i) If the district's or public school academy's membership for  
28 pupils counted under section 166b equals or exceeds 5% of the  
29 district's or public school academy's membership for pupils not

1 counted in membership under section 166b in the immediately  
 2 preceding fiscal year, then the growth in the district's or public  
 3 school academy's membership for pupils counted under section 166b  
 4 must not exceed 10%.

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

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

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

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

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

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

29 (a) A nonpublic part-time pupil enrolled in grades K to 12 in

1 accordance with section 166b.

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

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

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

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

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

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

1 Michigan penal code, 1931 PA 328, MCL 750.81a.

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

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

10 (i) The pupil has been suspended or expelled from his or her  
11 district of residence for any reason, including, but not limited  
12 to, a suspension or expulsion under section 1310, 1311, or 1311a of  
13 the revised school code, MCL 380.1310, 380.1311, and 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 (o) **A pupil who enrolls in a district other than the pupil's**  
22 **district of residence to whom both of the following apply:**

23 (i) **The pupil is a military-affiliated child. As used in this**  
24 **subparagraph:**

25 (A) **"Armed Forces of the United States" means the United**  
26 **States Army, Air Force, Navy, Marine Corps, Space Force, or Coast**  
27 **Guard or other military force designated by Congress as part of the**  
28 **Armed Forces of the United States, including the reserve**  
29 **components.**

1           (B) "Military-affiliated child" means a child whose parent or  
2 legal guardian is a member of the Armed Forces of the United  
3 States.

4           (ii) The pupil's parent or legal guardian has provided the  
5 enrolling district with a written letter indicating that the pupil  
6 is in temporary military housing and that it is the intent of the  
7 parent or legal guardian that the pupil will become a resident of  
8 the district by not later than June 30 of the school fiscal year in  
9 which the letter is provided to the district.

10          (7) "Pupil membership count day" of a district or intermediate  
11 district means:

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

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

- 20           (i) Fourth Wednesday in July.  
21           (ii) First Wednesday in October.  
22           (iii) Second Wednesday in February.  
23           (iv) Fourth Wednesday in April.

24          (8) "Pupils in grades K to 12 actually enrolled and in regular  
25 daily attendance" means pupils in grades K to 12 in attendance and  
26 receiving instruction in all classes for which they are enrolled on  
27 the pupil membership count day or the supplemental count day, as  
28 applicable. Except as otherwise provided in this subsection, a  
29 pupil who is absent from any of the classes in which the pupil is

1 enrolled on the pupil membership count day or supplemental count  
2 day and who does not attend each of those classes during the 10  
3 consecutive school days immediately following the pupil membership  
4 count day or supplemental count day, except for a pupil who has  
5 been excused by the district, is not counted as 1.0 full-time  
6 equated membership. A pupil who is excused from attendance on the  
7 pupil membership count day or supplemental count day and who fails  
8 to attend each of the classes in which the pupil is enrolled within  
9 30 calendar days after the pupil membership count day or  
10 supplemental count day is not counted as 1.0 full-time equated  
11 membership. In addition, a pupil who was enrolled and in attendance  
12 in a district, intermediate district, or public school academy  
13 before the pupil membership count day or supplemental count day of  
14 a particular year but was expelled or suspended on the pupil  
15 membership count day or supplemental count day is only counted as  
16 1.0 full-time equated membership if the pupil resumed attendance in  
17 the district, intermediate district, or public school academy  
18 within 45 days after the pupil membership count day or supplemental  
19 count day of that particular year. A pupil not counted as 1.0 full-  
20 time equated membership due to an absence from a class is counted  
21 as a prorated membership for the classes the pupil attended. For  
22 purposes of this subsection, "class" means either of the following,  
23 as applicable:

24 (a) A period of time in 1 day when pupils and an individual  
25 who 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 and 2021-2022 school years.

29 (b) For the 2020-2021 and 2021-2022 school years only, a

1 period of time in 1 day when pupils and a certificated teacher, a  
2 teacher engaged to teach under section 1233b of the revised school  
3 code, MCL 380.1233b, or an individual working under a valid  
4 substitute permit, authorization, or approval issued by the  
5 department are together and instruction is taking place.

6 (9) "Pupils engaged in pandemic learning for spring 2021"  
7 means that term as defined in section 6a.

8 (10) "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 (11) "The revised school code" means the revised school code,  
12 1976 PA 451, MCL 380.1 to 380.1852.

13 (12) "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 (13) "School fiscal year" means a fiscal year that commences  
18 July 1 and continues through June 30.

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

20 (15) "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 (16) "Supplemental count day" means the day on which the  
25 supplemental pupil count is conducted under section 6a or the day  
26 specified as supplemental count day under section 6a.

27 (17) "Tuition pupil" means a pupil of school age attending  
28 school in a district other than the pupil's district of residence  
29 for whom tuition may be charged to the district of residence.



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

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

11 (19) "Taxable value" means, except as otherwise provided in  
12 this article, the taxable value of property as determined under  
13 section 27a of the general property tax act, 1893 PA 206, MCL  
14 211.27a.

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

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