

**SUBSTITUTE FOR
HOUSE BILL NO. 5392**

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
by amending section 101 (MCL 388.1701), as amended by 2010 PA 110.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 101. (1) To be eligible to receive state aid under this
2 act, not later than the fifth Wednesday after the pupil membership
3 count day and not later than the fifth Wednesday after the
4 supplemental count day, each district superintendent shall submit
5 to the center and the intermediate superintendent, in the form and
6 manner prescribed by the center, the number of pupils enrolled and
7 in regular daily attendance in the district as of the pupil
8 membership count day and as of the supplemental count day, as
9 applicable, for the current school year. In addition, a district

1 maintaining school during the entire year, as provided under
2 section 1561 of the revised school code, MCL 380.1561, shall submit
3 to the center and the intermediate superintendent, in the form and
4 manner prescribed by the center, the number of pupils enrolled and
5 in regular daily attendance in the district for the current school
6 year pursuant to rules promulgated by the superintendent. Not later
7 than the seventh Wednesday after the pupil membership count day and
8 not later than the seventh Wednesday after the supplemental count
9 day, the district shall certify the data in a form and manner
10 prescribed by the center and file the certified data with the
11 intermediate superintendent. If a district fails to submit and
12 certify the attendance data, as required under this subsection, the
13 center shall notify the department and state aid due to be
14 distributed under this act shall be withheld from the defaulting
15 district immediately, beginning with the next payment after the
16 failure and continuing with each payment until the district
17 complies with this subsection. If a district does not comply with
18 this subsection by the end of the fiscal year, the district
19 forfeits the amount withheld. A person who willfully falsifies a
20 figure or statement in the certified and sworn copy of enrollment
21 shall be punished in the manner prescribed by section 161.

22 (2) To be eligible to receive state aid under this act, not
23 later than the twenty-fourth Wednesday after the pupil membership
24 count day and not later than the twenty-fourth Wednesday after the
25 supplemental count day, an intermediate district shall submit to
26 the center, in a form and manner prescribed by the center, the
27 audited enrollment and attendance data for the pupils of its

1 constituent districts and of the intermediate district. If an
2 intermediate district fails to submit the audited data as required
3 under this subsection, state aid due to be distributed under this
4 act shall be withheld from the defaulting intermediate district
5 immediately, beginning with the next payment after the failure and
6 continuing with each payment until the intermediate district
7 complies with this subsection. If an intermediate district does not
8 comply with this subsection by the end of the fiscal year, the
9 intermediate district forfeits the amount withheld.

10 (3) Except as otherwise provided in ~~subsection~~ **SUBSECTIONS**
11 **(11), (12), AND (13)**, all of the following apply to the provision
12 of pupil instruction:

13 (a) Except as otherwise provided in this section, each
14 district shall provide at least 1,098 hours and, beginning in 2010-
15 2011, the required minimum number of days of pupil instruction. For
16 2010-2011 and for 2011-2012, the required minimum number of days of
17 pupil instruction is 165. Beginning in 2012-2013, the required
18 minimum number of days of pupil instruction is 170. However,
19 beginning in 2010-2011, a district shall not provide fewer days of
20 pupil instruction than the district provided for 2009-2010. A
21 district may apply for a waiver under subsection (9) from the
22 requirements of this subdivision.

23 (b) Except as otherwise provided in this act, a district
24 failing to comply with the required minimum hours and days of pupil
25 instruction under this subsection shall forfeit from its total
26 state aid allocation an amount determined by applying a ratio of
27 the number of hours or days the district was in noncompliance in

1 relation to the required minimum number of hours and days under
2 this subsection. Not later than August 1, the board of each
3 district shall certify to the department the number of hours and,
4 beginning in 2010-2011, days of pupil instruction in the previous
5 school year. If the district did not provide at least the required
6 minimum number of hours and days of pupil instruction under this
7 subsection, the deduction of state aid shall be made in the
8 following fiscal year from the first payment of state school aid. A
9 district is not subject to forfeiture of funds under this
10 subsection for a fiscal year in which a forfeiture was already
11 imposed under subsection (6).

12 (c) Hours or days lost because of strikes or teachers'
13 conferences shall not be counted as hours or days of pupil
14 instruction.

15 (d) If a collective bargaining agreement that provides a
16 complete school calendar is in effect for employees of a district
17 as of October 19, 2009, and if that school calendar is not in
18 compliance with this subsection, then this subsection does not
19 apply to that district until after the expiration of that
20 collective bargaining agreement.

21 (e) Except as otherwise provided in subdivision (f), a
22 district not having at least 75% of the district's membership in
23 attendance on any day of pupil instruction shall receive state aid
24 in that proportion of 1/180 that the actual percent of attendance
25 bears to the specified percentage.

26 (f) At the request of a district that operates a department-
27 approved alternative education program and that does not provide

1 instruction for pupils in all of grades K to 12, the superintendent
2 may grant a waiver from the requirements of subdivision (e). ~~in~~
3 ~~order to conduct a pilot study.~~ The waiver shall indicate that an
4 eligible district is subject to the proration provisions of
5 subdivision (e) only if the district does not have at least 50% of
6 the district's membership in attendance on any day of pupil
7 instruction. In order to be eligible for this waiver, a district
8 must maintain records to substantiate its compliance with the
9 following requirements: ~~during the pilot study:~~

10 (i) The district offers the minimum hours of pupil instruction
11 as required under this section.

12 (ii) For each enrolled pupil, the district uses appropriate
13 academic assessments to develop an individual education plan that
14 leads to a high school diploma.

15 (iii) The district tests each pupil to determine academic
16 progress at regular intervals and records the results of those
17 tests in that pupil's individual education plan.

18 **(G) A WAIVER GRANTED UNDER SUBDIVISION (F) THAT IS GRANTED FOR**
19 **THE 2011-2012 FISCAL YEAR OR A SUBSEQUENT FISCAL YEAR REMAINS IN**
20 **EFFECT UNLESS IT IS REVOKED BY THE SUPERINTENDENT. THE**
21 **SUPERINTENDENT MAY REVOKE A WAIVER DESCRIBED IN THIS SUBDIVISION**
22 **ONLY FOR A VIOLATION OF THE WAIVER STANDARDS SET FORTH IN THE PUPIL**
23 **ACCOUNTING AND AUDITING MANUALS OR A VIOLATION OF STATE LAW.**

24 **(H)** ~~(g)~~—The superintendent shall promulgate rules for the
25 implementation of this subsection.

26 (4) Except as otherwise provided in this subsection, the first
27 6 days or the equivalent number of hours for which pupil

1 instruction is not provided because of conditions not within the
2 control of school authorities, such as severe storms, fires,
3 epidemics, utility power unavailability, water or sewer failure, or
4 health conditions as defined by the city, county, or state health
5 authorities, shall be counted as hours and days of pupil
6 instruction. With the approval of the superintendent of public
7 instruction, the department shall count as hours and days of pupil
8 instruction for a fiscal year not more than 6 additional days or
9 the equivalent number of additional hours for which pupil
10 instruction is not provided in a district after April 1 of the
11 applicable school year due to unusual and extenuating occurrences
12 resulting from conditions not within the control of school
13 authorities such as those conditions described in this subsection.
14 Subsequent such hours or days shall not be counted as hours or days
15 of pupil instruction.

16 (5) A district shall not forfeit part of its state aid
17 appropriation because it adopts or has in existence an alternative
18 scheduling program for pupils in kindergarten if the program
19 provides at least the number of hours required under subsection (3)
20 for a full-time equated membership for a pupil in kindergarten as
21 provided under section 6(4).

22 (6) Not later than April 15 of each fiscal year, the board of
23 each district shall certify to the department the planned number of
24 hours and days of pupil instruction in the district for the school
25 year ending in the fiscal year. In addition to any other penalty or
26 forfeiture under this section, if at any time the department
27 determines that 1 or more of the following has occurred in a

1 district, the district shall forfeit in the current fiscal year
2 beginning in the next payment to be calculated by the department a
3 proportion of the funds due to the district under this act that is
4 equal to the proportion below the required minimum number of hours
5 and days of pupil instruction under subsection (3), as specified in
6 the following:

7 (a) The district fails to operate its schools for at least the
8 required minimum number of hours and days of pupil instruction
9 under subsection (3) in a school year, including hours and days
10 counted under subsection (4).

11 (b) The board of the district takes formal action not to
12 operate its schools for at least the required minimum number of
13 hours and days of pupil instruction under subsection (3) in a
14 school year, including hours and days counted under subsection (4).

15 (7) In providing the minimum number of hours and days of pupil
16 instruction required under subsection (3), a district shall use the
17 following guidelines, and a district shall maintain records to
18 substantiate its compliance with the following guidelines:

19 (a) Except as otherwise provided in this subsection, a pupil
20 must be scheduled for at least the required minimum number of hours
21 of instruction, excluding study halls, or at least the sum of 90
22 hours plus the required minimum number of hours of instruction,
23 including up to 2 study halls.

24 (b) The time a pupil is assigned to any tutorial activity in a
25 block schedule may be considered instructional time, unless that
26 time is determined in an audit to be a study hall period.

27 (c) Except as otherwise provided in this subdivision, a pupil

1 in grades 9 to 12 for whom a reduced schedule is determined to be
2 in the individual pupil's best educational interest must be
3 scheduled for a number of hours equal to at least 80% of the
4 required minimum number of hours of pupil instruction to be
5 considered a full-time equivalent pupil. A pupil in grades 9 to 12
6 who is scheduled in a 4-block schedule may receive a reduced
7 schedule under this subsection if the pupil is scheduled for a
8 number of hours equal to at least 75% of the required minimum
9 number of hours of pupil instruction to be considered a full-time
10 equivalent pupil.

11 (d) If a pupil in grades 9 to 12 who is enrolled in a
12 cooperative education program or a special education pupil cannot
13 receive the required minimum number of hours of pupil instruction
14 solely because of travel time between instructional sites during
15 the school day, that travel time, up to a maximum of 3 hours per
16 school week, shall be considered to be pupil instruction time for
17 the purpose of determining whether the pupil is receiving the
18 required minimum number of hours of pupil instruction. However, if
19 a district demonstrates to the satisfaction of the department that
20 the travel time limitation under this subdivision would create
21 undue costs or hardship to the district, the department may
22 consider more travel time to be pupil instruction time for this
23 purpose.

24 (e) In grades 7 through 12, instructional time that is part of
25 a junior reserve officer training corps (JROTC) program shall be
26 considered to be pupil instruction time regardless of whether the
27 instructor is a certificated teacher if all of the following are

1 met:

2 (i) The instructor has met all of the requirements established
3 by the United States department of defense and the applicable
4 branch of the armed services for serving as an instructor in the
5 junior reserve officer training corps program.

6 (ii) The board of the district or intermediate district
7 employing or assigning the instructor complies with the
8 requirements of sections 1230 and 1230a of the revised school code,
9 MCL 380.1230 and 380.1230a, with respect to the instructor to the
10 same extent as if employing the instructor as a regular classroom
11 teacher.

12 (8) Except as otherwise provided in ~~subsection~~ **SUBSECTIONS**
13 (11), (12), AND (13), the department shall apply the guidelines
14 under subsection (7) in calculating the full-time equivalency of
15 pupils.

16 (9) Upon application by the district for a particular fiscal
17 year, the superintendent may waive for a district the minimum
18 number of hours and days of pupil instruction requirement of
19 subsection (3) for a department-approved alternative education
20 program or another innovative program approved by the department,
21 including a 4-day school week. If a district applies for and
22 receives a waiver under this subsection and complies with the terms
23 of the waiver, ~~for the fiscal year covered by the waiver the~~
24 district is not subject to forfeiture under this section for the
25 specific program covered by the waiver. If the district does not
26 comply with the terms of the waiver, the amount of the forfeiture
27 shall be calculated based upon a comparison of the number of hours

1 and days of pupil instruction actually provided to the minimum
2 number of hours and days of pupil instruction required under
3 subsection (3). Pupils enrolled in a department-approved
4 alternative education program under this subsection shall be
5 reported to the center in a form and manner determined by the
6 center. **A WAIVER GRANTED UNDER THIS SUBSECTION THAT IS GRANTED FOR
7 THE 2011-2012 FISCAL YEAR OR A SUBSEQUENT FISCAL YEAR REMAINS IN
8 EFFECT UNLESS IT IS REVOKED BY THE SUPERINTENDENT. THE
9 SUPERINTENDENT MAY REVOKE A WAIVER DESCRIBED IN THIS SUBDIVISION
10 ONLY FOR A VIOLATION OF THE WAIVER STANDARDS SET FORTH IN THE PUPIL
11 ACCOUNTING AND AUDITING MANUALS OR A VIOLATION OF STATE LAW.**

12 (10) A district may count up to 38 hours of qualifying
13 professional development for teachers as hours of pupil
14 instruction. Professional development provided online is allowable
15 and encouraged, as long as the instruction has been approved by the
16 district. The department shall issue a list of approved online
17 professional development providers, which shall include the
18 Michigan virtual university. However, if a collective bargaining
19 agreement that provides more than 38 but not more than 51 hours of
20 professional development for teachers is in effect for employees of
21 a district as of October 1, 2006, then until the fiscal year that
22 begins after the expiration of that collective bargaining agreement
23 a district may count up to 51 hours of qualifying professional
24 development for teachers as hours of pupil instruction. A district
25 that elects to use this exception shall notify the department of
26 its election. As used in this subsection, "qualifying professional
27 development" means professional development that is focused on 1 or

1 more of the following:

2 (a) Achieving or improving adequate yearly progress as defined
3 under the no child left behind act of 2001, Public Law 107-110.

4 (b) Achieving accreditation or improving a school's
5 accreditation status under section 1280 of the revised school code,
6 MCL 380.1280.

7 (c) Achieving highly qualified teacher status as defined under
8 the no child left behind act of 2001, Public Law 107-110.

9 (d) Integrating technology into classroom instruction.

10 (e) Maintaining teacher certification.

11 (11) Subsections (3), (7), and (8) do not apply to a school of
12 excellence that is a cyber school, as defined in section 551 of the
13 revised school code, MCL 380.551, and is in compliance with section
14 553a of the revised school code, MCL 380.553a.

15 (12) NOTWITHSTANDING ANY RULE TO THE CONTRARY, SUBSECTIONS
16 (3), (7), AND (8) DO NOT APPLY TO A PROGRAM THAT PROVIDES ONLINE OR
17 OTHER DISTANCE LEARNING AND MEETS ALL OF THE FOLLOWING:

18 (A) THE PROGRAM IS APPROVED BY THE DISTRICT'S BOARD OR BOARD
19 OF DIRECTORS OR BY THE INTERMEDIATE DISTRICT'S BOARD FOR THE
20 PURPOSE OF AWARDING CREDIT THAT MEETS THE REQUIREMENTS OF MICHIGAN
21 GRADE LEVEL CONTENT EXPECTATIONS OR THE CURRICULUM PRESCRIBED BY
22 THE MICHIGAN MERIT STANDARD, AND THE CREDITS EARNED FOR
23 SATISFACTORY COMPLETION OF ONLINE COURSES OR OTHER CREDIT-EARNING
24 ACTIVITIES IS COMPARABLE TO CREDITS EARNED FOR A HIGH SCHOOL
25 DIPLOMA OR GRADE PROGRESSION IN THE DISTRICT'S OR INTERMEDIATE
26 DISTRICT'S TRADITIONAL PROGRAM SETTING. THE BOARD APPROVAL SHALL
27 ALLOW THE PROGRAM DIRECTOR TO COMPLY WITH THIS REQUIREMENT.

1 (B) THE PRIMARY METHOD OF DELIVERY FOR INSTRUCTION IS ONLINE
2 OR OTHER VIRTUAL LEARNING. TECHNOLOGY USING INTERACTIVE TELEVISION
3 MAY ALSO SERVE AS AN APPROPRIATE MEANS OF INSTRUCTIONAL DELIVERY.
4 FOR A DISTRICT OR INTERMEDIATE DISTRICT LOCATED WHERE BROADBAND
5 ACCESS IS SEVERELY LIMITED FOR THE PURPOSES OF THE ONLINE LEARNING,
6 OFFLINE COMPUTER-BASED DELIVERY OF INSTRUCTION AND ALTERNATIVE
7 MEANS OF PROVIDING TEACHER-PUPIL INTERACTION MAY BE USED WITH THE
8 APPROVAL OF THE DEPARTMENT AND APPROPRIATE DOCUMENTATION AS
9 REQUIRED BY THE DEPARTMENT.

10 (C) EACH ONLINE COURSE OR OTHER CREDIT-BEARING ACTIVITY MEETS
11 ALL OF THE FOLLOWING:

12 (i) IS FACILITATED BY A HIGHLY QUALIFIED CERTIFICATED TEACHER.

13 (ii) IS APPROVED BY THE DISTRICT'S BOARD OR BOARD OF DIRECTORS
14 OR BY THE INTERMEDIATE DISTRICT'S BOARD.

15 (iii) GENERATES CREDIT TOWARD THE PUPIL'S HIGH SCHOOL DIPLOMA OR
16 GRADE PROGRESSION.

17 (iv) THE COURSE CONTENT IS ALIGNED WITH THE MICHIGAN GRADE
18 LEVEL CONTENT EXPECTATIONS OR THE CURRICULUM PRESCRIBED BY THE
19 MICHIGAN MERIT STANDARD UNDER SECTIONS 1278A AND 1278B OF THE
20 REVISED SCHOOL CODE, MCL 380.1278A AND 380.1278B.

21 (D) EACH PUPIL ENROLLED IN THE PROGRAM IS REQUIRED TO
22 CONSTRUCT, WITH A MENTOR OR A SCHOOL COUNSELOR, A CLASS SCHEDULE
23 THAT DETAILS THE CREDITS ANTICIPATED TO BE EARNED BY A
24 PREDETERMINED COURSE OF STUDY OVER THE SCHOOL YEAR OR A LEARNING
25 PLAN THAT INCLUDES THE NUMBER OF CREDITS TO BE EARNED THROUGH OTHER
26 CREDIT-EARNING ACTIVITIES COMPARABLE TO CREDITS EARNED FOR A HIGH
27 SCHOOL DIPLOMA OR GRADE PROGRESSION IN THE DISTRICT'S OR

1 INTERMEDIATE DISTRICT'S TRADITIONAL PROGRAM SETTING. EACH PUPIL'S
2 CLASS SCHEDULE OR LEARNING PLAN SHALL BE MADE CURRENT WITHIN 4
3 WEEKS OF EACH PUPIL MEMBERSHIP COUNT DAY, SUPPLEMENTAL COUNT DAY,
4 AND JUNE 30 OF EACH YEAR THAT THE PUPIL WAS ENROLLED. UPON REQUEST,
5 THE DISTRICT OR INTERMEDIATE DISTRICT SHALL MAKE THE CLASS SCHEDULE
6 OR LEARNING PLAN FOR EACH PUPIL AVAILABLE TO THE PUPIL ACCOUNTING
7 AUDITOR WITHIN 5 BUSINESS DAYS OF THE REQUEST.

8 (E) THE PROGRAM SHALL USE THE FOLLOWING ACADEMIC MEASURES, AS
9 APPROPRIATE:

10 (i) GRADE-APPROPRIATE MICHIGAN EDUCATION ASSESSMENT PROGRAM
11 (MEAP) ASSESSMENT EXAMINATIONS.

12 (ii) THE MICHIGAN MERIT EXAMINATION.

13 (iii) THE MIACCESS ASSESSMENTS DEVELOPED BY THE DEPARTMENT.

14 (F) THE DISTRICT OR INTERMEDIATE DISTRICT PAYS ANY ASSOCIATED
15 TUITION CHARGES OR FEES FOR THE ONLINE COURSES AND OTHER CREDIT-
16 EARNING ACTIVITIES IN THE PROGRAM ON BEHALF OF EACH PUPIL, AND ALSO
17 MEETS THE FOLLOWING:

18 (i) THE DISTRICT OR INTERMEDIATE DISTRICT OFFERS TO PROVIDE A
19 COMPUTER FOR EACH PUPIL ENROLLED IN THE PROGRAM. THE COMPUTER MUST
20 INCLUDE INTERNET CAPACITY AND APPROPRIATE SOFTWARE CONFIGURATION
21 FOR USE BY THE PUPIL IN THE HOME FOR THE LENGTH OF TIME THAT THE
22 PUPIL IS ENROLLED IN THE PROGRAM.

23 (ii) THE DISTRICT OR INTERMEDIATE DISTRICT OFFERS TO PROVIDE
24 BROADBAND INTERNET FOR A PUPIL ENROLLED IN THE PROGRAM. THE
25 BROADBAND INTERNET CAPACITY SHALL BE A MINIMUM OF 1 MBPS UP/ 3 MBPS
26 DOWN FOR USE IN THE HOME FOR THE LENGTH OF TIME THAT THE PUPIL IS
27 ENROLLED IN THE SEAT TIME WAIVER PROGRAM. FOR A DISTRICT OR

1 INTERMEDIATE DISTRICT LOCATED WHERE BROADBAND ACCESS IS SEVERELY
2 LIMITED FOR THE PURPOSES OF THE ONLINE LEARNING, OFFLINE COMPUTER-
3 BASED DELIVERY OF INSTRUCTION AND ALTERNATIVE MEANS OF PROVIDING
4 TEACHER-PUPIL INTERACTION MAY BE USED WITH THE APPROVAL OF THE
5 DEPARTMENT AND APPROPRIATE DOCUMENTATION AS REQUIRED BY THE
6 DEPARTMENT.

7 (G) THE DISTRICT OR INTERMEDIATE DISTRICT IDENTIFIES THE
8 TEACHER OF RECORD FOR EACH PUPIL.

9 (H) A CERTIFICATED TEACHER EMPLOYED BY THE DISTRICT OR
10 INTERMEDIATE DISTRICT IS ASSIGNED TO EACH PUPIL TO SERVE AS THE
11 MENTOR FOR THE PUPIL. THE MENTOR SHALL BE AVAILABLE FOR ASSISTANCE
12 AND TO MONITOR THE PUPIL'S PROGRESS. THE MENTOR SHALL MEET WITH OR
13 HAVE 2-WAY INTERACTION WITH THE PUPIL AT LEAST WEEKLY.

14 (13) THE DEPARTMENT SHALL APPLY THE FOLLOWING GUIDELINES IN
15 CALCULATING THE FULL-TIME EQUIVALENCY OF A PUPIL IN A PROGRAM UNDER
16 SUBSECTION (12):

17 (A) THE PUPIL SHALL HAVE A COURSE-SPECIFIC CLASS SCHEDULE, OR
18 A LEARNING PLAN THAT INCLUDES THE NUMBER OF CREDITS TO BE EARNED
19 THROUGH THE OTHER CREDIT-EARNING ACTIVITIES COMPARABLE TO CREDITS
20 EARNED FOR A HIGH SCHOOL DIPLOMA OR GRADE PROGRESSION IN THE
21 DISTRICT'S OR INTERMEDIATE DISTRICT'S TRADITIONAL PROGRAM SETTING,
22 IN EFFECT AS OF THE MOST RECENT PUPIL MEMBERSHIP COUNT DAY OR
23 SUPPLEMENTAL COUNT DAY, AND THE PUPIL SHALL LOG INTO AT LEAST 1
24 PROGRAM-SPONSORED, ONLINE COURSE ON EACH PUPIL MEMBERSHIP COUNT DAY
25 OR SUPPLEMENTAL COUNT DAY. UPON REQUEST, THE DISTRICT OR
26 INTERMEDIATE DISTRICT SHALL PROVIDE THE COURSE-SPECIFIC CLASS
27 SCHEDULE AND THE LOGIN AND OTHER ONLINE ACTIVITY REPORTS TO THE

1 PUPIL ACCOUNTING AUDITOR WITHIN 5 BUSINESS DAYS OF THE REQUEST.

2 (B) PARTICIPATION SHALL BE MEASURED BY LOGGING INTO AT LEAST 1
3 PROGRAM-SPONSORED ONLINE COURSE OR CREDIT-EARNING ACTIVITY ON EACH
4 PUPIL MEMBERSHIP COUNT DAY OR SUPPLEMENTAL COUNT DAY AND FOR 9
5 ADDITIONAL CALENDAR DAYS DURING THE 30-CALENDAR DAY COUNT PERIOD
6 AND DOCUMENTED WEEKLY 2-WAY INTERACTION BETWEEN THE ON-SITE MENTOR
7 AND PUPIL FOR EACH WEEK OF THE COUNT PERIOD. EXCEPT AS OTHERWISE
8 PROVIDED IN THIS SUBSECTION, A PUPIL WHO DOES NOT LOG IN ON THE
9 PUPIL MEMBERSHIP COUNT DAY OR SUPPLEMENTAL COUNT DAY AND WHO DOES
10 NOT LOG IN DURING THE 10 CONSECUTIVE CALENDAR DAYS IMMEDIATELY
11 FOLLOWING THE PUPIL MEMBERSHIP COUNT DAY OR SUPPLEMENTAL COUNT DAY,
12 EXCEPT FOR A PUPIL WHO HAS BEEN EXCUSED BY THE DISTRICT, SHALL NOT
13 BE COUNTED AS 1.0 FULL-TIME EQUATED MEMBERSHIP. A PUPIL WHO IS
14 EXCUSED FROM ATTENDANCE ON THE PUPIL MEMBERSHIP COUNT DAY OR
15 SUPPLEMENTAL COUNT DAY AND WHO FAILS TO LOG IN WITHIN 30 CALENDAR
16 DAYS AFTER THE PUPIL MEMBERSHIP COUNT DAY OR SUPPLEMENTAL COUNT DAY
17 SHALL NOT BE COUNTED AS 1.0 FULL-TIME EQUATED MEMBERSHIP. PUPILS
18 NOT COUNTED AS 1.0 FULL-TIME EQUATED MEMBERSHIP DUE TO A FAILURE TO
19 LOG IN TO 1 OR MORE CLASSES SHALL BE COUNTED AS A PRORATED
20 MEMBERSHIP FOR THE CLASSES FOR WHICH THE PUPIL LOGGED IN.
21 THE DISTRICT OR INTERMEDIATE DISTRICT SHALL KEEP A LOGIN RECORD AND
22 DOCUMENTATION OF WEEKLY INTERACTION DURING THE COUNT PERIOD FOR
23 EACH PUPIL AND, UPON REQUEST SHALL MAKE THESE AVAILABLE TO THE
24 PUPIL ACCOUNTING AUDITOR WITHIN 5 BUSINESS DAYS OF THE REQUEST.

25 (C) EACH COURSE SHALL COUNT AS 1 CLASS ON THE PUPIL'S CLASS
26 SCHEDULE OR LEARNING PLAN UNDER SUBDIVISION (A) AND SHALL GENERATE
27 THAT PORTION OF A FULL-TIME EQUIVALENCY THAT A COMPARABLE ON-SITE

1 COURSE OFFERED BY THE DISTRICT OR INTERMEDIATE DISTRICT WOULD
2 GENERATE.

3 (14) ~~(12)~~—The department shall study the actual costs of
4 providing distance learning or other alternative instructional
5 delivery that is being used in this state and shall report on its
6 findings to the house and senate fiscal agencies and the office of
7 the state budget not later than September 10, 2012. Upon request by
8 the department, a school of excellence described in subsection
9 (11), the Michigan virtual university, or a school that receives a
10 seat time waiver from the department under this section shall
11 submit to the department any data requested by the department for
12 the purposes of this study.

13 Enacting section 1. This amendatory act does not take effect
14 unless Senate Bill No. 619 of the 96th Legislature is enacted into
15 law.