

**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.