

HOUSE BILL No. 5443

February 28, 2012, Introduced by Reps. Damrow and Rogers and referred to the Committee on Education.

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 6, 105, and 105c (MCL 388.1606, 388.1705, and 388.1705c), section 6 as amended by 2011 PA 62 and sections 105 and 105c as amended by 2008 PA 268.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) "Center program" means a program operated by a
2 district or by an intermediate district for special education
3 pupils from several districts in programs for pupils with autism
4 spectrum disorder, pupils with severe cognitive impairment, pupils
5 with moderate cognitive impairment, pupils with severe multiple
6 impairments, pupils with hearing impairment, pupils with visual
7 impairment, and pupils with physical impairment or other health
8 impairment. Programs for pupils with emotional impairment housed in
9 buildings that do not serve regular education pupils also qualify.

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

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

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

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

1 used in this subsection are as determined by the department and
2 calculated by adding the number of pupils registered for attendance
3 plus pupils received by transfer and minus pupils lost as defined
4 by rules promulgated by the superintendent, and as corrected by a
5 subsequent department audit. For the purposes of this section and
6 section 6a, for a school of excellence that is a cyber school, as
7 defined in section 551 of the revised school code, MCL 380.551, and
8 is in compliance with section 553a of the revised school code, MCL
9 380.553a, a pupil's participation in the cyber school's educational
10 program is considered regular daily attendance. The amount of the
11 foundation allowance for a pupil in membership is determined under
12 section 20. In making the calculation of membership, all of the
13 following, as applicable, apply to determining the membership of a
14 district, public school academy, university school, or intermediate
15 district:

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

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

1 of the pupil's district of residence to count the pupil in
2 membership, the pupil shall not be counted in membership in any
3 district.

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

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

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

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

22 (g) A pupil enrolled in a university school shall be counted
23 in membership in the university school.

24 (h) A pupil enrolled in a public school academy shall be
25 counted in membership in the public school academy.

26 (i) For a new district, university school, or public school
27 academy beginning its operation after December 31, 1994, membership

1 for the first 2 full or partial fiscal years of operation shall be
2 determined as follows:

3 (i) If operations begin before the pupil membership count day
4 for the fiscal year, membership is the average number of full-time
5 equated pupils in grades K to 12 actually enrolled and in regular
6 daily attendance on the pupil membership count day for the current
7 school year and on the supplemental count day for the current
8 school year, as determined by the department and calculated by
9 adding the number of pupils registered for attendance on the pupil
10 membership count day plus pupils received by transfer and minus
11 pupils lost as defined by rules promulgated by the superintendent,
12 and as corrected by a subsequent department audit, plus the final
13 audited count from the supplemental count day for the current
14 school year, and dividing that sum by 2.

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

21 (j) If a district is the authorizing body for a public school
22 academy, then, in the first school year in which pupils are counted
23 in membership on the pupil membership count day in the public
24 school academy, the determination of the district's membership
25 shall exclude from the district's pupil count for the immediately
26 preceding supplemental count day any pupils who are counted in the
27 public school academy on that first pupil membership count day who

1 were also counted in the district on the immediately preceding
2 supplemental count day.

3 (k) In a district, public school academy, university school,
4 or intermediate district operating an extended school year program
5 approved by the superintendent, a pupil enrolled, but not scheduled
6 to be in regular daily attendance on a pupil membership count day,
7 shall be counted.

8 (l) Pupils to be counted in membership shall be not less than 5
9 years of age on December 1 and less than 20 years of age on
10 September 1 of the school year except as follows:

11 (i) A special education pupil who is enrolled and receiving
12 instruction in a special education program or service approved by
13 the department, who does not have a high school diploma, and who is
14 less than 26 years of age as of September 1 of the current school
15 year shall be counted in membership.

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

18 (A) Is enrolled in a public school academy or an alternative
19 education high school diploma program, that is primarily focused on
20 educating homeless pupils and that is located in a city with a
21 population of more than 500,000.

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

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

26 (m) An individual who has obtained a high school diploma shall
27 not be counted in membership. An individual who has obtained a

1 general educational development (G.E.D.) certificate shall not be
2 counted in membership unless the individual is a student with a
3 disability as defined in R 340.1702 of the Michigan administrative
4 code. An individual participating in a job training program funded
5 under former section 107a or a jobs program funded under former
6 section 107b, administered by the Michigan strategic fund or the
7 workforce development agency, or participating in any successor of
8 either of those 2 programs, shall not be counted in membership.

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

21 (i) If the public school academy provides instruction for at
22 least 1/2 of the class hours specified in subdivision (q), the
23 public school academy shall receive as its prorated share of the
24 full-time equated membership for each of those pupils an amount
25 equal to 1 times the product of the hours of instruction the public
26 school academy provides divided by the number of hours specified in
27 subdivision (q) for full-time equivalency, and the remainder of the

1 full-time membership for each of those pupils shall be allocated to
2 the district or intermediate district providing the remainder of
3 the hours of instruction.

4 (ii) If the public school academy provides instruction for less
5 than 1/2 of the class hours specified in subdivision (q), the
6 district or intermediate district providing the remainder of the
7 hours of instruction shall receive as its prorated share of the
8 full-time equated membership for each of those pupils an amount
9 equal to 1 times the product of the hours of instruction the
10 district or intermediate district provides divided by the number of
11 hours specified in subdivision (q) for full-time equivalency, and
12 the remainder of the full-time membership for each of those pupils
13 shall be allocated to the public school academy.

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

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

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

1 district to the pupil.

2 (r) Full-time equated memberships for pupils in kindergarten
3 shall be determined by dividing the number of class hours scheduled
4 and provided per year per kindergarten pupil by a number equal to
5 1/2 the number used for determining full-time equated memberships
6 for pupils in grades 1 to 12. However, beginning in 2012-2013,
7 full-time equated memberships for pupils in kindergarten shall be
8 determined by dividing the number of class hours scheduled and
9 provided per year per kindergarten pupil by the same number used
10 for determining full-time equated memberships for pupils in grades
11 1 to 12.

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

27 (t) A pupil enrolled in a cooperative education program may be

1 counted in membership in the pupil's district of residence with the
2 written approval of all parties to the cooperative agreement.

3 (u) If, as a result of a disciplinary action, a district
4 determines through the district's alternative or disciplinary
5 education program that the best instructional placement for a pupil
6 is in the pupil's home or otherwise apart from the general school
7 population, if that placement is authorized in writing by the
8 district superintendent and district alternative or disciplinary
9 education supervisor, and if the district provides appropriate
10 instruction as described in this subdivision to the pupil at the
11 pupil's home or otherwise apart from the general school population,
12 the district may count the pupil in membership on a pro rata basis,
13 with the proration based on the number of hours of instruction the
14 district actually provides to the pupil divided by the number of
15 hours specified in subdivision (q) for full-time equivalency. For
16 the purposes of this subdivision, a district shall be considered to
17 be providing appropriate instruction if all of the following are
18 met:

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

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

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

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

3 (v) A pupil enrolled in an alternative or disciplinary
4 education program described in section 25 shall be counted in
5 membership in the district or public school academy that is
6 educating the pupil.

7 (w) If a pupil was enrolled in a public school academy on the
8 pupil membership count day, if the public school academy's contract
9 with its authorizing body is revoked or the public school academy
10 otherwise ceases to operate, and if the pupil enrolls in a district
11 within 45 days after the pupil membership count day, the department
12 shall adjust the district's pupil count for the pupil membership
13 count day to include the pupil in the count.

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

24 (y) If a district's membership for a particular fiscal year,
25 as otherwise calculated under this subsection, would be less than
26 1,550 pupils and the district has 4.5 or fewer pupils per square
27 mile, as determined by the department, and, beginning in 2007-2008,

1 if the district does not receive funding under section 22d(2), the
2 district's membership shall be considered to be the membership
3 figure calculated under this subdivision. If a district educates
4 and counts in its membership pupils in grades 9 to 12 who reside in
5 a contiguous district that does not operate grades 9 to 12 and if 1
6 or both of the affected districts request the department to use the
7 determination allowed under this sentence, the department shall
8 include the square mileage of both districts in determining the
9 number of pupils per square mile for each of the districts for the
10 purposes of this subdivision. The membership figure calculated
11 under this subdivision is the greater of the following:

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

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

19 (z) 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 in which a former pupil
23 of the public school academy enrolls and is in regular daily
24 attendance for the next school year to ensure that the district
25 receives the same amount of membership aid for the pupil as if the
26 pupil were counted in the district on the supplemental count day of
27 the preceding school year.

1 (aa) Full-time equated memberships for preprimary-aged special
2 education pupils who are not enrolled in kindergarten but are
3 enrolled in a classroom program under R 340.1754 of the Michigan
4 administrative code shall be determined by dividing the number of
5 class hours scheduled and provided per year by 450. Full-time
6 equated memberships for preprimary-aged special education pupils
7 who are not enrolled in kindergarten but are receiving early
8 childhood special education services under R 340.1755 of the
9 Michigan administrative code shall be determined by dividing the
10 number of hours of service scheduled and provided per year per
11 pupil by 180.

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

17 (cc) For the first year in which a pupil is counted in
18 membership on the pupil membership count day in a middle college
19 program, the membership is the average of the full-time equated
20 membership on the pupil membership count day and on the
21 supplemental count day for the current school year, as determined
22 by the department. If a pupil was counted by the operating district
23 on the immediately preceding supplemental count day, the pupil
24 shall be excluded from the district's immediately preceding
25 supplemental count for purposes of determining the district's
26 membership.

27 (dd) A district that educates a pupil who attends a United

1 States Olympic education center may count the pupil in membership
2 regardless of whether or not the pupil is a resident of this state.

3 (ee) A pupil enrolled in a district other than the pupil's
4 district of residence pursuant to section 1148(2) of the revised
5 school code, MCL 380.1148, shall be counted in the educating
6 district.

7 **(FF) A PUBLIC SCHOOL ACADEMY THAT IS NOT A STRICT DISCIPLINE**
8 **ACADEMY SHALL NOT COUNT A PUPIL IN MEMBERSHIP IF THAT PUPIL HAS**
9 **BEEN EXPELLED FOR ANY REASON FROM A DISTRICT, INTERMEDIATE**
10 **DISTRICT, OR ANOTHER PUBLIC SCHOOL ACADEMY DURING THE CURRENT OR**
11 **IMMEDIATELY PRECEDING SCHOOL YEAR.**

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

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

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

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

23 (c) A pupil enrolled in a public school academy or university
24 school.

25 (d) A pupil enrolled in a district other than the pupil's
26 district of residence under an intermediate district schools of
27 choice pilot program as described in section 91a or former section

1 91 if the intermediate district and its constituent districts have
2 been exempted from section 105.

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

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

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

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

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

2 (g) 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 (h) 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 (v) The pupil is enrolled in an alternative or disciplinary
18 education program described in section 25.

19 (i) A pupil enrolled in the Michigan virtual high school, for
20 the pupil's enrollment in the Michigan virtual high school.

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

27 (k) An expelled pupil who has been denied reinstatement by the

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

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

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

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

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

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

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

26 (a) Except as provided in subdivision (b), the first Wednesday
27 in October each school year or, for a district or building in which

1 school is not in session on that Wednesday due to conditions not
2 within the control of school authorities, with the approval of the
3 superintendent, the immediately following day on which school is in
4 session in the district or building.

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

7 (i) Fourth Wednesday in July.

8 (ii) First Wednesday in October.

9 (iii) Second Wednesday in February.

10 (iv) Fourth Wednesday in April.

11 (8) "Pupils in grades K to 12 actually enrolled and in regular
12 daily attendance" means pupils in grades K to 12 in attendance and
13 receiving instruction in all classes for which they are enrolled on
14 the pupil membership count day or the supplemental count day, as
15 applicable. Except as otherwise provided in this subsection, a
16 pupil who is absent from any of the classes in which the pupil is
17 enrolled on the pupil membership count day or supplemental count
18 day and who does not attend each of those classes during the 10
19 consecutive school days immediately following the pupil membership
20 count day or supplemental count day, except for a pupil who has
21 been excused by the district, shall not be counted as 1.0 full-time
22 equated membership. A pupil who is excused from attendance on the
23 pupil membership count day or supplemental count day and who fails
24 to attend each of the classes in which the pupil is enrolled within
25 30 calendar days after the pupil membership count day or
26 supplemental count day shall not be counted as 1.0 full-time
27 equated membership. In addition, a pupil who was enrolled and in

1 attendance in a district, intermediate district, or public school
2 academy before the pupil membership count day or supplemental count
3 day of a particular year but was expelled or suspended on the pupil
4 membership count day or supplemental count day shall only be
5 counted as 1.0 full-time equated membership if the pupil resumed
6 attendance in the district, intermediate district, or public school
7 academy within 45 days after the pupil membership count day or
8 supplemental count day of that particular year. Pupils not counted
9 as 1.0 full-time equated membership due to an absence from a class
10 shall be counted as a prorated membership for the classes the pupil
11 attended. For purposes of this subsection, "class" means a period
12 of time in 1 day when pupils and a certificated teacher or legally
13 qualified substitute teacher are together and instruction is taking
14 place.

15 (9) "Rule" means a rule promulgated pursuant to the
16 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
17 24.328.

18 (10) "The revised school code" means 1976 PA 451, MCL 380.1 to
19 380.1852.

20 (11) "School district of the first class", "first class school
21 district", and "district of the first class" mean a district that
22 had at least 60,000 pupils in membership for the immediately
23 preceding fiscal year.

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

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

27 (14) "Superintendent", unless the context clearly refers to a

1 district or intermediate district superintendent, means the
2 superintendent of public instruction described in section 3 of
3 article VIII of the state constitution of 1963.

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

6 (16) "Tuition pupil" means a pupil of school age attending
7 school in a district other than the pupil's district of residence
8 for whom tuition may be charged. Tuition pupil does not include a
9 pupil who is a special education pupil or a pupil described in
10 subsection (6)(c) to (o). A pupil's district of residence shall not
11 require a high school tuition pupil, as provided under section 111,
12 to attend another school district after the pupil has been assigned
13 to a school district.

14 (17) "State school aid fund" means the state school aid fund
15 established in section 11 of article IX of the state constitution
16 of 1963.

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

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

27 (20) "Total state aid" or "total state school aid" means the

1 total combined amount of all funds due to a district, intermediate
2 district, or other entity under all of the provisions of this
3 article.

4 (21) "University school" means an instructional program
5 operated by a public university under section 23 that meets the
6 requirements of section 23.

7 Sec. 105. (1) In order to avoid a penalty under this section,
8 and in order to count a nonresident pupil residing within the same
9 intermediate district in membership without the approval of the
10 pupil's district of residence, a district shall comply with this
11 section.

12 (2) Except as otherwise provided in this section, a district
13 shall determine whether or not it will accept applications for
14 enrollment by nonresident applicants residing within the same
15 intermediate district for the next school year. If the district
16 determines to accept applications for enrollment of a number of
17 nonresidents, beyond those entitled to preference under this
18 section, the district shall use the following procedures for
19 accepting applications from and enrolling nonresidents:

20 (a) The district shall publish the grades, schools, and
21 special programs, if any, for which enrollment may be available to,
22 and for which applications will be accepted from, nonresident
23 applicants residing within the same intermediate district.

24 (b) If the district has a limited number of positions
25 available for nonresidents residing within the same intermediate
26 district in a grade, school, or program, all of the following apply
27 to accepting applications for and enrollment of nonresidents in

1 that grade, school, or program:

2 (i) The district shall do all of the following not later than
3 the second Friday in August:

4 (A) Provide notice to the general public that applications
5 will be taken for a period of at least 15 calendar days but not
6 more than 30 calendar days from nonresidents residing within the
7 same intermediate district for enrollment in that grade, school, or
8 program. The notice shall identify the dates of the application
9 period and the place and manner for submitting applications.

10 (B) During the application period under sub-subparagraph (A),
11 accept applications from nonresidents residing within the same
12 intermediate district for enrollment in that grade, school, or
13 program.

14 (C) Within 15 calendar days after the end of the application
15 period under sub-subparagraph (A), using the procedures and
16 preferences required under this section, determine which
17 nonresident applicants will be allowed to enroll in that grade,
18 school, or program, using the random draw system required under
19 subsection ~~(14)~~ (15) as necessary, and notify the parent or legal
20 guardian of each nonresident applicant of whether or not the
21 applicant may enroll in the district. The notification to parents
22 or legal guardians of nonresident applicants accepted for
23 enrollment shall contain notification of the date by which the
24 applicant must enroll in the district and procedures for
25 enrollment. The date for enrollment shall be no later than the end
26 of the first week of school.

27 (ii) Beginning on the third Monday in August and not later than

1 the end of the first week of school, if any positions become
2 available in a grade, school, or program due to accepted applicants
3 failing to enroll or to more positions being added, the district
4 may enroll nonresident applicants from the waiting list maintained
5 under subsection ~~(14)~~, **(15)**, offering enrollment in the order that
6 applicants appear on the waiting list. If there are still positions
7 available after enrolling all applicants from the waiting list who
8 desire to enroll, the district may not fill those positions until
9 the second semester or trimester enrollment under subsection (3),
10 as provided under that subsection, or until the next school year.

11 (c) For a grade, school, or program that has an unlimited
12 number of positions available for nonresidents residing within the
13 same intermediate district, all of the following apply to
14 enrollment of nonresidents in that grade, school, or program:

15 (i) The district may accept applications for enrollment in that
16 grade, school, or program, and may enroll nonresidents residing
17 within the same intermediate district in that grade, school, or
18 program, until the end of the first week of school. The district
19 shall provide notice to the general public of the place and manner
20 for submitting applications and, if the district has a limited
21 application period, the notice shall include the dates of the
22 application period. The application period shall be at least a 15-
23 calendar-day period.

24 (ii) Not later than the end of the first week of school, the
25 district shall notify the parent or legal guardian of each
26 nonresident applicant who is accepted for enrollment that the
27 applicant has been accepted for enrollment in the grade, school, or

1 program and of the procedures for enrollment. The date for
2 enrollment shall be no later than the end of the first week of
3 school.

4 (3) If a district determines during the first semester or
5 trimester of a school year that it has positions available for
6 enrollment of a number of nonresidents residing within the same
7 intermediate district, beyond those entitled to preference under
8 this section, for the second semester or trimester of the school
9 year, the district may accept applications from and enroll
10 nonresidents residing within the same intermediate district for the
11 second semester or trimester using the following procedures:

12 (a) Not later than 2 weeks before the end of the first
13 semester or trimester, the district shall publish the grades,
14 schools, and special programs, if any, for which enrollment for the
15 second semester or trimester may be available to, and for which
16 applications will be accepted from, nonresident applicants residing
17 within the same intermediate district.

18 (b) During the last 2 weeks of the first semester or
19 trimester, the district shall accept applications from nonresidents
20 residing within the same intermediate district for enrollment for
21 the second semester or trimester in the available grades, schools,
22 and programs.

23 (c) By the beginning of the second semester or trimester,
24 using the procedures and preferences required under this section,
25 the district shall determine which nonresident applicants will be
26 allowed to enroll in the district for the second semester or
27 trimester and notify the parent or legal guardian of each

1 nonresident applicant residing within the same intermediate
2 district of whether or not the applicant may enroll in the
3 district. The notification to parents or legal guardians of
4 nonresident applicants accepted for enrollment shall contain
5 notification of the date by which the applicant must enroll in the
6 district and procedures for enrollment. The date for enrollment
7 shall be no later than the end of the first week of school.

8 (4) If deadlines similar to those described in subsection (2)
9 or (3) have been established in an intermediate district, and if
10 those deadlines are not later than the deadlines under subsection
11 (2) or (3), the districts within the intermediate district may use
12 those deadlines.

13 (5) A district offering to enroll nonresident applicants
14 residing within the same intermediate district may limit the number
15 of nonresident pupils it accepts in a grade, school, or program, at
16 its discretion, and may use that limit as the reason for refusal to
17 enroll an applicant.

18 (6) A nonresident applicant residing within the same
19 intermediate district shall not be granted or refused enrollment
20 based on intellectual, academic, artistic, or other ability,
21 talent, or accomplishment, or lack thereof, or based on a mental or
22 physical disability, except that a district may refuse to admit a
23 nonresident applicant if the applicant does not meet the same
24 criteria, other than residence, that an applicant who is a resident
25 of the district must meet to be accepted for enrollment in a grade
26 or a specialized, magnet, or intra-district choice school or
27 program to which the applicant applies.

1 (7) A nonresident applicant residing within the same
2 intermediate district shall not be granted or refused enrollment
3 based on age, except that a district may refuse to admit a
4 nonresident applicant applying for a program that is not
5 appropriate for the age of the applicant.

6 (8) A nonresident applicant residing within the same
7 intermediate district shall not be granted or refused enrollment
8 based upon religion, race, color, national origin, sex, height,
9 weight, marital status, or athletic ability, or, generally, in
10 violation of any state or federal law prohibiting discrimination.

11 (9) Subject to ~~subsection (10)~~, **SUBSECTIONS (10) AND (11)**, a
12 district may refuse to enroll a nonresident applicant if any of the
13 following are met:

14 (a) The applicant is, or has been within the preceding 2
15 years, suspended from another school.

16 (b) The applicant, at any time before enrolling under this
17 section, has been expelled from another school.

18 (c) The applicant, at any time before enrolling under this
19 section, has been convicted of a felony.

20 (10) If a district has counted a pupil in membership on either
21 the pupil membership count day or the supplemental count day, the
22 district shall not refuse to enroll or refuse to continue to enroll
23 that pupil for a reason specified in subsection (9). This
24 subsection does not prohibit a district from expelling a pupil
25 described in this subsection for disciplinary reasons.

26 **(11) A DISTRICT SHALL NOT ENROLL UNDER THIS SECTION A**
27 **NONRESIDENT APPLICANT WHO HAS BEEN EXPELLED FOR ANY REASON FROM**

1 ANOTHER DISTRICT OR INTERMEDIATE DISTRICT OR FROM A PUBLIC SCHOOL
2 ACADEMY DURING THE CURRENT OR IMMEDIATELY PRECEDING SCHOOL YEAR.

3 (12) ~~(11)~~—A district shall continue to allow a pupil who was
4 enrolled in and attended the district under this section in the
5 school year or semester or trimester immediately preceding the
6 school year or semester or trimester in question to enroll in the
7 district until the pupil graduates from high school. This
8 subsection does not prohibit a district from expelling a pupil
9 described in this subsection for disciplinary reasons.

10 (13) ~~(12)~~—A district shall give preference for enrollment
11 under this section over all other nonresident applicants residing
12 within the same intermediate district to other school-age children
13 who reside in the same household as a pupil described in subsection
14 ~~(11)~~-(12).

15 (14) ~~(13)~~—If a nonresident pupil was enrolled in and attending
16 school in a district as a nonresident pupil in the 1995-96 school
17 year and continues to be enrolled continuously each school year in
18 that district, the district shall allow that nonresident pupil to
19 continue to enroll in and attend school in the district until high
20 school graduation, without requiring the nonresident pupil to apply
21 for enrollment under this section. This subsection does not
22 prohibit a district from expelling a pupil described in this
23 subsection for disciplinary reasons.

24 (15) ~~(14)~~—If the number of qualified nonresident applicants
25 eligible for acceptance in a school, grade, or program does not
26 exceed the positions available for nonresident pupils in the
27 school, grade, or program, the school district shall accept for

1 enrollment all of the qualified nonresident applicants eligible for
2 acceptance. If the number of qualified nonresident applicants
3 residing within the same intermediate district eligible for
4 acceptance exceeds the positions available in a grade, school, or
5 program in a district for nonresident pupils, the district shall
6 use a random draw system, subject to the need to abide by state and
7 federal antidiscrimination laws and court orders and subject to
8 preferences allowed by this section. The district shall develop and
9 maintain a waiting list based on the order in which nonresident
10 applicants were drawn under this random draw system.

11 (16) ~~(15)~~—If a district, or the nonresident applicant,
12 requests the district in which a nonresident applicant resides to
13 supply information needed by the district for evaluating the
14 applicant's application for enrollment or for enrolling the
15 applicant, the district of residence shall provide that information
16 on a timely basis.

17 (17) ~~(16)~~—If a district is subject to a court-ordered
18 desegregation plan, and if the court issues an order prohibiting
19 pupils residing in that district from enrolling in another district
20 or prohibiting pupils residing in another district from enrolling
21 in that district, this section is subject to the court order.

22 (18) ~~(17)~~—This section does not require a district to provide
23 transportation for a nonresident pupil enrolled in the district
24 under this section or for a resident pupil enrolled in another
25 district under this section. However, at the time a nonresident
26 pupil enrolls in the district, a district shall provide to the
27 pupil's parent or legal guardian information on available

1 transportation to and from the school in which the pupil enrolls.

2 (19) ~~(18)~~—A district may participate in a cooperative
3 education program with 1 or more other districts or intermediate
4 districts whether or not the district enrolls any nonresidents
5 pursuant to this section.

6 (20) ~~(19)~~—A district that, pursuant to this section, enrolls a
7 nonresident pupil who is eligible for special education programs
8 and services according to statute or rule, or who is a child with
9 disabilities, as defined under the individuals with disabilities
10 education act, Public Law 108-446, shall be considered to be the
11 resident district of the pupil for the purpose of providing the
12 pupil with a free appropriate public education. Consistent with
13 state and federal law, that district is responsible for developing
14 and implementing an individualized education plan annually for a
15 nonresident pupil described in this subsection.

16 (21) ~~(20)~~—If a district does not comply with this section, the
17 district forfeits 5% of the total state school aid allocation to
18 the district under this act.

19 (22) ~~(21)~~—Upon application by a district, the superintendent
20 may grant a waiver for the district from a specific requirement
21 under this section for not more than 1 year.

22 Sec. 105c. (1) In order to avoid a penalty under this section,
23 and in order to count a nonresident pupil residing in a district
24 located in a contiguous intermediate district in membership without
25 the approval of the pupil's district of residence, a district shall
26 comply with this section.

27 (2) Except as otherwise provided in this section, a district

1 shall determine whether or not it will accept applications for
2 enrollment by nonresident applicants residing in a district located
3 in a contiguous intermediate district for the next school year. If
4 the district determines to accept applications for enrollment of a
5 number of nonresidents under this section, beyond those entitled to
6 preference under this section, the district shall use the following
7 procedures for accepting applications from and enrolling
8 nonresidents under this section:

9 (a) The district shall publish the grades, schools, and
10 special programs, if any, for which enrollment may be available to,
11 and for which applications will be accepted from, nonresident
12 applicants residing in a district located in a contiguous
13 intermediate district.

14 (b) If the district has a limited number of positions
15 available for nonresidents residing in a district located in a
16 contiguous intermediate district in a grade, school, or program,
17 all of the following apply to accepting applications for and
18 enrollment of nonresidents under this section in that grade,
19 school, or program:

20 (i) The district shall do all of the following not later than
21 the second Friday in August:

22 (A) Provide notice to the general public that applications
23 will be taken for a period of at least 15 calendar days but not
24 more than 30 calendar days from nonresidents residing in a district
25 located in a contiguous intermediate district for enrollment in
26 that grade, school, or program. The notice shall identify the dates
27 of the application period and the place and manner for submitting

1 applications.

2 (B) During the application period under sub-subparagraph (A),
3 accept applications from nonresidents residing in a district
4 located in a contiguous intermediate district for enrollment in
5 that grade, school, or program.

6 (C) Within 15 calendar days after the end of the application
7 period under sub-subparagraph (A), using the procedures and
8 preferences required under this section, determine which
9 nonresident applicants will be allowed to enroll under this section
10 in that grade, school, or program, using the random draw system
11 required under subsection ~~(14)~~—(15) as necessary, and notify the
12 parent or legal guardian of each nonresident applicant of whether
13 or not the applicant may enroll in the district. The notification
14 to parents or legal guardians of nonresident applicants accepted
15 for enrollment under this section shall contain notification of the
16 date by which the applicant must enroll in the district and
17 procedures for enrollment. The date for enrollment shall be no
18 later than the end of the first week of school.

19 (ii) Beginning on the third Monday in August and not later than
20 the end of the first week of school, if any positions become
21 available in a grade, school, or program due to accepted applicants
22 failing to enroll or to more positions being added, the district
23 may enroll nonresident applicants from the waiting list maintained
24 under subsection ~~(14)~~—(15), offering enrollment in the order that
25 applicants appear on the waiting list. If there are still positions
26 available after enrolling all applicants from the waiting list who
27 desire to enroll, the district may not fill those positions until

1 the second semester or trimester enrollment under subsection (3),
2 as provided under that subsection, or until the next school year.

3 (c) For a grade, school, or program that has an unlimited
4 number of positions available for nonresidents residing in a
5 district located in a contiguous intermediate district, all of the
6 following apply to enrollment of nonresidents in that grade,
7 school, or program under this section:

8 (i) The district may accept applications for enrollment in that
9 grade, school, or program, and may enroll nonresidents residing in
10 a district located in a contiguous intermediate district in that
11 grade, school, or program, until the end of the first week of
12 school. The district shall provide notice to the general public of
13 the place and manner for submitting applications and, if the
14 district has a limited application period, the notice shall include
15 the dates of the application period. The application period shall
16 be at least a 15-calendar-day period.

17 (ii) Not later than the end of the first week of school, the
18 district shall notify the parent or legal guardian of each
19 nonresident applicant who is accepted for enrollment under this
20 section that the applicant has been accepted for enrollment in the
21 grade, school, or program and of the date by which the applicant
22 must enroll in the district and the procedures for enrollment. The
23 date for enrollment shall be no later than the end of the first
24 week of school.

25 (3) If a district determines during the first semester or
26 trimester of a school year that it has positions available for
27 enrollment of a number of nonresidents residing in a district

1 located in a contiguous intermediate district, beyond those
2 entitled to preference under this section, for the second semester
3 or trimester of the school year, the district may accept
4 applications from and enroll nonresidents residing in a district
5 located in a contiguous intermediate district for the second
6 semester or trimester using the following procedures:

7 (a) Not later than 2 weeks before the end of the first
8 semester or trimester, the district shall publish the grades,
9 schools, and special programs, if any, for which enrollment for the
10 second semester or trimester may be available to, and for which
11 applications will be accepted from, nonresident applicants residing
12 in a district located in a contiguous intermediate district.

13 (b) During the last 2 weeks of the first semester or
14 trimester, the district shall accept applications from nonresidents
15 residing in a district located in a contiguous intermediate
16 district for enrollment for the second semester or trimester in the
17 available grades, schools, and programs.

18 (c) By the beginning of the second semester or trimester,
19 using the procedures and preferences required under this section,
20 the district shall determine which nonresident applicants will be
21 allowed to enroll under this section in the district for the second
22 semester or trimester and notify the parent or legal guardian of
23 each nonresident applicant residing in a district located in a
24 contiguous intermediate district of whether or not the applicant
25 may enroll in the district. The notification to parents or legal
26 guardians of nonresident applicants accepted for enrollment shall
27 contain notification of the date by which the applicant must enroll

1 in the district and procedures for enrollment. The date for
2 enrollment shall be no later than the end of the first week of
3 school.

4 (4) If deadlines similar to those described in subsection (2)
5 or (3) have been established in an intermediate district, and if
6 those deadlines are not later than the deadlines under subsection
7 (2) or (3), the districts within the intermediate district may use
8 those deadlines.

9 (5) A district offering to enroll nonresident applicants
10 residing in a district located in a contiguous intermediate
11 district may limit the number of those nonresident pupils it
12 accepts in a grade, school, or program, at its discretion, and may
13 use that limit as the reason for refusal to enroll an applicant
14 under this section.

15 (6) A nonresident applicant residing in a district located in
16 a contiguous intermediate district shall not be granted or refused
17 enrollment based on intellectual, academic, artistic, or other
18 ability, talent, or accomplishment, or lack thereof, or based on a
19 mental or physical disability, except that a district may refuse to
20 admit a nonresident applicant under this section if the applicant
21 does not meet the same criteria, other than residence, that an
22 applicant who is a resident of the district must meet to be
23 accepted for enrollment in a grade or a specialized, magnet, or
24 intra-district choice school or program to which the applicant
25 applies.

26 (7) A nonresident applicant residing in a district located in
27 a contiguous intermediate district shall not be granted or refused

1 enrollment under this section based on age, except that a district
2 may refuse to admit a nonresident applicant applying for a program
3 that is not appropriate for the age of the applicant.

4 (8) A nonresident applicant residing in a district located in
5 a contiguous intermediate district shall not be granted or refused
6 enrollment under this section based upon religion, race, color,
7 national origin, sex, height, weight, marital status, or athletic
8 ability, or, generally, in violation of any state or federal law
9 prohibiting discrimination.

10 (9) Subject to ~~subsection (10)~~, **SUBSECTIONS (10) AND (11)**, a
11 district may refuse to enroll a nonresident applicant under this
12 section if any of the following are met:

13 (a) The applicant is, or has been within the preceding 2
14 years, suspended from another school.

15 (b) The applicant, at any time before enrolling under this
16 section, has been expelled from another school.

17 (c) The applicant, at any time before enrolling under this
18 section, has been convicted of a felony.

19 (10) If a district has counted a pupil in membership on either
20 the pupil membership count day or the supplemental count day, the
21 district shall not refuse to enroll or refuse to continue to enroll
22 that pupil for a reason specified in subsection (9). This
23 subsection does not prohibit a district from expelling a pupil
24 described in this subsection for disciplinary reasons.

25 **(11) A DISTRICT SHALL NOT ENROLL UNDER THIS SECTION A**
26 **NONRESIDENT APPLICANT WHO HAS BEEN EXPELLED FOR ANY REASON FROM**
27 **ANOTHER DISTRICT OR INTERMEDIATE DISTRICT OR FROM A PUBLIC SCHOOL**

1 **ACADEMY DURING THE CURRENT OR IMMEDIATELY PRECEDING SCHOOL YEAR.**

2 (12) ~~(11)~~—A district shall continue to allow a pupil who was
3 enrolled in and attended the district under this section in the
4 school year or semester or trimester immediately preceding the
5 school year or semester or trimester in question to enroll in the
6 district until the pupil graduates from high school. This
7 subsection does not prohibit a district from expelling a pupil
8 described in this subsection for disciplinary reasons.

9 (13) ~~(12)~~—A district shall give preference for enrollment
10 under this section over all other nonresident applicants residing
11 in a district located in a contiguous intermediate district to
12 other school-age children who reside in the same household as a
13 pupil described in subsection ~~(11)~~-(12).

14 (14) ~~(13)~~—If a nonresident pupil was enrolled in and attending
15 school in a district as a nonresident pupil in the 1995-96 school
16 year and continues to be enrolled continuously each school year in
17 that district, the district shall allow that nonresident pupil to
18 continue to enroll in and attend school in the district until high
19 school graduation, without requiring the nonresident pupil to apply
20 for enrollment under this section. This subsection does not
21 prohibit a district from expelling a pupil described in this
22 subsection for disciplinary reasons.

23 (15) ~~(14)~~—If the number of qualified nonresident applicants
24 eligible for acceptance under this section in a school, grade, or
25 program does not exceed the positions available for nonresident
26 pupils under this section in the school, grade, or program, the
27 school district shall accept for enrollment all of the qualified

1 nonresident applicants eligible for acceptance. If the number of
2 qualified nonresident applicants residing in a district located in
3 a contiguous intermediate district eligible for acceptance under
4 this section exceeds the positions available in a grade, school, or
5 program in a district for nonresident pupils, the district shall
6 use a random draw system, subject to the need to abide by state and
7 federal antidiscrimination laws and court orders and subject to
8 preferences allowed by this section. The district shall develop and
9 maintain a waiting list based on the order in which nonresident
10 applicants were drawn under this random draw system.

11 (16) ~~(15)~~—If a district, or the nonresident applicant,
12 requests the district in which a nonresident applicant resides to
13 supply information needed by the district for evaluating the
14 applicant's application for enrollment or for enrolling the
15 applicant under this section, the district of residence shall
16 provide that information on a timely basis.

17 (17) ~~(16)~~—If a district is subject to a court-ordered
18 desegregation plan, and if the court issues an order prohibiting
19 pupils residing in that district from enrolling in another district
20 or prohibiting pupils residing in another district from enrolling
21 in that district, this section is subject to the court order.

22 (18) ~~(17)~~—This section does not require a district to provide
23 transportation for a nonresident pupil enrolled in the district
24 under this section or for a resident pupil enrolled in another
25 district under this section. However, at the time a nonresident
26 pupil enrolls in the district, a district shall provide to the
27 pupil's parent or legal guardian information on available

1 transportation to and from the school in which the pupil enrolls.

2 (19) ~~(18)~~—A district may participate in a cooperative
3 education program with 1 or more other districts or intermediate
4 districts whether or not the district enrolls any nonresidents
5 pursuant to this section.

6 (20) ~~(19)~~—In order for a district or intermediate district to
7 enroll pursuant to this section a nonresident pupil who resides in
8 a district located in a contiguous intermediate district and who is
9 eligible for special education programs and services according to
10 statute or rule, or who is a child with disabilities, as defined
11 under the individuals with disabilities education act, Public Law
12 108-446, the enrolling district shall have a written agreement with
13 the resident district of the pupil for the purpose of providing the
14 pupil with a free appropriate public education. The written
15 agreement shall include, but is not limited to, an agreement on the
16 responsibility for the payment of the added costs of special
17 education programs and services for the pupil. The written
18 agreement shall address how the agreement shall be amended in the
19 event of significant changes in the costs or level of special
20 education programs or services required by the pupil.

21 (21) ~~(20)~~—If a district does not comply with this section, the
22 district forfeits 5% of the total state school aid allocation to
23 the district under this act.

24 (22) ~~(21)~~—Upon application by a district, the superintendent
25 may grant a waiver for the district from a specific requirement
26 under this section for not more than 1 year.

27 (23) ~~(22)~~—This section is repealed if the final decision of a

1 court of competent jurisdiction holds that any portion of this
2 section is unconstitutional, ineffective, invalid, or in violation
3 of federal law.

4 (24) ~~(23)~~—As used in this section, "district located in a
5 contiguous intermediate district" means a district located in an
6 intermediate district that is contiguous to the intermediate
7 district in which a pupil's district of residence is located.