

3: PUPIL MEMBERSHIP COUNT REQUIREMENTS

A local or intermediate school district's state aid is based on membership counts of eligible pupils legally enrolled on or before the specified count day. A pupil's eligibility for membership purposes is based upon enrollment, age, residency, class schedule and attendance.

A) Count Dates

The pupil membership count days established in the State School Aid Act are as follows:

First (1st) Wednesday in October.

Second (2nd) Wednesday in February.

Note: For a district or building in which school is not in session on a count date due to conditions not within the control of school authorities, **with the approval of the State Superintendent**, that district or building pupil membership count date will be the immediately following day on which school is in session in the district or building. A pupil must be enrolled on or before that state-legislated Wednesday count day in order to be eligible for membership purposes or the state-waived alternative count date for that district or building.

B) Pupil Eligibility Requirements for Membership Purposes

A local or intermediate school district may count a pupil for membership if the district has evidence of all of the following:

1) Pupil Enrollment

The pupil was enrolled in the local or intermediate school district on or before the specified count day. Enrollment means the actual appearance, in person, at a school at any time during the current school term with the intent to attend school. This enrollment or registration process constitutes the act of becoming a pupil of the school district. An agent of the school district who personally contacts a pupil who is unable to appear at school due to physical incapacity or illness to which a physician or equivalent licensed authority attests may enroll that pupil in the district.

Homeless children may enroll in either their school of origin or the district in which they are actually living. Schools are to immediately enroll these children once their status is validated. Entitlement for continued enrollment is for the completion of the current school year.

A child whose custodial parent has been assigned to active military duty may enroll in the resident district of the non-custodial parent or the person serving in loco parentis under a special power of attorney or may continue to be enrolled in the district in which the pupil was enrolled while residing with the custodial parent (MCL 3.1041-3.1042).

Note: Michigan law requires a public school, when enrolling a transfer pupil, to request a copy of the pupil's school records from his or her previous school within 14 calendar days after enrolling the transfer pupil. The sending school must forward a copy within 30 calendar days of the request according to Section 1135(4) of the Revised School Code (MCL 380.1135).

Note: A foreign pupil or a pupil enrolled through a foreign exchange program who has received *completion status* in another country is ineligible to be counted for membership purposes regardless of the pupil's age.

2) Pupil Age Requirement

Section 1561(1) of the Revised School Code (MCL 380.1561) sets forth the requirement of compulsory school attendance, providing in part as follows:

“Except as otherwise provided in this section, for a child who turned age 11 before December 1, 2009 or who entered grade 6 before 2009, the child’s parent, guardian, or other person in this state having control and charge of the child shall send that child to a public school during the entire school year from the age of 6 to the child’s sixteenth birthday. Except as otherwise provided in this section, for a child who turns age 11 on or after December 1, 2009 or a child who was age 11 before that date and enters grade 6 in 2009 or later, the child’s parent, guardian, or other person in this state having control and charge of the child shall send the child to a public school during the entire school year from the age of 6 to the child’s eighteenth birthday.”

Section 1561(2) provides:

“A child becoming 6 years of age before December 1 shall be enrolled on the first school day of the school year in which the child’s sixth birthday occurs, and a child becoming 6 years of age on or after December 1 shall be enrolled on the first school day of the school year following the school year in which the child’s sixth birthday occurs.”

Section 1561(5) provides an exception to Section 1561 for certain children who are at least age 16:

“For a child who turns age 11 on or after December 1, 2009 or who was age 11 before that date and enters grade 6 in 2009 or later, this section does not apply to the child if the child is at least age 16 and the child’s parent or legal guardian has provided to school officials of the school district in which the child resides a written notice that the child has the permission of the parent or legal guardian to stop attending school.”

Pursuant to Section 1561(3), additional circumstances in which a child is not required to attend a public school include, but are not limited to, the child’s regular attendance in a state-approved nonpublic school or education of the child at home in an organized educational program (homeschool).

Kindergarten Age Requirement:

Section 6(4)(I) of the State School Aid Act (MCL 388.1606) allows membership to be counted if the pupil meets the minimum age requirement to be eligible to attend school for that school year under Section 1147 of the Revised School Code (MCL 380.1147). However, if a pupil does not meet the minimum age requirement under Section 1147, Section 6(4)(I)(iii) of the State School Aid Act allows a district to count the child in membership for that school year if the child will be 5 years of age not later than December 1 of that school year and the parent or legal guardian has notified the district in writing that he or she intends to enroll the child in kindergarten for that school year.

Age Limitations:

The pupil must meet one of the following age requirements to be eligible for membership as defined in Section 6 of the State School Aid Act (MCL 388.1606):

- a. The pupil is less than 20 years of age as of September 1 of the school year, does not have a G.E.D. certificate, and has not obtained a high school diploma.
- b. The pupil is less than 22 years of age as of September 1 of the school year, had dropped out of school for more than 1 year and has re-entered school, **is considered to be homeless under 42 USC 11302**, and is enrolled in a public school academy or an alternative education high school diploma program that is primarily focused on educating homeless pupils.

- c. A special education pupil who is enrolled and receiving instruction in a special education program or service approved by the department, who does not have a high school diploma, and who is less than 26 years of age as of September 1 of the current school year shall be counted in membership. An individual who has obtained a G.E.D. certificate may be counted in membership if the individual is a pupil with a disability as defined in R 340.1702 of the Michigan Administrative Code. A special education certificate of completion is not a high school diploma.

Note: A pupil who is enrolled in an alternative education program where adult education participants will be educated in the same program or classroom must be at least 16 years of age on September 1 of the school year.

3) Verification of Identity and Age

The local school district must verify the identity and birth date of every pupil enrolling in the district for the first time. The child's identity and birth date may be verified through a variety of methods, including:

- a. Birth certificate
- b. Baptismal certificate (indicating date and place of birth)
- c. Court records
- d. Governmental records (county, military, passport, immigration)
- e. Doctor or hospital records with a sworn statement
- f. Family records (e.g., Bible)
- g. Life insurance policy

The Section 1135 of the Revised School Code (MCL 380.1135), requires that a school district must notify in writing the person enrolling a pupil at school for the first time that within 30 days he or she must provide to the district either a certified copy of the pupil's birth certificate or any other reliable proof of identification and age along with a notarized affidavit explaining the inability to produce a copy of the child's birth certificate. The district cannot legally retain the pupil's actual birth certificate; however, the district may copy the birth certificate.

The pupil should be enrolled in the district and reported in the Michigan Student Data System (MSDS) by the child's legal name on his or her birth certificate. *An exception to this rule would be the case of a child who was unnamed at the time of filing the child's birth with the proper authorities.*

Note: The correct Unique Identification Code (UIC) for each pupil is required when submitting the MSDS files.

4) Pupil Residency

A district may enroll resident and nonresident pupils alike in accordance with state law. However, the district of residence must be determined for reporting purposes. A district may require reasonable verification that a pupil meets the requirements for being considered a resident of the school district. Sources of documentation to verify residency status may include a rent receipt, a utility bill, a property tax bill, a voter registration card, or a driver's license. Verification may also require proof of the placement of a child with a relative for the purpose of providing a suitable home and not for educational purposes. A pupil may also meet the residency requirements under the McKinney-Vento Homeless Assistance Act or various exceptions included in the State School Aid Act. A district is not required to retain a copy of the residency documentation but the enrollment records should indicate that the

district reviewed residency documentation. For more information on residency-related information, see Section 4 (Pupil Residency) of this manual.

5) Class Schedule

The individual pupil's class schedule in effect on the count day is used to determine the FTE membership count. This class schedule is used by the auditor to find the pupil in class-by-class attendance records. Districts shall maintain a current class schedule for pupils during the count period. If a class schedule changes after the count period, the district must update the class schedule immediately.

6) Pupil Attendance

Local boards of education have the authority to adopt attendance policies addressing the number of days a pupil may lose due to illness or other causes. Although the law does not mandate that school district policies distinguish between excused and unexcused absences, the State Board of Education has taken the position that districts should make this distinction. Counting the pupil class-by-class for membership purposes on the specified pupil count day means that the pupil was in attendance and received instruction in all classes on the count day (documented by the appropriate attendance records), or appropriately met one of the following criteria:

- a. The pupil had an authorized excused absence on the count day and attended all classes at least once within 30 calendar days of the count day.
- b. The pupil had an unexcused absence on the count day, was enrolled and had been in attendance during the current semester or trimester prior to the count day, and attended all classes at least once during the next ten (10) consecutive school days.
- c. The pupil was enrolled and in attendance in this district, intermediate district, or public school academy prior to the pupil membership count day or supplemental count day but was suspended or expelled on the pupil membership count day or supplemental count day and resumed attendance in all classes in the district within 45 calendar days after the pupil membership count day or supplemental count day (See Section 5-N (Suspension and Expulsion) of this manual).

7) Teacher Certification

Section 6 of the State School Aid Act (MCL 388.1606) provides that membership is based on the number of full-time equated "pupils in grades K to 12 actually enrolled and in regular daily attendance" on the pupil membership count day and the supplemental count day. Section 6(8) defines "pupils in grades K to 12 actually enrolled and in regular daily attendance" to mean "pupils in grades K to 12 in attendance and receiving instruction in all classes for which they are enrolled on the pupil membership count day or the supplemental count day, as applicable." It further provides that pupils who are absent from a class and do not meet the 10/30 day rule shall have their membership FTE prorated.

Of significance to this, Section 6(8) defines a "class" to mean "a period of time in one (1) day when pupils and a certificated teacher or legally qualified substitute teacher are together and instruction is taking place." Thus, the period of time where pupil instruction is not being provided by a certificated teacher or legally qualified substitute teacher is not a "class" and may not be counted for purposes of determining the number of full-time equated pupils.

In addition to the pupil membership provisions in Section 6(8), Section 163 of the State School Aid Act (MCL 388.1763) provides that "a district or intermediate district employing teachers or counselors not legally certificated shall have deducted the sum equal to the

amount paid the teachers or counselors for the period of non-certificated or illegal employment.”

Based on a finding in the Auditor General’s audit report of the Pupil Membership Accounting and Reporting Process released January 31, 2014 and concurrence from the Department’s legal counsel, the two statutory references above require that the use of non-certificated teachers must result in both the adjustment of the foundation allowance for any pupil membership FTE associated with the teacher and a school aid adjustment equal to the salary paid during the period of non-certificated or illegal employment. Beginning in 2014-15 and subsequent years, the Department will begin increased monitoring of this issue.

C) Audit Appeal Process

The appeal process of the district’s audit of pupil counts may be a three-step process.

1. The first step must occur within ten (10) days following the ISD auditor’s findings. This step is informal and consists of the district working with the auditor to reach a reasonable solution following the Pupil Accounting Manual, statutes, and administrative rules.
2. The second step involves submitting an appeal of the audit to the Department’s Office of Financial Management - Audits. The appeal must be made within 30 calendar days of receiving the ISD audit report or the ISD decision on the informal appeal.
3. The third step allows the district 30 days to appeal the Office of Financial Management - Audit’s decision to the State Superintendent. Appeal procedures are located in the Pupil Auditing Manual and Pupil Accounting Manual. If an appeal is not received within 30 days, the decision is final.

D) Statutory and Other References

<u>State School Aid Act:</u>	<u>Revised School Code:</u>	<u>Administrative Rules:</u>
MCL 388.1606(4)(1)	MCL 380.1135	R 340.1 – 340.18
MCL 388.1606(4)(m)	MCL 380.1147	R 340.1702
MCL 388.1606(4)(o)	MCL 380.1561	
MCL 388.1606(7)(a)		
MCL 388.1606(7)(b)		
MCL 388.1606(8)		
MCL 388.1606a		
MCL 388.1653a		
MCL 388.1625e		
MCL 388.1763		

Other References:

McKinney-Vento Homeless Education Assistance Act of 2001, Pub. L. No. 100-77 § 11301, Stat. 482

Interstate Compact on Educational Opportunity for Military Children Act of 2008, MCL 3.1041-3.1042

E) Question and Answer

Birth Certificate:

- Q #1 District A faxed the pupil’s records to District B. Among those records was a copy of the pupil’s birth certificate. Must District B receive the certified copy of the pupil’s birth certificate and make their own copy?

- A #1 Due to Section 1135 of the Revised School Code, it is required that the enrolling district verify that the person enrolling the pupil can produce a certified copy of the pupil's birth certificate, or other reliable proof, as determined by the school district, of the pupil's identity and age, and an affidavit explaining the inability to produce a copy of the birth certificate (MCL_380.1135).

Residency:

- Q #2 A parent enrolls a child using a friend's address. The parent's driver's license shows this address, however, the parent is unable to produce subsequent documentation to prove this is their actual residence. Do we have to enroll the child?
- A #2 The parent and child could very well be residing with a friend and may not have further documentation, such as a utility bill, in their name. A driver's license is one of the many items that are listed as possible "proofs" of residency. The district could always ask the parent and friend to sign affidavit affirming that the child and parent reside at the given address.

Enrollment and Attendance:

- Q #3 An elementary pupil attended the district for the past four years. Over the summer, the pupil was in an accident and is comatose. The teacher of record is marking this pupil absent. The district is not providing homebound/hospitalized services because the pupil is incapable of doing schoolwork at this time. May the district count this pupil for membership purposes?
- A #3 The district has acknowledges that it is not providing any educational services for the child; therefore, the district cannot count this child for membership purposes. If this child regains consciousness and the district provides the required instructional sessions, then the district may count the pupil. See Section 5-D for more information regarding homebound/hospitalized services.
- Q #4 Due to extenuating circumstances, a pupil who was enrolled in District A was absent on count day. The pupil was subsequently placed with relatives in District B and enrolled in that district after the count day. Since no other district received the membership count, may the new district count this pupil?
- A #4 No. The child was not enrolled in District B on or prior to the count day. Due to the circumstances, this child is now a resident of District B (residing with a relative for the purposes of a suitable home). Thus, District B must enroll the child and provide an education. Further, District A does not receive the membership count as the pupil was absent on count day and never returned.

10/30-day Rule:

- Q #5 A pupil was enrolled in the district but has not attended school prior to the count day. May the district count the pupil if that pupil attends within the 10 days following the count day?
- A #5 The referencing of the 10-day rule infers that this was an unexcused absence. Unexcused absences require that the pupil attend school at least once prior to the count day. The pupil is ineligible to be counted for membership. *If, however, the pupil did in fact have an excused absence on the count day and returns within 30*

calendar days, then the pupil may be counted.

- Q #6 A pupil had an unexcused absence on count day. The pupil returned on the Friday that was the tenth day that school was in session following the count day. However, if there was a bomb scare and the first and second periods were not in session on that tenth day. May the district count the pupil for first and second periods although he was not in attendance in those two classes or may the district use the following Monday as the tenth day?
- A #6 The 10-day rule for unexcused absences on count day is based upon the district being "in session". Since the district was in session for third through sixth period on Friday and Friday was the tenth day that school was in session after the count day, the district must use Friday as the tenth day for third – sixth periods. Monday may be used as the tenth day following count day for first and second periods only.
- Q #7 District A operates on a block schedule. Blocks 1, 3, 5, and 7 are in session on count day. Blocks 2, 4, 6, and 8 are not in session until the following day. The pupil attended all four blocks on the count day. The pupil has not returned to school since count day. Does the district get a full FTE for this pupil since he attended school all day on count day?
- A #7 Section 6(8), of the State School Aid Act, requires that attendance be taken class-by-class on count day. Since blocks 2, 4, 6, and 8 were not in session on count day, the district must use the following day to take attendance in blocks 2, 4, 6, and 8. The pupil must be in attendance each of those four blocks following the 10/30 day rule in order to be eligible for membership purposes for blocks 2, 4, 6, and 8. Section 6(8) also specifies that a pupil who is ineligible to be counted for a full FTE because the pupil had not returned to "each" class may be counted for a pro-rated FTE. Since the pupil has not returned to school during the 10/30 days, the district may count .5 FTE for that pupil.
- Q #8 The district operates on an eight-block schedule. Blocks 1, 3, 5, and 7 are in session on Monday, Wednesday, and every other Friday. Blocks 2, 4, 6, and 8 are in session on Tuesday, Thursday, and the opposite Friday. The district used the pupil attendance on the Thursday following the supplemental count day for blocks 2, 4, 6, and 8. The pupil was suspended all of count week. The district has had two snow days since the supplemental count day. The district's attendance policy treats suspensions as "unexcused" absences. Does the ten-day rule mean ten days following count day? If the pupil returns on the tenth day, may the district count the pupil for a full FTE?
- A #8 There are three different issues in this question. The first issue has to do with when the ten days are up for an unexcused absence. The second issue has to do with when a suspended or expelled pupil must return to class in order to be eligible to be counted for membership purposes. The third issue has to do with the fact that the district treats suspensions as "unexcused" absences.
- First, the ten-day rule refers to the ten days that school is in session from the day that the pupil count was taken. Thus, the ten-day rule for blocks 1, 3, 5, and 7 would end on the tenth day that the district was in session following the Wednesday count date. The ten-day rule for blocks 2, 4, 6, and 8 would be on the tenth day that the district was "in session" following the Thursday the district used to take the count. The pupil must return to each block in which he is enrolled on or before the ten days

are up or the district must pro-rate the FTE.

Addressing the second issue, section 6(8) of the State School Aid Act grants the district the right to count a pupil who had been suspended or expelled during the count period if that pupil returned to the expelling or suspending district within forty-five calendar days from the count day or supplemental count day.

The third issue is the district's treatment of suspensions as "unexcused" absences. Local school districts are responsible for creating their own individual attendance policies. However, pupils who are suspended or expelled cannot "choose" to attend school and therefore absences for suspensions or expulsions should be considered excused.

Q #9 A pupil had an "unexcused" absence on the count day and must return within 10 school days following the count day. If the school district scheduled a teacher professional development day during the ten days following count day, and if the district is counting those teacher professional development hours toward the 1,098 hours requirement, does that teacher professional development day count as one of the ten days following the count day?

A #9 The ten-day rule applies to the 10 consecutive school days immediately following the pupil membership count day or supplemental count day that the pupil is scheduled to be in attendance. If instruction is not scheduled during this time, as in this example, it would not count against the 10 days in which an unexcused pupil must return.

Pupil Instruction Not Scheduled On Count Day:

Q #10 The school district scheduled teacher professional development for the first two hours on count day. Does the district claim a full FTE for all pupils who attend third through sixth period? If not, may the district use the following day for the count day?

A #10 There is no alternative count day for the October membership count day or the supplemental count day. If an emergency should occur for a district, building, or program that caused cancellation of school on the October count day or the supplemental count day, a waiver from the State Superintendent would be required to use an alternative count day. An emergency in this situation must be circumstances beyond the control of school authorities such as a snowstorm, a power outage, and water/sewage line break. The teacher professional development for that count day must be canceled or rescheduled.

Q #11 District A canceled pupil instruction on the supplemental count day due to a power outage. The district received a waiver from the state to use Thursday as the alternative count day. A pupil who was enrolled and attended District B on the supplemental count day enrolled in District A Thursday morning. Which district counts this pupil?

A #11 District B receives the count. Section 6a, of the State School Aid Act, states that the supplemental count day was Wednesday. District A received a special exception to hold the supplemental count on an alternative day due to circumstances beyond the control of school authorities. All pupils must be enrolled on or prior to the legislated Wednesday count day. Had the district operated on Wednesday this pupil would not have been enrolled and in attendance in District A on count day.

Determining Which District Gets To Count A Pupil In Membership:

- Q #12 A pupil from District A was sent to a Department-approved youth home in District B a day prior to count day. The pupil returned to District A the following Monday. District B counted the pupil as the pupil was residing in and attending required classes at the youth home on the count day. At the same time, District A marked the pupil as having an unexcused absence and counted the pupil when the pupil reenrolled in the district on Monday. Which district actually receives the FTE count?
- A #12 Section 6(4)(d) reads as follows: "A pupil placed by a court or state agency in an on-grounds program of a juvenile detention facility, a child caring institution, or a mental health institution, or a pupil funded under Section 53a of the State School Aid Act (MCL 388.1653a), shall be counted in membership in the district or intermediate district approved by the department to operate the program." Thus, District B gets the membership count for this pupil who had been placed by a state agency in the youth home.

Beginning in 2013-14, the pupil membership could be subject to adjustments pursuant to Section 25e of the State School Aid Act, which would allow District A to receive a proration of the membership claimed by District B on Pupil Membership Count Day.