

5B - COOPERATIVE AGREEMENT PROGRAMS

A Cooperative Agreement Program involves a written voluntary agreement between and among districts to provide certain educational programs for pupils in certain groups of districts. The written agreement shall be approved by all affected districts at least annually and must specify the educational programs to be provided and the estimated number of pupils from each district who will participate in the educational programs. Ideally, the agreement should specify the program type, the class schedule for each district's pupils, the cost of participating in the program and the means of transportation to the class. A pupil enrolled in a cooperative agreement program may be counted in membership in the pupil's district of residence with the written approval of all parties to the cooperative agreement.

A. Cooperative Programs

A cooperative education program is aimed at a specific group of pupils with particular goals in mind. These are K-12 programs that are economically more feasible through group effort and therefore may be offered to a wider range of pupils than an individual district could financially provide. The district operating the program hires the staff and bills the participating districts, as necessary. Examples of cooperative education programs include such programs as alternative education K-12, special education, career and technical education, or secondary education for pupils from a non-K-12 district. The cooperative agreement serves as the approval needed by the educating district to count the nonresident pupil in membership unless otherwise specified in the agreement.

1. **Alternative Education** - A district may operate an alternative education K-12 program offered to pupils from the surrounding area as part of a cooperative agreement. This alternative K-12 program may be for such purposes as pupils who have been expelled from school under the mandatory expulsion law that requires separation from the general population of pupils, pupils that have been expelled from school for any reason other than the mandatory expulsion, for pregnant teens or teenage parents, a learning lab which offers an individualized learning environment for K-12 pupils, etc. The educating district receives the resident district's foundation allowance.

An eligible general education pupil must:

- ? be less than 20 years of age on September 1 of the current school year.
- ? not have obtained a high school diploma or a GED certificate.
- ? be 16 years of age or older on September 1 of the current school year if adult education participants are enrolled in the program.

An eligible pupil with an IEP must:

- ? be less than 26 years of age on September 1 of the current school year.
- ? not have obtained a high school diploma.
- ? be 16 years of age or older on September 1 of the current school year if adult education participants are enrolled in the program.

Revised June 2011

2. **Special Education** - Several districts may enter into a cooperative agreement specifying a special education program open to all special education pupils from the surrounding area whose needs, as measured through an IEP, can be met in the specified program. This agreement must include specifics to the reimbursement of added costs for the special education program.
- The cooperative program may be a center program that serves all constituent districts within the intermediate district or may serve several districts with fewer than 50% of the enrolled pupils being residents of the educating district.
 - The cooperative program may be a work based training program in which a small number of pupils are trained on the job that corresponds to the training subject in the classroom. Specific goals are established and the pupil is evaluated based upon those goals that are expected to be learned.
(See ONETCENTER.ORG for possible correlated classroom subjects.)

The special education pupil must be less than 26 years of age on September 1 of the current school year.

3. **Career and Technical Education (CTE) Program/Vocational Education Program** - A district or intermediate district may enter into a cooperative agreement making CTE training programs available to ninth through twelfth grade pupils in several surrounding districts; or, several districts may have a cooperative agreement that offers specific work-related training programs at each district for the ninth through twelfth grade pupils in the participating districts. Career and technical education programs offer training in a skill that could lead to a future job such as, but not limited to, building and trades, allied health, auto mechanics, computer technology, cosmetology, food services, etc.

The educating district counts the pupil for membership purposes, **except**:

- Pupils educated in a vocational education program operated by the intermediate school district must be counted by the sending district.
- Pupils educated in a vocational education program financed by an area-wide millage levied by the intermediate school district under Section 380.682, of the Revised School Code, must be counted by the resident district.
- The cooperative agreement states that the pupil is to be counted by the resident district.

Eligibility to count the pupil for membership purposes must meet the following requirements:

- ? these are classes that are taught or monitored by a certificated teacher who is employed by the district.
- ? the pupil is enrolled and evaluated on learned skills and performance.
- ? these courses are part of the pupil's curriculum used toward earning a high school diploma.

- ? the pupil is less than 20 years of age on September 1 of the current school year **except** a special education pupil must be less than 26 years of age on September 1 of the current school year.
- ? the general education pupil must not have earned a high school diploma or a GED certificate.
- ? the special education pupil must not have earned a high school diploma.

(Note: "Earned" means having earned all required credits in order to receive a high school diploma or having passed the General Education Development course.)

4. **Cooperative Agreement to Provide Nonessential Electives to Non-Public Pupils** A district may enroll pupils that attend a nonpublic school or a pupil who is home-schooled for nonessential elective courses such as computer, band, art, physical education, career and technical education, driver's education, and advanced placement level courses. A district may enroll nonpublic pupils or home-schooled pupils with an IEP to receive special education programs and be counted in membership.

A district may provide the certificated teacher for nonessential elective courses taught at the nonpublic school site. If the nonpublic school is located within another public school district's boundaries and that public school where the nonpublic school is located ~~has chosen not to provide the requested nonessential course(s) or~~ has chosen not to provide the teacher at the nonpublic school site, then a contiguous district public school ~~may provide the nonessential elective course(s) or~~ may provide a teacher at the nonpublic school site if the nonpublic school is registered with the department. (See section 5E Nonpublic Part-Time Pupils for more information.)

5. **Early College High School or Middle College Programs** means a public high school designed to allow a pupil to earn a high school diploma and an associate's degree, a 2-year certificate of completion in a vocational training program, or up to 2 years of transferable college credits in five years. An intermediate district or district may have a consortium agreement to create a middle college with a public or private college or university, a junior college, a community college, a department recognized postsecondary educational institution, or a service academy that grants degrees or certificates and is located in the State of Michigan.

Pupil eligibility must meet the following:

- ? pupil is enrolled and in attendance at a school district, intermediate school district, or a public school academy.
- ? pupil must be enrolled in high school with college courses beginning as early as ninth grade.
- ? pupil has not met all of the necessary requirements to be eligible to receive a high school diploma.

The middle college must provide all of the following:

- ? information to middle school and high school pupils about career opportunities
- ? an individualized educational plan for each pupil enrolled in the program; including any courses completed in another approved postsecondary educational institution if the pupil transfers the credits for those courses to the approved postsecondary education institution making that determination.
- ? a curriculum that includes entry-level college courses;

The intermediate district or district operating the alternative middle college program must pay the tuition costs and any related fees based upon the partnership agreement with the college or university.

NOTE: a "clock hour" of pupil instruction in middle college means a time period consisting of 50-60 minutes of class, lecture, recitation, faculty-supervised laboratory work, shop training, internship, or 60 minutes of preparation in a correspondence course.

B. Counting the FTE

The educating district counts the pupil on a pro-rata basis for that portion of time the pupil attends the cooperative program, **except** that a pupil may be counted in membership by the resident district if agreed to in writing by all parties of the cooperative agreement. (**NOTE:** Intermediate school districts have no means of counting general education pupils in programs such as alternative education, career and technical education, or middle college; therefore, the cooperative agreement would specify that the resident/enrolling district count the pupil.)

1. Each district that has cooperative education pupils in attendance must maintain:
 - a. A program alpha list with the pupil's legal name, student UIC number and the resident district name
 - b. Attendance records for such pupils
 - c. A program schedule showing the sum of hours scheduled for the year.
2. The sum of the FTE counted by the educating district and the resident district must not exceed 1.0 FTE.
3. The residency related information for non-resident cooperative education pupils must also be reported on the ~~SRS~~ MSDS.

C. Travel Waivers for Cooperative Education Pupils

If a pupil in grades 9 to 12 who is enrolled in a cooperative education program or a pupil in a special education program cannot receive the minimum number of hours of pupil instruction solely because of travel time between the two instructional sites during the school day, that travel time (up to a maximum of 3 hours per school week) shall be

considered to be pupil instruction time for the purpose of determining whether the pupil is receiving the minimum number of hours of pupil instruction. However, if a district demonstrates to the satisfaction of the Department that the travel time limitation would create undue costs or hardship to the district, the Department may consider more travel time to be pupil instruction time for this purpose.

Example of Travel Waiver Granted:

A high school pupil in District A attends a building and trades class twenty miles away in District B during the morning hours. The actual travel time is 30 minutes each way or one hour per day. This building and trades class is 150 minutes per day for 178 days, or 445 hours for the year $((150 \text{ minutes} \times 178 \text{ days}) / 60 \text{ minutes} = 445 \text{ hours})$. The pupil returns to the high school in District A for three afternoon classes that are 55 minutes each. Two passing times between the three afternoon classes are countable. A reasonable length passing time could be five minutes; thus, giving the pupil 175 minutes of instructional time at the resident high school in the afternoon $(55 \text{ min.} + 5 \text{ min.} + 55 \text{ min.} + 5 \text{ min.} + 55 \text{ min.} = 175 \text{ minutes})$. District A has a 182-day calendar made up of 175 full days and 7 partial days. Four of those seven partial days are exam days and the pupil must attend two of those four days at District A for the exams for those afternoon classes. Thus the pupil attends District A on 177 days (175 full days + 2 exam days). This pupil receives 175 minutes at the high school on 177 days for 516.25 hours for the year $((175 \times 177) / 60 = 516.25 \text{ hours})$. The 445 hours at the CTE program plus the 516.25 hours at the resident high school total 961.25 instructional hours, which is 136.75 hours short of the required 1,098 hours. Section 101(7)(d) of the State School aid Act allows up to 36 minutes per day (3 hours per week) of travel time **between instructional sites** to be counted as pupil instructional time if that is the sole reason that a pupil cannot meet the minimum required hours for a full time pupil. Thirty-six minutes per day for 178 days is 106.8 hours, which would still leave the pupil short 29.95 $(136.75 - 106.8 = 29.95)$ hours. The district applies to the department for additional travel time to be counted as instructional time toward the 1,098 hours. In this example, a waiver for an additional 14 minutes per day of travel time would be granted for this student's instructional time towards 1,098 hours. In that way, the pupil would have 961.25 actual instructional hours plus 148.33 travel hours (the 36 minutes (106.8 hours) allowed plus the 14 additional minutes waived (41.53 hours)) for a total of 1,109.58 hours.

Example of Travel Waiver Denied:

Same scenario but the pupil is enrolled in **two** fifty-five minute classes in the afternoon. In that instance the pupil receives 115 minutes of pupil instruction on 177 days $(55 \text{ min.} + 5 \text{ min.} + 55 \text{ min.} = 115 \text{ min.})$ or 339.25 hours for the year. The 445 hours at building and trades plus the 339.25 hours at the high school is a total of 784.25 hours, which is 313.75 hours short of the required 1,098 hours. The travel time, to and from the building and trades class for 178 days, totals to 178 hours. The actual instructional time plus all of the travel time totals 962.25 hours, which does not meet the minimum required hours. Therefore, a waiver would be denied **and** travel time would not be countable; it is **not the sole reason** that this pupil did not meet the minimum required hours. This pupil's FTE count would have to be pro-rated $(784.25/1,098 = .71 \text{ FTE})$.

D. Regulatory References

Revised June 2011

State Aid Act Sections:

388.1603(4)
388.1606(4)(a) and (t)
388.1701(7)(d)
388.1766b

Revised School Code Section:

380.627

Public Act

MCL 390.1622-390.1624

Cooperative Agreement with a Public School Academy

Q #1

The local district has a cooperative agreement to provide the vocational education program to the high school pupils enrolled at the Public School Academy located within the local school district's boundaries. Which district receives the FTE count and at what foundation allowance?

A #1

Section 6(4)(n), of the State School Aid Act, requires that the pupil be counted by the Public School Academy unless the cooperative agreement states otherwise. The academy would then receive the academy's foundation allowance. If the agreement states that the local district counts the FTE for that portion of time those pupils attend the vocational education program at the local district, then the enrolling district would receive the pupil's resident district foundation allowance.

Travel time

Q #2

District A has an agreement to provide special education classes, vocational education classes, and several nonessential elective courses to the nonpublic school pupils within the local school district's boundaries. The special education program pupils and the vocational education program pupils are bused to District A's facilities. Does District A get to the count travel time?

A #2

No, the local district cannot count travel time for nonpublic pupils for several reasons. The travel time between instructional sites allowed under Section 101(7)(d), of the State School Aid Act, refers to applying the travel time to the minimum required hours that a public school must provide pupils in grades 9-12 or special education pupils. Also, the travel time must be the sole reason that the pupil cannot meet the minimum required hours for full-time-equivalent status.

- a.) The public school is not required to provide any pupil instructional time to the nonpublic school pupils; and thus, the travel time is not preventing the local district from meeting the minimum required hours for such a pupil.
- b.) Travel time is not the sole reason that shared time pupils cannot reach full-time status.

Q #3

A pupil from District A attends the community college for three hours per day Monday – Thursday and for two hours on Friday. The pupil cannot possibly return to the high school in time to enroll in a fourth hour class. When District A inquired about a travel waiver, the district was told that travel waivers do not apply to dual enrollment. Please explain.

Revised June 2011

A #3

Section 101(7)(d), of the State School Aid Act, allows a district to count up to 3 hours per week of travel time between school districts for high school pupils or pupils in special education programs that are traveling to another school district for a program that is part of a cooperative agreement. For example, District B agrees to provide several CTE classes to pupils from District A. Section 101(7)(d) allows District A to count up to three hours of that travel time between District A and District B **if** that travel time is what prevents those pupils, attending District B's CTE programs, from being full-time equated pupils. The same would hold true for pupils from District A who attend a special education programs at the intermediate school district or a special education program in District C, etc. Pupils enrolled in postsecondary institutions are not enrolled under a cooperative agreement with another local school district. Thus, section 101(7)(d) does not apply to dual enrollment.

However, section 6(4)(q), of the State School Aid Act, reads that the membership of a pupil enrolled in a postsecondary institution shall not be considered less than full-time solely because of the effect of his or her postsecondary enrollment, including travel time. This means that the actual travel time may be taken into account when computing the FTE for a dually enrolled pupil. Also, the Post Secondary Enrollment Act requires that the pupil be enrolled and attending a minimum of one class at the high school.

Release from the Resident District

Q #4

District A has enrolled several pupils from District B in the Early-On Special Education program. Does District A need releases to count these pupils?

A #4

The cooperative agreement between Districts A and B would serve as the release for District A to count these pupils unless that agreement stated otherwise. The IEP would also serve as the release as both districts would have been involved in the decisions in each IEP.

Q #5

District A has decided to operate an alternative education program for all pupils in the intermediate district area who have been expelled for disciplinary reasons. If district A provides 2 one-hour sessions per pupil, can the district count these pupils for a full FTE?

A #5

Pupils expelled under the state mandatory expulsion language who are educated for two nonconsecutive hours in a one-on-one setting with a certificated teacher are eligible to be counted for a full FTE. However, if these pupils are being educated in a classroom setting, the FTE must be prorated on the actual hours provided as compared to the minimum required 1,098 hours of pupil instruction. The FTE for a pupil who has been expelled under school district policy must be prorated. See sections 5C and 5N of this manual for more information on this topic.

Special Education Early Childhood Homebound/Hospitalized Services

Revised June 2011

Q #6

The district enrolled a 4-year old special education pupil in the special education early childhood classroom program. The child is having medical problems with seizures and is unable to attend the program as a result per the family physician. Must the district provide homebound services?

A #6

If the district enrolled this pupil in the special education early childhood classroom program and counted that pupil for membership purposes and has a medical doctors statement that this pupil cannot attend school during normal hours, then the district must provide the homebound services for this pupil.

Direct College Credit

Q #7

Our districts are being approached by a local area community college to provide courses at the high school with a high school teacher providing the instruction and the high school pupils earning college credit. The pupil could possibly also receive high school credit for these courses. The curriculum would be the community college curriculum. The college would charge a discounted tuition rate since the instructor would be paid by the school district. This tuition would be paid for by the parents. The credits received for participating in these courses are referred to as "direct college credit". Would the district receive the FTE count for the pupils enrolled in these courses?

A #7

Although this is not exactly dual enrollment, it is part of the pupil's free and public education as required under the state constitution; and therefore, the parents cannot be charged the tuition for these classes. The district must pay the tuition and any related fees in order to count the FTE for these classes.