

MICHIGAN DEPARTMENT OF EDUCATION  
**NOTICE OF PUBLIC HEARING**

The Michigan Department of Education, Bureau of School Finance and School Law will conduct a public hearing to receive public comments on the following proposed administrative rules:

- School District Pupil Accounting for Distribution of State Aid (2007-062 ED)

The rules are promulgated by authority of the superintendent of public instruction by sections 1281 and 1284 of 1976 PA 451, MCL 380.1281, MCL 380.1284, sections 6, 13, and 101 of 1979 PA 94, MCL 388.1606, MCL 388.1613 and MCL 388.1701, and Executive Reorganization Orders Nos. 1996-6 and 1996-7, MCL 388.993 and 388.994. The changes would align the rules with the State School Aid Act and the Michigan Department of Education's Pupil Accounting Manual.

The proposed rules are accessible on the internet at: [www.michigan.gov/mde-publiccomment](http://www.michigan.gov/mde-publiccomment). These rules are published in the March 15, 2008 *Michigan Register*. The rules are proposed to take effect on July 1, 2008.

A public hearing will be held on the proposed rules on **Wednesday, March 26, 2008**, from 2:30-4:30 p.m., at the **Library of Michigan - Forum**, 717 West Allegan Street, Lansing, Michigan 48909.

Oral or written comments may be presented in person at the hearing or submitted in writing by mail, e-mail, or facsimile no later than **5:00 p.m., March 27, 2008**. All comments will be reviewed and considered in the final version of the rules. Comments may be submitted to the following:

Public Comment  
Bureau of School Finance and School Law  
Michigan Department of Education  
P.O. Box 30008  
Lansing, MI 48909  
E-mail: [pupilacctpubliccomment@michigan.gov](mailto:pupilacctpubliccomment@michigan.gov)  
Fax: 517-373-7113

If special accommodations are needed to participate in the public hearings, contact Ms. Sandra Morford at 517-373-3350 or e-mail at [morfords@michigan.gov](mailto:morfords@michigan.gov) by March 20, 2008.

DEPARTMENT OF EDUCATION

SUPERINTENDENT OF PUBLIC INSTRUCTION

SCHOOL DISTRICT PUPIL ACCOUNTING FOR DISTRIBUTION OF STATE AID

Filed with the Secretary of State on

These rules become effective on July 1, 2008.

(By authority conferred on the superintendent of public instruction by sections 1281 and 1284 of 1976 PA 451, MCL 380.1281, MCL 380.1284, sections 6, 13, and 101 of 1979 PA 94, MCL 388.1606, MCL 388.1613 and MCL 388.1701, and Executive Reorganization Orders Nos. 1996-6 and 1996-7, MCL 388.993 and 388.994)

R 340.1, R 340.2, R 340.3, R 340.4, R 340.7, R 340.10, R 340.11, R 340.12, R 340.13, R 340.14, R 340.15, R 340.16 and R 340.17 of the Michigan Administrative Code are amended; R 340.10a and R 340.18 are added to the Code; and R 340.5 and R 340.6 are rescinded as follows:

**R 340.1 ~~Count days and total membership.~~ Definitions.**

~~Rule 1. (1) Pupil membership of a school district shall be the count made on the fourth Friday after Labor Day. However, in a district maintaining school during the entire year, pupil membership shall be determined on the 4 count days prescribed in subrule (3).~~

~~—(2) Except as provided in subrule (3) the membership of a school district is the number of pupils legally enrolled at the close of school on the fourth Friday following Labor Day in the school year.~~

~~—(3) The membership of a school district maintaining school during the entire school year is the number of pupils legally enrolled at the close of school on the following days:~~

~~—(a) Fourth Friday in July.~~

~~—(b) Fourth Friday in October.~~

~~—(c) Fourth Friday in January.~~

~~—(d) Fourth Friday in April.~~

~~—(4) A pupil shall not be counted under subrule (3) more than 3 times and each full-time pupil shall be counted as 1/3 membership at each count. As used in these rules:~~

**(a) “Attendance” means the presence of a pupil on scheduled school days under the guidance and direction of a certificated teacher either at or away from school.**

**(b) “Count date” means the pupil membership count day pursuant to section 6(7) of 1979 PA 94, MCL 388.1606(7) and the supplemental pupil count pursuant to section 6a of 1979 PA 94, MCL 388.1606a.**

**(c) “Enroll” or “register” means the act of a pupil appearing in person at a school at any time during the current school term with an intent to attend the school. This enrollment or registrative process of entrance constitutes the act of becoming a pupil of the school district. A pupil unable to appear in school due to physical incapacity or illness, attested to by a physician or equivalent licensed authority, may be enrolled by an agent of the school district who personally contacts the pupil.**

January 29, 2008

(d) "Online learning" means a structured learning activity that utilizes technology with intranet or internet-based tools and resources as the delivery method for instruction, research, assessment, and communication.

(e) "School district" or "district" means "district" as defined under section 3 of 1979 PA 94, MCL 388.1603.

**R 340.2 Pupils to be counted in membership.**

Rule 2. (1) To be counted in membership on the count dates ~~as provided by these rules~~, a pupil shall be enrolled **and** in regular daily attendance in the school district and maintain such status of enrollment on the count day, **as provided by statute or these rules.** ~~except that in a school district operating an extended school year program approved by the state board of education, a pupil enrolled but not scheduled to be in attendance on the count day shall be counted. An extended school year is considered to comprise more than the traditional annual term of instruction and less than an entire year. A school district shall not receive credit for more than 1 full-time membership per pupil regardless of the programs in which the pupil is enrolled.~~

~~(2) "Enroll" or "register" means the act of a pupil appearing in person at a school at any time during the current school term with an intent to attend the school. This enrollment or registrative process of entrance constitutes the act of becoming a pupil of the school district. A pupil unable to appear in school due to physical incapacity or illness, attested to by a physician or equivalent licensed authority, may be enrolled by an agent of the school district who personally contacts the pupil. "Attendance" means the presence of a pupil on scheduled school days under the guidance and direction of professional employee staff members either at or away from school.~~

**(2) A pupil who is enrolled and in attendance in a district prior to the count day, but is not in attendance in the district on the count day and is enrolled and in attendance in another district on the count day, shall not be counted in the former district but shall be counted in the membership in the latter district.**

**(3) A pupil who is enrolled and in attendance on the count day in more than 1 district shall be counted on a pro rata basis based upon the time of attendance in each district on the count day.**

**(4) A pupil who is enrolled part-time in more than 1 district on the count day shall be counted in membership pursuant to R 340.7.**

**(5) A pupil who is enrolled in more than 1 district with a full-time schedule in each district and is in attendance in more than 1 such district on the count day shall be counted in membership in each district on a pro rata basis based upon the time of attendance in each district on the count day.**

**(6) A part-time pupil who is enrolled in a class that is part of a series of classes, but who is enrolled in less than the full series of classes, such as a pupil enrolled in 1 class in a series of 3 6-week classes, shall be counted for the class on a pro rata basis. The calculation of the full-time equivalency for that class shall be equal to the number of hours for which the class is scheduled divided by the number of hours for which a full-time equated pupil is scheduled.**

~~(3)~~ **(7) The membership of a pupil who is regularly enrolled in the public schools while in attendance at religious instruction classes for not more than 2 class hours per week, off public**

school property during school hours upon written request of the parent, guardian, or person in loco parentis, is not affected by such released time.

~~(4)~~ **(8)** A foreign student or a foreign exchange student residing in the district ~~is eligible to~~ **may** be counted in membership as provided by these rules. **A foreign student or foreign exchange student residing in the district who has met the age requirements and has not obtained a high school diploma pursuant to section 6(4) of 1979 PA 94, MCL 388.1606(4) may be counted in membership.**

~~(5) A full-time special education pupil attending an approved special education program administered by an intermediate school district shall be counted in membership in the intermediate district.~~

~~(6) A pupil who has not obtained a high school diploma, but who has enrolled in classes in college, is eligible to be counted in membership as provided by these rules only if the district has paid the full amount of tuition and other instructional costs for the course work for which high school credit is given.~~

**(9) A pupil whose residence is within the boundaries of the school district or whose residence for educational purposes is prescribed by law to be within the school district may be counted in membership. A pupil who is 18 years of age or older may establish his or her own residence for educational purposes.**

**(10) A pupil whose residence is in another school district, if the enrolling district has the approval of the resident district to count the pupil in membership or the pupil meets 1 of the conditions under section 6(4) or section 6(6) of 1979 PA 94, MCL 388.1606(4) or 388.1606(6), may be counted in membership.**

**(11) A homebound or hospitalized pupil receiving instruction as a result of a medical condition under section 109 of 1979 PA 94, MCL 388.1709, from either the district the pupil is enrolled in or the intermediate school district in a non-special education homebound program may be counted in membership if both of the following provisions are satisfied:**

**(a) A minimum of 2 45-minute periods of individualized instruction per week are given.**

**(b) The instruction is provided by a certificated teacher in a 1-to-1 environment.**

**(12) An eligible special education pupil who is receiving homebound instruction from either the district in which the pupil is enrolled or the intermediate school district pursuant to R 340.1746 may be counted in membership.**

**(13) A pupil receiving home-based instruction (in the pupil's home or otherwise apart from the general school population) as a result of a mandatory suspension or expulsion under sections 1311(2) or 1311a of 1976 PA 451, MCL 380.1311(2) or MCL 380.1311a, from either the district in which the pupil is enrolled or the intermediate school district, may be counted as a full-time equated pupil in membership if all of the following are met:**

**(a) A minimum of 2 nonconsecutive hours of individualized instruction is given per week under the supervision of a certificated teacher.**

**(b) The instruction is provided by a certificated teacher in a 1-to-1 environment.**

**(c) Instructional materials, resources, and supplies, except computers, are comparable to those provided in the district's alternative education program.**

**(d) Course content is comparable to that of the alternative education program.**

**(e) Credit earned is awarded to the pupil and placed on the pupil's transcript.**

(f) Virtual learning or online learning may be used to supplement the pupil instructional time requirement. The district shall comply with the virtual learning requirements under R 340.11. The teacher shall be in weekly contact with the pupil to assess the pupil's progress.

(g) Postsecondary dual enrollment may be used to supplement the pupil instructional time requirement of subrule (13)(a) of this rule.

(14) A pupil receiving instruction in an alternative education program or strict discipline academy as a result of a mandatory suspension or expulsion under sections 1311(2) or 1311a of 1976 PA 451, MCL 380.1311(2) or MCL 380.1311a, from either the district in which the pupil is enrolled or the intermediate school district, may be counted in membership.

(15) A pupil receiving home-based instruction (in the pupil's home or otherwise apart from the general school population) as a result of disciplinary action that is not a mandatory suspension or expulsion under section 1311(2) or 1311a of 1976 PA 451, MCL 380.1311(2) and MCL 380.1311a, from either the district the pupil is enrolled or the intermediate school district, may be counted in membership on a pro rata basis pursuant to section 6(4)(u) of 1979 PA 94, MCL 388.1606(4)(u) if all of the following are met:

(a) A minimum of 2 nonconsecutive hours of pupil instruction is given per week under the supervision of a certificated teacher.

(b) Instructional materials, resources, and supplies, except computers, are comparable to those provided in the district's alternative education program.

(c) Course content is comparable to that of the alternative education program.

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

(e) Virtual learning or online learning may be used to supplement the pupil instructional time requirement. The district shall comply with the virtual learning requirements under R 340.11. The teacher shall be in weekly contact with the pupil to assess the pupil's progress.

(f) Postsecondary dual enrollment may be used to supplement the pupil instructional time requirement in subrule (15)(a) of this rule and may be used in the calculation of a pupil's full-time equated membership.

(16) A pupil whose parents live on land in this state over which the federal government has exclusive jurisdiction may be included in membership in the school district which the pupil attends and shall be counted as a tuition pupil. However, if the land has been attached to a school district as prescribed by law, then the pupil is a resident of the district entitled to all the educational rights and privileges of other resident children.

(17) A pupil placed in a state institution by the pupil's parent or legal guardian shall be counted in membership as a resident of the educating school district or intermediate school district.

(18) A student with a disability, as defined in R 340.1702 to R 340.1717, who is enrolled in regular daily attendance and who is receiving instruction in a school district or intermediate school district operating a special education program approved by the department of education, may be counted in membership.

(19) A nonpublic or home school pupil may enroll in nonessential elective courses in grades 1 to 12 in a district and be counted for the purposes of membership on a pro-

rata basis pursuant to section 166b of 1979 PA 94, MCL 388.1766b. All of the following apply:

(a) Nonessential elective courses include, but are not limited to, band, art, music, drama, computer technology, life skills, career and technical education, physical education, driver's education and advanced placement level courses. A district shall not enroll a nonpublic or home school pupil in essential courses.

(b) Essential courses include, but are not limited to mathematics, reading, English, social studies, science, writing, the constitution of the United States, the constitution of the state of Michigan, and the history and present form of civil government of the United States, the state of Michigan, and the political subdivisions and municipalities of the state of Michigan.

(c) For membership purposes, a nonpublic or home school pupil may enroll in a special education resource and categorical program classroom that provides support and not core curriculum.

#### R 340.3 Pupils not to be counted **in membership.**

Rule 3. Pupils not to be counted in membership on the count date include all of the following:

~~(a) A pupil who is absent on the count date and who does not attend classes during the 10 consecutive school days immediately following the count date, except for a pupil whose absence for illness or other reason has been excused by the school district. However, a pupil who is excused from attendance on the count date, who is excused from classes during the 10 consecutive school days immediately following the count date, and who fails to appear within 30 calendar days after the count date shall not be counted.~~

~~(b)~~ (a) A pupil who moves out of the district ~~on or~~ before the count date **unless otherwise provided by statute or these rules.**

~~(c) A pupil who is less than 20 years of age on September 1 of the school year, who has obtained a high school diploma, and who is attending a course offered directly or indirectly by a district in which postsecondary credit is to be awarded by a postsecondary institution for that course.~~

~~(d)~~ (b) A pupil who is a resident of another school district or resident of another state or foreign country unless otherwise provided by statute or these rules.

~~(e) A pupil who is 16 years of age or older and who is enrolled in an alternative high school program specified under section 108(2) of Act No. 94 of the Public Acts of 1979, as amended, being S388.1708(2) of the Michigan Compiled Laws, where any segment of such a program is provided exclusively to residents of a district or districts not receiving an allocation under section 21 of Act No. 94 of the Public Acts of 1979, as amended, being S388.1621 of the Michigan Compiled Laws.~~

~~(f)~~ (c) All others who do not meet the requirements of these rules.

#### R 340.4 Pupil age requirements for membership. **Schools of choice.**

Rule 4. Age requirements apply to a pupil in regular attendance in a school district, who may be counted in membership as follows:

~~(a) A pupil who is not less than 5 years of age on or before December 1 of the school year of enrollment and less than 20 years of age on September 1 of the school year except as otherwise provided.~~

~~-(b) A pupil, regardless of age, who is regularly enrolled and working toward a high school diploma.~~

~~-(c) A pupil who is under 20 years of age on September 1 of the school year, who has received a high school diploma, and who is enrolled in academic or vocational technical courses normally credited toward high school completion unless postsecondary credit for that course is awarded.~~

~~-(d) A pupil who is enrolled and receiving instruction in a special education program approved by the department of education, who is under 26 years of age as of September 1 of the current year, and who does not have a high school diploma.~~

**(1) A nonresident pupil who is enrolled on the count date pursuant to sections 105 or 105c of 1979 PA 94, MCL 388.1705 or MCL 388.1705c may be counted in membership.**

**(2) For the district to enroll and count a nonresident pupil who is eligible for special education programs and services in membership pursuant to section 105c of 1979 PA 94, MCL 388.1705c, the district shall have a written agreement pursuant to section 105c(19) of 1979 PA 94, MCL 388.1705c(19).**

**(3) A pupil who becomes eligible for special education programs and services after the pupil has been enrolled and attending a nonresident district pursuant to section 105c of 1979 PA 94, MCL 388.1705c may be counted in membership if the district obtains a written agreement pursuant to section 105c(19) of 1979 PA 94, MCL 388.1705c(19). If a written agreement cannot be obtained, then the pupil shall not be counted in membership beginning on the next count date following the determination of eligibility for special education.**

#### **R 340.5 Full-time pupils. Rescinded.**

~~—Rule 5. (1) Pupils enrolled in regular daily attendance in the school district and receiving a full course of instruction and the clock hours prescribed in R 340.10(4) and (5) for their appropriate grades on count dates who may be counted in full-time membership include all of the following:~~

~~-(a) A pupil whose residence (home of parents, guardians, or other persons standing in place of the parents) is within the boundaries of the school district or whose residence for educational purposes is prescribed by law to be within the school district. A pupil who is 18 years of age or older may establish his or her own residence for educational purposes.~~

~~-(b) A pupil whose residence (home of parents, guardians, or other persons standing in place of the parents) is in another school district, if tuition is charged and collected.~~

~~-(c) A pupil earning credit toward a high school diploma in an approved work-study program which involves supervision of work and related school instruction.~~

~~-(d) A homebound pupil receiving instruction on the count date from either the district of residence or the intermediate school district in a non-special education homebound program if both of the following provisions are satisfied:~~

~~-(i) A minimum of 2 45-minute periods of instruction per week are given.~~

~~-(ii) The teacher giving instruction possesses a valid Michigan teaching certificate.~~

~~-(e) A kindergarten pupil in regular daily attendance unless the district adopts a pilot alternative scheduling program for pupils in kindergarten as provided by section 101(4) of Act No. 94 of the Public Acts of 1979, as amended, being S388.1701(4) of the Michigan Compiled Laws.~~

~~-(f) A pupil temporarily and unavoidably attending school less than a full day and receiving credit toward a high school diploma, such as a pupil convalescing from illness, recuperating from physical injury, or temporarily and seriously needed in the home.~~

~~-(g) A pupil whose parents live on land in this state over which the federal government has exclusive jurisdiction may be included in membership in the school district which the pupil attends and shall be counted as a tuition pupil. However, if the land has been attached to a school district as prescribed by law, such pupil shall be a resident of the district entitled to all the educational rights and privileges of other resident children.~~

~~-(h) A pupil residing in a juvenile or detention home operated by a probate court and attending school by direction of the court in the school district of residence of the pupil's parent or legal guardian shall not be counted as a tuition pupil, but shall be counted in resident membership in that school district.~~

~~-(i) A pupil placed in a state institution by the pupil's parent or legal guardian shall be counted in resident membership of the school district in which the pupil is enrolled.~~

~~-(j) A handicapped person, as defined in R 340.1702 to R 340.1715, who is enrolled in regular daily attendance and who is receiving instruction in a school district or intermediate school district operating a special education program approved by the department of education.~~

~~-(2) A pupil who is residing in the home of a parent or legal guardian, but who, by assignment of a probate court, attends school in another school district which is operated for juveniles under court jurisdiction, shall not be counted as a tuition pupil but shall be counted in resident membership in the school district in which the pupil attends.~~

#### **R 340.6 Part-time pupils. Rescinded.**

~~Rule 6. A resident or nonresident pupil enrolled in a school district on the count dates, attending classes which comprise less than a full course of instruction for a full-time pupil and earning credit toward a high school diploma, may be counted in part-time membership. The following pupils are included:~~

~~-(a) A postgraduate pupil who has received a high school diploma and who returns to high school to take additional work for credit.~~

~~-(b) A nonpublic school pupil enrolled in a nonpublic school and also enrolled in and attending the public school on a part-time basis.~~

~~-(c) A pupil enrolled in the school district and attending regular day or evening school classes.~~

~~-(d) A pupil enrolled in the school district in apprentice or on-the-job training programs approved by the state board of education. A minimum of 4 clock hours of supervised instruction per week shall be provided each apprentice or on-the-job training pupil.~~

~~-(e) A pupil enrolled in a practical nursing program approved by the board of nursing and the state board of education.~~

~~-(f) A pupil enrolled in the school district and attending adult basic education or adult school programs leading to graduation from high school.~~

#### **R 340.7 Computation of part-time membership.**

**Rule 7. (1) The computation of a full-time equivalency shall comply with sections 6(4), 6(8), 51a, 101, 109, 163a and 166b of 1979 PA 94, MCL 388.1606(4), MCL 388.1606(8), MCL 388.1651a, MCL 388.1701, MCL 388.1709, MCL 388.1763a and MCL 388.1766b.**



- ~~(1) (2) A part-time pupil in membership on the count dates is counted in membership in the amount computed on the pro rata bases basis provided in statute or this these rules. An adult part time pupil who is 18 years of age or older as of September 1 of the school year is not required to receive instruction on each of the minimum 180 days of school. A part-time pupil in membership shall not be counted as more than a full-time pupil in membership. Only scheduled pupil teacher contact time can be counted as hours of student instruction, except for on the job training, where the pupil shall be enrolled in a class directly related to the district supervised, on the job training experience. The district supervised, on the job training experience shall not be counted for state aid membership in excess of the number of hours in the related class up to a maximum of 120 hours. The pupil's regular employment shall not be considered for the on the job training experience and counted for membership.~~
- ~~-(2) The prorated membership for a part time pupil who is under 18 years of age as of September 1 of the school year and who is taking instruction in grades 1-12 is computed by applying a ratio which is the relation between the number of clock hours per year scheduled in classes for which credit may be earned in a public school and 900 clock hours per year.~~
- ~~-(3) The prorated membership for a pupil who is 18 years of age or older on September 1 of the school year and who is taking instruction in adult basic education or adult high school completion programs in grades 1-12 is computed by applying a ratio which is the relation between the number of clock hours of student instruction scheduled and 480 clock hours of instruction for the school year. Elective subjects which pupils have completed successfully in adult high school completion programs shall not be repeated and claimed for membership. Electives taken shall not exceed the total number of electives prescribed in a pupil's planned program.~~
- ~~-(4) The prorated membership for a postgraduate pupil taking academic or vocational-technical courses that would normally be credited toward high school completion is computed by applying a ratio which is the relation between the number of clock hours of student instruction scheduled and 480 hours of instruction for the school year.~~
- ~~-(5) The prorated membership of homebound pupils enrolled in an adult education program under section 108 of Act No. 94 of the Public Acts of 1979, as amended, being §388.1708 of the Michigan Compiled Laws, is computed by applying a ratio which is the relation between the number of clock hours of student instruction scheduled and 480 clock hours of instruction for the school year.~~
- ~~-(6) The prorated membership for a pupil in an apprentice or on the job training program is computed by allowing 2/5 membership for each pupil enrolled in the program.~~
- ~~-(7) The prorated membership for a pupil in a practical nursing program is computed by allowing 1/2 membership for each pupil enrolled in such program.~~
- (8) (3) Except as provided in subrule (2) of this rule, A a pupil enrolled in and attending classes in more than 1 school district on the count day shall be counted as a part-time member by each school district, but the total of the part-time memberships shall count for not more than 1 full membership. The part-time membership shall be equal to the number of hours scheduled and enrolled in each district divided by the total number of hours scheduled and enrolled in all districts. However, if the total number of hours scheduled and enrolled in all districts is less than the number of hours specified in section 101(3) of 1979 PA 94, MCL 388.1701(3), the part-time memberships shall be equal to the number of hours scheduled and enrolled in each district divided by the number of hours specified in section 101(3) of 1979 PA 94, MCL 388.1701(3).**

**(4) For a pupil receiving instruction in both a public school academy and in a district or intermediate district, the membership shall be calculated pursuant to section 6(4) of 1979 PA 94, MCL 388.1606(4).**

~~—(9) A preprimary-aged special education pupil not enrolled in kindergarten shall be counted in membership based on the number of days scheduled per week. Membership shall be computed by allowing 1/5 membership for each day scheduled. A pupil scheduled for all 5 days shall count as 1 full membership.~~

~~—(10) Students enrolled in high school completion independent study classes may be counted for only the actual teacher-student contact hours prescribed in the student's schedule.~~

**(5) A pupil shall attend each of the classes in which the pupil is enrolled on the pupil membership count dates in order to have that class time used in the calculation of the pupil's full-time equivalency pursuant to section 6(8) of 1979 PA 94, MCL 388.1606(8). To calculate full-time equivalency, attendance shall be taken on a class-by-class basis for a high school pupil or for any other pupil who passes from class to class individually, not as an entire class. In addition, pupils enrolled in a program with a block schedule shall be accounted for on a class-by-class basis. For classes on a pupil's schedule not scheduled on the count date, attendance is required on the day immediately following the count date on which the classes are scheduled.**

**(6) A pupil with an excused absence on the count date who attends each class within 30 calendar days shall have that class time used in the calculation of the pupil's full-time equivalency. A pupil with an unexcused absence who was in attendance prior to the count date and attends each class within 10 school days shall have that class time used in the calculation of the pupil's full-time equivalency. A pupil who was suspended or expelled who was in attendance prior to the count date and attends class within 45 calendar days shall have that class time used in the calculation of the pupil's full-time equivalency.**

**(7) An eligible pupil enrolled and attending an eligible postsecondary institution pursuant to 1996 PA 160, MCL 388.511 to MCL 388.524 or 2000 PA 258, MCL 388.1901 to MCL 388.1913 shall comply with the requirements of R 340.17 and R 388.151 to R 388.155. The pupil may be considered a full-time equated pupil if 1 of the following is met:**

**(a) The combined number of classes that the pupil is enrolled in and attending at the high school and at an eligible postsecondary institution equals the number of scheduled classes per day at the high school necessary to reach the minimum required hours for a full-time pupil. Actual hours of instruction do not need to be computed.**

**(b) The combined number of classes that the pupil is enrolled in and attending at the high school and at an eligible postsecondary institution equals the number of scheduled classes per day at the high school necessary to meet the minimum instructional time requirements of a reduced schedule. Actual hours of instruction do not need to be computed.**

**(c) The sum of the actual instruction hours a pupil is enrolled in at the high school and at an eligible postsecondary institution and the number of hours of travel time meet the minimum number of hours required to meet a reduced schedule.**

**R 340.10 Student instruction days Pupil instructional time.**

Rule 10. (1) To qualify for state aid without penalty ~~in accordance with Act No. 94 of the Public Acts of 1979, as amended, being S388.1601 et seq. of the Michigan Compiled Laws, a school district shall have a minimum~~ **provide at least the number of hours of pupil instruction** ~~of 180 days of student instruction in each school year as required under section 101 of 1979 PA 94, MCL 388.1701.~~

(2) A district may count time toward the minimum pupil instructional hour requirement in a particular building, program, or grade level, without penalty, if all of the following are met:

- (a) Pupils and certificated teacher or teachers are present and engaged in instruction.
- (b) Instruction is scheduled and available for the entire pupil membership in a particular building, program, or grade level.
- (c) The course generates credit toward the pupil's high school diploma or grade progression. Subrules 3(b) to 3(h) of this rule are exempt from this requirement. In addition, a pupil enrolled in and attending a high school and a postsecondary institution who elects not to earn high school credit for the postsecondary course is exempt from this requirement.

(3) A district may also count time toward the minimum pupil instructional hour requirement in a particular building, program, or grade level, without penalty, for any of the following:

(a) Instructional time that is part of a junior reserve officer training corps (JROTC) program in grades 7 to 12 pursuant to section 101(7) of 1979 PA 94, MCL 388.1701(7).

(b) A non-subject course such as seminar, achievement hour, or focused instructional time that is academic in nature and includes activities such as tutoring, mentoring, or advising, with a pupil to teacher ratio that is within the range of the regular academic courses for the building, but not greater than 35 pupils to 1 teacher.

(c) A homeroom that is not a study hall if it is not more than 15 minutes in length, including passing time.

(d) Not more than 2 study hall periods if supervised by a certificated teacher and the district provides at least 90 additional hours of pupil instruction than the number of hours of pupil instruction required under section 101 of 1979 PA 94, MCL 388.1701.

(e) A maximum of 30 minutes per day of passing time between class periods unless the building administrator demonstrates the need for additional passage time. Passing time to the first class period and from the last class period shall not be counted. Only 1 passing time to or from lunch may be counted.

(f) The breakfast period and lunch period shall not be counted.

(g) Recess of a reasonable duration may be counted if supervised by a certificated teacher. Passing time to or from the bus at the beginning or end of the school day shall not be counted. The total number of minutes of recess that may be counted if supervised by a certificated teacher shall not exceed 30 minutes each school day.

(h) Travel time may be counted pursuant to R 340.10a.

(4) A pupil who has completed graduation requirements shall be deemed to have complied with this rule for the hours of instruction scheduled after completing the graduation requirements for the school year in which the graduation requirements are met.

~~(2) A district maintaining school during the entire year shall have a minimum of 240 days of student instruction in each school year. The school year shall be divided into equal quarters~~

of 60 days of student instruction, which shall be provided in each of the following calendar periods:

- ~~-(a) First quarter, July 1 through September 30.~~
- ~~-(b) Second quarter, October 1 through December 31.~~
- ~~-(c) Third quarter, January 1 through March 31.~~
- ~~-(d) Fourth quarter, April 1 through June 30.~~

~~-(3) A day of student instruction is a day when pupils and certificated teachers are present and instruction is scheduled for the entire pupil membership of a school district other than adult part-time pupils and provided to not less than 70% of the total pupil membership other than adult part-time pupils, as of the appropriate fourth Friday count, except that a school district may elect to apply these same requirements on a building or grade basis to achieve schedule requirements if a minimum 180 days of student instruction is scheduled and provided. A school district's calendar shall be extended for each scheduled day not counted to provide a minimum 180 days of student instruction for elementary and secondary pupils. A day during which student registration, orientation, or the arrangement of student class schedules occupies the student's time for ½ of the day shall not be counted as a day of student instruction.~~

~~-(4) Pupils attending kindergarten shall be provided a minimum of 180 days of student instruction, unless the district adopts a pilot alternative scheduling program for pupils in kindergarten as provided by section 101(6) of Act No. 94 of the Public Acts of 1979, as amended, being S388.1701(6) of the Michigan Compiled Laws. The minimum number of clock hours of student instruction for pupils attending kindergarten shall be 450 for the regular school year.~~

~~-(5) Full-time pupils attending grades 1-12 shall be provided a minimum of 180 days of student instruction. The minimum number of clock hours of student instruction for pupils in grades 1-12 shall be 900 for the regular school year, including time required to pass to and from classes, but excluding lunchtime and study halls, or 990 for the regular school year, including time required to pass to and from classes and not more than 2 study halls each day, but excluding lunchtime. A pupil who has completed graduation requirements shall be deemed to have complied with this rule for each day after completing the graduation requirements for the school year in which the graduation requirements are met. A local school district may provide less than the prescribed number of hours of student instruction for an individual pupil attending the senior high school when the school district determines that the educational needs of the pupil are best served by a reduced schedule and may count such pupil as a full-time pupil in membership if the pupil is taking a minimum of 705 hours of student instruction for the school year.~~

~~-(6) An emergency in a school district means either the existence of extreme financial conditions due to insufficient operating funds or a severe classroom shortage that results in the inability of a school district to comply with subrule (4) or (5) of this rule. The board of education of a school district claiming the existence of an emergency shall request, in writing, state board of education approval to provide student instruction for less than the prescribed number of hours for a particular school year. In its application, the school district shall demonstrate a need for a schedule of student instruction of less than the prescribed number of hours for elementary or secondary pupils, or both, and shall include a comprehensive statement as to all of the following:~~

- ~~-(a) The prevailing conditions requiring the reduced time schedule.~~

- ~~-(b) The proposed schedule to be followed.~~
- ~~-(c) The period during such school year in which the reduced schedule shall be in effect.~~
- ~~-(d) The program to be undertaken by the district to alleviate the emergency. The application for a reduced schedule shall be filed by the school district not later than July 1 of the particular school year. The state board of education may extend the filing date for good cause. If the state board of education finds that an emergency exists in a school district for such school year necessitating a reduced schedule of student instruction, the state board of education may approve or modify and approve the reduced schedule of student instruction in the district for such school year. A school district shall not operate on a reduced schedule without prior approval by the state board of education.~~
- ~~-(7) A school district may request state board of education approval to offer a year round program or some other type of experimental program which utilizes a different scheduling arrangement, but which provides each student an equivalent number of hours by the end of the academic school year, as provided under subrule (4) or (5) of this rule.~~

**R 340.10a Travel time; instructional time.**

**Rule 10a. (1) A pupil in grades 9 to 12 or a special education pupil who is enrolled in a cooperative education program and cannot meet the minimum required hours of pupil instruction due to the actual travel time between the two educating districts' instructional sites may count up to 3 hours of travel time per week toward the minimum required hours.**

**(2) A district that can document that the actual travel time between the instructional sites for a pupil in subrule (1) of this rule exceeds 3 hours per week may apply to the department for a waiver to count additional travel time toward the minimum required hours of pupil instruction.**

**(3) A pupil whose actual instructional time plus the actual travel time does not equal the minimum hours of pupil instruction required for a full-time equated membership is ineligible to count any travel time.**

**(4) A pupil who is also enrolled in a postsecondary institution shall not be considered to be less than a full-time pupil if the actual travel time between the secondary institution and the educating district is the sole reason the pupil cannot enroll in the number of courses necessary to be a full-time equated membership.**

**R 340.11 ~~Days not in session; when counted.~~ Virtual learning, online learning or computer courses; distance learning; postsecondary dual enrollment virtual learning; self-scheduled virtual learning.**

**Rule 11. ~~The first 2 days when pupil instruction is not provided because of conditions not within the control of school authorities, such as severe storms, fires, epidemics, or health conditions as defined by the city, county, or state health authorities, shall be counted as days of pupil instruction. Subsequent days shall not be counted as days of pupil instruction.~~**

**(1) Virtual learning or online learning is a nontraditional method of receiving pupil instruction for courses that are taken through online learning or otherwise on a computer or other technology. Virtual learning may be offered at the district during the day as a scheduled class period or through distance learning, enrollment at a community college or university, or self-scheduled virtual learning.**

**(2) Virtual learning, online learning or computer courses provided during the school day as part of the pupil's class schedule shall meet the following requirements to count these pupils in membership:**

**(a) The pupil shall meet pupil membership eligibility requirements pursuant to section 6(4) of 1979 PA 94, MCL 388.1606(4).**

**(b) The course shall be approved by the board of education of a school district or board of directors of a public school academy.**

**(c) The course shall generate credit toward the pupil's high school diploma or grade progression.**

**(d) The pupil is in attendance in the building and in regular daily attendance.**

**(e) There is no limit on the number of computer or internet courses that can be counted in membership for the pupil.**

**(f) A certificated teacher of record shall be in the classroom.**

**(g) The course shall be counted in the same manner as any other in-school course.**

**(3) Distance learning is provided via 2-way communication between the teacher of record and a group of pupils over a computer or television monitor, even though the teacher is physically remotely located from the pupils. The following requirements shall be met to count these pupils in membership:**

**(a) The pupil shall meet pupil membership eligibility requirements pursuant to section 6(4) of 1979 PA 94, MCL 388.1606(4).**

**(b) The course shall be approved by the board of education of a school district or board of directors of a public school academy.**

**(c) The course shall generate credit toward the pupil's high school diploma or grade progression.**

**(d) A certificated teacher and pupil shall be assigned to the distance learning course during the regular school day and shall appear on the pupil's class schedule. An adult shall be present in the classroom. If the distance learning course is provided through a cooperative agreement with another district(s), the certificated teacher shall be an employee of a school district that is part of the cooperative agreement.**

**(e) There is no limit on the number of distance learning courses that can be counted in membership for the pupil.**

**(f) The course shall be counted in the same manner as any other in-school course.**

**(4) A virtual learning course taken through a community college or university pursuant to R 340.17 shall meet all of the following:**

**(a) The pupil shall meet membership eligibility requirements pursuant to section 6(4) of 1979 PA 94, MCL 388.1606(4).**

**(b) The pupil shall be concurrently enrolled and attending at least 1 course offered by the district in which credit is earned and regular attendance is required.**

**(c) There is no limit on the number of virtual learning courses taken through a community college or university that can be counted in membership for the pupil.**

**(5) A self-scheduled virtual learning course taken at a pupil's self-scheduled time and place with no regular daily attendance shall meet all of the following:**

**(a) The pupil shall meet membership eligibility requirements pursuant to section 388.6(4) of 1979 PA 94, MCL 388.1606(4).**

(b) The pupil shall be concurrently enrolled and attending on the pupil membership count day or the supplemental count day pursuant to section 6(8) of 1979 PA 94, MCL 388.1606(8) during the class time designated for the course on the pupil's class schedule.

(c) The course shall be approved by the board of education of a school district or board of directors of a public school academy.

(d) The course shall generate credit toward the pupil's high school diploma or grade progression.

(e) The teacher of record shall be identified.

(f) An on-site mentor shall be assigned to the pupil who shall be available for assistance and to monitor the pupil's progress. The on-site mentor shall be a certificated teacher employed by the school district.

(g) Each course shall count as 1 course on the pupil's class schedule and shall generate that portion of a full-time equivalency membership that a comparable course offered by the district would generate.

(h) The district shall pay any associated tuition charges for the course(s) similar to the tuition requirement for postsecondary dual enrollment pursuant to section 21b of 1979 PA 94, MCL 388.1621b.

(i) Not more than 2 of these courses may be used in the computation of a full-time equivalency.

(j) The district may adopt additional requirements for pupils enrolled in these courses.

**R 340.12 ~~Days not in session; when not counted.~~ Independent study.**

~~Rule 12. Days not in session because of strikes or teacher conferences shall not be counted as days of student instruction. Days not in session, such as the following, shall not be counted as days of student instruction:~~

~~-(a) County or state teacher institute days.~~

~~-(b) Business industry education days.~~

~~-(c) Teacher workshop days.~~

~~-(d) County fair or 4 H days.~~

~~-(e) Days devoted to checking or issuing of records.~~

~~-(f) Legal holidays.~~

~~-(g) Good Friday and the Friday immediately following Thanksgiving day.~~

**(1) Independent study is a learning experience that is academic in nature that allows a pupil an opportunity for self-directed learning. The following requirements shall be met to count these pupils in membership:**

**(a) The pupil shall meet membership eligibility requirements pursuant to section 6(4) of 1979 PA 94, MCL 388.1606(4).**

**(b) The pupil is enrolled in grades 9 to 12.**

**(c) The pupil shall be concurrently enrolled and attending on the pupil membership count day or the supplemental count day pursuant to section 6(8) of 1979 PA 94, MCL 388.1606(8) during the class time designated for the course on the pupil's class schedule.**

**(d) The course shall be approved by the board of education of a school district or board of directors of a public school academy.**

**(e) The course shall generate credit toward the pupil's high school diploma or grade progression.**

(f) An on-site mentor shall be assigned to the pupil who shall be available for assistance and to monitor the pupil's progress. The on-site mentor shall be a certificated teacher employed by the school district.

(g) Each course shall count as 1 course on the pupil's class schedule and shall generate that portion of a full-time-equivalency membership that a comparable course offered by the district would generate.

(h) Not more than 2 of these courses may be used in the computation of a full-time equivalency.

(i) The district may adopt additional requirements for pupils enrolled in these courses. In addition, a district may choose not to offer these courses or to place greater restrictions on the pupils, or on the courses offered.

(2) Independent study shall not include in-district placement under R 340.14(3).

#### **R 340.13 ~~Rescinded~~ Learning labs.**

**Rule 13. (1)** A learning lab is 1 method a district may use to deliver academic instruction to pupils. The teacher may provide instruction in more than 1 subject during the class period. Multiple levels of a subject may be taught in the same class period. The following requirements shall be met to count these pupils in membership:

(a) If the learning lab is the only means of providing instruction to an entire group of pupils such as an alternative education program, then that learning lab shall meet the minimum required hours of pupil instruction or obtain a department approved waiver to operate fewer than the minimum required hours of pupil instruction pursuant to section 101 of 1979 PA 94, MCL 388.1701.

(b) The course shall be approved by the board of education of a school district or the board of directors of a public school academy.

(c) The course shall generate credit toward the pupil's high school diploma or grade progression.

(d) A certificated teacher shall be scheduled for and present in the learning lab.

(e) Attendance shall be taken by the pupil signing in and signing out of the learning lab. The certificated teacher scheduled for those hours shall sign a printed attendance sheet during the count period.

(f) The learning lab shall be part of the pupil's class schedule for a specified time slot. A pupil shall not generate a greater portion toward 1.0 full-time equivalency for each course than would be generated in a normal class setting.

(g) The pupil shall attend all scheduled classes or hours on the count date or during the count week. Only those hours scheduled and attended during the count week shall be used in the computation of a pupil's full-time equivalency. A pupil with an unexcused absence during the count week may be counted if the pupil attended classes prior to the count date and attended all hours scheduled in 1 week within 10 school days after the official count date. A pupil with an excused absence during the count week may be counted if the pupil attended all hours scheduled in 1 week within 30 calendar days after the official count date.

#### **R 340.14 ~~Rescinded~~ Experiential learning courses.**

**Rule 14. (1)** A pupil enrolled in an "experiential learning course" may be counted in membership if all of the following are met:



- (a) The pupil is enrolled in grades 9 to 12.
  - (b) The course is taught by a certificated teacher.
  - (c) The primary responsibility of the certificated teacher of the course is teaching the pupil(s) during the course time frame. The certificated teacher shall not be concurrently teaching another course.
  - (d) The pupil is given a grade and credit based on assessment.
  - (e) Attendance is taken and documented.
  - (f) The course with identified content standards and expectations is approved by the board of education of a school district or board of directors of a public school academy. In addition, the board of education shall approve learning objectives that relate to the board approved curriculum and course, outlining content standards and expectations, and shall be progressive in nature. The learning objectives shall not be limited to general employability skills, such as punctuality and developing good work habits.
  - (g) The course is not used solely as the 1 course requirement for eligibility to participate in postsecondary dual enrollment.
  - (h) The pupil is limited to 1 experiential learning course per semester.
  - (i) The pupil shall not replace a regular employee.
  - (j) The course is a combination of instruction and direct experience.
- (2) Experiential learning courses that may be counted in membership include, but are not limited to, the following:
- (a) A library assistant course that is curriculum based and approved by the board of education of a school district or board of directors of a public school academy. Pupils receive a syllabus, are given tests and quizzes, and the course is graded, rather than pass or fail.
  - (b) A teacher assistant course that is curriculum based and approved by the board of education of a school district or board of directors of a public school academy in which a pupil learns teaching techniques and how to tutor or mentor other students. Pupils receive a syllabus, are given tests and quizzes, and the course is graded, rather than pass or fail.
  - (c) A physical education teacher assistant course that is curriculum based and approved by the board of education of a school district or board of directors of a public school academy. Pupils receive a syllabus, are given tests and quizzes, and the course is graded, rather than pass or fail.
- (3) Experiential learning courses that shall not be counted in membership include, but are not limited to, the following:
- (a) The pupil is enrolled in grades other than 9 to 12.
  - (b) A teacher's aide that is assigned to perform basic tasks such as photocopying, delivering and retrieving messages, taking attendance, or running errands.
  - (c) A janitor aide that is assigned to perform basic tasks, such as emptying trash or other errands.
  - (d) A cafeteria aide that is assigned to perform basic tasks, such as washing tables or other errands.
  - (e) An office aide.
  - (f) A nurse's aide.
- (4) An in-district placement under R 340.15 or R 340.16 is not an experiential learning course.

(5) A pupil receiving special education services may participate, as appropriate, in an experiential learning course designed for general education pupils. The pupil shall meet all the requirements of this rule.

R 340.15 ~~Reseinded~~ Work-based learning experiences.

**Rule 15. (1)** A “work-based learning experience” means a learning experience that is coordinated by a district through a training agreement with an employer providing a paid or unpaid educational experience relating to school instruction that may be offered as part of the pupil’s schedule. This experience is not part of a work-based learning experience related to a state-approved career and technical education program under R 340.16. A pupil who participates in a paid or unpaid work-based learning experience may be counted in membership if all of the following are met:

- (a) The pupil is enrolled in grades 9 to 12.
- (b) The experience is monitored by a designated certificated teacher.
- (c) The pupil is eligible to receive credit towards a high school diploma for the work-based learning experience.
- (d) Federal and state regulations regarding the employment of minors shall be followed.
- (e) The work-based learning experience shall not generate more than ½ of the pupil’s total full-time equivalency.
- (f) The employment of the pupil shall not exceed the maximum hours set by the district.
- (g) The district shall have a written training agreement in place by the pupil membership count date. The training agreement shall include all of the following:
  - (i) Pupil’s personal information including name, home address, telephone number(s), birth date, and emergency contact information.
  - (ii) School’s name, address, telephone number, and contact person.
  - (iii) Employer’s name, address, telephone number, and contact person.
  - (iv) A list of employer, school, and pupil responsibilities.
  - (v) Beginning and ending dates of the agreement.
  - (vi) The daily hours to be worked that include beginning and ending times.
  - (vii) Beginning rate of pay, if work-based learning experience is paid.
  - (viii) Verification of appropriate safety instruction provided by the school district or the employer may also be included in the training plan defined in subrule (1)(h) of this rule.
  - (ix) Verification that employer has worker’s disability compensation and general liability insurance.
  - (x) The signatures of the principal or his or her designee, certificated teacher or coordinator, pupil, parent or legal guardian, and training station supervisor (employer). If the training agreement and training plan are combined into 1 document, only 1 set of signatures is required.
  - (xi) Statement of assurance signed by the employer that pupils will not be discriminated against on the basis of race, color, religion, national origin, sex, age, or disability.
  - (xii) A district statement of assurance of compliance with federal laws relating to discrimination.

(h) The district shall have a written training plan in place by the pupil membership count date. The training plan shall include all of the following:

(i) Verification by the certificated teacher that the pupil's career or education goals as outlined in the pupil's education development plan relate to this placement.

(ii) A list of performance elements or job skills that contribute to the pupil's progress toward a career objective. The performance elements or job skills shall be used to assess the pupil's progress.

(iii) Identification of academic course(s) that generate credit towards a high school diploma in which the pupil is currently or previously enrolled that relates to and prepares the pupil for job placement.

(iv) Signatures of the principal or his or her designee, certificated teacher or coordinator, pupil, parent or legal guardian, and training station supervisor (employer). If the training agreement and training plan are combined into 1 document, only 1 set of signatures is required.

(i) The employer or coordinator shall maintain and verify records of the pupil's attendance throughout the duration of the training agreement.

(j) A certificated teacher shall develop a regular visitation plan, after first visiting the employer to establish the training site, that includes at least 1 site visit every 9-week period.

(2) In addition to the requirements for paid and unpaid work-based learning experiences for pupils, the following requirements apply to unpaid work-based learning experiences:

(a) The training shall not be for more than a total of 45 hours per specific training experience.

(b) The work experience shall occur during scheduled classroom time, unless an exception is documented. For exceptions, the training plan and agreement shall reflect the alternate hours and a certificated teacher shall be available to monitor this experience during the pupil's training hours.

(3) A pupil receiving special education services may participate, as appropriate, in a work-based learning experience designed for general education pupils. The pupil shall meet all the requirements of this rule.

(4) A state-approved career and technical education program work-based learning experience shall comply with R 340.16.

(5) In addition to subrules (1) to (4) of this rule, a special education work-based learning experience shall comply with R 340.1733(i) related to instruction and worksite visitation by a district employed certificated teacher.

(6) A work-based learning experience shall not include in-district placement unless either of the following applies:

(a) It is a work-based learning experience related to a state-approved career and technical education program under R 340.16.

(b) It is directly related to the postsecondary career and employment goals and objectives in the pupil's transition services plan developed for a pupil receiving special education services.

**R 340.16 Rescinded Work-based learning experiences; state-approved career and technical education programs.**

**Rule 16. (1) A “work-based learning experience related to a state-approved career and technical education program” means a learning experience related to a state-approved career and technical education program that is coordinated by a district through a training agreement with an employer providing an educational experience relating to school instruction that may be offered as part of the pupil’s schedule. A state-approved career and technical education program is a secondary career and technical education program that is approved by the department for the purposes of determining eligibility to receive added cost funding pursuant to section 61a of 1979 PA 94, MCL 388.1661a.**

**(2) A pupil who participates in a paid work-based learning experience related to a state-approved career and technical education program (capstone) may generate added cost funding pursuant to section 61a of 1979 PA 94, MCL 388.1661a and may be counted in membership if all of the following are met:**

**(a) The pupil is enrolled in a state-approved career and technical education program in grades 11 and 12.**

**(b) The experience is monitored by a vocationally certificated teacher or coordinator employed by the school district.**

**(c) The pupil is eligible to receive credit towards a high school diploma for the work-based learning experience.**

**(d) The work-based learning experience shall not generate more than ½ of the pupil’s total full-time equivalency, not to exceed .5.**

**(e) The employment of the pupil shall not exceed the maximum hours set by the district.**

**(f) The pupil has successfully completed 50% or more of the minimum number of minutes allowed for a state-approved career and technical education program.**

**(g) The pupil shall attend at least 1 40-minute session per week taught by a vocationally certificated teacher or coordinator in either of the following:**

**(i) The related state-approved career and technical education classroom.**

**(ii) A district-approved educational course, with academic objectives, related to the pupil’s career and educational goals.**

**(h) The pupil is employed not less than an average of 10 hours per week during the effective time of the training agreement.**

**(i) The district shall have a written training agreement pursuant to subrule (6) of this rule.**

**(j) The district shall have a written training plan pursuant to subrule (7) of this rule.**

**(k) The district shall comply with subrules (8), (9), (10), and (11) of this rule.**

**(3) A pupil who participates in an unpaid work-based learning experience related to a state-approved career and technical education program may generate added cost funding pursuant to section 61a of 1979 PA 94, MCL 388.1661a and may be counted in membership if all of the following are met:**

**(a) The pupil is enrolled in a state-approved career and technical education program in grades 11 and 12.**

**(b) The experience is monitored by a vocationally certificated teacher or coordinator employed by the school district.**

**(c) The pupil is eligible to receive credit towards a high school diploma for the work-based learning experience.**

(d) The training shall not be more than a total of 45 hours per specific training experience.

(e) The work experience shall occur during scheduled classroom time, unless an exception is documented. For exceptions, the training plan and agreement shall reflect the alternate hours and a vocationally certificated teacher or coordinator shall be available to monitor this experience during the pupil's training hours.

(f) The district shall have a written training agreement pursuant to subrule (6) of this rule.

(g) The district shall have a written training plan pursuant to subrule (7) of this rule.

(h) The district shall comply with subrules (8), (9), (10), and (11) of this rule.

(4) A pupil who participates in an in-district unpaid work-based learning experience related to a state-approved career and technical education program may generate added cost funding pursuant to section 61a of 1979 PA 94, MCL 388.1661a and may be counted in membership if all of the following are met:

(a) The pupil is enrolled in a state-approved career and technical education program in grades 11 and 12.

(b) A list of state-recognized career and technical education programs eligible for in-district placement shall be established by the department.

(c) The work-based learning experience shall not generate more than  $\frac{1}{2}$  of the pupil's total full-time equivalency, not to exceed .5.

(d) The experience is monitored by a vocationally certificated teacher or coordinator employed by the school district.

(e) The pupil is eligible to receive credit towards a high school diploma for the work-based learning experience.

(f) The training shall not be for more than a total of 45 hours per specific training experience.

(g) The district shall have an in-district placement agreement by the pupil membership count date. The in-district placement agreement shall include all of the following:

(i) Pupil's personal information including name, home address, telephone number(s), birth date, and emergency contact information.

(ii) Beginning and ending dates of the placement.

(iii) The daily hours to be worked that include beginning and ending times.

(iv) A list of school and pupil responsibilities.

(v) Verification of appropriate safety instruction provided by the school district.

(vi) The signatures of the principal or his or her designee, vocationally certificated teacher or coordinator, pupil, and parent or legal guardian.

(vii) The program serial number of the related state-approved career and technical education program.

(h) The district shall have a training plan pursuant to subrule (7) of this rule.

(i) The district shall comply with subrules (8), (9), (10), and (11) of this rule.

(5) An unpaid state-approved career and technical education less-than-class-size program provides an opportunity to pupils who, because of unique circumstances, do not have a program available through a regular state-approved career and technical education program. A pupil who participates in an unpaid work-based learning experience that is a less-than-class-size program may generate added cost funding

pursuant to section 61a of 1979 PA 94, MCL 388.1661a and may be counted in membership if all of the following are met:

- (a) The pupil is enrolled in grades 11 and 12.
- (b) Notification of the program is received by the department on the Friday after the pupil count date.
- (c) The experience is monitored by a vocationally certificated teacher or coordinator employed by the school district.
- (d) The pupil is eligible to receive credit towards a high school diploma for the work-based learning experience.
- (e) The program shall be established for a time period as defined in the program standards for the career and technical education program (i.e., a minimum of either 7,200 minutes or 14,400 minutes).
- (f) Instruction for pupils shall be provided by approved less-than-class-size vocationally annually-authorized personnel under the jurisdiction of the employer.
- (g) The program shall have not more than 4 pupils per vocationally annually-authorized personnel per instructional site in the same time period.
- (h) The district shall have a written training agreement pursuant to subrule (6) of this rule.
- (i) The district shall have a written training plan pursuant to subrule (7) of this rule.
- (j) The district shall comply with subrules (8), (9), (10), and (11) of this rule.
- (6) The district shall have a written training agreement in place by the pupil membership count date. The training agreement shall include all of the following:
  - (a) Pupil's personal information including name, home address, telephone number(s), birth date, and emergency contact information.
  - (b) School's name, address, telephone number and contact person.
  - (c) Employer's name, address, telephone number and contact person.
  - (d) A list of employer, school, and pupil responsibilities.
  - (e) Beginning and ending dates of the agreement.
  - (f) The daily hours to be worked that include beginning and ending times.
  - (g) Beginning rate of pay, if paid work-based learning experience.
  - (h) Verification of appropriate safety instruction provided by the school district or the employer may also be included in the training plan.
  - (i) Verification that employer has worker's disability compensation and general liability insurance.
  - (j) The signatures of the principal or his or her designee, vocationally certificated teacher or coordinator, pupil, parent or legal guardian, and training station supervisor (employer). If the training agreement and training plan are combined into 1 document, only 1 set of signatures is required.
  - (k) Statement of assurance signed by the employer that pupils will not be discriminated against on the basis of race, color, religion, national origin, sex, age or disability.
  - (l) A district statement of assurance of compliance with federal laws relating to discrimination.
- (7) The district shall have a written training plan in place by the pupil membership count date. The training plan shall include all of the following:

(a) Verification by the vocationally certificated teacher or coordinator that the pupil's career or educational goals as outlined in the pupil's education development plan relate to this placement.

(b) A list of performance elements established by the department that contribute to the pupil's progress toward a career objective. The performance elements shall be used to assess the pupil's progress.

(b) Signatures of the principal or his or her designee, vocationally certificated teacher or coordinator, pupil, parent or legal guardian, and training station supervisor (employer). If the training agreement and training plan are combined into 1 document, then only 1 set of signatures is required.

(8) The employer or vocationally certificated teacher or coordinator shall maintain and verify records of the pupil's attendance throughout the duration of the training agreement or in-district placement agreement.

(9) A vocationally certificated teacher or coordinator shall develop a regular visitation plan, after first visiting the employer to establish the training site, that includes at least 1 site visit every 9-week period.

(10) Federal and state regulations regarding the employment of minors shall be followed.

(11) A pupil receiving special education services may participate, as appropriate, in a work-based learning experience in a state-approved career and technical education program designed for pupils attending state-approved career and technical education programs. The pupil shall meet all the requirements of this rule.

#### **R 340.17 ~~Rescinded~~ Postsecondary dual enrollment.**

**Rule 17.** (1) A district shall comply with the requirements of the postsecondary dual enrollment options act of 1996 PA 160, MCL 388.511 to MCL 388.524 and the career and technical preparation act of 2000 PA 258, MCL 388.1901 to MCL 388.1913 and R 388.151 to R 388.155.

(a) The district shall pay any associated tuition charges for the course(s) for postsecondary dual enrollment pursuant to section 21b of 1979 PA 94, MCL 388.1621b.

(2) The postsecondary dual enrollment options act and the career and technical preparation act do not prohibit a district from supporting any pupil regardless of eligibility under those acts. A district may elect to support college level courses or career preparation courses for any pupil if it is in the best interest of the pupil.

#### **R 340.18 Waiver.**

**Rule 18.** Upon application by a district, the superintendent of public instruction may grant to the district a limited time waiver from these rules pursuant to section 380.1281 of 1976 PA 451, MCL 380.1281.