

5-A: ALTERNATIVE EDUCATION PROGRAMS

Alternative Education is a K-12 program that varies in its delivery from the traditional kindergarten through twelfth grade setting. An alternative classroom may vary from a small group of pupils from several grade levels receiving instruction for several subject areas from one certificated teacher in a non-graded classroom setting to a program lab in which the certificated teacher is present and the pupil works at his or her own pace on assigned subject matter. These pupils may attend on a part-time basis for several hours per day for specified subjects or a pupil may attend a one-on-one teacher/pupil session several times a week. The classes must be of subjects that are acceptable for a pupil to earn credit toward a high school diploma or grade level progression.

A) Requirements for Counting in Membership

A district may count a pupil in membership if all of the following are met:

- 1) The pupil must meet pupil membership eligibility requirements pursuant to Section 6(4) or 6(6) of the State School Aid Act (MCL 388.1606) and any other applicable statute.
- 2) The pupil shall be registered, enrolled, and participating in the course(s) pursuant to Section 6(4), Section 6(8) and Section 6a of the State School Aid Act (MCL 388.1606 and MCL 388.1606a).
- 3) The pupil must satisfy the one of the following age requirements:
 - a. The pupil is less than 20 years of age as of September 1 of the school year, does not have a G.E.D. certificate, and has not obtained high school diploma.
 - b. The pupil is less than 22 years of age as of September 1 of the school year, is considered to be homeless under 42 USC 11302, and had dropped out of school for more than 1 year and has re-entered school, and is enrolled in a public school academy or an alternative education high school diploma program that is primarily focused on educating homeless pupils.
- 4) The pupil must not be less than 16 years of age on September 1st if there are adult education participants in the same program or classroom.
- 5) The pupil must provide residency information (current address), immunization records (unless 18 years of age or older), proof of identity (show certified copy of birth certificate, visa, etc.), name of district and/or school last attended, grade level completed, etc.
- 6) The pupil must be enrolled on or before the specified count day to be eligible for membership purposes.

B) Pupil Enrollment in an Alternative Education Program

There are any number of reasons a pupil may be enrolled in an alternative education program such as: a pupil who was expelled from school under the mandatory expulsion provisions in sections 1311, and 1311a of the Revised School Code (See Section 5-N of the Pupil Accounting Manual), a pupil who was expelled from school under local district policy, a pupil who was referred by the court system, a pupil who is pregnant or is a parent, or a pupil who was previously a dropout pupil or at risk of dropping out. In addition, an alternative education program may be designed to provide for pupils who simply are more academically successful in a non-traditional setting.

1) Cooperative Education Programs (Cooperative Agreements)

Two or more districts may have an annual cooperative agreement for operating an alternative education program. This agreement must specify the number of pupils that will be enrolled from each participating district and should address the cost to each district. The

educating district counts the pupil in membership unless the cooperative agreement specifies that each resident district is to count the resident pupils. However, a cooperative education program that is operated by the intermediate district and is serving general education pupils from several constituent districts must have those pupils counted in membership by the resident district for membership purposes. The intermediate school district is ineligible to count general education pupils.

2) Parent or Pupil Requested Enrollment

A pupil who has dropped out of school or is in the process of dropping out may enroll in an alternative education program. A pupil who is a parent or is pregnant may enroll in an alternative education program. A pupil may be placed in an alternative education program by the courts. A district may also have enrolled the pupil under schools of choice.

C) Clock Hours of Pupil Instruction for Determining FTE

An individual pupil's class schedule in effect on the count day and the pupil's class-by-class attendance is used in determining the FTE membership count. The measurement of the FTE, for an alternative education pupil, remains the same as those requirements for any other K-12 pupil with few exceptions. Alternative education programs are required to meet the minimum requirement of 1,098 hours of pupil instruction. Exceptions to the minimum required hours are listed below.

Note: A pupil who has been removed from the district and placed in a department approved juvenile detention facility's alternative education program on or prior to the count day and remains in that alternative education program on the count day is counted by the juvenile detention facility's alternative education program.

1) Waivers Granted to Operate Program for Fewer Hours

A waiver to operate an alternative education program for fewer hours, than the minimum required 1,098 hours, for a given year may be granted to a department approved alternative education program by the Superintendent of Public Instruction upon application by the district. A waiver may also be granted for other "innovative programs including a 4 day week" per Section 101(9) of the School Aid Act (MCL 388.1701). The minimum hours granted in the waiver are used as the denominator for calculating a pupil's membership FTE. The district must meet the terms of the waiver to avoid a state school aid penalty. A district wanting such a waiver must submit an application to the Department of Education each school year.

2) Learning Labs

An alternative education program that operates as a learning lab must offer the minimum 1,098 hours as is required of all K-12 programs. The eligibility requirements for counting alternative education pupils in a learning lab are:

- a. The pupil must be enrolled in and attending courses that are earning credit toward a high school diploma or a GED certificate.
- b. The pupil must be scheduled for a specified number of lab hours per week.
- c. A certificated teacher must be present at all times.
- d. Attendance must be taken and documentation must be provided to ensure that the pupil is in fact attending the number of hours scheduled. A weekly sign in and sign out sheet is necessary to document the actual number of hours per week that the pupil attended.
- e. The pupil may not generate more FTE per course than would be generated by a pupil in

a traditional classroom setting.

Due to the disposition of learning labs, the count period covers a week beginning on the Wednesday count day and continuing through Tuesday following the count day. A pupil must attend the minimum number of hours scheduled.

Example 1: The district has a learning lab as part of the alternative education program. The pupil is enrolled for English Composition II from 10:00 until 11:00 and for World History from 11:00 until 12:00 on Mondays, Wednesdays and Fridays. This pupil is also enrolled in Excel Spreadsheets from 10:00 until 12:00 on Tuesdays and Thursdays. That is two hours per day or ten hours per week for an annualized 360 hours (2 X 180 = 360). This pupil must attend the alternative learning center lab a minimum of ten hours during the count week. The FTE count for this pupil is .33 FTE (360 hours enrolled and attending / 1,098 hours required).

A pupil who is absent and does not fully meet the scheduled number of hours during the count week must return for a full schedule during a given week following the 10/30-day rule. The 10/30 days begin on the Wednesday following the count week.

Example 2: If this pupil does not attend the ten hours during the count week, the 10/30-day rule must be applied. If during the 10/30 days the maximum number of hours this pupil attends the learning lab is eight hours during any one week, then this pupil's FTE count becomes .26 FTE.

$$((8 \text{ hours} \times 60 \text{ minutes}) / 5 \text{ days}) = 96 \text{ minutes per day.}$$

$$((96 \text{ minutes per day} \times 180 \text{ days}) / 60 \text{ minutes per hour}) = 288 \text{ hours per year}$$

$$(288 \text{ hours} / 1,098 \text{ hours required}) = .26 \text{ FTE}$$

D) Individual Pupil Attendance

Attendance records are necessary to determine and validate pupil eligibility during the membership count period. The teacher's original attendance record, which has been signed in ink by the teacher, is the official record. An alternative education pupil who had an unexcused absence on the count day must return within 10 school days – that is within ten days that school was in operation. An alternative education pupil who had an excused absence on count day must return within 30 calendar days from the count day. Excused absences must be documented – date of absence, reason for the absence, relationship of person calling on behalf of the pupil, and signature of the approving administrator. An undocumented absence is assumed to be unexcused.

E) Statutory References

State School Aid Act:

MCL 388.1606

MCL 388.1606a

MCL 388.1625

MCL 388.1701

Revised School Code:

MCL 380.1311 - 380.1311a

Administrative Rules:

R 340.2

R 340.3

R 340.13

Individuals with Disabilities Education Act:
§300.121(d)

F) Questions and Answers

Alternative Education Through Adult Education Program

Q #1 The student is 17 years of age, is enrolled and attending the Career and Technical Center for vocational education classes in the afternoon and attends GED Prep classes through the district's adult education program in the evening. The district wants to claim this student as an alternative education pupil. Is that allowed?

A #1 Yes. Some districts choose to operate the alternative education program through adult education. An alternative education pupil being educated in the same classroom or program with adult education participants must be 16 years of age or older on or before September 1 of the current fiscal year in order to be counted for pupil membership purposes. All alternative education program classes for K-12 pupils must be recognizable as high school courses such as English, history, science, math, etc.; and, the course must be earning credit toward a high school diploma or GED certificate.

Pupil Attends Two or More Schools

Q #2 A pupil from District A is a full-time pupil in District A. This same pupil is enrolled and attends an alternative education program in District B in the evening. District A claims the pupil for 1.0 FTE and District B is claiming the pupil for .14 FTE. Does District B have any right to claim any FTE?

A #2 This pupil meets the exception in Section 6(6)(b), of the State School Aid Act. The pupil does not need a release to enroll in and attend a class at District B since the pupil is receiving less than one-half of the pupil's instruction in District B. If this pupil is receiving credit for the course the pupil is enrolled and attending at District B and that credit is being applied to the pupil's transcript toward high school completion, then the two districts must pro-rate each district's FTE count for this pupil based upon the total number of instructional hours this pupil is receiving in both districts.

Contracting with Outside Agencies

Q #3 Do the alternative education teachers have to be under contract in order to count teacher professional development hours?

A #3 Revised School Code 380.1231 requires that the school board hire and contract with qualified teachers. Contracts with teachers shall be in writing and signed on behalf of the school district by a majority of the board, by the president and secretary of the board, or by the superintendent of schools or an authorized representative of the board. Attorney General Opinion 6915 interprets this to mean that the school district cannot contract with an outside agency to provide K-12 programs. Therefore, the certificated teacher of an alternative education program must be an employee of the district and the professional development time must meet the requirements of professional development.

Alternative Education Program with a Waiver for Hours

Q #4 Our district applied for and received a waiver, from the Department, to operate the

alternative education program less than the minimum required days and hours of pupil instruction. However, some of the pupils are enrolled for fewer classes than are necessary to meet the waiver. How do we measure the FTE for those pupils?

- A #4** The waiver granted specifies the minimum number of days and the minimum number of hours that the program must operate. Assuming that the district met the waiver requirements, the FTE for a pupil enrolled and attending this alternative education program would be based upon those hours agreed upon in the waiver in order to be a full FTE. For example, if the terms of the waiver were for 878 hours and a pupil in that program is enrolled and attends four 55-minute classes with five minute passing time between classes that would total 705 hours. That pupil would equal .8 FTE ($705/878=.8$).

75% Minimum Attendance Requirement

- Q #5** May the alternative education program be exempt from the 75% attendance rule?

A #5 The alternative education program is part of K12 system; therefore, attendance must be taken and the pupils in this program are a part of the 75% attendance requirement. However, pupils in a self-paced, off-site, alternative education program under a seat time waiver are exempt from the 75% attendance requirement. Also, a district that operates an alternative education program and does not provide instruction in all of grades K-12 may apply to the Superintendent of Public Instruction for a waiver to meet a 50% attendance requirement as specified in Section 101(3)(c) of the State School Aid Act.

Alternative Education Program with a Seat Time Waiver

- Q #6** District A enrolled a resident home schooled pupil in four (4) non-core curriculum courses and counted this pupil for .57 FTE. This same pupil enrolled full-time in District B's alternative education program with a seat time waiver. District B is counting this pupil for 1.0 FTE. Do District A and District B need to prorate the FTE based upon the sum of total hours between both districts?

A #6 This pupil cannot enroll in District B's alternative education program and claim to be home schooled. Parents who home school their children must provide the basic courses. This pupil must choose to be enrolled in District B's alternative education program and be counted by District B; or, this pupil is home schooled and enrolled in noncore curriculum courses in District A. The pupil cannot do both.

- Q #7** The district was granted a seat time waiver which allows a pupil 100% virtual learning with no requirement for concurrent seat time class(es). Can an alternative education program with a seat time waiver enroll any pupil from anywhere in the state? What are the requirements for enrollment with a seat time waiver?

A #7 No, the district cannot enroll just any pupil in an alternative education program with a seat time waiver. The pupil must meet the same eligibility requirements for enrollment purposes that a pupil must meet for all other alternative education programs as stipulated in the State School Aid Act. Many waivers also require once a week face-to-face contact time for the pupil and certificated mentor teacher. Those waivers that do not require a minimum once-a-week session with the mentor teacher require the on-line instructor be a certificated teacher and the district must follow all other virtual learning requirements. Districts should consult the waiver approval letter for conditions placed by the department.