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STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

March 3, 2011

MEMORANDUM

TO: Intermediate and Local District Superintendents and Public School Academy Directors

FROM: Carol Wolenberg, Deputy Superintendent *Carol*

SUBJECT: DAYS OF INSTRUCTION REQUIREMENT

The Department has received several inquiries regarding the interpretation of Section 101(3)(a) of the State School Aid Act (MCL 388.1701) which reads, "(a) Except as otherwise provided in this section, each district shall provide at least 1,098 hours and, beginning in 2010-2011, the required minimum number of days of pupil instruction. For 2010-2011 and for 2011-2012, the required minimum number of days of pupil instruction is 165. Beginning in 2012-2013, the required minimum number of days of pupil instruction is 170. However, beginning in 2010-2011, a district shall not provide fewer days of instruction than the district provided for 2009-2010..."

Specifically, districts are asking if the number of days provided in 2009-2010 includes days/hours that were forgiven ("snow days") in 2009-2010. The Department's guidance is that the number of days provided in 2009-2010 is the number of days that the district actually was in session plus any forgiven days that the district needed to reach the 1,098 hour requirement. For example, if a district scheduled 171 days in 2009-2010 and cancelled five (5) days due to inclement weather, but needed two (2) of those five (5) days to reach 1,098 hours in 2009-2010, the district's requirement for 2010-2011 would be to provide 168 (171 - 5 + 2) days.

One follow-up question that the Department is receiving is how do "forgiven" days in 2010-2011 affect the calculation of days provided. If the district in the above scenario then scheduled 171 days in 2010-2011 and cancelled 10 for reasons

Intermediate and Local District Superintendents and Public School Academy

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Directors beyond the administration's control, it would receive credit for providing 167 (171 – 10 + 6 allowable forgiven days) days. Note: In this case, the district would incur a penalty unless they rescheduled a day, since their minimum requirement for 2010-2011 is 168 (see above calculation).

Several districts have also inquired about the possibility of adding time to previously scheduled days as opposed to rescheduling a cancelled day. That is allowable; however, the language in Section 101 above requires districts to meet both the minimum days and minimum hours thresholds. There is a state aid adjustment required for not meeting either of the two requirements. Therefore, the decision to add time to existing days versus rescheduling a day must take both requirements into consideration.

Finally, we want to draw your attention to the fact that the Pupil Accounting Manual is outdated regarding the required days of instruction. The manual will be revised as soon as possible. Until then, please be advised that kindergarten programs DO NOT need to prorate the six (6) forgiven days.

Please contact Dan Hanrahan at (517) 335-0521 or HanrahanD@michigan.gov with questions related to this communication.

cc: Michigan Education Alliance