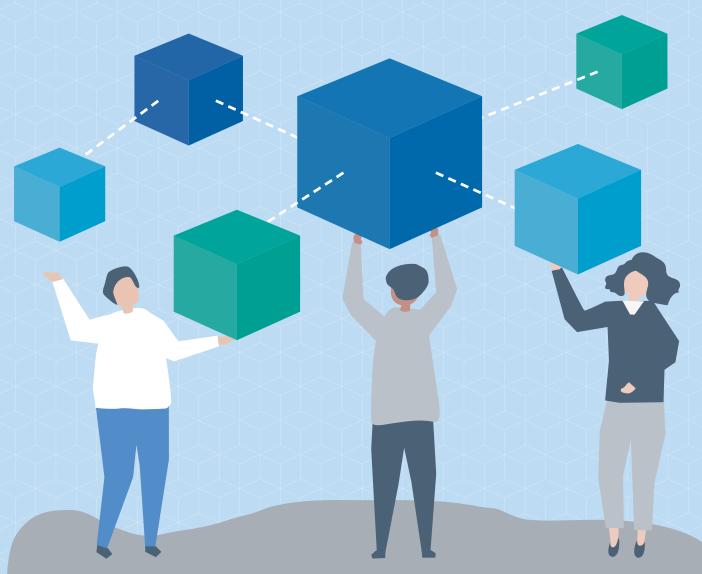
MICHIGAN'S EDUCATION FLEXIBILITY



to Advance Student-Centered Learning



DISCLAIMER

This is not a legal document and is not to be relied on as such. Neither the list of areas of flexibility nor information summarizing legislative mandates and administrative rules is exhaustive. The information provided should also not be considered a complete synopsis of the state's requirements or a district's obligations. Passages quoted from the legislative and administrative codes reflect text made available through the website of the Michigan Legislature and the Administrative Rulemaking System of the Department of Licensing and Regulatory Affairs as of late June 2021. Please consult official versions of the requirements.

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I. Introduction

The Michigan Department of Education envisions that "Every learner in Michigan's public schools will have an inspiring, engaging, and caring learning environment that fosters creative and critical thinkers who believe in their ability to positively influence Michigan and the world beyond." This vision is undergirded by guiding principles — including that all educators are encouraged to be creative and innovative; all students are encouraged to express their creativity, have a voice in their own learning, feel connected to their schools. Students need authentic, meaningful relationships with educators.

To achieve post-secondary learning goals, students must first graduate high school career- and college-ready. As expectations evolve and student-centered learning takes on a more central role in the design of learning environments, school districts and schools increasingly need flexibility from state mandates in order to fully explore challenges, tweak standards and parameters as needed, and implement new methods of instruction. Student-centered learning and other innovations not only hinge on local leaders and educators having space to try new and different approaches, their success is ultimately grounded in collaboration, ongoing reflection, and a shared commitment to providing feedback that supports future policymaking and investments by state leaders.



"Michigan ranks 37th nationally for education attainment. We're below average in the Great Lakes region. States such as Ohio, Wisconsin and more are already racing ahead of Michigan to fill their talent pipelines. Achieving the goal of getting 60% of Michigan's workforce to attain learning beyond high school by 2030 is among the greatest challenges our state faces."

Sixty by 30 Alliance

About This Guide

The vision and guiding principles at the core of Michigan's Top 10 Strategic Education Plan set the Michigan Department of Education (MDE), State Board of Education (State Board), public school districts, and schools on a course toward innovative, student-centered learning for all students. They foster shared understanding of the differences among learners — their individual needs, inspirations, and visions of post-secondary success.

This Guide is designed to help Michigan district and school leaders create their own approach to student-centered learning by taking full advantage of the available flexibility options. It seeks to build understanding of what it means to innovate and how to use innovation and flexibility to expand student-centered learning.

WHAT IT MEANS TO INNOVATE

Innovation can be used to design and expand student-centered learning. There is no single definition of innovation nor menu of acceptable innovative strategies. Innovation can be as big and bold as a radical redesign of teaching and learning experiences, or as simple as a shift toward allowing students to organically form working groups and project teams to complete lessons.

This Guide highlights both the foundations for innovation put in place by state leaders and the evolution toward student-centered learning.

HOW TO INNOVATE

In communities across Michigan, school districts and school personnel continue to shoulder a disproportionately large share of the responsibility for navigating immense societal change. As such, it is these leaders who are best prepared to create a vision for what is possible within existing autonomy and flexibility.

This Guide creates clarity across an array of exemptions, options, and waiver opportunities available to districts and schools seeking to define and implement student-centered innovation.

MICHIGAN'S TOP 10 STRATEGIC EDUCATION PLAN

VISION

Every learner in Michigan's public schools will have an inspiring, engaging, and caring learning environment that fosters creative and critical thinkers who believe in their ability to positively influence Michigan and the world beyond.



GUIDING PRINCIPLES

- All students have access to high-quality instruction regardless of their gender, sexual orientation, ethnicity, race, economic status, native language, or physical, emotional, and cognitive abilities to close the student achievement and opportunity gaps that currently exist.
- 2. All educators are encouraged to be creative and innovative. All educators are adequately compensated and respected for their professionalism, and have the resources, support, and training needed to educate students.
- 3. All students are encouraged to express their creativity, have voice in their own learning, feel connected to their schools, and have authentic, meaningful relationships with educators.
- 4. All students are provided every opportunity to achieve the broadest range of life dreams.
- **5.** Families and communities are essential partners of teachers, support staff, and administrators in the education of students.
- 6. In support of students and their achievement, the Michigan Department of Education is coordinated, aligned, and properly resourced, and collaborates with school districts and a wide range of partners and stakeholders.

II. Foundations for Student-Centered Innovation

In Michigan, there is a long history of state action to enable and support district and school innovation. (See Innovation Milestones, pg. 6.) The following are among the most significant foundations.

- Michigan Merit Curriculum Legislation
- Michigan's Profile of a Graduate
- Competency-Based Education
- MDE's Innovation Council

Michigan Merit Curriculum Legislation

In 2006 legislation was passed in response to the Cherry Commission Report. The Cherry Commission was charged with making recommendations to increase the number of workers prepared for 21st century global economy. At the time, just 30% of Michigan high school graduates were prepared for the post-secondary education needed to make them "career- and college-ready". The only graduation requirement then was that students take a semester of civics. Consequently the Commission recommended that the State Board of Education develop rigorous high school standards and develop a "new high school curricular framework to guide the teaching of all students in grades 9-12" (pg. 13). The Commission further recommended that the new high school standards be delivered through a "variety of contexts, teaching styles, and course selections". The legislature responded to this recommendation by increasing the mandated graduation requirements with legislation that came to be known as the Michigan Merit Curriculum (MMC). The MMC outlines a curricular framework that specifies the 18 credits required for a diploma based on the content standards for mathematics, ELA, science and social studies; and the guidelines for art and world language. Furthermore, it requires that a credit is based on demonstrated proficiency with the content outlined by the state academic standards or guidelines for that content area rather than seat time. Specifically the law states:

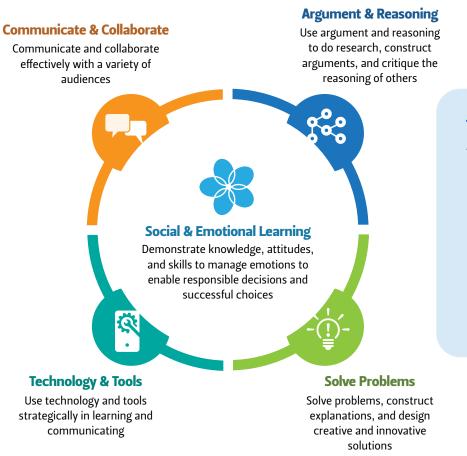
- 380.1278(a)(4)(a) A pupil is considered to have completed a credit if the pupil successfully completes the subject area content expectations or guidelines developed by the Department that apply to the credit.
- 380.1278(a)(4)(b) A school district or public school academy shall base its determination of whether a student has successfully completed the subject area content expectations or guidelines developed by the Department that apply to a credit at least in part on the student's performance on the assessments developed or selected by the Department or on one or more assessments developed or selected by the school district or public school academy that measure a student's understanding of the subject area content expectations or guidelines that apply to the credit.

By basing credit on demonstrated proficiency, the MMC supports the need for personalization and innovation in an atmosphere of high expectations and support for students earning a diploma in Michigan. More information on the Michigan Merit Curriculum can be found at www.michigan.gov/highschool.



Profile of a Graduate

Michigan's Profile of a Graduate describes "characteristics of career & college-ready students that are evident within all of the academic standards, including those in the arts and the Career and Technical Education (CTE) Career Ready Practices." It is designed to assist educators in using the state academic standards to guide instruction. Staff realized that embedded within these content standards were a set of underlying themes that cross all disciplines and which could be translated as the characteristics of career and college ready students. Pairing the content with the underlying themes of the standards provides insights into how learning experiences should be structured. Students must be provided with opportunities throughout their K-12 education to not only learn content but to use technology and tools; engage in argument, reasoning, and problem solving; and to communicate and collaborate. The document was eventually expanded to show that these common ideas appear in the Early Childhood standards and the Career and Technical Education (CTE) Career-Ready practices. This original characteristics document was designed to help school districts understand the instruction necessary to meet learning expectations, and to design and implement meaningful measures of proficiency. In clear and concise language, the Profile of a Graduate defines career and college-readiness competencies in five areas:



The Graduate Profile as True North

"Unlike a mission or vision statement, a graduate profile is a document that a school or district uses to specify the cognitive, personal, and interpersonal competencies that students should have when they graduate." They can then "[A]lign all subsequent strategic planning and transformation efforts with the capacities identified in the graduate profile."

The Graduate Profile: A Focus on Outcomes,
Edutopia

MDE encourages school districts to use the state's Profile of a Graduate to develop and adopt their own graduate profile, which can then be used to create "an impetus for many implementation strategies necessary to bring the competencies to life for students."

1. **Total Competencies**

1

Competency-Based Education (C-BE)

MDE continued to expand their work in the area of competency-based education. Spurred, in part, by the state legislature's 2017 appropriation of \$500,000 to support school districts implementation of competency-based education, and a subsequent \$2 million state investment in C-BE called the Marshall Plan for Talent (MPT), MDE has developed draft model competencies in English language arts and mathematics. Through extensive stakeholder collaboration, MDE is at the forefront of a nationwide movement to define model competencies and bring them to life for students through explication, exploration, and evidence of practices described in the definition of C-BE.

Districts and schools, including participants in the C-BE pilot previously administered with state funding, continue the design and implementation of C-BE using MDE's Profile of a Graduate and model competencies as springboards for developing their own graduate profile and competencies. "[D]istricts took different approaches in identifying competencies for their students... Examples include academic content competencies and others such as the ability to work collaboratively, demonstration of critical thinking skills, communicating effectively, and other skills and dispositions based on workforce readiness."²

TRADITIONAL SYSTEMS	VS	COMPETENCY-BASED SYSTEMS
Based on Participation and Seat Time	CREDIT	Based on Proficiency in Content Standards
Dependent on Lesson Delivery by Teacher	CONTENT PACING	Variable Based on Student Mastery
Based on Marking Periods or Courses	REPORTING	Based on Learning Targets or Competencies
Measure what Students Know	ASSESSMENTS	Measure what Students Know and Can Do
Delivered and Assessed in Classrooms	CONTENT	Delivered and Assessed through Multiple Pathways including Out of School Activities

The Education Experiences unit within MDE's Office of Educational Supports provides technical assistance and networking opportunities to districts interested in implementing various components of competency-based education, including the Michigan Merit Curriculum. More information on C-BE, including the model competencies, can be found here.

Innovation Council

The innovation foundations described above — particularly when coupled with options for meeting seat time and graduation requirements, as described in the section below, make the use of C-BE a possibility for every district and school. MDE has taken further steps to encourage and enable innovation through the creation of the Innovation Council and the development of a process to assist districts and schools with innovation.

The goal of the council is to foster innovative projects and practices across the state leading to improved student outcomes. It does this in a variety of ways, including:

- Serving in an advisory and problem solving capacity for innovative proposals.
- Developing legislative agendas to support increased innovation.
- Gathering and disseminating information regarding flexible and creative programming in education.

See also <u>Innovation Council</u>: <u>Guiding Principles of Innovation</u> and <u>Michigan</u>
<u>Department of Education – Innovation Council</u>; <u>Michigan Department of Education Memo</u>.



Michigan's Innovation Milestones

2018

2020

The legislature required³ a State Board report which "details the mandates imposed on school districts...by this act, the state school aid act of 1979, other state statute, or rule", along with recommendations regarding requirements that should be eliminated by law, or subject to waiver by the State Board or Superintendent.

- Michigan Merit Curriculum (MMC) legislation passed. The MMC outlines a curricular framework that specifies the 18 credits required for a diploma based on the content standards for mathematics, ELA, science and social studies; and the guidelines for art and world language. Furthermore, it requires that a credit is based on demonstrated proficiency with the content outlined by the state academic standards or guidelines for that content area rather than seat time.
- MDE created an Innovation Council "to foster innovative projects and practices across the state leading to improved student outcomes." The council advises districts on how to formulate their creative models. To assist with this effort, MDE developed a process to allow districts to propose new models of innovation.
- The State Board of Education approved Michigan's original Top 10 in 10.5
 A steering committee was formed in 2016 to forge a relationship with the field and the department to discuss supports for C-BE implementation.6
- Section 21j of the state School Aid allocated \$500,000 to school districts to support C-BE implementation.⁷ This spurred MDE's development of model competencies.
 - The Michigan Career Pathways Alliance, along with several other efforts to promote and support a talented workforce in Michigan, expanded into the Marshall Plan for Talent.
 - The Governor's office and legislature passed the Marshall Plan for Talent (MPT) grant program providing an additional \$2 million in state funding to support C-BE implementation in districts.8
 - As part of efforts to support schools and districts in meeting the needs of the whole child, MDE established a Multi-Tiered System of Supports (MTSS), "a comprehensive framework comprised of a collection of research-based strategies...The MTSS framework provides schools and districts with an efficient way to organize local resources to support educators in the implementation of effective practices with fidelity, so that all learners succeed."
 - Seven districts were selected to receive a 21j C-BE grant.¹⁰ MDE began providing assistance to 21j and Marshall Plan grantees with implementation of C-BE.
 - Senate Bill No. 149 amended the definition of "membership" [MCL 388.1606], opening the door for local adoption of innovative approaches to instruction. For example, subject to the specific requirements of the legislative code:
 - a pupil participating in a cyber school's educational program can be counted in regular daily attendance;
 - a pupil enrolled in an approved extended school year program can be counted in membership even if not in regular attendance on a membership count day; and
 - a pupil enrolled in a public school academy or alternative education high school diploma program can be counted
 in membership if the program is primarily focused on educating pupils with extreme barriers to education and the
 pupil is less than 22 years of age.
 - Michigan's *Top 10 Strategic Education Plan* was approved by the State Board following several months of interviews with education stakeholders.¹¹
 - Districts and schools were granted temporary flexibility necessary to safely provide student instruction during the COVID-19 pandemic and in keeping with guidelines for the return to in-person instruction.

Maximizing Michigan's Education Flexibility to Advance Student-Centered Learning

III. Exercising Flexibility: Pathways to Innovation

The opportunities for expanding student-centered learning are nearly boundless...and ready to be explored by district and school leaders across the state. The flexibility available in current law allows districts to:

- Aid educators in designing and facilitating self-paced and small group learning experiences.
- Adopt flexible scheduling opportunities to allow students to benefit from beyond-school learning experiences.
- Create personalized curricula and student-designed graduation pathways.
- Develop new forms of assessment that measure mastery of competencies (including performance assessments), and standards-based grading.

MDE offers an array of tools, including flexibility from requirements established in code or regulations, and support aligned with the Top 10 guiding principles, many of which are highlighted in this Guide and included as a list of student-centered learning resources (see pg. 21). Under current Michigan law and policy, there are 2 types of flexibility offered:

TWO TYPES FREXIBILITY Flexibility within State Statutes and Rules **Options Exemptions Alternatives Flexibility** Approved by the State Board, State Legislative Administrative Superintendent, Mandate **Rule Waivers** or MDE Waivers

Flexibility within State Statutes and Rules

This type of flexibility may be exercised without the need for approval by the State Board, State Superintendent, or MDE, subject to conditions or other requirements prescribed in statute or regulation. It is generally not time-limited, though may be subsequently changed or eliminated through state action. This flexibility includes:

Options – These are often established as explicit permission or authorization for a specific local action (as opposed to mandate), in addition to local decision-making authority delegated to district and school leaders.

Alternatives – Some requirements establish a general rule (or default approach), while specifying one or more different approaches available in certain circumstances.

Exemptions – In certain circumstances, a district or school is relieved of the obligation to comply with the requirement.

Flexibility Approved by the State Board, State Superintendent, or MDE

This type of flexibility is only available by request, demonstrating compliance with established criteria and/or conditions. Approval by the State Board or Superintendent is required. Approval is for a specified term (of not more than 3 years, under current waiver provisions). Renewal of a waiver for a subsequent term is permissible in some instances.

Over the course of more than twenty-five years, state-level policymakers have taken steps to create the culture and context in which locally-designed innovation can flourish, including but not limited to providing opportunities for districts and schools to identify the state mandates that present barriers to innovation and improvement and to request exemption from them. Often the most significant barriers are requirements establishing minimum days and hours of instruction and a student's participation in prescribed hours of instruction (also known as "seat time") as a proxy for mastery of course content. Michigan has made significant strides in authorizing and supporting local policies that use a student's demonstration of proficiency in lieu of seat time in awarding credit.

This flexibility includes:

Legislative Mandate Waivers – In certain circumstances, the State Board, Superintendent, or MDE may waive requirements established in the Michigan Compiled Laws.

Administrative Rule Waivers – In certain circumstances, the State Board, Superintendent, or MDE may waive requirements established in an Administrative Rule of the Department of Education.

Flexibility Demystified

In this section, both types of flexibility are explained within the context of several pillars of the Michigan School Code.

- Local Decision-Making
- Pupil Accounting and School Calendars
- Core Academic Curriculum and Local Approval of Courses
- Michigan Merit Curriculum/Graduation Requirements
- MDE-Defined Waiver Opportunities



LOCAL DECISION-MAKING

The transition to student-centered learning taking place in communities across Michigan has its origins in the expansive discretion given to school districts by the Michigan Legislature.

"A general powers school district has all of the rights, powers, and duties expressly stated in this act; may exercise a power implied or incident to a power expressly stated in this act; and, except as otherwise provided by law, may exercise a power incidental or appropriate to the performance of a function related to operation of a public school and the provision of public education services in the interests of public elementary and secondary education in the school district..."

MCL 380.11a General powers school district.

The state academic content standards outline learning expectations for students and guide local curriculum development, leaving decisions regarding instructional resources and methods to be made by local boards. MDE has also developed subject area content expectations and guidelines for use by school districts in awarding high school diplomas consistent with credit requirements established in statute and described in the Michigan Merit Curriculum.

Examples of local discretion ripe for student-centered innovation (and explored further in this Guide) include:

Instructional Program Design: As a condition for the accreditation of its schools, schools are required to provide all pupils with a core academic curriculum using the State Board's model core academic curriculum content standards, along with additional classes or programs provided at the discretion of the local board. Districts also have few restrictions on their design of school calendars and the structure of each day of instruction. See Pupil Accounting and School Calendars, pg. 9, for additional information.

School Improvement: Each school district's board is required to adopt and implement a 3- to 5-year school improvement plan and continuing school improvement process for each of its schools. A local board's plan, as appropriate for each school's context, is to include at least the following:

- Goals based on student academic objectives and strategies to accomplish the goals.
- Development and utilization of community resources and volunteers.
- Building level decision-making.
- Development of alternative measures for assessing pupils' achievement, skills, and competencies.

Opportunities for structured on-the-job learning, such as apprenticeships and internships, which are "combined with classroom instruction...relating to problem solving, personal management, organizational and negotiation skills, and teamwork."15

A school improvement plan allows significant local decision-making. It also must be developed specifically to address the context, goals, and needs of each individual school and the students it serves.

PUPIL ACCOUNTING AND SCHOOL CALENDARS

State education leaders have created significant flexibility within requirements regarding pupil accounting (i.e., membership, minimum days and hours of instruction, and attendance) and the establishment of school calendars, as well as opportunities to apply for waivers from both statutes and administrative rules.

Enrollment/Schools of Choice

Administrative Rule 340.2 [Pupils to be counted in membership] establishes that, to be counted in membership, a pupil must be "enrolled and in regular daily attendance in the school district: and must maintain such status on the established count day." Subject to some statutory constraints, a district has the option of accepting enrollment applications from nonresidents who reside within the same or a contiguous intermediate district and, in doing so, of counting such pupils in membership.

Two sections of The State School Aid Act [MCL <u>388.1705</u> and <u>388.1705c</u>] prescribe specific actions that must be taken by a district electing to enroll such students. Additional information on these requirements is provided in Administrative Rule 340.4 [Schools of Choice]¹⁷, MDE's Schools of Choice Definitions¹⁸, as well as in MDE's 2021-2022 Pupil Accounting Manual, Section 5-1: Sections 105 and 105C Schools of Choice.



Requirements regarding Schools of Choice stem from an option made available to districts. None of those requirements apply if a district does not elect to accept nonresident applications in accordance with state statute. A district may also request a waiver from any of the related statutory requirements.



OPTIONS

The decision to accept nonresident applications is to be made at the district level. [MCL 388.1705(1) Counting nonresident pupils in membership; application for enrollment; procedures; MCL 388.1705c(1) Enrollment by nonresident applicants residing in district located in a contiguous intermediate district]



WAIVERS

Schools of Choice Waiver – A district may request (using MDE's Schools of Choice Waiver Request application), and the Superintendent may approve, a waiver from any specific requirement under 388.1705 or 388.1705c. The term of any such waiver granted may not be for more than 1 year. [MCL 388.1705(1) Counting nonresident pupils in membership; application for enrollment; procedures; MCL 388.1705c(1) Enrollment by nonresident applicants residing in district located in a contiguous intermediate district]

Minimum Hours and Days of Pupil Instruction

As a general rule, each school district must provide each pupil with a minimum of 1,098 hours and 180 days of pupil instruction in each school fiscal year. The penalty for noncompliance with these requirements is forfeiture of a portion of the district's state aid allocation.

The State School Aid Act [MCL $\underline{388.1701(3)(a)-(c)}$] establishes the minimum hours and days of pupil instruction requirement, as well as the penalty for noncompliance. MCL $\underline{380.553a}$ includes provisions regarding the minimum hours of pupil instruction required to be provided by a school of excellence that is a cyber school. Additional information on these requirements is provided in Administrative Rules R 340.10 Pupil instructional time and R 340.10a Travel



time; instructional time¹⁹, as well as in 2021-22 Pupil Accounting Manual, Section 2: Day, Hour, and Attendance Requirements.²⁰



A district may take advantage of flexibility offered in the form of options in achieving compliance with the minimum hours and days of instruction requirement; exemptions or variances from the requirement; and the ability to request one or more waivers.



OPTIONS

There are some options for districts built into the minimum hours and days of instruction requirement. [MCL <u>388.1701</u> Eligibility to receive state aid...] These are described as guidelines to be followed, for example:

- The time a pupil is assigned to any tutorial activity (not a study hall period) in a block schedule may be considered instructional time.
- A pupil in grades 9 to 12 who is scheduled in a 4-block schedule may receive a reduced schedule under this subsection if the pupil is scheduled for a number of hours equal to at least 75% of the required minimum number of hours of pupil instruction to be considered a full-time equivalent pupil.

In addition, a pupil enrolled in a cooperative education program (grades 9-12) or a special education pupil may, if unable to meet the minimum hours requirement due to "the actual travel time between instructional sites", count up to 3 hours of travel time toward the minimum hours. [Administrative Rule R 340.10a Travel time; instructional time]





EXCEPTIONS

There are some exceptions (referred to as variances) built into the minimum hours and days of instruction requirement. These are described as guidelines to be followed, for example:

- A school of excellence that is a cyber school and is in compliance with MCL 380.553a is not subject to the minimum days of instruction requirement, but must "make educational services available to pupils for a minimum of at least 1,098 hours during a school year...[and] track a pupil's participation through attendance... for the proportionate number of instructional hours from the date of enrollment of the pupil."
- A district is not subject to the minimum hours and days of instruction requirement, nor the proportional reduction in state aid for noncompliance, with regard to eligible pupils enrolled in a dropout recovery program that meets the requirements of section 23a.



WAIVERS

Travel Time Waiver – A district that can document actual travel between instructional sites in excess of 3 hours per week, as described in the Travel Time option, above, may request (using MDE's Travel Time Waiver Request application) and MDE may approve, a waiver to count additional travel time toward the minimum hours of pupil instruction, consistent with R 340.10a(2).

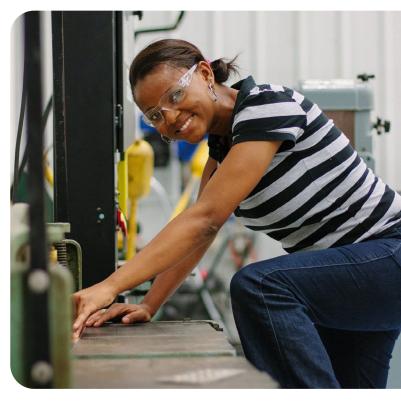
• Cooperative Education Program – As described in MDE's 2021-22 Pupil Accounting Manual, [Section 5-B: Cooperative Education Program] "[A] cooperative education program involves a written voluntary agreement between and among districts to provide certain educational programs for pupils in certain groups of districts...These K-12 programs are economically more feasible through group effort and therefore may be offered to a wider range of pupils than an individual district could financially provide."²¹

- The agreement must be approved by all affected districts at least annually.
- All educational programs to be provided must be specified in the agreement.
- Subject to additional requirements, a participating pupil may be counted in membership in the pupil's district of residence.

Waiver of Minimum Hours and Days of Pupil Instruction Requirements – Alternative Education and Innovation Programs – The Superintendent is to approve a district's request (which may be made using MDE's <u>application</u> for waivers for alternative and innovative programs) for a waiver of the minimum hours and days of pupil instruction requirement for a department-approved alternative education program or another innovation program approved by the department, including a 4-day school week. [MCL 388.1701(9) Eligibility to receive state aid...]

- A district must apply for each fiscal year in which this flexibility is sought.
- Any such waiver granted for the 2011-2012 fiscal year remains in effect unless revoked so long as the district uses either of the following models of delivery:
 - A blended model of delivery; or
 - A 100% online model of delivery and the educational program for which the waiver is granted makes educational services available to pupils for a minimum of at least 1,098 hours during a school year and ensures that each pupil participates in the educational program for at least 1,098 hours during a school year.

Note: This waiver opportunity is separate and distinct from the opportunity authorized by MCL Section 388.1701(3)(f) and (g), under which the superintendent is to approve a district's request for a waiver of the forfeiture of state aid required by MCL Section 388.1701(3)(d), if a district operating a department-approved alternative program that does not provide instruction for all pupils in grades K-12, does not have at least 75% of the district's membership in attendance on any day of pupil instruction. This forfeiture is described in statute as the department's payment to the district of "state aid in that proportion of 1/180 that the actual percent of attendance bears to 75%. MCL Section 388.1701(3)(f) and (g)



Additional Forgiven Days Waiver – Section 101 of the State School Aid Act [MCL 388.1701(4)] grants districts six (6) days and/or the equivalent number of hours to use toward cancellations that occur due to conditions beyond the control of school authorities, commonly referred to as "forgiven time" or "snow days." A district may request (using MDE's <u>application</u> for Additional Forgiven Time Request) and the State Superintendent may approve, a waiver to grant up to three (3) additional days or equivalent hours cancelled as instruction, provided the cancellation is due to unusual and extenuating circumstances resulting from conditions not within the control of school authorities.

- Any such waiver is valid only for the single school that was the subject of the request.
- A district's application must include a strong rationale for the request and an explanation of why the days to be forgiven cannot be rescheduled to take place before the end of the school year.

Attendance

A district's eligibility for receipt of student aid is contingent on submission of pupil enrollment and attendance data, in accordance with requirements which include the following:

- The number of pupils enrolled and in regular daily attendance, or, for 2020-2021 only, the number of pupils engaged in pandemic learning for fall 2020 or the number of pupils engaged in pandemic learning for spring 2021, as applicable, or,
- For a district that operates as a cyber school, as that term is defined in section 551 of the Revised School Code [MCL 380.551], the number of pupils enrolled and in regular daily attendance, including identification of tuition-paying pupils, in the district as of the pupil membership count day and as of the supplemental count day, as applicable, for the current school year.

A proportional reduction in state aid is paid to any district that does not have at least 75% of its membership in attendance on any day of pupil instruction.



For pupil membership purposes, a school district's board must adopt, and the district must maintain, "policies that include the criteria for allowing excused absences. The school administration must develop attendance procedures that provide direction for building administrators and instructional staff, and criteria to determine whether the district complies with its policies and procedures." ²²

The State School Aid Act (MCL <u>388.1701</u>, amended effective October 1, 2021) establishes the regular daily attendance requirement, as well as the penalty for noncompliance. Additional information on these requirements is provided in Administrative Rule R 340.2 Pupils to be counted in membership,²³ as well as in 2021-22 Pupil Accounting Manual, Section 2: Day, Hour, and Attendance Requirements.²⁴



A special, single-year (2020-2021) exception was authorized to forego the required proportional reduction in student aid for any qualifying district not able to comply with the minimum daily attendance requirement. A district may also request a waiver of the requirement for alternative education programs.



EXCEPTIONS

For the 2020-2021 school year only, the proportional reduction does not apply; however, a district must "ensure that 1 2-way interaction occurs between a pupil enrolled in the district and the pupil's teacher or at least 1 of the pupil's teachers or another district employee who has responsibility for the pupil's learning, grade progression, or academic progress during each month of the school year for at least 75% of pupils enrolled in the district."



WAIVERS

Minimum Daily Attendance Requirement Waiver – Alternative Education Programs – The Superintendent is required to grant a waiver (made using MDE's <u>application</u> for waivers for alternative and innovative programs) from the prorated student aid noted above for a district that operates a department-approved alternative education program that does not provide instruction for pupils in all of grades K to 12 (unless the district does not have at least 50% of its membership in attendance on any day of pupil instruction). [MCL 388.1701(3)(f)-(g)]

Approval of a waiver request is limited to whether a district can demonstrate compliance with the following statutory requirements:

- Offers minimum hours of instruction.
- Uses appropriate academic assessments to develop IEPs leading to a high school diploma.
- Tests each pupil to determine academic progress at regular intervals and records the results of those tests in pupil IEPs.

Any such waiver is valid for 3 fiscal years and may be renewed, except that the waiver granted for or after fiscal year 2011-2012 remains in effect unless revoked if the district uses either of the following models of delivery:

- A blended model of delivery; or
- A 100% online model of delivery and the educational program for which the waiver is granted makes educational services available to pupils for a minimum of at least 1,098 hours during a school year and ensures that each pupil participates in the educational program for at least 1,098 hours during a school year.

Adoption of Common Calendar

A district has nearly complete discretion in adopting school calendars, but must maintain appropriate documentation and ensure compliance with minimum hours and days of instruction requirements and the common school calendar adopted by its intermediate school district.

For pupil membership purposes, a school board must "adopt a school calendar that identifies the days for which instruction is scheduled. The district may elect to use a district-wide, building-level, program-level, or clustered calendar."²⁵

The Revised School Code [MCL <u>380.1284</u>] and MCL <u>380.1284a</u>] gives a local board the responsibility to determine the length of the school year, subject to the minimum hours and days of pupil instruction requirement described above. It also establishes the requirement for adoption and use of a common school calendar, as well as adherence to the winter holiday break and spring break identified therein. Additional information on these requirements is provided in 2021-22 Pupil Accounting Manual, Section 2: Day, Hour, and Attendance Requirements.²⁶





A special, single-year (2020-2021) exception was authorized to forgo the required proportional reduction in student aid for any qualifying district not able to comply with the minimum daily attendance requirement. A district may also request a waiver of the requirement for alternative education programs.



EXCEPTIONS

The requirement that a district's board ensure that its calendar complies with the common calendar does not apply in certain circumstances, including:

- If a collective bargaining agreement that provides a complete school calendar is in effect.
- If a school district is operating a year-round school/program or an international baccalaureate academy providing 1,160 hours of instruction per year. [MCL <u>380.1284a</u> Common school calendar; exceptions; definitions]



WAIVERS

Common Calendar Waiver – A district that begins operating a year-round school or program may request (using MDE's <u>application</u> for a common calendar waiver), and the State Superintendent may approve, a waiver from the requirement that a district's board ensure that its calendar complies with the common calendar. A district that begins operating a school or program on a trimester schedule may also apply for a waiver of the same requirement for that school or program. [MCL <u>380.1284a</u> Common school calendar; exceptions; definitions]

Prohibition on Starting the School Year Before Labor Day

There is a general prohibition on scheduling the school year to begin before Labor day. The Revised School Code [MCL <u>380.1284b</u>] establishes the prohibition. Additional information is provided in 2021-22 Pupil Accounting Manual, Section 2: Day, Hour, and Attendance Requirements.²⁷



Some exceptions are authorized to allow a pre-Labor day start date. A district may also request a waiver of the prohibition.



EXCEPTIONS

The prohibition on scheduling the school year to begin before Labor day does not apply in some circumstances. For example, a district operating under a collective bargaining agreement that provides a complete school calendar is in effect as of June 24, 2014, and an earlier start date is scheduled is exempted from compliance. The prohibition also does not apply to a public school operating all of grades 6 to 12 at a single site, if the high school curriculum is aligned with advanced placement courses, and if other conditions are met. [MCL 380.1284b School in session before Labor day; prohibition; effect of collective bargaining agreement; year-round school or program; waiver; exception; "Labor day" defined]



WAIVERS

Labor Day Waiver – A district that begins operating a "bona fide year-round school or program established for educational reasons", consistent with standards established by the superintendent of public instruction for determining such, may request (using MDE's <u>application</u> for a Labor Day Waiver), and the State Superintendent may approve, a waiver from the prohibition on scheduling the school start date before Labor day. A district that begins operating a school or program on a trimester schedule may also apply for a waiver of the same requirement for that school or program. [MCL <u>380.1284b</u> School in session before Labor day; prohibition; effect of collective bargaining agreement; year-round school or program; waiver; exception; "Labor day" defined]

CORE ACADEMIC CURRICULUM AND LOCAL APPROVAL OF COURSES

Core Academic Curriculum

The academic curriculum is the backbone of K-12 education. In many ways, it dictates course design and sequences; resources teachers use to address content standards; student learning progressions; academic and other supports; balanced assessments; and more. It gives rise to the development of myriad personalized learning opportunities designed to meet the needs of every pupil. Whereas academic standards are required to be established by the State Board, most decisions regarding the core academic curriculum and approval of courses are left to local leaders.

As a condition for school accreditation, a school district's board must provide all pupils in the district a core academic curriculum in each curricular area specified in the State Board's model core academic curriculum content standards. [MCL 380.1278 Core Academic Curriculum] Additional core academic curriculum-related requirements established by Section 1278 include:



Each school district's board must establish a core academic curriculum, to include all school levels – elementary, middle, and secondary, which defines academic objectives for pupils and is "based upon the school district's educational mission, long-range pupil goals, and pupil performance objectives." [MCL 380.1278(3)(a)]

- The board must "determine the aligned instructional program for delivering the core academic curriculum and identify the courses and programs in which the core academic curriculum will be taught." [MCL 380.1278(3)(b)]
- "For all pupils, the subjects or courses, and the delivery of those including special assistance, that constitute the curriculum the pupils engage in shall assure the pupils have a realistic opportunity to learn all subjects and courses required by the district's core academic curriculum..." [MCL 380.1278(5)]



The extent of state-prescription and flexibility regarding a district's core academic curriculum is balanced in that state law establishes some parameters and options, while also assigning significant responsibility to local boards, which must act in accordance with the district's mission, goals, and objectives. Waiver requests may be considered.



OPTIONS

There are some options for districts built into the core academic curriculum requirement. [MCL <u>380.1278</u> Core Academic Curriculum] For example:

- The core academic curriculum may vary from the model core academic curriculum content standards recommended by the State Board. [MCL 380.1278(3)(a)]
- The board may supplement the core academic curriculum by providing instruction through additional classes and programs. [MCL 380.1278(4)]
- A subject or course required by the core academic curriculum pursuant to subsection (3) shall be provided to all pupils in the school district by a school district, a consortium of school districts, or a consortium of 1 or more school districts and 1 or more intermediate school districts. [MCL 380.1278(5)]
- Districts may elect to use any of several of model programs developed by the Department, including:
 - Gun safety instruction for elementary school pupils; model program [MCL 380.1163]
 - African history; course content [MCL 380.1164b]
 - Financial Education Programs [MCL 380.1165]
 - Model Program of Instruction in Career Development [MCL 380.1166a]

Course Approval

Each district's board must approve courses offered for credit or grade promotion, in addition to the requirements noted above regarding

inclusion of pupils in membership for state aid purposes. Although provisions of the Revised School Code establishing requirements for a high school diploma [MCL 380.1278a and MCL 380.1278b] reference Algebra I, Geometry, and other subject areas traditionally thought of as courses, graduation requirements require completion of credits, not specific courses. See Michigan Merit Curriculum FAQ on the MDE High School webpage, for additional information.

- As described in MDE's 2021-22 Pupil Accounting Manual, for pupil membership purposes, a school district's board must adopt, and the district must maintain "a list of the individual courses that have received board approval." The district must also maintain a document describing the content of each approved course.
- There are additional requirements for a district's approved course list:
 - It must be used when determining which courses may be included in membership for state aid purposes and for auditing purposes when examining the membership counted for state school aid on the count days.

- It must include traditional offerings and courses offered through other means, such as experiential learning courses, online courses, and all courses offered in shared time programs under Section 166b of the State School Aid Act. [MCL 388.1766b]
- It must include "all extended learning opportunities associated with each course and a description of each such opportunity." [2021-22 Pupil Accounting Manual]



A local board has broad discretion in approving courses, subject to requirements regarding the types of offerings (i.e., traditional and through other means). Waiver requests may be considered.

ADVANCED STUDIES OPTIONS

The state code (MCL 380.1278a and 1278b) allows districts and schools to award credit (in satisfaction of or exceeding the requirements of the Michigan merit standard) "through advanced studies such as accelerated course placement, advanced placement, dual enrollment in a postsecondary institution, or participation in the international baccalaureate program or an early college/middle college program." Within the dual enrollment option, qualified pupils may enroll in courses or programs in eligible postsecondary educational institutions (under the Post Secondary Enrollment Options Act) or in courses or programs in career and technical education, including at postsecondary educational institutions (under the Career and Technical Preparation Act).

MICHIGAN MERIT CURRICULUM/GRADUATION REQUIREMENTS

Like most states, Michigan has established minimum requirements for high school graduation. However, what sets Michigan apart is that school districts have been given the responsibility of awarding credits to students demonstrating proficiency of state-defined content standards and guidelines, rather than on a presumption of proficiency that results from completion of a course (so long as the district offers instruction for a minimum number of days and/or hours – an approach commonly referred to as "seat time").

- State statute establishes minimum requirements that a local board must meet in order to award a high school diploma to a pupil. Students must receive at least 18 credits for high school graduation.
- With some exceptions, a school district's board is prohibited from awarding a high school diploma to a pupil who has not, among other things, "successfully completed" credit requirements of the Michigan merit standard, as described in MCL 380.1278(1) and MCL 380.1278b(1).

A pupil is considered to have "completed a credit if the pupil successfully completes the subject area content expectations or guidelines developed by the department that apply to the credit..." [MCL 380.1278(4)(a)]

Additional requirements include:

• Pupil Performance on Assessments – A district's determination of "successful completion" of applicable subject area content expectations or guidelines must be made, "at least in part on the pupil's performance on the assessments developed or selected by the department...or on 1 or more assessments developed or selected by the school district or public school academy that measure a pupil's understanding of the subject area content expectations or guidelines that apply to the credit." [MCL 380.1278(4)(b)]

"As the learning skills for college and the workplace have merged, the MMC, if properly implemented, will prepare students with the skills and knowledge needed to be successful in our global economy and an emerging workforce. The MMC supports the need for personalization, acceleration, and innovation in an atmosphere of high expectations and high support for students earning a diploma in Michigan."

Michigan Merit Curriculum: High School Graduation Requirements

- Qualifying Score on Assessments Credit must also be granted "if the pupil earns a qualifying score, as determined by the department, on the assessments developed or selected for the subject area by the department...or the pupil earns a qualifying score, as determined by the school district or public school academy, on 1 or more assessments developed or selected by the school district or public school academy that measure a pupil's understanding of the subject area content expectations or guidelines that apply to the credit." [MCL 380.1278(4)(c)]
- Credit Earned Before Entering High School If a pupil successfully completes 1 or more of the high school credits required under subsection (1) or under section 1278a(1) before entering high school, the pupil shall be given high school credit for that credit.

Two sections of The Revised School Code (MCL Chapter 380) prescribe graduation requirements, including provisions regarding awarding credit:

- MCL 380.1278a Requirements for a High School Diploma
- MCL 380.1278b Award of High School Diploma; Credit Requirements
- Additional information on these requirements is provided in MDE's Michigan Merit Curriculum: High School Graduation Requirements²⁹



The most significant flexibility within the state's graduation requirement stems from the statement that "[A] pupil is considered to have completed a credit if the pupil successfully completes the subject area content expectations or guidelines developed by the Department that apply to the credit." Options available to districts (and students) include, but are not limited to, a variety of assessments and other criteria for success, as well as traditional and non-traditional courses and pathways, and personalized curriculum. Waiver requests may be considered.



OPTIONS

Demonstration of Mastery – MDE's Michigan Merit Curriculum High School Graduation Requirements, explains The Revised School Code requirements on earning credit, as follows:

- "Students may earn credit if they successfully demonstrate mastery of the subject area content standards, expectations or guidelines for the credit. The assignment of credit must be based, at least in part, on student performance on assessments designed to measure the extent to which they meet the standards, expectations and guidelines. Assessments and criteria for success are determined by local districts."³⁰
- "The MMC gives districts the flexibility to develop courses, curricula, and systems, which meet the individual needs and desires of each district. Local school boards, in collaboration district administration, have the responsibility to determine "how" to implement the graduation requirements outlined by the MMC and when students have earned the appropriate credits."31

Testing Out Option – Credit must be granted "if the pupil earns a qualifying score, as determined by the department, on the assessments developed or selected for the subject area by the department under section 1278b or the pupil earns a qualifying score, as determined by the school district or public school academy, on 1 or more assessments developed or selected by the school district or public school academy that measure a pupil's understanding of the subject area content expectations or guidelines that apply to the credit." [MCL 380.1278(a)(4)(c)]

Alternative Instructional Delivery Methods – To meet the requirement of offering each pupil the curriculum necessary for the pupil to meet the curricular requirements specified in statute (MCL 380.1278 and 1278a), a school district's board "may provide this curriculum...by using alternative instructional delivery methods such as alternative course work, humanities course sequences, CTE, industrial technology courses, or vocational education, or by a combination of these." [MCL 380.1278(b)(7)]

Personal Curriculum – Statute allows for the establishment of a personal curriculum for students which "shall incorporate as much of the required subject area content expectations...as is practicable

for the pupil", subject to additional requirements and limitations. [See MCL 380.1278b] Award of high school diploma; credit requirements; personal curriculum; annual report]

Seal of Biliteracy – The Michigan Seal of Biliteracy has been created to recognize high school graduates who exhibit language proficiency in English and at least one additional world language. The Seal may be awarded to any student receiving a high school diploma, a high school certificate of completion or a high school equivalency certificate and who has demonstrated Intermediate High proficiency on acceptable world language assessments.

Locally Imposed Requirements – A local board may establish and impose requirements for a high school diploma that go beyond the statutorily mandated minimum course and credit requirements. In addition, a board's high school diploma requirements may include completion of the Michigan merit examination (administration of which is required pursuant to MCL 380.1279g) or participation in the MIAccess assessment. [MCL 380.1278(3)]



Credit Through Career and Technical Courses – As specified in statute, some credits may be satisfied with a career and technical education (CTE) course. [See MDE's <u>Leveraging Career and Technical Education to Support Implementation of the Michigan Merit Curriculum</u>]

• A pupil is considered to have completed a credit if the pupil successfully completes the subject area content expectations or guidelines developed by the department that apply to the credit. For a career and technical education credit, a school district or public school academy may supplement those content expectations and guidelines with additional guidelines developed by the school district or public school academy. [MCL 380.1278(4)(a)]



EXEMPTIONS

Specialty Schools Designation – Pupils in a high school designated by the superintendent as a specialty school, subject to other requirements established for the school, are not required to successfully complete the 4 credits in English Language Arts or the 3 credits in social science otherwise required. The State Superintendent may, as authorized by state statute, designate up to 15 high schools as specialty schools. [MCL 380.1278a]

Career and Technical Education and Innovation

Schools and districts may offer flexibility for students who are earning credits for graduation by encouraging participation in career and technical education courses.

The MMC allows for flexibility by noting that credits may be earned through "alternative instructional delivery methods" such as "CTE, industrial technology courses, or vocational education..." (MCL 380.1278(b)(7)) Districts are encouraged to consider innovative learning pathways for each student and provide guidance to students focused on career and technical education.

The education development plan required under the MMC focuses on a student's career development goals related to the state's academic requirements. These plans offer students an opportunity to participate in career and technical education instructional programs, and, in fact, schools must counsel students on this possibility.

There are various ways students can earn CTE credit — for example schools and districts may choose to integrate CTE credit requirements into existing programs. Schools and districts may also consider encouraging students to participate in work-based learning programs, apprenticeships, and dual enrollment courses that are focused on career and technical education content.

See Leveraging Career and Technical Education (CTE) to Support Implementation of the Michigan Merit Curriculum and MDE Educational Development Plan for further information.

MDE-DEFINED WAIVER OPPORTUNITIES - MCL 380.1281(3)

In Act 451 (The Revised School Code), the Michigan Legislature authorized the approval of requests for waivers from compliance with administrative rules. [MCL <u>380.1281(3)</u> State board; duties generally...] This authority is designed to help a school district (or intermediate school district, public school academy, or university school), do at least one of two things:

- Address the intent of a State Board or MDE administrative rule in a more effective, efficient, or economical manner; or
- 2. Stimulate improved pupil performance, for which a waiver of an administrative rule is necessary.

Note: Waivers from compliance with specific provisions of Chapter 388 [Schools and School Aid Act], as described earlier in this Section, are waivers from statute rather than administrative rules.

Beyond those limitations - regarding objectives of the waiver, and applicability only to administrative rules (not statutes), there are other significant constraints on this authority:

- Applicable to Rules Regarding Act 451 The administrative rule of the State Board or MDE targeted for waiver must be one "interpreting or implementing" a provision of Act 451 (The Revised School Code), which is one of two Acts comprising Chapter 380 of the Michigan Compiled Laws (MCL). The other Chapter 380 Act, Act 211 of 2020 Save our Students Act, is not eligible for waiver under this authority, nor are any provisions of Chapter 388 [Schools and School Aid].
- Restriction on Waiver from Compliance with Statute The State Board is prohibited from granting a waiver from the duty to comply with any provision of Act 451 or any other state statute unless a waiver from that statute is specifically authorized.
- Limited Duration Any such waiver approved must be a "limited time waiver" of not more than 3 years. The State Board may renew a waiver.
- Oconditions May Apply The State Board may establish conditions for the approval or renewal of a waiver.
- Reasons for Possible Revocation If the State Board determines that the waiver no longer meets statutory criteria, compromises equal opportunities for learning, or is detrimental to the educational interests of pupils, it may revoke the waiver.

MDE has defined criteria, applications, and related guidance for the waiver of certain provisions of the following rules:

- R 340.1701 to R 340.1873 Special Education Programs and Services
- R 390.1101 to R 390.1216 Teacher Certification Code



FOCUS OF WAIVER	APPLICATION AND ADDITIONAL INFORMATION		
Intermediate School District (ISD) Plan for the Delivery of Special Education Programs and Services	Applications must be submitted through the Catamaran system. See MDE ISD Program Planning		
School Social Worker Requirement R 340.1799f "School social worker" defined	Administrative Rule Waiver Application for School Social Worker Requirement Under Rule 340.1799f Waiver Term – 1 year; renewable		
	Description – "To address the SSW shortage, this waiver application is specific to seeking Michigan Department of Education (MDE) approval to fill a SSW position with a Master's level social worker who enrolls in an approved SSW program, without having to complete the program before employment. The Individuals with Disabilities Education Act (IDEA) indicates states can change their established standard, but they cannot waive any of the requirements on an emergency, temporary, or provisional basis. 34 CFR 300.156(2)(i)."		
Minimum Certification, Endorsement or Approval Requirement for Special Education Teachers R 390.1105 Individuals required to hold certificates or permits	Waiver Application for Teacher Endorsement Flexibility Under Rule 390.1105(3) Waiver Term – 1 year; renewable Description – "Michigan Department of Education (MDE) is accepting waiver requests which will allow a district to fill an open and eligible special education program position with a special education teacher endorsed in any area of special education."		



IV. Resources Within Reach

Districts and schools seeking to take advantage of opportunities for expanding student-centered learning, including through the flexibility highlighted in this guide, are encouraged to access MDE's guidance, Innovation Council resources, and the learning that can take place through district and school networking (formal and informal). Some of the tools available for immediate use listed below.

Flexible Learning Options

 MDE <u>Flexible Learning Options</u> web page is a great place to build awareness of the unique opportunities already available to students in Michigan.

Innovation Council

Innovation Council

Regular Daily Attendance; Minimum Hours and Days of Pupil Instruction; and School Calendars

- 2021-22 Pupil Accounting Manual (michigan.gov)
- Schools of Choice
- MDE Alternative Education. <u>Alternative Education/Innovative</u>
 Programs Reduction of Hours and/or Days Waivers.

Waiver Request Forms/Applications

- 2021-2022 Application for Reduction of Hours/Days Waiver for Alternative and/or Innovative Programs
- Additional Forgiven Time Request
- Common Calendar Waiver Request
- Labor Day Waiver Request
- Travel Time Waiver Submission Form

Core Academic Curriculum and Local Approval of Courses

- Advanced Placement (AP)
- Alternative Education
- CTE Instructional Program Resources
- Dual Enrollment
- Early Middle Colleges
- International Baccalaureate



Michigan Merit Curriculum Legislation/Graduation Requirements

- Michigan Merit Curriculum/Graduation Requirements
- Michigan Merit Curriculum: High School Graduation Requirements FAQs
- MDE Michigan Merit Curriculum, High School Graduation Requirements (2017)
- MDE Testing Out FAQs
- MDE Michigan Merit Curriculum
- MDE MDE and MSU Partner to Study Competency-Based Education
- MDE Memo for Offline/Project-Based Learning Seat Time Waivers
- MDE Application for Reduction of Hours/Days Waiver for Alternative and/or Innovative Programs
- Michigan Seal of Biliteracy MDE webpage

Competency-Based Education

- MDE Competency-Based Education
- MDE MDE and MSU Partner to Study Competency-Based Education
- Defining Competency-Based Education in Michigan
- The Why and What of C-BE

If you have any questions or would benefit from MDE's assistance on any of the flexibility opportunities outlined in this guide, please contact:

Steve Nemeckay
Michigan Department of Education
Office of Educational Supports
Education Experiences Unit
nemeckays@michigan.gov
(517) 331-7789

ENDNOTES

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- 15 MCL 380.1277 School improvement plan. http://www.legislature.mi.gov/(S(2ixki3pxmp2avlhulxzplp2s)]/mileg.aspx?page=GetObject&objectname=mcl-380-1277
- 16 Administrative Rules R 340.1 to R 340.18 School District Pupil Accounting for Distribution of State Aid. https://ars.apps.lara.state.mi.us/AdminCode/DownloadAdminCodeFile?FileName=R%20340.1%20to%20R%20340.18.

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