



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

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SUPERINTENDENT OF
PUBLIC INSTRUCTION

March 17, 2011

MEMORANDUM

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

FROM: Sally Vaughn, Ph.D. *Sally*
Deputy Superintendent/Chief Academic Officer

SUBJECT: Forgiven Days and Hours for Special Education Early Childhood Programs and Services Operated under Rules 340.1754 and 340.1755

The Office of Special Education and Early Intervention Services has received several inquiries into the interpretation of Sections 101(3) and 101(4) of the State School Aid Act (MCL 388.1701) as it applies to special education early childhood programs and services operated under Special Education Administrative Rules 340.1754 and 340.1755. Since programs and services operated under these two rules generate FTE for a district, the district is obligated to comply with Sections 101(3) and 101(4) below.

Section 101(3) reads in part, "However, beginning in 2010-11, a district shall not provide fewer days of instruction than the district provided for in 2009-10."

Section 101(4) reads in part, "Except as otherwise provided in this subsection, the first six days or the equivalent number of hours for which pupil instruction is not provided because of conditions not within the control of school authorities, such as severe storms, fires, epidemics, utility power unavailability, water or sewer failure, or health conditions as defined by the city, county or state health authorities shall be counted as hours and days of pupil instruction."

Early childhood special education programs operated under Rule 340.1754 have a minimum day and hour requirement defined in rule. The minimum number of days for these programs to operate is 144 and the minimum number of instructional hours is 360.

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For the 2010-11 year these programs must provide not less than the number of instructional days the district provided for these programs in 2009-10. With that in mind, the district is eligible to use up to 6 forgiven days to meet this requirement. For example, if the district provided 144 days of instruction in 2009-10, the district would need to provide a minimum of 138 days in 2010-11 (144 – 6 forgiven days).

These same programs must also meet the hour requirement. To generate a 1.0 FTE the program must be provided for 450 instructional hours. Programs operated for 360 instructional hours would generate a maximum of a .8 FTE. Districts may use forgiven hours to meet the above requirements. The calculation for forgiven hours is shown below:

Forgiven hours for a district operating 360 hours
 $360/1098 \times (6 \text{ days} \times (1098/165)) = 13 \text{ hours}$

Forgiven hours for a district operating 450 hours
 $450/1098 \times (6 \text{ days} \times (1098/165)) = 16 \text{ hours}$

(The examples above are based upon a district operating 165 days, if your districts number of instructional days is different from 165, substitute your districts number of instructional days in place of 165.)

Early childhood services provided under Rule 340.1755 have only a minimum hour requirement defined in rule. The minimum hour requirement is 72 hours provided within 180 days. Therefore these services are not eligible for forgiven days; however, they are eligible for forgiven hours. Districts may use forgiven hours to meet the 72 hour requirement as calculated below:

Forgiven hours = $72/1098 \times (6 \text{ days} \times (1098/165)) = 3 \text{ hours}$

(The example above is based upon a district operating 165 days, if your district's number of instructional days is different from 165, substitute your district's number of instructional days in place of 165.)

If you have any questions related to forgiven days and hours for special education early childhood programs, please contact Dianne Easterling by email at (EasterlingD@Michigan.gov), or by calling the OSE-EIS Program Finance at (517) 241-1235.

c: Michigan Education Alliance