



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

MEMORANDUM

DATE: June 10, 2021

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

FROM: Kyle Guerrant, Deputy Superintendent *KG*
Division of Finance and Operations

William Pearson, Ed.D., Interim Deputy Superintendent *WAP*
Division of Educator, Student, and School Supports

SUBJECT: Reminder of Requirements for Academic Year 2021-22
Virtual/Online Teachers

The Michigan Department of Education (MDE) recognizes there are many ways in which local education agencies (LEAs), both traditional public school districts and public school academies (PSAs), provide virtual/online coursework and instruction to students. The purpose of this memorandum is to summarize the laws, rules, and policies for certification, staffing, and reporting virtual/online courses to ensure every student has access to a prepared Michigan teacher who will support content-specific learning needs.

For the 2020-21 Academic Year

[Public Act 165 of 2020](#) amended section 6(8) of the State School Aid Act (MCL [388.1606](#)) to clarify the definition of "class" to mean "...a period of time in one day when pupils and an individual who is appropriately placed under a valid certificate, substitute permit, authorization, or approval issued by the department, are together and instruction is taking place." As you may recall, MDE and other education community partners advocated with the legislature for relief from this requirement for the 2020-21 school year **only**. Public Act 3 of 2021 expanded the definition of "provider" as outlined in 388.1621f. This expanded definition for the 2020-21 school year made it possible to include any other institution or individual that the primary district pays to provide the virtual course.

Planning for the 2021-22 Academic Year

Appropriate placement in a virtual teaching assignment is achieved when a teacher is assigned within the grade-level *and* discipline (subject) area of a valid Michigan

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certificate, permit, or authorization (credential). A valid Michigan credential is one that has been issued by the department and that is not expired, suspended, revoked, or withdrawn. The terms “appropriate placement,” “appropriately placed,” and “valid” are used throughout this memo and should be understood with these definitions.

Common Certification, Staffing, and Reporting Questions for the 2021-22 Academic Year

Q1. What happens if I need to assign an individual to a virtual/online course and do not have a teacher who holds a certificate with the appropriate grade range/endorsement?

A1. Districts have three options:

Option 1: The district can apply for a substitute teaching permit for an available individual. Full-year permits are available for individuals who demonstrate readiness for a long-term position. A daily substitute permit may be issued temporarily to allow an educator to teach for 90-calendar days in a single assignment while documenting eligibility to transition to a full year substitute teaching permit. Individuals who cannot document, or are unwilling to document, readiness for a full-year assignment should not be placed or maintained in that position.

Option 2: Select a course from the statewide course catalog under [MCL 388.1621f](#).

Option 3: Enter into a cooperative education agreement with another LEA.

Q2. How must a district report a virtual/online teacher?

A2. The district must report in the Registry of Educational Personnel (REP) and the Teacher Student Data Link (TSDL) all teachers in their assigned content areas, including all virtual/online teachers. Additionally, all teachers, whether directly employed, utilized through a cooperative education agreement, or provided by another third-party, should be reported on the student registration/schedule, transcript, report card, and within school data systems for purposes of accountability, transparency, and school safety. Parents should know the adults who have contact with their children and who are delivering instruction.

Q3. Do virtual/online teachers need to be fingerprinted?

A3. While not currently required by law, MDE strongly advises that all virtual/online teachers are fingerprinted under Michigan’s School Employee Index to ensure that districts and MDE receive criminal background history and future notifications of criminal activity. MDE is seeking a legislative amendment to require Michigan fingerprinting of virtual/online teachers.

Q4. How do I ensure that the vendor I have selected to provide virtual/online instruction is using an appropriately placed teacher?

- A4. As a stipulation of a contract or cooperative agreement with the third-party, the district should require the third-party to provide the Personnel Identification Code (PIC) for each teacher and then check credential validity by entering the PIC in MDE's free public [educator credential](#) look-up tool as part of its routine audit process.
- Q5. How do I staff a course in which the computer software delivers content?
- A5. Students must have the support of an appropriately placed teacher for every virtual/online course. Thus, districts must use one of the three options provided in the answer to Q1 above.
- Q6. How do I meet special education requirements in a virtual setting?
- A6. If an individual working under a full-year basic substitute permit ([Rule 390.1142](#)) or a daily substitute permit ([Rule 390.1143](#)) is not an endorsed special education teacher in Michigan, the district must ensure that a teacher with a valid Michigan teaching certificate and special education endorsement attend the Individualized Education Plan (IEP) team meeting in the role of the special education teacher. The teacher working under the permit should also attend. It is recommended that the IEP team meeting be run by a teacher with the special education endorsement and who directly supports the completion of the IEP. A student's IEP is a complicated legal document, and a district can be found in noncompliance if the IEP process is not completed timely or correctly.

The following contact information is available should additional questions arise.

For appropriate placement of special education teachers, please refer to the [Special Education Assignments](#) document.

For questions about membership or pupil accounting, please contact the local intermediate school district or educational service agency auditing unit or the [Office of Financial Management](#).

For questions about teacher credentialing, please email MDE-EducatorHelp@Michigan.gov.

For questions about educational personnel reporting in REP or TSDL, please contact CEPI@Michigan.gov.

cc: Michigan Education Alliance
Confederation of Michigan Tribal Education Directors