Pupil Accounting Manual
2021-2022

State Aid School Finance

Office of Financial Managment

MICHIGAN Department of Education

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1: REQUIRED DOCUMENTATION

The documents described in this section must be available at the local or intermediate school district to document and support the membership counted. This section indicates the required content of certain documents, but it does not prescribe the format.

It is each district's responsibility to document the accuracy of membership counted for state aid. The district-designated individual who is responsible for this documentation is required to gather and disseminate requested materials to the pupil membership auditor.

Section 18(4)(a) of the State School Aid Act (MCL 388.1618) requires that districts retain records for the current fiscal year and for at least three (3) immediately preceding fiscal years. See the "Schedule for the Retention and Disposal of Public School Records for more information regarding record retention: https://mi.gov/documents/hal_mhc_rms_local_gs2_171482_7.pdf

The district must provide all documentation requested by the pupil membership auditor within five (5) business days of the request. Failure to provide the requested documentation may result in the loss of membership FTE.

DISTRICT LEVEL REQUIREMENTS

The district must maintain the following documentation for pupil membership purposes:

1) District or Building or Program Calendar

   The school district's board of education shall 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. Section 1284a of the Revised School Code (MCL 380.1284a) requires calendars to adhere to the winter holiday break and a spring break identified in the intermediate school district common calendar unless the State Superintendent has granted the district's request for a waiver.

2) Attendance Policy

   The school district's board of education shall adopt attendance 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.

3) Graduation Requirements

   The school district's board of education shall adopt graduation requirements that include the total number of credits required for graduation. Sections 1278a and 1278b of the Revised School Code (MCL 380.1278a and 380.1278b) detail these requirements.

4) Requirements for Full-Time Pupil Status

   The school district's board of education shall adopt requirements defining the number of class periods, or number of courses when appropriate, required to be a full-time pupil for each building or program. If the district has an alternative education program, the school district's board of education may adopt requirements defining a different number of class periods or courses required to be considered a full-time pupil in the alternative education environment.

5) Approved Courses

   The school district's board of education shall adopt a list of the individual courses that have received board approval. The list shall include courses offered by the district for credit or grade promotion and shall 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. The list of approved courses 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). The list of approved courses shall include all extended learning opportunities associated with each course and a description of each such opportunity. In addition, the district must maintain a document describing

the content of each approved course. The district shall maintain documentation related to the course approval, including the list of approved courses, for membership purposes.

6) Master Teacher Schedule

The master teacher schedule is a district list of teaching personnel who were assigned as the teacher of record for one or more courses for a given school year. The list must include both permanent and long-term substitute teachers. The list will serve as a reference to the pupil membership auditor during the verification of certification and placement compliance. The list should include a teacher even if the teacher was assigned to a course for a portion of the school year. If a teacher was only assigned for a portion of the school year, the list should provide the period of the assignment.

BUILDING OR PROGRAM LEVEL REQUIREMENTS

The district must also maintain the following documentation at the building level, or program level if applicable, for pupil membership purposes:

1) Building or Program Master Schedules

The district shall maintain a building or program master schedule that includes each of the following:

a. Each teacher's legal name.

b. Room locations or numbers.

c. Course names and numbers.

d. Scheduled days and times of classes.

2) Building or Program Alpha List

The principal administrator must sign the alphabetical list of pupils counted in membership by building, program (if applicable), and grade level. This list is used by the pupil membership auditor to verify the pupils counted for membership as reported in the Michigan Student Data System (MSDS). The pupil membership auditor may require a printed list from the district's student information system for comparison purposes.

The alpha list MUST provide the following information for each pupil as of the count day:

a. The pupil's legal name (as it appears on the birth certificate unless the name was not recorded on the birth certificate at the time of birth).

b. The pupil's street address, city, state, and zip code.

c. The pupil's date of birth.

d. The district's pupil identification number.

e. The pupil's grade level or program classification.

f. For each pupil, the amount of general education FTE claimed, special education FTE claimed, and total FTE claimed. FTE figures may be rounded to the nearest 1 or 2 decimal places, at the district's discretion, provided there is consistency throughout the district.

g. For each building or program, the alpha list must include separate totals of the general education and special education membership claimed. The alpha list must also include district-wide grand totals of the general education and special education membership claimed, as well as a combined grand total of the general education and special education membership claimed. Membership figures may be rounded to the nearest 1 or 2 decimal places, provided there is consistency throughout the district.

h. The pupil's residency status (resident or nonresident).

- For nonresidents, the list must also include the resident district name and district code.

3) Nonconventional Programs

Every building or program must have documentation in place on the pupil membership count day and the supplemental count day that identifies each pupil who participates in a nonconventional

program. These programs include, but are not limited to, those described in detail in Section 5-A through Section 6-B of this manual.

The local school district and pupil membership auditor decide together whether to report nonconventional pupils using separate lists or on the building alpha rosters. It is the district's responsibility to identify the applicable category for each nonconventional pupil.

Districts must maintain a listing of pupils educated by another district through a cooperative agreement who are counted in membership by the resident district as part of the cooperative agreement must list the name and code of the district where the resident pupil is educated under the cooperative agreement.

4) Attendance Records

Attendance records are necessary to determine and validate pupil eligibility during the membership count period. The teacher must record attendance on a class-by-class basis for buildings or programs in which the pupils change classrooms (such as high school and middle school). Class-by-class attendance taking is not required for elementary or middle school pupils moving from class to class in a group as opposed to individually moving to various classes; however, teachers must take attendance at least twice per day, once in the AM, and once in the PM after the lunch break, in this instance to track chronic absenteeism.

Alterations to the official adopted calendar, such as canceled hours of instruction or changed hours of instruction, must be shown on the teacher's attendance records and provided to the pupil membership auditor.

The teacher of record shall review and sign in ink the original attendance record for it to be considered the official record of attendant. This requirement applies to all attendance records, including computer-generated attendance records.

The following describes how to properly document attendance:

a. The attendance record was created by a teacher of record or qualified substitute teacher.

b. The records must be legible, accurate, and reliable. If the pupil membership auditor deems the records unreliable or otherwise unacceptable, the district shall, provide an alternative method to support claimed attendance that is acceptable to the pupil membership auditor.

c. The district developed, implemented, and enforced a district-wide standard attendance system, using a minimum of letters or symbols.

d. The teacher of record or qualified substitute teacher adheres to the district-wide standard attendance system.

e. The first date of attendance for each pupil must be indicated in the teachers' original attendance records.

f. Drop and transfer dates must be clearly indicated in the teachers' attendance records.

g. Teachers shall not obliterate, strike out, white out, erase, or render illegible in any way the original attendance records for pupils who are no longer enrolled in a course.

h. The district, at the end of the school year, collects all teacher attendance records. The district must retain the attendance record for a school year for three years after the school year to which the attendance record relates.

i. A "dropped" pupil must continue to be marked as "absent" until the attendance office has officially dropped the pupil, including when using electronic attendance as the official record.

j. Attendance markings must be easily readable and entered on a separate line or on a separate page from grades, scores, and other markings.

k. Non-scheduled instructional days must be indicated on the attendance records.

l. Pupils on suspension, whether in-school or off-campus, must be marked absent in their regular classes. The type of suspension should be noted using a district-designated notation, such as "IS" for an "in-school" suspension and "S" for off-campus suspension. The office must

maintain a list of pupils assigned to an in-house suspension room. The teacher assigned to the "in-school" suspension room is responsible for maintaining a daily attendance record.

m. The Department strongly recommends that districts adopt positive attendance procedures to promote regular attendance and reduce chronic absence throughout the school year.

n. Indication of absence for any pupil not in attendance on count day, who attended the missed course(s) within the next 10 school days if the absence was unexcused, or within 30 calendar days if the absence was excused. The district may provide the 10/30-day report separately.

Source documents for attendance records must definitively and clearly substantiate attendance on specific dates and at specific times. The following are examples of source documents that may satisfy this requirement.

- A teacher attendance book.
- A pupil sign-in (time) and sign-out (time) daily record.
- An automated "mark-sense" data collections form.
- A daily teacher attendance slip.
- Attendance records from the district's student information system.

The teacher must sign the source attendance document regardless of the format. The document must include the name of the class, class period, and dates. Teachers must sign automated data collection attendance documents on a weekly basis (minimally). If the record is in pencil, the teacher of record must total the daily attendance in ink.

The records must be printed and signed for the week before the count date, the count week, and the four (4) weeks following the count week, to ensure that the auditor can verify pupil attendance for pupils who were absent on count day but returned under the 10/30-day rule or returned from a suspension or expulsion. Teachers must take attendance every day of operation even if the district does not print the attendance document for the remainder of the year. The district must provide the pupil membership auditor with the district's written electronic attendance procedures.

Districts that have the permission of their pupil membership auditor to participate in "green auditing," must provide electronic access to the local district attendance records for review during the audit process. The district will provide a certification document to the pupil membership auditor containing the names and dated signatures of all teachers of record, attesting to the accuracy of the electronic attendance documentation or file(s) provided to the auditor. The certification document must follow the form prescribed by the Department and intermediate school district. An alternate form of attendance record-keeping may be necessary if the pupil membership auditor deems an electronic system as unreliable.

The attendance requirement must be met by a pupil in order for membership to be counted for that pupil. Additional or alternative attendance and participation requirements may apply to pupils attending through nonconventional means. Refer to the applicable section of this manual for the nonconventional program in question for additional detail regarding requirements for counting membership.

Districts must document the method used to confirm pupil attendance and comply with specific guidelines for each nonconventional program. This documentation must be available to pupil membership auditors for review.

5) Policy Defining Excused and Unexcused Absences

Section 6(8) of the State School Aid Act (MCL 388.1606) states:

"...[A] pupil who is absent from any of the classes in which the pupil is enrolled on the pupil membership count day or supplemental count day and who does not attend each of those classes during the 10 consecutive school days immediately following the pupil membership count day or supplemental count day, except for a pupil who has been excused by the district, shall not be counted as 1.0 full-time equated membership. A pupil who is excused from attendance on the pupil membership count day or supplemental count day and who fails to attend each of the classes in

which the pupil is enrolled within 30 calendar days after the pupil membership count day or supplemental count day shall not be counted as 1.0 full-time equated membership."

Every district must have a school policy defining an excused absence and an unexcused absence. Each pupil with an unexcused absence on count day must return within the next 10 days of school in order to be counted. Each pupil with an excused absence must be enrolled and scheduled for classes but did not have to attend school before count day; such a pupil has 30 calendar days to return.

In addition, a pupil who was enrolled and in attendance in a district, an intermediate school district, or a public school academy before the pupil membership count day or supplemental count day of a particular year but was expelled or suspended on the pupil membership count day or supplemental count day shall only be counted as 1.0 full-time equated membership if the pupil resumed attendance in the district, intermediate school district, or public school academy within 45 days after the pupil membership count day or supplemental count day of that particular year (MCL 380.1606(8)).

It must also be noted that an absence on count day might be for one or more class periods or for the entire school day. If the unexcused pupil misses less than the full day and does not attend all classes within the 10-day period, FTE may only be reported equal to the percentage of classes attended during the 10-day period. The same is true for a pupil with an excused absence, except that he or she has 30 calendar days to attend all enrolled classes.

6) Excused Absence Documentation

A district maintains the excused absence documentation for each pupil by maintaining a list of pupils absent on each scheduled and provided day of instruction. In addition, the pupil membership auditor may require a separate list indicating the pupils absent on the count day and the pupils' return dates if the local district did not identify those pupils on the building alpha rosters.

The documentation for count day absences must indicate:

a. Pupil's name.

b. Building, grade, and program if applicable.

c. Course name and number or class period, if secondary.

d. Date of absence.

e. Name and relationship of person reporting absence to the district.

f. Reported reason for the absence.

g. Date of the report.

h. Signature of the approving administrator or designated staff.

A pupil absence is considered unexcused if documentation supporting an excused absence is unavailable.

Note: Absence as related to deployment activities – A child whose parent or legal guardian is an active duty member of the uniformed services, as defined by the interstate compact on educational opportunity for military children, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian in accordance with the interstate compact, 2008 PA 160, MCL 3.1041 to 3.1042.

7) Teacher Certification Requirement

"... For purposes of this subsection, "class" means either of the following, as applicable:

(a) A period of time in 1 day when pupils and an individual who is appropriately placed (meaning grade-level and subject area) under a valid certificate, substitute permit, authorization, or approval issued by the department, are together and instruction is taking place. This does not apply for the 2021-2022 school year but will take effect for the 2022-23 school year.

(b) **For the 2021-2022 school year**, a period of time in 1 day when pupils and a certificated teacher, a teacher engaged to teach under section 1233b of the revised school code, MCL 380.1233b,

or an individual working under a valid substitute permit, authorization, or approval issued by the department are together and instruction is taking place."

INDIVIDUAL PUPIL LEVEL REQUIREMENTS

The district must maintain the following documentation for each pupil for membership purposes:

1) Enrollment Records (CA60)

   The district must complete all items on the enrollment record where applicable and proper information is available, or mark the item as "N/A" if not applicable.

   The enrollment record must indicate:

   a. Pupil's legal name, address, and birth date.
   b. Pupil's identification number.
   c. School district of residence.
   d. Current grade level.
   e. The school district or building of the pupil's last enrollment (including a copy of the pupil's school record).
   f. Enrollment in another district and the name of the district.
   g. Parent's or guardian's name and address (if the pupil is less than 18 years of age).
   h. Pupil's signature (if the pupil is 18 years of age or older).
   i. Date of enrollment.
   j. Immunization records.
   k. Proof of identity (when first enrolling). This may be a document stating that a district employee saw a copy of the birth certificate or other reliable proof.
   l. For a resident pupil, the proof of residency received for the pupil. For a nonresident pupil, the proof the pupil is a nonresident who is eligible to enroll. The requirement to keep the proof(s) of residency is effective for all new enrollments that occur after the 2019-20 school year.
   m. Record of parent or legal guardian consent for virtual course enrollment, if applicable, unless the pupil is at least age 18 or is an emancipated minor.

   Note: A pupil experiencing homelessness shall not be prevented from enrolling in the district due to his or her inability to produce the above documentation.

   Note: In accordance with the interstate compact, 2008 PA 160, MCL 3.1041 to 3.104, states shall give thirty days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the Interstate Commission for pupils to obtain any immunization(s) required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within thirty days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

2) Proof of Pupil Identity and Age

   Section 1135 of the Revised School Code (MCL 380.1135) requires:

   > (1) Upon enrollment of a student for the first time in a local school district, public school academy, or intermediate school district, the local school district, public school academy, or intermediate school district shall notify in writing the person enrolling the student that within 30 days he or she shall provide to the local school district, public school academy, or intermediate school district either of the following:
   >
   > (a) A copy of the student's birth certificate.

(b) Other reliable proof, as determined by the local school district, public school academy, or intermediate school district, of the student's identity and age, and an affidavit explaining the inability to produce a copy of the birth certificate.

(2) If a person enrolling a student fails to comply with subsection (1), the local school district, public school academy, or intermediate school district shall notify the person enrolling the student in writing that, unless he or she complies within 30 days after the notification, the case must be referred to the local law enforcement agency for investigation. If the person enrolling the student fails to comply within that 30-day period, the local school district, public school academy, or intermediate school district shall notify the local law enforcement agency.

(3) The local school district, public school academy, or intermediate school district shall immediately report to the local law enforcement agency any affidavit received under this section that appears inaccurate or suspicious in form or content.

(4) Within 14 days after enrolling a transfer student, the school shall request in writing directly from the student's previous school a copy of his or her school record. Any school that compiles records for each student in the school and that is requested to forward a copy of a transferring student's record to the new school shall comply within 30 days after receipt of the request unless the record has been tagged under section 1134. If a student record has been tagged under section 1134, a copy of the student record must not be forwarded, and the requested school shall notify the law enforcement agency that notified the school district of the missing student under section 8 of 1968 PA 319, MCL 28.258, of the request.

(5) A local school district, public school academy, or intermediate school district shall not disclose any personally identifiable information contained in a student record to a law enforcement agency, except in compliance with 20 USC 1232g, commonly referred to as the family educational rights and privacy act.

The school district has the authority to determine the type of “other reliable proof” that the district will accept to prove a pupil's identity or age when a copy of the pupil's birth certificate is not available. Examples of “other reliable proof” that may be accepted are: baptismal certificate indicating date and place of birth; court records; county, military, or immigration records; doctor or hospital records with sworn statements; certain family records; life insurance policy; or a sworn notarized statement from a parent or guardian. (A district must never deny enrollment or expel a pupil simply because the person enrolling the child did not provide a birth certificate.)

Note: Section 1 of the Interstate Compact on Educational Opportunity for Military Children Act (MCL 3.1041) provides that a special power of attorney relative to the guardianship of a child of a military family is sufficient for purposes of enrollment and all other actions requiring parental participation and consent, that a district may not charge tuition for a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives outside the district of the custodial parent, and that such a child may continue to attend the school in which he or she was enrolled while residing with the custodial parent.

3) Pupil Class Schedules

The district must retain the class schedule that was in effect on the count day to determine membership. The class schedule must reflect all courses in which the pupil is enrolled for the semester or trimester as of count day, even if the pupil will be taking the courses on a sequential basis. The class schedule must include the following information or information as otherwise agreed by the pupil membership auditor:

a. Pupil's legal name.

b. Pupil's identification number.

c. Course names and numbers.

d. The name of the instructor for each course.

e. Scheduled days and times of the classes.

Districts shall maintain a current class schedule for pupils during the count period. If a class schedule changes after the count period, the district must update the class schedule immediately. The district shall maintain a record of the pupil's schedule as of count day. If a district uses "placeholders" in lieu of actual course names for planning purposes, all placeholder course names must be replaced with the actual course names prior to count day.

Note: If a district operates on trimesters and has a pupil with an excused absence on the supplemental count day, it may count that pupil if the pupil returns within the 30 calendar days following the supplemental count day to a different class schedule in the third trimester and meets the class-by-class attendance requirement for that third trimester.

4) Additional Student Records Maintained for Auditor Review

In addition to the above documentation, a district may need to provide a copy of the following documents for membership purposes.

- Transcripts – Used to document grade progression or course credit for state aid purposes.
- Education Development Plan (EDP) – Depending on the pupil's grade level or program (Sections 5-G-B, 5-L, 5-O-B, 5-O-C, 5-O-D, 5-P, and 6-A), an education development plan may be required for membership purposes.

STATUTORY AND OTHER REFERENCES

State School Aid Act

MCL 388.1603

MCL 388.1606

MCL 388.1623a

MCL 388.1624b

MCL 388.1625e

MCL 388.1705

MCL 388.1705c

Revised School Code

MCL 380.1134 - 380.1137

MCL 380.1146 - 380.1148a

MCL 380.1166

MCL 380.1277 - 380.1284b

MCL 380.1309 - 380.1311a

MCL 380.1401 - 380.1416

MCL 380.1561 - 380.1599

Other References

McKinney-Vento Homeless Education Assistance Act of 2001, Pub. L. No. 100-77 § 11301, Stat. 482

Interstate Compact on Educational Opportunity for Military Children Act of 2008, MCL 3.1041-3.1042

Uniform Crime Reporting System Act of 1968, MCL 28.258

QUESTIONS AND ANSWERS

Attendance Sheets Signed by the Teacher of Record Requirement

Q# 1 The district has the teachers report attendance to the office via the computer. However, the front office is where changes or edits, such as late arrivals and excused or unexcused absences, occur. Is it acceptable that office personnel are the only personnel allowed to edit the records?

A# 1 It is acceptable that a district keeps attendance by computer if the teacher signs an attendance sheet weekly. Although the front office staff, in this scenario, are the only employees editing the pupil's records, the teacher must also verify the accuracy of each day's record. The central office is more than likely where the phone calls and the determination for "excused" and "unexcused" absences will be made. However, the central office, for example, cannot change "absent" to "present" for first period just because the pupil arrived for second period. The teacher of record would know if the pupil was tardy or arrived in the middle of the class period.

Q# 2 The pupil membership auditor is requesting that pupil attendance be kept for the entire year. Is the district required to keep attendance for six weeks or for the entire year?

A# 2 The district must keep attendance each day of operation for the entire school year. Pupil attendance is necessary to determine that the district has met the 75% pupil attendance requirement each day of operation.

Proof of Identity and Enrollment

Q# 3 A resident of the district wants to enroll a pupil but has no proof of relationship to the child. The resident claims that he is the biological father but his name is not on the child's birth certificate. What does the resident need to present as proof of his parental rights in order to enroll this child?

A# 3 The district shall try to verify the resident's relationship to the child. If the resident's name is not on the birth certificate, the district may examine a court order of parentage, a child custody order, the resident's health insurance records, or other reasonable documentation. The district may wish to consult with legal counsel regarding other reliable methods to establish relationship.

Section 1135 of the Revised School Code requires that a person enrolling a pupil in school for the first time provide the district with a copy of the pupil's birth certificate or other reliable proof of the pupil's identity. If proof is not provided within 30 days after written notice was provided to the parent that this documentation was required, the local law enforcement agency should be notified.

Q# 4 A parent enrolling his or her child refuses to leave the child's birth certificate with the district. What does the district use to enroll this child?

A# 4 The person enrolling the child must "provide" a copy of the child's birth certificate but arguably the district doesn't have a right to keep the copy provided. The district may ask to make a copy of the birth certificate but should redact social security numbers. Regardless, the district must have a means to verify the birth certificate was provided and the district must document that it has seen the birth certificate.

Q# 5 District A has enrolled a new resident pupil. District A requested the pupil's records from the previous school district. The previous district refuses to send a copy of the pupil's birth certificate, stating that sending copies of birth certificates is against its policy. What recourse does District A have?

A# 5 District A must receive the birth certificate from the person enrolling the child, not from the previous school district. In fact, the previous school district may not even have a copy of the birth certificate. Subject to exceptions explained above, a person enrolling a child for the first time in a district is required to show the enrollment staff a copy of the child's birth certificate. However, the enrolling district is not required to keep or copy the birth certificate but may simply maintain a statement that describes the birth certificate's contents and that verifies that a district employee saw it.

Q# 6 The district had two resident families who enrolled their children in another school district. Now that it is after the pupil membership count day, the families would like to return to the resident district. Must the district enroll these pupils?

A# 6 Yes, Section 1147 of the Revised School Code guarantees that all pupils who reside in a given district who meet the age requirement or satisfy the early kindergarten enrollment exception have the right to attend school in the resident district <u>unless</u> the pupil is under a permanent state-mandated expulsion, which constitutes expulsion from all Michigan public school districts. If the pupil is under a permanent, state-mandated expulsion, the resident district is not required to enroll the pupil until he or she is reinstated under Section 1311 of the Revised School Code.

Q# 7 A high school pupil moved from the district during the summer and enrolled in his new resident district. The district wants to withhold the pupil's records, as he owes for several lost books. Can the district legally withhold the pupil's records?

A# 7 No. A school district must furnish the records of a pupil upon request of another school district in which the pupil is enrolled as an incident to the operation of free public elementary and secondary schools required by Const 1963, art 8, Sec. 2, and is precluded from withholding the records because the pupil or his or her parents are indebted to the school district possessing the records for fees or other charges per the Opinion of Attorney General, 1982, No. 6,064 (April 30, 1982).

Immunization Records

Q# 8 A 19 year-old pupil is enrolled in the alternative education program. This pupil did not have a copy of his immunization records and was not certain where or how to obtain a copy of those records. We heard that it was not necessary for a 19 year-old to provide these records. Is this true?

A# 8 Yes. The Department of Health and Human Services requires information regarding immunizations for pupils between the ages of 4 and 18. This pupil is 19 years old. See this document for further information: https://mi.gov/documents/mdhhs/School_Req_for_Schools_BW_557032_7.pdf.

Senior in High School

Q# 9 Pupil has attended District A for several years up through his junior year. The family moved out of the district during the summer. The pupil would like to attend District A and graduate with his class. What documentation is required so this pupil may continue his senior year at District A?

A# 9 The pupil must obtain a release from the new resident district, unless the pupil meets one of the exceptions listed in Section 6(6) of the State School Aid Act. For example, a pupil who was enrolled in District A under Section 105 schools of choice can remain enrolled even if his or her physical address changes after enrollment unless the pupil breaks the schools of choice enrollment by enrolling in another district or by being expelled from the district.

10/30-Day Rule

Q# 10 A pupil is absent on count day but is still enrolled in the district. Should the district remove the pupil if he or she continues to be absent? Should the district remove the pupil from the database?

A# 10 If the pupil is still enrolled, the pupil may be eligible to be counted based on the 10/30-day rule. However, if a pupil is not present on count date and if the district is not sure if the pupil is still enrolled, the district should not count the pupil for FTE. If the pupil is enrolled in another district, the pupil will be reported in that district's count. Follow your local district's attendance policy to determine when to remove a pupil from enrollment.

2: DAY, HOUR, AND ATTENDANCE REQUIREMENTS

As specified in Section 101 of the State School Aid Act (MCL 388.1701), a local school district must provide each pupil with the required minimum number of days and the required minimum number of hours of pupil instruction in each school fiscal year. Section 101 also establishes a minimum daily attendance requirement that districts must reach during each scheduled day of instruction.

DAYS OF INSTRUCTION

Subject to an exception related to certain unexpired collective bargaining agreements, Section 101(3)(a) of the State School Aid Act requires that all districts provide at least 180 days of instruction in grades 1-12; Kindergarten does not have a day requirement. If a collective bargaining agreement that provides a complete school calendar was in effect for employees of a district as of June 24, 2014, and if that school calendar is not in compliance with this subdivision, then [Section 101(3)(a)] does not apply to that district until after the expiration of that collective bargaining agreement.

Pupil instructional days for kindergarten may be scheduled for a half-day session, a full-day session, or an alternative day session; thus, kindergarten is not required to meet a minimum number of days. Membership for kindergarten is based solely on the number of instructional hours scheduled and is calculated by dividing the number of hours scheduled by 1,098.

HOURS OF INSTRUCTION

For a full-time equated membership, each district shall schedule to provide at least 1,098 hours of pupil instruction to pupils in grades K-12 per Section 101(3)(a) of the State School Aid Act. Pupils scheduled to receive less than 1,098 hours of pupil instruction during the school year must have their memberships prorated based on the actual number of instructional hours provided.

PROFESSIONAL DEVELOPMENT AS INSTRUCTIONAL TIME

Under Section 101(10) of the State School Aid Act (MCL 388.1701), a district may count up to 38 hours of qualifying professional development time for teachers as hours of pupil instruction if all of the following requirements are satisfied:

- A district-wide professional development advisory committee appointed by the district board recommends at least 8 hours of the qualifying professional development counted as hours of pupil instruction. The advisory committee must be composed of teachers employed by the district who represent a variety of grades and subject matter specializations, including special education; nonteaching staff; parents; and administrators. The majority membership of the committee shall be composed of teaching staff.
- If the qualifying professional development is provided online, the district must have approved the instruction.
- The qualifying professional development hours are used to offset instructional time for pupils whose teachers participated in the qualifying professional development.
- To be considered <u>qualifying professional development</u>, the following must be met:
    - The professional development is aligned to the school or district improvement plan for the school or district in which the professional development is being provided.
    - The professional development is linked to 1 or more criteria in the evaluation tool developed or adopted by the district or intermediate district under Section 1249 of the Revised School Code, MCL 380.1249.
    - The Department has approved the professional development and confirmed it may be counted for state continuing education clock hours (SCECHs). The number of hours of professional development counted as hours of pupil instruction may not exceed the number of state continuing education clock hours for which the qualifying professional development was approved.

      Districts have the following options to receive SCECH program approval for their district provided professional development (DPPD):

    - Districts may use already approved programs from the SCECH Catalog: https://mdoe.state.mi.us/MOECS/ProfessionalLearning/Reports/Catalog.
    - Districts may work with an approved SCECH Sponsor (https://mdoe.state.mi.us/MOECS/ProfessionalLearning/Reports/AllSponsors) to submit a program application.
    - A district may become a SCECH Sponsor by submitting a SCECH Sponsor Application (https://mi.gov/documents/mde/SCECH_Sponsor_Application_666673_7.pdf) using the Michigan Online Educator Certification System (MOECS).
  - Not more than a combined total of 10 hours of the professional development takes place before the first scheduled day and after the last scheduled day of school for that school year.
  - No more than 10 hours of qualifying professional development takes place in a single month.
  - At least 75% of teachers scheduled to participate in the professional development are in attendance.

If the district meets the above requirements, and if the qualifying professional development exceeds 5 hours in a single day, that day may be counted as a day of pupil instruction.

A district shall provide documentation establishing satisfaction of all of these requirements to the pupil membership auditor.

DAY AND HOUR REQUIREMENTS FOR SPECIAL EDUCATION

Hours that early childhood pupils with an IEP or IFSP only receive related services (not instruction), such as speech, occupational therapy, physical therapy, or psychological or social work services, may not be counted for pupil membership purposes. Districts shall adhere to the day and hour requirements described above for special education pupils unless one or more of the following apply.

- Administrative Rule 340.1754: Early childhood special education programs shall be available for a minimum of 360 clock hours and 144 days of instruction. Full-time equated memberships for special education pupils who are not enrolled in kindergarten but are enrolled in a classroom program under Administrative Rule 340.1754 shall be determined by dividing the number of class hours scheduled and provided per year by 450.
- Administrative Rule 340.1755: Early childhood special education services shall be provided for a minimum of 2 hours per week, but not less than 72 clock hours within 180 school days. Full-time equated memberships for special education pupils who are not enrolled in kindergarten but are receiving early childhood special education services under Administrative Rule 340.1755 shall be determined by dividing the number of hours of service scheduled and provided per year by 180.
- Administrative Rule 340.1862: Special education services provided under the educational direction of an early childhood special education teacher and described in an individualized family service plan shall be provided for not less than 72 clock hours over 1 year. The timeline begins on receipt of signed parental consent to provide services. Full-time equated memberships for special education pupils who are not enrolled in kindergarten but are receiving early childhood special education services under Administrative Rule 340.1862 of the Michigan Administrative Code shall be determined by dividing the number of hours of service scheduled and provided per year by 180.
- Special Education Pupils Placed by an IEP Team in Less than a Full Day of Instruction (IEP Reduced Schedule): Special education pupils are to attend the same number of days and hours as are required of any pupil to be counted for a full FTE. However, following a diagnosis from a licensed physician (defined by Section 17001(1) of 1978 PA 368, MCL 333.17001) or a licensed physician's assistant that provides a district with a reason attesting to the need to provide a pupil with reduced schedule do to a medical or emotional reason, a special education student may have reduced instructional time without impacting FTE. The medical or emotional reason shall be documented in the pupil's record or IEP. With the licensed physician or a licensed physician's assistant statement, an IEP team may shorten the school day for a pupil with disabilities on an individual pupil basis. If the IEP team shortens the day for a medical or emotional reason, the pupil is eligible to be counted for 1.0 FTE.

Ineligible IEP Reduced Schedule Placements:
The following scenarios do not qualify pupils for an IEP reduced schedule; the FTE must be prorated according to the number of instructional hours provided.

1. Pupils who are being disciplined for behavioral problems, or those who are suspended or expelled.
2. Pupils who do not require a full day of instruction to acquire enough credits to graduate; such pupils are part-time pupils.
3. Pupils who spend part of their day employed; such pupils are part-time pupils.
4. Pupils who otherwise qualify for a reduced schedule (Section 5-H).
5. Pupils enrolled in early childhood special education programs (Section 5-K).
6. Pupils enrolled in transition type programs (Section 5-L).

DAY AND HOUR REQUIREMENTS FOR ALTERNATIVE OR INNOVATIVE EDUCATION

Districts are expected to adhere to the day, hour, and attendance requirements provided in Section 101 of the State School Aid Act for alternative education pupils unless the program, building, or district, has a waiver from the State Superintendent that is valid for the current school year that allows the district to deviate from the day, hour, or attendance requirements.

Districts operating a Department approved alternative education program that does not provide instruction for pupils in all of grades K-12 may request a waiver from the standard attendance requirements identified in Section 101(3)(d) and (e) of the State School Aid Act (MCL 388.1701).

Additionally, Section 101(9) of the State School Aid Act affords districts operating a Department approved alternative education program, or another innovative program that is approved by the Department, the opportunity to request a waiver from the State Superintendent that would allow the district to deviate from the day or hour requirements provided in that section.

ATTENDANCE REQUIREMENT

Section 101(3)(d) of the State School Aid Act provides a standard minimum attendance requirement of 75% of the enrolled pupils who are scheduled for instruction for a given day. However, Section 101(3)(e) of the State School Aid Act states that, for any day of pupil instruction that is added to the end of the instructional calendar, the minimum attendance requirement is 60% of the enrolled pupils who are scheduled for instruction that day.

Section 101(3)(f) of the State School Aid Act allows districts that do not provide instruction for pupils in all of grades K-12 that operate a Department-approved alternative education program the option of requesting a waiver from the attendance requirements stated above, allowing the district to maintain an attendance requirement of 50% of the enrolled pupils who are scheduled for instruction on a given day.

If a district fails to meet the attendance requirement on a scheduled day of instruction, the day and hour scheduled for that day may be counted for the buildings, grades, and programs scheduled to provide instruction on that date.

VARIANCES TO THE DAY, HOUR, OR ATTENDANCE REQUIREMENTS

- Travel Time (MCL 388.1701(7)(d)) – If a pupil in grades 9 to 12 who is enrolled in a cooperative education program or a special education pupil cannot receive the required minimum number of hours of pupil instruction solely because of travel time between instructional sites during the school day, that travel time, up to a maximum of 3 hours per school week, shall be considered to be pupil instruction time for the purpose of determining whether the pupil is receiving the required minimum number of hours of pupil instruction. If a district demonstrates to the satisfaction of the Department that the travel time limitation under this subdivision would create undue costs or hardship to the district, the Department may consider more travel time to be pupil instruction time for this purpose.
- Seat Time Waiver Program (MCL 388.1701(9)) – This legislation provides the State Superintendent with the authority to waive the day and hour (seat time) requirements stated in Section 101(3) of the State School Aid Act for a Department approved alternative education program or an innovative program.

- Alternative or Innovative Program Waiver (MCL 388.1701(9)) – On application by the district for a fiscal year, the superintendent may reduce for a district the minimum number of hours, days, or attendance requirements for a Department approved alternative education program or an innovative program.
- Cyber Schools (MCL 380.553a of the Revised School Code) – A cyber school shall provide full-time instruction through online learning or otherwise on a computer or other technology, and this instruction and learning may occur remote from a school facility. A cyber school shall schedule to provide a minimum of 1,098 hours of educational services for a school year.

  In addition to ensuring that the minimum number of educational service hours are scheduled, a cyber school shall the cyber school shall track a pupil's participation through attendance in the educational program offered by the cyber school for the proportionate number of instructional hours from the date of enrollment of the pupil. If the cyber school scheduled 1,098 hours, and the pupil enrolled half-way through the school year, the cyber school must track and ensure that the pupil participated in at least 549 instructional hours. Note: A pupil who enrolled after the first day of the school year must still carry a full-time course load.

  The cyber school must provide the pupil membership auditor with a copy of the participation documentation.

CALENDARS

The calendar must include instruction on the state-legislated count days. Count days cannot be scheduled days off.

Intermediate school districts, local school districts, and public school academies must adhere to the requirements of Section 1284b of the Revised School Code (MCL 380.1284b), which prohibits the instructional calendar year from beginning before Labor Day. Districts that have received a waiver from this requirement must still ensure that instruction is not scheduled on the Friday before Labor Day.

As established by Section 1284a of the Revised School Code (MCL 380.1284a), districts and public school academies must also comply with the common calendar established by the intermediate school district when scheduling the winter break and spring break.

Instruction may not be held on any of the public holidays provided in Section 1175 of the Revised School Code (MCL 380.1175).

Districts must have a waiver from the State Superintendent to deviate from these provisions of law.

1) Labor Day Requirement (MCL 380.1284b)

   The board of a school district or intermediate school district or the board of directors of a public school academy shall not schedule pupil instruction prior to Labor Day. Public schools are not prohibited from offering or requiring professional development for its personnel before Labor Day.

   Exceptions:

   If, on September 29, 2005, a district or public school academy was operating a year-round school or program or an international baccalaureate academy that provided 1,160 hours of pupil instruction per school year, the requirement to start school after Labor Day does not apply to that school or program.

   If, after September 29, 2005, a district or public school academy began operating a year-round school or program, the district must apply to the State Superintendent for a waiver from the requirement to start school after Labor Day. The State Superintendent will grant the waiver if it is determined that the school or program is a bona fide year-round school or program established for educational purposes. If the school has already been operating a year-round school, the school must request approval from the Department to establish that the school is recognized as a bona fide year-round school.

   An intermediate school district is exempt from the requirement to start after Labor Day if the intermediate school district: (1) contracts with a constituent district or public school academy to provide programs and services for pupils, (2) operates a program or service within a building owned by a constituent district or public school academy within the boundaries of the intermediate school district, or (3) provides instructional programs or services to pupils of a constituent district or public

school academy. In each of these situations, the intermediate school district is exempt from the Labor Day requirement only if the constituent district or public school academy is exempt pursuant to one of the exceptions described above. The programs or services provided by the intermediate school district must be provided according to the school district's or public school academy's calendar.

In addition, a public school that operates all of grades 6-12 at a single site, that aligns its high school curriculum with advanced placement courses as the capstone of the curriculum, and that ends the second semester concurrently with the end of the advanced placement examination period is exempt from the requirement to start school after Labor Day.

Note: Regardless of the exceptions mentioned above, instruction must not be held on the Friday before Labor Day.

2) Common Calendar Requirement (MCL 380.1284a)

An intermediate school district, in cooperation with its constituent districts (including public school academies within the intermediate school district), shall adopt a common school calendar to apply to all of its constituent districts and to its intermediate school district programs. The intermediate school district shall post the common school calendar on its website. The common calendar shall meet both of the following:

a. Compliance with Sections 1284 and 1284b of the Revised School Code (MCL 380.1284 and 380.1284b).

b. Identification of the dates for each school year when school will not be in session for a winter break and a spring break for the current year and the succeeding four years. The common calendar must have specific winter break days and spring break days. If a district wants to deviate from the common calendar, it must obtain approval from the ISD and a waiver from the Department.

Exceptions:

A district that has a collective bargaining agreement that provides a complete school calendar in effect prior to October 1, 2007, does not have to comply with the common calendar until such time that the district's collective bargaining agreement expires. For this provision to apply, the calendar provided under the collective bargaining agreement must not comply with the current common calendar.

If, on October 1, 2007, a district or public school academy was operating a year-round school or program or an international baccalaureate academy that provided 1,160 hours of pupil instruction per school year, the requirement to comply with the common school calendar does not apply to that school or program.

If an intermediate school district or a district began operating a year-round school or program after October 1, 2007, the intermediate school district or district must apply to the State Superintendent for a waiver from the common calendar requirement. The waiver application shall provide documentation that the school or program meets year-round requirements.

A district that operates all of grades 6-12 at a single site, that aligns its high school curriculum with advanced placement courses as the capstone of the curriculum, and that ends its second academic semester concurrently with the end of the advanced placement examination period is exempt from the common school calendar requirement.

3) Instruction Shall Not Be Held on the Following Legal Holidays

Section 1175(1) of the Revised School Code (MCL 380.1175) reads in part: "January 1, New Year's day; the last Monday of May, Memorial or Decoration day; July 4; the first Monday in September, Labor day; the fourth Thursday of November, Thanksgiving day, and December 25, Christmas day, shall be public holidays in the public schools of this state. If 1 of these days falls on Sunday, the Monday following shall be a public holiday in the public schools. A school session shall not be held on the public holidays described in this subsection in a public school in this state."

4) District, Building, or Program Calendar

A district may operate using a district-wide school calendar that is universal to all buildings and programs within the district, the district may operate using building or program calendars that are

specific for each building or program, or the district may operate using calendars for clusters of buildings or programs within the district. The calendar must indicate the total scheduled days and hours of pupil instruction for the year. The school calendar should also indicate the days and times that teacher professional development is scheduled (and if professional development time will be used toward the instructional hour requirement pursuant to the exception set forth in Section 101(10) of the State School Aid Act, MCL 388.1701(10)).

Pupil instructional days and instructional hours may vary within a calendar but the minimum required days and minimum required hours for the school fiscal year must be met by each grade level or program, calculating the hours to the nearest tenth or hundredth. A special education early childhood pupil must be scheduled for at least 360 hours to be eligible for membership. A full-time special education early childhood pupil must be scheduled for at least 450 hours of pupil instruction to receive 1.0 FTE; a pupil scheduled for less than 450 hours must have his or her FTE prorated.

The three calendar options are the following:

a. A district-wide calendar is one in which the days of operation are universal to all buildings and programs within the district, including the beginning and ending dates of the school year and all vacation days. The individual building and program hours of operation may vary on the universal days for activities such as parent/teacher conferences and staff development. The individual building or program may count only those days and hours that pupil instruction was scheduled for that building or program.

b. An individual building or program calendar is one in which the days of operation pertain to that individual building or program. When uncontrollable circumstances occur that require a particular building or program to alter the planned schedule, it is acceptable for a district to switch that particular building or program from a district-wide calendar to an individual building or program calendar for the purpose of determining compliance with the minimum instructional hour requirements.

c. A cluster of buildings or programs calendar is one in which the days of operation are common to a group of buildings or a group of programs within the district. When uncontrollable circumstances occur that require several buildings or programs to alter the planned schedule, it is acceptable for a district to switch that group of buildings or programs from the district-wide calendar to a calendar that is universal to that group of buildings or programs.

5) State Assessment Dates

If instruction is not scheduled in a grade or building on a date due to participation in a mandatory state assessment, the day and hours are not countable for the grade or building not scheduled for instruction. Districts should consider scheduling pupils who are not participating in the assessment to attend instruction once testing has completed, or at an off-site venue during the assessment time, to avoid having instructional time issues at the end of the school year. Alternatively, to ensure that instructional time requirements are satisfied, a district may schedule additional days of instruction for pupils who participate in mandatory state assessment. Click here for additional information: https://michigan.gov/documents/mde/Day_Requirement_and_State_Testing_627955_7.pdf.

6) Calendar Best Practices

- Districts are encouraged to identify common dates for professional development days in the common school calendar.
- Districts should consider ending the school year midweek, for instance on a Wednesday. If days need to be rescheduled, it will be easier to meet the attendance requirement by adding days in the same school week.
- Invite the pupil membership auditor to the conversation about the calendar. This will ensure that the district is aware of any potential pupil accounting conflicts or requirements, such as the need for a waiver, before the calendar has been finalized.

Counting Instructional Hours Toward Membership

A minimum of 1,098 instructional hours must be scheduled and provided to generate full-time equated memberships for pupils in grades K-12, including alternative education. Instructional hours are based on the actual time that instruction is scheduled and provided for a given grade level or group of pupils (rounded to the nearest tenth or hundredth of an hour). Instructional hours may vary between buildings, programs, or grade levels. Some nonconventional pupils may be provided fewer than the minimum required hours.

1) Pupil Instructional Hours

   A local school district may count time toward the minimum instructional hour requirement in a building, program, or grade level, without penalty, if the district has evidence that all of the following have occurred:

   a. Pupils and a teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, were present and engaged in instruction.

   b. Instruction was scheduled and available for the entire pupil membership.

   c. The class was offered for credit or, in the case of an elementary school pupil, the class was required for grade progression.

      Exceptions to this requirement must meet the following criteria: The content of the hours pupils were scheduled with teachers in “non-subject classes” such as seminars, achievement hour, focused instructional time, etc., was academic in nature and included such activities as tutoring, mentoring, or advising, and had a pupil/teacher ratio that fell within the range of the regular academic classes for the building but in no case was more than 35:1. For this purpose, “academic” is defined as counting toward a district's total instructional hours other than periods such as study hall.

   d. A maximum of 30 minutes per day of passing time between class periods may have been counted as pupil instruction unless the building administrator was able to demonstrate the need for additional passing time. (Note: A district may choose to schedule more passing time than necessary but may not count it for membership.)

   e. Passing time to the first class period and from the last class period was excluded.

   f. Only one passing time to or from lunch period was counted.

   g. Time used in passing from the bus, at the beginning of the day, or to the bus, at the end of the day, was excluded. Passing time between virtual courses is not allowable.

   h. Breakfast period was excluded; however, breakfast in the classroom (for example, during homeroom or first period) while instruction was taking place may be counted.

   i. Lunch period is excluded unless one of the following applies:

      - Lunch is served in a classroom, to some or all pupils, while a teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, is providing instruction, or
      - Lunch is served during a homeroom period where a teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, is present which is not more than 15 minutes in length, or
      - When the affected pupils did not receive a lunch period due to an educational activity but were served lunch during the next instructional period, or
      - A teacher who is a certified special education teacher for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, is present and the pupil's IEP includes goals and objectives that can be addressed through lunchtime activities.

   j. In elementary or middle school buildings, a recess of a reasonable duration may have been counted if supervised by a teacher certified for the grade level, or an individual working

under a valid substitute permit, authorization, or approval issued by the Department. The total number of minutes of recess that may be counted shall not exceed 30 minutes each school day. Recess time used for passing from the bus at the beginning of the school day or passing to the bus at the end of the day, or a recess to provide breakfast or lunch to pupils shall not be counted; recess time scheduled adjacent to lunch may be counted. Recess may not be counted for pupils enrolled under Section 166b of the State School Aid Act (MCL 388.1766b).

k. Homeroom may have been counted if it was of a reasonable length (no more than 15 minutes, which includes passing time) and if it was not determined to be a study hall by the pupil membership auditor.

l. Not more than two study halls may have been counted and ONLY if supervised by a teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, and the local school district provided at least 90 more hours than the minimum number of hours of instruction.

m. In grades 7 through 12, instructional time that is part of a United States Army Junior Reserve Officer Training Corps (JROTC) program may be counted as pupil instruction if the following requirements have been met: (1) the instructor has met all of the requirements established by the United States Department of Defense and the applicable branch of the armed services for serving as an instructor in the JROTC program, and (2) the board of the district or intermediate school district employing or assigning the instructor complies with the requirements of Sections 1230 and 1230a of the Revised School Code (MCL 380.1230 and 380.1230a) with respect to the instructor to the same extent as if employing the instructor as a regular classroom teacher.

n. A pupil of a district that begins its school year after Labor Day who is enrolled in an intermediate school district program that begins before Labor Day shall not be considered to be less than a full-time pupil solely due to instructional time scheduled but not attended by the pupil before Labor Day.

o. Pupils Participating under the Postsecondary Enrollment Options Act or Section 1279h - The number of class hours used to calculate full-time equated memberships shall be consistent with Section 101. In determining full-time equated memberships for pupils who are enrolled in a postsecondary institution or for pupils engaged in an internship or work experience under Section 1279h of the Revised School Code, MCL 380.1279h, a pupil shall not be considered to be less than a full-time equated pupil solely because of the effect of his or her postsecondary enrollment or engagement in the internship or work experience, including necessary travel time, on the number of class hours provided by the district to the pupil.

p. Reduced Schedule (MCL 388.1701(7)(c)) – A pupil in grades 9 to 12 for whom a reduced schedule is determined to be in the individual pupil's best educational interest must be scheduled for several hours equal to at least 80% of the required minimum number of hours of pupil instruction to be considered a full-time equivalent pupil. A pupil in grades 9 to 12 who is scheduled in a 4-block schedule may receive a reduced schedule if the pupil is scheduled to receive at least 75% of the required minimum number of hours of pupil instruction to be considered a full-time equivalent pupil.

Note: Section 6(4) of the State School Aid Act (MCL 388.1606) provides that membership is based on the number of full-time equated “pupils in grades K to 12 actually enrolled and in regular daily attendance” on the pupil membership count day and the supplemental count day. Section 6(8) of the State School Aid Act defines “pupils in grades K to 12 actually enrolled and in regular daily attendance” to mean “pupils in grades K to 12 in attendance and receiving instruction in all classes for which they are enrolled on the pupil membership count day or the supplemental count day, as applicable.” It further provides that pupils who are absent from a class and do not meet the 10/30-day rule shall have their membership FTE prorated.

2) Forgiven Time

The first six (6) days (or equivalent hours) of scheduled pupil instruction that are not provided because of conditions not within the control of school authorities such as severe storms, fires, health

conditions, and infrastructure issues, shall be counted toward the required 1,098 hours of pupil instruction.

If any of the first six (6) days of forgiven time are unused at the end of the school year, these days may be used to offset dates where the attendance requirement was not met.

3) Additional Forgiven Time Requests

A district may request (https://mi.gov/mde/0,4615,7-140-6605-21534--,00.html) up to an additional three (3) days (or equivalent hours) of forgiven time from the State Superintendent to be applied to instructional time that was canceled due to conditions not within the control of school authorities, such as severe storms, fires, health conditions, and infrastructure issues. Additional forgiven time will not be granted in advance of the need for the additional time due to such cancelations. Additional forgiven time may only be granted once the first six days have been exhausted due to such cancelations. Attendance issues do not qualify for additional forgiven time. Districts are expected to request additional forgiven time before the end of the school year; requests after the completion of the school year will not be considered. Requests must provide evidence that rescheduling the instructional time would result in hardship.

CALCULATION OF STATE AID ADJUSTMENTS FOR FAILING TO MEET THE REQUIREMENTS

1) Failure to Meet the Minimum Required Days

Districts shall provide at least the minimum number of days of pupil instruction required in Section 101 of the State School Aid Act unless the district has met one or more of the exceptions identified earlier in this section. Please note that most of the exceptions apply to individual pupils or groups of pupils.

A district failing to comply with the minimum required days of pupil instruction shall forfeit from its total state aid allocation an amount determined by applying a ratio of the number of days the district (if operating on a district-wide calendar), the building or program (if operating by a building or program calendar), or the cluster of buildings or programs (if operating by a calendar for a cluster of buildings or programs) was in noncompliance in relation to the required minimum number of days.

Example: A district had 182 days of pupil instruction scheduled in its original calendar. School was canceled on nine scheduled days. There were five days on which school was canceled due to snow and ice, two days were canceled due to widespread pupil illness, one day was canceled due to a power outage, and one day was canceled due to basketball playoffs (ineligible as forgiven time). After applying the six forgiven days, this district is short one day as follows:

	Days Scheduled:
	Day Requirement = 180 days
-	Days Scheduled = 182 days
=	*Surplus Days Scheduled = 2 days*
	Cancellations:
	Snow Days = 5 days
+	Pupil Illness = 2 days
+	Power Outage = 1 day
+	Basketball Championship = 1 day (not eligible for forgiven time)
=	*Total Cancellations = 9*
	Forgiven Days:
	Forgiven Days Provided Under Section 101 = 6 days
+	Surplus Days Scheduled = 2
=	*Total Days Available to Offset Cancellations = 8*
	Days Short of the Requirement:
	Canceled Days = 9 days
-	Days Available to Offset Cancellations = 8
=	***Days Short of the Requirement = 1***

	Day Deduct Calculation:
	Total State Aid = $11,000,000
-	Non-Plaintiff Durant Debt Service (Sec. 11g) = $100,000
-	Adult Education Participants (Sec. 107(1)) = $100,000
=	*Total Adjusted State Aid = $10,800,000*
	Daily Adjusted State Aid:
	Total Adjusted State Aid = $10,800,000
÷	Day Requirement = 180 days
=	*Daily Adjusted State Aid Deduct = $60,000 per day*
	Day Requirement Shortfall Deduct:
	Days Short of Requirement = 1
x	Daily Adjusted State Aid Deduct = $60,000 per day
=	***-$60,000***

2) Failure to Meet the Minimum Required Hours

A minimum of 1,098 hours of pupil instruction MUST be scheduled and provided to generate full-time equated memberships for pupils in grades K-12, including alternative education, unless the district has met one or more of the exceptions identified earlier in this section. Please note that most of the exceptions apply to individual pupils or groups of pupils and that the State Superintendent cannot waive the minimum hours requirements for the entire membership of a district.

A district failing to comply with the minimum required hours of pupil instruction shall forfeit from its total state aid allocation an amount determined by applying a ratio of the number of hours the district (if operating on a district-wide calendar), the building or program (if operating by a building or program calendar), or the cluster of buildings or programs (if operating by a calendar for a cluster of buildings or programs) was in noncompliance in relation to the required minimum number of hours.

Example 1: In a district on a district-wide calendar, the original calendar had 1,098 hours of pupil instruction scheduled. School was canceled due to inclement weather on four 6-hour days. There were four days on which school was delayed two hours due to fog and three days on which school was released two hours early due to a power outage. Even when including the 36 forgiven hours (6 days at 6 hours per day), this district is short two hours as follows:

	Hours Scheduled:
	Hour Requirement = 1,098 hours
-	Hours Scheduled = 1,098 hours
-	Professional Development Hours = 0
=	*Surplus Hours Scheduled = 0 hours*
	Cancellations:
	Weather Cancellations = 4 days at 6 hours each = 24 hours
+	Fog Delays = 4 days at 2 hours each = 8 hours
+	Power Outage – Early Release = 3 days at 2 hours each = 6 hours
=	*Total Cancellations = 38 hours*
	Forgiven Hours:
	Forgiven Hours Provided Under Section 101 = 36 hours
+	Surplus Hours Scheduled = 0
=	*Total Hours Available to Offset Cancellations = 36*
	Hours Short of Requirement:
	Canceled Hours = 38 hours
-	Hours Available to Offset Cancellations = 36
=	***Hours Short of Requirement = 2***

	Hours Deduct Calculation:
	Total State Aid = $11,000,000
-	Non-Plaintiff Durant Debt Service (Sec. 11g) = $100,000
-	Adult Education Participants (Sec. 107(1)) = $100,000
=	*Total Adjusted State Aid = $10,800,000*
	Hourly Adjusted State Aid:
	Total Adjusted State Aid = $10,800,000
÷	Hour Requirement = 1,098 hours
=	*Hourly Adjusted State Aid Deduct = $9,836.06 per hour*
	Hour Requirement Shortfall Deduct:
	Hours Short of Requirement = 2
x	Hourly Adjusted State Aid Deduct = $9,836.06 per hour
=	***- $19,672.12***

Example 2: In a district on a district-wide calendar, the original calendar scheduled 1,104 pupil instructional hours. School was canceled for inclement weather on two days, or 12 hours, and had two days that school was on a two-hour fog delay. The district exceeds the minimum hours (1,098) as follows:

	Hours Scheduled:
	Hour Requirement = 1,098 hours
-	Hours Scheduled = 1,104 hours
-	Professional Development Hours = 0
=	*Surplus Hours Scheduled = 6 hours*
	Cancellations:
	Weather Cancellations = 2 days at 6 hours each = 12 hours
+	Fog Delays = 2 days at 2 hours each = 4 hours
=	*Total Cancellations = 16 hours*
	Forgiven Hours:
	Forgiven Hours Provided Under Section 101 = 36 hours
+	Surplus Hours Scheduled = 6
=	*Total Hours Available to Offset Cancellations = 42*
	Hours to Reschedule:
	Canceled Hours = 16 hours
-	Hours Available to Offset Cancellations = 42
=	***Hours to Reschedule = 0***

3) Failure to Meet the Attendance Requirement

Apart from days that are rescheduled at the end of the school year, a district's daily pupil attendance must meet a minimum 75% pupil attendance requirement in order to avoid a state aid deduction.

The percentage of pupil attendance is based on the actual number of pupils enrolled and scheduled for pupil instruction (district-wide) compared to the number of pupils in attendance on that day. Districts must have a procedure in place to capture this information at the building level and the district level.

Pupils are not included in the attendance calculation when:

- The pupils are enrolled in a self-paced or self-scheduled instructional program, or
- 100% of the instruction is provided virtually with no seat-time requirement, or
- The pupils in the building or program are not scheduled to regularly attend instruction.

A district that has a day on which pupil attendance falls below the minimum 75% attendance requirement shall receive state aid for that day in that proportion of 1/180 that the percentage in

attendance bears to the required percentage. That is, the penalty calculation for not having 75% of the scheduled pupils in attendance is the daily amount of state aid attributable to the number of the district's pupils below 75% who were not in attendance.

If a district reschedules 1 or more days of pupil instruction during the middle of the school year, a minimum of 75% pupil attendance must be met to avoid a penalty. If a district reschedules 1 or more days of pupil instruction at the end of the school year in order to comply with the required minimum number of days of pupil instruction, these days must have at least 60% of the district's membership in attendance to avoid a state aid deduction. If attendance falls below 60% on any of these days, then the district shall receive state aid for that day in that proportion of 1/180 that the actual percentage of attendance bears to 60%.

Example: The district had one day in which only 68% of those pupils who were enrolled and scheduled for pupil instruction were in attendance. The district's annual state aid, after adjusting for adult education payments and Durant-related payments, is $10,800,000. The penalty calculated is:

	Daily 75% Requirement Adjusted State Aid:
	Total Adjusted State Aid = $10,800,000
÷	Day Requirement = 180 days
=	*Daily Adjusted State Aid = $60,000.00 per day*
	Percentage of Pupils in Attendance:
	Total Scheduled for Attendance on Day District-wide = 200 pupils
÷	Total in Attendance on day district-wide = 136 pupils
=	*Percentage of Pupils in Attendance = 68%*
	Percentage Short of Attendance Requirement:
	Minimum Attendance Requirement = 75%
-	Percentage of Pupils in Attendance = 68%
=	***Percentage Short of Attendance Requirement = 7%***
	Percentage Short Bears to Percentage Required to Attend:
	Percentage Short of Attendance Requirement = 7%
÷	Minimum Attendance Requirement = 75%
=	*Percentage Short Bears to Percentage Required to Attend = 9.33%*
	State School Aid Adjustment
	Daily Adjusted State Aid = $60,000.00 per day
x	Percentage Short Bears to Percentage Required to Attend = 9.33%
=	***-$5,598.00***

Note: The percentage in attendance is calculated only for those buildings, programs, or grade levels that are in session. The number of pupils in buildings, programs, or grade levels that have canceled the day, or that are otherwise not in session, should not be included in the calculation of the percentage of attendance for that day.

STATUTORY AND OTHER REFERENCES

State School Aid Act

MCL 388.1606

MCL 388.1701

MCL 388.1763

Revised School Code

MCL 380.1175

MCL 380.1230

MCL 380.1230a

MCL 380.1280

MCL 380.1284

MCL 380.1284a

MCL 380.1284b

Administrative Rules

R 340.10

R 340.10a

R 340.1754

R 340.1755

R 340.1862

R 390.1101

Other References

No Child Left Behind (NCLB) Act of 2001, Pub. L. No. 107-110, § 115, Stat. 1425 (2002)

QUESTIONS AND ANSWERS

Counting the First 6 Days or Equivalent Number of Hours of Canceled Pupil Instruction (Forgiven Time)

Q# 1 What is the maximum number of "forgiven" hours that a district has available? We have been told that it all depends on the district's location in the state.

A# 1 Section 101(4) of the State School Aid Act grants all districts in the State of Michigan the right to count up to the first 6 days or equivalent number of hours of canceled pupil instruction for situations beyond the control of school authorities such as severe storms, fires, epidemics, utility power unavailability, water or sewer failure, or health conditions. Anything in excess of 6 days or equivalent number of hours of canceled pupil instruction would have to be rescheduled if the excess hours that were canceled cause the district to fall short of the required 1098 hours.

Under Section 101(4) of the State School Aid Act, a district can request up to three (3) additional days of forgiven time if instruction was canceled due to conditions that are beyond the control of the school authorities.

Counting Pupil Instruction Time

Q# 2 According to the Pupil Accounting Manual, each pupil must have 1,098 hours of instruction with a teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, to qualify for state aid without penalty. If our middle school building was to implement a type of "responsibility room" where a pupil could be scheduled for an hour depending on his or her behavior, could this be counted as contact time? Would the room be considered instructional?

A# 2 The time spent in a "responsibility room" would be considered instructional time that is countable toward membership if the "responsibility room" is supervised by a staff member who is a teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, and if attendance records are maintained for the pupils assigned to the "responsibility room" for each period of the day, and the pupil is enrolled and participating in board-approved curricular offerings that will earn the pupil credit or be used for grade progression.

Q# 3 One third of the high school population has five minutes less of pupil instruction each day than the remaining two thirds of the high school pupils. Do we do a weighted average to calculate the pupil instructional time for the high school?

A# 3 No. The five minutes per day could add up to 15 hours per year. This could mean that one third of the high school pupils would be short the minimum required pupil instructional hours.

If the hour shortfall was the result of the district's schedule for the pupils, the FTE claimed for the pupils would need to be prorated by the district according to the number of instructional hours to be provided.

If the shortfall was the result of something unplanned, and the district was unable to add time to the schedule to allow the pupils to reach the 1,098-hour requirement by the end of the school year, the shortfall would result in a state aid adjustment.

Q# 4 How do half-days factor into meeting the instructional time requirements?

A# 4 All scheduled days count as one day toward meeting the day requirement for the buildings and grades scheduled to attend. This includes partial days, half-days, early release days, and late start days. The hours provided on a scheduled day are countable toward meeting the hour requirement.

Q# 5 The district failed to meet the attendance requirement on a day. Are the day and hours provided countable toward meeting the instructional time requirements?

A# 5 Yes. The day and hours would be countable for the buildings, grades, and programs that provided instruction on the day when the district fell short of meeting the attendance requirement.

Q# 6 If our district schedules a half day of instruction, then provides 6 hours of eligible professional development under Section 101(10), can we combine the two for a total of 2 days of instruction?

A# 6 No. If a day has already been counted toward the instruction time requirements, then the "day" of professional development would not be countable, however, the hours of professional development would count.

Passing Time

Q# 7 The district uses block scheduling. Four days a week, the district runs a normal A or B schedule. Each Monday, the district runs "skinnies" (all eight blocks). Due to the physical size of the building and passing through all eight classes, the high school uses more than 30 minutes of passing time on Mondays. The Pupil Accounting Manual states that a maximum of 30 minutes per day of passing time may be counted unless a building administrator is able to demonstrate the need for additional passing time. Do the size of the building and the class schedule qualify as factors that can show the need for more than 30 minutes per day? Does this need to be documented?

A# 7 The high school administrator would request that the pupil membership auditor investigate allowing additional passing time to be counted. If the pupil membership auditor agrees that additional time should be provided on Mondays, due to the distance between classes, hall congestion, and the increased number of class periods during the day, the pupil membership auditor will authorize the additional time. The district will maintain documentation of the pupil membership auditor's decision in its records for future audits.

If the additional passing time is not allowed, the district may choose to schedule more passing time than necessary and not count the excess time toward membership.

Q# 8 The district has class scheduled for high school on a day, but the other grades are not scheduled to meet. The district met the 75% attendance requirement on that day. Does the day count for all buildings, grades, and programs even if they were not scheduled for instruction?

A# 8 No. The day will only count as a day for the high school because that is the only building, grade, program scheduled for instruction on that day.

Seminar vs. Study Hall

Q# 9 What are the recognizable differences between a study hall and a seminar?

A# 9 A study hall is that period in a day when pupils from any grade level are in a room and each pupil is individually working on homework for any class. The teacher or study hall monitor's purpose is to maintain a quiet area for studying. A seminar is when a small group of pupils and a teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, are together for a specific class and serves the purpose of mentoring or tutoring. The pupil/teacher ratio in a seminar is no more than 35:1.

Release Time

Q# 10 A local church approached the district about the possibility of release time for some pupils. Administrative Rule 340.2(7) allows a pupil to attend religious instruction for "not more than 2 class hours per week, off public school property during school hours" without impacting a pupil's enrollment as a full-time pupil. What does "not more than 2 hours" mean? Does the travel time count toward those two hours?

A# 10 Pursuant to Administrative Rule 340.2(7) and MCL 380.1561(3)(d), the pupil may be released up to two hours per week to attend religious instruction without the district having to prorate the pupil's FTE count for membership purposes. However, a request for this release must come in writing from the pupil's parent(s), guardian, or person acting in loco parentis. The church cannot make such a request. Two hours is exactly that – two hours. For example: The criteria would be met if school is scheduled to normally release at 3:30 p.m. every day, and if the school had received a written request from the parent of the pupil to be released every Wednesday at 1:30 p.m. to attend catechism class. The district does not have to adjust the pupil's FTE count by 72 hours (2 hours x 36 weeks). The time needed for the pupil to travel to attend catechism is part of the two hours if the travel occurs during the normal school day.

Nonpublic Pupil Travel Time

Q# 11 District A has two nonpublic pupils attending the district. One pupil is enrolled only in band and the parents transport the pupil to the public school for class. The second pupil is enrolled only part-time in vocational education and District A transports this pupil to the intermediate school district's CTE center. May District A count the travel time for each of these pupils?

A# 11 No. Section 101(7)(d) of the State School Aid Act permits a district to count travel time between instructional sites for a pupil in grades 9-12 enrolled in a cooperative educational program or for a special education pupil if the travel time is the sole reason that the pupil does not receive enough hours to be a full FTE. Travel is not the only reason the described nonpublic pupils cannot meet the minimum required 1,098 hours of pupil instruction. Nonpublic pupils enrolled in a public school for nonessential courses are meant to be only part-time pupils. (See Section 6(6) of the State School Aid Act.)

When Travel Time Cannot Be Counted

Q# 12 The morning career and technical education pupils arrive back at the high school approximately 23 minutes prior to lunch. It is too late for these pupils to attend a class period that has already been in session for thirty minutes. The district would like to count a 5-minute passing time to lunch in addition to the travel time thus increasing the FTE count for each of these pupils from .90 FTE to .91 FTE. May the district do this?

A# 12 A district may count one passing time to or from lunch, be it the passing time from an immediately preceding class to lunch, or the passing time from lunch to a class. Since these pupils are passing from a 23-minute "downtime" period to lunch instead of from a class to lunch, the passing time cannot be counted.

However, if the district transformed the 23-minute period into a seminar, the district could count the passing time. In addition, filling the gap in instructional time might allow the district to count travel time for these pupils (if they meet the requirements of Section 101(7)(d) of the State School Aid Act) if the resulting total instructional time (instructional hours + travel time) equated to at least 1,098 instructional hours.

MCL 388.1701(7)(d) provides:

> If a pupil in grades 9 to 12 who is enrolled in a cooperative education program or a special education pupil cannot receive the required minimum number of hours of pupil instruction solely because of travel time between instructional sites during the school day, that travel time, up to a maximum of 3 hours per school week, shall be considered to be pupil instruction time for the purpose of determining whether the pupil is receiving the required minimum number of hours of pupil instruction. However, if a district demonstrates to the satisfaction of the Department that the travel time limitation under this subdivision would create undue costs or hardship to the district, the Department may consider more travel time to be pupil instruction time for this purpose.

Legal Holidays

Q# 13 Our district was in session on the Monday following a public holiday that fell on a Sunday. Can the district count this as a day of pupil instruction?

A# 13 No. Section 1175(1) of the Revised School Code states that, if a public holiday falls on Sunday, the Monday following shall be a public holiday for public schools. The section goes on to state that schools shall not be in session on the public holidays described in the section.

Starting Prior To Labor Day

Q# 14 May a district schedule professional development prior to Labor Day?

A# 14 Yes. Section 1284b of the Revised School Code does not prohibit a school district, intermediate school district, or public school academy from offering or requiring professional development for its personnel that is conducted before Labor Day.

Q# 15 Our district received a waiver to begin instruction prior to Labor Day. Are there any restrictions on when we may begin providing instruction or days on which we cannot provide instruction after receiving the waiver?

A# 15 A district that has been granted a waiver to begin instruction prior to Labor Day may do so at any time. The one restriction that remains, even after the waiver has been granted, is that schools cannot schedule instruction on the Friday before Labor Day.

Incarcerated Pupil

Q# 16 May a special education program serving emotionally impaired pupils claim a "homebound/hospitalized" situation for a pupil who has been incarcerated in the local jail and provide the two one-hour non-consecutive sessions per week to claim a full FTE? There is no medical or therapeutic service being provided and there is no physician's statement indicating such a need.

A# 16 No. A homebound/hospitalized pupil must have a medical reason the pupil cannot attend school during regular hours substantiated by a medical doctor's statement.

Q# 17 May a special education program serving emotionally impaired pupils claim a "home-based" situation for a pupil who has been incarcerated in the local jail and provide the two one-hour non-consecutive sessions per week to claim a full FTE?

A# 17 No. According to Section 6(4)(u) of the State School Aid Act, membership for home-based pupils is always prorated. The proration is based on the number of hours of instruction the district provides to the pupil divided by the 1,098-hour minimum. However, if the pupil has been permanently expelled (mandatory expulsion), the expelling district may provide the pupil with two one-hour individualized instructional periods per week with a teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, and count the pupil for a full membership pursuant to Sections 1311(4) or 1311a(3) of the Revised School Code. The type of services provided shall meet the requirements of Section 6(4)(u) of the State School Aid Act and the services may be contracted for in the same manner as services for homebound pupils under Section 109 of the State School Aid Act.

Courses Not Scheduled on Count Day

Q# 18 A pupil is scheduled to attend a course every Tuesday, Thursday, and Friday. Since the course is not scheduled to occur on count day, can the course be used in the pupil's membership calculation?

A# 18 Yes. For a class on a pupil's schedule that is not scheduled to be in session on the count day, membership is based on the pupil's attendance in the class on the first day following the count day on which it is scheduled. If the district did not schedule instruction on count day, a membership deduction would be incurred if the district did not receive a waiver from the Department for an alternative count day.

Professional Development

Q# 19 If more than 5 hours are needed to count a day of professional development as a day of instruction, and only 10 hours can be provided in each month, does that mean that only 1 day-long professional development session per month may be used as an instructional day?

A# 19 No. It is understood that a day-long long professional development program consists of 5 hours of actual long professional development and additional time for lunch and other breaks. A district may count such a day of long professional development as a day of instruction. Thus, 2 such days in one month would be allowed, totaling 10 hours of long professional development.

Q# 20 Can qualifying professional development hours that were participated in over several days be combined to satisfy the requirement to be counted as a day of instruction?

A# 20 No. For qualifying professional development to be counted toward the day requirement, the statute requires that the professional development be offered in a single day.

3: PUPIL MEMBERSHIP COUNT REQUIREMENTS

A local or intermediate school district's state aid is based on membership counts of eligible pupils legally enrolled on or before the specified count day. A pupil's eligibility for membership purposes is based on enrollment, age, residency, class schedule, and attendance.

COUNT DAYS

The pupil membership count days established in the State School Aid Act are as follows:

First (1st) Wednesday in October.

Second (2nd) Wednesday in February.

For a district or building in which school is not in session on a count day due to conditions not within the control of school authorities, with the approval of the State Superintendent, the district or building pupil membership count day will be the immediately following day on which school is in session in the district or building. To be eligible for membership, a pupil must be enrolled on or before the state-legislated count day or the state-waived district or building alternative count day. *A district that is not in session on a count day for any other reason cannot count pupils in membership.*

PUPIL ELIGIBILITY REQUIREMENTS FOR MEMBERSHIP PURPOSES

The following requirements apply to pupils regardless of under which section of this manual the pupil is enrolled. A local or intermediate school district may count a pupil for membership if the district has evidence of all of the following:

1) Pupil Enrollment

The pupil was enrolled in the local or intermediate school district on or before count day. Enrollment means the actual appearance, in person, at a school at any time during the current school term with the intent to attend school. This enrollment process constitutes the act of becoming a pupil of the school district. An agent of the school district who personally contacts a pupil who is unable to appear at school due to physical incapacity or illness to which a physician or equivalent licensed authority attests may enroll that pupil in the district.

Children experiencing homelessness, including unaccompanied youths, may enroll in either their district of origin (the last district attended) or the district in which they are living. Districts shall immediately enroll these children upon validation of their homeless status even if the child, parent, or guardian is unable to produce the documentation normally required for enrollment. These children are entitled to continue enrollment until the completion of the current school year.

A pupil whose custodial parent has been assigned to active military duty may enroll in the resident district of the non-custodial parent or the person serving in loco parentis under a special power of attorney or may continue to be enrolled in the district in which the pupil was enrolled while residing with the custodial parent (MCL 3.1041).

A foreign pupil residing in the district is considered a resident and is entitled to enroll in the district (Plyler v. Doe, 457 US 202 (1982)). The pupil must meet the same residency requirements as any other pupil entering the school system. If the pupil is under the age of 18, the pupil must either have a parent or guardian living in the district or must be living with a relative for the purpose of a suitable home to be considered a resident. If the pupil is unaccompanied, the pupil is to be provided with the same services provided to other pupils who are experiencing homelessness.

Note: A foreign pupil or a pupil enrolled through a foreign exchange program who has received completion status in another country is ineligible to be counted for membership purposes regardless of the pupil's age. More information on the enrollment of foreign pupils is located here: https://mi.gov/documents/mde/foreign_students_ada_597635_7.pdf.

Note: Michigan law requires a public school, when enrolling a transfer pupil, to request a copy of the pupil's school records from his or her previous school within 14 calendar days after enrolling the transfer pupil. The sending school must forward a copy within 30 calendar days of the request according to Section 1135(4) of the Revised School Code (MCL 380.1135(4)).

Note: Per Administrative Rule 340.1, to enroll or register means the act of a pupil appearing in person at a school at any time during the current school term with an intent to attend the school. This enrollment constitutes the act of becoming a pupil of the school district. An agent of the school district who personally contacts the pupil may enroll a pupil who is unable to appear in school due to physical incapacity, illness, or incarceration, attested to by a physician or equivalent licensed authority.

2) Pupil Age Requirement

Section 1561(1) of the Revised School Code (MCL 380.1561(1)) sets forth the requirement of compulsory school attendance, providing in part as follows:

Except as otherwise provided in this section, for a child who turns age 11 on or after December 1, 2009 or a child who was age 11 before that date and enters grade 6 in 2009 or later, the child's parent, guardian, or other person in this state having control and charge of the child shall send the child to a public school during the entire school year from the age of 6 to the child's eighteenth birthday.

Section 1561(2) provides:

A child becoming 6 years of age before December 1 shall be enrolled on the first school day of the school year in which the child's sixth birthday occurs, and a child becoming 6 years of age on or after December 1 shall be enrolled on the first school day of the school year following the school year in which the child's sixth birthday occurs.

Section 1561(5) provides an exception to Section 1561 for certain children who are at least age 16:

For a child who turns age 11 on or after December 1, 2009 or who was age 11 before that date and enters grade 6 in 2009 or later, this section does not apply to the child if the child is at least age 16 and the child's parent or legal guardian has provided to school officials of the school district in which the child resides a written notice that the child has the permission of the parent or legal guardian to stop attending school.

Pursuant to Section 1561(3), additional circumstances in which a child is not required to attend a public school include, but are not limited to, the child's regular attendance in a state-approved nonpublic school or education of the child at home in an organized educational program (homeschool).

Note: Once a pupil has graduated from high school or has fulfilled all requirements for high school graduation, the compulsory attendance requirements do not apply, even if the graduation requirement is met prior to the end of the school year. For example, if a pupil in grade 12 completes the graduation requirements in April, the pupil is no longer required by law to continue attending the district through the June instructional calendar.

Kindergarten Age Requirement

Section 6(4)(l) of the State School Aid Act (MCL 388.1606(4)(l)) allows membership to be counted if the pupil meets the minimum age requirement to be eligible to attend school for that school year under Section 1147 of the Revised School Code (MCL 380.1147). However, if a pupil does not meet the minimum age requirement under Section 1147, Section 6(4)(l)(iii) of the State School Aid Act allows a district to count the child in membership for that school year if the child will be 5 years of age not later than December 1 of that school year and the parent or legal guardian has notified the district in writing that he or she intends to enroll the child in kindergarten for that school year.

Age Limitations

The pupil must meet one of the following age requirements to be eligible for membership as defined in Section 6 of the State School Aid Act (MCL 388.1606):

a. The pupil is less than 20 years of age as of September 1 of the school year and has not achieved a high school diploma or high school equivalency credential (see note for exception in subparagraph c).

b. The pupil is less than 22 years of age as of September 1 of the school year, has not achieved a high school diploma or high school equivalency credential (see note for exception in subparagraph c), had dropped out of school, and is enrolled in a public school academy or an

alternative education high school diploma program that is primarily focused on educating pupils with extreme barriers to education.

The following is a list of pupils who may be considered as having extreme barriers to education:

- A pupil who has been part of the foster care system.
- A pupil who has been referred by the juvenile justice system.
- A pupil who is a refugee from a foreign country.
- A pupil who speaks English as a second language.
- A pupil who does not have a parent.
- A pupil experiencing pregnancy or who is the parent of a young child.
- A pupil from extreme poverty.
- A pupil who has experienced homelessness.
- A pupil who has experienced abuse.
- A pupil who has experienced neglect.
- A pupil who is at risk of dropping out of school.
- A pupil who is at least one semester or trimester behind in credit.

c. A special education pupil who is enrolled and receiving instruction in a special education program or service approved by the department, who has not achieved (met all the requirements to be eligible to receive) a high school diploma, and who is less than 26 years of age as of September 1 of the current school year shall be counted in membership.

Note: An individual who has obtained a high school equivalency credential may be counted in membership if the individual is a pupil with a disability as defined in Administrative Rule 340.1702. A special education certificate of completion is not a high school diploma for purposes of this manual.

Note: A pupil who is enrolled in an alternative education program where adult education participants will be educated in the same program or classroom must be at least 16 years of age on September 1 of the school year.

3) Verification of Identity and Age

The local school district must verify the identity and birth date of every pupil enrolling in the district for the first time. Section 1135 of the Revised School Code (MCL 380.1135), requires the district to notify in writing the person enrolling a pupil at school for the first time that, within 30 days, he or she must provide to the district <u>either</u> a copy of the pupil's birth certificate or other reliable proof of identification and age and along with a notarized affidavit explaining the inability to produce a copy of the pupil's birth certificate.

The pupil's identity and birth date may be verified through a variety of methods, including:

a. Birth certificate

b. Baptismal certificate (indicating date and place of birth)

c. Court records

d. Governmental records (county, military, passport, immigration)

e. Doctor or hospital records with a sworn statement

f. Family records (e.g., Bible)

g. Life insurance policy

The pupil should be enrolled in the district and reported in the Michigan Student Data System (MSDS) by the pupil's legal name as listed on his or her birth certificate or other reliable proof. In addition to the pupil's legal name, a district may input the pupil's preferred name into the student information system if the system can maintain an alternate name or alias field. An exception to this rule is the case of a pupil who was unnamed at the time of filing notice of the pupil's birth with the proper authorities.

Note: The district shall not retain the pupil's original birth certificate. The district many maintain copies of the above documents as part of the student record (CA60). If the district maintains a copy of the verification document, it shall not transfer that copy to another district to which the pupil moves.

4) Pupil Residency

A district may enroll resident and nonresident pupils alike in accordance with state law. However, the district of residence must be determined for reporting purposes. A district may require reasonable verification that a pupil meets the requirements for being considered a resident of the school district. Sources of documentation to verify residency status may include a rent receipt, a utility bill, a property tax bill, a voter registration card, or a driver's license. Verification may also require proof of the placement of a pupil with a relative for the purpose of providing a suitable home and not for educational purposes. A pupil may also meet the residency requirements under the McKinney-Vento Homeless Assistance Act or various exceptions included in the State School Aid Act.

To support eligibility of the membership claim, a district shall retain a copy of the document or documents used to verify residency as part of the enrollment record for each newly enrolled resident pupil and shall retain the document or documents used to verify that a pupil is a nonresident who is eligible to enroll. For more information on residency-related information, see Section 4 of this manual.

5) Class Schedule

The individual pupil's class schedule in effect on the count day is used to determine the membership claimed and will be used by the pupil membership auditor to verify attendance records. Districts shall maintain a current class schedule for pupils during the count period. If a class schedule changes after the count period, the district must update the class schedule immediately. The district shall maintain a record of the pupil's schedule as of count day.

6) Pupil Attendance

Local boards of education have the authority to adopt attendance policies addressing the number of days a pupil may lose due to illness or other causes. Although the law does not mandate that school district policies distinguish between excused and unexcused absences, the State Board of Education has taken the position that districts should make this distinction. Counting the pupil class-by-class for membership purposes on the specified pupil count day means that the pupil was in attendance and received instruction in each class on the count day (documented by the appropriate attendance records), or appropriately met one of the following criteria:

a. The pupil had an authorized excused absence on the count day and attended each class at least once within 30 calendar days of the count day.

b. The pupil had an unexcused absence on the count day, was enrolled and had been in attendance during the current semester or trimester prior to the count day and attended each class at least once during the next ten (10) consecutive school days.

c. The pupil was enrolled and in attendance in this district, intermediate school district, or public school academy prior to the pupil membership count day or supplemental count day but was suspended or expelled on the pupil membership count day or supplemental count day and resumed attendance in each class in the district within 45 calendar days after the pupil membership count day or supplemental count day (See Section 5-N of this manual).

d. Pursuant to section 6(4)(gg) of the State School Aid Act, MCL 388.1606(4)(gg), if a special education pupil is expelled under section 1311 or 1311a of the Revised School Code, (MCL 380.1311 and 380.1311a) and is not in attendance on the pupil membership count day or supplemental count day because of the expulsion, and if the pupil remains enrolled in the district and resumes regular daily attendance during that school year, the district's

membership shall be adjusted to count the pupil in membership as if he or she had been in attendance on the pupil membership count day.

7) High school diploma or high school equivalency credential:

   The pupil has not achieved (met all of the requirements to be eligible to receive) a high school diploma or high school equivalency credential such as the General Educational Development (GED).

8) The pupil and teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, were present (unless the pupil is enrolled under Section 5-O-D where the teacher and pupil may be separated by time, location, or both) and engaged in instruction. This requirement is explained in more detail in the following memo: https://mi.gov/documents/mde/Teacher_Cert_Membership_734506_7.pdf.

CALCULATING MEMBERSHIP

Pupils Enrolled in a Single District

A pupil shall attend each of the classes in which the pupil is enrolled on the pupil membership count days in order to have that class time used in the calculation of the pupil's full-time equivalency. Attendance shall be taken on a class-by-class basis for a high school pupil or for any other pupil who passes from class to class individually, not as an entire class.

In addition, pupils enrolled in a program with a block schedule shall be accounted for on a class-by-class basis. For classes on a pupil's schedule not scheduled for instruction on the count day, attendance is required on the day immediately following on which the classes are scheduled.

To calculate full-time equivalency, the number of scheduled instructional hours is the numerator and the denominator will be 1,098 hours (including eligible professional development time) unless the pupil is enrolled under a reduced schedule, in which case the denominator will be no less than 878.4 hours (including eligible professional development time).

Pupils Enrolled in Multiple LEA Districts

A pupil enrolled in and attending classes in more than 1 school district on count day shall be counted as a part-time member by each school district. The part-time membership shall be equal to the number of hours scheduled and enrolled in each district divided by the total number of hours scheduled and enrolled in all districts. However, if the total number of hours scheduled and enrolled in all districts is less than 1,098 hours, the part-time memberships shall be equal to the number of hours scheduled and enrolled in each district divided by 1,098 hours.

Pupils Enrolled in a Public School Academy and Another District with a Cooperative Education Agreement

If a pupil counted in membership in a public school academy is also educated by a district as part of a cooperative education program, the pupil shall be counted in membership only in the public school academy unless a written agreement signed by all parties designates otherwise. The instructional time scheduled for the pupil in all districts shall be included in the PSA's membership calculation as the denominator.

Pupils Enrolled in a Public School Academy and Another District without a Cooperative Education Agreement

If the public school academy provides instruction for at least 549 hours, the public school academy shall receive as its prorated share of membership an amount equal to the hours of instruction provided by the public school academy divided by 1,098 hours; the remainder of the membership shall be allocated to the district providing the remainder of the hours of instruction. If the public school academy provides instruction for less than 549 hours, the district providing the remainder of the hours of instruction shall receive as its prorated share of membership an amount equal to the hours of instruction provided by the district divided by 1,098 hours; the remainder of the full-time membership for each of those pupils shall be allocated to the public school academy.

Pupils Enrolled in a Cyber School

A cyber school is required to provide pupils with a minimum of 1,098 hours of instruction during a school year pursuant to MCL 380.553a. Unless the cyber school has entered into an agreement with another district

to share a portion of the membership while still adhering to the instructional hour requirement, a pupil shall be claimed for a full membership by the cyber school.

Pupils Enrolled in a Work-Based Learning Experience, Apprenticeship, or Internship

The number of class hours used to calculate full-time equated memberships shall be consistent with Section 101 of the State School Aid Act. However, under Section 6(4)(q) of the State School Aid Act (MCL 388.1606), a pupil shall not be less than a full-time equated pupil solely because of the effect of his or her enrollment in a work-based learning experience, apprenticeship, or internship, including necessary travel time.

In determining full-time equated memberships for pupils engaged in a work-based learning experience, apprenticeship, or internship under Section 5-P, a pupil shall not be considered to be less than a full-time equated pupil solely because of the effect of his or her engagement in the internship or work experience, including necessary travel time.

Pupils Enrolled in Postsecondary Dual Enrollment and Early Middle College

The number of class hours used to calculate full-time equated memberships shall be consistent with Section 101 of the State School Aid Act. However, under Section 6(4)(q) of the State School Aid Act (MCL 388.1606), a pupil shall not be less than a full-time equated pupil solely because of the effect of his or her postsecondary enrollment, including necessary travel time.

A pupil enrolled in 12 credits with a postsecondary institution is considered full-time. A 1 or 2 credit postsecondary course is the equivalent of 1 high school course. A 3 or 4 credit postsecondary course could be recognized by the district as being the equivalent of 2 high school courses if the pupil's class schedule has two free slots and if using the course to fill two slots will not alone cause the pupil to become off-track for graduation.

A pupil enrolled in and attending a postsecondary institution may be considered a full FTE (1.0) only if, after an evaluation of the pupil's hours of instruction, one of the following is true:

1. If the combined number of classes in which the pupil is enrolled and which he or she is attending at the high school and at the postsecondary institution or the career and technical preparation program equals the number of scheduled classes per day at the high school necessary to reach the minimum required hours for a full-time pupil, the dually enrolled pupil counts as a full membership. Actual hours of instruction do not need to be computed. Thus, if a high school pupil would need to be enrolled in six classes at the high school to meet the minimum required hours to be a full-time pupil, the dually enrolled pupil would need a combination equivalent to six classes in both the high school and the postsecondary institution or at the high school and the career and technical preparation program to be a full-time pupil.

   Example 1: District A's normal high school day for a full-time pupil consists of six class periods. The dually enrolled pupil is enrolled in and attending two classes at the high school and eight credits at the postsecondary institution. The Department defines 12 postsecondary credits as 1 FTE. This pupil would be considered a full-time pupil since 8 postsecondary credits equate to 4 high school classes (8 credits/12 credits = 4 high school classes/6 high school classes).

   Example 2: District B is on a block schedule. A full-time high school class schedule at District B consists of first through fourth periods on Monday and Wednesday, fifth through eighth periods on Tuesday and Thursday, and first through eighth periods on Friday, for a total of eight blocks (classes). The dually enrolled pupil is enrolled in and attending two classes at the high school on Tuesdays, Thursdays, and Fridays (for a total of two blocks at the high school) and six credits at the postsecondary institution throughout the week (which would equate to four blocks at the high school (6 credits/12 credits X 8 blocks = 4 blocks). This schedule is equivalent to a total of six blocks. Therefore, this pupil does not meet the eight blocks necessary to be a full-time pupil. (See (2), immediately below, for possible alternatives.)

2. If the combined number of classes in which the pupil is enrolled and which he or she is attending at the high school and postsecondary institution or at the high school and the career and technical preparation program equals the normal number of scheduled classes per day at the high school necessary to meet the hours requirement of a reduced schedule (i.e., 80% of the minimum required

hours (75% for a four block schedule)), the dually enrolled pupil counts as a full membership. Actual hours of instruction do not need to be computed.

Example 1: District A schedules full-time pupils for six class periods per day. A pupil must enroll in five classes to meet the requirement for a reduced schedule of 80%. The pupil enrolls in two classes at the high school, and six credits at the postsecondary institution. The postsecondary six credits equal three high school classes, as demonstrated here: 6 credits/12 credits X 6 classes = 3 classes. In total, the pupil is enrolled in the equivalent of five high school classes and would be considered full-time under the reduced schedule exception.

Example 2: District B is on a block schedule. A full-time high school class schedule at District B consists of first through fourth periods on Monday and Wednesday, fifth through eighth periods on Tuesday and Thursday, and first through eighth periods on Friday for a total of eight blocks. In order to be eligible for a reduced schedule, a pupil would need to be enrolled in at least six blocks per week to reach the 75% reduced schedule requirement. The dually enrolled pupil is enrolled in and attending two blocks at the high school on Tuesdays, Thursdays, and Fridays and six credits at the postsecondary institution throughout the week (which would equate to four blocks at the high school (6 credits/12 credits X 8 blocks = 4 blocks). This schedule is equivalent to a total of six blocks and would be considered full-time under the reduced schedule exception.

3. If the number of combined courses scheduled does not equate to a full-time schedule according to the examples described in (1) or (2), the actual class hours must be calculated. The calculation of actual class hours is explained in steps 1-3 below:

Step 1. Calculate the yearly hours of instruction in the public school, including the travel time to and from the postsecondary institution or the career and technical preparation program.

Example: Pupil enrolls and attends two 55-minute class periods at the high school each day plus one 5-minute passing time for a total of 115 minutes. It takes 30 minutes travel time each way to and from the college for a total of 60 minutes per day. The sum is 175 minutes per day or 525 hours per year (based on 180 days of instruction per year).

Step 2. Calculate the yearly hours of instruction at the postsecondary institution or the career and technical center by dividing the minutes per week by five to determine minutes per day. Multiply that number by the number of days of instruction in the public school to determine minutes per year. Divide that number by 60 to determine hours per year.

Example: Pupil is enrolled and attends three courses at the college. One course consists of a 60-minute class period three times a week and two courses consist of 120-minute class periods twice a week. This totals 660 minutes per week. This equates to 132 minutes per day or 396 hours per year (based on 180 days of instruction per year).

Step 3. Add the hours per year at high school calculated in Step 1 to the hours per year at postsecondary calculated in step 2.

525 hours per year at High School + 396 hours per year at Postsecondary

= 921 hours per year total

If the sum of the hours is equal to or greater than the minimum number of hours required for a reduced schedule, (80% of the minimum 1,098 required hours = 878.4 hours), the pupil may be claimed for a full membership (1.0 FTE). If the sum of the hours is less than the minimum required hours for a reduced schedule, the pupil FTE must be prorated. Districts should retain documentation pertaining to the calculation of the pupil's FTE under the dual enrollment acts. If a district utilized more than 36 minutes of travel time per day in the calculation above, the district is required to have a travel waiver from the Department. A district shall provide its ISD with copies of requests for waivers and waiver approvals for the current year.

Pupils Enrolled in Alternative or Innovative Education Programs

A program that has been granted a waiver of the minimum instructional hour or day requirement under Section 101(9) of the State School Aid Act (MCL 388.1701(9)) shall use the minimum hours granted in the waiver as the denominator for calculating a pupil's membership FTE.

Pupils Enrolled in Alternative Education Virtual Learning Labs

An alternative education pupil who is utilizing a learning lab shall attend all scheduled classes or hours on the count day or during the count week. Only those hours scheduled and attended during the count week shall be used in the computation of a pupil's full-time equivalency. A pupil with an unexcused absence during the count week may be counted if the pupil attended classes prior to the count day and attended all hours scheduled in 1 week within 10 school days after the official count day. A pupil with an excused absence during the count week may be counted if the pupil attended all hours scheduled in 1 week within 30 calendar days after the official count day.

MEMBERSHIP EXCEPTIONS

Early Middle College Pupils

A pupil enrolled in an early middle college may be counted for more than a total of 1.0 FTE if all of the following requirements are met:

- The pupil is enrolled in a Department approved early middle college program.
- The pupil meets all of the membership requirements provided in Section 5-G-B of this manual.
- The pupil is enrolled in more than the minimum number of instructional days (180) and hours (1,098) unless the district has received a waiver from the department that provides for different requirements (MCL 388.1701(9)) or the district has an eligible collective bargaining agreement allowing for a different number of days or hours (MCL 388.1701(3)).
- The pupil is expected and on-track to complete the 5-year program early (in less than 5 years) with a high school diploma and at least 60 transferable college credits or an associate's degree.
- The district can provide evidence that the pupil will complete the program of study early.
- The membership is exceeded due to the pupil's enrollment in courses specified as part of the early middle college program and the courses claimed are part of the pupil's program of study for the early middle college program.

The membership will be calculated based on the total number of hours enrolled over the 1,098 instructional hour requirement. The district may use the equivalency rules stated in *Calculating Instructional Hours* to convert postsecondary course credits to high school instructional hours.

Note: Early middle college programs that provide a MEMCA certificate on completion do not qualify for additional FTE under MCL 388.1606(4)(kk) unless the program also provides at least 60 transferable college credits or an associate's degree.

Shared Time (Nonpublic and Homeschooled Pupils)

Section 6(4)(ii) limits the amount of part-time membership that may be claimed for a pupil enrolled under Section 166b to 0.75 FTE.

In addition, MCL 388.1606(4)(ll) states that if a district's membership includes pupils counted in membership who are enrolled under Section 166b, all of the following apply:

> (i) If the district's membership for pupils counted under Section 166b equals or exceeds 5% of the district's membership for pupils not counted in membership under Section 166b in the immediately preceding fiscal year, then the growth in the district's membership for pupils counted under section 166b must not exceed 10%.
>
> (ii) If the district's membership for pupils counted under Section 166b is less than 5% of the district's membership for pupils not counted in membership under Section 166b in the immediately preceding fiscal year, then the district's or public school academy's membership for pupils counted under Section 166b must not exceed the greater of the following:
>
> > (A) 5% of the membership for pupils not counted in membership under Section 166b.
> >
> > (B) 10% more than the membership for pupils counted under Section 166b in the immediately preceding fiscal year.

(iii) If one (1) or more districts consolidate or are parties to an annexation, then the calculations under (i) and (ii) must be applied to the combined total membership for pupils counted in those districts for the fiscal year immediately preceding the consolidation or annexation.

At the conclusion of the school year, a district that has counted any pupil or pupils in membership under Section 166b of the of the State School Aid Act (MCL 388.1766b) shall report through the Teacher Student Data Link (TSDL) a complete listing of all courses provided to all pupils in membership (not just those enrolled under Section 166b), each pupil's course enrollment information using local coding and the school codes for the exchange of data (SCEDs), and the names of the teacher of record and mentor for each course. Failure to comply with each of these reporting requirements shall result in a deduction in the amount of the membership claimed for pupils enrolled under Section 166b.

Dropout Recovery Programs

For a pupil enrolled in a dropout recovery program that meets the requirements of Section 23a, the pupil shall be counted as 1/12 of a full-time equated membership for each month that the district operating the program reports that the pupil was enrolled in the program and was in full attendance. However, if the special membership counting provisions and the operation of the other membership counting provisions result in a pupil being counted as more than 1.0 FTE in a fiscal year, the portion of an FTE for that pupil that exceeds 1.0 shall instead be paid under section 25g. The district operating the program shall report to the Center for Educational Information and Performance (CEPI) the number of pupils who were enrolled in the program and were in full attendance for a month not later than 30 days after the end of the month. For more information, see the following Department memo: http://mi.gov/documents/mde/Section_23a_500249_7.pdf.

Career and Technical Education (CTE) Program Supported by a Millage

Section 6(4)(f) of the State school aid act (MCL 388.1606(4)(f) states a pupil enrolled in a career and technical education program supported by a millage levied over an area larger than a single district or in an area vocational-technical education program established pursuant to Section 690 of the Revised School Code, MCL 380.690, shall be counted only in the pupil's district of residence.

General Education Pupils Receiving Homebound or Hospitalized Services

The membership for a general education pupil who does not receive instruction for a minimum of two 45-minute periods per week during each week of the count period, where the district does not have documentation excusing the district for a temporary disruption in delivery of instruction, must have a prorated membership. The proration is based on the number of hours of instruction provided out of the number of hours of instruction possible (6 hours) during the count period. The following examples illustrate the calculation of the membership proration:

<u>Calculation Components:</u>

([Hours of Instruction Delivered] ÷ [Hours of Instruction Possible]) x [Original FTE] = Prorated FTE

<u>For a pupil with a full-time class schedule:</u>

([4 hours] ÷ [6 hours]) x [1.0 FTE] = 0.67 FTE

<u>For a pupil with a part-time class schedule:</u>

([4 hours] ÷ [6 hours]) x [0.5 FTE] = 0.33 FTE

Special Education Pupils Receiving Homebound or Hospitalized Services

Under Administrative Rule 340.1746, the district is required to provide a special education pupil who is receiving homebound or hospitalized services with a minimum of 2 nonconsecutive hours of instruction per week during the count period. If a pupil does not receive the above minimum instructional service due to an occurrence beyond the provider's control, the district may request a deviation from the Office of Special Education for the opportunity to "make up" the lost instructional time. The district will need to include documentation of the excused absence which prevented the pupil from receiving services during the specified week, or if instruction was canceled district-wide for three or more days during a week of the count period. Contact the Office of Special Education, 1-888-320-8384, mde-ose@michigan.gov for more information on how to submit the deviation request. If the Office of Special Education approves a district's deviation request, the district shall make up the missed instructional time within the time frame designated in the Office of

Special Education's deviation approval. If the district fails to provide the missed instructional time in the designated time frame, it shall claim no membership for the pupil.

COUNT DAY ABSENCES

A pupil with an excused absence on the count day who attends each class within 30 calendar days shall have that class time used in the calculation of the pupil's full-time equivalency. A pupil with an unexcused absence who was in attendance prior to the count day and attends class within the next 10 consecutive school days shall have that class time used in the calculation of the pupil's full-time equivalency. A pupil who was suspended or expelled who was in attendance prior to the count day and attends class within 45 calendar days after the count day shall have that class time used in the calculation of the pupil's full-time equivalency. Pupils not counted as 1.0 full-time equated membership due to an absence from a class shall be counted as a prorated membership for the classes the pupil attended.

STATUTORY AND OTHER REFERENCES

State School Aid Act

MCL 388.1606(4)(1)

MCL 388.1606(4)(m)

MCL 388.1606(4)(o)

MCL 388.1606(7)(a)

MCL 388.1606(7)(b)

MCL 388.1606(8)

MCL 388.1606a

MCL 388.1653a

MCL 388.1625e

MCL 388.1763

Revised School Code

MCL 380.553a

MCL 380.1135

MCL 380.1147

MCL 380.1561

Administrative Rules

R 340.1 – 340.18

R 340.1702

Other References

Plyler v. Doe, 457 US 202 (1982)

McKinney-Vento Homeless Education Assistance Act of 2001, Pub. L. No. 100-77 § 11301, Stat. 482

Interstate Compact on Educational Opportunity for Military Children Act of 2008, MCL 3.1041-3.1042

QUESTIONS AND ANSWERS

Verification of Identity and Age

Q# 1 District A faxed the pupil's records to District B. Among those records was a copy of the pupil's birth certificate. Can District B use the copy of the birth certificate that was faxed to it by District A, or must District B receive a copy from the parent or guardian?

A# 1 District B must obtain its own copy of the birth certificate. Section 1135 of the Revised School Code, MCL 380.1135, requires the enrolling district to verify the pupil's age and identity using a birth

certificate or other reliable proof of the pupil's identity and age as determined by the school district. If another proof is used, the parent or guardian must complete an affidavit explaining the inability to produce a copy of the birth certificate.

Q# 2 Can a district enroll a pupil for the first time virtually, using an online method to verify identity?

A# 2 Under Section 1135 of the Revised School Code, districts are required to verify the pupil's identity using a document such as a birth certificate. It is best practice to see a certified copy; however, the requirement to verify the raised seal on a certified birth certificate has been removed, which allows for alternative documents and methods of verification of identity to be accepted.

Enrollment and Attendance

Q# 3 An elementary pupil attended the district for the past four years. Over the summer, the pupil was in an accident and is comatose. The teacher of record is marking this pupil absent. The district is not providing homebound/hospitalized services because the pupil is incapable of doing schoolwork currently. May the district count this pupil for membership purposes?

A# 3 The district acknowledges that it is not providing any educational services for the pupil; therefore, the district cannot count this pupil for membership purposes. If this pupil regains consciousness and the district provides the required instructional sessions, then the district may count the pupil. See Section 5-D for more information regarding homebound/hospitalized services.

Q# 4 Due to extenuating circumstances, a pupil who was enrolled in District A was absent on count day. The pupil was subsequently placed with relatives in District B and enrolled in that district after the count day. Since no other district received the membership count, may the new district count this pupil?

A# 4 No. The pupil was not enrolled in District B on or prior to the count day. Due to the circumstances, this pupil is now a resident of District B (residing with a relative for the purposes of a suitable home). Thus, District B must enroll the pupil and provide an education. Further, District A does not receive the membership count as the pupil was absent on count day and never returned.

10/30-day Rule

Q# 5 A pupil was enrolled in the district but has not attended school prior to the count day. May the district count the pupil if that pupil attends within the 10 days following the count day?

A# 5 The referencing of the 10-day rule infers that this was an unexcused absence. Unexcused absences require that the pupil attend school at least once prior to the count day. The pupil is ineligible to be counted for membership. If, however, the pupil did in fact have an excused absence on the count day and returns within 30 calendar days, then the pupil may be counted.

Q# 6 A pupil had an unexcused absence on count day. The pupil returned on the Friday that was the tenth day that school was in session following the count day. However, there was a bomb scare and the first and second periods were not in session on that tenth day. May the district count the pupil for first and second periods although he was not in attendance in those two classes or may the district use the following Monday as the tenth day?

A# 6 The 10-day rule for unexcused absences on count day is based on the district being "in session". Since the district was in session for third through sixth period on Friday and Friday was the tenth day that school was in session after the count day, the district must use Friday as the tenth day for third – sixth periods. Monday may be used as the tenth day following count day for first and second periods only.

Q# 7 District A operates on a block schedule. Blocks 1, 3, 5, and 7 are in session on count day. Blocks 2, 4, 6, and 8 are not in session until the following day. The pupil attended all four blocks on the count day. The pupil has not returned to school since count day. Does the district get a full FTE for this pupil since he attended school all day on count day?

A# 7 Section 6(8) of the State School Aid Act requires that attendance be taken class-by-class on count day. Since blocks 2, 4, 6, and 8 were not in session on count day, the district must use the following day to take attendance in blocks 2, 4, 6, and 8. The pupil must be in attendance each of those four blocks following the 10/30-day rule in order to be eligible for membership purposes for blocks 2, 4, 6, and 8. Section 6(8) also specifies that a pupil who is ineligible to be counted for a full FTE because the pupil had not returned to "each" class may be counted for a prorated FTE. Since the pupil has not returned to school during the 10/30-days, the district may count .5 FTE for that pupil.

Q# 8 The district operates on an eight-block schedule. Blocks 1, 3, 5, and 7 are in session on Monday, Wednesday, and every other Friday. Blocks 2, 4, 6, and 8 are in session on Tuesday, Thursday, and the opposite Friday. The district used the pupil attendance on the Thursday following the supplemental count day for blocks 2, 4, 6, and 8. The pupil was suspended all of count week. The district has had two snow days since the supplemental count day. The district's attendance policy treats suspensions as "unexcused" absences. Does the ten-day rule mean ten days following count day? If the pupil returns on the tenth day, may the district count the pupil for a full FTE?

A# 8 There are three different issues in this question. The first issue has to do with when the ten days are up for an unexcused absence. The second issue has to do with when a suspended or expelled pupil must return to class in order to be eligible to be counted for membership purposes. The third issue has to do with the fact that the district treats suspensions as "unexcused" absences.

First, a pupil who has an unexcused absence from any of the classes in which the pupil is enrolled on the count day and who does not attend each of those classes during the 10 consecutive school days immediately following in which instruction was held, shall have his or her membership prorated.

Addressing the second issue, section 6(8) of the State School Aid Act grants the district the right to count a pupil who had been suspended or expelled during the count period if that pupil returned to the expelling or suspending district within forty-five calendar days from the count day or supplemental count day.

The third issue is the district's treatment of suspensions as "unexcused" absences. Local school districts are responsible for creating their own individual attendance policies. However, pupils who are suspended or expelled cannot "choose" to attend school and therefore absences for suspensions or expulsions should be considered excused.

Q# 9 A pupil had an "unexcused" absence on the count day and must return within 10 school days following the count day. If the school district scheduled a teacher professional development day during the ten days following count day, and if the district is counting those teacher professional development hours toward the 1,098 hours requirement, does that teacher professional development day count as one of the ten days following the count day?

A# 9 The ten-day rule applies to the 10 consecutive school days immediately following the pupil membership count day or supplemental count day that the pupil is scheduled to be in attendance. If instruction is not scheduled during this time, as in this example, it would not count against the 10 days in which an unexcused pupil must return.

Count Day Instructional Scheduling

Q# 10 The school district scheduled teacher professional development for the first two hours on count day. Does the district claim a full FTE for all pupils who attend third through sixth period? If not, may the district use the following day for the count day?

A# 10 There is no alternative count day for the October membership count day or the supplemental count day. If an emergency should occur for a district, building, or program that caused cancellation of school on the October count day or the supplemental count day, a waiver from the State Superintendent would be required to use an alternative count day. An emergency in this situation must be circumstances beyond the control of school authorities such as a snowstorm, a power outage, and water/sewage line break. The teacher professional development for that count day must be canceled or rescheduled otherwise the FTE must be prorated.

Q# 11 District A canceled pupil instruction on the supplemental count day due to a power outage. The district received a waiver from the state to use Thursday as the alternative count day. A pupil who was enrolled and attended District B on the supplemental count day enrolled in District A Thursday morning. Which district counts this pupil?

A# 11 District B receives the count. Section 6a of the State School Aid Act states that the supplemental count day was Wednesday. District A received a special exception to hold the supplemental count on an alternative day due to circumstances beyond the control of school authorities. All pupils must be enrolled on or prior to the legislated Wednesday count day. Had the district operated on Wednesday this pupil would not have been enrolled and in attendance in District A on count day.

Q# 12 The district operates on a block schedule where only some courses are scheduled on a given day. Can the district schedule all courses on count day in a foreshortened format (known as skinnies), to avoid having to use multiple days for count purposes?

A# 12 Yes. The Department will allow this practice for a district using a block schedule.

Q# 13 A pupil is scheduled to attend a course every Tuesday, Thursday, and Friday. Since the course is not scheduled to occur on count day, can the course be used in the pupil's membership calculation?

A# 13 Yes. For classes on a pupil's schedule that are not scheduled to be in session on the count day, membership is based on attendance on the day immediately following the count day on which class is scheduled. If the district did not schedule instruction on count day, a membership deduction would be incurred if the district did not receive a waiver from the Department to have an alternative count day.

Determining Which District Gets to Count a Pupil in Membership

Q# 14 A pupil from District A was sent to a Department-approved youth home in District B a day prior to count day. The pupil returned to District A the following Monday. District B counted the pupil as the pupil was residing in and attending required classes at the youth home on the count day. At the same time, District A marked the pupil as having an unexcused absence and counted the pupil when the pupil reenrolled in the district on Monday. Which district receives the FTE count?

A# 14 Section 6(4)(d) reads as follows: "A pupil placed by a court or state agency in an on-grounds program of a juvenile detention facility, a child caring institution, or a mental health institution, or a pupil funded under Section 53a shall be counted in membership in the district or intermediate district approved by the department to operate the program." Thus, District B gets the membership count for this pupil who had been placed by a state agency in the youth home.

4: PUPIL RESIDENCY

"District of residence" is defined as the district in which the custodial parent or legal guardian resides. However, there are several exceptions that allow a pupil to be counted as a "resident" of the educating district although the pupil, the parent, or legal guardian may not reside within the school district boundaries. These exceptions are detailed in Section 6(4) of the State School Aid Act (MCL 388.1606(4)) and are discussed below.

A nonresident pupil is a pupil who is less than 18 years of age and whose parent(s) or legal guardian does not reside within the educating school district. Such a pupil may be counted for membership purposes if the pupil has obtained the approval of the resident district or if the pupil meets one of the many exceptions to the approval requirement. These exceptions are detailed in Section 6(6) of the State School Aid Act (MCL 388.1606(6)) and are discussed below.

RESIDENT PUPILS

It is the district's responsibility to determine if a pupil is a resident of the district or meets specific criteria that would allow a nonresident pupil to be counted as a resident of the district for pupil membership purposes. A local or intermediate school district may count a pupil as a "resident pupil" if the district has evidence that the pupil meets one of the following criteria:

a. Without regard to custody of the pupil, if the pupil meets the applicable age requirements, the pupil may enroll in a district in which either of the pupil's parents reside, or in which the pupil's legal guardian resides. When a pupil enrolls under this exception, the enrolling district becomes the district of residence for the purposes of this section.

b. The pupil lives with a relative other than a parent in a dwelling within the district for the purpose of securing a suitable home and not solely for educational purposes. For pupil accounting purposes, a relative is defined as a parent, grandparent, brother, sister, stepparent, step-grandparent, stepsister, stepbrother, uncle, aunt, first cousin, great aunt, or great uncle by marriage, blood, or adoption. See the note regarding power of attorney below.

c. The pupil is 18 years of age or an emancipated minor and resides in the district.

d. The pupil resides in a licensed home, in which he or she was placed by court order or by a child-placing agency. The child is considered a resident of the district where the home in which the child is living is located for pupil accounting purposes.

e. The pupil has been issued a visa and resides in the district, or the pupil has been issued a J-1 visa and resides in the district with a host family, or the pupil resides within the district but is undocumented.

f. The pupil is a child experiencing homelessness (as defined in the McKinney-Vento Homeless Assistance Act, 42 USC 11301 et seq) or is unaccompanied. See the note regarding MSDS reporting below.

g. A pupil who has been incarcerated in a county jail becomes a resident of the district where the county jail is located. The district where the county jail is located may enroll such a pupil and provide an education to that pupil. The FTE must be prorated.

h. A child from a military family who has been placed in the home of the non-custodial parent or a person serving in loco parentis under special power of attorney while the custodial parent has been assigned to active duty (MCL 3.1041-3.1042) shall be enrolled in the district where the non-custodial parent or the person serving in loco parentis resides or the pupil may continue to attend the district where the pupil was enrolled when residing with the custodial parent prior to the active duty assignment. The child may be enrolled one month prior to the beginning of the parent's tour of active duty and may continue to be enrolled up to six months following the completion of the parent's tour of active duty. (Active duty means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 USC. Sections 1209 and 1211.) The child of a veteran who has been severely injured, medically discharged, or died as the result of injuries sustained while on active duty may continue to be enrolled for a period of one year following the discharge or death of the veteran. Tuition is prohibited.

Note: The residence of a person holding a power of attorney over a child does not, by itself, establish residency of the child. Under Section 1148(1) of the Revised School Code, MCL 380.1148(1), a child whose parents or guardians cannot provide a home for the child and who is placed in a licensed home or in a relative's home for the purpose of securing a suitable home for the child and not for an educational purpose is considered a resident of the district where the home in which the child is living is located. A child placed with a person other than a relative of the child under a power of attorney does not become a resident of the district. For pupil accounting purposes, a relative is defined as a parent, grandparent, brother, sister, stepparent, step-grandparent, stepsister, stepbrother, uncle, aunt, first cousin, great aunt, or great uncle by marriage, blood, or adoption.

Note: If a pupil who is currently attending a district becomes homeless, the residency code reported in MSDS does not change. If a pupil was a resident of a district, became homeless, relocated outside of the district's boundaries, and continued to attend school in the district, the residency code reported in MSDS does not change.

NONRESIDENT PUPILS

A nonresident pupil is a pupil who resides outside of the school district boundaries and does not meet any of the criteria under "Resident Pupil." The educating district must have approval from the pupil's district of residence to count that pupil for membership purposes, unless the pupil meets one of the exceptions listed below, or any of the other exceptions under Section 6(6) of the State School Aid Act (MCL 388.1606(6)).

1) District of Residence Approval Not Required

   a. Shared Time Pupils

      Approval by the pupil's district of residence is not required for a nonpublic or homeschool part-time pupil (shared time) enrolled in nonessential elective courses in accordance with Section 166b of the State School Aid Act (MCL 388.1766b). Shared-time pupils are counted by the educating district for that portion of time that they are enrolled in nonessential courses. (See Section 5-E of this manual.) Pupils educated at a nonpublic school site as part of a shared time program are enrolled under a cooperative agreement between the educating district and the nonpublic school.

   b. Part Time Pupil

      An inter-district split schedule pupil is a pupil who attends the resident district for part of the day and a second district for part of the day but not as part of a cooperative agreement. The sum of the FTE at both districts may not exceed 1.0 FTE. The approval from the resident district is not required if such a pupil is receiving half or less of his or her instruction at the nonresident district. The enrolling districts count the pupil on a pro-rata basis. (See Sections 3 and 5-F of this manual.)

   c. Pupil Enrolled in a Public School Academy

      A pupil enrolled in a public school academy shall be counted in membership in the public school academy. Approval by the pupil's district of residence is not required for those pupils enrolled in a public school academy. These pupils are treated as "residents" of the educating district and shall not be charged tuition.

      Note: If a public school academy has enrolled a special education pupil who resides in a district in an intermediate school district other than the intermediate school district where the public school academy is located, the pupil's resident district or resident intermediate school district must provide the special education pupil special education services unless the public school academy or the intermediate school district in which the public school academy is located has a written cooperative agreement with the resident district or the resident intermediate school district for the provision of special education services, including the added costs.

   d. Section 105 and 105c Schools of Choice Pupils

      A pupil may enroll in a district other than the district of residence as a schools of choice pupil under Section 105 or 105c of the State School Aid Act, MCL 388.1705 or 388.1705c.

Note: A pupil enrolled under Section 166b of the State School Aid Act (MCL 388.1766b) is not enrolled under Section 105 or 105c.

e. Criminal Sexual Assault or Serious Assault

The resident district's approval is not required for a pupil who makes an official written complaint to law enforcement officials and resident school district officials, or whose parent or legal guardian does so, that the pupil has been the victim of a criminal sexual assault or other serious assault and the complaint indicates that the assault occurred at school or that it was committed by 1 or more other pupils enrolled in the school the pupil would otherwise attend in the district or by an employee of the resident district. This pupil may enroll in another district and be counted for membership by that educating district.

f. Pupil Moved Out of the District

A pupil whose district of residence changed after the pupil membership count day and before the supplemental count day and who continues to be enrolled on the supplemental count day as a nonresident in the district in which he or she was enrolled as a resident on the pupil membership count day of the same school year may be counted in membership by the educating district. This pupil must be reported as a nonresident.

g. Alternative Education Program Pupils

A pupil who has been suspended or expelled from his or her resident district for any reason who enrolled in an alternative education program may be counted in membership. A pupil who has previously dropped out of school, is pregnant or is a parent, or has been referred to the program by the court may enroll in the alternative education program without the resident district's approval. (See Section 5-A of this manual.)

h. Pupils Enrolled in the Michigan Virtual

Pupils enrolled in courses through Michigan Virtual (formerly known as Michigan Virtual University (MVU)) are enrolled under a cooperative agreement between Michigan Virtual and the educating district. The educating district counts pupils enrolled in these classes. The educating district is responsible for any fees and supplies.

i. Child of an Employee

A pupil who is the child of a person who works at the district or who is the child of a person who worked at the district as of the time the pupil first enrolled in the district but who no longer works at the district due to a workforce reduction may be counted. “Child” includes an adopted child, stepchild, or legal ward.

Note: Workforce reduction (which may also be described as downsizing, reduction in force, reorganization, or restructuring) may include a temporary or permanent termination of employment, a reduction in work hours, or a similar employment action.

j. Pupils Expelled from Other Districts

An expelled pupil denied reinstatement by the expelling district may be counted by a district that reinstates the pupil according to Section 1311 or Section 1311a of the Revised School Code (MCL 380.1311 and 380.1311a). (See Section 5-N of this manual.)

k. Pupils Enrolled in an Early Middle College Program

A pupil enrolled in an early middle college program in a district other than the pupil’s district of residence but that is in the same intermediate school district as the resident district may be counted in membership without resident district approval.

l. Pupils in a U.S. Olympic Education Center

A pupil who is enrolled in a district other than his or her district of residence and attends a U.S. Olympic Education Center may be counted as a resident of the district where the Olympic training center is located.

m. Pupils Placed in Foster Care

A pupil enrolled in a district other than the pupil's district of residence pursuant to section 1148(2) of the Revised School Code, MCL 380.1148(2).

n. Cooperative Education Programs

A pupil educated as part of a cooperative education program shall be counted in membership by the educating district unless specified otherwise in the cooperative agreement. (Examples of such programs may include, but are not limited to, special education center or non-center programs, career and technical education programs, and high school programs offered for pupils whose resident districts do not offer high school). The resident district is responsible for any tuition or other costs covered under the cooperative agreement. (See Section 5-B of this manual.)

o. Pupils Educated by the Intermediate School District

Special education pupils educated by the intermediate school district shall be counted by the ISD. General education pupils placed by a court or state agency in an on-grounds child caring institution or a juvenile detention facility under Section 24 of the State School Aid Act (MCL 388.1624) and being educated by the intermediate school district shall be counted by the ISD. A local district counts all other general education pupils.

p. Pupils Educated at the Michigan Schools for the Deaf and Blind

Pupils enrolled in the Michigan schools for the deaf and blind shall be counted by the ISD of residence.

q. Special Education Center Program

Pupils educated in a special education center program shall be counted by the district or intermediate school district operating the center program.

The exceptions listed above are subject to the following statutory requirement:

If a district educates pupils who reside in another district and if the primary instructional site for those pupils is established by the educating district after 2009-2010 and is located within the boundaries of that other district, the educating district must have the approval of that other district to count those pupils in membership.

2) District of Residence Approval Required

A district that enrolls a nonresident pupil who does not meet any of the exceptions above must have the approval of the resident district to count that pupil for membership purposes. Examples of pupils for whom the resident district's approval is required to count for pupil membership purposes are the following:

a. Non-K-12 Pupil

A non-K-12 pupil is a pupil whose resident district does not offer all grade levels kindergarten through 12. The educating district may have enrolled such a pupil in a grade level not offered by the non-K-12 district or enrolled such a pupil in a special education program under a cooperative agreement with the resident district. A school district that enrolls a pupil in a grade level not offered by the district of residence and not as part of a cooperative program must have the approval of the district of residence to count the pupil. A district that enrolls a pupil in a grade level that is offered by the non-K-12 district must have the approval of the resident district and report the FTE claimed in the “All Other Non-Resident Students” category in the Michigan Student Data System (MSDS) under “Residency Related Information.”

b. Parent Request

A district that enrolls a nonresident pupil at the parent’s request that does not meet any of the exceptions mentioned in the section above must have the approval of the district of residence to count the pupil for membership purposes.

STATUTORY AND OTHER REFERENCES

State School Aid Act

MCL 388.1603(7)

MCL 388.1606

MCL 388.1624b

MCL 388.1651(a)(15)

MCL 388.1705

MCL 388.1705c

MCL 388.1711

MCL 388.1718

Revised School Code

MCL 380.504

MCL 380.524

MCL 380.556

MCL 380.1148

MCL 380.1148a

MCL 380.1311g

MCL 380.1401

MCL 380.1406

MCL 380.1407

MCL 380.1411

MCL 380.1415

MCL 380.1416

Administrative Rules

R 340.2

R 340.3

Appellate Court Decisions

University Center, Inc. v. Ann Arbor Public Schools, 386 Mich 210 (1971)

Feaster v Portage Public Schools, 451 Mich 351 (1996)

Attorney General Opinions

5004, May 1976

5112, Dec 1976

5574, Sept 1979

5782, Sept 1980

5925, June 1981

5995, Oct 1981

6316, Sept 1985

7154, March 2004

Other References

McKinney-Vento Homeless Education Assistance Act of 2001, Pub. L. No. 100-77 § 11301, Stat. 482

Interstate Compact on Educational Opportunity for Military Children Act of 2008, MCL 3.1041-3.1042

QUESTIONS AND ANSWERS

Pupil Moves Out of District After Count Day

Q# 1 The district currently does not accept nonresident pupils under schools of choice. However, the board will consider tuition enrollment for pupils who reside in the school district but move out prior to the end of the school year. When can tuition be charged for a resident pupil who moves out prior to the February supplemental count? What if the pupil moved out of the district following the supplemental count?

A# 1 Under Section 6(6)(g) of the State School Aid Act, if a pupil's district of residence changes after the fall count day and before the supplemental count day but the pupil continues to be enrolled on the supplemental count day as a nonresident in the original district, the original district may count the pupil in membership on the supplemental count day without the approval of the new resident district if there is no break in service.

A pupil moving after the supplemental count day would not have an impact on FTE count. Since the district is receiving full funding for such a pupil, the district would not be entitled to tuition. The pupil would be required to have the approval of the resident district for the next school fiscal year. Tuition may be optional at that time.

Q# 2 A pupil was a resident of District A on the fall count day, but the family moved to District B in November. The child was not enrolled in District B; however, the family disenrolled the child from District A and began to homeschool the child. Would Section 6(6)(g) allow the pupil to reenroll with District A through the end of the semester even though there was a break in enrollment?

A# 2 Section 6(6)(g) of the State School Aid Act permits a pupil who has moved out of the district after the count day to continue attending and be counted for membership purposes on the supplemental count day without the approval of the new resident district.

There was a break in service when the parents decided to homeschool the pupil. Therefore, this pupil requires the approval of the new resident district to be counted for membership on the supplemental count day.

Schools of Choice

Q# 3 A family is enrolled in the district under schools of choice. The family received a foster child the first week of school. The schools of choice window had closed. Is there a way the district can enroll this foster child without the approval of the resident district?

A# 3 The first thing to determine is whether the pupil was previously enrolled in the district of choice. As a pupil who is being fostered, it may be possible to enroll the pupil in the district without a release and without schools of choice if the district where the pupil wishes to enroll was the last district the pupil attended.

If not, determine if the district had unlimited slots in this child's grade level and if all other applicants have been enrolled (or at least given the opportunity to enroll), the district could appeal to the Department for a waiver to enroll this pupil under schools of choice by the end of the first week of school. However, if the schools of choice had limited slots and there are other pupils on a waiting list to be enrolled in the district under schools of choice, this child may be added to that waiting list. The pupil could be placed at the top of the list for the next opening as other members in the household have already been enrolled under schools of choice.

Another option would be for the district to receive approval from the resident district to count the pupil.

Q# 4 A pupil's parents reside separately in two neighboring districts. The pupil has enrolled in a third district under schools of choice and will generate the lesser of the foundation allowance of the educating district and the resident district. Does Section 24b of the State School Aid Act have any impact on this?

A# 4 Section 24b strictly grants the child the right to enroll in either district in which the child's parents reside. Instead, the child has enrolled in a third district under schools of choice. Thus, Section 24b does not apply in this case and the child's resident district is the district where the custodial parent resides, or where the child is living. If the child were residing in both districts on an equal basis, either district would be considered the resident district for purposes of determining the foundation amount that will be generated.

Q# 5 Can a district advertise and enroll pupils under Section 105 or Section 105c for the third trimester?

A# 5 No. Current law only allows for the application window for fall enrollment and second semester or second trimester enrollment. Third trimester allocation/enrollment is not allowed for Section 105 or Section 105c.

Resident District Approval for Enrollment and Count Purposes

Q# 6 Does an early childhood developmentally delayed pupil need the approval of the resident district to enroll?

A# 6 If the preschool pupil is attending a district other than the district of residence and is not a part of a center type program configuration, he or she must have the approval of the resident district to enroll. If the preschool pupil were attending the district due to an IEP decision, the IEP would serve as the approval of the resident district.

Q# 7 Can a district enroll pupils as "tuition" pupils and charge them tuition for educating them? Would the district need the approval of the resident district?

A# 7 Tuition pupil simply means a nonresident pupil for whom tuition may be charged. Whether or not tuition may be charged depends on several factors.

A general education pupil enrolled under parent request who does not meet any of the exceptions in Section 6(6) of the State School Aid Act and does not meet any of the exceptions that allow a nonresident pupil to be counted as a resident of the district must obtain the approval of the resident district to be counted in membership and may be charged tuition. A pupil who cannot obtain approval from the resident district may be enrolled and charged tuition; however, such a pupil cannot be counted in membership.

Enrolling an Employee's Child

Q# 8 The district's school board has always allowed the children of teachers to attend with the permission of the resident district. Can the district ignore Section 6(6)(j) of the State School Aid Act and charge tuition?

A# 8 No, the district's school board needs a policy regarding the enrollment of employees' children. However, Section 6(6)(j) of the State School Aid Act permits these pupils to be enrolled and counted for membership purposes without the approval of the resident district. Section 6(16) of the State School Aid Act prohibits the enrolling district from charging tuition for these pupils.

Q# 9 Our district does not have room to accept the children of employees. Does Section 6(6)(j) of the State School Aid Act require that our district enroll the children of any employee who requests this?

A# 9 No, Section 6(6)(j) of the State School Aid Act is permissive. Your district's school board should have a policy to ensure the equitable and fair treatment when considering the enrollment of children of employees.

Q# 10 The school district recently hired the parent of a schools of choice pupil. How should the district report the pupil in MSDS now that the pupil is enrolled as the child of an employee?

A# 10 It is recommended that the district continue to report the pupil in MSDS as schools of choice since a pupil enrolled under choice qualifies to be enrolled until graduation if there is no break in service. In that case, a change in the parent's employment status would not affect the pupil's eligibility for enrollment.

Q# 11 Some of the school district's employees reside across the state line in another state. May the district enroll and count for membership purposes a child of such an employee?

A# 11 No, Section 6(6)(j) of the State School Aid Act allows the district to enroll a child of an employee without the approval of the resident district. However, the resident district would have to be a district

in the State of Michigan. The State of Michigan has no obligation to educate resident pupils of another state. Also, the foundation allowance for nonresident pupils is the foundation allowance of the resident district. Since this pupil is from a district outside of the State of Michigan, there would be no foundation allowance.

Q# 12 If a district allows children of employees to attend, can the district limit the pupils to certain grade levels?

A# 12 Yes. There are going to be situations where a district might not reasonably be able to accommodate pupils in all grades.

Dual Residency

Q# 13 May a district enroll a pupil as a resident if a former stepparent resides in the district?

A# 13 No. A former familial relationship, such as a former stepparent, would not satisfy the residency requirement. A relationship formed through birth or adoption remains intact regardless of a divorce, but a familial relationship formed through marriage ends with divorce.

Q# 14 A pupil's parents are divorced. The pupil resides with the mother across the state border and the father resides in a Michigan district. Can the Michigan district enroll the child?

A# 14 Yes, under Section 24b of the State School Aid Act and Section 1148a of the Revised School Code the child is a resident of the district where either parent (or legal guardian) resides regardless of which parent is the custodial parent.

Q# 15 A pupil's parents reside separately in two neighboring districts. Does it matter which district provides a release for the pupil to attend another district?

A# 15 If the pupil is not enrolled in a district, either district could provide the release, otherwise the enrolling district would need to provide the release according to Section 24b of the State School Aid Act (MCL 388.1624b).

Child or Family Resides with a Relative

Q# 16 An elementary pupil resides with his grandmother in District A while the parents of the child reside in District B approximately 100 miles away. The grandmother has been granted a power of attorney to keep this child for the purpose of providing a suitable home. District A reported this pupil as a non-K-12 pupil. District B is a K-12 district. Should the district report this pupil as "schools of choice" instead?

A# 16 In this situation, the child resides with the grandmother (a relative) for the purpose of a suitable home. Thus, the child becomes a resident of District A.

Child Resides with Friends:

Q# 17 A single parent is being deployed to active military duty. This parent has signed a Delegation of Parental Authority appointing her best friend to act in loco parentis for her son for six months. The parent and child are from a neighboring state. Does the district report this child as a resident pupil?

A# 17 Yes. MCL 3.1041-3.1042 permits a pupil from a military family whose custodial parent has been assigned to active duty and has placed that child with the non-custodial parent or a person serving in loco parentis, through a special power of attorney executed under applicable law, to attend the district where that non-custodial parent or the person serving in loco parentis resides. The pupil may also continue to attend the district where the pupil had been enrolled and attending while residing with the custodial parent prior to the parent being assigned to active duty. Tuition cannot be charged.

Q# 18 A parent enrolls a pupil using a friend's address. The parent's driver's license shows this address; however, the parent is unable to produce documentation to prove this is the parent's actual residence. Do we have to enroll the pupil?

A# 18 It is possible that the parent and pupil reside with the friend but they may not have additional supporting documentation, such as a utility bill in the parent's name. A driver's license is one of the many items that are listed as possible "proofs" of residency. In its discretion, the district may ask the parent and friend to sign affidavits affirming that the parent and pupil reside at the given address.

Pupil's Legal Residence is in Another State:

Q# 19 A pupil attends a US Olympic Education Center in a Michigan district. The parent of the Olympic athlete has established residency in multiple states but does not have residency in Michigan. If the parent grants the coach limited guardianship, may the district count the pupil for membership purposes?

A# 19 Section 6(6)(m) of the State School Aid Act permits a pupil who attends a United States Olympic education center to enroll in the district where the Olympic training center is located without the approval of the resident district. Such a pupil would be enrolled as a resident pupil.

Senior in High School:

Q# 20 Pupil has attended District A for several years up through her junior year. The family moved out of the district during the summer. The pupil would like to attend District A and graduate with her class. What documentation is required so this pupil may continue her senior year at District A?

A# 20 If District A is not schools of choice, the pupil will have to obtain approval from the new resident district before District A can count the pupil in membership. Another option would be for the parents to pay the full tuition amount, if any, and for the pupil not to be counted for membership purposes.

Proof of Residency

Q# 21 A mother tries enrolling her children in District A but cannot prove residency. The mother insists that she is residing with the child's grandmother. The district knows the mother frequents a house in District B and believes that is her true residence. The mother insists that that is her sister's residence. The mother has no utility bills, rent payments, etc. in her name. The district believes a driver's license can be falsified. What does the district use as proof of residency?

A# 21 Districts are entitled to reasonable residency verification, per Attorney General opinion 5925, as well as in Feaster v Portage Public Schools, 451 Mich 351 (1996). A district can try to verify where the parent or guardian resides to determine if the pupil is a resident of the district. The district can also try to verify if the residence is the home of a relative and was arranged to provide a suitable home per Section 1148 of the Revised School Code. The pupils might also be protected under the McKinney-Vento Homeless Assistance Act, 42 USC 11301 et seq., thus making them eligible for immediate enrollment in the current district of residence or allowing them to continue enrollment in the school of origin (the school they attended when permanently housed or the school in which they were last enrolled) if that is preferred by the parent or guardian and is feasible.

Q# 22 A child's parents are divorced, and the child resides with his mother in District A. The child attends District B where his father resides (as is allowed under Section 24b of the State School Aid Act). The father is remarrying and no longer wishes to permit the child to attend District B?

A# 22 Sections 1148a of the Revised School Code and Section 24b of the State School Aid Act grant the child the right to attend school in any district in which a parent resides. If the child has been attending District B all along and District B has on record that the child's father resides in District B and knows that the father continues to reside in District B, then the child may continue to attend District B without the father's approval. However, should the father move out of District B, the child would need a release from District A or the father's new district to continue attending District B or a release from the district where the child's father now resides.

Q# 23 If a pupil, who was a resident at the beginning of the school year, has since moved out-of-state, may we continue to keep the student enrolled? May we also claim the pupil in membership?

A# 23 If the pupil is now considered homeless, is out of state or country under but being served under homebound/hospitalization services, or if the district finds good cause to believe the move is temporary and the parent or guardian maintains residency in Michigan, the district would be allowed to continue to claim the pupil in membership. A district can, however, always allow a pupil to continue to be enrolled and not collect the state aid.

5: NONCONVENTIONAL PUPILS

A nonconventional pupil is a pupil who does not attend school on the traditional basis such as attending classes first period through last period in the same building at the resident district. A nonconventional pupil may participate in special programs such as (but not limited to) cooperative education, postsecondary education, or nonpublic part time. The nonconventional pupil may attend school on a split schedule or a reduced schedule. This pupil may attend a school district other than the pupil's resident district through schools of choice, parent-paid tuition, or alternative education. The nonconventional pupil's schedule may be interrupted by travel from one school district to another district or by the inability to attend school at all. This group of pupils is considered high risk (from a membership aspect); therefore, a list of all such pupils must be available for the pupil accounting auditor. The various types of nonconventional pupils, requirements for counting the FTE, the determination of which district may count the pupil, and other requirements are reviewed in this section.

In addition to the applicable membership requirements covered in the preceding sections, one or more of the following sections may apply given the circumstances of the individual pupil enrollment. Districts must determine which of the following sections also apply to an enrollment, and in doing so, meet all applicable requirements from the section(s) to ensure that membership may be counted.

For example, for a pupil who is enrolled in a virtual learning program who is also enrolled in postsecondary dual enrollment courses, the district would need to ensure that the requirements of the preceding sections are followed in addition to the requirements stated in Sections 5-O-D and 5-G-A of this manual.

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 pupil participating under this section must be coded as an alternative education pupil in MSDS.

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(4) or MCL 388.1606(6)) 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(4), MCL 388.1606(8), and MCL 388.1606a).
3) The pupil and teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, were present and engaged in instruction.
4) The pupil must be enrolled in and attending courses that are earning credit toward a high school diploma or a high school equivalency credential.
5) Attendance must be taken, and documentation must be provided to ensure that the pupil is in fact attending the number of hours scheduled.
6) The pupil may not generate more FTE per course than would be generated by a pupil in a traditional classroom setting.
7) The board of education of the school district or the board of directors of a public school academy approved the course.
8) The pupil must be enrolled on or before the specified count day to be eligible for membership purposes.
9) The pupil is at least 16 years of age on September 1 of the school year if the pupil will be educated in the same program or classroom as adult education participants.

PUPIL ENROLLMENT IN AN ALTERNATIVE EDUCATION PROGRAM

There are any number of reasons a pupil may be enrolled in an alternative education program, including but not limited to:

- 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 this 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 nontraditional setting.

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 who 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 school 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.

Parent or Pupil Requested and Court Placed Enrollments - 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. These pupils do not need releases from their resident districts to attend alternative education programs in other districts. A district may also have enrolled the pupil under schools of choice.

INSTRUCTIONAL TIME REQUIREMENTS

An individual pupil's class schedule in effect on the count day and the pupil's class-by-class attendance record 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 instructional hour requirement of 1,098 hours, as well as the minimum day requirement of 180 days, unless the program has been granted a waiver from the Department to operate for fewer hours or days. A waiver may also be granted for "innovative programs," such as a 4-day school week, per Section 101(9) of the State School Aid Act (MCL 388.1701). The district must meet the terms of the waiver, including the number of instructional hours and days specified in the waiver to avoid a state school aid penalty. A district that does not provide the minimum number of instructional hours or days specified in the waiver shall have its state aid adjusted according to the requirements specified in Section 101(3). This waiver must be requested by the district on a yearly basis to remain valid.

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.

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 the next 10 consecutive 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 or designated staff. An undocumented absence is assumed to be unexcused.

ATTENDANCE RECORDS FOR LEARNING LABS

A learning lab is one method a district may use to deliver academic instruction to pupils in an alternative environment. The teacher may provide instruction in more than one (1) subject during the class period. Multiple levels of a subject may be taught in the same class period. An alternative education program that operates as a learning lab must offer the minimum instructional time that is required of all K-12 programs.

Due to the nature of learning labs, the pupil membership count is based on the week beginning on the Wednesday count day and ending on the following Tuesday. A pupil must attend the minimum number of hours scheduled to be claimed for full FTE. A pupil who is absent and does not fully meet the scheduled number of hours during the count week must be present on the same weekday he or she was absent within 10 school days if the absence was unexcused or within 30 calendar days if the absence was excused.

For a learning lab, the pupil must be scheduled for a specified number of lab hours per week and a weekly sign-in and sign-out sheet is necessary to document the actual number of hours per week that the pupil attended.

STATUTORY AND OTHER 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)

QUESTIONS AND ANSWERS

Alternative Education through Adult Education Program

Q# 1 The pupil is 17 years of age, is enrolled and attending the Career and Technical Center for vocational education classes in the afternoon and attends General Educational Development (GED) certificate prep classes through the district's adult education program in the evening. The district wants to claim this pupil 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 school 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 and a high school equivalency credential such as a General Educational Development (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 in 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 in 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 prorate each district's FTE count for this pupil based on 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 specifies the minimum number of days and the minimum number of hours that the program must operate. If the district met the waiver requirements, the FTE for a pupil enrolled and attending this alternative education program would be based on those hours agreed on in the waiver 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 for 705 hours, the district would claim .8 FTE for the pupil (705 hours /878 hours =.8 FTE).

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 K-12 system. Attendance must be taken and the pupils in this program are a part of the 75% attendance requirement.

Calculating FTE for Alternative Education Programs

Q# 6 District A enrolled a resident homeschooled pupil in four (4) noncore curriculum courses and counted this pupil for .57 FTE. This same pupil enrolled full-time in District B's virtual alternative education program. District B is counting this pupil for 1.0 FTE. Do District A and District B need to prorate the FTE based on the sum of total hours between both districts?

A# 6 This pupil cannot enroll in District B's virtual alternative education program and claim to be homeschooled. Parents who homeschool their children must provide the basic courses. This pupil must choose to either be enrolled in District B's alternative education program full-time (and discontinue being homeschooled) and be counted by District B, or this pupil is homeschooled and enrolled in noncore curriculum courses in District A. The pupil cannot do both.

Q# 7 The district has a learning lab as part of the alternative education program. A 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. How is the FTE for this pupil calculated?

A# 7 The pupil is enrolled for two hours per day, for an annualized 360 hours (2 X 180 = 360) of instruction. 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).

Q# 8 A pupil participating in our learning lab did not attend the scheduled/required hours during count week. The pupil is scheduled to attend for two hours per day or ten hours per week. How do we prorate the pupil's membership?

A# 8 If this pupil was absent during the count week, the 10/30-day rule must be applied. If during the 10/30-days the pupil is still short of being present for the full number of instructional hours scheduled, the proration would be based on the number of hours that the pupil did attend. If the pupil was in attendance for eight hours during any one week, then the membership would be calculated as follows:

(8 hours / 5 days) = 1.6 hours per day

(1.6 hours per day X 180 days) = 288 hours

(288 hours / 1,098 hours required) = .26 FTE

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. The written agreement shall be approved by all affected districts at least annually and must specify the educational programs to be provided and the estimated number of pupils from each district who will participate in the educational programs. Ideally, the agreement should specify the program type, the class schedule for each district's pupils, the cost of participating in the program and the means of transportation to the class. A pupil enrolled in a cooperative education program may be counted in membership in the pupil's district of residence with the written approval of all parties to the agreement.

A cooperative education program is aimed at a specific group of pupils with particular goals in mind. 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. The district operating the program hires the staff and bills the participating districts, as necessary. Examples of cooperative education programs include such programs as alternative education K-12, special education, career and technical education, or secondary education for pupils from a non-K-12 district. The cooperative agreement serves as the approval needed by the educating district to count the nonresident pupil in membership unless otherwise specified in the agreement.

The educating district counts the pupil on a prorated basis for that portion of time the pupil attends the cooperative program, except that a pupil may be counted in membership by the resident district if agreed to in writing by all parties of the cooperative agreement. (Note: Intermediate school districts have no means of counting general education pupils in programs such as alternative education, career and technical education, or early middle college; the cooperative agreement will specify which district will count the pupil.)

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(4) or MCL 388.1606(6)) 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(4), MCL 388.1606(8), and MCL 388.1606a).
3) The pupil and teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, were present and engaged in instruction.
4) The pupil must be enrolled on or before the specified count day to be eligible for membership purposes.
5) The course is board-approved and counts toward earning a high school diploma.
6) The sum of the FTE counted by the educating district and the resident district cannot exceed 1.0 FTE.
7) A written agreement exists between the involved districts to provide certain educational programs. The agreement details the following:
    a. The district that will maintain the program alpha list with each pupil's legal name, UIC number, and resident district name.
    b. The district that will maintain the program the attendance records.
    c. The district that will maintain the program schedule detailing the number of instructional hours scheduled for the year.
    d. The district that will fulfil the pupil reporting requirements.

PUPIL ENROLLMENT IN A COOPERATIVE EDUCATION PROGRAM

1) Alternative Education

A district may operate an alternative education K-12 program offered to pupils from the surrounding area as part of a cooperative agreement. This alternative K-12 program may, for example, be for pupils who have been expelled from school under the mandatory expulsion law that requires separation from the general population of pupils, pupils who have been expelled from school for any reason other than mandatory expulsion, pupils who are parents or pregnant, or a learning lab that offers an individualized learning environment for K-12 pupils, etc. The educating district receives the resident district's foundation allowance.

2) Special Education

Several districts may enter into a cooperative agreement specifying a special education program open to all special education pupils from the surrounding area whose needs, as measured through an IEP, can be met in the specified program. This agreement must include specifics about the reimbursement of added costs for the special education program.

a. The cooperative program may be a center program that serves all constituent districts within the intermediate school district or may serve several districts with fewer than 50% of the enrolled pupils being residents of the educating district.

b. The cooperative program may be a work-based training program in which a small number of pupils are trained on the job that corresponds to the training subject in the classroom. Specific goals are established, and the pupil is evaluated based on those goals.

3) Career and Technical Education (CTE) Program/Vocational Education Program

A district or intermediate school district may enter into a cooperative agreement making CTE training programs available to ninth through twelfth grade pupils in several surrounding districts; or several districts may have a cooperative agreement that offers specific work-related training programs at each district for the ninth through twelfth grade pupils in the participating districts. Career and technical education programs offer training in a skill that could lead to a future job such as, but not limited to, building and trades, allied health, auto mechanics, computer technology, cosmetology, or food services.

The educating district counts the pupil for membership purposes, except:

a. Pupils educated in a vocational education program operated by the intermediate school district must be counted by the sending district.

b. Pupils educated in a vocational education program financed by an area-wide millage levied by the intermediate school district under Section 682 of the Revised School Code (MCL 380.682) must be counted by the resident district.

c. Pupils must be counted by the resident district if the cooperative agreement so provides.

4) Educating Nonpublic and Homeschooled Pupils

A district may enroll pupils who attend a nonpublic school or a pupil who is homeschooled for nonessential elective courses such as computer, band, art, physical education, career and technical education, driver's education, and advanced placement level courses. A district may enroll nonpublic pupils or homeschooled pupils with an IEP to receive special education programs and be counted in membership.

See Section 5-E of this manual for more information.

5) Early Middle Colleges

An early middle college (EMC) is a Michigan Department of Education approved five-year program of study. The EMC may begin as early as grade 9 and is designed to allow a pupil to earn a high school diploma while also earning 60 transferable college credits toward a four-year degree from a Michigan public or private university, an associate degree from a community college, a professional certification, the Michigan Early Middle College Association (MEMCA) technical certificate, or participation in a registered apprenticeship. EMCs must have a formal agreement with at least one

Michigan public or private college or university and maintain formal agreements with all postsecondary partners. See Section 5-G-B of this manual for more information.

TRAVEL WAIVERS FOR COOPERATIVE EDUCATION PUPILS

To be eligible for a travel waiver under this section, the membership must be claimed by a single district and that district must reflect all of the enrolled courses on a student schedule maintained by that district. If a pupil in grades 9 to 12 who is enrolled in a cooperative education program or a pupil in a special education program cannot receive the minimum number of hours of pupil instruction solely because of travel time between the two instructional sites during the school day, that travel time (up to a maximum of 3 hours per school week) shall be considered to be pupil instruction time for the purpose of determining whether the pupil is receiving the minimum number of hours of pupil instruction. However, if a district demonstrates to the satisfaction of the Department that the travel time limitation would create undue costs or hardship to the district, the Department may consider more travel time to be pupil instruction time for this purpose.

Example of Travel Waiver Granted (See Exhibits for accompanying documents):

A high school pupil in District A attends a CTE program at District B during the morning.

District A has a 183-day calendar made up of the following:

- 177 full days
- 3 half days where the pupil attends the CTE program only
- 3 partial days for exams

The CTE program provides 150 minutes of instruction per day for 180 days (177 full days plus 3 half days), or 450 hours for the year.

(150 Minutes x 180 Days = 27,000 Total Minutes per Year / 60 Minutes = **450 Hours** per Year)

The pupil returns to the high school in District A for lunch and three afternoon classes that are 50 minutes each. One passing time after lunch and two passing times between the three afternoon classes are countable. A reasonable length passing time could be five minutes; thus, giving the pupil 165 minutes of instructional time at the resident high school in the afternoon.

(5 Minutes + 50 Minutes + 5 Minutes + 50 Minutes + 5 Minutes + 50 Minutes = 165 Minutes x 177 days = 29,205 Minutes per Year / 60 Minutes = **486.75 Hours** per Year)

The pupil attends District A for the 3 exam days for 210 minutes of instruction each.

(210 Minutes x 3 Days = 630 Minutes per Year/ 60 Minutes = **10.50 Hours** per Year)

In total, the pupil receives 947.25 hours of instruction.

(450 CTE Hours + 486.75 HS Hours + 10.5 Exam Hours = **947.25 Hours of Instruction** per Year)

The pupil travels for 90 minutes per day to District B. Section 101(7)(d) of the State School Aid Act allows up to 36 minutes per day (3 hours per week) of travel time between instructional sites to be counted as pupil instructional time if that is the sole reason that a pupil cannot meet the minimum required hours for a full-time pupil. The allowed travel for this pupil is 108 hours for the year.

(36 Minutes per Day x 180 Days of Travel = 6,480 Minutes per Year / 60 Minutes = **108 Hours** per Year)

The pupil is 42.75 hours short of the required 1,098 hours.

(947.25 Hours of Instruction + 108 Hours of Travel = **1,055.25 Total Hours**)

(1,098 Requirement - 1,055.25 Total Hours = **42.75 Hours** Short)

The district applies to the Department for a waiver to allow additional travel time to be counted as instructional time toward the hour requirement. In this example, a waiver for an additional 15 minutes per day of travel time would be granted for this pupil's instructional time towards 1,098 hours.

(42.75 Hours Short / 180 Days of Travel = 0.2375 Hours Short per Day x 60 Minutes = 14.25 Minutes Short per Day **rounded up to 15 Minutes**)

(15 Minutes of Additional Travel per Day x 180 Days = 153 Hours of Travel per Year)

The pupil would have 947.25 actual instructional hours plus 153 travel hours for a total of 1,100.25 hours.

Example of Travel Waiver Denied (See Exhibits for accompanying documents):

Same scenario but the pupil is enrolled in two fifty-five minute classes in the afternoon with a break between lunch and the afternoon class period. In this instance the pupil, the pupil receives 324.5 hours of instruction per year at the high school.

(5 Minutes + 50 Minutes + 5 Minutes + 50 Minutes = 110 Minutes x 177 days = 19,470 Minutes per Year / 60 Minutes = **324.5 Hours** per Year)

In total, the pupil receives 785 hours of instruction.

(450 Hours +324.5 Hours + 10.5 Hours =**785 Hours of Instruction** per Year)

The pupil is 313 hours short of the required 1,098 hours.

(1,098 Requirement – 785 Instructional Hours = **313 Hours** Short)

The travel time to and from the CTE program for 180 days totals 108 hours. The actual instructional time plus the allowed travel time totals 893 hours, which does not meet the minimum hours requirement.

(785 Instructional Hours + 108 Hours of Travel Time = **893 Hours**)

(1,098 Requirement – 893 Hours = 205 Hours Short)

The waiver would be denied, and travel time would not be countable; it is not the sole reason (due to the break after lunch) that this pupil's FTE count would be prorated (893/1,098 = 0.81 FTE).

STATUTORY AND OTHER REFERENCES

State School Aid Act

MCL 388.1603(4)

MCL 388.1606

MCL 388.1701

MCL 388.1766b

Revised School Code

MCL 380.627

QUESTIONS AND ANSWERS

Cooperative Agreement with a Public School Academy

Q# 1 The local district has a cooperative agreement to provide a vocational education program to the high school pupils enrolled at the public school academy located within the local school district's boundaries. Which district receives the FTE count and at what foundation allowance?

A# 1 Section 6(4)(n) of the State School Aid Act requires that the pupil be counted by the public school academy unless the cooperative agreement states otherwise. The academy would then receive the academy's foundation allowance. If the agreement states that the local district counts the FTE for the portion of time those pupils attend the vocational education program at the local district, then the local district would receive the pupil's resident district foundation allowance.

Travel Time

Q# 2 District A has an agreement to provide special education classes, vocational education classes, and several nonessential elective courses to the nonpublic school pupils within the local school district's boundaries. The special education program pupils and the vocational education program pupils are bused to District A's facilities. Does District A get to count the travel time?

A# 2 No, the local district cannot count travel time for nonpublic pupils for several reasons. The travel time between instructional sites allowed under Section 101(7)(d) of the State School Aid Act refers to applying the travel time to the minimum required hours that a public school must provide pupils in

grades 9-12 or special education pupils. Also, the travel time must be the sole reason that the pupil cannot meet the minimum required hours for full-time-equivalent status.

a.) The public school is not required to provide any pupil instructional time to the nonpublic school pupils. The travel time is not preventing the local district from meeting the minimum required hours for such a pupil.

b.) Travel time is not the sole reason that shared time pupils cannot reach full-time status.

Q# 3 A pupil from District A attends the community college for three hours per day Monday – Thursday and for two hours on Friday. The pupil cannot possibly return to the high school in time to enroll in a fourth hour class. When District A inquired about a travel waiver, the district was told that travel waivers do not apply to dual enrollment. Please explain.

A# 3 Section 101(7)(d) of the State School Aid Act allows a district to count up to 3 hours per week of travel time between school districts for high school pupils or pupils in special education programs that are traveling to another school district for a program that is part of a cooperative agreement. For example, District B agrees to provide several CTE classes to pupils from District A. Section 101(7)(d) allows District A to count up to three hours of travel time between District A and District B if that travel time is what prevents those pupils, attending District B's CTE programs, from being full-time equated pupils. The same would hold true for pupils from District A who attend a special education program at the intermediate school district or a special education program in District C, etc. Pupils enrolled in postsecondary institutions are not enrolled under a cooperative agreement with another local school district. Thus, section 101(7)(d) does not apply to dual enrollment.

However, section 6(4)(q) of the State School Aid Act provides that the membership of a pupil enrolled in a postsecondary institution shall not be considered less than full-time solely because of the effect of his or her postsecondary enrollment, including travel time. This means that the actual travel time may be taken into account when computing the FTE for a dually enrolled pupil. Also, the Postsecondary Enrollment Options Act requires that the pupil be enrolled and attending a minimum of one class at the high school.

Release from the Resident District

Q# 4 District A has enrolled several pupils from District B in the Early-On Special Education program. Does District A need releases to count these pupils?

A# 4 The cooperative agreement between Districts A and B would serve as the release for District A to count these pupils unless that agreement stated otherwise. The IEP would also serve as the release as both districts would have been involved in the decisions in each IEP.

Q# 5 District A has decided to operate an alternative education program for all pupils in the intermediate school district area who have been expelled for disciplinary reasons. If district A provides 2 one-hour sessions per pupil, can the district count these pupils for a full FTE?

A# 5 A pupil who is expelled under the state mandatory expulsion statutes who is then educated for two nonconsecutive hours in a one-on-one setting with a certificated teacher is eligible to be counted for a full FTE. However, if the pupil has been expelled under school district policy, the FTE must be prorated.

Furthermore, if pupils are being educated in a classroom setting, the FTE must be prorated based on the actual hours provided compared to the minimum required 1,098 hours of pupil instruction, unless the building/program has a state-approved waiver of minimum days and hours. See Sections 5-C and 5-N of this manual for more information on this topic.

Special Education Early Childhood Homebound/Hospitalized Services

Q# 6 The district enrolled a 4-year old special education pupil in the special education early childhood classroom program. The child is having medical problems with seizures and, according to the family physician, is therefore unable to attend the program. Must the district provide homebound services?

A# 6 If the district enrolled this pupil in the special education early childhood classroom program and counted that pupil for membership purposes and has a medical doctor's statement that this pupil cannot attend school during normal hours, then the district must provide the homebound services for this pupil.

Direct College Credit

Q# 7 Our districts are being approached by a local area community college to provide courses at the high school with a high school teacher providing the instruction and the high school pupils earning college credit. The pupils could possibly also receive high school credit for these courses. The curriculum would be the community college curriculum. The college would charge a discounted tuition rate since the instructor would be paid by the school district. This tuition would be paid for by the parents. The credits received for participating in these courses are referred to as direct college credit. Would the district receive the FTE count for the pupils enrolled in these courses?

A# 7 Although this is not exactly dual enrollment, it is part of the pupil's free public education as required under the state constitution. Therefore, the parents cannot be charged the tuition for these classes. The district must pay the tuition and any related fees in order to count the FTE for these classes.

ISD Schools of Choice under Former Sections 91 or 91a

Q# 8 Can districts continue to participate in an ISD Schools of Choice program under former Sections 91 or 91a?

A# 8 Yes, however, the program will now follow the same rules established for districts participating in a cooperative education program. At least 50% of the ISD's constituent districts must continue to participate in the Schools of Choice pilot program. Membership shall be counted by the educating district. A nonresident pupil enrolled in a district under a pilot program shall continue to be enrolled in the district until the pupil graduates from high school even if the district ceases to participate in the pilot schools of choice program or the ISD pilot schools of choice program is discontinued.

5-C: HOME-BASED PUPILS

A pupil who has been suspended or expelled from school as the result of a disciplinary action may be educated at the pupil's home or at a neutral site away from the general school population. This individualized program is considered home-based and means there is one pupil with a teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department. Home-based instruction must be the result of disciplinary action, determined to be the best placement for instruction for the pupil, and authorized in writing by the district superintendent and the district alternative or disciplinary education supervisor. This is a change of placement for a special education pupil and must be accompanied by a new IEP. The IEP will determine what services will occur in the alternative educational setting.

REQUIREMENT 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(4) or MCL 388.1606(6)) 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(4), MCL 388.1606(8), and MCL 388.1606a).
3) The pupil and teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, were present and engaged in instruction during two nonconsecutive one-hour periods per week.
4) The pupil must be enrolled and have attended on or before the specified count day to be eligible for membership purposes.
5) The district provides instructional materials, resources, and supplies that are comparable to those otherwise provided in the district's alternative education program.
6) Course content is comparable to that of the alternative education program.
7) The course must be capable of generating credit toward a high school diploma. Earned credit is recorded on the pupil's transcript.

Pupil instruction is required each week of the count period if the pupil is being counted for membership unless the pupil has a documented excused absence that prevents the pupil from receiving services during a week, or if instruction has been canceled district-wide for three or more days during a week of the count period.

If a pupil is temporarily unable to receive services, the teacher must document the reason for the interruption in services and have the parent initial the documentation for the district's records. If a pupil is unable to participate in home-based services during the count period, no FTE shall be claimed.

If a pupil returns from this placement to the traditional school environment during the count period and meets the attendance requirement for each course on the pupil's schedule, the membership for the pupil may be claimed. If the pupil returns from this placement and attends school via a virtual program under Section 5-O-D of this manual, and the pupil completes the attendance requirement as stated in that section for the remaining weeks of the count period, the membership may be claimed.

LOCAL DISTRICT POLICY SUSPENSIONS AND EXPULSIONS

With the written authorization of the district superintendent and district alternative or disciplinary education supervisor, a district may place a pupil into home-based services as a result of a disciplinary action if the district's alternative or disciplinary education program recognizes it to be the best instructional placement for the pupil. The district may count a proration of membership based on the number of hours of instruction the district actually provides to the pupil divided by the minimum number of hours required under Section 101.

EXPELLED UNDER MANDATORY EXPULSION LAWS

Sections 1311 and 1311a of the Revised School Code, MCL 380.1311 and 380.1311a, require expulsion of pupils under certain circumstances. For example, a district shall expel a pupil who possesses a dangerous weapon in a weapon free school zone; who commits arson or criminal sexual conduct in a school building or on school grounds; or who commits criminal sexual conduct in a school building or on school grounds, or pleads to, is convicted of, or is adjudicated for criminal sexual conduct against another pupil enrolled in the same school district. A pupil in sixth grade or above who physically or verbally assaults a district employee, volunteer, or contractor may also be subject to expulsion, as may a pupil of that grade level who verbally assaults a district employee, volunteer, or contractor or who makes a bomb threat or similar threat directed at school property or a school-related event. See the statutes for detailed requirements.

A pupil who has been expelled is to be separated from the general pupil population and may be educated in an alternative education program or through individualized instruction at home or at a neutral site. A pupil who is required to be expelled by statute and who receives home-based instruction may be counted for full membership.

USING VIRTUAL COURSES TO SUPPLEMENT INSTRUCTION

A pupil who is home-based may also be enrolled in a virtual learning course. The pupil must be receiving individualized instruction for a minimum of two one-hour non-consecutive periods of instruction per week, with a teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department. The virtual learning classes do not generate additional membership as the two one-on-one sessions generate a full membership (1.0 FTE).

Note: Pupils enrolled in virtual courses under this section do not need to meet the requirements stated in Section 5-O-D if the requirements to be counted as a home-based pupil have been met. However, if the requirements for a pupil originally enrolled under this section are not met, but the requirements under Section 5-O-D are met, the membership for the virtual courses could be counted.

STATUTORY AND OTHER REFERENCES

State School Aid Act

MCL 388.1606

Revised School Code

MCL 380.1311

MCL 380.1311a

Administrative Rule

340.2(13)

QUESTIONS AND ANSWERS

Alternative Education Program for Pupils Required to be Expelled under State Law

Q# 1 The district wants to operate an area-wide alternative education program for seventh and eighth grade pupils who have been expelled under MCL 380.1311(2) and 380.1311a or under local board of education policy. This would be under a cooperative agreement with the local area districts and enrollment would be limited to pupils who reside within the intermediate school district. The alternative education program would operate 180 days for 1,098 hours. Section 6(4)(u) permits a district to offer this type of pupil two (2) one-hour sessions per week and count the pupil for a full FTE. May we count each pupil for 1.0 FTE?

A# 1 The options for counting the pupil for 1.0 FTE who qualifies under MCL 380.1311(2) or MCL 380.1311a (permanent expulsions) are: to provide the pupil with two nonconsecutive hours of individualized instruction under the supervision of a teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, each week at the pupil's home or otherwise apart from the general school population, or the expelling district can enroll the pupil in a full-time alternative education program that provides 180 days and 1,098 hours of instruction and is apart from the general school population. A pupil who

has been expelled under local board policy would have his or her membership prorated based on the number of instructional hours provided.

Q# 2 May the intermediate school district or a local school district provide home-based instruction to several pupils who have been expelled under state mandatory expulsion by several districts throughout the surrounding area?

A# 2 Home-based instruction must be provided to the expelled pupil by the expelling district. The expelling district may contract with the intermediate school district or with a local school district to provide home-based instruction to pupils who have been expelled under MCL 380.1311(2) and 380.1311a. The instruction must be provided in a one-on-one setting and not in a group setting. This does not prevent an intermediate school district or a district from creating an alternative education program for a group of pupils within the area who have been suspended or expelled under MCL 380.1311(2) and MCL 380.1311a. The FTE for those pupils would be based on the actual hours provided compared to the minimum required hours of pupil instruction.

Home-based Instruction for Verbal Assault

Q# 3 The district expelled a pupil for threatening to blow up the school, making bombs, and threatening the school counselor's life. Does the fact that the pupil made threats of bombs or injury to school employees represent adequate grounds for the district to treat this situation as a state mandated expulsion?

A# 3 Yes, if the criteria in MCL 380.1311a(2) are met. Section 1311a(2) of the Revised School Code states that a pupil in grade 6 or above who commits a verbal assault, as defined by the school board policy, against an employee or volunteer of a school district or makes a bomb threat or similar threat at a school building or other school property or school-related event shall be suspended or expelled for a period of time as determined by the school board or its designee. Based on language in Section 1311a(3), if the pupil is permanently expelled as a result of school board defined verbal assault or due to a bomb threat, the pupil can qualify for a full FTE when provided two one hour periods of individualized pupil instruction per week.

Using the Virtual Learning Medium

Q# 4 District A wants to offer two virtual learning classes to three youths, ages 16 and 17, incarcerated in the county jail. One youth had been enrolled in District A. The other two youths were enrolled in District B and District C respectively. District C is located in a contiguous ISD. May District A count those three youths for a full FTE under home-based learning?

A# 4 Home-based instruction must be the result of disciplinary action. A pupil who has been suspended or expelled from school as the result of a disciplinary action may be educated at the pupil's home or at a neutral site away from the general population. The district from which the pupil was expelled has the option to offer home-based instruction to the pupil first. A pupil who has been incarcerated in a county jail becomes a resident of the district where the county jail is located.

Special Education Pupil's IEP

Q# 5 A special education pupil was "homebound" by the court system because of behavioral problems. The pupil was not expelled from the school district but the court felt it was not a safe environment to have the pupil in a public school because of his behavior. The district wants to provide 2 one-hour sessions of pupil instruction per week to this pupil. May the district count this pupil for 1.0 FTE?

A# 5 No. Only pupils expelled pursuant to MCL 380.1311(2) and 380.1311a and pupils who are homebound/hospitalized due to a certified medical condition qualify for a full FTE when provided 2 one-hour individualized sessions per week. The pupil membership would be a prorated FTE.

Q# 6 Does the teacher need to be special education certified when providing instruction to a special education pupil or is it enough that the teacher providing the instruction be a certified teacher?

A# 6 A special education pupil who is receiving home-based services must have been suspended or expelled for disciplinary reasons. Thus, a new IEP is required. That IEP may specify that a teacher with special education certification must provide the service or that a teacher with general education certification will provide the services.

Nonconsecutive Instructional Periods

Q# 7 How much time needs to separate the instructional periods for a special education pupil for the instruction to be considered nonconsecutive?

A# 7 The instructional periods must be separated by no less than 30 minutes to be considered nonconsecutive.

5-D: HOMEBOUND AND HOSPITALIZED PUPILS

Homebound/hospitalized service is a self-study program designed to help pupils, who are unable to attend school due to a medical condition, to keep up with their studies and to progress as far as possible given their medical condition. Each local or intermediate school district must provide homebound/hospitalized instructional services to an enrolled pupil who is certified by the pupil's attending physician, hospital, or licensed treatment facility as having a medical condition that requires the pupil to be hospitalized or to be confined to the home during regular school hours for a period longer than five (5) consecutive school days. This includes pupils in psychiatric hospitals, substance abuse centers, and pupils placed in other medical facilities by a parent or medical practitioners.

REQUIREMENTS FOR COUNTING IN MEMBERSHIP

A local or intermediate school district may count a homebound/hospitalized pupil in membership and report the pupil as a full FTE (1.0) 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(4) or MCL 388.1606(6)) 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(4), MCL 388.1606(8), and MCL 388.1606a).
3) The pupil and certified teacher, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, were present and engaged in instruction each week as described below.
4) The pupil is provided a homebound/hospitalized teacher who is appropriate for the pupil's grade level.
5) Instructional services were provided as follows:
    a. For a general education pupil, a minimum of two 45-minute periods of instructional service per week.
    b. For a special education pupil, a minimum of two one-hour, nonconsecutive periods of instructional service per week. A certified special education teacher must provide instructional service if the pupil's Individualized Education Program (IEP) specifically mentions homebound services with a certified special education teacher.

Pupil instruction is required each week of the count period if the pupil is being counted for membership unless the pupil is a general education pupil and the district has a documented excused absence that prevented the pupil from receiving services during a week, or if instruction has been canceled district-wide for three or more days during a week of the count period. If a pupil is temporarily unable to receive homebound/hospitalized services, the teacher must document the reason for the interruption in services and have the parent initial the documentation for the district's records. If a pupil is unable to participate in homebound/hospitalized services during the count period, no FTE shall be claimed.

Under Administrative Rule 340.1746, the district is required to provide a special education pupil who is receiving homebound or hospitalized services with a minimum of 2 nonconsecutive hours of instruction per week during the count period. If a pupil does not receive the above minimum instructional service due to an occurrence beyond the provider's control, the district may request a deviation from the Office of Special Education for the opportunity to "make up" the lost instructional time. The district will need to include documentation of the excused absence which prevented the pupil from receiving services during the specified week, or if instruction was canceled district-wide for three or more days during a week of the count period. Contact the Office of Special Education, 1-888-320-8384, mde-ose@michigan.gov for more information on how to submit the deviation request. If the Office of Special Education approves a district's deviation request, the district shall make up the missed instructional time within the time frame designated in the Office of Special Education's deviation approval. If the district fails to provide the missed instructional time in the designated time frame, it shall claim no membership for the pupil.

If a pupil returns from this placement to the traditional school environment during the count period and meets the attendance requirement for each course on the pupil's schedule, the membership for the pupil may be claimed. If the pupil returns from this placement and attends school via a virtual program under Section 5-O-D of this manual, and the pupil completes the attendance requirement as stated in that section for the remaining weeks of the count period, the membership may be claimed.

Note: A Michigan pupil who is hospitalized outside of the State of Michigan is eligible to be counted for membership purposes provided the pupil is seen by a teacher who is certified in the jurisdiction where the hospital is located.

6) An appropriate physician, hospital, or licensed treatment facility certified the pupil as homebound/hospitalized. Evidence must consist of one of the following:

   a. Written certification from the pupil's attending physician verifying that the pupil has a medical condition that requires the pupil to be hospitalized or to be confined to the home during regular school hours for a period of longer than five (5) consecutive school days. The certification must be by a physician who is either an M.D. or a D.O. or a licensed physician's assistant; psychologists, chiropractors, or other professionals may not certify a person as eligible.

      Example: A pupil's attending physician may certify that the pupil's pregnancy or recovery from childbirth will require that the pupil be homebound for more than five (5) consecutive school days.

   b. Written certification from a hospital or a licensed treatment facility verifying that the pupil has a medical condition that requires the pupil to be hospitalized in the facility during regular school hours for a period of longer than five (5) consecutive school days.

7) The pupil received instructional service during the count period, and there must be appropriate attendance records showing the dates and the amount of time the pupil received homebound/hospitalized services.

8) The teacher(s) of record must:

   a. Record the pupil as having an excused absence on the count day. It is also helpful if the teacher(s) of record make a note in the attendance book that the pupil was receiving homebound/hospitalized instructional service.

   b. Provide the instructional content to the pupil through the homebound/hospitalized teacher.

   c. Provide all necessary instructional materials such as textbooks and work pages.

   d. Give the grade or credit for the class or subject.

The teacher(s) of record is the district program or classroom teacher(s) to whom the pupil was originally assigned within the district.

SCHOOL DISTRICT'S RESPONSIBILITIES

If the following are satisfied, the district shall provide homebound/hospitalized services to a pupil within 3 school days after being notified of a qualifying placement by a hospital, treatment center, other treatment facility, or the pupil's parent or legal guardian:

- It is anticipated that the pupil will be homebound or hospitalized for more than five (5) consecutive school days.
- The pupil is enrolled in the school district and assigned to an appropriate general or special education program.
- The pupil is unable to attend school because of a medical condition. *Pupils who are able to attend school part-time are expected to do so and do not qualify for homebound and hospitalized service.*
- The certification must be by a physician who is either an M.D. or a D.O., or a licensed physician's assistant, and state that a medical condition exists that requires home confinement or hospitalization during regular school hours; psychologists, chiropractors, or other professionals may not certify a person as eligible. This includes pupils in psychiatric hospitals, substance abuse centers and pupils placed in other medical facility placements by the parents or medical practitioner.

- The pupil is physically able to participate in instructional activities while at home or in the hospital.

Homebound/hospitalized services are to assist the classroom teacher(s) in communicating with the pupil during the pupil's absence from the classroom and to aid the pupil in keeping up with his or her courses. The resident district is responsible for the content of the instruction, providing textbooks and other materials related to the instruction, providing assignments, and grading the pupil's performance. To provide these services, a district may:

- Assign the pupil's teacher(s) or other teacher(s) employed by the local district to provide the service.
- Employ a substitute teacher to provide the services.
- Contract with another district or an intermediate school district for the provision of services.
- Contract with a hospital, treatment center, or other health care facility that employs a certified teacher.
- Engage a non-special education certified teacher or properly certified substitute to provide the services to special education pupils unless the pupil's current individualized education program (IEP) requires that the services be provided by a special education certified teacher.
- Employ any certified teacher to provide services for general education pupils.
- Contract with any certified teacher to provide services when a general education pupil is hospitalized in another state or in Canada.
- Use a telecommunication link with the school or computer programming.
- Use electronic equipment such as video recording equipment, talking books and equipment from the Library of Michigan, or voice activated tape recorders.

The following responsibilities must be satisfied by the district:

- Homebound services will be provided during the regular school hours unless otherwise scheduled by the district.
- The homebound/hospitalized services must be available in September through June except that a pupil who has been attending school year-round will receive services based on the schedule of that building.
- Homebound/hospitalized pupils enrolled in programs for severe cognitive impairment and severe multiple impairment shall have the service available for 46 weeks.
- The homebound/hospitalized services will assist the pupil in all courses in which the pupil was enrolled at the district at the time of becoming homebound/hospitalized, limited only by the pupil's medical condition.
- The teacher of record will evaluate the pupil's course performance and credit will apply toward the pupil's high school diploma or grade progression.

Note: Pupils who are able to attend school part-time are expected to do so and do not qualify for homebound and hospitalized services.

Note: It is not the purpose of homebound and hospitalized services to replace a public classroom teacher or to provide payment for nonpublic school programs housed in hospitals or treatment facilities. Pupils enrolled in these nonpublic school programs do not qualify for homebound or hospitalized services. Nonpublic school services are excluded from public funding under the provisions of Section 2 of Article 8 of the Constitution of Michigan of 1963.

NONPUBLIC PUPILS

A pupil from a nonpublic school or homeschool who is enrolled part-time in a public school may receive homebound and hospitalized services only for those nonessential elective courses in which the nonpublic or homeschool pupil is enrolled at the public school at the time of the pupil's absence due to the certified medical condition. The parent or nonpublic school is responsible for providing homebound/hospitalized services for those core curriculum courses that are provided at home or at the nonpublic school.

USING VIRTUAL COURSES TO SUPPLEMENT INSTRUCTION

A pupil who is a homebound/hospitalized pupil with a documented medical statement from his or her physician stating a reason the pupil cannot be in regular daily attendance at school during regularly scheduled hours may also be enrolled in a virtual learning course. The pupil must be receiving individualized instruction for a minimum of two 45-minute periods per week for a general education pupil, or two one-hour non-consecutive periods of instruction per week for a special education pupil, with a teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department. The virtual learning classes do not generate additional membership as the two one-on-one sessions generate a full membership (1.0 FTE).

Note: Pupils enrolled in virtual courses under this section do not need to meet the requirements stated in Section 5-O-D if the requirements to be counted as a homebound/hospitalized pupil have been met. However, if the requirements for a pupil originally enrolled under this section are not met, but the requirements under Section 5-O-D are met, the membership for the virtual courses could be counted.

STATUTORY AND OTHER REFERENCES

State School Aid Act

388.1709

Revised School Code

380.627a

Administrative Rules

340.2(11)

340.2(12)

340.1746

Other References

(2017). Providing Homebound and Hospitalized Educational Services for Michigan Public School Pupils. Lansing: Michigan Department of Education.
https://mi.gov/documents/mde/Homebound_and_Hospitalized_Services_Guidance_343409_7.pdf

QUESTIONS AND ANSWERS

Pupils with an individualized education plan (IEP)

Q# 1 A special education pupil has an IEP that states that he can only attend school for three hours each day. Does he qualify as homebound?

A# 1 No, a physician's statement is required that certifies the pupil is confined to the home or is hospitalized during the regular school hours for at least five (5) consecutive school days. An IEP cannot replace the physician's statement. A pupil who is presently attending school part-time is not eligible for homebound/hospitalized services.

Q# 2 The special education pupil's attending physician has signed a statement recommending that the pupil only attend school for half-day sessions. If the pupil's IEP says he can receive homebound services for the other half-day, can the district count him for a full FTE?

A# 2 To qualify for "homebound" services, the pupil must be unable to attend school during the normal school hours. This pupil is attending school half days; thus, the pupil is ineligible to be counted as homebound and hospitalized.
The pupil's IEP may stipulate that the pupil is capable of only attending half-a-day sessions due to a documented medical condition and therefore could possibly qualify for a full FTE. The qualification is not "homebound and hospitalized" but is due to a medical or emotional condition. The documentation must come from medical or psychological personnel. The pupil's records must be well-documented to qualify for this full FTE. If the medical condition is not well-documented, the FTE is prorated.

Q# 3 How much time needs to separate the instructional periods for a special education pupil for the instruction to be considered nonconsecutive?

A# 3 The instructional periods must be separated by no less than 30 minutes to be considered nonconsecutive.

Contracting Homebound/Hospitalized Services:

Q# 4 There is a rehabilitation facility located in our district. Some pupils are housed there for several weeks while others may reside at home and attend the rehabilitation center each day. May the district where the facility is located count these pupils under homebound/hospitalized and pay the rehabilitation center for educating them?

A# 4 No, it is the responsibility of the district where the pupil is enrolled to provide a teacher and provide homebound/hospitalized services. The district of enrollment may contract with another district, intermediate school district, or the rehabilitation center to provide a teacher and the required pupil instruction.

Q# 5 A second grade pupil is at Mayo Clinic with a serious medical condition. The parents are teachers and would like to provide the two 45-minute periods of instruction per week to their child. They are willing to discuss the lessons and send the child's work to the teacher of record. Can the district count the pupil for a full FTE?

A# 5 Yes, a district may contract with a teacher to provide the homebound/hospitalized services. In this case, the contract would be with the pupil's parent(s).

Using the Virtual Learning Medium

Q# 6 The district received a signed statement from a physician that a tenth-grade general education pupil is going to be hospitalized for several weeks. May the pupil be enrolled in virtual learning classes and be counted for a full FTE?

A# 6 The district is required by law to provide two 45-minute periods of instruction with a teacher per week to count the pupil for a full FTE. Virtual learning may be in addition to the two 45-minute sessions but cannot replace the homebound and hospitalized requirements. The virtual learning would not generate any additional FTE.

Q# 7 Can a homebound/hospitalized pupil enroll and attend through a virtual learning program or does the pupil require the minimum two weekly 45-minute visits by a teacher?

A# 7 The district must provide one-on-one instruction with a teacher to count a pupil using the homebound/hospitalized requirements. Virtual courses would be optional and in addition to the one-on-one instruction. Alternatively, the district could choose to count the pupil under a virtual learning program rather than using homebound/hospitalized services; the pupil's class schedule would then determine the amount of FTE claimed.

Nonpublic and Homeschooled Pupils

Q# 8 A homeschooled pupil is enrolled at the public school for band and physical education. The parents submit a physician's statement that this child is homebound and the parents want homebound/hospitalized services for this child. Do we have to provide homebound services to this child?

A# 8 If the pupil meets the requirements qualifying him or her for homebound services, then the district must provide the homebound service for those subjects in which the child is enrolled at the public school. For example: a child is enrolled in a nonessential elective course at the public school, a medical physician signed a statement that the child has a medical condition confining the child to home for more than five (5) consecutive school days, the child cannot attend the district due to this medical condition, and the child is still able to participate in his/her school work. In this case, the district would be required to provide homebound services for the nonessential elective courses. However, the district can only count this pupil for the partial FTE for which the pupil qualified for prior to the homebound services.

Using Skype

Q# 9 Can a district use Skype or a similar product to meet the homebound and hospitalized services requirements?

A# 9 Yes, Skype and similar products are acceptable if the technology provides for two-way interaction between the teacher and the pupil.

Counting FTE

Q# 10 Can a district prorate the FTE of a general education homebound or hospitalized pupil if the district was unable to provide the required hours of instruction?

A# 10 Yes, the district can prorate a general education pupil's FTE based on the hours of instruction the pupil received.

Q# 11 Can a district claim FTE for a homebound/hospitalized pupil with an IEP who has an excused absence during 1 week of the count period so that the district did not meet the 1-hour requirement during that week but for whom the district provided the required instruction in the other weeks of the count period?

A# 11 Yes. In order to claim 1.0 FTE for the pupil, the district shall request a deviation from the Office of Special Education and shall provide the Office of Special Education with documentation of the excused absence that prevented the pupil from receiving the required services during the week in question. If the Office of Special Education grants a deviation, the district shall provide the missed instruction during the time frame designated by the Office of Special Education in order to claim 1.0 FTE for the pupil. If the district does not provide the required instruction within the designated time frame, it may claim no FTE for the pupil. The FTE cannot be prorated

5-E: NONPUBLIC AND HOMESCHOOLED PUPILS

A nonpublic pupil who attends a private, denominational, or parochial school, or a homeschooled pupil, may be enrolled on a part-time basis in nonessential elective courses provided by a public school district. This type of enrollment is referred to as shared-time enrollment because the pupil is enrolled in the public district and the nonpublic school or homeschool on a part-time basis.

Through this type of enrollment, and subject to a district's enrollment policy (i.e. course prerequisites, deadlines, etc.), the public school's nonessential elective courses that are offered to public school pupils must be available to resident nonpublic school pupils or homeschooled pupils on request.

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(4) or MCL 388.1606(6)) 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(4), MCL 388.1606(8), and MCL 388.1606a).
3) The pupil and teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, were present and engaged in instruction.
4) If instruction will be provided at a nonpublic school site, the nonpublic school is registered (https://mdoe.state.mi.us/gems/Reports/MDENonPublicMembershipReport.aspx) with the Department as a nonpublic school and meets all state reporting requirements for nonpublic schools.
5) The course is part of the pupil's class schedule and is not an extracurricular activity.
6) The curricular offering is offered and available to full-time pupils in the minor's grade level or age group in the district or public school academy at a public school site.
7) The curricular offering is restricted to nonessential elective courses.
8) The pupil shall not be counted as more than 0.75 of a full-time equated membership.
9) The course length and grading system must be like that of the course offered to public school pupils.
10) Daily attendance records are maintained by a teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, who is identified as the teacher of record for the course.
11) The nonpublic or home school pupil is enrolled and attending courses provided at a district, public school academy, or intermediate school district site; or the nonpublic pupil is enrolled and attending courses provided by a district, public school academy, or intermediate school district at a nonpublic school site; or the homeschooled pupil is enrolled and attending courses provided by his or her resident district at the nonpublic school site. See below for requirements related to instruction provided at a nonpublic school site.

PROGRAM ESTABLISHMENT

1) Educational Site

   Instruction may be provided by the district at a public school site to a pupil enrolled in a nonpublic school or a pupil who resides within the district and is being homeschooled. Pupils may enroll in a district, public school academy, or intermediate school district in any curricular offering that is provided by the district, public school academy, or intermediate school district at a public school site and is available to pupils in the minor's grade level or age group, subject to compliance with the same requirements that apply to a full-time pupil's participation in the offering. Only nonessential elective curricular offerings qualify for state aid.

Instruction may be provided by the district at a nonpublic school site to a pupil enrolled in a nonpublic school or a pupil who resides within the district and is being homeschooled. Only nonessential elective curricular offerings qualify for state aid.

2) Requesting Instruction

If the district will be providing shared-time instruction at the nonpublic school building, the request for this instruction will be made by the nonpublic school in the following order:

a. The nonpublic school will submit a written request to the district in which the nonpublic school is located for the district to provide instruction for a school year.

- The request for instruction may be specific to a single year or may be a multi-year request for instruction.

b. If the district does not agree to provide some or all of the requested instruction by May 1 of the year immediately preceding that school year, the request for instruction can then be made of another eligible district. If the request for instruction from the nonpublic school is received after March 1 of the year immediately preceding that school year, the district has 60 days to respond to the request.

c. The nonpublic school is not required to submit more than one request to the district in which the nonpublic school is located for that district to provide instruction before having the instruction provided by another eligible district.

- If the nonpublic school did not request instruction from the public school district where the nonpublic school is geographically located during the 2012-2013 school year, the nonpublic school must submit a request for instructional services from that district prior to requesting instructional services from another eligible district during the next year in which the nonpublic school is seeking instructional services from a public school district.

d. The nonpublic school is not required to submit an additional request to the resident district for that district to provide additional instruction beyond the instruction requested in the original request before having the instruction provided by another eligible district.

- A public school academy that is located in the district in which the nonpublic school is located, or is located in another eligible district, may also provide instruction under the same conditions as the resident district. Eligible districts are defined as a district that is located in the same intermediate school district as the district in which the nonpublic school is located or is located in an intermediate school district that is contiguous to that intermediate school district.

3) District Response to Request for Instruction

A district that receives a written request to provide instruction shall reply to the request in writing by May 1 immediately preceding the applicable school year or, if the request is made after March 1 immediately preceding that school year, within 60 days after the nonpublic school submits the request.

The written reply shall specify whether the district agrees to provide or does not agree to provide the instruction for each portion of instruction included in the request.

4) Nonessential Courses

According to Section 166b(3) of the State School Aid Act, MCL 388.1766b(3), a nonessential course in grades 1 to 8 is a course other than a mathematics, science, social studies, and English language arts course required by the district for grade progression. Nonessential courses in grades 9 to 12 are those other than algebra 1, algebra 2, English 9-12, geometry, biology, chemistry, physics, economics, geography, American history, world history, the Constitution, government, and civics, or courses that fulfill the same credit requirement as these courses. Nonessential elective courses include courses offered by the local district for high school credit that are also capable of generating postsecondary credit, including, at least, advanced placement and international baccalaureate courses. College level courses taken by high school pupils for college credit are nonessential courses. Remedial courses for

any grade in the above-listed essential courses are considered essential. Kindergarten is considered nonessential. Nonessential courses offered under this section must also be offered and available to full-time pupils of the same age and grade level.

5) Optional Learning Experiences

Optional learning experiences are those that provide academic enrichment or supervised activities that enhance a pupil's understanding of content provided in the traditional or virtual environment. Optional learning experiences are learning opportunities that accompany a nonessential course being claimed for state aid under this section. These optional experiences must be offered and available to a majority of full-time public pupils of the same age and grade level.

PASSING TIME, LUNCH, AND RECESS

Districts may include up to 30 minutes of passing time per day in the calculation of instructional time for pupils who are directly passing from one shared-time class to another shared-time class.

Lunch time is not countable for shared-time membership purposes.

Districts are not allowed to include recess time in the calculation of instructional time for pupils participating in a shared-time program since it is not a course capable of generating credit or grade advancement.

TERMINOLOGY

Resident District (Home District) – the district in which the nonpublic school is located.

Eligible Other District – a district that is located in the same intermediate school district as the resident district or is located in an intermediate school district that is contiguous to that intermediate school district.

Shared-time Program – a program offered by a public district to homeschooled and nonpublic part-time pupils in which the pupils are provided the opportunity to enroll in nonessential elective courses that are provided by the district.

BACKGROUND CHECKS

Districts must ensure that all individuals that have contact with pupils as part of a course have not been convicted of sexual misconduct.

For any individual who provides direct or indirect instruction to pupils under this section, including instruction during optional experiences, and any individual who has unsupervised contact with pupils under this section, a district shall comply with sections 1230, 1230a, 1230b, 1230c, 1230d, 1230e, and 1230g of the Revised School Code, MCL 380.1230, 380.1230a, 380.1230b, 380.1230c, 380.1230d, 380.1230e, and 380.1230g, as applicable, as if the individual is offered full-time or part-time employment in the district, is an employee of the district, or is assigned to regularly and continuously work under contract in any of its schools.

REPORTING REQUIREMENT

At the conclusion of the school year, a district that has counted any pupil or pupils in membership under Section 166b of the of the State School Aid Act (MCL 388.1766b) shall report through the Teacher Student Data Link (TSDL) a complete listing of all courses provided to all pupils in membership (not just those enrolled under Section 166b), each pupil's course enrollment information using local coding and the school codes for the exchange of data (SCEDs), and the names of the teacher of record and mentor for each course.

Failure to comply with each of these reporting requirements shall result in a deduction in the amount of the membership claimed for pupils enrolled under Section 166b.

STATUTORY AND OTHER REFERENCES

<u>State School Aid Act</u>

388.1606(4)

388.1606(6)

388.1766b

Revised School Code

380.1561

Administrative Rule

340.2(20)

Nonpublic School Act

MCL 388.551 – MCL 388.558

Court Cases

Agostini v. Felton, 521 U.S. 203, 117 S.Ct. 1997, 138 L.Ed.2d 391 (1997)

Clonlara v. State Board of Education, 442 Mich 230, 242 (1993)

Snyder v. Charlotte Public Schools, 421 Mich 517, 365 NW2d 151 (1984)

School District of Traverse City v. Attorney General, 384 Mich 390, 185 NW2d9 (1971)

Decisions of the State Superintendent

Brighton Area Schools (MA 17-4)

Traverse City Area Public Schools (MA 18-6)

QUESTIONS AND ANSWERS

Enrolling Nonpublic Pupils

Q# 1 Is a public school required to follow standard enrollment procedures (e.g., verification of age, residency, and immunizations) for nonpublic pupils in a shared time program?

A# 1 The nonpublic school is responsible for the enrollment of the nonpublic school pupils who are part of the shared-time program. Therefore, the public school does not have to collect the immunization information for these pupils and is not responsible for reporting this information to the Department. The public school does need to collect enough information pertaining to the pupil (birth date, address, etc.) in order to complete the necessary information on the MSDS.

Essential Courses

Q# 2 The nonpublic school wants to contract with the public school to teach remedial reading and remedial math to some of the fifth and sixth grade pupils. The nonpublic school will teach reading and math to the rest of the fifth and sixth grade pupils. May we provide this service at the nonpublic site?

A# 2 No. The nonpublic school is required to provide the essential courses, such as reading and math, to all of its pupils. Remedial reading and remedial math are essential courses and therefore are ineligible subjects to generate FTE.

Q# 3 The nonpublic school in our district wants us to provide an English as a Second Language (ESL) class to a group of pupils enrolled at the nonpublic school. Can we enroll and count these pupils for shared-time?

A# 3 No. English is an essential course; thus, ESL is an essential course. The district cannot enroll and count nonpublic pupils for ESL courses for membership purpose.

Courses Offered to the Public School Pupils vs. Nonpublic School Pupils

Q# 4 The middle school calendar is made up of four marking periods for the year. Sixth-grade pupils are required to alternately enroll in band, chorus, art, and study skills for one marking period. The nonpublic school would like us to provide a teacher to teach band first semester and chorus second semester to their pupils in grades 4-6. May we count this FTE?

A# 4 Section 166b(2)(d) of the State School Aid Act states that the curricular offering must also be available to full-time pupils in the minor's grade level or age group in the district at a public school site. The district does not offer band or chorus to grades four and five. The district only offers the sixth-grade pupil's band and chorus for one marking period. Thus, Section 166b(2)(d) does not permit the district to offer band and chorus to the fourth and fifth grade pupils at the nonpublic school.

The district may provide band and chorus to the sixth-grade nonpublic pupils because band and chorus are available to the sixth-grade public school pupils; however, the district may not generate a larger per pupil FTE for those nonpublic sixth-grade pupils by providing more hours of band and chorus than is provided to the public school sixth-grade pupils in band and chorus.

Q# 5 District A provides seventh and eighth graders band for one hour three days per week for the entire year. The nonpublic school wants District A to provide band to the seventh and eighth graders at the nonpublic school for one hour each day for one semester. Is this permissible?

A# 5 Yes. Section 166b of the State School Aid Act limits the maximum amount of instruction time for any subject to no more than that amount of instructional time provided to the same grade level and/or age group at the public school. District A is providing band to the seventh and eighth graders for one hour three days per week for 36 weeks, or approximately 108 hours for the year. The nonpublic school is requesting 90 hours of instruction for band for the seventh and eighth grade nonpublic pupils.

Q# 6 Can a district offer a Latin course to nonpublic pupils who are enrolled in grade 8 if the course is only being offered to the full-time public school pupils who are enrolled in grades 9-12.

A# 6 No. The legislation stipulates courses must be offered at the same grade level to pupils at the public school if the course is going to be offered to pupils through a shared-time program.

Virtual Learning Accessibility

Q# 7 A homeschooled pupil will be a junior next year and would like to enroll in a virtual learning program. May the district count this pupil for membership?

A# 7 Under Section 1481(5) of the Revised School Code, MCL 380.1481(5), nonpublic school and homeschooled pupils may participate in Michigan Virtual offerings to the same extent they are allowed to participate in school district course offerings under the Revised School Code and the State School Aid Act. Any essential elective virtual learning courses taken by the nonpublic or homeschooled pupil are not countable for pupil membership; however, nonessential elective virtual learning courses may be counted for a prorated FTE provided the public school pays the related course fees. All resident homeschooled pupils are to be granted access to the virtual learning courses. The resident district may charge to the pupil the fees required for enrolling in any essential elective virtual learning course that is normally covered by the district for the public school pupils.

Dual Enrollment

Q# 8 A homeschooled pupil wants to enroll in one course at the public school and then attend college courses. May the homeschooled pupil enroll in a CTE course for the one required class and then enroll in the community college under dual enrollment?

A# 8 The district may enroll a homeschooled pupil or a nonpublic pupil for a CTE class, as this is a nonessential course. The CTE class would serve as the one required course to be dually enrolled through the public school.

Q# 9 A nonpublic school pupil would like to take a nonessential elective course at the local college. Must the pupil enroll through the resident public district?

A# 9 No, the Postsecondary Enrollment Options Act and the Career and Technical Preparation Act allows pupils at approved nonpublic schools to participate in dual enrollment opportunities without needing to enroll at the local public school. The nonpublic school would assist these pupils with their enrollment at the postsecondary institution. However, if the pupil were also enrolled at a public K-12 school, the public school would facilitate the pupil's dual enrollment with the postsecondary institution.

Q# 10 Who is responsible for paying the tuition for dual enrollment courses taken with a college?

A# 10 If the pupil is only enrolled at the nonpublic school and postsecondary institution, then the postsecondary institution will coordinate payment with the Department. If the pupil is enrolled in a course at the public school as well, the public school coordinates payment with the postsecondary institution.

Q# 11 Can a parent or pupil be reimbursed by the district or state for tuition costs that they incurred this year?

A# 11 No, the legislation only provides a method for the postsecondary institution to receive payment for eligible charges.

Q# 12 If a dually enrolled pupil does not successfully complete a college course, must the pupil repay the tuition?

A# 12 Yes, MCL 388.514(10) and MCL 388.1904(10) state that the eligible pupil shall repay to the school district any funds that were expended by the school district for the course that are not refunded to the school district by the eligible postsecondary institution. If the eligible pupil does not repay this money, the school district may impose sanctions against the eligible pupil as determined by school district policy. This does not apply to an eligible pupil who does not complete the course due to a family or medical emergency, as determined by the eligible postsecondary institution.

Nonpublic Pupil Travel Time

Q# 13 District A has two nonpublic pupils attending the district. One pupil is enrolled in band and the parents transport the pupil to the public school for class. The second pupil is enrolled in CTE and District A transports this pupil to the intermediate school district's tech center. May District A count the travel time for each of these pupils?

A# 13 No. Section 101(7)(d) of the State School Aid Act permits a district to count travel time between school districts for a pupil enrolled in grades 9-12 or special education program if the travel time is the sole reason that the pupil does not receive enough hours to be a full FTE. Travel is not the only reason these nonpublic pupils cannot meet the minimum required 1,098 hours of pupil instruction. Nonpublic pupils enrolled in a public school for nonessential courses are meant to be only part-time pupils.

Special Education, Auxiliary, and Homebound/Hospitalized Services

Q# 14 Can a district provide auxiliary services to pupils enrolled in a shared-time program?

A# 14 Yes, however, auxiliary or Title I programs are service programs and do not generate state aid foundation funding.

Q# 15 Can a district provide special education services to nonpublic and homeschool pupils?

A# 15 Yes. To receive special education or a related service, the nonpublic school pupil must be determined eligible for special education services in accordance with the Individuals with Disabilities Education Act (IDEA) and the Michigan Administrative Rules for Special Education. The district must conduct an evaluation, determine eligibility for special education, and develop an IEP or service plan in accordance with the timelines outlined in the Michigan Administrative Rules for Special Education.

Q# 16 Can a district provide homebound/hospitalized services to shared-time pupils?

A# 16 Yes. If a pupil is enrolled part-time as a public school pupil and part-time as a nonpublic school pupil, then the public school is responsible for providing homebound/hospitalized instruction for the courses provided by the public school district. The responsibility rests with the parent and the nonpublic school to maintain continuity with the pupil's nonpublic school instruction while that pupil is confined to the home or hospital. Parents should contact the local school district if a pupil is hospitalized or confined to the home during regular school hours for more than five school days [See Section 109 of the State School Aid Act, MCL 388.1709].

Course Offerings

Q# 17 Can the district enroll pupils in private lessons under this section?

A# 17 No. Only those courses and optional experiences that are offered and made available to full-time pupils of the same age or grade level may be offered under this section.

Nonessential Courses

Q# 18 What are some factors that are relevant to a determination of whether a course is nonessential?

A# 18 In determining whether a course is nonessential, a district should review the decision of the State Superintendent in the audit appeal entitled Brighton Area Schools (MA 17-4).

For example, consideration of the following non-exclusive list of questions is useful in determining if a course is nonessential:

1. Is the course required for traditional pupils' grade progression or graduation?
2. Is the course an advanced form of an essential course?
3. Is the course an enrichment course that supplements essential instruction?
4. Is the course academic in nature rather than a hobby?

Availability

Q# 19 What are some factors that are relevant to a determination of whether a course is available to all pupils?

A# 19 In determining whether a course is available to all pupils, a district should review the decision of the State Superintendent in the audit appeal entitled Traverse City Area Public Schools (MA 18-6). In general, a district shall establish that the course is actually, not just theoretically, available to all pupils.

For example, consideration of the following non-exclusive list of questions is useful in determining if a course is available:

1. Is the course listed in a single course catalog that is prominently displayed on the district's website in a manner that is easily accessible by all pupils and their parents or guardians?
2. What other ways will the district advertise and announce that the shared time course will be available to all pupils?
3. Is the course offered from the beginning of the school year, before expiration of the drop/add registration period for traditional pupils?
4. Does the district have a detailed plan for transportation of full-time pupils to the course if it is offered other than at the pupils' regular school building?
5. Does the district have a detailed plan for how full-time pupils' schedules will be adjusted to make up instructional time and assessment time that will be lost because of their participation in the shared time course?

5-F: PART-TIME PUPILS

A part-time pupil is a public school pupil who is enrolled in grades kindergarten through twelve and scheduled for fewer than the minimum number of hours of pupil instruction and who does not meet the requirements and has not been approved for a reduced schedule, but who meets all other state aid membership eligibility requirements. A part-time pupil may be enrolled and attending a single district, two or more local school districts, the intermediate and a local school district, or a public school academy and a local school district.

If the pupil is enrolled in one or more courses at a nonpublic school or homeschool, refer to Section 5-E for the requirements for counting the pupil in membership.

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(4) or MCL 388.1606(6)) 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(4), MCL 388.1606(8), and MCL 388.1606a).
3) The pupil and teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, were present and engaged in instruction.
4) A local or intermediate school district may count a pupil for a part-time membership if the district has evidence of all of the following:
    a. The pupil is enrolled and attending one or more classes in the district.
    b. The sum of the total FTE for a pupil who is enrolled in more than one district does not exceed 1.0 FTE. The FTE for a pupil who is enrolled and counted by more than one district, but not as part of a cooperative agreement, is determined as follows:
        i. If the sum of the hours the pupil is enrolled and attending in both districts exceeds the minimum required hours, use the sum of the hours from both districts as the denominator to calculate the FTE.
        ii. If the sum of the hours the pupil is enrolled and attending in both districts is less than the minimum required hours, use the minimum required hours as the denominator.
    c. A nonresident pupil who does not qualify for an exemption under Section 6(6) of the State School Aid Act has the permission of the resident district <u>if the nonresident pupil is receiving more than one-half</u> of his or her education from the district counting the membership FTE.

STATUTORY AND OTHER REFERENCES

<u>State School Aid Act</u>

MCL 388.1606(6)

MCL 388.1606(8)

<u>Administrative Rules</u>

340.2(6)

QUESTIONS AND ANSWERS

Pupil is Attending Two Districts

Q# 1 District A is the resident district. The pupil attends the District A for five class periods and is doing one independent study. District A is claiming a full FTE for this pupil. This same pupil attends District B's alternative education program for evening classes. District B does not have a release to count this pupil yet is claiming a partial FTE. The two districts cannot agree on a solution to this problem. What is the right answer?

A# 1 The pupil is receiving less than one-half the pupil's instruction at District B; thus, District B does not need a release to enroll and count the pupil for membership purposes.

If the pupil is enrolled in two LEA districts, District A and B, the solution is to sum the total hours the pupil receives through both districts and prorate the FTE accordingly, for example:

District A has 180 days of six periods of 55-minute classes. That totals 1,065 hours (6 class period x 55 minutes = 330 minutes per day + 20 minutes passing time = total 350 minutes per day. 350 minutes x 180 days = 63,000 minutes / 60 minutes per hour = 1,050 actual pupil instructional hours for the year.

District B is providing 4 hours per night for two nights each week or a total of 8 hours per week. 8 hours x 60 minutes per hours = 480 minutes / 5 days per week = average of 96 minutes per day. 96 minutes per day x 180 days = 17,280 minutes / 60 minutes per hour = 288 actual pupil instructional hours per year.

District A 1,050 hours + District B 288 hours = 1,338 actual pupil instructional hours. District A 1,050/1,338 = .78 FTE and District B 288/1,338 = .22 FTE

However, Section 6(4) (n) provides the following direction:

(i) If the public school academy provides instruction for at least 1/2 of the class hours required under Section 101, the public school academy shall receive as its prorated share of the full-time equated membership for each of those pupils an amount equal to 1 times the product of the hours of instruction the public school academy provides divided by the number of hours required under Section 101 for full-time equivalency, and the remainder of the full-time membership for each of those pupils shall be allocated to the district or intermediate district providing the remainder of the hours of instruction.

(ii) If the public school academy provides instruction for less than 1/2 of the class hours required under Section 101, the district or intermediate district providing the remainder of the hours of instruction shall receive as its prorated share of the full-time equated membership for each of those pupils an amount equal to 1 times the product of the hours of instruction the district or intermediate district provides divided by the number of hours required under Section 101 for full-time equivalency, and the remainder of the full-time membership for each of those pupils shall be allocated to the public school academy.

Pupil is Attending Private Training Program

Q# 2 A resident pupil is enrolled and in attendance in the local junior high school on the count day. However, the pupil is only registered for 5 classes at the public school. All five of these classes are essential courses. In addition, the pupil is enrolled in a private Olympic ice skating training program. The local district is not paying the pupil's tuition for these private lessons, but is granting credit for this class toward grade progression. May the district count the pupil for a full FTE? Is this pupil considered a nonpublic part-time pupil so that FTE for her is prorated? Since the pupil is attending school less than full-time, is there a truancy issue?

A# 2 This pupil is receiving the core educational curriculum from the local district and therefore would be considered a public school pupil. The time spent in the Olympian training sessions is private and more than likely not under the guidance of a certificated physical education teacher. Thus, the FTE must be prorated based on the actual hours of pupil instruction being provided this pupil at the local district. Truancy is not an issue because the district is granting credit for these lessons and therefore the pupil is receiving a full and complete education.

Q# 3 Pupil attends the local junior high school for four core courses and then attends a private school for drama and art. The local district is not paying for these classes but is granting credit that leads to grade progression. May the pupil be counted part-time at the public school or is this a nonpublic school pupil? Since this junior high pupil is attending less than full-time, is there a truancy issue?

A# 3 Because the pupil is receiving the core curriculum courses at the public school, the pupil is a public school pupil, not a nonpublic pupil. The time spent at the nonpublic school is for elective-type courses only. The aspect of truancy is not an issue in this situation because the district is granting credit for these classes taken at the private school. This pupil is a part-time pupil at the public school.

Travel Time for Part-Time Pupils

Q# 4 The district has enrolled several pupils from the nonpublic school in the Career and Technical Education program. The district provides the transportation for these pupils from the nonpublic school to the local district. May the travel time be included when calculating the prorated FTE?

A# 4 No, travel time is not applicable in this situation. Section 101(7)(d), of the State School Aid Act, states that travel time between instructional sites is allowable if travel is the sole reason that the pupil cannot be a full-time pupil. Travel is not the only reason that these nonpublic pupils are not full-time; therefore, travel is not applicable in this situation.

State Assessments and Accountability

Q# 5 Are part-time pupils required to participate in the state assessments? Will these pupils be included in the district's graduation and dropout rates?

A# 5 Yes, these pupils are held to the same standards as any other public school pupil. They are expected to participate in state assessments. The pupils are included in the primary educating district's graduation and dropout rates.

5-G-A: POSTSECONDARY AND CAREER AND TECHNICAL EDUCATION DUAL ENROLLMENT

The Postsecondary Enrollment Options Act (MCL 388.511-388.524), and the Career and Technical Preparation Act (MCL 388.1901-388.1913) hereafter "dual enrollment acts," encourage and enable pupils to enroll in courses or programs at postsecondary institutions (universities, community colleges, or independent, nonprofit, degree-granting colleges or universities located within Michigan, as well as these types of institutions located within 20 miles of a border with this state and that chooses to comply with the Postsecondary Enrollment Options Act). Eligibility of pupils, courses, and institutions is defined in Section 21b of the State School Aid Act, MCL 388.1621b, and the dual enrollment acts.

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(4) or MCL 388.1606(6)) 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(4), MCL 388.1606(8), and MCL 388.1606a).
3) The pupil is enrolled in one of grades 9-12, or the district has determined it to be in the best educational interest of a pupil in another grade level.
4) The pupil is concurrently enrolled in and attending at least one high school course.
5) The eligible postsecondary institution has submitted to the district on behalf of the eligible pupil a notice indicating the course(s) in which the pupil is enrolled, the hours of enrollment, and a list of eligible charges.
6) The district paid the eligible charges (https://mi.gov/mde/0,4615,7-140-81351_40085---,00.html) related to the pupil's postsecondary enrollment up to a prorated part of the statewide pupil-weighted average foundation that is allocated to each course.
7) The postsecondary education course or career and technical preparation course is included in the pupil's schedule during the count period. The course may be scheduled to occur outside of the regular school year if the pupil is registered for the course and the course has been paid in full.
8) The postsecondary course(s) must be academic in nature or applicable to career preparation. The postsecondary course(s) must apply toward the satisfaction of certificate, degree, or program completion requirements, and may not be in the subject areas of physical education, theology, divinity, or religious education. Hobby craft and recreational courses are not eligible under the dual enrollment acts.
9) The pupil does not participate in intercollegiate athletics at the postsecondary institution while he or she is enrolled under the dual enrollment acts.
10) The pupil has not enrolled in high school for more than 4 school years, including the school year in which the pupil seeks to enroll in an eligible course under the dual enrollment acts, unless the pupil is eligible under Administrative Rule 388.153.
11) The pupil has enrolled in no more than a total of 10 postsecondary courses as defined in MCL 388.513(1)(d) and MCL 388.1903(1)(e), unless the district has elected to support a pupil's enrollment beyond this limit and a written agreement between the district and postsecondary institution exists for the individual pupil to waive this limit.
12) The postsecondary course is not offered by the local public school in which the eligible pupil is enrolled, unless the course is determined to not be available to the eligible pupil because of a scheduling conflict beyond the eligible pupil's control, or the district has determined it to be in the pupil's best educational interest to support the enrollment.
13) The career and technical preparation program is not offered through the school district, intermediate school district, area vocational-technical education program, or state-approved nonpublic school in

which the pupil is enrolled, or the course is unavailable to the eligible pupil due to a scheduling conflict beyond the eligible pupil's control.

CIRCUMSTANCES INELIGIBLE FOR FTE

1) The district did not reimburse the tuition and course costs incurred under the dual enrollment acts. An exception is made if the postsecondary or career and technical preparation tuition and course fees have been waived by the postsecondary institution.

2) The pupil is a foreign exchange pupil enrolled under a cultural exchange program or the pupil does not have at least 1 parent or legal guardian residing in the state.

DISTRICT RESPONSIBILITIES

1) Local school districts and state-approved nonpublic schools must provide general information about the dual enrollment acts to all pupils enrolled in grade 8 or higher by March 1 of the current school year for the following school year's enrollment. This general information about college equivalent courses includes advanced placement, virtual university, and postsecondary options.

2) The school district in which an eligible pupil is enrolled shall provide to the eligible pupil a letter signed by the pupil's principal indicating the pupil's eligibility under the dual enrollment acts.

3) If the pupil is seeking postsecondary course enrollment, the pupil must achieve a qualifying score in all subject areas on the state assessment or another college-ready assessment.

   If a qualifying score is not achieved, the pupil is limited to subject area(s) for which a qualifying score has been achieved or courses such as computer science, foreign languages not offered by the local school district, and fine arts courses unless the district has determined it to be in the pupil's best educational interest to support the enrollment.

4) The table below illustrates the number of courses allowed per year as determined by the first year of enrollment in postsecondary courses and the pupil's grade at the time of that enrollment. If a pupil does not receive tuition and fee support under the dual enrollment acts for a course, the course does not count toward the overall course limit. The limitation on the total number of eligible courses may be waived through a written agreement between the eligible pupil's school district and the eligible postsecondary institution.

   Total number of eligible courses allowed per year by grade at the time of the first dual enrollment. MCL 388.513(1)(d) and MCL 388.1903(1)(e)

Year at postsecondary	Begins taking courses in grade 9.	Begins taking courses in grade 10.	Begins taking courses in grade 11.	Begins taking courses in grade 12.
1st Year	2	2	4*	6
2nd Year	2	4	6*	-
3rd Year	2	4	-	-
4th Year	4	-	-	-
Total Courses	**10**	**10**	**10**	**6**

*Pupils who first enroll in postsecondary courses in grade 11 may enroll in up to 6 courses, with an overall limit of 10 courses.

Districts may elect to support dual enrollment opportunities beyond the 10 courses provided by the dual enrollment acts. Courses provided by a community college under Section 21f of the State School Aid Act (MCL 388.1621f) do not count against the 10 courses provided under the dual enrollment acts.

5) Tuition and Related Course Fees Paid by the District

The district is responsible for eligible charges that are not in excess of the prorated part of the statewide pupil-weighted average foundation allowance for each course under the dual enrollment acts.

a. Eligible charges are defined as tuition and mandatory course fees, material fees, and registration fees required by an institution for enrollment in a course. Eligible charges also include any late fees charged by a postsecondary institution due to the school district's or Department of Treasury's failure to make a required payment according to the timetable prescribed under the dual enrollment acts. Eligible charges do not include transportation or parking costs or activity fees.

b. A school district may pay more to the postsecondary institution on behalf of the eligible pupil than is required under the dual enrollment acts and may use school operating revenue for that purpose. The eligible pupil is responsible for payment of the remainder of the costs associated with his or her postsecondary enrollment or career and technical program.

c. A school district is eligible to count a dually enrolled pupil whose postsecondary institution tuition fees are covered by other means such as a parental employment fringe benefit at the postsecondary institution if all other requirements are met.

The Department provides a spreadsheet to assist in the calculation of the portion of the eligible charges that will be paid by the district. The spreadsheet can be found here (https://mi.gov/mde/0,4615,7-140-81351_40085---,00.html) under the title, 'Dual Enrollment Calculation Worksheet.' The calculations produced by the spreadsheet apply to both nonpublic and public school pupils.

6) Tuition and Related Course Fees Paid by the Pupil

The eligible pupil is responsible for payment of costs associated with his or her postsecondary enrollment that remain after the district paid the portion required under the dual enrollment acts.

If the pupil does not complete a course in which he or she is enrolled at the postsecondary institution under the dual enrollment acts and the school district or Department of Treasury has paid money for the course on behalf of the pupil, all of the following apply:

a. The eligible postsecondary institution shall forward to the school district or Department of Treasury any funds that are refundable due to non-completion of the course. The school district or Department of Treasury shall then forward to the eligible pupil any refunded money in excess of the amount paid by the school district or Department of Treasury for the course on behalf of the eligible pupil.

b. The eligible pupil shall repay to the school district or Department of Treasury any funds that were expended by the school district or Department of Treasury for the course that are not refunded to the school district or Department of Treasury by the eligible postsecondary institution. If the eligible pupil does not repay this money, the school district may impose sanctions against the eligible pupil as determined by school district policy. This subdivision does not apply to an eligible pupil who does not complete the course due to a family or medical emergency, as determined by the eligible postsecondary institution.

7) District Options

The dual enrollment acts do not prohibit a district from supporting the enrollment of any pupil regardless of his or her eligibility under the acts, nor do the acts prohibit a district from providing a level of tuition support that exceeds the amount prescribed by the acts. Districts have always had the option of supporting pupils in appropriate coursework that may include college courses. A local school board may elect to support college level courses or career preparation courses for any pupil if it is in the best interests of the pupil. A district may allow a pupil to enroll in a course during the summer months and include the course on the pupil's class schedule for the spring or fall count.

A pupil wishing to enroll in content areas for which there is no endorsement on the Michigan Merit Exam (MME), such as political science, history, psychology, sociology, anthropology, computer science, or foreign language, only needs to complete the Michigan Merit Exam. No specific endorsement is needed for enrollment.

A pupil can enroll in virtual learning courses provided by a postsecondary institution, as defined in Section 5-O-D of this manual. The pupil shall be concurrently enrolled in and attending at least 1 course offered by the district in which credit is earned and regular attendance is required. There is no limit on the number of virtual learning courses that can be taken through a postsecondary institution (community college or university) that can be counted toward pupil membership.

A school district may require an eligible pupil to provide, on a form supplied by the school district, reasonable verification of regular enrollment in a postsecondary course or career and technical preparation program course at the postsecondary institution.

DUAL ENROLLMENT PROGRAMS FOR FIFTH YEAR HIGH SCHOOL PUPILS

Pupils enrolled for a fifth year of high school under an early middle college (EMC) program are NOT subject to the course limitations discussed below. See section 5-G-B for more detailed information on these pupils.

The dual enrollment acts provide access to dual enrollment opportunities for fifth-year high school pupils as defined in Administrative Rule 388.152.

Administrative Rule 388.153 also provides access to dual enrollment opportunities for alternative education pupils who enroll for a fifth year of high school to satisfy the graduation requirements. Districts often refer to these pupils as “fifth-year high school pupils” or “fifth-year seniors”.

To count a fifth-year high school pupil in membership, the pupil may not be enrolled in more than two (2) postsecondary dual enrollment courses at any given time and not more than four (4) postsecondary enrollment courses during the school year. The pupil shall have a plan on file at the district to complete district graduation requirements within the academic year, including postsecondary dual enrollment options. The plan shall be signed by the principal or designee, the parent(s) or legal guardian(s), and the pupil. If the pupil is at least the age of eighteen (18) or is an emancipated minor, the pupil may act on his or her own behalf.

Note: For the purpose of determining the number of years a pupil has been enrolled in high school, a pupil who is enrolled in high school for less than 90 days of a school year (due to illness or other circumstances beyond the control of the pupil or the pupil's parent or guardian) is not considered to be enrolled in high school for that school year.

STATUTORY AND OTHER REFERENCES

State School Aid Act

MCL 388.1621b

Revised School Code

MCL 380.1204a

MCL 380.1471 – 380.1474

Postsecondary Enrollment Options Act

MCL 388.511-388.524

Career and Technical Preparation Act

MCL 388.1901-388.1913

Administrative Rules

R 340.7(7)

R 340.10a

R 340.17

R 340.1702

R 388.151 – 388.155

QUESTIONS AND ANSWERS

The Office of Education Improvement and Innovation maintains a "Frequently Asked Questions" document for dual enrollment here (http://www.michigan.gov/mde/0,4615,7-140-81351_40085---,00.html).

5-G-B: EARLY MIDDLE COLLEGE PUPILS

An early middle college (EMC) is a Michigan Department of Education approved five-year program of study. The EMC may begin as early as grade 9 and is designed to allow a pupil to earn a high school diploma while also earning 60 transferable college credits toward a four-year degree from a Michigan public or private university, an associate degree from a community college, a professional certification, the Michigan Early Middle College Association (MEMCA) technical certificate, or participation in a registered apprenticeship. EMCs must have a formal agreement with at least one Michigan public or private college or university and maintain formal agreements with all postsecondary partners.

A professional certification is a certificate or industry-recognized credential for which a pupil prepares by taking coursework provided by a Michigan public or private college or university.

An early middle college high school means a stand-alone public high school, where 100% of the pupils are enrolled as EMC pupils.

An early middle college program is a high school program designed to serve less than 100% of the high school population.

An early middle college consortium program is composed of multiple school districts with one coordinating agency.

A school district or ISD must apply to the Michigan Department of Education to receive approval to open an early middle college. An early middle college and/or home district of the student must maintain the following documentation:

- The 5-year program of study for all early middle college pupils.
- The MDE-approved EMC must maintain a signed memorandum of understanding (MOU) with each postsecondary partner.
- The MDE-approved EMC that receives students from outside their school district and does not award the high school diploma to these students, must maintain minutes of the board of education of each involved local school district, or other documentation, showing the board's approval of a 5-year program of study for early middle college pupils. The minutes must reflect that EMC pupils must successfully complete (earned postsecondary credit or high school credit) a math or math-related course in the 5th year of high school. The course only needs to generate high school credit if no other high school courses are being taken during that final year.
- An educational development plan (EDP) for each pupil.
- Transcripts showing that each pupil earned a high school diploma and one of the following: at least 60 college credits, an associate degree, a professional certification, MEMCA certificate, or participation in a registered apprenticeship.

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(4) or MCL 388.1606(6)) 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(4), MCL 388.1606(8), and MCL 388.1606a).
3) The pupil is considered full-time if one of the following is satisfied:
    a. The combined number of classes in which the pupil is enrolled and which he or she is attending at the high school and at an eligible postsecondary institution equals the number of scheduled classes per day at the high school necessary to reach the minimum required hours for a full-time pupil. Actual hours of instruction do not need to be calculated.
    b. The combined number of classes in which the pupil is enrolled and which he or she is attending at the high school and at an eligible postsecondary institution equals the number of scheduled classes per day at the high school necessary to meet the minimum instructional

time requirements of a reduced schedule. Actual hours of instruction do not need to be calculated.

c. The sum of the actual instructional hours in which the pupil is enrolled and which he or she is attending at the high school and at an eligible postsecondary institution plus the actual travel time meets the minimum number of hours required to meet a reduced schedule.

d. The pupil meets the postsecondary institution's definition of a full-time college pupil.

4) The pupil is enrolled in a school district that has a separate designation in the Educational Entity Master (EEM) indicating that the district provides an early middle college or early middle college program.

5) The latest a pupil can be first reported with participation code 3500 in the Michigan Student Data System (MSDS) is the CEPI fall general collection certification deadline while the pupil is enrolled in grade 11. To maintain proper enrollment in the EMC program, the student must be reported with the 3500 participation code in each subsequent General Collection and Student Record Maintenance (SRM).

6) The pupil has not satisfied all graduation requirements.

7) The pupil is enrolled in at least one math or math-related class during the pupil's final year.

8) The pupil is not a foreign exchange pupil enrolled under a cultural exchange program.

9) The pupil has at least one parent or legal guardian who is a Michigan resident.

10) The pupil is enrolled in at least one course in the fifth year that earns high school credit during each count period. *(General Audit Finding for 2021-22 only.)*

CALCULATING INSTRUCTIONAL HOURS

For the purpose of determining how college credits equate to high school classes, the Department considers 12 credits to be a full-time college course load. For example, if a high school has six-period days, a 1-2 credit college course would be equivalent to one high school class (2 credits/12 credits = 1/6). If a high school uses a schedule of four blocks (classes) per day, a 3-credit college course would be equivalent to one high school class (3 credits/12 credits =1/4).

See Section 3, Calculating Membership - Postsecondary Dual Enrollment and Early Middle College Pupils, for additional example calculations for pupils enrolled under this section.

COUNTING PUPILS FOR MORE THAN 1.0 FTE

Section 6 of the State School Aid Act (MCL 388.1606(4)(kk)) provides the ability for pupils enrolled under this section to generate membership that is in addition to the full-time equated membership generated by a pupil with a full-time course load. The additional courses must be documented as part of the pupil's class schedule during the count period, and they must result in the pupil receiving more than the number of days and hours required under Section 101 of the State School Aid Act (MCL 388.1701). The district must demonstrate that the pupil is expected to complete the 5-year program in fewer than 5 years with both a high school diploma and at least 60 transferable college credits or is expected to earn an associate's degree.

In addition, the district must provide the pupil membership auditor with evidence of enrollment in postsecondary courses that are part of the early middle college program of study and evidence that the tuition has been paid. The auditor will make an aggregate FTE adjustment to the district's membership on satisfaction of the above requirements.

See Section 3, Membership Exceptions - Early Middle College Pupils, for additional information.

EARLY MIDDLE COLLEGE VS. FIFTH YEAR HIGH SCHOOL PUPIL (FIFTH YEAR SENIOR)

An early middle college pupil must enroll in the five-year high school program and be reported with participation code 3500 in the Michigan Student Data System (MSDS) by the CEPI fall general collection certification deadline while the pupil is enrolled in grade 11. The pupil will earn by the end of the fifth year a

high school diploma and either an associate's degree, a professional certification, the Michigan Early Middle College Association (MEMCA) technical certification, 60 transferable college credits, or participation in a registered apprenticeship.

There is no limit to the number of college courses that a pupil can take in the fifth year of an early middle college. In contrast, a fifth-year high school pupil who is not an early middle college pupil may enroll in not more than two postsecondary courses at a time and not more than four postsecondary courses in the school year.

STATUTORY AND OTHER REFERENCES

State School Aid Act

MCL 388.1621b

Revised School Code

MCL 380.1204a

MCL 380.1471 – 380.1474

Postsecondary Enrollment Options Act

MCL 388.511 – 388.524

Career and Technical Preparation Act

MCL 388.1901 – 388.1913

Administrative Rules

R 340.1(c)

R 340.7(8)

R 340.10a(4)

R 388.151 – 388.155

QUESTIONS AND ANSWERS

Q# 1 How does a district show that an early middle college pupil is expected to graduate in less than 5 years with a high school diploma and either 60 transferable college credits or an associate's degree?

A# 1 Early middle college programs are designed to require a fifth year of education to fulfill both the high school graduation requirements and requirements to receive an associate's degree or professional certification. The early middle college program of study for each pupil dictates a certain number of courses that must be completed each year to finish the program by the end of the fifth year. A district can demonstrate that a pupil is expected to graduate in fewer than five years based on the number of courses that the pupil has completed or is scheduled to complete at the time in question.

Q# 2 Must an early middle college pupil take a math class that generates high school credit during the fifth year of enrollment?

A# 2 Under Section 1278a(1)(a)(i) of the Revised School Code, MCL 380.1278a(1)(a)(i), pupils must successfully complete at least 1 math-related course during the final year of high school enrollment, which would occur during the fifth year for pupils under this section. However, the course only needs to generate high school credit if no other course taken during that final year generates high school credit OR if the pupil has not fulfilled the MMC math requirement. The purpose of this final year math-related course requirement is to maintain a pupil's math skills.

Q# 3 I have a high school that meets 182 days per year and all pupils have 1150 hours of instruction per year. The early middle college program within that high school meets the same days and hours. May I count these pupils for 1150/1098=1.05 FTE?

A# 3 No. For a district to receive more than 1.0 FTE for an early middle college pupil, the pupil must be enrolled in more than the minimum number of instructional days and hours required under Section 101 of the State School Aid Act, MCL 388.1701, and the pupil must be expected to graduate in less than 5 years with at least 60 transferable college credits or an associate's degree. The question does not

indicate that the early middle college pupils are expected to graduate with the required credentials in less than five years.

An example of an early middle college program that may count pupils for more than 1.0 FTE is one that schedules pupils for 14 courses in a school year rather than the 12 courses typical of a full-time program.

An example of an individual early middle college pupil who may be counted for more than 1.0 FTE is one who enrolls in postsecondary courses during the summer in addition to having a full 12-course schedule during the regular school year.

Q# 4 Are all pupils required to have an Educational Development Plan (EDP)?

A# 4 Section 1278b(11) of the Revised School Code, MCL 380.1278b(11), requires districts to maintain an EDP for every pupil. This applies to pupils enrolled in early middle colleges.

Q# 5 The district has an early middle college pupil enrolled in seven high school courses. The district's traditional high school schedule is five courses. Is this pupil eligible for FTE above 1.0?

A# 5 To be eligible for more than 1.0 FTE, the additional courses must be documented as part of the pupil's class schedule during the count period and they must result in the pupil receiving more than the minimum number of instructional days and hours required under Section 101 of the State School Aid Act, MCL 388.1701. To receive more than 1.0 FTE, the district must also demonstrate that the pupil will complete the program of study early with a high school diploma and either 60 transferable college credits or an associate's degree.

Q# 6 Part of a pupil's program of study for the early middle college program includes a physical education course. Physical education is specifically named as being ineligible in the act. Can the district allow the pupil to take the course? Can the district cover the cost of enrollment?

A# 6 PA 160 states in multiple sections that the act does not forbid a district from supporting a pupil's postsecondary enrollment in opportunities beyond those provided through the act if doing so is in the pupil's best educational interest. Since this course is part of the pupil's early middle college program of study, and it would be in the pupil's best educational interest to allow the course, the district may allow the pupil to enroll in the course and provide tuition support.

Q# 7 If a pupil is enrolled in District A's EMC program, and coded with 3500 during grade 11, but then transfers to District B in grade 12, can the pupil continue to be enrolled in the EMC program and coded with 3500?

A# 7 Yes. A pupil that was participating in an EMC program and coded properly in grade 11 would be allowed to continue to participate in an EMC program if the student moves to a new district.

5-G-C: POSTSECONDARY GIFTED AND TALENTED PROGRAMS

These programs are provided by Michigan postsecondary institutions to gifted and talented pupils enrolled in upper elementary, middle, and high school grades. These courses are not capable of generating college credit, therefore, they do not qualify as dual enrollment courses under the Postsecondary Enrollment Options Act (MCL 388.511-388.524) or the Career and Technical Preparation Act (MCL 388.1901-388.1913). The grade levels served, as well as the admission criteria, vary by the postsecondary provider of the gifted and talented courses.

Districts may choose not to support enrollment in gifted and talented postsecondary partner programs or they may elect not to meet the requirements to claim a gifted and talented course in membership and simply provide "release time" to these pupils, which results in a prorated, part-time FTE claim as described in the *Prorating FTE* section below.

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(4) or MCL 388.1606(6)) 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(4), MCL 388.1606(8), and MCL 388.1606a).
3) A teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, is assigned as the teacher of record for the gifted and talented course. Note: The college professor cannot act as the teacher of record for a course that does not earn college credit.
4) The course is part of the pupil's class schedule and is not an extracurricular activity.
5) The district must pay the full course tuition or the minimum tuition amount (based on the formula provided below), whichever is less.
6) On days when the gifted and talented course does not meet off-site, pupils must report to class with the assigned teacher of record and attendance must be taken.
7) On successful completion of a gifted and talented postsecondary partner course, the district will award academic credit toward grade progression or graduation requirements.
8) Transportation does not have to be provided but, if transportation is provided, the cost of transportation may not be used to offset the minimum tuition amount.

Whether the district pays for the gifted and talented instruction or takes a prorated, part-time FTE for the "release" time, all gifted and talented postsecondary partner program pupils should be reported to the ISD auditor as "Pop III 5-G-C".

PAYMENT OF TUITION

The gifted and talented postsecondary partner courses are full-year courses; therefore, the minimum tuition that must be paid to count the course in membership is equal to the amount of state aid the district receives per course (as shown on the pupil's class schedule for the school year) for a full-year pupil. This is calculated by using the district's annual per pupil state aid amount, divided by the number of courses that equate to full-time.

For example, at a middle school on a semester schedule, a pupil has 12 courses over the course of the year, 6 courses each term to equate to full-time status. The district receives an annual per pupil state aid amount of $7,500. Therefore, the minimum tuition amount that must be paid for the district to claim the full-year postsecondary course in membership is $1,250.00.

If a pupil takes more than one gifted and talented course through the postsecondary partner, the district must pay the minimum tuition per course to claim both courses in the pupil's FTE calculation.

PRORATING FTE

If the district does not meet the requirements to count the gifted and talented course in membership, the district must prepare a days and clock hours form that excludes the instructional hours the pupil is "released" each week to attend the gifted and talented postsecondary course. The remaining instructional hours (after these "release" hours are excluded), divided by 1,098 hours, will provide the accurate part-time, prorated FTE calculation.

STATUTORY AND OTHER REFERENCES

State School Aid Act

MCL 388.1606

Revised School Code

MCL 380.1471 – 380.1474

Administrative Rules

R 340.1

R 340.7

Other References

State Board of Education Position Statement on Free Textbooks, Materials and the Charging of Fees

5-H: REDUCED SCHEDULE PUPILS

A reduced schedule can be requested in writing by the parent or legal guardian of a pupil in grades 9 through 12. The request for a reduced schedule must demonstrate that the arrangement is in the best educational interest of the pupil. Once approved, the district may schedule the pupil for no less than 80 percent of the hours required under Section 101 of the State School Aid Act (MCL 388.1701) for districts operating on a traditional schedule. Districts operating on a block schedule must provide at least 75% of the hours required under Section 101.

REQUIREMENTS FOR COUNTING IN MEMBERSHIP

A local school district may count as 1.0 FTE a high school pupil with a reduced schedule if the district has documented evidence that all the following occurred on or before the count date:

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(4) or MCL 388.1606(6)) 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(4), MCL 388.1606(8), and MCL 388.1606a).
3) The pupil must be enrolled in grades 9 to 12.
4) The pupil or pupil's parent or guardian submitted a written request for a reduced schedule that details the reason that a reduced schedule would be in the best educational interest of the pupil. If the pupil is less than 18 years of age, both the pupil and the pupil's parent or legal guardian must sign the request. If the pupil is 18 years of age or older, the request must be signed by the pupil.
5) The local school district's counselor or other authorized representative evaluated the reason for the request and determined that a reduced schedule was in the best educational interest of the pupil. The local school district's counselor or other authorized representative must sign and date documentation of the approved reduced schedule for each pupil prior to implementation.
6) The local school district scheduled the pupil for at least 80% of the required minimum number of hours of instruction for the school year or, in the case of a district that operates on a four blocks per day schedule, the district scheduled the pupil for at least 75% of the required minimum number of hours of instruction for the school year.

IEP REDUCED SCHEDULE

Special Education Pupils Placed by an IEP Team in Less than a Full Day of Instruction - Special education pupils are to attend the same number of days and hours as are required of any pupil to be counted for a full FTE. The IEP team may shorten the school day for a pupil with disabilities on an individual pupil basis. If the IEP team shortens the day for a medical or emotional reason, the pupil is eligible to be counted for 1.0 FTE. The medical or emotional reason shall be documented in the pupil's record or IEP.

The documentation supporting such a placement must be provided by a licensed physician as defined by Section 17001(1) of 1978 PA 368, MCL 333.17001(1).

Note: The documentation supporting such a placement shall be provided by a licensed physician or licensed physician's assistant.

IEP Reduced Schedule Due Process - Prior to placing a pupil on a reduced day due to emotional or behavioral issues, the district is required to consider the use of positive behavioral interventions and supports, as well as other strategies when developing the pupil's IEP when behavioral issues impede the pupil's learning or that of others. 34 CFR § 300.324(a)(2)(i).

The IEP team must consider the district's obligation to ensure that the pupil receives a Free Appropriate Public Education (FAPE) by providing special education services to meet the pupil's unique educational needs in conformity with an IEP developed using procedures set out in the IDEA. 34 CFR §§ 300.17 and 300.101

IEP REDUCED SCHEDULE PUPILS WHO ARE INELIGIBLE FOR MEMBERSHIP

The following scenarios do not qualify a pupil for an IEP reduced schedule; the FTE must be prorated according to the number of instructional hours provided.

1) Pupils who are being disciplined for behavioral problems or those who are suspended or expelled.
2) Pupils who do not require a full day of instruction to acquire enough credits to graduate; such pupils are part-time pupils.
3) Pupils who spend part of their day employed; such pupils are part-time pupils.
4) Pupils who otherwise qualify for a reduced schedule.
5) Pupils enrolled in early childhood special education programs (Section 5-K).
6) Pupils enrolled in transition type programs (Section 5-L).

PUPILS INELIGIBLE FOR REDUCED SCHEDULE

The local school district may not grant a reduced schedule for any of the following reasons.

1) The local school district collectively enrolled an entire class or category of pupils on a reduced schedule basis. Reduced schedules must be considered on a case-by-case basis.
2) The local school district granted a reduced schedule because the pupil needed less than the minimum hours to earn enough credits to graduate.
3) The local school district established an alternative education program in which each pupil was separately judged to need a reduced schedule. Each program must offer the minimum required hours, except that an alternative education program may apply to the Department for a waiver of the days or hours requirement.
4) A reduced schedule cannot be granted by a district because there was an insufficient number of classrooms or certificated teachers to enroll a group of pupils in a class.

Note: The FTE for any pupil not receiving the minimum number of required hours of pupil instruction for a full-time pupil or the minimum number of hours for an approved reduced schedule must be computed according to part-time membership computation rules.

STATUTORY REFERENCES AND OTHER REFERENCES

State Aid Act Section

388.1701(7)(c)

Administrative Rule

R 340.7

QUESTIONS AND ANSWERS

Pupil Wants to Work

Q# 1 A junior is working for 4 hours per night to earn money for the new snowmobile he wants. His parents submitted a reduced schedule request so that he could leave school early to work more hours to earn money. May this pupil be counted for a full FTE?

A# 1 No. Section 101(7)(c) of the State School Aid Act, MCL 388.1701(7)(c), states in part: “A pupil in grades 9 to 12 for whom a reduced schedule is determined to be in the individual pupil’s best educational interest must be scheduled....”. While working and earning money for a snowmobile may be an educational experience, it is not in this student’s best educational interest to eliminate academic classes. The pupil’s FTE count must be prorated.

Reduced Schedule for a Group

Q# 2 A group of pupils are enrolled in a CTE class in a neighboring district. The high school class scheduling is such that these pupils cannot enroll in four class periods and the CTE class. Four class periods are necessary to be full-time pupils. The actual travel time to the CTE class is not enough to cover the hours these pupils are short in order to be full-time pupils. May we grant a reduced schedule to this group of pupils?

A# 2 No. Section 101(7)(c) of the State School Aid Act, MCL 388.1701(7)(c), states in part: “A pupil in grades 9 to 12 for whom a reduced schedule is determined to be in the individual pupil’s best educational

interest must be scheduled....". A reduced schedule is for an individual pupil and cannot be granted to a group of students. Each pupil's FTE count must be prorated.

IEP for Pupil on Reduced Schedule

Q# 3 A special education pupil has a medical condition that makes it difficult to attend school for a full day. The pupil's IEP determines that it is in this pupil's best educational interest to attend school half days. May the district count this special education pupil for a full FTE?

A# 3 No. To be counted for a full FTE under the reduced schedule exemption the pupil must be enrolled for 80% of the minimum required hours. This pupil does not meet the criteria. However, if the IEP states that the pupil is only capable of attending school half time due to a medical reason and that determination is supported by documentation by medical personnel, the pupil can be counted as 1.0 FTE as an IEP reduced schedule student as defined in Section 2.

Dually Enrolled

Q# 4 A pupil is dually enrolled taking four courses at the college and two classes at the high school. The high school operates on a four-block schedule. The pupil is scheduled for the equivalent of three classes per day. May the district count this pupil for 1.0 FTE?

A# 4 Yes. A reduced schedule for a pupil attending a high school on a four-block schedule needs to meet the 75% requirement of the minimum required hours. 75% of a four-block schedule is three blocks. The dually enrolled pupil may be counted for a full FTE if the pupil is scheduled for three courses per day.

5-I: SECTIONS 105 AND 105C SCHOOLS OF CHOICE

Participation in a schools of choice program under Section 105 or Section 105c of the State School Aid Act (MCL 388.1705). The district must determine if the schools of choice will be specific to a building, a grade level, or a program. The district must also determine if the district will accept pupils from districts within the ISD boundaries (Section 105), accept pupils from districts within the boundaries of an ISD that is contiguous to the ISD of the enrolling district (Section 105c), or both. The district shall not charge tuition for pupils who are enrolled under Section 105 or Section 105c. The resident district's approval is not required for pupils enrolled under Sections 105 and 105c.

Note: Pupils enrolled under Section 166b of the State School Aid Act, MCL 388.1766b, as discussed in Section 5-E of this manual, are not considered schools of choice pupils under Section 105 or Section 105c of the State School Aid Act.

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(4) or MCL 388.1606(6)) 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(4), MCL 388.1606(8), and MCL 388.1606a).

3) A local school district that elects to enroll pupils under a Section 105 or 105c schools of choice program may count a nonresident pupil in membership if the district has evidence that the pupil meets one of the following criteria:

    a. The pupil is a resident of another district within the same ISD. The local district may only count this pupil in membership if all schools of choice Section 105 requirements have been met.

    b. The pupil is a resident of another district within an ISD that is contiguous to the educating district's ISD. The local district may only count this pupil in membership if all schools of choice Section 105c requirements have been met.

    c. The pupil was enrolled in and attended the district in the school year or semester immediately preceding the school year or semester in question under Sections 105 or 105c.

    d. The pupil has been enrolled continuously in the district as a Sections 105 or 105c pupil since the year in which the district began enrolling pupils under Sections 105 or 105c.

    e. A school-age pupil who resides in the same household as the applicant pupil, has already been enrolled and attended the district under Section 105 or 105c. The pupil may be given enrollment preference under this section.

4) A local school district that enrolls a special education pupil under schools of choice will become that pupil's resident district for purposes of developing and implementing an individualized education plan (IEP) and will become responsible for the education of and providing (or arranging for the provision of) services for the pupil.

    Section 105c (contiguous) contains an additional requirement that the choice district must enter into a written cooperative agreement with the special education pupil's resident district as to the payment of added costs associated with the pupil's programs and as to how services will be handled. The written agreement shall address how the agreement shall be amended in the event of significant changes in the costs or level of special education programs or services required by the pupil.

    If a nonresident pupil was enrolled under Section 105c and that pupil subsequently is determined eligible for special education services, the district must enter into a written cooperative agreement with the special education pupil's resident district as to the payment of added costs for programs and services.

    If it is determined that a pupil is eligible for special education services prior to the pupil being enrolled under Section 105c by the district for the first time, and the district and resident district fail

to reach a written agreement regarding the coverage of added costs of special education programs and services for the pupil, the pupil shall not be enrolled.

5) A local school district may enroll and count in membership a nonresident pupil as a parent-paid tuition pupil in those buildings or programs that are not designated as choice programs or it may enroll and count in membership a nonresident pupil in a choice program after the specific deadlines (https://fs10.formsite.com/SASF/images/Schools_of_Choice_Definitions.pdf) have passed. To count the pupil in membership, approval from the resident district must be obtained. This pupil is not considered schools of choice pupil.

6) A district shall continue to allow a schools of choice pupil who was enrolled and in attendance in the district until the pupil graduates from high school, even if the pupil subsequently changes resident districts, if the pupil continues to be a resident of Michigan. This does not prohibit a district from expelling a pupil for disciplinary reasons.

Note: A local school district may participate in a cooperative education program with one or more local or intermediate school districts whether or not it operates a schools of choice program.

Note: School of choice does not apply to a pupil residing in a district that does not operate all grades, K to 12, (referred to as Non-K-12) who is enrolled in a district, other than the district of residence, in a grade that is not offered by the district of residence. (Such a pupil is reported in residency as a Non-K-12 pupil.)

Note: A district is not required to provide transportation for a nonresident pupil enrolled in the district under Section 105 or 105c or for a resident pupil enrolled in another district under Section 105 or 105c. However, at the time of enrollment, a district shall provide to the pupil's parent or legal guardian information on available transportation to and from the school in which the pupil enrolls.

PRE-ENROLLMENT REQUIREMENTS OF THE DISTRICT

The district must abide by specific timelines and comply with specific criteria in the application and selection process. A district found to be in noncompliance with the regulations established under Section 105 or 105c of the State School Aid Act is subject to forfeiture of 5% of the district's entire state school aid for the year in question.

1) When a Limited Number of Seats are Offered

   A district having a limited number of spaces and enrolling Section 105 or Section 105c nonresident pupils must do the following:

   a. Provide notice to the public that applications will be taken for at least 15 calendar days but not more than 30 calendar days from nonresidents for enrollment in a specified grade(s), specified school(s), or specified program(s).

   b. The notice shall identify the dates of the application period and the place and manner for submitting applications.

   c. During the application period, accept applications from nonresidents for enrollment in that grade, school, or program.

   d. Within 15 calendar days after the end of the application period, using the procedures and preferences stated in Section 105 and Section 105c, determine which nonresident applicants will be allowed to enroll in that grade, school, or program through a random draw system if necessary.

   e. Notify the parent or legal guardian of each nonresident applicant of whether the applicant may enroll in the district.

   f. The notification to the parents or legal guardians of nonresident applicants accepted for enrollment shall contain notification of the date by which the applicant must enroll in the district and the procedures for enrollment.

   g. Beginning on the third Monday in August and not later than the end of the first week of school, if any positions become available in a grade, school, or program due to accepted applicants failing to enroll or to more positions being added, the district may enroll nonresident applicants from the waiting list determined during the random draw, offering enrollment in the order that applicants appear on the waiting list.

h. The date for enrollment shall be no later than the end of the first week of school.

Note: If there are still positions available after enrolling all applicants from the waiting list who desire to enroll, the district may not fill those positions until the second semester or second trimester.

2) When an Unlimited Number of Seats are Offered

A district having an unlimited number of spaces and enrolling Section 105 or Section 105c nonresident pupils must do the following:

a. Provide notice to the public that applications will be taken from nonresidents for enrollment in specified grade(s), specified school(s), or specified program(s).

b. The notification shall provide information of the place and manner for submitting an application and the application period must be at least 15 calendar days.

c. The district may accept applications for enrollment until the end of the first week of school.

d. Not later than the end of the first week of school, the district shall notify the parent or legal guardian of each nonresident applicant who is accepted for enrollment in the grade, school, or program of the date by which the applicant must enroll in the district and the procedures for enrollment.

e. The date for enrollment shall be no later than the end of the first week of school.

3) Opening Enrollment for the Second Semester or Second Trimester

Not later than two weeks prior to the end of the first semester or first trimester, the district shall publish the grade level(s), school (building(s)), or specific program(s), if any, for which enrollment for the second semester or second trimester may be available. The district may receive applications during the last two weeks of the first semester/trimester. By the beginning of the second semester or second trimester, using the random drawing and waiting list procedures as required under Sections 105 and 105c, the district shall determine which nonresident applicants will be allowed to enroll in the district. Notification to the parent or legal guardian shall specify the grade level, school (building), or specific program, if any, for which the applicant has been accepted and the date by which the applicant must enroll in the district and the procedure for enrollment. The date for enrollment shall be no later than the end of the first week of the second semester/trimester.

OTHER SPECIFIC REGULATIONS UNDER SECTIONS 105 AND 105C

A district may limit the number of nonresident pupils it accepts in a grade level, a school (building), or a specific program, if any, and may use that limit as the reason for refusal to enroll an applicant. However, a district may not grant or refuse enrollment to an applicant based on:

1) A pupil's intellectual, academic, artistic, or other abilities, talents, or accomplishments, or lack thereof.

2) The pupil's mental or physical disabilities, except that the applicant does not meet the criteria (other than residency) that a resident must meet to be accepted for enrollment in a grade level or a specialized magnet, or intra-district choice school or program, for which the applicant applies.

3) A pupil's age, except for a program that is not appropriate for the age of the applicant.

4) The pupil's religion, race, color, natural origin, sex, height, weight, marital status, or athletic ability, or generally, for any reason that would be in violation of a state or federal law prohibiting discrimination.

5) A district may refuse to enroll a pupil as a schools of choice pupil if any of the following apply:

a. The applicant is or has been within the preceding 2 years suspended from another school.

b. The applicant has been expelled from another school.

c. The applicant has been convicted of a felony.

STATUTORY AND OTHER REFERENCES

State School Aid Act

MCL 388.1705

MCL 388.1705c

Attorney General Opinion

2000 AG Op No 7046

QUESTIONS AND ANSWERS

Pupil Had Been Expelled

Q# 1 A parent applied to enroll her high school-age child in the district's alternative education program under Section 105. The parent failed to disclose that this pupil had been expelled from the resident district. That information was revealed when the pupil's records were received from the resident district. May the district expel this pupil based on the fact that the mother failed to disclose this information?

A# 1 No. Districts can only use an expulsion, suspension, or felony as selection criteria prior to enrolling the pupil. If this information is not obtained by the choice district until after the pupil has been counted in membership, then the choice district must continue to enroll the pupil in the district.

Q# 2 A parent applied to enroll her elementary school-age child for a grade level for which the district had posted that it was accepting applications under schools of choice, section 105c. In the process of reviewing the application, the district noted that the parent had indicated that the child was currently receiving special education services in the resident district in a self-contained classroom. May the district refuse to accept the application for enrollment on the basis that its self-contained classrooms for pupils at this grade level are at capacity?

A# 2 No. Special education programs and services are not considered "special programs" and the district must consider the application for enrollment as it would for any applicant without regard to special education needs or services. If the pupil meets all other criteria for enrollment, the pupil must be enrolled and provided special education services.

Special Education Early Childhood

Q# 3 Mother enrolls her child in the SEEC program and then moves out of the district. The mother continues to work in the district and grandmother, who is the day care provider, resides within the district. An older brother of this child is enrolled in the district under schools of choice. Does the fact that brother is enrolled under schools of choice, mother works in the district, and grandmother resides within the district entitle the preschooler to attend the SEEC program in the district?

A# 3 Sections 105 and 105c entitle other K-12 pupils who reside in the household with a second year schools of choice pupil to attend a district under schools of choice beginning in the second year, semester or trimester of attendance. The special education early childhood program is part of the special education FTE count; thus, the SEEC pupil would meet the requirements to be enrolled under schools of choice. However, the district must have elected to accept pupils under Sections 105 or 105c for the SEEC program, and the parent must apply for the program. If the pupil is accepted for enrollment under Section 105c, then the district must enter into a written cooperative agreement with the special education pupil's resident district as to the payment of added costs associated with the pupil's programs and as to how services will be handled.

Other Members of the Household

Q# 4 A pupil's parents reside separately in neighboring districts. The pupil has enrolled in a third district under schools of choice and will generate the lesser of the foundation allowances of the educating district and the resident district. Does Section 24b of the State School Aid Act have any relevance?

A# 4 Section 24b strictly grants the child the right to enroll in either district in which the child's parents reside. Instead, the child has enrolled in a third district under schools of choice. Thus, Section 24b does not apply in this case and the child's resident district is the district where the custodial parent resides or where the child is living. If the child is residing in both districts on an equal basis, either district

would be considered the resident district for purposes of determining the foundation amount that will be generated.

Second Semester Enrollment

Q# 5 The pupil and his family moved out of the district after count day. The district is a schools of choice district. May the pupil be enrolled under schools of choice second semester?

A# 5 Section 6(6)(g) of the State School Aid Act permits such a pupil to complete the school year in question without a release from the new resident district if there has not been a break in service (meaning the pupil was not enrolled in the new district). Should the parents want the child to continue attending the previous district in the following school year, they would at that time have to apply for Section 105.

Removal of a Student

Q# 6 How does a district remove a schools of choice pupil?

A# 6 Once a student has been enrolled through schools of choice, the pupil may only be exited if the pupil is enrolled in another district or if the pupil is expelled under the same policy established for resident pupils.

Enrollment Preference

Q# 7 The district has a pupil who was a resident last year but since moved from the district. Can the district provide enrollment preference to the pupil?

A# 7 Preference is only provided under Sections 105 and 105c for pupils who have other school-age children who reside in the same household attending the schools of choice district.

5-J: ISD SCHOOLS OF CHOICE OR FORMER SECTIONS 91 OR 91A

Schools of choice programs under former Section 91a of the State School Aid Act and ISD schools of choice programs under former Section 91 of the Act are subject to the requirements that apply to cooperative education programs. (See Section 5-B of this manual.) A nonresident pupil enrolled in one of these schools of choice programs shall continue to be enrolled until high school graduation even if the district ceases its participation in the program or the program is discontinued.

5-K: SPECIAL EDUCATION EARLY CHILDHOOD PROGRAMS AND SERVICES

The only pupils under the age of five who may be counted in membership are pupils with an individualized educational program (IEP) or an individualized family services plan (IFSP) who are enrolled in a bona fide special education program and receiving instruction from a certificated special education teacher based on the pupil's individual needs or receiving special education related services under the direction of a certificated special education teacher. Pupils who are less than six years of age on September 1 are eligible to be enrolled in special education early childhood programs. Pupils with an IEP enrolled in a bona fide classroom program operated under Administrative Rule 340.1754 generate an FTE calculated by dividing the number of instructional hours scheduled and provided by 450. Pupils with an IEP enrolled in bona fide early childhood special education services under Administrative Rule 340.1755 generate an FTE calculated by dividing the number of instructional hours scheduled and provided by 180. Pupils with an IFSP enrolled in bona fide early childhood special education services under Administrative Rule 340.1862 generate an FTE calculated by dividing the number of instructional hours scheduled and provided by 180.

Hours that early childhood pupils with an IEP or IFSP only receive services (not instruction), such as speech, occupational therapy, physical therapy, or psychological or social work services, may not be counted for pupil membership purposes.

REQUIREMENT 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(4) or MCL 388.1606(6)) 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(4), MCL 388.1606(8), and MCL 388.1606a).

3) For pupils educated under Administrative Rule 340.1754

   A local or intermediate school district may count a pupil with an IEP for membership if the district or intermediate school district has evidence that all of the following occurred:

   a. The pupil's IEP was on file and effective as of the count day.

   b. The pupil was enrolled and receiving instruction on or before the count day.

   c. The pupil was enrolled in a bona fide program as described below on or before the count day.

   d. FTE is calculated by determining the number of instructional hours scheduled and provided and dividing that number by 450.

   e. A pupil with an IEP who is five years of age and who also attends kindergarten must have the membership split equitably between special education and general education.

   Note: Pupils enrolled in programs that do not meet the minimum number of days and hours required by the rule are ineligible to be counted for membership purposes unless the programs are approved in the ISD plan.

4) For pupils educated under Administrative Rule 340.1755

   A local or intermediate school district may count a pupil with an IEP or pupil with an IFSP who is Michigan special education eligible for membership if the district or intermediate school district has evidence that all of the following occurred:

   a. The pupil's individualized educational program (IEP) or IFSP for Michigan special education eligible pupils was on file and effective as of the count day.

   b. The pupil was assigned to an approved or endorsed early childhood special education teacher or approved related service provider on or before the count day.

   c. The pupil was scheduled for a minimum of 72 hours during the school year and documentation is available showing that services were provided.

d. The pupil's IEP must identify Rule 340.1755 services, complete with the frequency, duration, and location of the services.

e. For pupils receiving services from related services staff, documentation must show that the related services staff worked under the educational direction of an approved or endorsed early childhood special education teacher.

f. FTE is calculated by determining the number of instructional hours scheduled and provided and dividing that number by 180.

Note: Pupils not receiving the minimum of 72 hours of services within one school year are ineligible to be counted for membership purposes.

5) For pupils educated under Administrative Rule 340.1862

A local or intermediate school district may count a pupil with an individualized family services plan (IFSP) who is Michigan special education eligible if the district or intermediate school district has evidence that all of the following occurred.

a. The pupil's IFSP was on file and effective as of the count day.

b. The pupil was assigned to an approved or endorsed early childhood special education teacher or approved related services staff on or before the count day.

c. The pupil was scheduled for a minimum of 72 hours during one calendar year and documentation is available showing that services were provided.

- Documentation includes evidence of the services provided to date and a schedule or plan for the delivery of services for the remainder of the calendar year.
- If the plan for services is altered for the summer months, a detailed description of the altered schedule must be provided.

d. The pupil's IFSP must identify Rule 340.1862 services, complete with the frequency, duration, and location of the services, and it must indicate the child is eligible for Michigan mandatory special education.

e. For pupils receiving services from related services staff, documentation must show that the related services staff worked under the educational direction of an approved or endorsed early childhood special education teacher.

f. FTE is calculated by determining the number of instructional hours scheduled and provided and dividing that number by 180.

PROGRAM DEFINITION

1) Special Education Early Childhood Programs defined in Administrative Rule 340.1754

Special education programs that are operated under Administrative Rule 340.1754 are typically classroom programs for pupils with an IEP aged 2 years 6 months through age 5. To be a bona fide program, all of the following must be met:

a. The instruction must be provided by an approved or endorsed early childhood special education teacher.

b. The program must be based on the approved State Board of Education Early Childhood Standards.

c. The program must be available for a MINIMUM of 360 clock hours and 144 days.

d. The program must not have more than twelve students for one teacher and one aide at any one time.

e. The program shall have a parent participation and education component.

2) Special Education Early Childhood Services Defined in Administrative Rule 340.1755

Special education early childhood services provided under Administrative Rule 340.1755 are typically a set of services delivered to children aged 2 years 6 months through age 5. This is not a classroom program but is based on the needs of the individual child as specified in the IEP or IFSP for pupils who are Michigan special education eligible. To be a bona fide delivery model, all of the following must be met (unless a different delivery model has been approved through the ISD plan):

a. The services must be provided for a minimum 72 hours within one school year. A school year is considered the number of days the district operates.

b. Services may be provided by an approved or endorsed early childhood special education teacher or the child may be assigned to an approved ancillary or related service staff person who provides the instruction under the educational direction of the approved or endorsed early childhood special education teacher. This requires evidence that the early childhood special education teacher supervises the content of the instruction. Typically, the IEP or IFSP refers to early childhood services under Administrative Rule 340.1755.

3) Special Education Early Childhood Services Defined in Administrative Rule 340.1862

Services under Administrative Rule 340.1862 are typically a set of services delivered to children with a disability aged birth through age 3. This is not a classroom program but is based on the needs of the individual child as specified in the IFSP for pupils who are Michigan mandatory special education eligible. To be a bona fide delivery model, all of the following must be met:

a. The services must be provided for a minimum of 72 hours within one calendar year. The timeline begins on receipt of signed parental consent to provide services.

b. Services may be provided by an approved early childhood special education teacher or the child may be assigned to an approved ancillary or related service staff person who provides the instruction under the educational direction of the approved early childhood special education teacher. This requires evidence that the early childhood approved special education teacher supervises the content of the instruction. Typically, the IFSP refers to early childhood services under Administrative Rule 340.1862 and indicates the pupil is Michigan mandatory special education eligible.

4) Early Childhood Special Education Pupils in Other Programs

Normally, pupils with an IEP who are five years of age or less are in programs described in Administrative Rules 340.1754 and 340.1755. Occasionally, the IEP will place these pupils in special education programs with teachers who are not early childhood special education certified. If so, the membership for these pupils is calculated and reported under the certification of the teacher (e.g., autism spectrum disorder or specific learning disability) and the membership is calculated based on 1,098 hours.

STATUTORY AND OTHER REFERENCES

State School Aid Act

388.1606(4)(l)

388.1606(4)(y)

Revised School Code

380.1711(1)(f)

380.1751(1)

Administrative Rules

340.2

340.1754 - 340.1755

340.1862

QUESTIONS AND ANSWERS

Q# 1 The district's early childhood special education program was scheduled for 146 days. The district canceled pupil instruction on six (6) days that affected the program. How is membership calculated for the pupils in the classroom programs?

A# 1 Special education programs delivered under Administrative Rule 340.1754 are eligible for forgiven days and forgiven hours, as are any programs operated by local or intermediate school districts. These programs are eligible for 6 forgiven days. To avoid a loss of membership, the program must have a minimum of 144 days comprised of provided days and up to 6 forgiven days. Programs provided under Administrative Rule 340.1755 have no day requirement, so the forgiven days do not apply to these programs.

Q# 2 How are forgiven hours calculated for early childhood special education programs and services?

A# 2 Forgiven hours for both Rule 340.1754 and Rule 340.1755 programs are prorated based on the number of hours the programs are scheduled and provided compared to the number of hours for a traditional program (1,098). For example, a Rule 340.1754 program scheduled for 360 hours is eligible for 12 forgiven hours and a program scheduled for 450 hours would be eligible for 15 forgiven hours. The maximum number of forgiven hours for a Rule 340.1755 program scheduled for 72 hours would be 2.5.

Q# 3 A pupil with an IEP attends a special education early childhood program five days a week for 144 days for 2.5 hours per day. Is the pupil eligible to be counted for 1.0 FTE?

A# 3 No. The membership for pupils enrolled in special education early childhood programs is no longer calculated on a per day basis. The pupil who attends 2.5 hours on 144 days is receiving 360 hours of instruction. Section 6(4)(y) of the State School Aid Act defines membership as the number of hours scheduled and provided divided by 450 hours. This pupil's membership would equate to .8 FTE.

(360 hours / 450 hours = .8)

Q# 4 A special education early childhood pupil has an IEP that states the pupil is to attend the special education early childhood program five days a week for 2.5 hours per day. The pupil membership auditor discovered that, during the count week, the pupil attended only four days. How is the membership counted?

A# 4 The pupil membership auditor would look for an "excused" or "unexcused" absence for the pupil based on local district policy. If the absence was "excused," the pupil membership auditor would look to see if the pupil was present on that same day within the 30 calendar days in order to calculate the FTE based on his or her IEP schedule. If the absence was "unexcused," the pupil must be present on that same day within the next 10 school days to calculate the FTE based on his or her IEP schedule. "Excused" and "unexcused" absence hours affect membership for early childhood special education pupils just as they would for any pupil educated by the district.

To annualize the FTE for a program operating 2.5 hours a day, multiply 2.5 hours per day times the number of days scheduled divided by 450 hours.

Q# 5 Can a deaf or hard of hearing teacher consultant, a speech therapist, or a physical therapy assistant provide services to a pupil with an IEP under Rule 340.1755 in the home, under the direction of the early childhood special education teacher, and have that time count toward the pupil's FTE?

A# 5 If the pupil's IEP reads "speech therapy" or "physical therapy" only, this time does not qualify for membership because the services would not necessarily be provided under the educational direction of an approved early childhood special education teacher. If the pupil's IEP requires Rule 340.1755," the services are being delivered under the educational direction of an early childhood special education teacher and the time would qualify for membership.

Q# 6 As a pupil membership auditor, I have seen the following unusual circumstances in special education early childhood programs.

1. The only time the district offers the program is every other Friday.
2. The district offers the program on Friday only during the count week but offers the program for 4 days in other weeks.

3. The district offers the program five days a week, but the attendance record shows that not one pupil ever came to the program for the Friday time slot.

How is the membership calculated?

A# 6 Scenario #1 is a common delivery model to allow for the "parent participation" component required in Rule 340.1754. In this delivery option, the FTE is calculated as follows:
FTE = (# of hours the program is offered in a 2-week period) x (1/2 the number of weeks during the school year) divided by 450

Scenario #2
FTE = ((# of hours per week for the 4-day weeks x the number of 4-day weeks) + # of hours during the count week) divided by 450

Scenario #3
It appears that, while the district is attempting to schedule the program for 5 days a week, the instruction was never provided on the fifth day. Therefore, the FTE in this program is calculated based on a program of 4-day weeks.

5-L: SPECIAL EDUCATION PUPIL TRANSITION SERVICES

"Transition services," as defined in the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1401(34) and in 34 CFR 300.43 means a coordinated set of activities for a pupil with a disability that:

- are designed to be within a results-oriented process, that are focused on improving the academic and functional achievement of a pupil with a disability to facilitate the pupil's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, and community participation; and
- are based on the individual needs of the pupil considering the pupil's strengths, preferences, and interests; and
- include instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, if appropriate, acquisition of daily living skills and the provision of a functional vocational evaluation.

Transition services for pupils with disabilities may be classified as special education:

- If the services are provided as specifically designed instruction or related services.
- If the services are required to assist the pupil with a disability to benefit from special education.

Transition services for pupils with disabilities may or may not generate membership FTE.

REQUIREMENTS FOR COUNTING IN MEMBERSHIP

For state school aid pupil membership, a local or intermediate school district may count a pupil receiving transition services related to work-based learning experiences, work activity center services, or transition or community living experiences if the district has evidence that all of the following occurred:

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(4) or MCL 388.1606(6)) 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(4), MCL 388.1606(8), and MCL 388.1606a).
3) The pupil and special education teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, were present and engaged in instruction.
4) A pupil receiving special education transition services counted for pupil membership purposes must meet the 1,098 hours requirement in order to be counted full-time. A pupil receiving less than 1,098 hours of pupil instruction will be counted for a prorated FTE.
5) In addition to the above, membership for pupils receiving work activity center services must also be determined based on the following:
    a. The activities in which the pupil engages for the deviated wage portion of his or her work activity center services must be incidental to the instructional program (less than 50% of the pupil's school time).
    b. If the pupil is engaged in activities where a deviated wage is paid for more than 50% of the time in a work activity center service, the time does not count toward membership because the pupil is considered to be in the work activity center primarily for therapy or employment and not for the purpose of receiving instruction. A pupil who attends school less than 50% of his or her time may only be counted for time instruction is received under the direct supervision of a teacher.
6) In addition to the above, membership for pupils receiving transition community living experiences must be determined based on the following:
    a. The district must have a training plan and training agreement with the community living experience site in place by the pupil membership count day that set forth expectations and

standards of attainment. The community living experience must align with the pupil's post-secondary goals as described in the pupil's IEP.

b. The community living experiences component must be approved by the local school board and contain learning objectives and standards for determining pupil progress. The learning objectives cannot be general, such as punctuality, developing good work habits, and other general employability skills.

c. The community living experiences must be monitored by a designated school special education teacher.

d. The community living experiences must be documented on the pupil's schedule and grade or credit must be given based on the assessment of progress toward the achievement of the pupil's school goals.

e. The community living experiences site must take pupil attendance and maintain verified records of that attendance.

TRANSITION SERVICES THAT DO NOT GENERATE PUPIL MEMBERSHIP COUNTS

While school districts are responsible for developing an individualized education program that includes appropriate transition services, districts are not responsible to provide activities and services otherwise provided by Vocational Rehabilitation or Adult Education or that go beyond the normal K-12 instructional requirements. Activities that go beyond the normal K-12 instructional requirements include postsecondary instruction (not provided under the Postsecondary Enrollment Options Act as dual enrollment), sheltered employment, and adult education.

Pupils with an IEP must be provided equal access to adult education programs; however, enrollment in adult education programs does not generate FTE membership as described under section 6 of the State School Aid Act.

TRANSITION SERVICES THAT GENERATE PUPIL MEMBERSHIP COUNTS

Pupils enrolled and receiving special education transition services may be counted for state school aid pupil membership purposes:

- If the pupil is enrolled in a public school and assigned to an instructional staff person employed by the educating district as of the count date.
- If the pupil receiving special education transition services meets the requirements of the particular special or general education program/service in which he or she is enrolled.

There are three specific types of special education transition services that may be counted for pupil membership:

1) Special Education Worksite-Based Learning Experiences (formerly referred to as Community-Based Instruction)

   This type of work-based learning relates to rule 340.1733(h) and (i) of the Revised Administrative Rules of Special Education Programs and Services.

2) Work Activity Center Services

   This program uses paid employment in a work activity center, under a wage deviation, designed to provide career/vocational evaluation or therapeutic activities for pupils with disabilities. Pupils who are assigned to work activity center services and are being paid for time counted in membership must meet the following criteria:

   a. Have work activity center services specifically identified on the individualized education program (IEP).

   b. Be assigned to an approved special education teacher employed by the educating district during the time the pupil is receiving work activity center services.

   c. Verify that the work activity center services contractor, if any, has a wage deviation approved by the U.S. Department of Labor consistent with the regulations for implementing the Fair Labor Standards Act of 1938 and the Youth Employment Standards Act of 1978.

3) Transition or Community Living Experiences (TCLE)

This type of transition or community learning experience is identified as an outcome-oriented process for a pupil who is 16 years of age or older. TCLE includes post-school activities that, for example, focus on the development of independent living skills or community preparation skills. The activities and services provided are based on the pupil's post-school vision (goals), as documented in the pupil's IEP.

The following characteristics can be found in TCLE:

a. TCLE programs may be provided in various locations, such as a K-12 school campus, a postsecondary school campus, or a community location.

b. Pupils in TCLE programs are not performing work and are not considered to be paid or unpaid trainees under federal definitions, and their actions do not establish an employer/employee relationship.

c. TCLE programs are provided under the direction of a certified special education teacher who provides oversight for the community placement program.

d. TCLE programs consist of an instructional component under the direction of a certificated special education teacher employed by the district and a community placement program that prepares the pupil for independent living, learning, and working in the community.

e. The instructional component, under direct supervision of a certificated teacher, is no less than sixty (60) consecutive minutes daily and may take place at the community placement site.

f. A certificated staff member employed by the district must visit the pupil and the pupil's instructor in the community placement location once every 30 calendar days.

g. Pupils may be enrolled in both worksite-based learning programs and TCLE programs; however, neither the worksite-based learning program nor the community placement part of the TCLE may exceed 50% of the pupil's FTE.

NOTE: Transition or community living experiences do not include worksite-based learning services under Administrative Rule 340.1733(h) and (i) or Administrative Rule 340.15.

CALCULATING FTE

The Following Programming Examples are Based on a 6 Hour Day

Hours of Direct Instruction	Hours of Community Living Experiences	Hours of Work-Based Learning Experiences	Pupil Membership (FTE)
0	3	3	0.00 FTE*
1	1	4	0.66 FTE**
1	2	3	0.66 FTE***
1	5	0	0.66 FTE**
2	4	0	0.83 FTE**
3	3	0	1.00 FTE

* No FTE can be claimed as there is no instructional component to this program.

** WSBL/TCLE cannot exceed half of the pupil's FTE.

*** WSBL and TCLE together cannot exceed half of the pupil's FTE.

STATUTORY AND OTHER REFERENCES

State School Aid Act

388.1701

Administrative Rules

340.1733(h)-(i)

Youth Employment Standards Act

MCL 409.101 et seq.

Fair Labor Standards Act of 1938

29 U.S.C. 201 et seq.

Federal Regulations

34 CFR 300.43

QUESTIONS AND ANSWERS

Q# 1 Can employees from a community agency provide instruction?

A# 1 TCLE: Yes, under the supervision of a certificated special education teacher who has the pupil on his or her caseload as part of the TCLE component only.

WSBL: No, the employer through supervised work provides an educational experience related to instruction as described in the training plan.

Q# 2 Is there a minimum amount of required instructional time?

A# 2 TCLE: Yes, the minimum is 60 consecutive minutes per day to receive any FTE. This instructional time must be provided by a certificated special education teacher employed by the district or intermediate district. Additional instruction time can be added based on the pupil's need and prorated for additional FTE.

WSBL: The experience cannot generate more than one-half of the pupil's FTE. To generate a full FTE, the balance of the pupil's time must be provided by a certificated teacher employed by the district or intermediate district.

Q# 3 Do a pupil's post-school goals (vision) need to be provided as a rationale for placement?

A# 3 TCLE: Not only should the pupil's post-school goals (vision) be clearly written, but they must also be readily measurable and updated at least annually. The pupil's community placement must allow the pupil to make progress toward the post-school goals (vision).

WSBL: The post-school goals (vision) will be provided as part of the training agreement, which lists expectations and standards of attainment, job activities, time and duration of the program, wages to be paid, and related instruction, if applicable.

Q# 4 What are the documentation requirements to claim FTE?

A# 4 TCLE: The district or intermediate district must maintain a compliant transition IEP, a training plan, a training agreement, an EDP, and evidence of attendance and progress toward measurable post-school goals for each pupil. A minimum of 1,098 hours of instruction must be provided to generate 1.0 FTE.

WSBL: The pupil must be enrolled in grades 9-12 and be eligible to receive credit toward a high school diploma. A written training plan and written training agreement must be in place by the count day. The employer must verify attendance. The number of worksite hours cannot exceed the maximum hours allowed by the district. A certificated staff member must visit the site once every 30 calendar days.

Q# 5 Can the instruction occur off-site?

A# 5 TCLE: Yes, instruction may occur off- site of the district or intermediate district in the community. In addition, a pupil may receive instruction at a location that is closely related to the post-school vision.

WSBL: Yes, the instruction may occur off-site of the district or intermediate district in the community.

Q# 6 Is there a requirement for certificated teacher contact time?

A# 6 TCLE: Yes, a certificated special education teacher employed by the district or intermediate district must provide a minimum of 60 consecutive minutes per day.

WSBL: Yes, WSBL cannot generate more than one-half of the pupil's FTE. A pupil may not work more than 24 hours in a week if school is in session.

Q# 7 Can a pupil be paid to perform the work?

A# 7 TCLE: No, the intent of this provision is to allow for the development of functional skills related to the pupil's needs in the community and adult living areas.

WSBL: Yes, a WSBL experience is coordinated by the school district through a training agreement with an employer involved in supervising work. WSBL may be paid or unpaid and may be provided as non-CTE experiences or under State Approved Career and Technical Education (CTE) programs.

5-M: SPLIT-SCHEDULE PUPILS

The FTE for a pupil who attends two or more buildings/programs within the same district may be split between/among the buildings/programs, at the discretion of the local school district. If the FTE is prorated between/among the buildings, that student must be identified on the building/program alpha roster as a nonconventional, split-schedule student. If the district decides to count the entire FTE at the student's primary building, then such a designation is not required unless the pupil membership auditor requires it.

REQUIREMENTS FOR COUNTING IN MEMBERSHIP

The district must meet all of the following requirements to count split-schedule pupils for membership purposes:

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(4) or MCL 388.1606(6)) 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(4), MCL 388.1606(8), and MCL 388.1606a).
3) The district has determined the total number of instructional hours provided to the student by adding together the hours at each building/program.
4) Each building has claimed the appropriate FTE by dividing the number of hours in that building by the total number of hours provided to the pupil district-wide.
5) The total FTE for the student (the sum of all buildings/programs) may not be more than 1.0 FTE.

STATUTORY AND OTHER REFERENCES

Administrative Rule

340.2(1)

QUESTIONS AND ANSWERS

Q# 1 A pupil is enrolled in the district's high school for six periods. This pupil is also enrolled in the district's evening alternative education program for one class. May the district count the pupil for the alternative education program?

A# 1 The maximum FTE this pupil may generate is 1.0. The district may prorate the funding between the high school and the alternative education program by dividing the actual number of pupil instructional hours the pupil is enrolled and attending in the high school or the alternative education program by the actual number of hours the pupil is enrolled and attending in total.

Q# 2 A pupil is enrolled in District A's high school for six periods. This same pupil is enrolled in District B's alternative education program for one class in the evening. May both districts count this pupil?

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 in the alternative education program at District B. If this pupil is receiving credit for the course in which he is enrolled at District B and that credit is being applied to his transcript toward high school completion, then the two districts must prorate each district's FTE count for this pupil based on the total number of instructional hours this pupil is receiving in both districts.

5-N: PUPILS WITH SUSPENSIONS AND EXPULSIONS

The Revised School Code provides each school board with the authority to establish a local discipline policy. Each local school board has the authority to make reasonable regulations relative to the proper establishment, maintenance, and management of the schools in the district. Districts shall develop and implement a code of student conduct and enforce its provisions with regard to a pupil's misconduct in a classroom, elsewhere on school premises, on a bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises. The school district's rules and procedures for suspending or expelling a pupil should be outlined in the student handbook adopted by the local board of education.

REQUIREMENTS FOR COUNTING IN MEMBERSHIP

The district may provide a suspended or expelled pupil with an education or the district may contract with another district or the intermediate school district to provide the education for a suspended or expelled pupil. In order to count the suspended or expelled pupil for membership purposes, a district must show that it fulfilled the requirements below:

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(4) or MCL 388.1606(6)) 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(4), MCL 388.1606(8), and MCL 388.1606a).

3) The pupil is provided instruction by a teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department.

4) Instruction is academic in nature and leads toward grade progression or a high school diploma.

5) The attendance record of the teacher of record must show the pupil was absent from class due to suspension. If the pupil is in attendance in another classroom, the teacher supervising that room will maintain a record of the pupil's attendance.

6) A short-term suspension (10 days or less) is conducted much like an "in-house suspension".

7) Pupils on Long-Term Suspensions or Expulsions (up to 180 days)

   The parent or legal guardian of a general education pupil who has been suspended or expelled is responsible to find an educational program for that pupil. The district may choose to educate a pupil on long-term suspension or expulsion through an in-house suspension program with a certificated teacher or in an alternative education program. The alternative education program may be operated by the expelling district itself or contracted through another local school district or through the intermediate school district.

   Membership of pupils under this section is prorated based on the minimum number of required hours of pupil instruction. A nonresident pupil enrolled in and attending an alternative education program who has been suspended or expelled from the resident district may be counted in membership without a release from the resident district.

8) Pupils Who Have Been Permanently Expelled (State Mandated Expulsions)

   A pupil who has been permanently expelled from the district pursuant to Section 1311(2) or Section 1311a of the Revised School Code is expelled from all public school districts in Michigan. A district that operates an alternative education program appropriate for such a student may enroll the pupil without the resident district's approval. The alternative education program operated for suspended or expelled pupils must ensure that these pupils are separated from the general population at all times during the school day. The suspended or expelled pupil must petition for reinstatement prior to enrolling in an alternative education program that is not specific for suspended or expelled pupils. If there is no available alternative education program through the resident district, an expelled pupil may enroll in an adult education program. Another possible option may be a virtual learning program. Options available to an expelling district include the following:

   a. The expelling district may enroll a pupil in an alternative education program through a cooperative agreement with an intermediate school district or with another local school

district. The FTE for such a pupil is prorated based on the actual annualized hours the pupil is enrolled and in attendance on the count date compared to the minimum required hours for a full-time pupil.

b. The expelling district may provide the pupil who has been permanently expelled under Section 1131(2) or Section 1311a with two (2) one-hour nonconsecutive individualized instructional periods per week following the home-based procedures and count that pupil for a full membership. The expelling district may provide the pupil with instruction in the pupil's home, at a site off school campus such as the local library, or at a site on campus where no other pupil from the general population will encounter the expelled pupil during the regular school day.

In order to count a pupil under either option above the district must ensure that the following occur:

- The pupil is enrolled in the district for the purpose of receiving instruction.
- The district works with the pupil to develop an instructional plan for self-study.
- The district provides the textbooks and other instructional materials.
- A minimum of two non-consecutive hours of direct pupil instruction per week.

Note: A pupil provided a minimum of two nonconsecutive hours per week of individualized instruction who was suspended or expelled under local school board policy is a prorated FTE with the pro-ration based on the number of hours of instruction the district provides to the pupil divided by the minimum number of hours required for full-time equated membership.

In addition, a pupil who received no instruction while suspended but who was enrolled and in attendance in a district, an intermediate school district, or a public school academy before the pupil membership count day or supplemental count day of a particular year but was expelled or suspended on the pupil membership count day or supplemental count day shall only be counted in membership if the pupil resumed attendance in the district, intermediate school district, or public school academy within 45 days after the pupil membership count day or supplemental count day of that particular year (MCL 380.1606(8)).

TYPES OF SUSPENSIONS AND EXPULSIONS

Suspensions and expulsions are possible for behavior of varying degrees of seriousness and can be of various lengths. They may range from a one-day in-house suspension to permanent expulsion. Pupils with disabilities are afforded specific due process protection in cases of suspensions or expulsions under state and federal law. If there is reasonable cause to believe that the pupil is disabled, and the school district has not evaluated the pupil in accordance with applicable law to determine if the pupil is disabled, the pupil shall be evaluated in an expedited manner in accordance with 34 CFR 300.527.

1) Short-Term Suspensions

These may be 10 consecutive days or less such as a teacher “snap” suspension for persistent misconduct. Suspensions that are for 10 consecutive days or less require oral or written notice of accusation(s), explanation of evidence to support the charges, defined disciplinary measures, and an opportunity for the pupil to respond.

Note: IDEA or Section 504 of the Rehabilitation Act of 1973 stipulate that a district may suspend or expel a pupil with disabilities if it does not alter the pupil’s educational placement or deny a free appropriate public education. A suspension of 10 days or less does neither. (34 CFR 300.121(d)(1)). Before suspending a pupil for more than 10 days, the district must comply with the IDEA safeguards or Section 504.

2) Long-Term Suspensions or Expulsions

A local board of education may authorize or order the suspension or expulsion from school of a pupil guilty of a “gross misdemeanor” or “persistent disobedience” for a period up to 180 days. The pupil must be given reasonable time to prepare for a hearing. The person conducting the hearing must be impartial. Application for reinstatement depends on the pupil’s grade level and the level of seriousness of the incident.

a. Verbal Assaults and Bomb Threats

A pupil in grade 6 or above who commits a verbal assault, as defined by the local school board policy, against an employee or volunteer of the school district or makes a bomb threat or similar threat at a school building, other school property, or a school-related event shall be suspended or expelled for a length of time as determined by the local school board or its designee. MCL 380.1311a(2). A verbal assault or a bomb threat could be a permanent expulsion if the pupil is permanently expelled as the result of a school board defined verbal assault or due to a bomb threat.

b. Physical Assault

Pupil to Pupil - Physical assault means intentionally causing or attempting to cause physical harm to another through force or violence. A pupil in grade 6 or above who commits a physical assault against another pupil shall be suspended or expelled for up to 180 days as determined by the local school board or its designee. MCL 380.1310.

3) Permanent Expulsions

A district, or the district's designee, is required to permanently expel a pupil from the district for weapons, arson, criminal sexual conduct or physical assault to an employee, volunteer, or a person contracted by the school district. These are referred to as “State Mandated” Expulsions.

a. Dangerous Weapons

A pupil found to be in possession of a dangerous weapon in a weapon free school zone, must be separated from the general pupil population and is expelled from all public school districts within the state until the pupil has been reinstated. MCL 380.1311(2) and MCL 380.1311(5).

Dangerous weapons are defined as a firearm, dirk, dagger, stiletto, iron bar, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, and brass knuckles. Firearm is defined under the federal Gun-Free Schools Act of 1994 as:

- Any weapon (including a starter gun) that will or is designed to or may readily be converted to expel a projectile by the action of an explosive.
- The frame or receiver of any such weapon.
- Any firearm muffler or firearm silencer.
- Any destructive device.

A school board or the district designee is not required to expel the pupil if the pupil can establish in a clear and convincing manner, at least one of the following:

- The object or instrument possessed by the pupil was not possessed for use as a weapon or for a direct or indirect delivery to another person for the use as a weapon.
- The weapon was not knowingly possessed by the pupil.
- The pupil did not know or have reason to know that the object or instrument possessed by the pupil constituted a dangerous weapon.
- The weapon was possessed by the pupil at the suggestion, request or direction of, or with the express permission of, school or police authorities.

b. Arson

Arson means a felony violation of Chapter X of the Michigan penal code, MCL 750.71 to 750.79. A pupil found to be guilty of committing arson in a school building or on school grounds must be separated from the general pupil population and is expelled from all public school districts within the state until the pupil has been reinstated. MCL 380.1311(2) and MCL 380.1311(5).

c. Criminal Sexual Assault

Criminal Sexual Assault means a violation of Sections 520(b) to 520(g) of the Michigan Penal Code, MCL 750.520(b) to MCL 750.520(b). A pupil who commits criminal sexual conduct in a school building, on school grounds, or at a school function must be separated from the general pupil population and is expelled from all public school districts within the state until the pupil has been reinstated. MCL 380.1311(2) and MCL 380.1311(5).

d. Physical Assault - Pupil to Employee, Volunteer or a Person Contracted by the District

Physical Assault is defined in section 380.1311a of the Revised School Code as the act of intentionally causing or the attempting to cause physical harm to another through force or violence. A pupil in grade 6 or above who commits physical assault in a school building, on school grounds, or at a school function must be separated from the general pupil population and is expelled from all public school districts within the state until the pupil has been reinstated. MCL 380.1311a(1) and MCL 380.1311a(5).

REINSTATEMENT OF EXPELLED PUPILS

A pupil who has been suspended or expelled based on local school board policy may be reinstated under the regulations set forth in the local school board policy. A pupil in grade 6 or above who has been permanently expelled under state mandates may apply for reinstatement after 150 days to be reinstated after 180 days. A pupil in grade 5 or below who has been expelled due to possession of a dangerous weapon may apply for reinstatement after 60 days to be reinstated after 90 days. A pupil in grade 5 or below who has been expelled for committing arson or criminal sexual conduct in a school building or on school grounds may apply for reinstatement at any time to be reinstated 10 school days after expulsion.

Before reinstating an expelled pupil, the district school board may require the pupil and parent(s) or legal guardian to agree in writing to specific conditions such as, but not limited to:

- A behavioral contract involving the pupil, the parent or legal guardian, and an outside agency.
- Participation in an anger management program or other appropriate counseling.
- Periodic progressive reviews.
- Immediate consequence for failure to abide by the conditions.

USING VIRTUAL COURSE TO SUPPLEMENT INSTRUCTION

A pupil who is required by state law to be expelled from all public schools may be enrolled in a virtual learning course. The pupil may also receive individualized instruction through a home-based program for a minimum of two one-hour periods of pupil instruction per week. The virtual learning classes are supplemental in cases of mandated expulsions if the pupil's 1.0 FTE membership is generated through the two one-hour periods of one-on-one sessions. Note: If the pupil is enrolled in special education, the two one-hour periods of instruction must be nonconsecutive.

If the pupil is receiving instruction through an alternative education program under the mandatory expulsion requirement, and receives instruction in a classroom with other pupils, then the membership claimed for the pupil would be based on the total number of instructional hours provided divided by the number of hours required by Section 101.

Note: The district may supplement instruction for a pupil expelled under Section 1131(2) or Section 1311 with virtual courses, but the virtual course cannot replace the required two (2) one-hour nonconsecutive individualized instructional periods per week required for permanently expelled pupils who are counted in membership.

STUDENTS WITH DISABILITIES

Students with disabilities are afforded specific due process protection in cases of suspension or expulsion under state and federal law. For further information, contact your local or intermediate special education director or the Office of Special Education and Early Intervention Services at (888) 320-8384.

STATUTORY AND OTHER REFERENCES

State School Aid Act
388.1606(4)(a)

Revised School Code
380.1309 – 380.1313

QUESTIONS AND ANSWERS

Special Education Pupil Homebound by Court

Q# 1 A special education pupil was "homebound" by the court system because of behavioral problems. The pupil was not expelled from the school district; however, the court felt it was not safe to have the pupil in a public school because of his behavior. The district wants to provide 2 one-hour sessions of pupil instruction per week to this pupil. May the district count this pupil for 1.0 FTE?

A# 1 No. Only pupils expelled under the mandatory expulsion language in section 380.1311(2) and 380.1311a can qualify for a full FTE when receiving two hours of instruction per week. This pupil was not expelled from the district for any behavior that took place at the district or at a district function. The IEP may limit the number of hours that a pupil may attend the district but the IEP does not replace a state mandated expulsion. The pupil membership would be a prorated FTE.

Expelled Pupil

Q# 2 The district expelled a pupil for threatening to blow up the school, making bombs, and threatening the school counselor's life. Section 5-C of the Pupil Accounting Manual addresses a district providing home based instruction for pupils who were expelled under the state mandates. Does the fact that this pupil made those threats represents adequate grounds for the district to treat this situation as a state mandated expulsion?

A# 2 Yes, if the criteria in MCL 380.1311a(2) are met. That section states that a pupil in grade 6 or above who commits a verbal assault, as defined by the school board policy, against an employee or volunteer of a school district or makes a bomb threat or similar threat at a school building, or other school property, or school related event, shall be suspended or expelled for a period as determined by the school board or its designee. Based on language in Section 1311a(3), if the pupil is permanently expelled as a result of school board defined verbal assault or due to a bomb threat, the pupil can qualify for a full FTE when provided two nonconsecutive one-hour periods of instruction per week.

Intermediate School District Provided Program

Q# 3 May the intermediate school district or a local school district provide home-based instruction to several pupils who have been expelled under state mandatory expulsion by several districts throughout the surrounding area?

A# 3 Home-based instruction must be provided to the expelled pupil by the expelling district. The expelling district may contract with the intermediate school district or with a local school district to provide home-based instruction to pupils who have been expelled under MCL 380.1311(2) or 380.1311a. The instruction must be provided in a one-on-one setting and not in a group setting. However, it is the expelling district that counts the FTE for that pupil and the educating district would have to bill the expelling district.

5-O-A: DISTANCE LEARNING & INDEPENDENT STUDIES

Distance learning is a method of receiving synchronous (live) academic instruction in courses for which the pupil is registered via a two-way communication between the teacher of record and a group of pupils.

Independent study is a type of learning experience that is academic in nature that allows the pupil an opportunity for self-directed learning.

REQUIREMENTS FOR COUNTING IN MEMBERSHIP

All of the following requirements must be met for pupils enrolled in distance learning or independent study to count for membership purposes.

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(4) or MCL 388.1606(6)) 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(4), MCL 388.1606(8), and MCL 388.1606a).
3) A teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, was assigned and involved in the instructional process as described below.
4) The pupil was enrolled in the course on count day and the course title (as published in the course catalog or list) or board-approved course name is reflected on the pupil's class schedule and transcript.
5) The course must be capable of generating credit toward a high school diploma. Earned credit is recorded on the pupil's transcript.
6) The course must be academic in nature and must be approved by the board of education of the school district or board of directors of the public school academy.
7) The course generates an amount of FTE that is comparable to what it would generate if being offered through a traditional format.
8) Course Limits:
   - Distance learning: No limit.
   - Independent study: 2 courses per semester or trimester.
9) Grade Eligibility:
   - Distance learning: K-12
   - Independent study: 9-12
10) If the course is an independent study, the pupil must be concurrently enrolled and attending at least one other course offered by the district in which credit is earned and regular attendance is required.

INSTRUCTIONAL COMPONENTS

Teacher of Record

A teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, or who is an instructor employed by or contracted through a community college or university for courses provided by a community college or university; and who is responsible for providing instruction, determining instructional methods for each pupil, diagnosing learning needs, assessing pupil learning, prescribing intervention strategies, reporting outcomes, and evaluating the effects of instruction and support strategies. As Section 1231 of the Revised School Code (MCL 380.1231) applies, the teacher of record shall be employed by the district.

DISTANCE LEARNING

Distance learning, as defined in Administrative Rule 340.11, is provided via 2-way communication and instruction between the teacher of record and a group of pupils via a mobile device, computer, or television monitor, where the teacher synchronously instructs from a location apart from pupils. The course appears on

the pupil's class schedule, there is a designated class time where attendance is recorded. If pupils are present in a classroom for distance learning instruction, an adult is present in the classroom to provide supervision. If the distance-learning course is provided through a cooperative agreement with another district or other districts, the teacher shall be an employee of a school district that is part of the cooperative agreement. There is no limit on the number of distance learning courses that can be counted in membership for the pupil. The course is counted in the same manner as any other in-school course.

With distance learning, the district is emulating the in-person instructional experience to the highest degree possible. Pupils attend instruction through a synchronous platform, such as Zoom. Instructional times will remain the same as the bell schedule identified by the district for in-person learning. pupils are expected to be in attendance during the scheduled instructional time(s). Attendance is recorded in the same manner as is used for in-person learning; absences are noted. Teachers are to remain available through the synchronous platform for the entire class period. The teacher may dismiss pupils to complete individual or group assignments once the lecture period is complete. If a pupil requires assistance, the pupil will re-join the synchronous session to request assistance from the assigned teacher.

With distance learning, the membership requirements match the requirements that districts have for in-person instruction. The curriculum remains the same as what pupils would be exposed to in-person. No additional staff are required, and there is no requirement for a mentor. The teacher is the same person assigned to the course for in-person instruction. In addition, this modality does not require parental consent, EDPs, or two-way interactions.

INDEPENDENT STUDY

Independent study courses, as defined in Administrative Rule 340.12, are learning experiences that are academic in nature that allow a pupil enrolled in grades 9-12 the opportunity for self-directed learning. An independent study course appears on the pupil's class schedule and the teacher of record is identified. The pupil is concurrently enrolled in and attending at least one other course offered by the district in which credit is earned and regular daily attendance is required. The pupil is enrolled in the independent study course on the pupil membership count day or the supplemental count day. The course is counted in the same manner as any other in-district course. A pupil is limited to two independent study courses per count. An on-site teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, monitors the experience.

HARDWARE, SOFTWARE, AND INTERNET ACCESS

A distance learning pupil shall have the same rights and access to technology in his or her district's school facilities as all other pupils enrolled in the district.

If the pupil is enrolled in distance learning in an academic term, semester, or trimester, and the pupil will take the courses at a location other than a school facility, the following conditions must be met:

- The district is required to pay the costs associated with providing the pupil with a computer. The computer must support Internet capacity and appropriate software configuration for use by the pupil at home while enrolled in distance learning.
- The district must offer to provide Internet access. The Internet capacity shall provide at least 3 Mbps download and 1 Mbps upload speeds.

STATUTORY AND OTHER REFERENCES

State School Aid Act

MCL 388.1606

Administrative Rules

R 340.11

R 340.12

Appellate Court Decision

Bond v Ann Arbor School District, 383 Mich 693 (1970)

QUESTIONS AND ANSWERS

Limitation on the Number of Courses

Q# 1 The independent study course requirements limit a pupil to two classes during a semester or trimester, and state that the pupil must also be enrolled and attending the district for at least one class concurrently. What does concurrently mean?

A# 1 Concurrently means a pupil must be enrolled and in regular daily attendance in at least one class at the school site during the semester or trimester in which the pupil is taking the independent study if the district is counting the independent study for membership.

5-O-B: OFFLINE SEAT TIME WAIVER PROGRAMS

An intermediate school district, a local school district, or a public school academy seeking to offer pupils access to alternative learning options and seeking to offer the opportunity to continue working on a high school diploma or grade progression without physically attending at the school facility may choose to do so under a seat time waiver.

A seat time waiver is granted under Section 101(9) of the State School Aid Act and waives the physical attendance requirements (unless the waiver states otherwise) for a Department-approved alternative or innovative education program.

All seat time waivers, regardless of whether granted to an individual district or as part of a consortium agreement, are subject to termination by the State Superintendent at any time during the school year for any reason.

REQUIREMENTS FOR COUNTING IN MEMBERSHIP

The district must meet all of the following requirements to count pupils enrolled in a seat time waiver program for membership purposes:

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(4) or MCL 388.1606(6)) 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(4), MCL 388.1606(8), and MCL 388.1606a).
3) A teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, was assigned and involved in the instructional process as described below.
4) The pupil was enrolled in the course on count day and the course title (as published in the course catalog or list) or board-approved course name is reflected on the pupil's class schedule and transcript.
5) The course must be capable of generating credit toward a high school diploma. Earned credit is recorded on the pupil's transcript.
6) A mentor must be assigned to the pupil.
7) The participation requirement must be satisfied for membership purposes. In the district's seat time waiver implementation plan, the method for determining participation in the program shall be identified and the pupil membership auditor shall agree to the method.
8) In the calculation of membership, each course shall count as one class on the pupil's class schedule and shall generate that portion of an FTE membership that a comparable on-site course offered by the district would generate unless the course is determined to provide less instructional time, in which case the FTE would be prorated according to the number of instructional hours provided.
9) Each pupil must have a course-specific class schedule that includes each enrolled course (with the actual course name) at the time of the count.

   Note: Every pupil under a seat time waiver, including a sequential learner, must have a class schedule that reflects all courses in which the pupil is enrolled and will attempt during the semester. The district will use the class schedule to determine the amount of FTE for the pupil. In addition, the district must provide proof of payment for each course included, if applicable, in the pupil's class schedule to the pupil membership auditor. If the pupil is taking more than two courses, an education development plan (EDP) must be used to document the expected attempt dates for all scheduled courses.
10) Seat time waiver participants must meet the requirements defined for the specific programs or course types in which they are enrolled, including those in legislation, administrative rule, and this manual.
11) A district may choose not to offer a seat time waiver program or to place greater restrictions on its pupils or on the courses offered. This is the local school board's prerogative.

Additional documentation must be provided if requested by the pupil membership auditor. The district must provide all documentation requested by the pupil membership auditor within five (5) business days of the request. This includes, but is not limited to, documents such as activity logs and copies of email or text message exchanges detailing weekly two-way interactions.

TYPES OF SEAT TIME WAIVER PROGRAMS

1) Offline, Computer-Based Learning Seat Time Waiver

   This type of waiver is issued when limited broadband availability would otherwise prevent a pupil from participating in an online program, or where the school schedule does not allow for personalization of instruction. The district must present the program implementation plan to the pupil membership auditor for his or her review. The plan must detail how the membership requirements will be satisfied. The pupil membership auditor may propose changes to the methods for satisfying the pupil membership requirements presented in the implementation plan. Following this review, the plan must be submitted to the Department.

2) Project-based Learning (PBL) Seat Time Waiver

   Project-based learning (PBL) incorporates opportunities for pupils to gain knowledge and skills through the investigation of complex questions, problems, challenges, or tasks. This waiver is necessary if pupils will engage in self-scheduled PBL study where the content exists without online or computer-based components. The district must present the program implementation plan to the pupil membership auditor for his or her review. The plan must detail how the membership requirements will be satisfied. The pupil membership auditor may propose changes to the methods for satisfying the pupil membership requirements presented in the implementation plan. Following this review, the plan must be submitted to the Department.

INSTRUCTIONAL COMPONENTS

1) Teacher of Record

   The teacher of record is an instructor who is responsible for providing instruction, determining instructional methods for each pupil, diagnosing learning needs, assessing pupil learning, prescribing intervention strategies, reporting outcomes, and evaluating the effects of instruction and support strategies. As Section 1231 of the Revised School Code (MCL 380.1231) applies, the teacher of record shall be employed by the district.

2) Mentor

   A professional employee of the district, who monitors the pupil's progress, ensures the pupil has access to needed technology, is available for assistance, and ensures access to the teacher of record. A mentor may also serve as the teacher of record if the mentor meets the definition of a teacher of record.

3) Participation

   The method for determining participation in a seat time waiver program shall be stated and agreed to by the pupil membership auditor in the district's seat time waiver program implementation plan.

4) Two-way Interaction

   Two-way interaction is the communication that occurs between the teacher of record or mentor and pupil, where one party initiates communication and a response from the other party follows that communication. It is one method that may be used to meet the participation requirement. Responses must be to the communication initiated by the teacher of record or mentor, and not some other action taken.

   This interaction may occur through, but is not limited to, means such as email, telephone, instant messaging, or face-to-face conversation. All two-way interaction must be documented, and the documentation must be available to the pupil membership auditor on request. Parent or guardian facilitated two-way interaction may be required if the pupil is in grades K-5 and does not yet possess the skills necessary to participate in two-way interaction unassisted.

Two-way interactions are expected to continue throughout the course, even when not being used for membership purposes. The two-way interactions must relate to a course provided under the seat time waiver that appears on the pupil's schedule and pertain to course content or progress.

See Appendix C: Exhibits for sample documentation.

5) Activity Report (Activity Log)

An activity report summarizes each pupil's learning activities, including login records, coursework, two-way interaction records, and other information that demonstrates pupil participation in the seat time waiver program. The activity log will be used to capture two-way interactions if this method of communication is used for membership purposes.

INTERMEDIATE SCHOOL DISTRICT, LOCAL DISTRICT, AND PUBLIC SCHOOL ACADEMY REQUIREMENTS

Districts shall agree to operate under the requirements of the seat time waiver as well as the requirements identified in this section. District participation in a seat time waiver program is optional.

Districts are responsible for determining the most effective method on a course-by-course basis. The intermediate school district's board of education, the local school district's board of education, or the public school academy's board of directors must approve the program if the district will award credit according to the requirements of the Michigan Merit Curriculum.

Based on satisfactory completion of courses, the credits earned through the seat time waiver courses shall be comparable to credits earned for a high school diploma or grade progression in the district's traditional program setting.

In addition, all of the following are required components (unless otherwise noted) for district seat time waiver programs:

1) Class Schedules

A pupil enrolled through a seat time waiver program shall develop a class schedule with the help of the teacher of record or school counselor that details the credits that the pupil will earn over the school year.

A pupil's semester class schedule shall reflect all scheduled courses in which the pupil is enrolled. This includes pupils who use a sequential learning schedule whereby the pupil must complete one or some of the scheduled courses before proceeding to the next scheduled course.

Districts shall maintain a current class schedule for pupils during the count period. If a class schedule changes after the count period, the district must update the class schedule immediately.

2) Instructional Time Requirements and Waiver Renewal

Pursuant to Section 101(9)(b) and (c) of the State School Aid Act (MCL 388.1701), seat time waivers must adhere to the following instructional time and renewal requirements:

a. Blended learning pupils must receive at least 549 hours of on-site instruction in reaching the 1,098-hour requirement.

b. A waiver not described in (a) remains effective for one (1) fiscal year unless the State Superintendent revokes the waiver. The district must request renewal of a waiver in this category annually if the district plans to provide the program in subsequent years.

3) Program Effectiveness

The district and Department shall measure seat time waiver program effectiveness using academic benchmarks, such as those derived from the Department-required grade-appropriate assessments, or through other measures identified by the Department. Pupils enrolled in a seat time waiver program must participate in the grade-appropriate state assessment exams. Districts must assess each pupil to determine academic progress at regular intervals and must use the results from these assessments to develop an educational development plan that leads to a high school diploma. Districts must maintain the results of these assessments in the pupil's educational development plan. The district will use a variety of benchmarks and measures to monitor program effectiveness and to

make determinations regarding modifications to the program. Districts shall furnish to the Department on request a report detailing program performance.

4) Costs, Tuition, and Fees

When electing to operate a seat time waiver program, the district agrees to incur costs associated with operating the program.

Additionally, the district is required to pay any associated tuition charges, costs, and fees for the seat time waiver course(s) and other activities on behalf of the eligible pupil.

Note: The Department's approval of a district's application for a seat time waiver indicates approval of the overall structure and implementation of the proposed program but does not constitute approval of all individual components or courses described in the application.

STATUTORY AND OTHER REFERENCES

State School Aid Act

MCL 388.1606

MCL 388.1701

Revised School Code

MCL 380.1231

MCL 380.1281

MCL 380.1311

MCL 380.1311a

Administrative Rules

R 340.11

R 340.18

Appellate Court Decision

Bond v Ann Arbor School District, 383 Mich 693 (1970)

QUESTIONS AND ANSWERS

Q# 1 How will the State of Michigan track seat time waiver pupils?

A# 1 The district will report through MSDS that the pupil is an alternative education program using Participation Code 9220 and Participation Code 9229, which will indicate that the pupil is enrolled through a seat time waiver program.

Q# 2 If the district and pupil membership auditor have agreed to use two-way interactions to meet the participation and attendance requirements, and the offline seat time waiver pupil fails to participate in two-way interaction during each week of the count period, may the district claim a partial FTE for the pupil?

A# 2 No. The district cannot count FTE for a pupil who did not satisfy the participation requirement.

Q# 3 If a pupil completes the equivalent of a year of courses before the supplemental count day, can the district count the pupil in the supplemental count without having the pupil enrolled in any courses during the supplemental count?

A# 3 No. Section 6(8) of the State School Aid Act (MCL 388.1606) requires that a pupil be enrolled and in attendance on the count day to be counted for membership purposes.

Q# 4 When a pupil takes courses in a sequential format, such as only three courses over one nine-week period and the number of courses over the semester equal to a traditional pupil's schedule, how should that be documented?

A# 4 Every pupil under a seat time waiver, including a sequential learner, must have a class schedule that reflects all courses in which the pupil is enrolled and will attempt during the semester. The district will

use the class schedule to determine the amount of FTE for the pupil. In addition, the district must provide proof of payment for each course, if applicable, included in the pupil's class schedule to the pupil membership auditor. If the pupil is taking more than two courses, an education development plan (EDP) must be used to document the expected attempt dates for all scheduled courses.

Q# 5 May the district count a seat time waiver pupil for both general education FTE and special education FTE?

A# 5 The district may count a seat time waiver pupil with a current IEP for special education FTE for that portion of time the pupil is in the classroom with a special education teacher and for general education FTE for that portion of time that the pupil is participating in the seat time waiver program. The sum of the special education FTE and the general education FTE cannot exceed 1.0.

Q# 6 When a pupil is permanently expelled (state mandated expulsion) under Section 1311 or Section 1311a of the Revised School Code (MCL 380.1311 or MCL 380.1311a), can the pupil receive instruction through a seat time waiver, or is the district required to provide the minimum two weekly one-hour visits by a teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, if it wishes to count the pupil in membership?

A# 6 In lieu of the twice weekly one-on-one instruction, the pupil may receive instruction through either an approved seat time waiver program or a virtual learning program. For 1.00 FTE to be claimed, the pupil must have a full class schedule in the program and meet all requirements for either seat time waiver or virtual learning.

Q# 7 Must a district request a seat time waiver for any pupil taking online courses off-site?

A# 7 No. Refer to Section 5-O-D of this manual for membership requirements for online or virtual courses.

Q# 8 How does a school document the weekly two-way interaction between the teacher of record or mentor and pupil?

A# 8 If two-way interaction has been selected by the district and agreed to by the pupil membership auditor as the method for measuring participation, the teacher of record must maintain an activity log for each pupil documenting his or her two-way interaction. The district may print e-mail exchanges and discussion board conversations, or the teacher of record or mentor may prepare notes of a telephone or face-to-face conversation that include details of the conversation and date.

Q# 9 Are seat time waiver pupils required to participate in assessments required by the Department?

A# 9 Yes. Participation in Department-required grade-appropriate assessments is a legislative requirement unless the pupil is being home-schooled or is enrolled in a nonpublic school.

Q# 10 The district would like to use mass communication with pupils, such as bulk email messages, to meet the two-way interaction requirement. Is this an acceptable practice?

A# 10 If two-way interaction has been selected by the district and agreed to by the pupil membership auditor as the method for measuring participation, the two-way interaction must occur between the pupil and teacher of record or mentor. Two-way interaction is intended to be individualized in nature, which mass communications are not. A district could use mass communication to begin a two-way interaction as follows: district sends mass communication -> pupil responds to communication -> teacher of record or mentor responds to the pupil with individualized supports.

Q# 11 What are the requirements for a district with a mid-winter break during the 30-day count period?

A# 11 If the winter break is 4 school days or longer, the requirement for weekly two-way interaction does not apply for that week. If the break is 3 school days or fewer, the requirement for a weekly two-way interaction between the teacher of record or mentor and pupil applies.

Q# 12 Is the teacher of record limited to a certain number of pupils?

A# 12 There is no limit on the number of pupils assigned to the teacher of record.

Q# 13 If the teacher of record initiates contact with the pupil and the pupil responds by completing a task (such as turning in an assignment) rather than responding to the teacher of record directly, does this count as two-way interaction?

A# 13 No. While a teacher's initiation of contact could lead to some form of action by the pupil, such as completing an assignment, such action cannot be the only result of the teacher's initiation of contact for the purpose of establishing participation. The described action by the pupil provides no additional information to the teacher of record regarding the pupil's progress in the course. The two-way interactions should provide both the teacher of record or mentor and the pupil a better understanding of the pupil's experience and progress and should provide a forum for any other course-related needs that must be resolved in order for the pupil to complete the course successfully.

See Appendix C: Exhibits for sample documentation.

Q# 14 Can the district enroll pupils in courses that have no online or computer-based component under a seat time waiver?

A# 14 Yes. The district must receive approval from the Department in cases where the district wishes to provide self-scheduled, project-based learning (PBL) courses that have no online or computer-based component. The district must present the implementation plan for a self-scheduled, project-based learning seat time waiver to the pupil membership auditor for review before submitting the plan to the Department. The implementation plan for the course must include provisions regarding how the pupil will satisfy the membership requirements. PBL refers to any programmatic or instructional approach that utilizes multifaceted projects as a central organizing strategy for educating pupils. When engaged in project-based learning, pupils will be assigned a project or series of projects that require them to use diverse skills—such as researching, writing, interviewing, collaborating, or public speaking—to produce various work products, such as research papers, scientific studies, public policy proposals, multimedia presentations, video documentaries, art installations, or musical and theatrical performances. Unlike many tests, homework assignments, and other more traditional forms of academic coursework, the execution and completion of a project may take several weeks or months, or it may even unfold over the course of a semester or year. The district must maintain a log of two-way interaction.

5-O-C: CYBER SCHOOLS

Cyber schools, also known as "100 percent online schools," provide 100 percent of a pupil's public instruction through online learning. Administrative Rule 340.11 defines online learning as "a nontraditional method of receiving pupil instruction for courses that are taken through online learning or otherwise on a computer or other technology." Online learning can take different forms, including scheduled (i.e., pupil must attend a pre-arranged classroom to gain access to the computer-based content), blended (i.e., the teacher uses both traditional classroom and online forums to deliver instruction), and self-scheduled (i.e., pupil learning that does not require a teacher or pupil to be physically present in a classroom).

REQUIREMENTS FOR COUNTING IN MEMBERSHIP

The following requirements must be met to count pupils enrolled in a cyber school program for membership purposes:

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(4) or MCL 388.1606(6)) and any other applicable statute.

2) The pupil shall be enrolled in the participating district and attending on the pupil membership count day or the supplemental count day pursuant to Sections 6(8) and 6a of the State School Aid Act (MCL 388.1606 and MCL 388.1606a).

3) The pupil shall be registered, enrolled, and participating in the course(s) on the pupil membership count day or the supplemental count day pursuant to Section 6(4), Section 6(8) and Section 6a of the State School Aid Act (MCL 388.1606(4), MCL 388.1606(8), and MCL 388.1606a). Under Section 6(4)(h) of the State School Aid Act (MCL 388.1606(4)(h)), a pupil's participation in the cyber school's educational program is considered regular daily attendance and can be considered membership.

4) The cyber school provides full-time instruction and each pupil has a schedule based on the school's criteria for a full-time pupil. See the Instructional Time Requirements, Tracking Participation, and Part-Time Memberships section below for more detail.

5) The pupil must participate in each scheduled course on count day to satisfy the participation requirement. If absent on count day, the pupil must attend and participate in class during the next 10 consecutive school days if the absence was unexcused, or during the next 30 calendar days if the absence was excused.

6) For a pupil who is not learning sequentially, one or more of the following must be met on count day for each scheduled course to satisfy the participation requirement:

   - Pupil attended a live lesson from the teacher.
   - Pupil logged into a lesson or lesson activity and the login can be documented.
   - The pupil and teacher engaged in a subject-oriented telephone conversation.
   - There is documentation of an email dialogue between the pupil and teacher.
   - There is documentation of activity or work between the learning coach and pupil.
   - An alternate form of attendance as determined and agreed on by the cyber school and pupil membership auditor was met.

7) For a pupil using sequential learning, the participation requirement may be satisfied as follows:

   - The pupil and the teacher of record or mentor must complete a two-way interaction for one course per week for each week of the four (4) week count period. Two-way interactions must be relevant to the course progress or course content of one of the courses on the pupil's schedule.

     -OR-

- The pupil must complete a combination of one or more of the following activities for each scheduled course on count day:
  - Documented attendance in a virtual course where synchronous (live) instruction occurred with the teacher.
  - Documented completion of a course assignment.
  - Documented completion of a course lesson, or lesson activity.
  - Documented pupil access to an on-going lesson; this is not a login.
  - Documented physical attendance on count day in each scheduled course may be used for pupils who will attend at least 50% of the instructional time for each scheduled course, on-site, face-to-face with the teacher of record.

Note: For pupils using sequential learning, "each scheduled course" refers to the courses currently being attempted by the pupil, rather than every course on the pupil's schedule for the entire term. The district must provide proof of payment for each course included on the pupil's class schedule to the pupil membership auditor. If the pupil is taking more than 2 virtual courses, the district, in collaboration with the pupil and following the Department guidance found here, must create an educational development plan (EDP) that reflects the expected attempt dates for all scheduled courses.

Note: Student records must be maintained at a district location by the district that claimed the pupil in membership.

Note: Two-way interactions must be maintained in a log for the entire school year and retained by the district according to the record retention schedule for student records.

INSTRUCTIONAL COMPONENTS

The district must also maintain the following documentation at the building level, or program level if

1) Teacher of Record

   The teacher of record is responsible for providing instruction, determining instructional methods for each pupil, diagnosing learning needs, assessing pupil learning, prescribing intervention strategies and modifying lessons, reporting outcomes, and evaluating the effects of instruction and support strategies. The teacher of record may coordinate the distribution and assignment of the responsibilities described above with other teachers participating in the instructional process for the course.

   - The teacher of record for the virtual course must be a teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department.
   - The teacher of record must have a personnel identification code provided by the Center for Educational Performance and Information (CEPI).
   - The teacher of record must be employed by the district, as applicable under Section 1231 of the Revised School Code (MCL 380.1231).

2) Mentor

   A mentor is a professional employee of the district who monitors the pupil's progress, ensures the pupil has access to needed technology, is available for assistance, and ensures access to the teacher of record. A mentor may also be the teacher of record if the mentor meets the definition of a teacher of record and the district is the provider for the course.

3) Two-way Interaction

   Two-way interaction is the communication that occurs between the teacher of record or mentor and pupil, where one party initiates communication and a response from the other party follows that communication. Responses must be to the communication initiated by the teacher of record or mentor, and not some other action taken.

This interaction may occur through, but is not limited to, means such as email, telephone, instant messaging, or face-to-face conversation. Parent or guardian facilitated two-way interaction may be required if the pupil is in grades K-5 and does not yet possess the skills necessary to participate in two-way interaction unassisted.

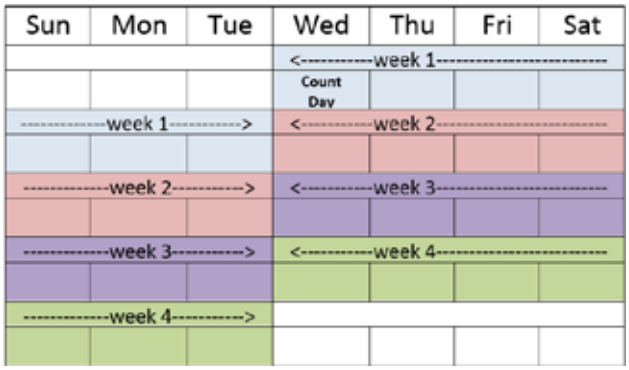
Two-way interactions are expected to continue throughout the course, even when not being used for membership purposes. The two-way interactions must relate to a virtual course on the pupil's schedule and pertain to course content or progress.

See Appendix C: Exhibits for sample documentation.

4) Two-way Interaction Calendar

When used for membership purposes, a pupil must complete at least one (1) two-way interaction per week for each week of the four (4) week count period.

The first week in which participation is measured begins on count day (Wednesday) and continues through the following Tuesday. Each consecutive week starts on Wednesday and ends on the following Tuesday, for a total of four (4) weeks including the week that began on count day. The district shall maintain an activity log that documents details of two-way interactions for each pupil. An illustration of the calendar used for this purpose appears below.



If a school break is scheduled during the count period and is 4 days or longer, the requirement for weekly two-way interaction does not apply for that week. If instruction has been canceled district-wide during a week for 3 school days or longer, the requirement for weekly two-way interaction does not apply for that week.

Note: For a pupil who transitions from an online environment where weekly two-way interactions are required to a seated environment where regular attendance is required, physical attendance in scheduled courses may be considered when determining if this requirement is satisfied. For pupils transitioning from a virtual environment to homebound or hospitalized services, or to home-based instruction, the participation requirements of the applicable section begins at the point of transition in the program.

INSTRUCTIONAL TIME REQUIREMENTS, TRACKING PARTICIPATION, AND PART-TIME MEMBERSHIPS

Section 553a requires a cyber school to schedule at least 1,098 hours of instruction during a school year and to ensure that each pupil participates for the proportionate number of hours of instruction remaining in the school year based on the pupil's date of enrollment. All the following apply:

- A cyber school cannot enroll pupils part-time; if a district's board determines that a full-time pupil's schedule consists of six (6) courses, then no less may be scheduled.
- A cyber school cannot claim a pupil in membership if at the time of enrollment less than 1,098 hours of instruction can be provided to the pupil during the school year; this measure can be composed of a combination of the instructional time provided in another educational environment prior to a student transferring to the cyber school along with the instructional hours remaining in the cyber school's calendar. This does not prevent a district from enrolling a pupil who will not receive 1,098 hours of instruction if no membership will be claimed.

- A cyber school needs to have a method for tracking that pupils participated for the proportionate number of hours of instruction remaining in the school year based on the pupil's date of enrollment. A cyber school must provide the pupil membership auditor with documentation of the tracking method and a sample report for review during the count periods. The auditor may request full documentation at the conclusion of the school year to ensure compliance with this documentation requirement.

A cyber school pupil is typically counted as 1.0 FTE by the cyber school. If a cyber school allows a pupil to participate in another district's offerings and allows the other district to claim a portion of the pupil's FTE, the cyber school's responsibility to provide a full-time schedule for the pupil remains.

OTHER CYBER SCHOOL REQUIREMENTS

Section 551(2)(e) of the Revised School Code (MCL 380.551) defines a cyber school as a school of excellence established that has been issued a contract to be organized and operated as a cyber school under Section 552(2) of the Revised School Code (MCL 380.552) and that provides full-time instruction to pupils through online learning or otherwise on a computer or other technology, which instruction and learning may be remote from a school facility.

1) Enrollment Requirements

   Pursuant to Section 552(2) of the Revised School Code, MCL 380.552(2), a cyber school must be available for enrollment to all pupils who are eligible for membership in this state, must offer some or all of grades K-12, and must demonstrate experience in delivering a quality educational program that improves pupil academic achievement. In addition, Section 552(2) requires the cyber school to offer and provide a computer and subsidized Internet access to each pupil.

   An experienced program is one that has a successful track record of serving similar populations of pupils in a virtual format. If the district has not yet served a population of pupils with the proposed model, the model must be articulated by the district, specifically as to how instruction will be modified for the environment and population served. The district must demonstrate the platform's flexibility in meeting the educational needs of the pupils, and the instructional platform must have a cohesive and aligned curriculum that will enable the pupils to be career and college ready when completed.

   Pursuant to Section 556(7) of the Revised School Code, MCL 380.556(7), a cyber school authorized by a school district or intermediate school district shall give enrollment priority to pupils who reside in the school district or intermediate school district that is the authorizing body.

2) Membership Cap

   Section 552(2)(d) of the Revised School Code, MCL 380.552(2)(d), limits enrollment in a cyber school to 2,500 pupils in membership for the first school year of operation, 5,000 pupils in membership for the second school year of operation, and not more than 10,000 pupils in membership for the third and subsequent school years of operation. In addition, Section 552(15) sets limits on the number of pupils who can be enrolled in all cyber schools based on total statewide audited membership.

3) Instructional Time Requirements

   Under Section 553a of the Revised School Code (MCL 380.553a), a cyber school must make educational services available to pupils for at least 1,098 hours during a school year and must ensure that each pupil participates for the proportionate number of hours of instruction remaining in the school year based on the pupil's date of enrollment.

   The following calculation is used to verify that the cyber school's educational services were made available to pupils for a minimum of 1,098 hours during the school year:

   x [# of days teachers are scheduled for instruction per year]

   x [# of hours teachers are scheduled for instruction per day]

   = [number of hours that teachers made educational services available to pupils per school year]

   A cyber school shall provide full-time instruction to pupils through online learning or otherwise on a computer or other technology, and this instruction and learning may occur remote from a school facility. A cyber school is not required to comply with any rule that would require a pupil's physical presence or attendance in a classroom. A pupil schedule must provide full-time instruction during

the school year. The following formula is based on the example of a district that provides six (6) courses as part of its full-time schedule. Cyber schools must adjust this formula to reflect the number of courses required for a full-time pupil schedule in the cyber school.

+ [((min. per lesson for course #1) x days of instruction per year)/60]

+ [((min. per lesson for course #2) x days of instruction per year)/60]

+ [((min. per lesson for course #3) x days of instruction per year)/60]

+ [((min. per lesson for course #4) x days of instruction per year)/60]

+ [((min. per lesson for course #5) x days of instruction per year)/60]

+ [((min. per lesson for course #6) x days of instruction per year)/60]

= number of hours of pupil instruction scheduled per year

4) Documentation Requirements

As provided in Section 1 of the Pupil Accounting Manual, a cyber school must maintain all of the following documentation:

- Enrollment records for each pupil.
- A certified alpha list of enrolled pupils (MSDS).
- Board-approved graduation requirements.
- Board-approved attendance policy, which includes the number of classes required by the district to be considered a full-time pupil.
- A course program or list of approved courses, which are aligned to the approved instructional platform identified in the district's charter agreement.
- A class schedule for each pupil that is effective on the count day.
- Pupil attendance and participation records for the count period.
- An absence list starting on count day that includes each day through the 30-day count period and documentation of excused absences.

STATUTORY AND OTHER REFERENCES

State School Aid Act

MCL 388.1606

MCL 388.1606a

MCL 388.1698

MCL 388.1701

MCL 388.1766d

Revised School Code

MCL 380.551

MCL 380.552

MCL 380.553a

MCL 380.553b

MCL 380.556

MCL 380.559

MCL 380.561

Administrative Rule

R 340.11

QUESTIONS AND ANSWERS

Q# 1 How should the school document interaction between the teacher and pupil for attendance purposes?

A# 1 The teacher must maintain an activity log containing documentation for each pupil to demonstrate attendance. Examples of activity that must be logged include, but are not limited to, login and lesson activity reports, email exchanges between the teacher and pupil, discussion board posts between the teacher and pupil, and messaging transcripts between the teacher and pupil. If the interaction occurred via telephone, a log of the call must indicate the date and time of call, who was contacted, and a summary of the conversation.

Q# 2 A pupil is scheduled for 12 courses, which equate to 1,098 hours of instruction. Does completing all 12 courses indicate that the pupil participated in 1,098 hours of instruction?

A# 2 Yes. If the schedule of courses was designed to provide 1,098 hours of instruction, a pupil's completion of the course load could be used to indicate that a pupil received and participated in 1,098 hours.

Q# 3 Can a district enroll a pupil for the first time virtually, using an online method to verify identity?

A# 3 Under Section 1135 of the Revised School Code, districts are required to verify the pupil's identity using a document such as a birth certificate. It is best practice to see a certified copy; however, the requirement to verify the raised seal on a certified birth certificate has been removed, which allows for alternative documents and methods of verification of identity to be accepted.

Q# 4 What is course activity?

A# 4 Course activity is a measurable amount of time that a pupil has participated in a course. The amount of time active should relate to the number of instructional hours provided in the course.

Q# 5 What constitutes pupil engagement and interaction? Do you have recommendations for how this might be tracked?

A# 5 Each pupil should have a unique login to track interactions with instructional staff as well as time spent in each course. There should be evidence of two-way interactions with the assigned teachers or mentors. Engagement may take the form of things like working with peers in chat rooms or discussion boards, having assigned instructional time with staff, or working in the course environment on assignments.

Q# 6 Can a district enroll a pupil at any point during the school year?

A# 6 Yes. The instructional hour requirements, found in Section 553a of the Revised School Code, do not prevent a cyber school from enrolling a pupil at any point in the school year. However, a cyber school cannot claim a pupil in membership if at the time of enrollment less than 1,098 hours of instruction can be provided to the pupil during the school year. If a pupil transfers from another educational environment during the current school year, the instructional time received while in the other educational environment can be counted toward the instructional time requirements. For a pupil who was enrolled in another educational environment as a full-time pupil prior to transferring, the cyber school shall consider the pupil to have received the equivalent number of instructional hours as the cyber school has provided to the date of transfer.

Q# 7 Can a district claim a pupil in membership if the pupil transferred after the beginning of the school year from another instructional environment?

A# 7 Yes. The district would count the amount of instructional time provided through the previous educational environment toward the instructional time requirements found in Section 553a of the Revised School Code, which would allow the pupil to receive 1,098 hours of instruction.

5-O-D: VIRTUAL LEARNING OPTIONS

Virtual learning is a method of receiving academic instruction in courses in which the pupil is registered, and the courses are taken through a digital learning environment. Virtual learning may be offered at a supervised school facility during the day as a scheduled class period or through self-scheduled learning where pupils have some control over the time, location, and pace of their education. Virtual learning includes, but is not limited to, online learning and computer-based learning, where the delivery of instruction may incorporate a combination of software, technology, and the Internet. Virtual learning under this section may occur through synchronous instruction, asynchronous instruction, or a blend of the two delivery formats.

Virtual courses may be selected from the local, board-approved, course catalog, or pupils may select courses from the statewide virtual course catalog (https://micourses.org).

Unless otherwise required by the district, physical attendance is not a requisite of this section. Such would be the case if a district offers blended virtual learning opportunities.

The requirements in this section apply unless the virtual learning is a supplemental component of a course or unless it is an eligible virtual course under Section 5-A, Section 5-G-A, or Section 5-G-B.

Please see the following memo (https://mi.gov/documents/mde/Strategies_for_Continued_Instruction_734498_7.pdf) for additional considerations when engaging with pupils for this delivery modality.

REQUIREMENTS FOR COUNTING IN MEMBERSHIP

The following requirements must be met for pupils claimed in membership under this section:

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(4) or MCL 388.1606(6)) and any other applicable statute.
2) The pupil shall be registered, enrolled, in regular daily attendance in the course if membership is being claimed pursuant to Section 6(4), Section 6(8), and Section 6a of the State School Aid Act (MCL 388.1606(4), MCL 388.1606(8), and MCL 388.1606a). Participation in a virtual course, as defined below, is considered regular daily attendance.
3) Except for a course provided by a community college, a teacher under a valid certificate, substitute permit, authorization, or approval issued by the department was assigned and involved in the instructional process as described below.
4) The pupil was enrolled in the course on count day and the course title (as published in the course catalog or list) or board-approved course name is reflected on the pupil's class schedule and transcript.
5) The course must be capable of generating credit toward a high school diploma. Earned credit is recorded on the pupil's transcript.
6) A mentor must be assigned to the pupil. The mentor's contact information must be given to the course provider.
7) **For the 2021-22 and subsequent school years,** the pupil has parent or legal guardian consent for enrollment in the virtual course(s). Consent is not required if the pupil is at least age 18 or is an emancipated minor.
8) The course was selected from a course syllabus published in the statewide virtual course catalog maintained by Michigan Virtual or from the district or intermediate school district catalog or list of board-approved courses.
9) The course must not generate more FTE than a comparable course if offered in a traditional format by the district. Courses that offer less instruction than comparable courses must have their FTE prorated. Enrollment in one or more virtual courses shall not result in a pupil being counted for more than 1.0 FTE.
10) To satisfy the participation requirement:

- The pupil and the teacher of record or mentor must complete a two-way interaction for **one course per week for each week of the four (4) week count period**. See the description of two-way interaction in the section following for more detail on this requirement.

  -OR-

- The pupil must complete a combination of one or more of the following activities **for each scheduled course**:
  - Documented attendance in a virtual course where synchronous (live) instruction occurred with the teacher.
  - Documented completion of a course assignment.
  - Documented completion of a course lesson or lesson activity.
  - Documented pupil access to an on-going lesson; this is not a login.
  - Documented physical attendance on count day in each course may be used for pupils who will attend at least 50% of the instructional time for each course on-site, face-to-face with the teacher of record.

Notes:

1. A pupil who enrolls in a virtual course under this section is not required to maintain regular daily physical attendance in a concurrent course.
2. Where two-way interactions are not being used for participation purposes, if a pupil is absent from or does not participate in one or more courses under this section on count day, the pupil must attend and participate in each class during the next 10 consecutive school days if the absence was unexcused, or during the next 30 calendar days if the absence was excused; membership will be prorated if the participation requirement was not met for a course.
3. For pupils using sequential learning, "each scheduled course" refers to the courses currently being attempted by the pupil, rather than every course on the pupil's schedule for the entire term. The district must provide proof of payment for each course included on the pupil's class schedule to the pupil membership auditor. If the pupil is taking more than 2 virtual courses, the district, in collaboration with the pupil and following the Department guidance found here, must create an educational development plan (EDP) that reflects the expected attempt dates for all schedule courses.
4. Synchronous Instruction is often referred to as live or real-time instruction. It is the simultaneous participation in a virtual course by the pupil and teacher, such as providing live instruction through a virtual application like Skype. This type of instruction may place the pupil and teacher in locations separate from each other.
5. If a pupil who is enrolled under this section exits the district prior to the end of the count period, but enrolls in another district, the district may retain the pupil in membership if the participation requirement was satisfied for the week(s) of the pupil's enrollment; otherwise, the membership must be prorated by 25% of the total FTE claim that relates to the virtual enrollment for each missed week of two-way interaction. For a pupil who remained in the district during the entire count period who was 100% virtual, the membership will be prorated on the weeks of two-way interaction completed out of a possible 4 week; each week missed will be prorated by 25% of the total FTE claimed

   (Example 1: A 100% virtual pupil who was claimed for 1.0 FTE would be prorated 0.25 FTE for each week missed).
   (Example 2: A pupil with 1 virtual course in a district where 6 courses is considered full-time would be prorated 0.04 FTE for each week missed).

6. For a pupil who transitions from an online environment where weekly two-way interactions are required, to a seated environment where regular attendance is required, physical attendance in scheduled courses may be considered when determining if this requirement is satisfied.
7. For pupils transitioning from a virtual environment to homebound or hospitalized services, or to home-based instruction, the participation requirements of the applicable section begins at the point of transition in the program.

8. If a school break is scheduled during the count period and is 4 days or longer, or if instruction has been canceled district-wide 3 school days or longer, the requirement for weekly two-way interaction does not apply for that week (a week is considered Wednesday through Tuesday as illustrated below).
9. For a pupil who was enrolled and in attendance prior to count day, is absent on count day and then transitions into a virtual environment following, the district will then have the pupil complete an activity in each course during the 10/30-day window for membership purposes. If the district chooses to use two-way interactions to demonstrate participation, the membership would be prorated by 25% of the membership claimed for each week where a two-way transaction did not occur.

11) If the pupil is enrolled in more than two (2) virtual courses in an academic term, semester, or trimester, each of the following conditions must be met:

a. The district has determined that such enrollment is in the best interest of the pupil.

b. The pupil agrees with the recommendation of the district.

c. **For the 2021-22 and subsequent school years**, except for a pupil enrolled under Section 166b of the State School Aid Act, the district will collaboratively develop an educational development plan (EDP) with the pupil following the Department guidance (https://www.michigan.gov/documents/mde/PC_Extras_1_2015_482099_7.pdf)

For pupils in grades K-6, the plan should include the following items:

i. The pupil's preferred learning style.

ii. The pupil's interests.

iii. Areas of academic development.

iv. Areas of personal/social development.

v. A timeline and measures for the development of the above items.

vi. Postsecondary and career goals as applicable.

Note: An EDP is a living document that each student develops with the school district. The document may not contain all components listed above, depending on the age of the pupil and the time of the school year. The district shall maintain a copy of the plan on file and shall provide the plan to the pupil membership auditor on request.

Note: Student records must be maintained at a district location by the district that claimed the pupil in membership.

Note: Two-way interactions must be maintained in a log for the entire school year and retained by the district according to the record retention schedule for student records.

Note: Districts must report their virtual learners in the appropriate school building, and that building information must be accurately reflected in the EEM.

INSTRUCTIONAL COMPONENTS

1) Teacher of Record

Definition:

The teacher of record is responsible for providing instruction, determining instructional methods for each pupil, diagnosing learning needs, assessing pupil learning, prescribing intervention strategies and modifying lessons, reporting outcomes, and evaluating the effects of instruction and support strategies. The teacher of record may coordinate the distribution and assignment of the responsibilities described above with other teachers participating in the instructional process for the course.

District and Michigan Virtual Requirements:

- The teacher of record for the virtual course must be a teacher placed under a valid certificate, substitute permit, authorization, or approval issued by the department.
- The teacher of record must have a personnel identification code provided by the Center for Educational Performance and Information (CEPI).
- If a local district (LEA) is the course provider that has listed the course in the statewide course catalog, the district must observe the requirements in Section 1231 of the Revised School Code (MCL 380.1231).

Community College Requirement:

- If the provider is a community college, the instructor must be employed by or contracted through the providing community college.

2) Mentor

A mentor is a professional employee of the district who monitors the pupil's progress, ensures the pupil has access to needed technology, is available for assistance, and ensures access to the teacher of record. A mentor may also be the teacher of record if the mentor meets the definition of a teacher of record and the district is the provider for the course.

3) Two-way Interaction

Two-way interaction is the communication that occurs between the teacher of record or mentor and pupil, where one party initiates communication and a response from the other party follows that communication. Responses must be to the communication initiated by the teacher of record or mentor, and not some other action taken.

This interaction may occur through, but is not limited to, means such as email, telephone, instant messaging, or face-to-face conversation. Parent or guardian facilitated two-way interaction may be required if the pupil is in grades K-5 or in a special education program and due to the student's age or disability, the pupil does not possess the skills necessary to participate in two-way interaction unassisted.

Two-way interactions are expected to continue throughout the course, even when not being used for membership purposes. The two-way interactions must relate to a virtual course on the pupil's schedule and pertain to course content or progress. Two-way interactions will be reported through the End of Year MSDS collection for chronic absenteeism purposes.

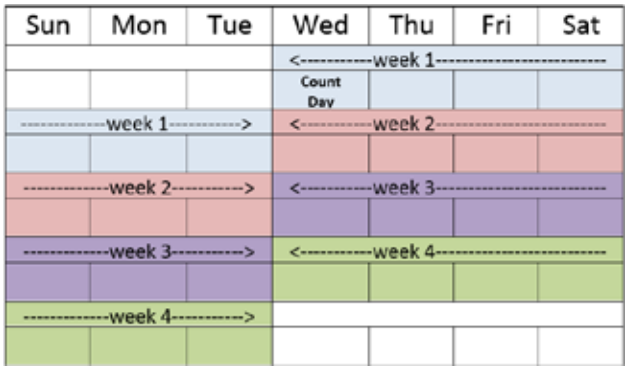
A pupil who begins the school year as a traditional in-person pupil, but transitions temporarily to virtual instruction under this section, must meet the requirements of this section for membership purposes. However, the pupil's designation will continue to be identified as in-person in MSDS for the semester; If the pupil continues as a virtual pupil for the second semester, this designation will be changed to reflect the virtual placement.

See Appendix C: Exhibits for sample documentation.

4) Two-way Interaction Calendar

When used for membership purposes, a pupil must complete at least one (1) two-way interaction per week for each week of the four (4) week count period.

The first week in which participation is measured begins on count day (Wednesday) and continues through the following Tuesday. Each consecutive week starts on Wednesday and ends on the following Tuesday, for a total of four (4) weeks including the week that began on count day. The district shall maintain an activity log that documents details of two-way interactions for each pupil. An illustration of the calendar used for this purpose appears below.



DENIAL OF ENROLLMENT

A district may not establish additional requirements that would prohibit a pupil from taking a virtual course. If a pupil is denied enrollment in a virtual course, the district shall provide written notification to the pupil of the denial, the reason or reasons for the denial, and a description of the appeal process.

Enrollment in a virtual course may be denied for any of the following reasons:

a. The district determined that the enrollment is inappropriate for a pupil who is enrolled in any of grades K-5.

b. The pupil has previously gained the credits that would be provided from the completion of the virtual course.

c. The virtual course is not capable of generating academic credit.

d. The virtual course is inconsistent with the remaining graduation requirements or career interests of the pupil.

e. The pupil has not completed the prerequisite coursework for the requested virtual course or has not demonstrated proficiency in the prerequisite course content.

f. The pupil has failed a previous virtual course in the same subject during the two most recent academic years.

g. The virtual course is of insufficient quality or rigor. A district that denies a pupil's enrollment request for this reason shall enroll the pupil in a virtual course in the same or a similar subject that the district determines is of acceptable rigor and quality.

h. For a course selected from the statewide course catalog, the cost of the virtual course exceeds the amount allocated to a course under Section 21f (6.67% of the minimum foundation allowance for the current fiscal year as calculated under Section 20 of the State School Aid Act (MCL 388.1620)), unless the pupil or the pupil's parent or legal guardian agrees to pay the cost that exceeds that amount.

i. The virtual course enrollment request did not occur within the same timelines established for enrollment and schedule changes for regular courses.

j. The request for a virtual course enrollment was not made in the academic term, semester, trimester, or summer preceding the enrollment. *This does not apply to a request made by a pupil who is newly enrolled in the district.*

k. The course has reached capacity and the district has restricted enrollment to resident applicants.

l. The district does not support the enrollment in more than two (2) virtual courses in an academic term, semester, or trimester.

PUPIL ENROLLMENT APPEAL PROCESS

If a pupil is denied enrollment in either of the first two virtual courses requested by the pupil, the pupil may appeal the denial by submitting a letter to the superintendent of the intermediate school district. The letter of appeal shall include the reason provided by the denying district for not enrolling the pupil and the reason why the pupil is claiming that the enrollment should be approved. The intermediate school district superintendent or designee shall respond to the appeal within five business days after it is received. If the

intermediate school district superintendent or designee determines that the denial of enrollment does not meet one or more of the reasons specified above, the pupil shall be allowed to enroll in the virtual course.

AWARDING CREDIT AND PAYMENT OF VIRTUAL COURSE COSTS

If a pupil successfully completes a virtual course, the district shall grant appropriate academic credit for completion of the course and shall count that credit toward completion of graduation and subject area requirements. A pupil's school record and transcript shall identify the virtual course title as it appears in the virtual course syllabus.

HARDWARE, SOFTWARE, AND INTERNET ACCESS

A virtual learning pupil shall have the same rights and access to technology in his or her district's school facilities as all other pupils enrolled in the district.

If the pupil is enrolled in more than two (2) virtual courses in an academic term, semester, or trimester, and the pupil will take the courses at a location other than a school facility, the following conditions must be met:

- The district is required to pay the costs associated with providing the pupil with a computer. The computer must support Internet capacity and appropriate software configuration for use by the pupil at home while enrolled in the virtual courses.
- The district must offer to provide Internet access. The Internet capacity shall provide at least 3 Mbps download and 1 Mbps upload speeds.

COURSE PROVIDER REQUIREMENTS

A separate document titled *Section 21f Expanded Virtual Learning for Course Providers* is maintained here under *Documents Related to Pupil Accounting*. This document contains the requirements for course providers.

STATUTORY AND OTHER REFERENCES

State School Aid Act

MCL 388.1606

MCL 388.1620

MCL 388.1621f

MCL 388.1701

Revised School Code

MCL 380.1231

MCL 380.1281

MCL 380.1311

MCL 380.1311a

Administrative Rules

R 340.11

R 340.12

R 340.18

Appellate Court Decision

Bond v Ann Arbor School District, 383 Mich 693 (1970)

State Board of Education Guidance

State Board of Education Position Statement on Free Textbooks, Materials and the Charging of Fees (1972)
https://www.michigan.gov/documents/freetextbooksmaterialsandchargingfees_122776_7.pdf

QUESTIONS AND ANSWERS

General Questions

Q# 1 What is the difference between a virtual learning and an online course?

A# 1 There is no difference for state aid purposes. Online courses are a subset of virtual learning.

Q# 2 What are interactive internet-connected learning environments?

A# 2 The term interactive course typically describes material of an educational or informational nature delivered in an electronic format that allows the user to directly control the material's content, pace, and outcome.

Q# 3 Are self-scheduled virtual pupils required to participate in assessments required by the Department?

A# 3 Yes. Participation in Department-required grade-appropriate assessments is a legislative requirement unless the pupil is being home-schooled or is enrolled in a nonpublic school.

Q# 4 Do shared time pupils who are enrolled in more than two virtual courses need to have an EDP?

A# 4 No. MCL 388.1621f(3)(c) has been amended to provide part-time pupils enrolled under MCL 388.1766b with the option of developing an educational development plan.

Q# 5 Is the district now required to list its virtual courses in the statewide catalog?

A# 5 No. Courses must only be listed in the statewide catalog if they will be offered statewide. If the district only intends to provide the course to pupils who are enrolled in the local district, there is no need to list the course in the statewide catalog; it must only appear in the local course catalog.

Number of Courses and Instructional Time

Q# 6 Can pupils in grades 6-12 enroll in more than two courses under this section?

A# 6 The section gives pupils in grades 6-12 the opportunity to enroll in up to two courses per semester or trimester that have been selected from the statewide course catalog. Beyond that, it is the district's option to support a pupil's enrollment in additional virtual courses, or virtual courses offered through the district course catalog.

Q# 7 Does a full-time pupil enrolled in virtual courses need to have 1,098 hours of instruction scheduled?

A# 7 A pupil's enrollment in virtual courses does not exempt the district from the instructional hours requirement. Unless the district has a Days and Hours Waiver from the Department, or the pupil qualifies for a reduced schedule, the district must schedule 1,098 hours of instruction to count the pupil for 1.0 FTE.

Q# 8 Do we need to collect parental consent for each course and each year of enrollment?

A# 8 A district must collect consent upon a pupil's initial request for enrollment in a virtual course. The consent must only be collected one time and is not required for each course. It is best practice to collect consent for each virtual course every year.

Enrollment and Membership

Q# 9 Can pupils in grades K-5 enroll in courses under this section?

A# 9 The section gives districts the <u>option</u> of supporting virtual enrollments for pupils in grades K-5.

Q# 10 Can a district enroll a pupil for the first time virtually, using an online method to verify identity?

A# 10 Under Section 1135 of the Revised School Code, districts are required to verify the pupil's identity using a document such as a birth certificate. It is best practice to see a certified copy; however, the requirement to verify the raised seal on a certified birth certificate has been removed, which allows for alternative documents and methods of verification of identity to be accepted.

Alternative Schedules

Q# 11 If a pupil completes the equivalent of a year of courses before the supplemental count day, can the district count the pupil in the supplemental count without having the pupil enrolled in any courses during the supplemental count?

A# 11 No. Section 6(8) of the State School Aid Act (MCL 388.1606) requires that a pupil be enrolled and in attendance on the count day to be counted for membership purposes.

Q# 12 When a pupil takes courses in a sequential format, such as only three courses over one nine-week period and the number of courses over the semester equal to a traditional pupil's schedule, how should that be documented?

A# 12 Sequential learners must have a class schedule that includes each course that will be attempted during the semester or trimester. The district must have documentation of the pupil's enrollment with the course provider in each course, as well as proof of payment. Additionally, the pupil's EDP must include a timeline that specifies an expected attempt date for each course.

Q# 13 Can a homebound/hospitalized pupil enroll and attend courses virtually under this section?

A# 13 If a parent or pupil has requested homebound or hospitalized services, the district must provide one-on-one instruction using the homebound/hospitalized requirements (See Section 5-D of this manual). Virtual courses could be used in combination with the one-on-one instruction, and the one-on-one instruction could be provided virtually, using a service like Skype, if that has been determined to be the most appropriate manner for providing services.

Q# 14 When a pupil is permanently expelled (state mandated expulsion) under Section 1311 or Section 1311a of the Revised School Code (MCL 380.1311 or MCL 380.1311a), can the pupil receive instruction virtually under this section? Or is the district required to provide the minimum two weekly one-hour visits as home-based (Section 5-C) instruction if it wishes to count the pupil in membership?

A# 14 Under Sections 1311 and 1311a of the Revised School Code, the district must provide the pupil with home-based instructional services to count the pupil for a full FTE. Another option under those sections would be for the district to operate an alternative education program for permanently suspended or expelled pupils using virtual instruction as the method of providing the pupil instruction. If the district chooses to enroll the pupil in a virtual program and does not provide the one-on-one individualized instruction twice a week, the district would calculate the FTE using the requirements for counting pupils in membership as provided in this section.

Fees and Costs

Q# 15 A pupil is taking a full load of courses during the day at the resident district, and the resident district is counting the pupil for 1.0 FTE. The pupil is also enrolled in an online course in the evening at a nonresident district to earn additional credit to graduate on time. May the nonresident district charge the pupil the fee for the online course?

A# 15 Yes. The pupil is enrolled and taking a full course load during the normal school day; thus, the pupil cannot generate any more state aid. The nonresident pupil may be charged tuition and necessary fees. See the following document for more information: https://mi.gov/documents/freetextbooksmaterialsandchargingfees_122776_7.pdf.

Q# 16 A pupil selected a course from the statewide course catalog that costs more than 6.67% of the minimum foundation allowance that is allotted for the course. Can we charge the pupil tuition?

A# 16 The State School Aid Act allows the district to deny enrollment in a course selected from the statewide course catalog if the course cost exceeds the 6.67% of the minimum foundation amount defined in legislation for the given fiscal year unless the pupil is willing to pay the difference.

Q# 17 Must the district provide a computer and broadband access to a pupil enrolled part-time under this section?

A# 17 The district must offer to provide a computer and broadband access when the pupil is enrolled in more than two self-scheduled courses that will be taken off-site. If the pupil is enrolled in more than two self-scheduled courses that will be attended on-site, then the district could provide the pupil with access to the necessary resources during the regular school day in lieu of providing resources to be used off-site.

Participation and Two-way Interactions

Q# 18 Must the pupil complete an assignment for each virtual course enrolled on count day or within the 10/30-day requirement in order to satisfy this participation requirement?

A# 18 Yes, if the district has elected to use a completed course assignment to meet the participation requirement on count day.

Q# 19 Are pupils still expected to have a concurrent enrollment in a course with regular daily attendance?

A# 19 No. Participation and attendance for virtual learning courses under this section do not require concurrent enrollment in another course.

Q# 20 What is course activity?

A# 20 Course activity is a measurable amount of time that a pupil has participated in a course. The total amount of time that a pupil is active in his or her courses, in activities such as engaging in discussion board items, course activities, or course lessons, count toward the total number of instructional hours provided by the district.

Q# 21 If the teacher of record initiates contact with the pupil and the pupil responds by completing a task (such as turning in an assignment) rather than responding to the teacher of record directly, does this count as two-way interaction?

A# 21 No. While a teacher's initiation of contact could lead to some form of action by the pupil, such as completing an assignment, such action cannot be the only result of the teacher's initiation of contact to establish participation. The described action by the pupil provides no additional information to the teacher of record regarding the pupil's progress in the course. The two-way interactions should provide both the teacher of record or mentor and the pupil a better understanding of the pupil's experience and progress and should provide a forum for any other course-related needs that must be resolved for the pupil to complete the course successfully.

Q# 22 How does a school document the weekly two-way interaction between the teacher of record or mentor and pupil?

A# 22 The teacher of record must maintain an activity log for each pupil documenting the two-way interaction. The district may print e-mail exchanges and discussion board conversations, or the teacher of record or mentor may take notes from a telephone or face-to-face conversations that include details of the conversation and date.

Q# 23 The district would like to use mass communication with pupils, such as bulk email messages, to meet the two-way interaction requirement. Is this an acceptable practice?

A# 23 Two-way interaction must occur between the pupil and teacher of record or mentor. Two-way interaction is intended to be individualized in nature, which mass communications are not. A district could use mass communication to begin a two-way interaction as follows: district sends mass communication -> pupil responds to communication -> teacher of record or mentor responds to pupil.

Q# 24 Courses listed in the statewide course catalog must define the expectations for teacher <u>contact time</u> with pupils. How is contact time defined?

A# 24 Instructor contact time refers to time that is set aside during a course when a form of two-way interaction between the teacher of record or mentor and the pupil can occur. The course syllabi must define how the interactions may occur through a virtual environment, a face-to-face meeting, or another medium that allows communication, as well as the amount of contact time expected (e.g., at least one time per week).

Q# 25 Are the two-way interaction requirements, when used to satisfy the participation requirements, affected by a mid-winter break that occurs during the 30-day count period?

A# 25 If the winter break is 4 school days or longer, the requirement for weekly two-way interaction does not apply for that week. If the break is 3 school days or fewer, the requirement for a weekly two-way interaction between the teacher of record or mentor and pupil applies.

Mentor and Teacher of Record

Q# 26 A mentor must be a professional employee of the district. What does this mean?

A# 26 A professional employee's primary duty must be the performance of work requiring advanced knowledge, defined as work which is predominantly intellectual in character, and which includes work requiring the consistent exercise of discretion and judgment. In the case of a mentor, if not otherwise defined in the collective bargaining agreement, a mentor professional employee of the district is an

individual whose primary duty is to work in the district facilitating, teaching, tutoring, instructing, or lecturing in the activity of imparting knowledge.

Q# 27 Is the teacher of record limited to a certain number of pupils?

A# 27 There is no limit on the number of pupils assigned to the teacher of record for a course.

Q# 28 We have a pupil who will be enrolled in a course offered through the statewide course catalog. Our district does not provide the course. Do we need to supply the teacher of record?

A# 28 No. If your district is not the course provider, the teacher of record is provided by the entity that listed the course in the statewide course catalog.

Q# 29 Our district would like to offer our pupils courses provided by GenNET. If we do so is our district, then responsible for providing a teacher of record who is employed by the district to meet the requirements of Section 1231?

A# 29 No. GenNET is the course provider and would be responsible for providing a teacher of record.

Q# 30 Does Section 1231(1), which requires that school districts directly hire their teachers, apply to an intermediate school district provider such as GenNET?

A# 30 No. The definition of a school district as used in Section 1231(1) means a local district (LEA) according to the definition provided in Section 6 of the Revised School Code (MCL 380.6). Intermediate school district is defined separately in Section 4 of the Revised School Code (MCL 380.4). Since the language in Section 1231(1) does not include an intermediate school district, it does not apply to an intermediate school district. This in turn means that an intermediate school district may contract with a third-party for their teaching staff.

5-P: WORK-BASED LEARNING EXPERIENCES, APPRENTICESHIPS, AND INTERNSHIPS

Work-based learning experiences (WBLE), apprenticeships, and internships provide pupils with a planned program of job training and other employment experiences related to a chosen career. Depending on the type of learning experience, the pupil might be engaged for one hour, one day, one semester, or even one year in length. The learning experience may be paid or unpaid and can be an in-school or out-of-school placement.

The learning experience is coordinated by the district through a contract (training agreement) with an employer or career training institution. It is an educational experience that relates to both school instruction (training plan) and supervised work (employer) that is monitored by a professional employee of the district.

Section 1279h of the Revised School Code (MCL 380.1279h) ensures that eligible pupils interested in pursuing an experience under this section are supported by the district.

REQUIREMENTS FOR COUNTING IN MEMBERSHIP

All of the following requirements must be met for pupils claimed in membership under this section:

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(4) or MCL 388.1606(6)) and any other applicable statute.
2) The pupil must 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(4), MCL 388.1606(8), and MCL 388.1606a).
3) A teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, monitors the experience. For CTE Work-Based Learning, the teacher must be a person who is CTE-endorsed or has extensive knowledge of career and technical education.
4) The pupil is enrolled in grades 9-12.
5) If the pupil engages in an internship or work experience qualifying for credit under this section that is determined to be academically appropriate by the board or board of directors, or its designee, and if the pupil's parent or legal guardian grants permission, the board or board of directors, or its designee, must ensure that the pupil is excused from at least 1 period of instructional time during each day that the pupil attends the internship or work experience, as determined appropriate by the board or board of directors, or its designee. If the experience causes the pupil to receive less than the number of instructional hours required to be considered full-time, the membership must not be prorated.
6) For general education non-CTE Work-Based Learning, a professional employee conducts site visits once every nine weeks. For special education non-CTE Work-Based Learning, a professional employee conducts site visits once every 30 days. For CTE Work-Based Learning, a vocationally certified teacher/coordinator conducts site visits every nine weeks.
7) The board or board of directors, or its designee, must exercise oversight of the pupil's internship or work experience as necessary to ensure that the pupil meets the requirements under this section.
8) The pupil is eligible to receive credit toward a high school diploma for the experience.
9) The pupil attends the internship or work experience at least 4 hours per week for the same number of weeks as are necessary to earn credit in a traditional course in that school district or public school academy. The board or board of directors, or its designee, must not require a pupil to attend the internship or work experience more than 10 hours per week.
10) The experience does not generate more than one-half of the pupil’s membership up to .5 FTE.
11) The district must have a written training agreement and training plan in place by the count date.
12) The employer or district has maintained and verified records of the pupil’s attendance throughout the duration of the training agreement.
13) Safety instruction appropriate to the placement has been provided by the district or employer and must be documented in either the training plan or training agreement.

14) The district has verified that employer has workers' disability compensation (if the pupil is in a paid placement) and general liability insurance. If an employer has received a 'Notice of Exclusion' from the Workers Compensation Agency, and the district is in receipt of a copy of the exclusion, the employer would not be required to provide this coverage for the pupil. This form must be maintained as part of the student record.

15) Federal and state regulations regarding the employment of minors must be followed. A pupil is allowed not more than 24 hours of work per week while school is in session (MCL 409.111). Training agreements cannot be written to exempt pupils from provisions of federal child labor regulations, except for those detailed in Federal Bulletin 101 (hazardous occupations).

16) The district must provide written certification acknowledging compliance with program-level requirements found in the work-based learning companion document (https://mi.gov/documents/mde/Work-Based_Learning_Experiences_Program_Requirements_669193_7.pdf).

    If the pupil membership auditor finds that components of the training agreement or training plan are incomplete, a general finding will be issued and the Department will be notified.

17) The pupil has class periods designated as work-based learning on the class schedule.

TYPES OF LEARNING EXPERIENCES

1) Work-Based Learning Experiences, Apprenticeships, and Internships

   A work-based learning experience is coordinated by a school district through a training agreement with an employer providing a paid or an unpaid educational experience related to school instruction that may be offered as part of the pupil's schedule. The work experience must be monitored by a certified teacher, or an individual working under a valid substitute permit, authorization, or approval issued by the Department. A pupil earning high school credit in a work-based learning experience may be counted for membership FTE if the requirements as described are met. Work-based learning experiences must not include an in-district placement unless it is a work-based learning experience related to a state-approved CTE program or it is related to the postsecondary career and employment goals and objectives in the pupil's transition services plan developed for a pupil receiving special education services.

2) State-Approved Career and Technical Education (CTE) Program

   A state-approved CTE program work-based learning experience must be coordinated by a district through a training agreement with an employer providing an educational experience related to school instruction that may be offered as part of the pupil's schedule. The state-approved CTE program is a secondary program that is approved by the Office of Career and Technical Education (OCTE) for the purpose of determining eligibility to receive Added Cost funding pursuant to State School Aid Act Section 61a.

3) Less-Than-Class-Size Learning Experiences

   An unpaid state-approved CTE less-than-class-size (LTCS) program provides an opportunity to pupils who, because of unique circumstances, do not have a program available through a regular state-approved CTE program. Each program is contracted with business, industry, or private occupational schools as an alternative method of providing CTE not readily available in a public education institution. A pupil who participates in a LTCS program is eligible to generate added cost funding pursuant to Section 61a of the State School Aid Act and may be counted in membership.

REFLECTION PROJECT

The board or board of directors may require a pupil engaging in an internship or work experience under this section to complete a reflection project. If a board or board of directors requires a reflection project under this section, the reflection project may include, but is not limited to, all of the following:

(a) A copy of the pupil's timecard from the internship or work experience.

(b) A resume that includes the internship or work experience.

(c) A written summary of the internship or work experience.

DENIAL OF CREDIT

A board or board of directors may deny high school credit to a pupil under this section if any of the following apply, as determined by the board or board of directors, or its designee:

- The pupil has a history of course failure or is not on track to graduate in 4 years.
- The pupil previously earned credit under this section for an internship or work experience with the same employer, unless the new internship or work experience is materially different than the internship or work experience for which the pupil previously earned credit, as determined by the board or board of directors, or its designee.
- The pupil failed to request credit for engaging in an internship or work experience before the pupil's school schedule for the current term was determined.
- The pupil previously engaged in an internship or work experience under this section but failed to satisfy the requirements for the previous internship or work experience.
- The pupil fails to complete a reflection project, if required by the board or board of directors, or its designee.
- The internship or work experience is not consistent with the pupil's educational development plan under Section 1278b, as determined by the board or board of directors, or its designee.
- The employer for which the internship or work experience is performed is unable to demonstrate that it complies with all applicable general liability coverage requirements of the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.101 to 418.941.
- The cost of oversight under this section exceeds 16.67% of the minimum foundation allowance for the current fiscal year for the district in which the pupil is enrolled, as calculated under Section 20 of the State School Aid Act, MCL 388.1620.

PUPIL ENROLLMENT DECISION APPEAL PROCESS

If a board or board of directors denies a pupil credit for an internship or work experience under this section, the pupil may appeal the denial by submitting an appeal letter to the superintendent of the intermediate school district in which the pupil's school is located. An appeal letter must include the board's or board of directors' reasons for the denial and the pupil's argument for reversing the denial. The superintendent must uphold or reverse the denial within 5 business days of receipt of the appeal letter. If the superintendent reverses the denial, the board or board of directors must award the pupil credit for the internship or work experience.

DEFINITION OF TERMS

1) Training Agreement

   The training agreement is a written contract that clarifies the specific responsibilities of the pupil, the employer, the parents, the teacher/coordinator, and the school district. The training agreement must be on file at the employer's worksite prior to the pupil beginning work in order for the pupil to be legally employed. Hours not listed are not covered by the agreement. A training agreement must be in place by count day.

2) Training Plan

   The district must have a written training plan in place by the pupil membership count day. The training plan must include the following:

   a. The pupil’s career or education goals as outlined in his or her education development plan.
   b. A list of performance elements that contribute to the pupil’s progress toward a career objective.
   c. Identification of the academic course(s) that generate credit toward a high school diploma in which the pupil is currently enrolled or was previously enrolled that relates to and prepares the pupil for job placement. (This requirement applies to Work-Based Learning Experience Non-CTE programs.)

3) Visitations

The superintendent of the district must designate a staff member to visit the pupil's worksite for the duration of the program to check attendance and pupil progress and assess the placement in terms of health, safety, and welfare of the pupil. The experience is periodically visited by a professional employee of the district, or the vocationally certified teacher/coordinator for CTE work-based learning. Visitations must occur every 9 weeks for a general education pupil, or at least once every 30 calendar days for a special education pupil. More visits may be required depending upon the pupil's progress and needs, the supervisor's experience in working with pupils, and other factors. For special education work-based learning pupils, the visitation plan must comply with Rule 340.1733(i).

STATUTORY AND OTHER REFERENCES

State School Aid Act

MCL 380.1279h

Fair Labor Standards Act

29 USC 201, et seq.

Youth Employment Standards Act

MCL 409.101 et seq.

Administrative Rule

340.15

340.16

395.231-395.376

QUESTIONS AND ANSWERS

Related Academic Class

Q# 1 The district has a group of work-based learning pupils who are allowed to leave school early and earn credit working. We are a small district and a small town. In the past, pupils have taken a class where they learned about the work world and developed a work ethic and general employability skills. The class met with a vocational education teacher daily; pupils had a training plan/agreement on file, weekly timecards, and employer evaluations every nine weeks. Phone calls and visits were made to each employer. Would the district count the FTE for these jobs?

A# 1 No. While the district is meeting many of the requirements for work-based learning courses, the work-based learning is not simply a job. Work-based learning is training for the pupil's desired future career. All pupils enrolled and participating in work-based learning must have a training plan that correlates to the pupil's EDP. The pupil must also have taken or be currently enrolled in an academic class that correlates to the job. There is no one course that fits all. While every pupil needs to know how to write a resume and a cover letter to that resume, allowable work-based learning must include job tasks specific to a certain career. Please visit www.onetcenter.org for related academic courses.

5-Q-A: SECTION 23A DROPOUT RECOVERY PROGRAM

Section 23a of the State School Aid Act (MCL 388.1623a) provides the authority to eligible districts operating a dropout recovery program to claim one-twelfth (1/12) of a full-time equated (FTE) membership for each month that an eligible pupil was enrolled in the program and was in full attendance, as described in the Act. Only those pupils who meet the requirements as outlined in Section 6(4)(dd) and Section 23a of the State School Aid Act (MCL 388.1606 and MCL 388.1623a) may be claimed for Section 23a funding.

REQUIREMENT FOR COUNTING IN MEMBERSHIP

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

1) Pursuant to Section 6(4)(dd), the pupil shall be counted as 1/12 of a full-time equated membership for each month that the district operating the program reports that the pupil was enrolled in the dropout recovery program and was in full attendance.
2) The pupil was in full attendance for a month.
3) A teacher under a valid certificate, substitute permit, authorization, or approval issued by the department was assigned and involved in the instructional process.
4) The pupil meets at least one of the following criteria:
    a. The pupil has been expelled from school under the mandatory expulsion provisions in Section 1311 or Section 1311a of the Revised School Code (MCL 380.1311 and MCL 380.1311a).
    b. The pupil has been suspended or expelled from school under a local policy.
    c. The pupil is referred by a court.
    d. The pupil is pregnant or is a parent.
    e. The pupil was previously a dropout.
    f. The pupil is determined by the district to be at risk of dropping out.
5) The dropout recovery program provides an advocate. All of the following apply to the advocate.
    a. An advocate may serve in that role for more than 1 pupil but no more than 50 pupils.
    b. An advocate may be employed by the district or may be provided by an education management organization that is partnering with the district.
    c. Before an individual is assigned to be an advocate for a pupil in the dropout recovery program, the district shall comply with Sections 1230 and 1230a of the Revised School Code (MCL 380.1230 and MCL 380.1230a) with respect to that individual.
6) The dropout recovery program develops a written personalized learning plan that is in place on or before the first school day of the month for the first month the pupil participates in the program.
7) The dropout recovery program monitors the pupil's progress against the written learning plan.
8) The dropout recovery program requires each pupil to make satisfactory monthly progress as defined below.
9) The dropout recovery program reports the pupil's progress results to the partner district at least monthly.
10) The dropout recovery program may be operated on or off a district school campus but may be operated using distance learning online only if the program provides a computer and Internet access for each eligible pupil participating in the program.
11) The dropout recovery program is operated throughout the entire calendar year (i.e., it is a 12-month program).
12) If the district partners with an education management organization for the program, the education management organization has a dropout recovery program partnership relationship with at least 1 other district.

13) Not later than 30 days after the end of a month, the district operating the program shall report to the Center for Educational Performance and Information (CEPI) the number of pupils who were enrolled in the program and were in full attendance for the month.

REPORTING MEMBERSHIP

The Center for Educational Performance and Information (CEPI) collects and reports data about Michigan's K-12 public schools. Refer to the CEPI website at http://www.michigan.gov/cepi for information pertaining to the reporting process for Dropout Recovery Programs or contact CEPI customer service with questions at CEPI@michigan.gov or (517) 335-0505, option 3.

Details regarding the process for reporting the membership through Student Record Maintenance (SRM) are in the Michigan Student Data System (MSDS) "Collection Details Manual" in the "Section 23a Component" section.

The district fulfills the yearly reporting requirement of Section 1230i of the Revised School Code (http://legislature.mi.gov/doc.aspx?mcl-380-1230i).

TERMS AND DEFINITIONS

1) Advocate

   An adult available to meet in person with assigned pupils, as needed, to conduct social interventions, to proctor final examinations, and to provide academic and social support.

2) Education Management Organization

   A private provider that operates 1 or more other dropout recovery programs that meet the requirements of Section 23a in partnership with 1 or more districts.

3) Full Attendance

   A district shall not report a pupil as being in full attendance for a month unless both of the following are satisfied:

   - A personalized learning plan is in place on or before the first school day of the month for the first month the pupil participates in the program; and
   - The pupil meets the district's definition under Section 23a of satisfactory monthly progress for that month or, if the pupil does not meet that definition of satisfactory monthly progress for that month, the pupil did meet that definition in the immediately preceding month and appropriate interventions are implemented within 10 school days after it is determined that the pupil does not meet that definition.

4) Satisfactory Monthly Progress

   An amount of progress that is measurable on a monthly basis and that, if continued for a full 12 months, would result in the same amount of academic credit being awarded to the pupil as would be awarded to a general education pupil completing a full school year. Satisfactory monthly progress may include a lesser-required amount of progress for the first 2 months a pupil participates in the program.

5) Written Learning Plan

   A written plan developed in conjunction with the advocate that includes the plan start and end dates, courses to be taken, credit to be earned for each course, teacher of record for each course, and advocate's name and contact information.

STATUTORY AND OTHER REFERENCES

State School Aid Act
MCL 388.1606

MCL 388.1622a

MCL 388.1622b

MCL 388.1623a

MCL 388.1701

Revised School Code
MCL 380.1311

MCL 380.1311a

MCL 380.1230

MCL 380.1230a

QUESTIONS AND ANSWERS

Q# 1 Does a district need to register with the Department to begin offering this type of program?

A# 1 No. Districts are not required to register with the Department before offering Section 23a programs. Districts shall ensure that the district and buildings have been flagged appropriately as an alternative education program provider in the Center for Educational Performance and Information (CEPI) Educational Entity Master (EEM) application. Students claimed for FTE under this type of program must be flagged as alternative education students within CEPI's Michigan Student Data System (MSDS).

Section 25g Funding (FTE over 1.00)

Q# 2 What is the maximum amount of FTE that one district can receive for a pupil enrolled under this section?

A# 2 The maximum amount of membership that a district can receive for a pupil under this section is 1.25 FTE. This is described in detail in this memorandum: https://mi.gov/documents/mde/Section_23a_500249_7.pdf.

Q# 3 Is the funding provided under Section 25g prorated?

A# 3 The funding provided under 25g has been prorated in the past. The proration depends on the volume of claims made against the funds for a particular fiscal year.

5-Q-B: SECTION 25E PUPIL MEMBERSHIP TRANSFERS

Section 25e of the State School Aid Act (MCL 388.1625e) provides districts with the ability to count a proration of a full-time equated (FTE) membership for pupils who transfer from one district to another district between the pupil membership count day (fall count) and the supplemental count day (spring count), provided that the pupil was counted in a district on the Fall Count date and is eligible to be counted in the district to which the pupil transferred pursuant to Section 6 of the State School Aid Act (MCL 388.1606).

REQUIREMENT FOR COUNTING IN MEMBERSHIP

A district may claim a pupil under Section 25e if all of the following are met:

1) The pupil met the pupil membership eligibility requirements pursuant to Section 6(4) or 6(6) of the State School Aid Act (MCL 388.1606(4) or MCL 388.1606(6)) and any other applicable statute on the pupil membership count day.
2) The pupil was registered, enrolled, and participating in the course(s) pursuant to Section 6(4) and Section 6(8) of the State School Aid Act (MCL 388.1606(4) and MCL 388.1606(8)) on the pupil membership count day.
3) The pupil was claimed in membership on the pupil membership count day.
4) The pupil transfer occurred between the pupil membership count day and supplemental count day of the current school year.
5) The request for a membership transfer under Section 25e was submitted not more than 30 days after the pupil enrolled.
6) The pupil met the pupil membership eligibility requirements pursuant to Section 6(4) or 6(6) of the State School Aid Act (MCL 388.1606(4) or MCL 388.1606(6)) and any other applicable statute in the district claiming the pupil under Section 25e.

REPORTING MEMBERSHIP

The district may report the enrollment and attendance information to the Center for Educational Performance and Information (CEPI) through the pupil transfer process within 30 days after the transfer or within 30 days after the pupil membership count certification date, whichever is later. The pupil membership auditor will deny requests that do not comply with the 30-day requirement. Section 25e transfer requests may be submitted no earlier than the first day after the certification deadline for the Pupil Membership Count Day and must be submitted before the Supplemental Count Day.

The district shall report the "First Day in Attendance" as the first date that the pupil attended all scheduled classes with the district. If the pupil has enrolled in online classes, the date reported is the date when the attendance requirement was satisfied. The date must be after the pupil membership count date (first Wednesday in October) and before the supplemental count day (second Wednesday in February).

For more information on reporting Section 25e membership, refer to the guidance found on CEPI's website at: https://www.michigan.gov/cepi/0,1607,7-113-986_50502_53650---,00.html.

REVIEWING MEMBERSHIP TRANSFER REQUESTS

The claiming district and the district that will be impacted by the Section 25e claim are responsible for reviewing the reported information. If a discrepancy is found, the pupil membership auditor should be notified immediately.

The pupil membership auditor reviews requests for membership transfer to ensure that attendance information is accurate and that the amount of FTE claimed is valid.

For more information on reviewing Section 25e membership transfer requests, refer to the guidance found on CEPI's website at: https://www.michigan.gov/cepi/0,1607,7-113-986_50502_53650---,00.html.

SECTION 25E REPORTS

CEPI provides a detailed membership transfer report, which is available to authorized users through the MSDS under "Section 25e," called "Section 25e Summary Report." This report contains student level information and, for that reason, is only accessible to users with proper authorization.

This report will aid the district in reconciling Section 25e membership adjustments that have been included in the Fall membership figures in the district State Aid Financial Status Report.

Additionally, districts are able to view the current amount of FTE that has been gained or lost to date under the "Summary" tab of the "Audit Form" within MSDS.

FTE CALCULATION

The amount of FTE that will be transferred as a result of a Section 25e claim depends on the amount that was claimed on Pupil Membership Count Day by another district and the number of days that the pupil has been enrolled with the district.

CEPI has provided detailed formulas in "Appendix B: Section 25e FTE Calculation" of the "Section 25e User Guide" located at: http://mi.gov/documents/cepi/Section25_User_Guide_437077_7.pdf

In addition, this process depends on a common financial calendar for FTE proration. The financial calendar is available on CEPI's website at: https://www.michigan.gov/cepi/0,1607,7-113-986_50502_53650---,00.html

STATUTORY AND OTHER REFERENCES

State School Aid Act

MCL 388.1606

MCL 388.1606a

MCL 388.1625e

QUESTIONS AND ANSWERS

Q# 1 What is considered to be the pupil's first date of attendance?

A# 1 The first date of attendance is either attendance or participation in each course on the pupil's schedule, or for a virtual learning pupil, one completed two-way interaction that covers all courses on the pupil's class schedule.

Q# 2 When should auditors start reviewing 25e claims?

A# 2 It is requested that auditors hold-off on approving Section 25e claims until after the second week of December. This will allow time for auditors to ensure accurate data is captured prior to the start of FTE being moved among districts.

5-Q-C: VISA PROGRAM PUPILS

This section applies to noncitizens of the United States who are in this country under visas allowing them to study here. These individuals include individuals holding F-1 visas (student visas) and those participating in exchange visitor programs who hold J-1 visas (exchange visitor visas).

REQUIREMENTS FOR COUNTING IN MEMBERSHIP

All of the following requirements must be met for membership purposes:

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(4) or MCL 388.1606(6)) 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(4), MCL 388.1606(8), and MCL 388.1606a).
3) The pupil has not met all requirements to be eligible to receive a high school diploma or a high school equivalency credential such as a General Educational Development (GED) in the United States and has not received an equivalent credential in his or her home country.
4) The pupil meets the age of enrollment requirements established by Section 6(4)(l) of the State School Aid Act (MCL 388.1606(4)(l)), and his or her age and identity have been verified in accordance with Section 1135 of the Revised School Code (MLC 380.1135).
5) The pupil and teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, were present and engaged in instruction.
6) The pupil was enrolled in all courses on or before count day and the course title (as published in the course catalog or list) or board-approved course name is reflected on the pupil's class schedule and transcript.
7) The course must be capable of generating credit toward a high school diploma. Earned credit is recorded on the pupil's transcript.

CALCULATING MEMBERSHIP

The following factors are relevant in a determination of membership of pupils enrolled under this section:

1) The length of the pupil's enrollment.

   A pupil who, at the time of enrollment, is determined to be attending the district for only a portion of the school year should have the membership for the pupil prorated to reflect the length of the school year that will be attended.

2) The type of enrollment.

   If the pupil is a foreign exchange pupil enrolled under a cultural exchange program or if the pupil does not have at least 1 parent or legal guardian who is a resident of Michigan, the pupil is not eligible to enroll in postsecondary courses under Section 3 of the Postsecondary Enrollment Options Act (MCL 388.913) or under Section 3 of the Career and Technical Preparation Act (MCL 388.1903).

PUBLIC SCHOOL ACADEMIES

Public school academies, which include urban high school academies, schools of excellence, and strict discipline academies, shall not enroll a child who is not a Michigan resident unless the pupil is a foreign exchange pupil who is not a citizen of the United States. See Sections 504, 524, 556, and 1311g of the Revised School Code (MCL 380.504, 380.524, 380.556, 380.1311g).

REPORTING REQUIREMENTS

A district that enrolls foreign pupils under this section shall provide a list of such pupils to the pupil membership auditor at the auditor's request. The list shall indicate if the district claimed a pupil in

membership and whether a pupil paid tuition. Pupils who are in the United States under F-1 or J-1 visas are reported in MSDS with program participation code 9120.

Additional guidance regarding the enrollment of foreign pupils is located here https://mi.gov/documents/mde/foreign_students_ada_597635_7.pdf.

A sample tracking form is found at Appendix C-5 of this manual.

STATUTORY AND OTHER REFERENCES

State School Aid Act
MCL 388.1606
MCL 388.1606a
MCL 388.1701

Revised School Code
MCL 380.504
MCL 380.524
MCL 380.556
MCL 380.1135
MCL 380.1135g

Postsecondary Enrollment Options Act
MCL 388.513

Career and Technical Preparation Act
MCL 388.1903

Administrative Rule
R 340.2
R 340.3
R 340.11

QUESTIONS AND ANSWERS

Q# 1 To establish a foreign pupil's identity and age, in place of a birth certificate, may a local district accept a pupil's passport and the notarized affidavit of the pupil's host parent or guardian explaining the inability to produce a copy of the pupil's birth certificate?

A# 1 Yes.

Q# 2 A foreign exchange pupil is moving out of the district to stay with a different host family but will still be attending the current district. If a foreign exchange pupil must meet the same residency requirements as all other pupils does the current district have to get a release from the district he will be residing in?

A# 2 If the pupil moves out of the district after the count day, he or she may continue enrollment in the district through the end of the school year and the district is not required to obtain a release from the new resident district.

6-A: EXPERIENTIAL LEARNING COURSES

The requirements for including pupils in membership based on their enrollment and participation in experiential learning courses are set forth below.

REQUIREMENTS FOR COUNTING IN MEMBERSHIP

An experiential learning course is a course that may be counted toward a pupil's 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(4) or MCL 388.1606(6)) and any other applicable statute.
2) The pupil shall be registered, enrolled, and participating in the course pursuant to Section 6(4), Section 6(8) and Section 6a of the State School Aid Act (MCL 388.1606(4), MCL 388.1606(8), and MCL 388.1606a).
3) A teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, is the teacher of record who provides the instruction.
4) The pupil must be enrolled in grades 9 to 12.
5) The course is a combination of instruction and direct experience.
6) The primary responsibility of the teacher of record of the course must be delivering instruction to the enrolled pupils. The teacher shall not be concurrently teaching another course.
7) A grade and credit must be given based on assessment of more than general employability skills and must include assessment of knowledge and mastery of skills specific to the direct experience.
8) Attendance must be taken and documented for both the classroom instruction and direct experience components of the course.
9) The course (including the direct experience), the curriculum, and the learning objectives must be approved by the local school district board.
10) The board-approved curriculum and course must have identifiable content standards and expectations specific to the direct experience and must be progressive in nature.
11) The learning objectives shall not be limited to general employability skills, such as punctuality and developing good work habits, but shall relate to skills specific to the direct experience.
12) The experiential learning course shall not be used solely as the one course requirement for eligibility to participate in dual enrollment.
13) The pupil is limited to one experiential learning course per semester.
14) The pupil shall not replace an employee when engaging in the direct experience component of the course.
15) The pupil shall have an education development plan (EDP) in place.

TERMINOLOGY

Direct Experience Component – This describes the time where the pupil is placed into an environment where the skills and knowledge gained through the classroom instructional time can be applied. The direct experience component is distinct from and in addition to the classroom instructional time.

Learning Objectives - Learning objectives are statements that define the expected goal of a course in terms of demonstrable skills or knowledge that will be acquired by a pupil as a result of instruction.

EXAMPLES OF ELIGIBLE EXPERIENTIAL LEARNING COURSES

The following are some examples of courses that may be eligible for membership purposes under this section.

- Example 1: Librarian Assistant Course

  The course is included in the course catalog. The pupil attends and receives curriculum-based instruction from the certificated teacher that has been approved by the board of education of the school district or the board of directors of the public school academy. The curriculum and learning objectives are specifically related to skills necessary for a library career and not only to general employability skills. The pupil receives a syllabus that identifies progressive instruction regarding the skills necessary for a library career; direct experience that includes exposure to and guidance related to skills specific to a library career and the opportunity to practice those skills; tests that assess progress in mastering skills and acquiring knowledge related to employment in general and specifically to a library career. The pupil is eligible to receive credit toward a high school diploma through the issuance of a grade that is not pass/fail.

- Example 2: Classroom Teacher Assistant Course

  The course is included in the course catalog. The pupil attends and receives curriculum-based instruction from the certificated teacher that has been approved by the board of education of the school district or the board of directors of the public school academy. The curriculum and learning objectives are specifically related to skills necessary for a classroom teaching career and not only to general employability skills. The pupil receives a syllabus that identifies progressive instruction regarding the skills necessary for a classroom teaching career; direct experience that includes exposure to and guidance related to skills specific to a classroom teaching career (which may include, but are not limited to, tutoring other pupils) and the opportunity to practice those skills; tests and quizzes that assess progress in mastering skills and acquiring knowledge related to employment in general and specifically to a classroom teaching career. The pupil is eligible to receive credit toward a high school diploma through the issuance of a grade that is not pass/fail.

- Example 3: Physical Education Teacher Assistant Course

  The course is in the course catalog. The pupil attends and receives curriculum-based instruction from the certificated teacher that has been approved by the board of education of the school district or the board of directors of the public school academy. The curriculum and learning objectives are specifically related to skills necessary for a physical education teaching career and not only to general employability skills. The pupil receives a syllabus that identifies progressive instruction regarding the skills necessary for a physical education teaching career; direct experience that includes exposure to and guidance related to skills specific to a physical education teaching career and the opportunity to practice those skills; tests and quizzes that assess progress in mastering skills and acquiring knowledge related to employment in general and specifically to a physical education teaching career. The pupil enrolled is eligible to receive credit toward a high school diploma through the issuance of a grade that is not pass/fail.

EXAMPLES OF COURSES THAT ARE INELIGIBLE FOR EXPERIENTIAL LEARNING:

Some examples of courses that are not considered experiential learning courses for purposes of membership are courses with direct experiences as follows:

- Example 1: A course that includes a direct experience that requires the pupil to act as a teacher's aide or office aide, with primary duties being the performance of basic clerical tasks such as photocopying, delivering and retrieving messages, and taking attendance.

- Example 2: A course that includes a direct experience that requires the pupil to act as a nurse's aide, with primary duties being the performance of basic employability tasks that are not specific to a career as a school nurse.

- Example 3: A course that includes a direct experience that requires the pupil to act as a maintenance or cafeteria aide, with primary duties such as emptying trash and washing tables.

Note: This does not prevent the in-district placement of a pupil in these areas if the work-based learning experience relates to a state-approved career and technical education program or, if the pupil receives special education services, if it is directly related to the postsecondary career and employment goals and objectives in the pupil's transition services plan.

HOW TO CALCULATE FTE FOR PUPILS IN EXPERIENTIAL LEARNING COURSE PROGRAM

The experiential learning course is part of the pupil's class schedule and the pupil is assigned to a certificated teacher. The course is offered at the school during normal school hours. Each pupil is limited to one experiential course per semester or term. FTE for the experiential learning course is treated the same as any other instructional course on the pupil's class schedule and shall not generate more instructional minutes than one class period.

STATUTORY AND OTHER REFERENCES

Administrative Rule

340.14

340.1733

Decision of the State Superintendent

Plainwell Community Schools (MA 18-1)

QUESTIONS AND ANSWERS

Q# 1 District A has an "Office Skills" course and places an enrolled pupil in the principal's office to answer telephones, type letters, and perform similar tasks for one hour each day. Can the district count the pupil in membership under this section?

A# 1 No. This would not be an eligible experiential learning course. For example, to be eligible, a course must include instruction by a teacher certified for the grade level or by an individual working under a valid substitute permit, authorization, or approval issued by the Department. There must be a syllabus that includes specific learning objectives that do not relate solely to general employability skills and the classroom instruction must be specific to the skills involved in the direct experience that are beyond general employability skills.

Q# 2 Can a pupil be counted in membership based on assignment as a janitor aide through an independent study?

A# 2 No. A janitor aide through independent study is not eligible to be counted for membership.

Q# 3 Can a pupil enrolled in an eligible experiential learning course work before and after school in the school library or the school office?

A# 3 Yes. The requirements for experiential learning only apply to the time that is included in the calculation of the pupil's FTE for state aid membership purposes. Counting a pupil in membership based on enrollment in an eligible experiential learning course does not preclude after-school employment that would not itself qualify as the direct experience component of an experiential learning course.

6-B: PEER-TO-PEER ELECTIVE COURSE CREDIT PROGRAM

Peer-to-peer course credit programs represent one model of 21st century instructional design that incorporates applied (experiential) learning in a nontraditional manner. For example, just as algebra content may be embedded into a CTE course/credit program, so may peer-to-peer content be embedded into a general or special education program. The pupil completing the requirements for the credit, as set forth in the local board of education approved program, earns the credit for a peer-to-peer course. As an applied and experiential learning credit program, the time assigned to a class with a pupil with an IEP, which includes teacher supervision and pupil performance assessment, is bona fide instructional time.

A peer-to-peer program is a strategy for providing ongoing support and modeling by a peer-to-peer support pupil (called a LINK for the purposes of this document) to a pupil with an Individualized Educational Program (IEP). It encompasses both the academic and social domains and results in benefits for both sets of pupils. It is considered one of the most effective evidence-based practices for the social development of students with social needs and for a LINK, it offers a number of learning benefits including increased empathy toward individuals with disabilities, increased knowledge of human differences, and increased organization skills and skills in responsibility, problem-solving, decision-making, and accountability. Additionally, for pupils at risk of school failure, serving as a LINK can increase grades, reduce behavioral referrals, and increase attendance.

Definitions: For the purposes of clarity, the following terms will be used in this document.

a. LINK – a peer-to-peer pupil who is enrolled in a peer-to-peer Elective Course Credit Program and who serves as a peer support (i.e., LINK) to a pupil with an IEP.

b. LINKS – a common name used for the board approved peer-to-peer Course Credit Program.

A certified teacher, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, MUST be assigned to an elective peer-to-peer course credit program. Depending on the optional model(s) implemented, the teachers may be in special education or general education programs.

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(4) or MCL 388.1606(6)) 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(4), MCL 388.1606(8), and MCL 388.1606a).
3) The peer-to-peer pupil must be enrolled in grades 6-12.
4) Curriculum is approved by the local board of education.
5) Instructional objectives are established by the approved peer-to-peer support curricular content.
6) The peer-to-peer pupil is provided a course syllabus.
7) The peer-to-peer teacher must provide lesson plans and the grading criteria for each peer-to-peer course or credit.
8) The teacher records daily attendance for the peer-to-peer pupil.
9) The teacher of record completes pupil assessment and grading.

MODELS FOR IMPLEMENTING PEER-TO-PEER

<u>MODEL 1</u>

General education elective for both the LINK pupil and the pupil with an IEP.

a. Both the LINK and the pupil with an IEP are enrolled in a general education peer-to-peer course elective and attend the elective course together.

b. A certified teacher, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, is assigned to teach a general education peer-to-peer (i.e., LINKS) elective course and serve as the teacher of record, provides training, facilitates case conferences, and gives the grade for both sets of pupils. Additional training, assignments, and or case conferences between the pupils and teacher of record may take place outside of the class if needed.

MODEL 2

General education elective taught by a peer-to-peer certified teacher, or an individual working under a valid substitute permit, authorization, or approval issued by the Department.

a. A pupil with an IEP is enrolled in a general education content course (e.g., pre-algebra) or a special education course and is receiving instruction and a grade in that course.

b. A LINK is enrolled in a general education peer-to-peer elective course and is receiving an elective course grade.

c. The LINK reports to the elective peer-to-peer teacher for attendance but then attends the general or special education content course with the pupil with an IEP.

d. The peer-to-peer teacher teaches the general education peer-to-peer elective course and serves as the teacher of record, provides training, facilitates case conferences, and gives the grade for the LINK in the elective course. Supervision of the LINK is ongoing by the peer-to-peer teacher and in coordination with the general education teacher(s) in the general education content course that the LINK attends with the pupil with an IEP. The peer-to-peer elective teacher may schedule additional training and case conferences for the LINK.

MODEL 3

General education elective taught by general education teacher who is also teaching a general education content course.

Exception: A general education teacher will instruct, assess, and assign grades for two separate interrelated courses at the same time. One is a general education content course in which the pupil with an IEP is enrolled and the other is the general education peer-to-peer elective that the LINK is taking.

a. A pupil with an IEP is enrolled in a general education content course (e.g., pre-algebra) and is receiving instruction and a grade in the course.

b. A LINK is enrolled in a general education elective course called a “peer-to-peer” course and is receiving an elective course grade.

c. The LINK attends the general education content course with the pupil with an IEP and reports to the general education teacher (who is both the peer-to-peer teacher and the content course teacher) for attendance.

d. The general education teacher teaches the general education peer-to-peer elective course and serves as the teacher of record, provides training, facilitates case conferences, and gives the grade for the LINK in the elective course. At the same time, the general education teacher teaches the content course in which the pupil with an IEP is enrolled. Additional training and case conferences between the LINK and the general education teacher may take place outside of the general education class to which the LINK is assigned.

MODEL 4

General education elective taught by special education teacher who is also teaching a special education program.

Exception: Required - A special education teacher will instruct, assess, and assign grades for two separate interrelated courses at the same time. One is the special education program in which the pupil with an IEP is enrolled and the other is the general education peer-to-peer elective that the LINK is taking.

a. The pupil with an IEP is enrolled in a special education program and receives instruction in that program.

b. The LINK is enrolled in a general education elective course and is receiving an elective course grade.

c. The LINK reports to the special education teacher for attendance and attends the special education program with the pupil with an IEP.

d. The special education teacher teaches a general education course called “peer-to-peer,” and serves as the teacher of record, provides training, facilitates case conferences, and gives the grade for the LINK in the elective course, which is delivered in the special education class. The special education teacher is teaching the special education program at the same time. Additional training or case conferences between the LINK and special education teacher may take place outside of the general education class to which the LINK is assigned.

IMPORTANT: NEW Nonconventional Category for the 2021-2022 school year.

6-C: FUTURE PROUD MICHIGAN EDUCATOR EXPLORE PROGRAMS

Courses that run as Future Proud Michigan Educator (Future PME) Explore programs will invite pupils to explore the teaching profession through a combination of direct instruction and clinical experience.

While the structure of the student experience will vary depending on the model, all programming will meet the Future PME Explore competencies as set by the Michigan Department of Education (MDE). Additionally, Future PME Explore programs will use MDE provided curriculum and adopt the following goals:

- promote positive messaging about the teaching profession and teachers,
- increase the number of pupils interested in education professions,
- offer programming that is flexible, inclusive and equity focused,
- reduce barriers to higher education/educator preparation.

REQUIREMENTS FOR COUNTING IN MEMBERSHIP

A Future PME Explore experience may be counted toward a pupil's 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(4) or MCL 388.1606(6)) and any other applicable statute.
2) The pupil shall be registered, enrolled, and participating in the course pursuant to Section 6(4), Section 6(8) and Section 6a of the State School Aid Act (MCL 388.1606(4), MCL 388.1606(8), and MCL 388.1606a).
3) The district satisfied the teacher certification requirements as defined below for the model and placement type selected for the pupil.
4) The district must satisfy the attendance requirement as defined for the model and placement type selected for the pupil.
5) The pupil is enrolled in grades 6-12.
6) Future PME Explore curriculum is approved by the local board of education.
7) Instructional objectives are established by the teacher and support Future PME Explore curricular content.
8) The pupil is provided a course syllabus.
9) The course is a combination of instruction and clinical experience.
10) The pupil shall not replace an employee when engaging in the direct experience component of the course.
11) If the pupil is enrolled in virtual learning through this program, and the pupil will take the courses at a location other than a school facility, the following conditions must be met per Bond v Ann Arbor School District, 383 Mich 693 (1970):
    a. The district is required to pay the costs associated with providing the pupil with a computer. The computer must support Internet capacity and appropriate software configuration for use by the pupil at home while enrolled in distance learning.
    b. The district must offer to provide Internet access. The Internet capacity shall provide at least 3 Mbps download and 1 Mbps upload speeds.

TERMINOLOGY

Clinical Experience – Experiences outside direct instruction with the teacher of record, which afford the pupil an opportunity to receive mentorship from a practicing teacher, apply knowledge and gain participatory experiences with learners. Clinical experiences embedded within Future PME EXPLORE coursework can count toward Exploratory hours during the Apprenticeship phase of a pupil's educator preparation program, should the pupil pursue a program of study at a cooperating Michigan college or university.

Clinical Mentor – The teacher guiding a pupil's clinical experience.

Learning Objectives – Statements that define the expected goal of a course in terms of demonstrable skills or knowledge that will be acquired by a pupil as a result of instruction. While the Future PME Explore competencies are set by MDE, the teacher of record will assess pupil learning, progress and will be responsible for grading.

MODELS FOR IMPLEMENTING FUTURE PROUD MICHIGAN EDUCATOR EXPLORE PROGRAMS

1. EXPLORATORY MODEL

1) General education elective designed to support pupils as they discover the teaching profession through guided instruction and scaffolded experiences.
2) Design options for the student learning experience:
   a) Teaching Overview - explore a range of grade levels/subjects during class time and allow early and broad thinking about teaching.
   b) Grow Your Own – expand knowledge of the local district community and culture, needs and vision and encourage pupils to return to the district as teachers.
   c) Targeted - emphasize the skills and knowledge specific to a target area/population for which there is a need for more teachers (special education, English learners, STEM, teachers of color).
   d) College/University Partnership - establish or deepen a partnership between the K-12 school and the educator preparation program (EPP) with the goal of growing future teachers, teacher candidates and school-based teacher educators.
3) Teacher certification requirement: A certified teacher with any endorsement is the teacher of record who provides the instruction. Alternatively, the course can be staffed with an individual working under a valid substitute teaching permit that also meets course-specific staffing criteria.
4) Attendance: Attendance must be taken and documented for both the instructional and clinical experience components of the course. Both experiences will deliver instruction similar to any other instructional course (i.e. during the traditional school day, with face-to-face instruction, hybrid instruction, remote instruction).

2. CLINICALLY FOCUSED MODEL

1) General education elective designed to allow pupils to experience the teaching profession and reflect with supplemental virtual instruction.
2) Design options for the student learning experience:
   a) Virtual - regular attendance in a traditional classroom as a clinical site, supplemented by Michigan Virtual curriculum and asynchronous instruction. The LEA will need to secure a clinical placement site and mentor for the enrolled pupil.
   b) Out-of-School Time - regular attendance in sites that offer instruction outside a traditional classroom (after-school, weekends, summer) supplemented by virtual curriculum and asynchronous instruction. The LEA will secure a clinical placement and decide whether to enroll the pupil in Michigan Virtual course or to staff the course with a certified teacher.
   c) Peer-to-Peer - work side-by-side with a pupil with a 504 or IEP, under the supervision and instruction of a certified teacher with a special education endorsement (see section 6B for reference). This teacher serves as the clinical mentor and teacher of record. Curricular instruction may be synchronous or asynchronous.
   d) Flipped – regular attendance in a traditional classroom as a clinical site, supplemented by instruction with the certified teacher in that same site. Teacher serves as the clinical mentor and teacher of record. Curricular instruction may be synchronous or asynchronous.
3) Teacher certification requirement:
   a) Virtual - A certified teacher with any endorsement is the teacher of record who provides the instruction. Alternatively, the course can be staffed with an individual working under a valid substitute teaching permit that also meets course-specific staffing criteria.

b) Out-of-School Time - A certified teacher with any endorsement is the teacher of record who provides the instruction. Alternatively, the course can be staffed with an individual working under a valid substitute teaching permit that also meets course-specific staffing criteria.

c) Peer-to-Peer - A certified teacher with any endorsement is the teacher of record who provides the instruction. Alternatively, the course can be staffed with an individual working under a valid substitute teaching permit that also meets course-specific staffing criteria.

i) This teacher would also need to hold a certification in the subject/grade level of the pupil's clinical experience placement.

d) Flipped - A certified teacher with any endorsement is the teacher of record who provides the instruction. Alternatively, the course can be staffed with an individual working under a valid substitute teaching permit that also meets course-specific staffing criteria.

i) This teacher would also need to hold a certification in the subject/grade level of the pupil's clinical experience placement.

4) Attendance: Attendance must be documented for the instructional and clinical experience components of the course. Experiences may/may not occur during the traditional school day.

a) Virtual and Out-of-School Time –

i) Required components: Teacher, Mentor, and Two-way Interaction

ii) A mentor must be assigned to the pupil. The mentor's contact information must be given to the course provider. The mentor must be the clinical experience Mentor teacher.

iii) The pupil has parent or legal guardian consent for enrollment in the virtual course(s).

iv) To satisfy the participation requirement:

(1) The pupil and the teacher of record must complete a two-way interaction for one course per week for each week of the four (4) week count period. See the description of two-way interaction in the section following for more detail on this requirement.

-OR-

(2) The pupil must complete a combination of one or more of the following activities for each scheduled course on count day:

(a) Documented attendance in a virtual course where synchronous (live) instruction occurred with the teacher.

(b) Documented completion of a course assignment.

(c) Documented completion of a course lesson or lesson activity.

(d) Documented pupil access to an on-going lesson; this is not a login.

(e) Documented physical attendance on count day in each course may be used for pupils who will attend at least 50% of the instructional time for each course on-site, face-to-face with the teacher of record.

b) Peer-to-Peer and Flipped – Attendance must be taken and documented for both the instructional and clinical experience components of the course. Instruction may/may not occur during the traditional school day.

<u>3. CONTENT FOCUSED MODEL</u>

1) Subject-specific course designed for pupils to investigate the teaching profession through direct participation in a focused experience aligned with a core content area.

2) Design options for the student learning experience:

a) Early core courses - instructional and clinical experiences are designed to allow pupils to survey the broad aspects of the content area while highlighting knowledge acquisition in the specific discipline.

b) Late core courses– instructional and clinical experiences are designed to leverage flexible standards to deepen content area understanding and highlight learning strategies or routines specific to the discipline.

3) Teacher certification requirement: A certified teacher holding the appropriate endorsement for the content area and grade level is the teacher of record who provides the instruction. Alternatively, the course can be staffed with an individual working under a valid substitute teaching permit that also meets course-specific staffing criteria.

4) Attendance: Attendance must be taken and documented for both the instructional and clinical experience components of the course. Instruction will be face-to-face during the traditional school day. Clinical experiences will be subject-specific and may/may not occur during the traditional school day.

STATUTORY AND OTHER REFERENCES

State School Aid Act

MCL 388.1606

MCL 388.1620

MCL 388.1621f

MCL 388.1701

Revised School Code

MCL 380.1231

MCL 380.1281

MCL 380.1311

MCL 380.1311a

Administrative Rules

R 340.11

R 340.12

R 340.18

Appellate Court Decision

Bond v Ann Arbor School District, 383 Mich 693 (1970)

State Board of Education Guidance

State Board of Education Position Statement on Free Textbooks, Materials and the Charging of Fees (1972)

APPENDIX A: GLOSSARY OF TERMS

Advocate
An adult available to meet in person with assigned pupils, as needed, to conduct social interventions, to proctor final examinations, and to provide academic and social support.

Attendance
The presence of a pupil on scheduled school days under the guidance and direction of a teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, either at or away from school.

Building/Program Alpha List
An alphabetized list by grade of all pupils in each building who are eligible for membership. It is also referred to as an Official Membership list, an Alpha List, or ACA 15.

Career and Technical Education (CTE) Course
Courses (or programs) approved by the state or local school board for CTE.

Cooperative Education Program
A program that results from a written, voluntary agreement between two or more local districts to provide educational programs for pupils in certain groups from various districts.

Count Day(s)
The officially established day(s) used in determining pupil memberships (the number of full-time equated pupils) reported for state school aid.

Count Period
The period of time when pupils absent on the count day can still be included in membership for state school aid. For pupils absent on the count day with an excused absence, the count period includes the next 30 calendar days. For pupils absent on the count day with an unexcused absence, the count period includes the next 10 consecutive school days.

Day of Instruction
A day when pupils and a teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, (either district-wide or in a particular building/program) are present and instruction is scheduled for the entire pupil membership.

District-Paid Tuition Pupil
A nonresident pupil who attends an educating district under arrangements made by the district of residence, and for whom the district of residence is legally liable for the payment of the tuition.

District-Wide Calendar
A school calendar that has days of operation that are universal to all buildings and programs within the district. Individual building or program hours of operation on those universal days may vary for activities such as parent/teacher conferences and staff development.

Dual Enrollment
See Postsecondary Enrollment.

Education Development Plan (EDP)
A plan designed to assist a pupil in identifying career development goals as they relate to academic requirements.

Educating District
A local or intermediate school district that provides instructional services to a pupil.

Education Management Organization
A private provider that operates 1 or more dropout recovery program that meet the requirements of Section 23a of the State School Aid Act (MCL 388.1623a) in partnership with 1 or more districts.

Enroll
The act of a pupil appearing in person at a school at any time during the current school term with an intent to attend the school.

Extended Learning Opportunity (ELO)
An optional experience associated with a curricular offering.

Extended School Year
An educational program operated beyond the traditional schedule. Such programs must provide the mandatory days and hours of instruction not more than 365 calendar days after the pupil's first day of attendance.

Full Attendance (Section 23a)
Compliance with both of the following: 1) a personalized learning plan is in place on or before the first school day of the month for the first month the pupil participates in the program and 2) the pupil meets the district's definition under Section 23a of the State School Aid Act (MCL 388.1623a) for satisfactory monthly progress for that month or, if the pupil does not meet that definition of satisfactory monthly progress for that month, the pupil did meet that definition in the immediately preceding month and appropriate interventions are implemented within 10 school days after it is determined that the pupil does not meet that definition.

Full Time Equated (FTE)
An individual pupil's pro rata share of membership. With few exceptions, the reported membership for an individual pupil may not be greater than 1.00 FTE. See Membership Exceptions in Section 3: Pupil Membership Count Requirements of this manual.

General Education
Instructional programs provided to all pupils in grades K-12, not including adult education programs.

Home-based Pupil
A pupil who is provided with an individualized program and who works one-on-one with a teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, and the lessons are conducted in the pupil's home or at a site away from the general school population as the result of disciplinary action.

Homeschooled Pupil
A pupil who is being educated at the pupil’s home by his or her parent or legal guardian.

Homebound/Hospitalized Pupil
A pupil unable to physically attend school because of a medical condition that confines the pupil to home or a hospital for a period longer than five school days. Specific criteria are contained in the Homebound/Hospitalized section of the manual.

Individualized Education Program (IEP)
A written instructional program developed for each special education pupil that identifies specific needs of the pupil.

Individualized Educational Program Team (IEPT)
A group responsible for development of the Individualized Education Program for each special education pupil.

Membership
The full-time equated (FTE) number of pupils enrolled and in regular daily attendance on the official count day in accordance with the State School Aid Act and administrative rules. With few exceptions, the reported membership for an individual pupil may not be greater than 1.00 FTE. See Membership Exceptions in Section 3: Pupil Membership Count Requirements of this manual.

Mentor
A professional employee of the district who monitors the pupil's progress, ensures the pupil has access to needed technology, is available for assistance, and ensures access to the teacher of record. A mentor may also serve as the teacher of record if the mentor meets the definition of a teacher of record.

Nonpublic Pupil
A pupil who is being educated by a private, denominational, or parochial school.

Nontraditional (Nonconventional) Pupil
A pupil participating in special programs such as choice, cooperative education, homebound/hospitalized, part-time, reduced schedule, nonpublic part-time, split schedule, special education transition services, and worksite-based.

Nonresident
A pupil who lives outside of the geographic boundaries of a school district and does not meet the other residency requirements outlined in the Pupil Residency section of the manual.

Parent-Paid Tuition Pupil
A nonresident pupil who attends the educating district through a request from a parent or guardian, and whose parent or guardian has agreed to pay the tuition charges for that pupil. The educating district must also have a written release from the district of residence to claim the pupil for membership.

Part-Time Pupil
A part-time pupil is a public school pupil who is enrolled in grades one through twelve and scheduled for fewer than the minimum number of hours of pupil instruction, who does not meet the requirements and has not been approved for a reduced schedule, but who meets all other state aid membership eligibility requirements. A part-time pupil may be enrolled and attending a single district, two or more local school districts, the intermediate and a local school district, or a public school academy and a local school district.

A shared time pupil is also considered part-time. See shared time pupil definition.

Passing Time
An allowance included in the determination of an instructional hour for time required for pupils to move from one class to another. Specific guidelines for passing time are included in the Pupil Days and Hours of Instruction section of the manual.

Performance Elements (CTE)
Elements that contribute to the pupil's progress toward a career objective. The performance elements shall be used to assess the pupil's program. Performance elements must be utilized to develop CTE programs that contribute to the pupil's progress toward a career objective. CTE programs must adhere to the performance elements established by the Office of Career and Technical Education (found at http://ctenavigator.org). Work-based learning experiences, apprenticeships, and internships, which are not state-approved, may use these performance elements or use those from a resource such as this website: http://online.onetcenter.org.

Postsecondary Enrollment (Dual Enrollment)
A pupil enrolled in both the district and a degree-granting postsecondary institution that meets criteria outlined in the Postsecondary Enrollment Pupils section of the manual.

Project-based Learning (PBL) Seat Time Waiver
Project-based learning (PBL) incorporates opportunities for pupils to gain knowledge and skills through the investigation of complex questions, problems, challenges, or tasks. This waiver is necessary if pupils will engage in self-scheduled PBL study where the content exists without online or computer-based components. The district must present the program implementation plan to the intermediate district auditor for his or her review. The plan must detail how the membership requirements will be satisfied. The intermediate district auditor may propose changes to the methods for satisfying the pupil membership requirements presented in the implementation plan. Following this review, the plan must be submitted to the Department.

Pupil
A person in membership in a public school district (LEA, PSA, or ISD) receiving instruction in grades K-12, special education, or alternative education.

Pupil Membership Count Day
The first Wednesday in October on which the pupil membership count is conducted, which is also referred to as the Fall Count.

Reduced Schedule Pupil
A full-time pupil who is receiving at least 80% of the minimum number of hours of instruction under an approved reduced schedule agreement as described in the Reduced Schedule Pupils section of the manual.

Resident
A pupil whose parent or parents live within the geographic boundaries of a school district or who meets the residency requirements outlined in the Pupil Residency section of the manual.

Resident District
The school district of a pupil whose parent or parents live within the geographic boundaries of the district or who meets the residency requirements outlined in the Pupil Residency section of the manual.

Satisfactory Monthly Progress (Section 23a)
An amount of progress that is measurable on a monthly basis and that, if continued for a full 12 months, would result in the same amount of academic credit being awarded to the pupil as would be awarded to a general education pupil completing a full school year. Satisfactory monthly progress may include a lesser-required amount of progress for the first 2 months a pupil participates in the program.

Schools of Choice
Section 105 of the State School Aid Act allows a local school district to enroll pupils from outside its district but within the intermediate district without obtaining a release from the resident district. Section 105c of the State School Aid Act allows a local school district to enroll pupils from outside its district and outside its ISD but within an ISD that is contiguous to the educating district's ISD without obtaining a release from the resident district.

Shared Time Pupil
A nonpublic or homeschooled pupil who enrolls on a part-time basis in a public school in grades K-12 in nonessential elective courses that are offered and available to the public school pupils at the same grade or age level.

Special Education Early Childhood Pupils
Pupils through age five who have an identified need for specialized educational services.

Split-Schedule Pupil
A pupil whose FTE is split between/among two or more buildings or programs within the same local school district.

State-Approved Career and Technical Education Programs
Designed for pupils that have successfully completed at least half of the minimum number of minutes. To be eligible for funding by the State of Michigan, a career and technical education program must be a state-approved wage-earning occupational preparation program or a state-approved non-wage earning Family and Consumer Sciences program. A federal CIP code number and descriptor identify each CTE program. Career and technical education programs should include classroom and laboratory experiences and work-based instruction. Instruction must be competency-based with either state or national curriculum or, when such curriculum does not exist, locally-developed curriculum and align with Michigan Curriculum Frameworks. Family and Consumer Science programs must also reflect Michigan FCS standards and benchmarks. All state-approved career and technical education programs have been divided into 12 segments for purposes of instructional delivery. After a pupil has successfully completed at least 6 of the 12 segments, they may be placed into a capstone CTE work-based learning experience. For a list of your school's state-approved career and technical education programs, you may visit the CTEIS website at www.cteis.com and click on "CTEIS Reports" and then click on "Secondary Taxonomy Report."

Study Hall
That period in a day when pupils from any grade level are together in one room and each pupil is working individually on his/her homework for any class.

Supplemental Count Day
The second Wednesday in February on which the supplemental pupil count is conducted, which is also referred to as the Spring Count.

Teacher of Record
A teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, employed by or contracted through a community college or university for courses provided by a community college or university; and who is responsible for providing instruction, determining instructional methods for each pupil, diagnosing learning needs, assessing pupil learning, prescribing intervention strategies, reporting outcomes, and evaluating the effects of instruction and support strategies. If Section 1231 of the Revised School Code (MCL 380.1231) applies, the teacher of record shall be employed by the district.

Unaccompanied Youth
The McKinney-Vento Act defines unaccompanied youth as "a homeless child or youth not in the physical custody of a parent or guardian" [42 USC § 11434a(6)]. Taking a closer look at the definition, two conditions must be present for a child or youth to be considered an unaccompanied youth under the McKinney-Vento Act: 1.) The child's or youth's living arrangement meets the Act's definition of homeless, and 2.) The child or youth is not in the physical custody of a parent or guardian.

Work Activity Center Services
This transition program uses paid employment in a work activity center, under a wage deviation, designed to provide career/vocational evaluation or therapeutic activities for disabled pupils with disabilities.

Work-Based Learning Experiences (WBLE)
A planned program of job training and other employment experiences related to a chosen career. The learning experience may be paid or unpaid, serves all students, and can be an in-school or out-of-school placement. A work-based learning experience is coordinated by the school district through a contract (training agreement) with an employer providing an educational experience related to school instruction (training plan) involving supervised work (employer) and monitored by a teacher certified for the grade level, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, employed by the district.

Written Learning Plan (Section 23a)
A written plan developed in conjunction with the advocate that includes the plan start and end dates, courses to be taken, credit to be earned for each course, teacher of record for each course, and advocate's name and contact information.

APPENDIX-B: ABBREVIATIONS/ACRONYMS

AI	=	Autistic Impaired
CEPI	=	Center for Educational Performance and Information
CTE	=	Career and Technical Education
EDP	=	Education Development Plan
EEM	=	Educational Entity Master
EI	=	Emotionally Impaired
ESL	=	English as a Second Language
FAPE	=	Free and Appropriate Public Education
FTE	=	Full-time Equivalency/Equated
IDEA	=	Individuals with Disabilities Education Act
IEP	=	Individualized Education Program
IEPT	=	Individualized Educational Program Team
IFSP	=	Individualized Family Services Plan
ISD	=	Intermediate School District
LD	=	Learning Disabled
LEA	=	Local Education Agency
LTCS	=	Less-Than-Class-Size Programs
MDE	=	Michigan Department of Education
MEMCA	=	Michigan Early Middle College Association
MME	=	Michigan Merit Exam
MSDS	=	Michigan Student Data System
OCTE	=	Office of Career and Technical Education
PBL	=	Project-Based Learning
POHI	=	Physically or Otherwise Health Impaired
PSA	=	Public School Academy
SCED	=	School Codes for the Exchange of Data
SEE	=	Shared Educational Entity
SEEC	=	Special Education Early Childhood
SLI	=	Severely Language Impaired
SOC	=	Schools of Choice
SRM	=	Student Record Maintenance
TCLE	=	Transition/Community Living Experiences
VI	=	Visually Impaired
WBLE	=	Work-Based Learning Experiences
WSBL	=	Worksite-Based Learning Experiences

APPENDIX-C: EXHIBITS

EXHIBIT 1 – AUDIT REVIEW PROCESS

Information pertaining to the audit review process is maintained in Chapter 4 of the Pupil Membership Auditing Manual (PMAM) located here:

https://www.michigan.gov/mde/0,4615,7-140-6605_9091---,00.html

EXHIBIT 2 – SAMPLE TWO-WAY INTERACTION FORM

Two-way Communication Log

Student Name: _____ Week # _____

Date: _____ Period(s): _____

Course Name / Subject: _____

Student Summary Questions:

1) What is your planned online schedule this week?

2) Which lesson gave you the most trouble this week?

3) Explain why the topic was difficult to understand.

4) If you did not attend during the planned online time for your course this week, please provide an explanation.

Student Signature: _____

Teacher of Record / Mentor Progress Notes:

Teacher of Record / Mentor Signature: _____

EXHIBIT 3 – SAMPLE TWO-WAY INTERACTIONS

Course Name	Student Comments	Teacher of Record	Teacher Comments
Algebra I	Currently working on Chapter 9. Need some help understanding Quadratic Equations.	Hanes	I would be happy to help you with that concept. Are you able to meet this week at the lab, or would you have time today for a Skype session?
Biology	Just finished my report on Cell Biology. Learned how RNA molecules play critical and diverse roles in a staggering number of cellular processes.	Redding	I received your report this morning and will have some feedback for you later today. It sounds like you enjoyed the RNA aspects of last week's lesson. RNA has important and diverse roles in biology, but molecular tools to manipulate and measure it are limited. Have you heard of CRISPR? If not, take a look at the following article to learn more about some amazing advancements in the area of RNA editing. https://www.nature.com/articles/nature24049
Computer Programming	I feel like I'm progressing well in this course. Starting to learn functional programming, its techniques, and its data structures. I would like to learn more about how I can use this language to interact with a database.	Hawkins	Once you have a grasp on functional programming, we will start working on algorithms, and from there you will be ready to segue into database interactions. Also start to explore some of the SQL projects that I have added to blackboard. You will need to understand the language structure to make calls to the database.
Law	Learning about the legislative process. I will be participating in the tour of the Capitol Building next week.	Bodine	The legislative process differs between the state and federal levels. Think about what differences you have discovered prior to your tour next week. We will be covering some of those at that time and I would like to have you add to the discussion.
English 10	Currently reading Amy Tan's The Joy Luck Club. Learning about how figurative language is used to highlight motives, and analyzing character interactions.	Kessler	Tan's book provides a prime example of Symbolism, Imagery, Allegory. During the marriage ceremony, there was a lighting of a two-ended red candle. What did this represent symbolically? Next week, I would like to have you read "The Raven" by Edgar Allan Poe. We will discuss the different uses of symbolism between the two authors once you have finished that reading.
Electronics	Currently learning about ohms law. Practicing my soldering technique. I will be coming into the lab next week to work on my circuit board layout.	Saltiziack	Sounds like you are making good progress through the curriculum. Please bring examples of your soldering work with you next week. Also, please bring a schematic of the circuit that you wish to build in your circuit board so that you can walk me through the design.

EXHIBIT 4 – SAMPLE TRAVEL TIME CALCULATIONS

Approved Travel Time Waiver Request

Example of Travel Waiver Approved

PA-45A - Tab 2
Hours of Instruction

School District: District A Public Schools | Building: High School | Grade: 10-12

Enter Name of ISD Prgrm(s) for Cohort: CTE | Session: 1 | School Year: 2017-2018

Regular Daily Schedule for Pupils in AM CTE Program

1. Activity	2. Start Time	3. End Time	4. Minutes	5. Passing Time Into Next Class	6. Total Minutes	7. Number of Regular Days Scheduled: (from calendar) 177
Travel	7:15 AM	8:00 AM	45	0	0	
CTE	8:00 AM	10:30 AM	150	0	150	
Travel	10:30 AM	11:15 AM	45	0	0	
Lunch Time	11:15 AM	11:45 AM	30	5	35	
4th Period	11:45 AM	12:35 PM	50	5	55	
5th Period	12:40 PM	1:30 PM	50	5	55	
6th Period	1:35 PM	2:25 PM	50	0	50	
			0	0	0	
			0	0	0	
Enter Manually - Total Minutes for Lunch					30	
Total Minutes (Less Lunch)					315	
Minutes Converted to Hours					5.25	929.25

Other Schedule (Identify): Half Day

1. Activity	2. Start Time	3. End Time	4. Minutes	5. Passing Time Into Next Class	6. Total Minutes	Number of Days for this Schedule (from calendar) 3
Travel	7:15 AM	8:00 AM	25	0	0	
CTE Class	8:00 AM	10:30 AM	150	0	150	
Travel	10:30 AM	11:15 AM	25	0	0	
			0	0	0	
			0	0	0	
			0	0	0	
Enter Manually - Total Minutes for Lunch					0	
Total Minutes (Less Lunch)					150	
Minutes Converted to Hours					2.50	Total Hours this Schedule at District (Days x Daily Hrs) 7.50

Other Schedule (Identify): Exam

1. Activity	2. Start Time	3. End Time	4. Minutes	5. Passing Time Into Next Class	6. Total Minutes	Number of Days for this Schedule (from calendar) 3
Exam	7:30 AM	9:15 AM	105	5	110	
Exam	9:20 AM	11:00 AM	100	0	100	
			0	0	0	
			0	0	0	
			0	0	0	
			0	0	0	
Enter Manually - Total Minutes for Lunch					0	
Total Minutes (Less Lunch)					210	
Minutes Converted to Hours					3.50	Total Hours this Schedule at District (Days x Daily Hrs) 10.50

Other Schedule (Identify):

1. Activity	2. Start Time	3. End Time	4. Minutes	5. Passing Time Into Next Class	6. Total Minutes	Number of Days for this Schedule (from calendar) 0
				0	0	
				0	0	
				0	0	
Enter Manually - Total Minutes for Lunch					0	
Total Minutes (Less Lunch)					0	Total Hours this Schedule at District (Days x Daily Hrs) 0.00
Minutes Converted to Hours					0.00	

(3) If MDE approved additional travel beyond 36 minutes daily, enter here:

MDE Appv'd Additional Daily Minutes	0.00
Days of Instr this ISD Prgm	180
Approved Waiver Hours	0.00

(1) ISD Program Hours	ISD Prgm #1 - Hours	450.00
	ISD Prgm #2 - Hours (if any)	0.00
	ISD Prgm #3 - Hours (if any)	0.00
ISD Prgm 1 =	Allowable Travel Hrs	108.00
ISD Prgm 2 =	App'd Waiver Hrs (if any)	0.00
ISD Prgm 3 =	Total Hrs at ISD Programs	558.00

(2) Hours at	High School Hours	497.25
	HS Hrs - Add'l Pgs (if any)	0.00
	Total Hrs at High School	497.25

(3) Total Hours & Total FTE	Total Hrs 1055.25	Total FTE 0.96

Claimed FTE cannot exceed 1.00

This section is used only to verify calculations, if that is helpful to you.

Regular Daily Schedule Check

CTE Hours

150 Total daily Minutes
x 177 Days
26550 Minutes
÷ 60
442.50 Hours

HS Hours

5 Lunch passing
55 4th Period
+ 55 5th Period
+ 50 6th Period
165 Total daily Minutes
x 177 Days
29205 Minutes
÷ 60
486.75 Hours

Total Hours Check

442.50 Hours
+ 486.75 Hours
929.25
- 929.25
0.00 +/- 1 for rounding

CTE Check

150 Total daily Minutes
x 180 Days
27000 Minutes
÷ 60
450.00 CTE Hours

Additional Travel Time Request

1098.00 Requirement
- 1055.25
42.75 Total Hours short
÷ 180
0.24 Hours needed per day
x 60
15 Additional minutes needed per day

Denied Travel Time Waiver Request

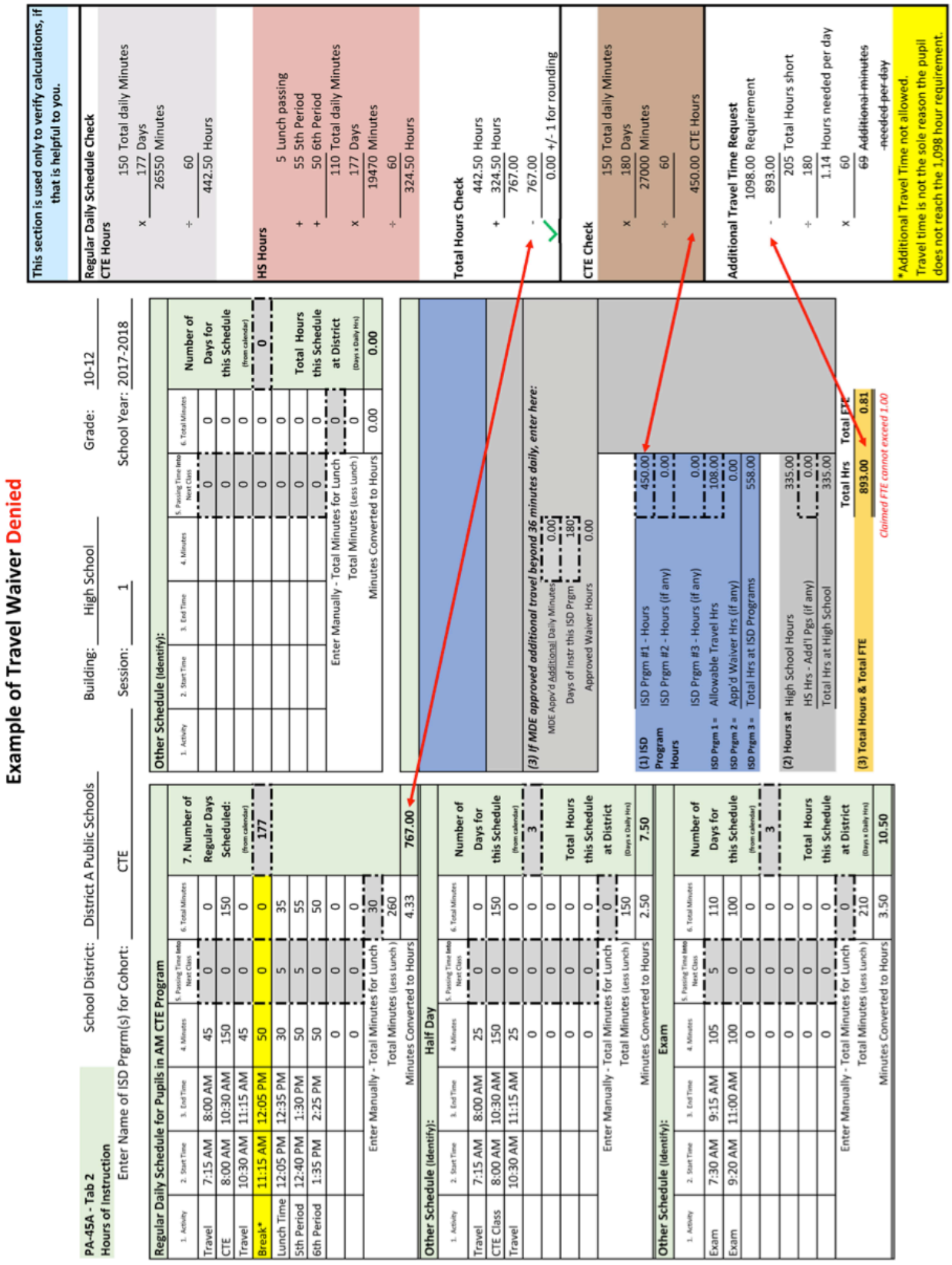


EXHIBIT 5 – SAMPLE VISA PROGRAM PUPIL TRACKING FORM

VISA PROGRAM PUPIL TRACKING FORM

District: _____ Count Date: _____

Building/Program: _____

Schools districts are required to track pupils who hold F-1 visas (student visas) and those who participate in exchange visitor programs who hold J-1 visas (exchange visitor visas). A visa pupil may be enrolled for a full school year, for 1 semester or trimester, or for any period of time. Pupils enrolled less than a full school year must have the FTE claim prorated to account for the period of the enrollment.

Pupil Name	**Grade**	**FTE Claimed**	**Visa Program Type** J1: Cultural Exchange Program or F1: Student Visa (F1 are tuition-paying pupils)	**Length of Enrollment** (e.g., full year, one semester, 3 weeks)