



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

MEMORANDUM

DATE: June 30, 2022

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

FROM: Delsa D. Chapman, Ed.D., Deputy Superintendent *DDC*
Division of Educator, Student, and School Supports
Kyle L. Guerrant, Deputy Superintendent *KG*
Finance and Operations

SUBJECT: Updated Guidance for Virtual/Online Teachers

The Michigan Department of Education (MDE) recognizes that there are many ways in which intermediate school districts and local education agencies (LEAs), both traditional public school districts and public school academies (PSAs), provide virtual/online coursework and instruction to students and ensure that every student has access to a prepared Michigan teacher to support content-specific learning. This document provides two new clarifications to the laws, rules, and guidance for certification, staffing, and reporting virtual/online courses initially issued in academic year 2021-22.

Appropriate placement is typically achieved when a teacher is assigned within the grade level *and* discipline/subject/content area of a valid Michigan credential that includes certificates, substitute permits, authorizations or approvals. The discipline area is often also commonly referred to as the subject area or content area.

[Public Act 165 of 2020](#) amended Section 6(8), page 8, of the state School Aid Act ([MCL 388.1606](#)) to clarify the definition of "class" to mean "...a period of time in 1 day when pupils and an individual who is appropriately placed under a valid Michigan certificate, substitute permit, authorization, or approval issued by the department, are together and instruction is taking place," which aligns to the typical appropriate placement guidance.

In some instances, appropriate placement allows teachers to be assigned outside the grade range or content area of the certificate. Examples of flexible placement include:

- Some grade ranges in the [revised certificate structure](#)
- Elective courses for which there are no endorsements (e.g., keyboarding)
- Alternative education program learning labs

Two new questions with answers have been added to previously issued guidance to update the placement of virtual/online teachers beginning in academic year 2022-23.

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608 WEST ALLEGAN STREET • P.O. BOX 30008 • LANSING, MICHIGAN 48909
www.michigan.gov/mde • 833-633-5788

NEW GUIDANCE BEGINNING WITH ACADEMIC YEAR 2022-23

- Q1. How does the requirement for an appropriately placed Michigan teacher apply to alternative education virtual learning labs?
Note: Alternative education learning virtual labs are defined in the [Pupil Accounting Manual](#).
- A1. In an alternative education virtual learning lab, appropriate placement is achieved when the district-assigned teacher holds a credential at the grade range of the students. A specific content area endorsement is not required at this time.
- Q2. If a third-party vendor teacher is appropriately Michigan certified and placed, and is not approved under [MCL 388.1621f](#), does this teacher also need a substitute teaching permit because the teacher is not directly employed?
- A2. Yes, this teacher also needs a substitute teaching permit appropriate for the assignment. The teacher must also be reported in the Registry of Educational Personnel (REP) and the Teacher Student Data Link (TSDL) and to families and students as the teacher of record.

REISSUANCE OF GUIDANCE FROM ACADEMIC YEAR 2021-22

Bolded words in this section indicate minor modifications to language from the 2021-22 memo.

- Q1. What happens if I need to assign an individual to a virtual/online course and do not have a teacher who holds a Michigan certificate with the appropriate grade range/content area endorsement?
- A1. Districts have three options:
- Option 1:* The district can apply for a substitute teaching permit for an available individual in the area in which the person is providing instruction. Full-year permits are available for individuals that demonstrate readiness for a long-term position. A daily substitute permit may be issued temporarily to allow an educator to teach for 90-calendar days in a single assignment while documenting eligibility to transition to a full-year substitute teaching permit. Individuals who cannot document, or are unwilling to document, readiness for a full-year assignment should not be placed or maintained in that position.
- Option 2:* Select a course from the statewide course catalog under MCL 388.1621f.
- Option 3:* Enter into a cooperative education agreement with another LEA.
- Q2. How must a district report a virtual/online teacher?
- A2. The district must report every teacher, including all virtual/online teachers **and substitute teachers**, in the REP as a teacher for the content area and in the TSDL. Additionally, all teachers, whether directly employed, utilized through a cooperative education agreement, or provided by another third-party, should be reported on the student registration/schedule, transcript, report card, and within school data systems for purposes of accountability, transparency, and school safety. Parents should know what adults have contact with their children and who is delivering instruction.

- Q3. Do virtual/online teachers need to be fingerprinted?
- A3. While not currently required by law, MDE strongly advises that all virtual/online teachers are fingerprinted under Michigan's School Employee Index to ensure that districts and MDE receive criminal background history and future notifications of criminal activity. MDE is seeking a legislative amendment to require Michigan fingerprinting of virtual/online teachers.
- Q4. How do I ensure that the vendor I have selected to provide virtual/online instruction is using an appropriately placed teacher?
- A4. As a stipulation of a contract or cooperative agreement with the third-party, the district should require the third-party to provide the personnel identification code (PIC) for each teacher and then check credential validity by entering the PIC in MDE's free public [educator credential](#) look-up tool as part of the district's **annual credential review** process.
- Q5. How do I staff a course in which the computer software delivers content?
- A5. Students must have the support of an appropriately Michigan certified and placed teacher for every virtual/online course. Thus, districts must use one of the three options provided in question-and-answer number one in this section on the preceding page.
- Q6. How do I meet special education requirements in a virtual setting?
- A6. If an individual working under a full-year basic substitute permit ([Rule 390.1142](#)) or a daily substitute permit ([Rule 390.1143](#)) is not an endorsed special education teacher in Michigan, the district must ensure that a Michigan Certified teacher with a special education endorsement attend the Individualized Education Plan (IEP) team meeting in the role of the special education teacher. The teacher working under the permit should also attend. It is recommended that the IEP team meeting be run by a teacher with the special education endorsement and directly support the completion of the IEP. A student's IEP is a complicated legal document, and a district can be found out of compliance if the IEP process is not completed timely or correctly.

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

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

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

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

cc: Michigan Education Alliance
Confederation of Michigan Tribal Education Departments