



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

MEMORANDUM

DATE: August 21, 2020

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

FROM: Kyle L. Guerrant, Deputy Superintendent *KG*
Finance and Operations

SUBJECT: Return to Learn Law Details – MEMO #COVID-19-094

Governor Gretchen Whitmer yesterday signed into law Public Acts 147, 148, and 149 of 2020, which enact the so-called Return to Learn legislation. The new laws waive the 180-day and 1,098-hour minimums for the 2020-21 school year in favor of instructional time that results in the number of hours and days necessary to deliver the educational or course content that would have been delivered in 180 days and 1,098 hours in a school year in which pandemic learning was not provided and that would have led to course completion.

Under these new laws, districts have to provide, at a minimum, student instruction at school, at a different location, in person, online, digitally, by other remote means, in a synchronous or asynchronous format, or through any combination of those that would result in an amount of hours and days necessary to deliver the content that would have led to course completion in a typical school year¹.

Days

To demonstrate the satisfaction of the day requirement, a district may utilize one of the following, or a substantially similar method:

- a. create a calendar that identifies a minimum of 180 instructional days, or
- b. identify a minimum of 180 days within the year when teaching staff are available to students, or
- c. document that the number of courses scheduled and the course content for this year are the same number of courses scheduled and course content over 180 instructional days in the previous year.

¹ <http://legislature.mi.gov/documents/2019-2020/billanalysis/House/pdf/2019-HLA-5911-99BAABCC.pdf>

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Hours

To demonstrate the satisfaction of the hour requirement, a district may utilize **one of the following, or a substantially similar method:**

- a. identify hours each scheduled day of instruction where teaching staff are available to students, which total at least 1,098 hours of availability, or

$$\begin{aligned} & \text{[\# of days teachers are available for instruction per year]} \\ & \times \text{[\# of hours teachers are available for instruction per day]} \\ & = \text{[number of hours that teachers made educational services available to} \\ & \text{students per school year]} \end{aligned}$$

- b. document the instructional content and the number of courses on a student schedule that equates to 1,098 hours of projected learning time, or

$$\begin{aligned} & \text{[((min. per lesson for course \#1) \times days of instruction per year) / 60]} \\ & + \text{[((min. per lesson for course \#2) \times days of instruction per year) / 60]} \\ & + \text{[((min. per lesson for course \#3) \times days of instruction per year) / 60]} \\ & + \text{[((min. per lesson for course \#4) \times days of instruction per year) / 60]} \\ & + \text{[((min. per lesson for course \#5) \times days of instruction per year) / 60]} \\ & + \text{[((min. per lesson for course \#6) \times days of instruction per year) / 60]} \\ & = \text{number of hours of student instruction scheduled per year} \end{aligned}$$

- c. document that the number of courses scheduled and the course content for this year are the same number of courses scheduled and course content over 1,098 instructional hours in the previous year.

Two-way Interactions

In addition, the return to learn package modifies the attendance requirement from a measure of scheduled physical attendance over 180 calendar days, to a measure of participation through two-way interaction.

A two-way interaction means communication that occurs between a student and the student's teacher or at least one of the student's teachers, where the teacher initiates communication and a response from the student follows that communication. The two-way interactions:

- a. must be relevant to course progress or course content for at least one of the courses in which the student is enrolled.
- b. must be a communication initiated by the teacher, and not some other action taken.
- c. may occur through, but not be limited to, electronic mail, telephone, instant messaging, or face-to-face conversation. The department will accept engagement through a synchronous platform, such as, but not limited to, Skype, Zoom, Google Classroom, and Microsoft Teams. These would be considered face-to-face interactions. Documentation in a face-to-face environment may consist of an attendance record maintained by the teacher.

There are three instances in these new laws where two-way interactions are used.

Extended COVID-19 Learning Plan

Districts shall ensure that 2 two-way interactions occur between a pupil enrolled in the district and the pupil's teacher or at least one of the pupil's teachers during each week of the school year for at least 75% of pupils enrolled in the district. These interactions may be used toward the satisfaction of two-way requirements for attendance and membership purposes. The district shall publicly announce its weekly interaction rates under this subdivision at each extended COVID-19 learning plan reconfirmation meeting and make those rates accessible through the transparency reporting link located on the district's website each month.

75% Attendance Requirement

The attendance requirement is satisfied by the district ensuring that 1 two-way interaction occurs between a student enrolled in the district and the student's teacher or at least one of the student's teachers during each month of the school year for at least 75% of students enrolled in the district. If less than 75% of students enrolled in the district during each month of the school year meet the attendance requirement, the department will reduce state aid proportionally in accordance with the statute.

Membership

There are three options made available to districts under the return to learn package that may be used to count a student in membership, one of the options being two-way interactions during the count period. If a district will be satisfying the membership requirement with two-way interactions, at a minimum 1 two-way interaction must occur between the student and the student's teacher or at least one of the student's teachers during each week of the count period, beginning on the count day and continuing for the three consecutive weeks after the week on which count day falls. Each week, for the purposes of two-way interaction for membership, begins on a Wednesday and ends on the following Tuesday.

Satisfying the Membership Requirement Through Count Day Activity

A district could use one of three options, including two-way interaction as described above, toward the satisfaction of the membership requirement. The following describes the final two methods that may be used to satisfy the count requirement.

The methods are differentiated by the type of schedule that the student will maintain during the 2020-21 school year. Many students will maintain a relatively traditional schedule in which they have a full range of courses in the semester or trimester. To work on a full range of courses at a time is to have a traditional, non-sequential, or non-consecutive schedule. On the other hand, some students will maintain a schedule in which they work on a single course at a time. To work on as few as a single course at a time is to have a sequential or consecutive schedule.

Traditional/Non-Sequential/Non-Consecutive Learning Schedule Students

For these students, **one of the following must occur on count day:**

- a. The student attends a live lesson from the student's teacher or at least one of the student's teachers, and attendance is documented. This could be through a synchronous platform or in-person attendance.
- b. The student logs into an online or virtual lesson or lesson activity and the login can be documented by the district or intermediate district.
- c. The student and the student's teacher or at least one of the student's teachers engage in a subject-oriented telephone conversation, and the conversation is documented. This could be through a synchronous platform such as Skype.
- d. The district or intermediate district documents that an electronic mail dialogue occurred between the student and the student's teacher or at least one of the student's teachers.

Sequential/Consecutive Learning Scheduled Students

For these students, **one of the following must occur on count day:**

- a. The student attends a virtual course where synchronous, live instruction occurs with the student's teacher or at least one of the student's teachers, and the attendance is documented by the district or intermediate district. This could be through a synchronous platform such as Skype.
- b. The student completes a course assignment and the completion is documented by the district or intermediate district.
- c. The student completes a course lesson or lesson activity and the completion is documented by the district or intermediate district.
- d. The student accesses an ongoing lesson that is not a login and the access is documented by the district or intermediate district.

A student with an unexcused absence, who did not complete one of the identified activities above for each scheduled course on count day, would be allowed to participate in or complete an activity described above during the 10 consecutive school days immediately following the count day.

A student with an excused absence, who did not complete one of the identified activities above for each scheduled course on count day, would be allowed to participate in or complete an activity described above during the 30 calendar days immediately following the count day.

In addition to any of the above, the membership requirement may be satisfied for students in grades K to 12 who are enrolled and in regular daily attendance.

State Aid Membership Blend

Generally, the 2020-21 membership calculation will be based on 75% of the FY20 blended membership and 25% of what would otherwise have been the FY21 membership blend. The formula effectively works out as follows:

$$.75*[(.90*Fall 19) + (.10*Spring 19)] + .25*[(.90*Fall 20) + (.10*Spring 20)]$$

Additional information will be provided as it becomes available. Additionally, in collaboration with different professional organizations, the department plans to offer training sessions on this material. These will be announced shortly. In the meantime, districts are encouraged to contact the department with any questions they may have about the content of this memorandum and the content of the training sessions. Please submit questions through the following form <https://fs10.formsite.com/SASF/form19/index.html>.

cc: Michigan Education Alliance
Confederation of Michigan Tribal Education Directors