



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

MEMORANDUM

DATE: August 17, 2020

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

FROM: Michael F. Rice, Ph.D., State Superintendent 

SUBJECT: Return to Learn Legislation - MEMO #COVID-19-092

Governor Gretchen Whitmer and the Michigan legislature have come to agreement on certain parameters regarding the upcoming school year. House Bills 5911, 5912, and 5913 were passed by the Senate on Saturday and the House of Representatives earlier today. Governor Whitmer is expected to sign them into law when they reach her desk.

As we have discussed with one another over the last few months, in a pandemic, the way we count days, hours, attendance, and enrollment will need to differ from the way that we have traditionally counted. This memo is not a summary of the bills; it offers you the high points of the agreement that provide important parameters for the 2020-2021 school year.

Here's what passed on the four major provisions:

Days. Legislation approved Saturday and today waives the 180-day minimum for this school year only. My July Senate testimony—consistent with a [letter](#) that I co-authored with education organization executive directors—called for keeping the 180-day minimum the same this school year.

Hours. Legislation approved Saturday and today waives the 1,098-hour minimum for this school year only. My Senate testimony and the letter noted above also called for waiving the hours requirement this year.

Instead of a minimum of 180 days and 1,098 hours of instruction, districts are to provide an amount of instructional content equivalent to the 180-day and 1,098-hour requirements.

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Attendance. Legislation approved Saturday and today requires 75 percent attendance, not daily (as in past years) but weekly, and with so-called “two-way interactions” (e.g., a Google classroom, a Zoom meeting, a Teams meeting, an e-mail, a text message, or a phone call, among others) as the metric. Districts must have a minimum of **1** two-way interaction per child **each month** to count as a child’s attendance. Districts must satisfy this requirement for at least 75 percent of the children each month, in the absence of which districts would lose state aid.

However, in each district’s plan, at least **2** two-way interactions must occur between a child and teacher **each week**. Districts must share publicly each month at their board meetings and publish each month on their websites the requisite weekly interactions rates achieved each month.

My Senate testimony and the letter noted above called for a waiving of the attendance requirement for this year.

Enrollment. Legislation approved Saturday and today requires two count days, one in the fall and one in the winter, as typically take place for Michigan schools. For revenue, the enrollment formula will be 75 percent of last year’s blended membership count and 25 percent of a similar blend one year later. (Last year’s blended membership count was 90 percent of the fall 2019 count and 10 percent of the preceding winter (winter 2019) count. This year’s “similar blend one year later” is 90 percent of the fall 2020 count and 10 percent of the preceding winter (winter 2020) count.)

My Senate testimony and the letter noted above called for a waiving of the two count days for this year only. They also called for revenue to be calculated based on a district’s count from school year 2019-20, rather than from this school year.

Additional Features

In addition to days, hours, attendance and enrollment parameters, these bills require a new plan approved by October 1 by each district’s board and reaffirmed publicly each month regarding instructional models and goals. Moreover, each district and its local public health department must collaborate on COVID-19 data and protocols. This new plan and the requirement to reaffirm monthly were additions to the bills relatively late in the process, after House action.

Finally, locally chosen benchmark assessments are to be administered by each district, once in the fall and once in the spring. Districts are required to make these data available to MDE and CEPI via the regional data hubs **for statewide aggregate analysis** and not for the purpose of comparison among or analysis of local schools or local school districts. This analysis is meant to help discern the adverse impact of the pandemic both at the end of last year and in the coming school year.

In my July Senate testimony, I was supportive of an analysis of benchmark assessment data derived from locally chosen and administered benchmark assessments. The analysis will require researchers to separately consider data generated in school versus data generated at a distance. There will be other

considerations for researchers as well. Depending upon sample size and sample representativeness, among other issues, the statewide aggregate analysis may be useful...or may not. We won't know until we analyze the data. One way or the other, there is a value to local school districts using these benchmark assessments to help guide instruction, as they have for many years.

Inevitably, the process of lawmaking is the process of negotiation. Nobody gets everything. In general, you want a package that serves a given purpose or set of purposes at a given time.

The bills passed a few weeks ago by the state house of representatives in July were profoundly flawed. Among many other things, these bills included (a) the requirement for a district to do in-person instruction at the K-5 level or a district would have substantially diminished state school aid and (b) the ability to contract out instructional staff, currently prohibited under state law. Over the last three weeks, these bills were markedly improved, the product of necessary compromise between a Republican-controlled legislature and a Democrat governor.

While this legislation is far from perfect, it is far better than it otherwise might have been just a few weeks ago. In the end, the bills provide local school districts, intermediate school districts, and public school academies with a lot more clarity and a lot more stability than they had just a few days ago.

Further guidance will be forthcoming shortly from the department regarding aspects of these bills.

cc: Michigan Education Alliance
Confederation of Michigan Tribal Education Directors