Pupil Accounting Manual

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MICHIGAN Department of Education

Office of State Aid and School Finance

Michigan Department of Education

This manual is a living document subject to changes based upon revisions to current statutory acts including the State School Aid Act, the Revised School Code, Attorney General Opinions, and additional clarifications of current Department guidance and policy.

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1: REQUIRED DOCUMENTATION

Documents described in this section must be available at the local or intermediate school district in order to document and support the memberships counted. It is each district's responsibility to document the accuracy of memberships counted for state aid. This section indicates the required content of certain documents, but it does not prescribe the format. Each district designates an individual to be responsible for pupil accounting and inform the intermediate district who that pupil accounting designee is for the district.

The district must adhere to the "Schedule for the Retention and Disposal of Public School Records" to ensure that the membership counts can be validated. The required schedule is available on the Department's website at www.michigan.gov/sasf.

A) 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. The calendar must adhere to the winter holiday and spring break identified in the common calendar unless the State Superintendent grants a waiver from this requirement, which is found in Section 1284a of the Revised School Code (MCL 380.1284a).

2) Attendance Policy

   The school district's board of education shall adopt attendance policies, including the criteria for allowing or denying 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 detail these requirements (MCL 380.1278a and 380.1278b).

4) List of Approved Courses

   The school district's board of education shall adopt a list of approved courses. The list includes all courses offered by the district for credit or grade promotion and is used when determining which courses may be included in membership for state aid purposes, as well as 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 or online learning opportunities.

5) Master Teacher Schedule

   The master teacher schedule is a district listing of teaching personnel who were assigned as the teacher of record for one or more courses for a given school year. The list should include both permanent and long-term substitute teachers. The listing will serve as a reference to the pupil accounting auditor when teacher certification compliance is verified. The list should contain all teachers, including those who were only 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 time period of the assignment.

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B) 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 Schedules

The district shall maintain a building or program 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

There must be an alphabetical list of memberships by building, program (if applicable), and grade level. This list is used by the auditor to verify the pupils counted for membership as reported in the Michigan Student Data System (MSDS). Only pupils who are eligible for membership can be included in the alpha list. The principal of the building or program to which the list pertains must sign the alpha list.

The 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. The amount of general education FTE claimed, special education FTE claimed, and total FTE claimed per pupil. Round FTE to the nearest tenth or hundredth, at the district's discretion, provided there is consistency throughout the district.

g. The total amount of general education FTE claimed, special education FTE claimed, and total FTE claimed by building or program, and a grand total of the FTE claimed by the district. Round FTE to the nearest tenth or hundredth at the district's discretion, provided there is consistency throughout the district.

h. Indication of absence for any pupil not in attendance on count day, who attended the missed course(s) within 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.

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

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

j. 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

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name and code of the district where the resident pupil is educated under the cooperative agreement.

3) Non-Conventional Programs

Every building or program must have documentation in place on the pupil membership count day and the supplemental count day identifying each pupil who participates in a non-traditional program. These programs include, but are not limited to those described in detail in the following sections of this manual:

a. Alternative Education Programs (5-A)
b. Cooperative Education Programs (5-B)
c. Cyber Schools (5-O-C)
d. Early/Middle College (5-G-B)
e. Expanded Online Learning (5-O-D)
f. Experiential Learning Courses (6-A)
g. Home Based (5-C)
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m. Postsecondary Enrollment Options & Career and Technical Preparation Dual Enrollment Programs (5-G-A)
n. Reduced Schedule Pupils (5-H)
o. Seat Time Waiver (5-O-B)
p. Section 105 and 105c Schools of Choice Pupils (5-I)
q. Section 23a Dropout Recovery Program (5-Q-A)
r. Section 25e Pupil Membership Transfers (5-Q-B)
s. Special Education Early Childhood Programs and Services (5-K)
t. Special Education Pupil Transition Services (5-L)
u. Split-Schedule Pupils (5-M)
v. Suspension and Expulsion (5-N)
w. Virtual Learning, Distance Learning, & Independent Study (5-O-A)
x. Work-Based Learning Experiences (5-P)

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

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

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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 middle school pupils moving from class to class in a group as opposed to individually moving to various classes.

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 must review and sign in ink the original attendance record to consider the document the official record; this requirement also applies to computer-generated attendance records.

The following describe the practices for maintaining attendance records:

a. Attendance records are maintained by the teacher of record, or assigned substitute teacher.

b. The records must be legible, accurate, and reliable. If the records are deemed unreliable by the intermediate district pupil accounting auditor, an alternative method will be necessary. The intermediate district pupil accounting auditor will identify an appropriate replacement for the current record keeping system, if necessary.

c. The district must develop, implement, and enforce a district-wide standard attendance system. The system must use a minimum of letters or symbols.

d. All teachers, including assigned substitute teachers, must adhere 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 must not obliterate the original attendance record 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. Attendance records remain the property of the school district to retain for three years after the school year for which the attendance coincides.

i. A "dropped" pupil must continue to be marked as "absent" until the attendance office has officially dropped the pupil, especially 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-house 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. A certified teacher responsible for the "in-school" suspension room must record actual daily attendance.

m. The Department strongly recommends that districts adopt a positive attendance procedure throughout the entire school year.

Teacher attendance records (the source document) may be one of the following:

- A teacher attendance book.

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- A pupil sign-in (time) and sign-out (time) daily record.
- An automated "mark-sense" data collection form.
- A daily teacher attendance slip.
- Any teacher source document that will definitely and clearly substantiate attendance, on a specific date and at a specific time, as applicable.

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, preferably on a daily basis but at a minimum, on a weekly basis. 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 30 calendar days following the count date. 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 auditor with the district's written electronic attendance procedures.

Districts that have the permission of their ISD 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 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 district. An alternate form of attendance record keeping may be necessary if the intermediate district pupil accounting 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 alternate attendance and participation requirements may apply to pupils attending through non-conventional means. Refer to the applicable section of this manual for the non-conventional 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 non-conventional program. This documentation must be available to pupil membership auditors for review.

5) <u>Policy Defining Excused and Unexcused Absences</u>

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 have attended before count day and must return within 10 school days 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.

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In addition, a pupil who was enrolled and in attendance in a district, an intermediate district, a public school academy, or the education achievement system 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 district, public school academy, or education achievement system 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 up to 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 intermediate school district 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. Name of the pupil.

b. Class name (and number, if appropriate).

c. Absence date(s).

d. Date(s) the excuse was recorded.

e. Reason for the absence.

f. Building and grade level or program classification.

g. Signature of the approving administrator or designated staff.

h. Name and relationship of person making contact.

Pupil absences are considered unexcused if documentation supporting an excused absence is unavailable.

Note: A child whose parent or legal guardian is an active duty member of the uniformed services 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 (Section 1 of the Interstate Compact On Educational Opportunity For Military Children Act (MCL 3.1041-3.1042)).

C) 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.

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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 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).

l. Records verify that the district reviewed the pupil's proof of residency.

2) Proof of Pupil Identity and Age

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

> *(1) Upon enrollment of a student for the first time in a local or intermediate school district, the district shall notify in writing the person enrolling the student that within 30 days he or she shall provide to the local or intermediate school district either of the following:*
>
> *(a) A certified copy of the student's birth certificate.*
>
> *(b) Other reliable proof, as determined by the 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 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 shall 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 or intermediate school district shall notify the local law enforcement agency.*
>
> *(3) The local or intermediate school district shall immediately report to the local law enforcement agency any affidavit received pursuant to 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 pursuant to Section 1134 of the Revised School Code (MCL 380.1134). If a student record has been tagged pursuant to section 1134, a copy of the student record shall not be forwarded, and the requested school shall notify the law enforcement agency that notified the school district of the missing student pursuant to section 8 of Act*

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No. 319 of the Public Acts of 1968, being section 28.258 of the Michigan Compiled Laws, of the request.

(5) A local 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 the family educational rights and privacy act, 20 U.S.C. 1232g.

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 parent(s), or legal guardian, 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 individual pupil's class schedule in effect on the count day to determine the FTE membership count. The class schedule must reflect all courses in which the pupil is enrolled for the semester or trimester on pupil count day. The pupil's class schedule must include the following information:

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.

Note: A pupil enrolled through a seat time waiver program shall develop a class schedule that details the credits that the pupil will earn throughout the school year with the help of the teacher of record assigned to the pupil. The class schedule shall reflect all courses in which the pupil is enrolled and scheduled during each semester. This includes pupils who utilize a sequential learning schedule where 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. If a district uses "placeholders" in lieu of actual course names for planning purposes, all placeholder course names need to 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.

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D) Statutory and Other References

State School Aid Act:	Revised School Code:
MCL 388.1603	MCL 380.1134 - 380.1137
MCL 388.1606	MCL 380.1146 - 380.1148a
MCL 388.1623a	MCL 380.1166
MCL 388.1624b	MCL 380.1277 - 380.1284b
MCL 388.1625e	MCL 380.1309 - 380.1311a
MCL 388.1705	MCL 380.1401 - 380.1416
MCL 388.1705c	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

Administrative Procedures Act of 1969, MCL 24.258

E) Question and Answer

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 keep 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 an "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 district read in the Pupil Accounting Manual that pupil attendance is required for one week prior to the count period, during the count week, and for thirty calendar days following the count date. 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. If the district does not keep individual teacher attendance books, the district must print, at minimum, a weekly attendance report which is signed and dated by the teacher.

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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 should consult legal counsel concerning issues related to missing children. Section 1135 requires that a person enrolling a pupil in school for the first time provide the local or intermediate school district with a certified copy of the pupil's birth certificate or other reliable proof of the pupil's identity. If the mother of this child cannot enroll the pupil as a resident of the district, then the father must show proof that he is the child's parent or legal guardian. The father should be notified that proof of parentage or guardianship must be provided within 30 days. If proof is not provided, the authorities 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 need to use to enroll this child?

A #4 The parent's responsibility to "provide" a certified copy of the child's birth certificate upon enrollment for the first time does not entitle the school district to keep the child's birth certificate. The district should have a document to check off such things as having seen a certified copy of the child's birth certificate. The district may photo copy the birth certificate; however, the district should consult legal counsel regarding the handling of any personal information on the 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 The Revised School Code requires that the parent(s) or legal guardian provide a certified copy of the pupil's birth certificate upon enrollment in the district for the first time. This simply means that the person enrolling the child must show the certified copy of the birth certificate to the administrator who is completing the enrollment process. It does not mean that the district keeps the birth certificate or even copies the birth certificate. A document stating that a district employee saw the certified birth certificate would suffice. Therefore, it is possible that the previous district will not even have a copy of the birth certificate.

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 provided in Section 1147 have the right to attend school in the resident district.

In some extenuating circumstances (such as a pupil who is under a permanent, state-mandated expulsion), the resident district may not be required to enroll a pupil. Using the example of a pupil under a state-mandated expulsion, the school may enroll the pupil only if it can separate the pupil from the general pupil

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population. Note that this pupil is expelled from all public school districts within the district until he or she is reinstated under Section 1311(5) of the Revised School Code.

Immunization Records:

Q #7 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 #7 Yes. The Department of Community Health requires information regarding immunizations for pupils between the ages of 5 and 18. The Department of Community Health has informed the Department of Education that 19 year-olds, who are of legal age, cannot be required to respond to the immunization questions. Thus, 19 year-olds are not part of the 90%-95% measurement to avoid a penalty.

Proof Of Residency:

Q #8 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 #8 If the grandmother and mother sign a notarized statement that the family resides with the grandmother for the purpose of a suitable home, that is acceptable. The children are considered residents of District A.

The pupils might be protected under the McKinney-Vento Homeless Assistance Act, 42 USC 11431, 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 #9 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 would like the child to attend a district other than District B. May District B deny the child the right to attend?

A #9 Sections 1148a of the Revised School Code and 1624b 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 to continue attending District B.

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Q #10 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. The district has been told that they cannot legally withhold this pupil's records. Is this true?

A #10 Yes, Attorney General Opinion 6064, from April 1982, states: "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 and public elementary and secondary schools required by the Constitution of 1963 article 8 section 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."

Senior in High School:

Q #11 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 #11 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 is allowed to 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 #12 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 #12 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. Check with the ISD auditor for additional information.

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2: DAYS, HOURS, 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:

During the 2015-16 school year, all districts must provide at least 175 days of instruction pursuant to Section 101(3)(a) unless:

- A collective bargaining agreement that provides a complete school calendar was in effect for employees of a district as of July 1, 2013, and that school calendar is not in compliance with this subsection, in which case Section 101(3)(a) does not apply to that district until after the expiration of that collective bargaining agreement.

Beginning with the 2016-17 school year, all districts must provide at least 180 days of instruction pursuant to Section 101(3)(b) unless:

- 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)(b) 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.

Hours of Instruction:

Each district shall schedule to provide at least 1,098 hours of pupil instruction to pupils in grades K-12. 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.

Day and Hour Requirements for Special Education:

Districts shall adhere to the day and hour requirements described above for special education pupils unless one or more of the following apply.

R 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 R 340.1754 shall be determined by dividing the number of class hours scheduled and provided per year by 450.

R 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 R 340.1755 of the Michigan Administrative Code shall be determined by dividing the number of hours of service scheduled and provided per year by 180.

R 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 time line begins upon 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 R 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.

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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.

IEP Reduced Schedule - Pupils who are medically or emotionally incapable of attending school for the number of day or hours required in Section 101 may have a reduced schedule as specified in the pupil's IEP. This may include a pupil convalescing from illness or recuperating from a physical injury. The medical or emotional reason a pupil cannot attend a full day should be documented in the pupil's record or IEP. Such reasons should be documented by medical or psychological personnel.

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 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, which 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)(f) and Section 101(3)(g).

Additionally, Section 101(9) 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)(f) 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)(g) 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)(h) 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.

While the instructional time remains countable toward the day and hour requirements, instances where a district fails to meet the attendance requirement will generate a state aid adjustment that correlates with the difference between the requirement and the actual percent in attendance for the day.

Exceptions to the Day, Hour, or Attendance Requirements:

Section 101 provides the following exceptions to day, hour, and attendance requirements:

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 a number of 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 under this subsection if the pupil is scheduled for a number of hours equal to at least 75% of the required minimum number of hours of pupil instruction to be considered a full-time equivalent pupil.

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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) for a Department approved alternative education program or an innovative program.

Alternative or Innovative Program Waiver (MCL 388.1701(9)) – Upon application by the district for a particular 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.

A) Calendars

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.

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 district when scheduling the winter break and spring break.

Finally, 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.

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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 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.

Districts are also encouraged to identify common dates for professional development days in the common school calendar.

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 that common calendar until such time that the district's collective bargaining agreement expires. In order 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 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

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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).

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 full-time special education early childhood classroom program pupil must be scheduled for 450 hours of pupil instruction. A special education early childhood pupil scheduled for 360 hours or more but less than 450 hours must be a prorated FTE.

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.

B) Counting Pupil Instructional Hours toward a Pupil's FTE

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 upon the actual time that instruction is scheduled and provided for a given grade level or group of pupils (to the nearest tenth or hundredth). Instructional hours may vary between buildings, programs, or grade levels. Some non-conventional 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 particular building, program, or grade level, without penalty, if the district has evidence that all of the following have occurred:

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a. Pupils and certified teachers 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 which 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. Breakfast period was excluded; however, breakfast in the classroom (for example, during homeroom or first period) while instruction was taking place may be counted.

g. Lunch period was excluded.

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

i. 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.

j. In elementary school buildings, a recess of a reasonable duration may have been counted if supervised by a certified teacher. The total number of minutes of recess that may be counted if supervised by a certified teacher 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.

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 ISD auditor.

l. Not more than two study halls may have been counted and ONLY if supervised by a certified teacher AND the local school district provided at least 90 more hours than the minimum number of hours of instruction.

m. If a pupil in grades 9 to 12 who enrolled in a cooperative education program (as defined in Section 3 of the State School Aid Act, MCL 388.1603) or a special education pupil was unable to receive the 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 three hours per school week, may have been considered to be pupil instruction time for the purpose of determining whether the pupil received the minimum number of hours of pupil instruction. (However, if a district has demonstrated to the satisfaction of the Department that the travel time limitation created undue costs or hardship to the district, the Department may consider more travel time to be pupil instruction time for this purpose.)

n. In grades 7 through 12, instructional time that is part of a junior reserve officer training corps (JROTC) program may be counted as pupil instruction if the following

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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, (2) the board of the district or intermediate 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.

o. A pupil of a district that begins its school year after Labor Day who is enrolled in an intermediate 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.

Note: Section 6 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) 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.

Of significance to this, Section 6(8) defines a "class" to mean "a period of time in one (1) day when pupils and a certificated teacher or legally qualified substitute teacher are together and instruction is taking place." Thus, the period of time where pupil instruction is not being provided by a certificated teacher or legally qualified substitute teacher is not a "class" and may not be counted for purposes of determining the number of full-time equated pupils.

In addition to the pupil membership provisions in Section 6(8), Section 163 of the State School Aid Act (MCL 388.1763) provides that "a district or intermediate district employing teachers or counselors not legally certificated shall have deducted the sum equal to the amount paid the teachers or counselors for the period of non-certificated or illegal employment."

Based on a finding in the Auditor General's audit report of the Pupil Membership Accounting and Reporting Process released January 31, 2014 and concurrence from the Department's legal counsel, the two statutory references above require that the use of non-certificated teachers must result in both the adjustment of the foundation allowance for any pupil membership FTE associated with the teacher and a school aid adjustment equal to the salary paid during the period of non-certificated or illegal employment.

2) <u>Professional Development Time</u>

Pursuant to Section 101(10) of the State School Aid Act (MCL 388.1701), districts may no longer count professional development hours toward the instructional hour requirement unless a collective bargaining agreement that provides for the counting of up to 38 hours of qualifying professional development for teachers as pupil instruction was in effect for employees of a district as of July 1, 2013. In that case, until the school year that begins after the expiration of the collective bargaining agreement, a district may count up to the contractually specified number of hours of qualifying professional development for teachers as hours of pupil instruction.

The hours for the teacher professional development program must be part of the school fiscal year and must be conducted at a time that pupils are not scheduled for pupil instruction if it is to be counted toward the instructional hour requirement. The sessions must be a least one-hour in length. The teacher group participating should be a recognizable group such as the district's entire staff of teachers, a group of teachers from a building, or a group of teachers for several grade levels. The actual pupil instructional hours

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versus teacher professional development hours may differ by building or by grade level. However, in scheduling and counting the 1,098 hours, at least 1,060 hours must be actual pupil instructional time and not more than 38 hours may be teacher professional development time. A program that operates fewer than 1,098 hours may count a pro-rated number of qualifying teacher professional development time based upon the actual number of hours the program operates as related to the 1,098 hours requirement.

Example: A district that counts 38 hours of teacher professional development time toward the minimum required hours for grades one through twelve must prorate the hours of professional development to 19 hours for their half-day kindergarten program since they only provide 549 hours.

Qualifying professional development for teachers means professional development that is focused on one or more of the following:

a. Achieving or improving adequate yearly progress as defined under the No Child Left Behind Act of 2001, Public Law 107-110.

b. Achieving accreditation or improving a school's accreditation status under section 1280 of the Revised School Code, MCL 380.1280.

c. Achieving highly qualified teacher status as defined under the No Child Left Behind Act of 2001, Public Law 107-110.

d. Integrating technology into classroom instruction.

e. Maintaining teacher certification.

If the number of teacher professional development hours for a defined group of teachers varies, the lowest number of hours provided to all of the teachers in the group may be counted toward the instructional time requirement (for a district that meets the exception in Section 101(10)). For example, if the teachers in a middle school all attend a seven-hour in-service, and if each of the teachers also individually attends seminars ranging from two to six hours in length, the total number of teacher professional development hours that can be counted as instructional time for the middle school building is (7 + 2) = 9 hours.

3) Forgiven Time

The first six (6) days (or equivalent hours) of scheduled pupil instruction that is 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.

A district may request **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. The district's request for additional forgiven time must provide:

a. The number of days and hours of additional time requested.

b. The number of instructional days and hours originally scheduled.

c. The total number of pupil instructional days and hours canceled during the school year, the reasons for the cancellations, and the dates that pupil instruction was canceled.

d. The number of rescheduled pupil instructional days and hours already provided during the year, as well as planned rescheduled days and hours.

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e. The district's rationale for requesting additional forgiven time in lieu of rescheduling instruction. A district must be specific regarding any hardship that would be suffered by the district from rescheduling the time.

C) State School Aid Adjustment for Failure to Meet the Minimum Required Days, the Minimum Required Hours, or the 75% Attendance Requirement:

1) Failure to Meet the Minimum Required Days

Districts shall provide at least 175 days of pupil instruction 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 or groups of students, and may not waive the requirement for the entire district membership.

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: In a district on a district-wide calendar, the original calendar had 177 days of pupil instruction scheduled. 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. All of the school closures occurred prior to April 1 of the school year in question. Even when including the six forgiven days, this district is short one day as follows:

Days Scheduled:
Day Requirement = 175 days
\- Days Scheduled = 177 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 To Reschedule:
Canceled Days = 9 days
\- Days Available To Offset Cancellations = 8
= *Days To Reschedule = 1*

Day Deduct Calculation:
Total State Aid = $10,700,000
\- Non-Plaintiff Durant Debt Service (Sec. 11g) = $100,000
\- Adult Education Participants (Sec. 107(1)) = $100,000
= *Total Adjusted State Aid = $10,500,000*

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Daily Adjusted State Aid:
Total Adjusted State Aid = $10,500,000
÷ Day Requirement = 175 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 or groups of students, and may not waive the requirement for the entire district membership.

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 (assume 6-hour day)
+ Surplus Hours Scheduled = 0
= *Total Hours Available To Offset Cancellations = 36*

Hours To Reschedule:
Canceled Hours = 38 hours
- Hours Available To Offset Cancellations = 36
= *Hours To Reschedule = 2*

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Hours Deduct Calculation:
Total State Aid = $10,700,000
- Non-Plaintiff Durant Debt Service (Sec. 11g) = $100,000
- Adult Education Participants (Sec. 107(1)) = $100,000

= *Total Adjusted State Aid = $10,500,000*

Hourly Adjusted State Aid:
Total Adjusted State Aid = $10,500,000
÷ Hour Requirement = 1,098 hours

= *Hourly Adjusted State Aid Deduct = $9,562.84 per hour*

Hour Requirement Shortfall Deduct:
Hours Short of Requirement = 2
x Hourly Adjusted State Aid Deduct = $9,562.84 per hour

= *- $19,125.68*

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 on 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 (assume 6-hour day)
+ 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

With the exception of 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 upon the actual number of pupils enrolled and scheduled for pupil instruction compared to the number of pupils actually 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 enrolled in a self-paced, off-site, alternative education program with a seat-time waiver are excluded from the 75% attendance calculation. 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

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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 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 in that proportion of 1/180 that the actual percentage of attendance bears to 60%.

Example: The district had one day on 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 $10,500,000. The penalty calculated is:

	75% Requirement Deduct Calculation:
	Total State Aid = $10,700,000
-	Non-Plaintiff Durant Debt Service (Sec. 11g) = $100,000
-	Adult Education Participants (Sec. 107(1)) = $100,000
=	*Total Adjusted State Aid = $10,500,000*
	Daily 75% Requirement Adjusted State Aid:
	Total Adjusted State Aid = $10,500,000
÷	Day Requirement = 180 days
=	*Daily Adjusted State Aid = $58,333.33 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 = $58,333.33 per day
x	Percentage Short Bears To Percentage Required To Attend = 9.33%
=	***-$5,442.50***

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.

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D) Statutory and Other References

State School Aid Act:	Revised School Code:	Administrative Rules:
MCL 388.1606	MCL 380.1175	R 340.10
MCL 388.1701	MCL 380.1230	R 340.10a
MCL 388.1763	MCL 380.1230a	R 340.1754
	MCL 380.1280	R 340.1755
	MCL 380.1284	R 340.1862
	MCL 380.1284a	
	MCL 380.1284b	

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

E) Question and Answer

Pupil Attendance – Meeting the 75% Attendance Requirement:

Q #1 May the alternative education program be exempt from the 75% attendance rule?

A #1 The alternative education program is part of the K-12 system; therefore, attendance must be taken and the pupils in this program are a part of the 75% attendance requirement. However, pupils in a self-paced, off-site, alternative education program under a seat time waiver are exempt from the 75% attendance requirement. Also, a district that operates an alternative education program and does not provide instruction in all of grades K-12 may apply to the State Superintendent for a waiver to meet a 50% attendance requirement as specified in Section 101(3)(h) of the State School Aid Act.

Q #2 A building was closed for the entire day due to a water main break. Pupil attendance district wide met the 75% attendance requirement for the day even when including the pupils from the closed building in the calculation. Can the district count the day for all buildings, even the one that was closed, since the attendance requirement was met?

A #2 No. The day and hours may only be counted by buildings that provide instruction that day. The open buildings retain the ability to count the day and hours even if they are unable to meet the 75% attendance requirement (although a state aid deduction would be incurred for the buildings).

The closed building would not be allowed to count the day or hours unless the district had a balance of forgiven time that could be applied to the day and hours for the building. A deduction would be incurred for the building if the cancellation caused the building to miss the days or hours requirement.

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

Q #3 What is the maximum number of "forgiven" hours that a district has available. We have been told that it all depends upon the district's location in the state.

A #3 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*

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fall short of the required 1098 hours.

Under Section 101(4), 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.

Q #4 District plans 38 hours of teacher professional development time to be counted toward the minimum required 1,098 hours of pupil instruction. Two days (12.6 hours) of teacher professional development were canceled because of a snowstorm. Does the district get to count those canceled hours as part of the 38 hours that the district is allowed to count as pupil instruction?

A #4 No. Section 101(4) of the State School Aid Act reads in part: "Except as otherwise provided in this subsection, the first 6 days or the equivalent number of hours for which pupil instruction is not provided because of conditions not within the control of school authorities, such as severe storms, fires, epidemics, utility power unavailability, water or sewer failure, or health conditions … shall be counted as hours and days of pupil instruction." Section 101(10) of the State School Aid Act reads in part: "Until 2014-2015, a district may count up to 38 hours of qualifying professional development for teachers as hours of pupil instruction." Section 101(4) does not state that teacher professional development hours canceled due to conditions beyond the control of the school authorities may be counted. The reasonable interpretation of Section 101(10) is that those teacher professional development hours have to be held in order to count. Therefore, canceled teacher professional development time does not apply to the hours of canceled pupil instruction that may be counted toward the 1,098 hours requirement.

Counting Pupil Instruction Time:

Q #5 According to the Pupil Accounting Manual, each pupil must have 1,098 hours of instruction with a certified teacher 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 #5 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 holds a valid Michigan teacher certificate, and if attendance records are maintained for the pupils assigned to the "responsibility room" for each period of the day.

Q #6 The district's alternative education program uses Plato software for math instruction and assessment. Is it permissible to staff the computer lab with a paraprofessional during pupil instructional class time, and then have a certified teacher of record issue the pupil credit and grade?

A #6 Yes. Administrative Rule 340.11(2)(e) allows a pupil to take up to two virtual courses per count that are taken on-site with an adult present who is not a certificated teacher if a mentor certificated teacher, who is employed by the school district, is assigned.

Q #7 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 #7 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

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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.

Passing Time:

Q #8 The district utilizes 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 #8 The high school administrator would request that the ISD auditor investigate allowing additional passing time to be counted. If the 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 auditor will authorize the additional time. The district will maintain documentation of the ISD 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.

Lunch Time:

Q #9 A certified teacher monitors the lunch period. The district wants to count this lunch period as instructional time for the special education pupils claiming the goals and objectives are to teach feeding skills. May the district count the lunch period toward the minimum required instructional hours for this group of pupils?

A #9 As a rule, lunch periods are not countable instructional time.

However, some pupils with IEPs may be allowed to have their lunch period counted. The goals and objectives must be a part of the individual pupil's IEP and specify how the lunchtime activity relates to the individual pupil's educational needs. In addition, the certified special education teacher must be with the pupil(s) during the lunch period.

Seminar vs. Study Hall:

Q #10 What are the recognizable differences between a study hall and a seminar?

A #10 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 that period in time when a small group of pupils and a certified teacher are together for a specific class and serves the purpose of mentoring or tutoring. The teacher/pupil ratio in a seminar is no more than 35:1.

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Using Teacher Professional Development Time:

Q #11 The district wants to use the 38 hours of teacher professional development time toward the minimum required hours for some pupils but not for all pupils. How is this done?

A #11 Section 101(10) of the State School Aid Act allows a district to apply up to 38 hours of qualifying teacher professional development time toward the minimum required hours that the district must provide all pupils in grades 1-12. A program that operates fewer than 1,098 hours may count a prorated number of those 38 hours. Qualifying professional development is defined in Section 101(10) as meeting certain criteria. Those hours are applied to the district as a whole, to a specific building, or to a specific grade level, not to a specific pupil. Only the minimum number of hours, which all teachers of the specified group of pupils were provided, may be counted toward the 1,098 hours for that specified group. If the district is applying 20 hours of professional development time toward the 1,098 hours for grades 9-12, two things must happen: all teachers for grades 9-12 must have been provided a minimum of 20 hours of professional development and a full-time pupil in grades 9-12 would have to be scheduled for a minimum of 1,078 hours (1,098 – 20).

Release Time:

Q #12 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 100% FTE. What does "not more than 2 hours" mean? Does the travel time count toward those two hours?

A #12 Pursuant to Administrative Rule 340.2(7), the pupil may be released up to two hours per week to attend religious instruction without the district having to pro-rate 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: if school is released at 3:30 p.m. every day and if the pupil leaves at 1:30 every Wednesday to attend catechism class, that meets the criteria. 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 #13 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 #13 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.)

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When Travel Time Cannot Be Counted:

Q #14 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 #14 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 #15 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 #15 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.

Q #16 Our district had scheduled pupil instruction for Monday, January 2. Upon learning that legislation requires that school districts observe a legal holiday on Monday if the legal holiday falls on Sunday, our district converted January 2 from pupil instruction to a teacher professional development day. May the district now count those teacher professional development hours toward the minimum required pupil instructional hours?

A #16 Yes. Section 1175(1) forbids public schools from being in session on a legal holiday, meaning that the district cannot provide pupil instruction. Staff professional development is allowable.

Starting Prior To Labor Day:

Q #17 May a district schedule professional development days prior to Labor Day?

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A #17 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.

Incarcerated Pupil:

Q #18 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 #18 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 #19 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 #19 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 actually 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 certificated teacher and count the pupil for a full membership pursuant to Sections 1311(3) 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.

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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 upon enrollment, age, residency, class schedule and attendance.

A) Count Dates

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.

Note: For a district or building in which school is not in session on a count date due to conditions not within the control of school authorities, **with the approval of the State Superintendent**, that district or building pupil membership count date will be the immediately following day on which school is in session in the district or building. A pupil must be enrolled on or before that state-legislated Wednesday count day in order to be eligible for membership purposes or the state-waived alternative count date for that district or building.

B) Pupil Eligibility Requirements for Membership Purposes

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 the specified 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 or registration 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.

Homeless children may enroll in either their school of origin or the district in which they are actually living. Schools are to immediately enroll these children once their status is validated. Entitlement for continued enrollment is for the completion of the current school year.

A child 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 3.1041-3.1042).

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).

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.

2) Pupil Age Requirement

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

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> "Except as otherwise provided in this section, for a child who turned age 11 before December 1, 2009 or who entered grade 6 before 2009, the child's parent, guardian, or other person in this state having control and charge of the child shall send that child to a public school during the entire school year from the age of 6 to the child's sixteenth birthday. 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 age16 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).

Kindergarten Age Requirement:

Section 6(4)(l) of the State School Aid Act (MCL 388.1606) 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, does not have a G.E.D. certificate, and has not obtained a high school diploma.

b. The pupil is less than 22 years of age as of September 1 of the school year, had dropped out of school for more than 1 year and has re-entered school, is considered to be homeless under 42 USC 11302, and is enrolled in a public school academy or an alternative education high school diploma program that is primarily focused on educating homeless pupils.

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c. A special education pupil who is enrolled and receiving instruction in a special education program or service approved by the department, who does not have 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. An individual who has obtained a G.E.D. certificate may be counted in membership if the individual is a pupil with a disability as defined in R 340.1702 of the Michigan Administrative Code. A special education certificate of completion is not a high school diploma.

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. The child'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 Section 1135 of the Revised School Code (MCL 380.1135), requires that a school district must 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 either a certified copy of the pupil's birth certificate or any other reliable proof of identification and age along with a notarized affidavit explaining the inability to produce a copy of the child's birth certificate. The district cannot legally retain the pupil's actual birth certificate; however, the district may copy the birth certificate.

The pupil should be enrolled in the district and reported in the Michigan Student Data System (MSDS) by the child's legal name on his or her birth certificate. *An exception to this rule would be the case of a child who was unnamed at the time of filing the child's birth with the proper authorities.*

Note: The correct Unique Identification Code (UIC) for each pupil is required when submitting the MSDS files.

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 child 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. A district is not required to retain a copy of the residency documentation but the enrollment records should indicate that the

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district reviewed residency documentation. For more information on residency-related information, see Section 4 (Pupil Residency) of this manual.

5) Class Schedule

The individual pupil's class schedule in effect on the count day is used to determine the FTE membership count. This class schedule is used by the auditor to find the pupil in class-by-class 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.

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 all classes 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 all classes 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 all classes at least once during the next ten (10) consecutive school days.

c. The pupil was enrolled and in attendance in this district, intermediate 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 all classes in the district within 45 calendar days after the pupil membership count day or supplemental count day (See Section 5-N (Suspension and Expulsion) of this manual).

7) Teacher Certification

Section 6 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) 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.

Of significance to this, Section 6(8) defines a “class” to mean “a period of time in one (1) day when pupils and a certificated teacher or legally qualified substitute teacher are together and instruction is taking place.” Thus, the period of time where pupil instruction is not being provided by a certificated teacher or legally qualified substitute teacher is not a “class” and may not be counted for purposes of determining the number of full-time equated pupils.

In addition to the pupil membership provisions in Section 6(8), Section 163 of the State School Aid Act (MCL 388.1763) provides that “a district or intermediate district employing teachers or counselors not legally certificated shall have deducted the sum equal to the

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amount paid the teachers or counselors for the period of non-certificated or illegal employment."

Based on a finding in the Auditor General's audit report of the Pupil Membership Accounting and Reporting Process released January 31, 2014 and concurrence from the Department's legal counsel, the two statutory references above require that the use of non-certificated teachers must result in both the adjustment of the foundation allowance for any pupil membership FTE associated with the teacher and a school aid adjustment equal to the salary paid during the period of non-certificated or illegal employment. Beginning in 2014-15 and subsequent years, the Department will begin increased monitoring of this issue.

C) Audit Appeal Process

The appeal process of the district's audit of pupil counts may be a three-step process.

1. The first step must occur within ten (10) days following the ISD auditor's findings. This step is informal and consists of the district working with the auditor to reach a reasonable solution following the Pupil Accounting Manual, statutes, and administrative rules.
2. The second step involves submitting an appeal of the audit to the Department's Office of Financial Management - Audits. The appeal must be made within 30 calendar days of receiving the ISD audit report or the ISD decision on the informal appeal.
3. The third step allows the district 30 days to appeal the Office of Financial Management - Audit's decision to the State Superintendent. Appeal procedures are located in the Pupil Auditing Manual and Pupil Accounting Manual. If an appeal is not received within 30 days, the decision is final.

D) Statutory and Other References

State School Aid Act:	Revised School Code:	Administrative Rules:
MCL 388.1606(4)(1)	MCL 380.1135	R 340.1 – 340.18
MCL 388.1606(4)(m)	MCL 380.1147	R 340.1702
MCL 388.1606(4)(o)	MCL 380.1561	
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		

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

E) Question and Answer

Birth Certificate:

Q #1 District A faxed the pupil's records to District B. Among those records was a copy of the pupil's birth certificate. Must District B receive the certified copy of the pupil's birth certificate and make their own copy?

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A #1 Due to Section 1135 of the Revised School Code, it is required that the enrolling district verify that the person enrolling the pupil can produce a certified copy of the pupil's birth certificate, or other reliable proof, as determined by the school district, of the pupil's identity and age, and an affidavit explaining the inability to produce a copy of the birth certificate (MCL_380.1135).

Residency:

Q #2 A parent enrolls a child using a friend's address. The parent's driver's license shows this address, however, the parent is unable to produce subsequent documentation to prove this is their actual residence. Do we have to enroll the child?

A #2 The parent and child could very well be residing with a friend and may not have further documentation, such as a utility bill, in their name. A driver's license is one of the many items that are listed as possible "proofs" of residency. The district could always ask the parent and friend to sign affidavit affirming that the child and parent reside at the given address.

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 at this time. May the district count this pupil for membership purposes?

A #3 The district has acknowledges that it is not providing any educational services for the child; therefore, the district cannot count this child for membership purposes. If this child 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 child was not enrolled in District B on or prior to the count day. Due to the circumstances, this child is now a resident of District B (residing with a relative for the purposes of a suitable home). Thus, District B must enroll the child 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*

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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, if 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 upon 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 pro-rated 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, the ten-day rule refers to the ten days that school is in session from the day that the pupil count was taken. Thus, the ten-day rule for blocks 1, 3, 5, and 7 would end on the tenth day that the district was in session following the Wednesday count date. The ten-day rule for blocks 2, 4, 6, and 8 would be on the tenth day that the district was "in session" following the Thursday the district used to take the count. The pupil must return to each block in which he is enrolled on or before the ten days

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are up or the district must pro-rate the FTE.

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.

Pupil Instruction Not Scheduled On Count Day:

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.

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.

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Determining Which District Gets To Count A Pupil In Membership:

Q #12 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 actually receives the FTE count?

A #12 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 of the State School Aid Act (MCL 388.1653a), 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.

Beginning in 2013-14, the pupil membership could be subject to adjustments pursuant to Section 25e of the State School Aid Act, which would allow District A to receive a proration of the membership claimed by District B on Pupil Membership Count Day.

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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) 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 district's school. 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) and are discussed below.

A) 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. For a pupil who is less than 18 years of age, the pupil's parent(s) or legal guardian resides in a dwelling in the district. If the pupil's parents, or the pupil's parent(s) and legal guardian, reside in different districts, either district may enroll the pupil as a resident, regardless of which person has custody.

b. The pupil lives with a relative other than a parent in a dwelling within the district for the purposes 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 an F-1 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. Additional information on foreign pupils is available here: http://michigan.gov/documents/mde/foreign_students_3-06_ada_502433_7.pdf

f. The pupil is a homeless child pursuant to the McKinney-Vento Homeless Assistance Act, 42 USC 11431. 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 pro-rated.

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

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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 U.S.C. Sections 1209 and 1211.) The child of a veteran, who has been severely injured, medically discharged, or who has 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 of the Revised School Code (MCL 380.1148), the child must be placed with a relative for the purpose of securing a suitable home and not for educational purposes. 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.

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.

B) 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).

1) District of Residence Approval Not Required

a. Nonpublic Part Time Pupils

Approval by the pupil's district of residence is not required for a nonpublic part-time pupil (shared time) in grades 1 to 12 enrolled in nonessential elective courses in accordance with Section 166b of the State School Aid Act (MCL 388.1766b). Shared-time pupils are enrolled under a cooperative agreement between the educating district and the nonpublic school. 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.)

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 full FTE. The approval from the resident district is not required if such a pupil is receiving half or less of his or her pupil instruction at the nonresident district. The enrolling districts count the pupil on a pro-rata basis. (See Section 5-F of this manual.)

c. Pupil Enrolled in a Public School Academy or Education Achievement System

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

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

d. ISD Schools of Choice

A nonresident pupil enrolled in an intermediate school district's schools of choice program under former State School Aid Act Sections 91 or 91a shall be counted by the educating district. At least 50% of the ISD constituent districts must continue to participate in the Schools of Choice pilot program under former Section 91. Such a district is exempt from Sections 105 and 105c. (See Section 5-J of this manual.)

e. Section 105 and 105c Schools of Choice Pupils

Pupils enrolled in a district other than the district of residence in accordance with Section 105 or Section 105c of the State School Aid Act (MCL 388.1705 or MCL 388.1705c).

f. Criminal Sexual Assault or Serious Assault

The resident district's approval is not required for a pupil who has made an official written complaint to law enforcement officials and to school officials (of the pupil's district of residence) that he or she has been the victim of a criminal sexual assault or other serious assault. This assault may have happened on school grounds or at a school function, or was committed by one or more other pupils enrolled in the district or by an employee of the district. This pupil may enroll in another district and be counted for membership by that educating district.

g. Pupil Moved Out of the District

A pupil whose district of residence changed after the pupil membership count date 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.

h. Alternative Education Program Pupils

A pupil enrolled in an alternative education program who has been suspended or expelled from his or her resident district for any reason 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.)

i. Pupils Enrolled in the Michigan Virtual High School

Pupils enrolled in courses through the Michigan Virtual High School are enrolled under a cooperative agreement between the Michigan Virtual High School and the educating district. The educating district counts pupils enrolled in these classes. The educating district is responsible for any fees and supplies.

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j. 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.

k. Pupils Expelled From Other Districts

An expelled pupil who has been 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.)

l. Pupils Enrolled in Middle College Program

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

Note: If the pupil's resident district is a first class district and the middle college program is held within the boundaries of that first class district, the enrolling district must have the approval of the resident district. (See Section 5-G-B of this manual.)

m. Pupils in Olympic Training

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

n. 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.

o. Resident District Failed to Meet AYP

A pupil who enrolls in a district other than the pupil's district of residence as a result of the pupil's school not making adequate yearly progress under the no child left behind act of 2001, Public Law 107-110.

p. 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.)

q. 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.

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r. 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.

s. Special Education Center Program

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

2) District of Residence Approval Required

A district that enrolls a nonresident pupil that 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 in order to count for pupil membership purposes are the following:

a. Non-K12 Pupil

A non-K12 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-K12 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 in order to count the pupil. A district that enrolls a pupil in a grade level that is offered by the non-K12 district must have the approval of the resident district and report the FTE claimed in the "All Other" 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 under Section B(1) above must have the approval of the district of residence to count the pupil for membership purposes.

C) Statutory and Other References

State School Aid Act:	Revised School Code:	Administrative Rules:
MCL 388.1603(7)	MCL 380.504	R 340.2
MCL 388.1606	MCL 380.524	R 340.3
MCL 388.1624b	MCL 380.556	
MCL 388.1651(a)(15)	MCL 380.1148	
MCL 388.1705	MCL 380.1148a	
MCL 388.1705c	MCL 380.1311g	
MCL 388.1711	MCL 380.1401	
MCL 388.1718	MCL 380.1406	
	MCL 380.1407	
	MCL 380.1411	
	MCL 380.1415	
	MCL 380.1416	

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

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

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

D) Question and Answer

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 Section 6(6)(g) of the State School Aid Act allows a pupil who had been a resident of the school district on the fall count day and moves out of the district prior to the supplemental count day but continues to attend the district in the current school fiscal year to be counted for membership purposes on the supplemental count day without the approval of the new resident district.

Section 6(15) of the State School Aid Act forbids tuition being charged for such a pupil. 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 date to continue attending and be counted for membership purposes on the supplemental count date without the approval of the new resident district.

There was a break in service when the parents decided to homeschool the pupil.

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Therefore, this pupil requires the approval of the new resident district in order 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 application window is closed; however, 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 actually 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 as 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.

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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 upon 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 in order 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 Employees' Children:

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) is permissive. Your district's school board should have a policy so that equitable and fair treatment is used if and when your district does enroll 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 The district would report the pupil in MSDS as "all other" nonresidents.

Q #11 Some of the district's school 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.

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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.

Child Has 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 380.1148a 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.

Child Resides With Relative:

Q #15 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-K12 pupil. District B is a K12 district. Should the district report this pupil as "schools of choice" instead?

A #15 In this particular situation, the child resides with the grandmother (a relative) for the purpose of a suitable home. Thus, the child becomes a <u>resident</u> of District A.

Child Resides With Friends:

Q #16 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 #16 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

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assigned to active duty. Tuition cannot be charged.

Pupil's Legal Residence Is In Another State:

Q #17 The parent of an 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 #17 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 #18 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 #18 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 and for the pupil not to be counted for membership purposes.

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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 of attending school at all. This group of pupils is considered high risk (from a membership aspect), therefore, a listing 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 particular requirements are reviewed in this section.

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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) 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) 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 and MCL 388.1606a).

3) The pupil must satisfy the one of the following age requirements:

   a. The pupil is less than 20 years of age as of September 1 of the school year, does not have a G.E.D. certificate, and has not obtained high school diploma.

   b. The pupil is less than 22 years of age as of September 1 of the school year, is considered to be homeless under 42 USC 11302, and had dropped out of school for more than 1 year and has re-entered school, and is enrolled in a public school academy or an alternative education high school diploma program that is primarily focused on educating homeless pupils.

4) The pupil must not be less than 16 years of age on September 1st if there are adult education participants in the same program or classroom.

5) The pupil must provide residency information (current address), immunization records (unless 18 years of age or older), proof of identity (show certified copy of birth certificate, visa, etc.), name of district and/or school last attended, grade level completed, etc.

6) The pupil must be enrolled on or before the specified count day to be eligible for membership purposes.

B) Pupil Enrollment in an Alternative Education Program

There are any number of reasons a pupil may be enrolled in an alternative education program such as: 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 the Pupil Accounting 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 non-traditional setting.

1) 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 that will be enrolled from each participating district and should address the cost to each district. The

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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 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.

2) Parent or Pupil Requested Enrollment

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. A district may also have enrolled the pupil under schools of choice.

C) Clock Hours of Pupil Instruction for Determining FTE

An individual pupil's class schedule in effect on the count day and the pupil's class-by-class attendance 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 requirement of 1,098 hours of pupil instruction. Exceptions to the minimum required hours are listed below.

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.

1) Waivers Granted to Operate Program for Fewer Hours

A waiver to operate an alternative education program for fewer hours, than the minimum required 1,098 hours, for a given year may be granted to a department approved alternative education program by the Superintendent of Public Instruction upon application by the district. A waiver may also be granted for other "innovative programs including a 4 day week" per Section 101(9) of the School Aid Act (MCL 388.1701). The minimum hours granted in the waiver are used as the denominator for calculating a pupil's membership FTE. The district must meet the terms of the waiver to avoid a state school aid penalty. A district wanting such a waiver must submit an application to the Department of Education each school year.

2) Learning Labs

An alternative education program that operates as a learning lab must offer the minimum 1,098 hours as is required of all K-12 programs. The eligibility requirements for counting alternative education pupils in a learning lab are:

a. The pupil must be enrolled in and attending courses that are earning credit toward a high school diploma or a GED certificate.

b. The pupil must be scheduled for a specified number of lab hours per week.

c. A certificated teacher must be present at all times.

d. Attendance must be taken and documentation must be provided to ensure that the pupil is in fact attending the number of hours scheduled. A weekly sign in and sign out sheet is necessary to document the actual number of hours per week that the pupil attended.

e. The pupil may not generate more FTE per course than would be generated by a pupil in

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a traditional classroom setting.

Due to the disposition of learning labs, the count period covers a week beginning on the Wednesday count day and continuing through Tuesday following the count day. A pupil must attend the minimum number of hours scheduled.

Example 1: The district has a learning lab as part of the alternative education program. The 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. That is two hours per day or ten hours per week for an annualized 360 hours (2 X 180 = 360). 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).

A pupil who is absent and does not fully meet the scheduled number of hours during the count week must return for a full schedule during a given week following the 10/30-day rule. The 10/30 days begin on the Wednesday following the count week.

Example 2: If this pupil does not attend the ten hours during the count week, the 10/30-day rule must be applied. If during the 10/30 days the maximum number of hours this pupil attends the learning lab is eight hours during any one week, then this pupil's FTE count becomes .26 FTE.

((8 hours X 60 minutes) / 5 days) = 96 minutes per day.

((96 minutes per day X 180 days) / 60 minutes per hour) = 288 hours per year

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

D) Individual 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 10 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. An undocumented absence is assumed to be unexcused.

E) Statutory 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

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Individuals with Disabilities Education Act:
§300.121(d)

F) Questions and Answers

Alternative Education Through Adult Education Program

Q #1 The student is 17 years of age, is enrolled and attending the Career and Technical Center for vocational education classes in the afternoon and attends GED Prep classes through the district's adult education program in the evening. The district wants to claim this student 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 fiscal 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 or 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 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 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 pro-rate each district's FTE count for this pupil based upon 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

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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 granted specifies the minimum number of days and the minimum number of hours that the program must operate. Assuming that the district met the waiver requirements, the FTE for a pupil enrolled and attending this alternative education program would be based upon those hours agreed upon in the waiver in order 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 four 55-minute classes with five minute passing time between classes that would total 705 hours. That pupil would equal .8 FTE (705/878=.8).

75% 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 K12 system; therefore, attendance must be taken and the pupils in this program are a part of the 75% attendance requirement. However, pupils in a self-paced, off-site, alternative education program under a seat time waiver are exempt from the 75% attendance requirement. Also, a district that operates an alternative education program and does not provide instruction in all of grades K-12 may apply to the Superintendent of Public Instruction for a waiver to meet a 50% attendance requirement as specified in Section 101(3)(c) of the State School Aid Act.

Alternative Education Program with a Seat Time Waiver

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

A #6 This pupil <u>cannot</u> enroll in District B's alternative education program and claim to be home schooled. Parents who home school their children must provide the basic courses. This pupil must choose to be enrolled in District B's alternative education program and be counted by District B; or, this pupil is home schooled and enrolled in noncore curriculum courses in District A. The pupil cannot do both.

Q #7 The district was granted a seat time waiver which allows a pupil 100% virtual learning with no requirement for concurrent seat time class(es). Can an alternative education program with a seat time waiver enroll any pupil from anywhere in the state? What are the requirements for enrollment with a seat time waiver?

A #7 No, the district cannot enroll just any pupil in an alternative education program with a seat time waiver. The pupil must meet the same eligibility requirements for enrollment purposes that a pupil must meet for all other alternative education programs as stipulated in the State School Aid Act. Many waivers also require once a week face-to-face contact time for the pupil and certificated mentor teacher. Those waivers that do not require a minimum once-a-week session with the mentor teacher require the on-line instructor be a certificated teacher and the district must follow all other virtual learning requirements. Districts should consult the waiver approval letter for conditions placed by the department.

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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 are K-12 programs that 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 pro-rata 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 middle college; therefore, the cooperative agreement would specify that the resident/enrolling district count the pupil.)

A) 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) 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 and MCL 388.1606a).
3) The pupil must be enrolled on or before the specified count day to be eligible for membership purposes.
4) The course is taught or monitored by a certificated teacher who is employed by the district.
5) The course is board approved and counts toward earning a high school diploma.
6) Each district that has cooperative education pupils in attendance must maintain:
   a. A program alpha list with the pupil's legal name, student UIC number and the resident district name.
   b. Attendance records for such pupils.
   c. A program schedule showing the sum of hours scheduled for the year.
   d. The sum of the FTE counted by the educating district and the resident district must not exceed 1.0 FTE.

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e. The residency related information for non-resident cooperative education pupils must also be reported on the MSDS.

B) <u>Pupil Enrollment in a Cooperative Education Program</u>

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 be for such purposes as pupils who have been expelled from school under the mandatory expulsion law that requires separation from the general population of pupils, pupils that have been expelled from school for any reason other than the mandatory expulsion, for a pupil who is pregnant or is a parent, a learning lab which offers an individualized learning environment for K-12 pupils, etc. The educating district receives the resident district's foundation allowance.

a. The pupil must satisfy one of the following age requirements:

(i) The pupil is less than 20 years of age as of September 1 of the school year, does not have a G.E.D. certificate, and has not obtained high school diploma.

(ii) The pupil is less than 22 years of age as of September 1 of the school year, had dropped out of school for more than 1 year and has re-entered school, and is enrolled in a public school academy or an alternative education high school diploma program that is primarily focused on educating homeless pupils.

b. The pupil must not be less than 16 years of age on September 1st if there are adult education participants in the same program or classroom.

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 to 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 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 upon those goals that are expected to be learned.

c. The special education pupil must be less than 26 years of age on September 1 of the current school year.

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

A district or intermediate 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, food services, etc.

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

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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 380.682, of the Revised School Code, must be counted by the resident district.

c. The cooperative agreement states that the pupil is to be counted by the resident district.

4) Educating Nonpublic and Homeschooled Pupils

A district may enroll pupils that 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 home-schooled pupils with an IEP to receive special education programs and be counted in membership.

See Section 5-E: Nonpublic Part-Time and Home Schooled Pupils for more information.

5) Early College High School or Middle College Programs

These programs are designed to allow a pupil to earn a high school diploma and an associate's degree, a 2-year certificate of completion in a vocational training program, or up to 2 years of transferable college credits in five years. An intermediate district or district may have a consortium agreement to create a middle college with a public or private college or university, a junior college, a community college, a department recognized postsecondary educational institution, or a service academy that grants degrees or certificates and is located in the State of Michigan.

See Section 5-G-B: Early/Middle College for more information.

C) Travel Waivers for Cooperative Education Pupils

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:

A high school pupil in District A attends a building and trades class twenty miles away in District B during the morning hours. The actual travel time is 30 minutes each way or one hour per day. This building and trades class is 150 minutes per day for 178 days, or 445 hours for the year ((150 minutes X 178 days) / 60 minutes = 445 hours). The pupil returns to the high school in District A for three afternoon classes that are 55 minutes each. Two passing times between the three afternoon classes are countable. A reasonable length passing time could be five minutes; thus, giving the pupil 175 minutes of instructional time at the resident high school in the afternoon (55 min. + 5 min. + 55 min. + 5 min. +55 min. = 175 minutes). District A has a 182-day calendar made up of 175 full days and 7 partial days. Four of those seven partial days are exam days and the pupil must attend two of those four days at District A for the exams for those afternoon classes. Thus the pupil attends District A on 177 days (175 full days + 2 exam days). This pupil receives 175 minutes at the high school on 177 days for 516.25

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hours for the year ((175 X 177) / 60 = 516.25 hours). The 445 hours at the CTE program plus the 516.25 hours at the resident high school total 961.25 instructional hours, which is 136.75 hours short of the required 1,098 hours. 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. Thirty-six minutes per day for 178 days is 106.8 hours, which would still leave the pupil short 29.95 (136.75 – 106.8 = 29.95) hours. The district applies to the department for additional travel time to be counted as instructional time toward the 1,098 hours. In this example, a waiver for an additional 14 minutes per day of travel time would be granted for this student's instructional time towards 1,098 hours. In that way, the pupil would have 961.25 actual instructional hours plus 148.33 travel hours (the 36 minutes (106.8 hours) allowed plus the 14 additional minutes waived (41.53 hours)) for a total of 1,109.58 hours.

Example of Travel Waiver Denied:

Same scenario but the pupil is enrolled in **two** fifty-five minute classes in the afternoon. In that instance the pupil receives 115 minutes of pupil instruction on 177 days (55 min. + 5 min. + 55 min. = 115 min.) or 339.25 hours for the year. The 445 hours at building and trades plus the 339.25 hours at the high school is a total of 784.25 hours, which is 313.75 hours short of the required 1,098 hours. The travel time, to and from the building and trades class for 178 days, totals to 178 hours. The actual instructional time plus all of the travel time totals 962.25 hours, which does not meet the minimum required hours. Therefore, a waiver would be denied **and** travel time would not be countable; it is **not the sole reason** that this pupil did not meet the minimum required hours. This pupil's FTE count would have to be pro-rated (784.25/1,098 = .71 FTE).

D) Statutory References

State School Aid Act
MCL 388.1603(4)
MCL 388.1606
MCL 388.1701
MCL 388.1766b

Revised School Code
MCL 380.627

E) Questions and Answers

Cooperative Agreement with a Public School Academy

Q #1 The local district has a cooperative agreement to provide the 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 that portion of time those pupils attend the vocational education program at the local district, then the enrolling district would receive the pupil's resident district foundation allowance.

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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 the count 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; and thus, 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 that 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 programs 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, reads 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 Post Secondary Enrollment 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

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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 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 Pupils expelled under the state mandatory expulsion language who are educated for two nonconsecutive hours in a one-on-one setting with a certificated teacher are eligible to be counted for a full FTE. However, if these pupils are being educated in a classroom setting, the FTE must be prorated on the actual hours provided as compared to the minimum required 1,098 hours of pupil instruction. The FTE for a pupil who has been expelled under school district policy must be prorated. See sections 5C and 5N 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 is unable to attend the program as a result per the family physician. 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 doctors 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 pupil 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 and public education as required under the state constitution; and 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.

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5-C: HOME-BASED

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 the certificated teacher. **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.

A) 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) 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 and MCL 388.1606a).
3) The pupil must be enrolled on or before the specified count day to be eligible for membership purposes.
4) The district provides two nonconsecutive (2) one-hour periods of pupil instruction per week to the pupil under the supervision of a certificated teacher
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) Credit earned is awarded to the pupil and placed on the pupil's transcript.
8) The assigned certificated teacher provides individualized instruction (to one pupil) during the instructional period. Teaching more than one pupil at a time indicates that it is not an individualized program and the FTE must be pro-rated.

B) Expelled Under Local District Policy

A pupil who has been expelled or placed on a long-term suspension, or for whom disciplinary action by the district removes the pupil from the classroom pursuant to local district policy, may receive home-based instruction. The district may provide appropriate instruction in the pupil's home, or at a neutral site, and may count the pupil on a pro rata basis.

C) Expelled Under Mandatory Expulsion Laws

A pupil who has been expelled pursuant to Revised School Code 380.1311(2) or 380.1311a (mandatory expulsion) may receive home-based instruction. Mandatory suspension or expulsion is required for bringing a dangerous weapon to school, committing an act of arson, committing a criminal sexual assault in a building or on the school grounds, or for committing a physical assault against an employee or volunteer of the school district. Verbal assault or bomb threat could be a permanent expulsion if the pupil is permanently expelled as a result of school board defined verbal assault or due to bomb threats. Separation of such a pupil from the general population is necessary and education may be provided through an alternative education program or through an individualized schedule at the pupil's home or at a neutral site. A pupil that has been expelled under the mandatory expulsion requirements and is

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educated through an individualized home-based program may be counted for a full membership.

D) 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)

E) Questions and Answers

Alternative Education Program for Pupils Expelled Under the State Mandated

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 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 student two (2) one-hour sessions per week and count the student for a full FTE. May we count each student for 1.0 FTE?

A #1 No, section 6(4)(u) addresses pupils who are not in attendance as a result of a disciplinary action under the local school board policy for an offense that the district feels that it is in the student's best interest to be educated at home or at a neutral site away from all other pupils. This must be an individualized program; in other words, a one-on-one teacher student one hour session. The student cannot be sitting with other pupils in a classroom receiving instruction at the same time with other pupils nor in a lab working on individualized instruction. Only the state mandated expulsions, MCL 380.1311(2) and 380.1311a, qualify for the full FTE for two one-hour individualized sessions per week. All other pupils not in attendance as the result of a disciplinary action must be pro-rated based upon the actual number of hours of pupil instruction that the pupil is receiving compared to the minimum required 1,098 hours.

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 district or a district from creating an alternative education program for a group of pupils within the area

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who have been suspended or expelled under 380.1311(2) and 380.1311a. The FTE for such a pupil would be prorated on the actual hours provided as 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 380.1311a(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 No. "Home-based" instruction may be counted as a full FTE if the pupils were expelled from the district under mandatory expulsion laws, MCL 380.1311(2) and 380.1311a. The pupils were not expelled from District A.

Virtual learning does not replace the minimum two (2) one-hour individualized instructional periods with a certificated teacher as required under section 6(4)(u). Virtual learning may be in addition to the required individualized pupil-teacher instruction and used to increase the prorated FTE.

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.

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Q #6 If a pupil is a special education student who is receiving home-based services, does the teacher have to be special education certified or is it sufficient 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 a special education certification must provide the service or that a teacher with a general education certification will provide the services. The pupil will continue to be carried on the original teacher's caseload.

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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 school days. This includes pupils in psychiatric hospitals, substance abuse centers, or pupils placed in other medical facilities by the parent or medical practitioners.

A) 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) 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 and MCL 388.1606a).

3) 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 school days. The certification must be by a physician who is either an M.D. or a D.O. 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 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 school days.

4) A certified teacher provided a minimum of two 45-minute periods of instructional service per week for a general education pupil; or, a certified teacher provided a minimum of two one-hour non-consecutive periods of instructional service per week for a special education pupil whose IEP calls for homebound/hospitalized services. A certified special education teacher must provide instructional service if required by the individualized educational planning committee (IEPC).

   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 3 or more days during a week of the count period.

   If a pupil is temporarily unable to receive homebound/hospital 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.

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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.

5) 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. Attendance records must be signed by the certified teacher providing the service.

6) The teacher(s) of record must:

   a. Record the pupil as having an 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 for the class or subject.

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

B) <u>School District's Responsibilities</u>

Within three days after being notified by a parent or legal guardian, the district must arrange to provide homebound/hospitalized services. These services must begin within five school days after being notified if the following happens:

a. The pupil is enrolled in the school district and assigned to an appropriate general or special education program.

b. 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.

c. The pupil's attending physician certifies a medical condition that requires that the pupil be confined to the home or hospitalized during regular school hours. This includes pupils in psychiatric hospitals, substance abuse centers, or pupils placed in other medical facility placements by the parents or medical practitioner.

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

e. It is anticipated that the pupil will be homebound or hospitalized for more than five consecutive school days.

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/her courses. The resident district is responsible for the content of the instruction, providing textbooks and other materials related to the instruction, providing assignments, as well as grading the pupil's performance. To provide these services, a district may:

a. Assign the pupil's teacher(s) or other teacher(s) employed by the local district to provide the service.

b. Employ a substitute teacher to provide the services.

c. Contract with another district or an intermediate district for the provisions of services.

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d. Contract with a hospital, treatment center, or other health care facility that employs a certified teacher.

e. A non special education certified teacher or properly certified substitute may provide homebound and hospitalized 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.

f. Any certified teacher may be employed to provide service for general education pupils.

g. Any certified teacher may be contracted for the service for general education pupils when hospitalized out of state or in Canada.

h. Use a telecommunication link with the school, or computer programming.

i. Use electronic equipment such as video recording equipment, talking books and equipment from the Library of Michigan, or voice activated tape recorders.

j. Homebound services will be provided during the regular school hours unless otherwise scheduled by the district.

k. The homebound/hospitalized services must be available in September through June; except, a pupil who has been attending school year-round will receive services based upon the schedule of that building. Homebound/hospitalized pupils enrolled in programs for severe cognitive impairment and severe multiple impairment will have the service available for 46 weeks.

l. The homebound/hospitalized services will assist the pupil in all courses the pupil was enrolled in 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.

C) Nonpublic Pupils

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

D) Using Virtual Course to Supplement Instruction

A pupil who is a homebound/hospitalized pupil with a documented medical statement, from their 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 certified teacher. Any virtual learning classes would not generate additional membership as the two one-on-one sessions generate a full membership (1.0 FTE).

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E) Statutory and Other References

State School Aid Act:	Revised School Code:	Administrative Rules:
388.1709	380.627a	340.2(11)
		340.2(12)
		340.1746

(2011). Homebound and hospitalized services for Michigan public school students. Lansing: Michigan Department of Education.

F) Question and Answer

Special Education Pupil's 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 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. May the district IEP this special education pupil for homebound services for the remaining half-day and 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 were not well documented, the FTE would be pro-rated.

Contracting Homebound/Hospitalized Services:

Q #3 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 #3 No, it is the responsibility of the district where the pupil is enrolled to provide a certified teacher and provide homebound/hospitalized services. The district of enrollment may contract with another district, intermediate school district, or the rehabilitation center to provide the certified teachers and the required pupil instruction.

Q #4 A second grade pupil is at Mayo Clinic with a serious medical condition. The parents are certified teachers and would like to provide the two 45-minute periods

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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 #4 Yes, a district may contract with a certified 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 #5 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 #5 The district is required by law to provide two 45-minute periods of instruction with a certified teacher per week in order 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.

Nonpublic and Home-schooled Pupils:

Q #6 A home-schooled 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 #6 If the pupil meets the requirements qualifying him/her for homebound services, then the district must provide the homebound service for those subjects in which the child is enrolled in 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 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 nonessential elective course. **However, the district can only count this pupil for the partial FTE that the pupil qualified for prior to the homebound services.**

Using Skype:

Q #7 Can a district use Skype, or a similar product, to meet the homebound and hospitalized services requirements?

A #7 Yes, Skype and similar products are acceptable if the technology provides for similar two-way interaction with the certified teacher.

Counting FTE:

Q #8 Can a general education pupil have their FTE prorated if the district was unable to provide all of the required hours of instruction for a homebound/hospitalized pupil?

A #8 Yes, the district would be allowed to prorate a general education pupil's FTE based on the total number of hours of instruction that the pupil will receive.

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Q #9 Can a special education pupil have their FTE prorated if the district was unable to provide all of the required hours of instruction for a homebound/hospitalized pupil?

A #9 No, Administrative Rule 340.1746 for special education, as well as the requirements specified in the pupil's individualized education program (IEP), prevent anything less than the number of hours specified from being provided and counted toward membership for the pupil.

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5-E: NONPUBLIC AND HOME-SCHOOLED PUPILS

A nonpublic pupil who attends a private, denominational, or parochial school, or a home-schooled pupil, may be enrolled on a part-time basis in grades 1-12 in nonessential elective courses provided by a public school district. This type of enrollment is also referred to as shared-time enrollment since the pupil is enrolled in the public district and the nonpublic school or home-school 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 home-schooled pupils upon request.

A district may enroll nonpublic or home-schooled pupils part-time if the conditions of the following sections have been met:

A) 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) and any other applicable statute.
2) The pupil shall be enrolled and attending on the count day(s) pursuant to Section 6(8) and Section 6a of the State School Aid Act (MCL 388.1606 and MCL 388.1606a) or as otherwise defined in Section 6(4).
3) The nonpublic school is registered with the Department as a nonpublic school and meets all state reporting requirements for nonpublic schools.
4) The course is part of the pupil's class schedule and is not an extracurricular activity.
5) The instruction is scheduled to occur during the regular school day. For virtual courses, the regular school day is considered to be any time of day or night.
6) The instruction is provided directly by a certified teacher at the district or public school academy or intermediate district.
7) The curricular offering is available to full-time pupils in the minor's grade level or age group in the district or public school academy during the regular school day at a public school site.
8) The curricular offering is restricted to nonessential elective courses for pupils in grades 1 - 12. Kindergarten pupils are ineligible for membership in shared-time programs.
9) The pupil is a part-time pupil for purposes of state school aid under this act.
10) The course length and grading system must be similar to that of the course offered to public school pupils.
11) Daily attendance records are maintained by the certified teacher who is identified as the teacher of record for the course.
12) The nonpublic or home school pupil is enrolled and attending courses provided at a district, public school academy, or intermediate district site; or the nonpublic pupil is enrolled and attending courses provided by a district, public school academy, or intermediate district at the nonpublic school site; or the home-schooled pupil is enrolled and attending courses provided by his or her resident district at the nonpublic school site.

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B) Program Establishment

1) Educational Site

Instruction may be provided by the district at a public school site to a pupil enrolled in any of grades 1 to 12 in a nonpublic school or a pupil who resides within the district and is being home-schooled. Pupils may enroll in a district, public school academy, or intermediate district in any curricular offering that is provided by the district, public school academy, or intermediate 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 any of grades 1 to 12 in a nonpublic school or a pupil who resides within the district and is being home-schooled. 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 district as the district in which the nonpublic school is located or is located in an intermediate district that is contiguous to that intermediate district.

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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) Course Subject Area Eligibility

Eligible Courses are nonessential electives in the subject areas of physical education, art, foreign language, music, driver's education, and computer science unless a district has developed graduation requirements that deem a course in one of the named subject areas otherwise. In addition to courses in these subject areas, courses that are part of a career and technical education program, and those that are advanced placement are considered nonessential electives.

Ineligible courses are those in subject areas that are considered essential curriculum pursuant to the Snyder v. Charlotte court case. These subject areas include mathematics, reading, English, social studies, science, writing, the Constitution of the United States, the Constitution of the State of Michigan, and the history and present form of civil government of the United States, the State of Michigan, and the political subdivisions and municipalities of the State of Michigan. Remedial courses are also ineligible under this section, such as those provided as part of an English as a second language program (ESL).

C) Nonconventional Pupils

Nonconventional pupils enrolling under this section are expected to meet the membership requirements of this section as well as the membership requirements of the corresponding nonconventional section of this manual to remain eligible for membership.

Pupils participating in nonconventional programs may partake in these services without additional cost to the pupil beyond what is expected of a traditional pupil of the same circumstance.

D) Calculating FTE

The calculation for the part-time FTE for each home-schooled pupil or pupil from the nonpublic school enrolled in a nonessential elective course is computed as follows:

The FTE is computed by dividing the number of hours of instruction in the class per year (the number of minutes per class/60 minutes x number of days per year) by the minimum required number of hours. For example, a pupil takes art for 45 minutes per day for 2 days per week for 36 weeks (i.e. 45 minutes x 2 days x 36 weeks = 3240 minutes; 3240 minutes ÷ 60 minutes = 54 hours; 54 hours ÷ 1,098 hour requirement = .05 FTE).

If the district offers courses of a universal length for all periods during the day, and the total instructional time remains the same between the shared-time course and the course when offered to pupils at the school, then the FTE can be computed by dividing the number of eligible classes enrolled in and attended by the nonpublic pupil divided by the number of classes required to be a full-time pupil (1.0 FTE) at the public school. If six (6) courses were required to generate 1.0 FTE, the pupil would generate .33 FTE for enrolling in two (2) courses. (e.g. 2 courses ÷ 6 courses = .33 FTE)

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

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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.

Note: Section 166b of the State School Aid Act limits the maximum amount of instruction time offered to pupils under this section to no more than that amount of instructional time provided to public school pupils at the same grade level and/or age group.

E) 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 district as the resident district or is located in an intermediate district that is contiguous to that intermediate district.

Shared Time Program – a program offered by a public district to home-schooled and nonpublic part-time pupils, where the pupils are provided the opportunity to enroll in nonessential elective courses that are provided by the district.

F) Regulatory References

State School Aid Act:	Revised School Code:	Administrative Rule	Nonpublic School Act
388.1606(4) 388.1606(6) 388.1766b	380.1561	340.2(20)	MCL 388.551 – MCL 388.558

Court Cases:
Agostini v. Felton, 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)

G) Question and Answer

Enrolling Nonpublic Pupils:

Q #1 Does the public school have to follow the enrollment procedures such as birth certificate, proof of address, and immunization records for the nonpublic pupil in the shared-time programs?

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?

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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 V. 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)(e) 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 during the regular day 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 pupils band and chorus for one marking period. Thus, section 166b(2)(e) does not permit the district to offer band and chorus to the fourth and fifth grade pupils at the nonpublic school.

Also, 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 during the normal day; 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 being 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.

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A #6 No. The legislation stipulates that 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 home-schooled 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 Revised School Code section 1481(5), MCL 380.1481(5), requires that nonpublic school pupils and home-schooled pupils may participate in course offerings of the Michigan Virtual High School to the same extent they are allowed to participate in school district course offerings under this act and the State School Aid Act of 1979, PA 94, MCL 388.1772. Any essential elective virtual learning courses taken by the nonpublic or home-schooled pupil are not countable for pupil membership; however, nonessential elective virtual learning courses may be counted for a pro-rated FTE provided the public school pays the related course fees. All resident home-schooled 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 home-schooled pupil wants to enroll in one course at the public school and then attend college courses. May the home-schooled 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 home-schooled 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. Do they need to enroll through their local public district?

A #9 No, recent legislation has amended the Postsecondary Enrollment Options Act and the Career and Technical Preparation Act, allowing 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 were enrolled in a course at the public school as well, the public school would coordinate payment with the postsecondary institution.

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

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

Q #12 If a pupil does not successfully complete their course with the college, do they have to repay the tuition?

A #12 Yes, MCL 388.514(10) and MCL 388.1904(10) states 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 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.

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 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 pupils enrolled in grades 9-12 or special education programs 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 (See Section 6(6), of the State School Aid Act).

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 home-school 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 time lines outlined in the Michigan Administrative Rules for Special Education.

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

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A #16 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 [MCL 388.1709].

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5-F: PART-TIME PUPILS

A part-time pupil is a public school pupil who is enrolled in grades one through twelve enrolled 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 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 1 or more courses at a nonpublic school or home-school, refer to Section 5-E for the requirements for counting the pupil in membership.

A) 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) 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 and MCL 388.1606a).

3) A local or intermediate school district may count a pupil for a part-time membership if the district has evidence that all of the following has occurred:

   a. The pupil is enrolled and attending one or more classes in the district.

   b. The sum of the total FTE for a pupil that is enrolled in more than one district does not exceed 1.0 FTE. The FTE for a pupil that is enrolled and counted by more than one district, but not as part of a cooperative agreement, must be determined as follows:

      i. The sum of the hours the pupil is enrolled and attending in both districts exceed the minimum required hours - use the sum of the hours from both districts as the denominator to calculate the FTE.

      ii. 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. The nonresident pupil who does not qualify for an exemption under Section 6(6) of the State School Aid Act must have the permission of the resident district if the nonresident pupil is receiving more than one-half of his or her education from the district counting the membership FTE.

B) Statutory and Other References

State School Aid Act:
MCL 388.1606(6)
MCL 388.1606(8)

Administrative Rules:
340.2(6)

C) Questions and Answers

Pupil is attending two districts:

Q #1 The pupil attends 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

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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 the 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. (See State School Aid Act section 6(6)(b), MCL 388.1606(6)(b)) The solution is to sum the total hours the pupil receives through both districts and prorate the FTE accordingly.

District A is on a six period 55-minute classes for 180 days. That totals 1,065 hours (6 class period x 55 minutes = 330 minutes per day plus (+) 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 = 288 actual pupil instructional hours per year.

District A 1,050 hours plus (+) 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

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 a nonpublic part-time pupil and the FTE must be 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 be under the guidance of a certificated physical education teacher. Thus, the FTE must be prorated based upon 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 which 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 actually a public school pupil, rather than a nonpublic pupil. The time spent at the nonpublic 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

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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.

Q #5 Are part-time pupils, as referred to in this section, required to participate in the state assessments? Will these pupils be included in the district's graduation and dropout rate?

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, and will be included in the primary educating district's graduation and dropout rate.

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5-G-A: POSTSECONDARY ENROLLMENT OPTIONS & CAREER AND TECHNICAL PREPARATION DUAL ENROLLMENT PROGRAMS

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 (Michigan universities, Michigan community colleges, or independent, nonprofit, degree-granting colleges or universities located within Michigan). 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.

A) 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) 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 and MCL 388.1606a).
3) The pupil is enrolled in one of grades 9 through 12 during the year of the postsecondary dual enrollment.
4) A pupil enrolled in a postsecondary institution under the dual enrollment acts must be concurrently enrolled in and attending at least one high school course if the enrolling district will be including the pupil in the pupil membership count.
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 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. The statewide pupil-weighted average foundation is available in the following document: http://mi.gov/documents/sw_fndamts_11719_7.pdf. See Section B(6) below.
7) Fifty percent of the postsecondary education course or career and technical preparation course falls within the school district's academic year. (A course that is in session more than 50% of the time during summer break is ineligible to be counted.)
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 has been claimed for not more than 1.0 FTE during the count for a public school pupil, and not more than .99 FTE for a nonpublic pupil. The district shall not artificially lower the FTE claimed for a nonpublic pupil in order to meet this requirement. If the pupil's FTE calculation is 1.0 FTE, the pupil is considered a public school pupil and is subject to the membership criteria for such a pupil under Section 6 of the State School Aid Act (MCL 388.1606).
10) The pupil does not participate in intercollegiate athletics at the postsecondary institution while he or she is enrolled under the dual enrollment acts.

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11) 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.

12) The pupil has enrolled in no more than a total of 10 postsecondary courses as defined in MCL 388.513(1)(d).

13) The postsecondary course is not offered by the local public school or state-approved nonpublic school in which the eligible pupil is enrolled (unless the course is unavailable to the eligible pupil due to a scheduling conflict beyond the eligible pupil's control).

14) 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.

15) For eligible nonpublic pupils who are receiving high school credit in addition to postsecondary credit, the course selection is limited to nonessential elective courses.

Additional Requirements for Fifth Year High School Pupils Enrolled in an Alternative Education Program:

16) The pupil is enrolled in not more than 2 postsecondary dual enrollment courses taken at any given time and not more than 4 postsecondary enrollment courses taken during the school year.

17) 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 or legal guardian, and the pupil. If the pupil is at least age 18 or is an emancipated minor, the pupil may act on his or her own behalf.

B) <u>Additional Considerations for Schools and Pupils</u>

1) Local school districts and state-approved nonpublic schools must provide general information about the Postsecondary Enrollment Options Act and the Career and Technical Preparation Act <u>to all pupils enrolled in grade 8 or higher by March 1</u> 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 or state-approved nonpublic school, 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 Michigan Merit Exam (MME) or another college-ready assessment. (See Table 1 in the dual enrollment "Frequently Asked Questions" document at: www.michigan.gov/alted. If a qualifying score is not achieved, the pupil is limited to enrollment in postsecondary courses in the subject area(s) for which a qualifying score has been achieved, or the pupil can enroll in courses such as computer science, foreign languages not offered by the local school district, and fine arts courses as permitted by the school district at a postsecondary institution.

   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

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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.

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)]

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	-	-	-
	10	**10**	**10**	**6**

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

Districts may elect to support dual enrollment opportunities beyond the 10 courses provided by the Postsecondary Enrollment Options Act. 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 Postsecondary Enrollment Options Act.

5) The postsecondary course(s) must be academic in nature or applicable to career preparation. An academic course is not ordinarily taken as an activity course. The classification of courses as academic or activity is left to the discretion of the district, which should take into account the interests and goals of the pupil.

6) 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.

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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 still 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 at www.michigan.gov/sasf, under a link titled "Nonpublic School Dual Enrollment." The calculations produced by the spreadsheet apply to both nonpublic and public school pupils.

7) 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.

8) District Options:

The Postsecondary Enrollment Options Act and the Career and Technical Preparation Act 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 course work 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 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.

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A pupil is allowed to enroll in virtual learning courses provided by a postsecondary institution, as defined in Administrative Rule 340.11. 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.

9) Determining FTE for Pupils Participating in Postsecondary or Career and Technical Preparation Programs:

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 course credits are used to determine high school course equivalency. A full-time college course load equates to 12-16 credits, as determined by the postsecondary institution. If the postsecondary institution determines that 12 postsecondary credits equate to full-time enrollment, a 2-credit college course would equate to one high school class if the high school operates on a six-period day (2 credits/12 credits = 1/6), and a 3-credit college course would equate to one high school class if the district operates on a daily schedule of four blocks (classes) (3 credits /12 credits = 1/4).

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:

a. 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 Department defines 12 postsecondary credits as 1 FTE. 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

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does not meet the eight blocks necessary to be a full-time pupil. (See (b), immediately below, for possible alternatives.)

b. 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 student 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, first through eighth periods on Friday, for a total of eight blocks. A reduced schedule of 75% can be reached by enrolling in and attending six blocks per week. 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.

c. If the number of combined courses scheduled does not equate to a full-time schedule according to the examples described in (a) or (b), the **actual class hours must be calculated**. In determining full-time equated memberships for pupils who are enrolled in a postsecondary institution, 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, including necessary travel time, on the number of class hours provided by the district to the pupil. 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.

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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 of above, the district is required to have a travel waiver from the Department. Districts should provide their ISD with copies of waivers for the current year.

10) FTE May Not Be Claimed in the Following Circumstances:

a. The pupil has already been counted for 1.0 FTE during the count period.

b. 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 institution.

c. 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.

d. The pupil has met all of the requirements to be eligible to receive a high school diploma, or the pupil has obtained a general educational development (G.E.D.) certificate and is not a pupil described in Administrative Rule 340.1702.

C) Dual Enrollment Programs for Fifth Year High School Pupils

The dual enrollment acts provide access to dual enrollment opportunities for pupils attending a fifth year of high school as defined in Administrative Rule 388.153.

These pupils may be enrolled in a five-year high school program, either an early college or middle college, which is designed to allow a pupil to earn a high school diploma and an associate's degree or up to 2 years of transferable college credits. (See Section 5-G-Bof this manual.)

Administrative Rule 38.153 also provides access to dual enrollment opportunities for alternative education pupils who enroll for a fifth year of high school in order to satisfy the graduation requirements. Districts often refer to these pupils as "fifth-year high school pupils" or "fifth-year seniors".

D) Question and Answer

The Office of Education Improvement and Innovation maintains a "Frequently Asked Questions" document for dual enrollment at www.michigan.gov/alted.

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E) 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
R 388.152
R 388.153
R 388.154
R 388.155

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5-G-B: EARLY/MIDDLE COLLEGE

An early/middle college is a five-year educational track, that can begin as early as 9th grade, designed to allow a pupil to earn a high school diploma while also earning up to 60 transferable college credits toward a four-year degree from a Michigan public or private university, an associate degree from a Michigan junior college or community college, or a Michigan Early/Middle College Association (MEMCA) technical certificate.

A district can establish an early/middle college as a separate high school, where all of the pupils enrolled will be part of the early/middle college, or the district can offer an early/middle college program within an existing high school, giving pupils an option to participate.

A consortium agreement or a memorandum of understanding between an intermediate district or a school district and a Michigan public or private college or university, a junior college, or a community college is needed to establish an early/middle college school or program. Once an agreement or memorandum has been signed, the early/middle college school or program must present the program to the Department for final approval.

A) 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) 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 and MCL 388.1606a).

3) The pupil must have not earned or obtained a high school diploma or GED certificate.

4) The pupil may be 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.

5) 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 school or early/middle college program.

6) The pupil is enrolled in at least 1 high school class in a school district or state-approved nonpublic school in Michigan.

7) The pupil is not a foreign exchange pupil enrolled under a cultural exchange program.

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8) The pupil has at least 1 parent or legal guardian who is a Michigan resident.

B) Early/Middle College School or Early/Middle College Program

An **early/middle college school** means a stand-alone public high school, a school within a school, a Public School Academy (PSA), or a Shared Educational Entity (SEE) designed to allow a pupil to earn, at the same time, a high school diploma and either an associate degree, the Michigan Early/Middle College Association (MEMCA) technical certification, or up to 60 transferable college credits.

An **early/middle college program** is a high school program designed to allow a pupil to earn a high school diploma and substantial college credit through an additional (fifth) year of study. A formal agreement with each postsecondary partner is required.

C) 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. Therefore, if a high school has six-period days, a 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).

D) Early/Middle College vs. Fifth Year High School Pupil

An early/middle college pupil must enroll in the five-year high school program by grade 11, and will earn by the end of the fifth year a high school diploma and 60 transferable college credits toward a four-year degree from a Michigan public or private university, an associate degree from a Michigan junior college or community college, or a Michigan Early/Middle College Association (MEMCA) technical certificate. A pupil enrolled in an early/middle college is not limited to a maximum number of college courses during the fifth year.

A fifth year high school pupil (also referred to as a fifth year senior) is an alternative education pupil who enrolls for a fifth year of high school in order to satisfy graduation requirements. A fifth year high school pupil may enroll in not more than two (2) postsecondary courses at any given time, and not more than four (4) postsecondary enrollment courses during the school year.

E) 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

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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 percent of the hours required under Section 101.

A) Requirements for Counting in Membership

A local school district may count as 1.0 FTE a high school pupil with a reduced schedule of at least 80% of the minimum required hours; or, a district that operates on a four-block day schedule may count as 1.0 FTE a high school pupil with a reduced schedule of at least 75% of the minimum required hours, 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) 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 and MCL 388.1606a).
3) The pupil and/or pupil's parent/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, the request must be signed by both the pupil and the pupil's parent(s)/legal guardian. If the pupil is 18 years of age or older, the request must be signed by the pupil.
4) 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.
5) 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.

B) 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 where each pupil in the program was separately judged to need a reduced schedule. Each program must offer the minimum required hours, except an alternative education program may apply to the Department for a waiver of the days and/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.

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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.

C) Statutory References and Other References

State Aid Act Section:
388.1701(7)(c)

Administrative Rule:
R 340.7

D) 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 earlier 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, reads in part: "A pupil in grades 9 to 12 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, reads in part: "A pupil in grades 9 to 12 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 it is documented by medical or psychological personnel, the pupil can be counted as 1.0 FTE.

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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, in essence, is scheduled for 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. (See Section 5G page 5, Postsecondary – Dual Enrollment, section D – how to count the FTE for a Dually enrolled Pupil, #2 covering reduced schedules.)

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5-I: SECTIONS 105 & 105c SCHOOLS OF CHOICE PUPILS

Participation in a schools of choice program under Sections 105 and/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.

A) 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) 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 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 nonresident, but 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 nonresident, but 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. The district shall continue to enroll the pupil until the pupil graduates from high school unless the pupil is expelled or withdraws from the district.

   d. The pupil is a nonresident, but has been enrolled continuously in the district since a year in which the district enrolled nonresident pupils in accordance with Sections 105 or 105c.

   e. A district shall give preference to a school-age pupil who resides in the same household as a pupil that was enrolled in and attended the district the immediately preceding school year or semester.

4) A local school district that enrolls a **special education pupil under a Schools of Choice Program** 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, Schools of Choice, 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 a

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cooperative agreement cannot be obtained with the pupil's resident district, the pupil shall not be enrolled in the nonresident district beginning on the next count date.

5) A local school district may enroll and count in membership a nonresident pupil as a parent paid tuition pupil in those buildings and/or programs which are not designated as choice programs; or may enroll and count in membership a nonresident pupil in a choice program after the specific deadlines have passed. To count the pupil in membership, approval from the resident district must be obtained. This pupil is not considered a Schools of Choice pupil.

6) A local school district may participate in a cooperative education program with one or more local or intermediate districts whether or not it operates a Schools of Choice Program.

NOTE: Schools of Choice does not apply to a pupil residing in a district that does not operate all of the grades K to12 (referred to as Non-K-12) and the pupil 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 Sections 105 or 105c or for a resident pupil enrolled in another district under Sections 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.

B) Pre-enrollment Requirements of the District

The district must abide by specific time-lines and comply with specific criteria in the application and selection process. A district found to be in noncompliance with the regulations established under Sections 105 and/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) 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 general 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), and/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 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 or not the applicant may enroll in the district.

   f. The notification to parents or legal guardian 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

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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) 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 general 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 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) 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 that two-week period. 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 which 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 school.

C) 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 there-of.

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, in violation of a state or federal law prohibiting discrimination.

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5) Special education programs and services are not considered "special programs" under Section 105 or 105c.

6) A district may refuse to enroll a nonresident applicant if that applicant is, or has been suspended from another district within the preceding two years or if the applicant has ever been expelled from another district; **except,** the district shall not refuse to enroll or continue to enroll such a pupil if the district counted that pupil in membership either on the membership count day or the supplemental count day. The district may expel a pupil for disciplinary reasons.

D) Statutory and Other References

State School Aid Act:
MCL 388.1705
MCL 388.1705c

Attorney General Opinion:
2000 AG Op No 7046

E) Question and Answer

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 the information 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 upon 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 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 required.

Special Education pupil under 105c:

Q #3 The pupil is enrolled under Schools of Choice, Section105c. The parent did not relay the information that the child was a special needs child when enrolling him. It was not discovered until after school began that this pupil needed an IEP and to be educated through the special education program. The resident district refuses to agree to any additional costs. May the district dismiss the pupil?

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A #3 Yes, without a cooperative agreement with the resident district, the district cannot enroll this pupil beginning on the next count date. Thus, it is required to send the pupil back to the resident district.

Special Education Early Childhood:

Q #4 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 to 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 #4 Section 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 F.T.E. 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 make application 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 #5 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 implication on this?

A #5 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 actually 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 #6 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 #6 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 as long as there has not been a break in service (meaning the pupil had not been enrolled in the new district and decided s/he didn't like it there). 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 #7 How does a district remove a Schools of Choice pupil?

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A #7 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.

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5-J: ISD SCHOOLS of CHOICE or FORMER SECTION 91 or 91a

Pupils enrolled in a district other than the pupil's district of residence under Section 91(a) or under an ISD's Schools of Choice pilot program under former Section 91 shall be counted by the educating district.

Pupils enrolled in a district other than the pupil's district of residence but within the same ISD, and at least 50% of the ISD's constituent districts continue to participate in the Schools of Choice pilot program under former Section 91 shall be counted by the educating district.

A nonresident pupil enrolled in a district under a pilot intermediate district schools of choice program under former section 91 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.

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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 upon 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.

A) 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) 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 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 district has evidence that ALL of the following occurred:

   1. The pupil's IEP was on file and effective as of the count day.
   2. The pupil was enrolled and receiving instruction on or before the count day.
   3. The pupil was enrolled in a bona fide program as described below on or before the count day. (Bona fide programs are available for a minimum of 144 days and 360 hours.)
   4. FTE is calculated by determining the number of instructional hours scheduled and provided and dividing that number by 450.
   5. 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 district has evidence that ALL of the following occurred.

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1. 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.
2. 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.
3. The pupil was scheduled for a minimum of 72 hours during the school year and documentation is available that such services were provided.
4. The pupil's IEP must identify Rule 340.1755 services, complete with the frequency, duration, and location of the services.
5. 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.
6. 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 district has evidence that ALL of the following occurred.

1. The pupil's IFSP was on file and effective as of the count day.
2. 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.
3. The pupil was scheduled for a minimum of 72 hours during one calendar year and documentation is available that such 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.
4. 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.
5. 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.
6. FTE is calculated by determining the number of instructional hours scheduled and provided and dividing that number by 180.

B) Program Definition

1) Special Education Early Childhood Programs defined in Administrative Rule 340.1754

Special education programs which 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:

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1. The instruction must be provided by an approved or endorsed early childhood special education teacher.
2. The program must be based on the approved State Board of Education Early Childhood Standards.
3. The program must be available for a MINIMUM of 360 clock hours and 144 days.
4. The program must not have more than twelve students for one teacher and one aide at any one time.
5. 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 upon 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):

1. 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.
2. 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 upon 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:

1. The services must be provided for a minimum 72 hours within one calendar year. The time line begins upon receipt of signed parental consent to provide services.
2. 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

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certification of the teacher (e.g., autism spectrum disorder or specific learning disability) and the membership is calculated based upon 1,098 hours.

C) Statutory and Other References

State School Aid Act	Revised School Code	Administrative Rules
388.1606(4)(l)	380.1711(1)(f)	340.2
388.1606(4)(y)	380.1751(1)	340.1754
		340.1755
		340.1862

D) Question and Answer

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 upon 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 would be 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 ISD auditor discovered that during the count week, the pupil attended only four days. How is the membership counted?

A #4 The ISD auditor would look for an "excused" or "unexcused" absence for the pupil based upon local district policy. If the absence was "excused," the auditor would look to see if the pupil was present on that same day within the 30 calendar days in order

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to calculate the FTE based upon 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 upon 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 hearing impaired 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 reads 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 an 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.–The district offers the program on Friday only during the count week, but offers the program for 4 days in other weeks.
2. 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 fairly 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.

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5-L: SPECIAL EDUCATION PUPIL TRANSITION SERVICES

The term "transition services", as defined in the Individuals with Disabilities Education Act (IDEA) [34 CFR 300.43] [20 U.S.C. 1401(34)], 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
- are based on the individual needs of the pupil taking into account 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 appropriated, acquisition of daily living schools 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.

A) 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/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) 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 and MCL 388.1606a).
3) The pupil must be assigned to a special education teacher employed by the educating district.
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 on the following:
   a. The activities which the pupil engages in for the deviated wage portion of their 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 those activities where a deviated wage is paid for more than 50% of the time in a work activity center service, that time does not count toward membership, since the pupil is in the work activity center primarily for therapy or

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employment and not for the purpose of receiving instruction. A pupil who attends school less than 50% of their time may only be counted for that 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 on the following:

   a. The district must have a training plan and training agreement with the community living experiences site in place by the pupil membership count day which sets 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 is given based upon the assessment of progress towards 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.

B) <u>Transition Services That Do Not Generate Pupil Membership Counts</u>

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.

C) <u>Transition Services That Generate Pupil Membership Counts</u>

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)

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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. (See the Pupil Accounting Manual Section 5P subsection 2 "Work-Based Learning Experiences for Pupils with Disabilities" for specific requirements necessary to count pupils enrolled in worksite-based learning programs for membership purposes.

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 was 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, as amended, and the Youth Employment Standards Act of 1978, as amended.

3) Transition/Community Living Experiences (TCLE)

This type of transition 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 such as independent living skills or community preparation skills. The activities and services provided will be based upon 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 at a community location.

b. Pupils in TCLE programs are not performing work, are not considered to be a paid or unpaid trainee under federal definitions, and their actions do not constitute 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.

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NOTE: Transition/Community living experiences do not include worksite-based learning services as identified in the Special Education Administrative Rule 340.1733(h) and (i) or under the Pupil Accounting Rule 340.15 for the distribution of state aid.

D) Programming Examples and the Amount of Pupil FTE Generated for Membership Purposes 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*	*.00 FTE **
1	*1*	*4 ***	*.66 FTE*
1	*2 ****	*3 ****	*.66 FTE*
1	*5 ***	*0*	*.66 FTE*
2	*4 ***	*0*	*.83 FTE*
3	*3*	*0*	*1.0 FTE*

NO FTE 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***

E) Comparison Between Transition/Community Living Experiences and Worksite-based learning Experiences

Requirements	**TCLE**	**WSBL**
Can employees from a community agency provide instruction?	Yes, under the supervision of a certificated special education teacher who has the pupil on their caseload as part of the TCLE component only.	No, the employer through supervised work provides an educational experience related to instruction as described in the training plan.
Is there a minimum amount of required instructional time?	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 LEA or ISD. Additional instruction time can be added based on the pupil's need, and be prorated for additional FTE.	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 LEA or ISD.

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Does a pupil's post-school vision need to be provided as a rationale for placement?	Not only should the pupil's post-school goals (vision) be clearly written, but they must also be readily measureable and updated at least annually. The pupil's community placement must allow the pupil to make progress towards the post school goals (vision).	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.
What are the documentation requirements to claim membership FTE?	The minimum a LEA or an ISD must have in the pupil's file are: a compliant transition-IEP, a training plan, a training agreement, an EDP, along with evidence of attendance, and progress towards measureable post school goals. A minimum of 1,098 hours of instruction must be provided to generate a 1.0 FTE.	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.
Can the instruction occur off-site?	Yes, instruction may occur off-site of the LEA/ISD in the community. In addition, a pupil may receive instruction at a location that is closely related to the post school vision.	Yes, the instruction may occur off-site of the LEA/ISD in the community.
Is there a requirement for certificated teacher contact time?	Yes, a minimum of 60 consecutive minutes per day must be provided by a certificated special education teacher employed by the LEA or the ISD.	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.
Can a pupil perform and get paid for work?	No, the intent of this provision is to allow for the development of functional skills related to the pupil's need in the community and adult living areas.	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.

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F) Statutory and Other References

State School Aid Act
388.1701

Administrative Rules
340.1733(h)-(i)

Youth Employment Standards Act
1970 PA 30

Fair Labor Standards Act
29 USC 201, et seq

Federal Regulations
34 CFR 300.29

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5-M: SPLIT-SCHEDULE PUPILS

The FTE for a student 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 non-conventional, 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 accounting auditor requires it.

A) 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) 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 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.

B) Statutory References

Administrative Rule:
340.2(1)

C) 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 a pupil may generate is 1.0. The district may pro-rate 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. Under no circumstance can any pupil generate more than 1.0 FTE.

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 he is enrolled in at District B and that credit is being applied to his transcript toward high school completion, then the two districts must pro-rate each district's FTE count for this pupil based upon the total number of instructional hours this pupil is receiving in both districts.

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5-N: SUSPENSION AND EXPULSION

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. Pupils guilty of gross misdemeanor or persistent disobedience may be suspended or expelled. A local or intermediate school district or a public school academy must develop and implement a code of student conduct and enforce the provisions of that code regarding misconduct [MCL 380.1309-380.1311a]. 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.

A) Requirements for Counting in Membership

The district may provide the pupil with an education or the district may contract with another district or the intermediate 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) 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 and MCL 388.1606a).

3) **Short Term Suspensions** (10 days or less) are conducted much like an "in-house suspension," and the following must occur during the count period:

   a. The attendance book of the teacher of record must show the pupil was absent from class due to suspension.

   b. The pupil must be supervised by a certificated staff member with attendance taken where pupil is served.

4) **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 itself. 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. In order to count such a pupil for membership purposes the following must occur:

   a. Attendance must be taken where the pupil is served.

   b. Pupil instruction must be provided by a certificated teacher.

   c. Instruction must be academic in nature and leading to credit toward grade progression or a high school diploma.

   d. Non-resident pupils, enrolled in and attending an alternative education program, who have been suspended or expelled from the resident district may be counted for membership purposes without a release from the resident district.

   e. Membership is pro-rated based upon the minimum required hours of pupil instruction for grades 1-12.

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5) **Pupils Who Have Been Permanently Expelled**: A pupil who has been permanently expelled from the district pursuant to Sections 380.1311(2) or 380.1311a 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 the seat time waiver program.

   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 upon the actual annualized hours the pupil is enrolled and in attendance on the count date as bears to the minimum required hours for a full-time pupil.

   b. The expelling district may provide the pupil who has been permanently expelled, pursuant to Sections 380.1311(2) or 380.1311a, with two (2) one-hour individualized instructional periods per week with a certificated teacher 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 at the local library, or at a site on campus where no other pupil from the general population will come into contact with the expelled pupil during the regular school day.

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 pro-rated FTE with the pro-ration based on the number of hours of instruction the district actually provides to the pupil divided by the minimum number of hours required for full-time equivalency.

In order to count a pupil under either option above the district must ensure that the following occur:

a. The pupil is enrolled in the district for the purpose of receiving instruction.

b. The district works with the pupil to develop an instructional plan for self study.

c. The district provides the textbooks and other instructional materials.

d. A certificated teacher provides a minimum of two non-consecutive hours of direct pupil instruction per week.

B) <u>Types of Suspensions and Expulsions</u>

Suspensions and expulsions vary in the seriousness of the behavior and the length and severity of the punishment. 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 rules of the State Board 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

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persistent misconduct. Suspension that are for 10 consecutive days or less in length require minimal due process protection, including 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 and/or Section 504 stipulates 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 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 and/or Section 504. See "Special Education Considerations in Student Discipline Procedures, March 2000".

2) Long Term Suspensions or Expulsions

A local board of education may authorize or order the suspension or expulsion from school for 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 upon 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 (*Revised School Code* - section 380.1311(2)) until such time of reinstatement under section 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) which will or is designed or may readily be converted to expel a projectile by the action of an explosive.
- The frame or receiver of any such weapon.

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- 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 the 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 750.71-80. 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 (Revised School Code - Section 380.1311(2)) until such time of reinstatement under Section 380.1311(5).

c. Criminal Sexual Assault

Criminal Sexual Assault means a violation of Section 520(b)-(g) of the Michigan Penal Code being MCL 750.520(b)-(g). 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 (Revised School Code 380.1311(2)) until such time of reinstatement under Section 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 (Revised School Code 380.1311a(1)) until such time of reinstatement under Section 380.1311a(5).

C) <u>Reinstatement of expelled pupils</u>

A pupil who has been suspended or expelled based upon 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.

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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. A behavioral contract involving the pupil, the parent or legal guardian, and an outside agency.

b. Participation in an anger management program or other appropriate counseling.

c. Periodic progressive reviews.

d. Immediate consequence for failure to abide by the conditions.

D) Using Virtual Course to Supplement Instruction

A mandatory expulsion pupil who has been required by state law to be expelled from all public schools may also be enrolled in a virtual learning course. The pupil must be receiving individualized instruction through a home-based program for a minimum of two one-hour periods of pupil instruction per week with a certified teacher. The virtual learning classes are supplemental in this case since the pupil's membership is generated in full 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 pupil membership would be pro-rated and the virtual learning classes could be counted toward that pupil's membership.

Note: The district may supplement the pupil's instruction with virtual courses but the virtual course cannot replace the required two one-hour sessions in order to count the pupil.

E) Statutory and Other References

State School Aid Act:
388.1606(4)(a)

Revised School Code:
380.1309 – 380.1313

Other:
Special Education Reference Guide

F) 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 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 #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.

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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 5C, 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 represent adequate grounds for the district to treat this situation as a state mandated expulsion?

A #2 Yes, if the criteria in MCL 380.1211a(2) are met. Section 380.1311a(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 nonconsecutive one-hour periods of instruction per week.

Intermediate district provides 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(1) 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.

School-of-Choice Pupil

Q #4 The pupil was a resident of District A in September but moved to District B in January. The pupil completed the school year in District A as permitted under Section 6(6)(g) of the State School Aid Act (MCL 388.1606(6)(g)). The district suspended this pupil in March and again in May. This pupil would like to apply for school of choice enrollment for the upcoming year. Must District A enroll this pupil since the district counted him for membership purposes in the previous year? Or, can the district refuse enrollment based upon the pupil's prior record of having been suspended?

A #4 District A counted the pupil for membership purposes in the previous fall because he was a resident pupil. District A permitted the pupil to complete that school year at the district and counted him without a release for the supplemental count day as is allowed under Section 6(6)(g) of the State School Aid Act. The pupil now resides in a different school district and must abide by all enrollment requirements as any other nonresident pupil. Section 105(9) permits District A the right to refuse enrollment to this pupil as he was suspended from a district within the last two years.

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5-O-A: VIRTUAL LEARNING, DISTANCE LEARNING, & INDEPENDENT STUDY

Virtual learning is a method of receiving academic instruction in courses in which the pupil is registered and the courses are taken through a computer-based internet-connected 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.

Distance learning is a method of receiving synchronous 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.

A) Requirements for Counting in Membership

All of the following requirements must be met for pupils enrolled in virtual learning, 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) and any other applicable statute.
2) The **pupil must be enrolled and attending on the count day(s)** if membership is being claimed pursuant to Section 6(8) and Section 6a of the State School Aid Act (MCL 388.1606 and MCL 388.1606a). Pupils enrolled in self-scheduled courses that take place off-site satisfy the attendance requirement for the off-site self-scheduled course by attending an on-site course in which they are concurrently enrolled–on the count day(s).
3) The pupil must be enrolled in the course and the course must be reflected on the pupil's class schedule on count day.
4) 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.
5) The course must generate credit toward the pupil's high school diploma or grade progression.
6) The course counts as one course on the pupil's class schedule.
7) The course generates an amount of FTE that is comparable to what it would generate if being offered through a traditional format.
8) The teacher of record must be identified. A second teacher, who does not necessarily hold Michigan teacher certification, may be associated the course.
9) A mentor must be assigned and available for assistance to the pupil.
10) If the course is offered using a blended learning format, the pupil must be physically in attendance on the count day as required by Section 6(8) of the State School Aid Act (MCL 388.1606). For a pupil who is absent on count day, the attendance criteria can be considered met if the pupil returns to school within 10 school days of an unexcused absence- or within 30 calendar days of an excused absence.
11) Grade Eligibility:
    a. Virtual learning

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- Virtual learning, on-site with an adult present other than a certified teacher: K-12*
- Virtual learning, self-scheduled: K-12*

**Note: Online courses offered to pupils enrolled in grades 6-12, in which the pupils are separated from their teachers by time or location, or both, that meet the requirements of Section 21f of the State School Aid Act (MCL 388.1621f), shall be provided following the legislation for expanded online learning as described in Section 5-O-D of the Pupil Accounting Manual.*

b. Distance learning: K-12

c. Independent study: 9-12

12) Number of courses allowed per count without a seat time waiver (see Section 5-O-B), or as described in Section 5-O-D:

a. No more than a total of two of any combination of the following:

- Virtual learning, on-site with an adult present other than a certified teacher
- Virtual learning, self-scheduled
- Independent study

b. No limit on the following:

- Distance learning

13) For self-scheduled courses, the participation requirement must be satisfied for membership purposes. The **participation requirement states** that a pupil must complete at least one (1) two-way interaction per week for each week of the four (4) week count period.

B) Intermediate District, Local District, and Public School Academy Requirements

The program shall be approved by the intermediate school district's board of education, by the local school district's board of education, or by the public school academy's board of directors, for awarding credit according to the requirements of the Michigan Merit Curriculum.

C) Instructional Components

Teacher of Record: A teacher who holds a valid Michigan teaching certificate or who is an instructor employed by or contracted through a community college or university for courses provided by a community college or university; who, where applicable, is endorsed in the subject area and grade of the course; and 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.

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.

Participation: Participation is measured for self-scheduled courses through the use of two-way interaction. 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 will be measured begins on count day (Wednesday), and continues through the following Tuesday. Each consecutive week will start on Wednesday and end on the following Tuesday, for a total of four (4) weeks including the week that began on

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count day. The district shall document and retain an online activity log detailing two-way interactions for each seat time waiver pupil. An illustration of this requirement appears below.

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			<----------week 1----------			
			Count Day			
----------week 1---------->			<----------week 2----------			
----------week 2---------->			<----------week 3----------			
----------week 3---------->			<----------week 4----------			
----------week 4---------->						

If the winter break is 4 school 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.

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. All two-way interaction must be documented and available to the pupil accounting auditor upon request. Interaction must be relevant to the course or pupil's progress. 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.

D) Virtual Learning

1) **Virtual learning, online learning, or computer courses offered on-site with an adult present who is not a certified teacher, and a certified teacher assigned** as defined in Administrative Rule 340.11. These courses are provided during the school day as part of the pupil's class schedule. The pupil is in regular daily attendance on-site at a district building pursuant to section 6(8) of the State School Aid Act (MCL 388.1606). The course is approved by the board of education of the school district or board of directors of the public school academy–and generates credit toward the pupil's high school diploma or grade progression. The course is supervised by an adult who is in the classroom while the course is in session. A certified teacher employed by the district must be assigned to the pupils. The pupil is limited to no more than 2 computer or Internet courses taken on-site with an adult present who is not a certified teacher. The course is counted in the same manner as any other in-school course.

2) Self-scheduled virtual learning courses as defined in Administrative Rule 340.11. These courses are approved by the board of education of the school district or board of directors of the public school academy and generate credit toward the pupil's high school diploma or grade progression. A teacher of record is identified and assigned to the pupil. A mentor is available for assistance to the pupil and monitors the pupil's progress in the course. Each course counts as 1 course on the pupil's class schedule and generates that portion of a full-time equivalency membership that a comparable course offered by the district would

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generate. Not more than 2 of these courses may be used in the computation of a full-time equivalency on each of the count days. The district may adopt additional requirements for pupils enrolled in these courses.

E) 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 over via a mobile device, computer, or television monitor, where the teacher instructs from a location other than the classroom where the pupils are located at the district school site. The course is approved by the board of education of the school district or board of directors of the public school academy and generates credit toward the pupil's high school diploma or grade progression. A pupil and certified teacher are assigned to the distance-learning course during the regular school day. The course appears on the pupil's class schedule–and an adult is present in the classroom. If the distance-learning course is provided through a cooperative agreement with another district or other district(s), the certified 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.

F) 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. These courses may be offered in an online or virtual format. 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 course offered by the district in which credit is earned and regular daily attendance is required. The pupil is enrolled in the 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.

G) Blended Learning

This type of learning is a hybrid of instruction that takes place in part at a supervised school facility (or a location agreed upon by the district and pupil) and in part through a computer-based or internet-connected learning environment and that provides pupils with some degree of control over time, location, and pace of instruction. Pupils receive at least fifty percent of the course instructional time through on-site face-to-face instruction.

Only independent study and self-scheduled virtual learning courses are eligible for blended learning under Section 5-O-A of the manual.

H) Statutory and Other References

State School Aid Act:	Administrative Rules:
MCL 388.1606	R 340.11
MCL 388.1621f	R 340.12
MCL 388.1622f	

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I) Question and Answer

Charging the Pupil Online Fees

Q #1 A nonresident pupil is short credits for graduation and would like to graduate with her class. The pupil is taking a full class load during the day at her resident district. The resident district is counting the pupil for 1.0 FTE. The nonresident pupil is enrolled in our adult education program for an online course in the evening to earn additional credit. May our district charge the pupil the fee for the online course?

A #1 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.

Q #2 The pupil takes an online course through Michigan Virtual University during the regular school day. The pupil also would like to receive college credit under dual enrollment for this course. There is an additional $25 fee to take the exam for college credit. May the district charge this fee to the pupil? Can the district deny the pupil the option of taking the exam at the district's expense?

A #2 No, the $25 fee falls under the "tuition and fees" for which the district is responsible under dual enrollment requirements–and the district cannot deny the pupil the opportunity to take the assessment at the district's expense.

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5-O-B: SEAT TIME WAIVER

An intermediate school district, a local school district, or a public school academy seeking to offer pupils access to online or 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. The seat time waiver is a Department-approved alternative or innovative education program that removes the days, hours, and physical attendance requirements (unless required as a condition of the waiver) and lifts the cap on the number of online courses in which a pupil can enroll during the count period, as defined by Administrative Rule 340.11.

Section 101(9) of the State School Aid Act (MCL 388.1701) permits the State Superintendent to waive the required days and required hours of pupil instruction for alternative education programs or other innovative programs approved by the Department, including a four (4) day school week.

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.

A) 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) 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 and MCL 388.1606a).
3) The participation requirement must be satisfied for membership purposes. The **participation requirement states** that a pupil must complete at least one (1) two-way interaction per week for each week of the four (4) week count period.
4) In the calculation of claimable membership, each **course shall count as one class** on the pupil's class schedule and will 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.
5) 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.
6) The district must provide a teacher of record and mentor for the course as described later in this section.
7) 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.
8) The district may adopt additional requirements for pupils enrolled in virtual learning, distance learning, or independent study. Further, a district may choose not to offer a seat time waiver program or to place greater restrictions on its pupils (e.g., eleventh and twelfth grade pupils only) or on the courses offered. This is the local school board's prerogative.
9) **Additional documentation must be provided** if requested by the pupil membership auditor. The district must provide all documentation requested by the pupil membership

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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.

B) Types of Seat Time Waiver Programs

100% Online Seat Time Waiver: This type of waiver allows the district to deliver all of a pupil's instruction online, with no requirement for the pupil to attend instruction physically on-site. Districts may choose to include a drop-in lab component with courses, as needed. A district may enroll up to twenty-five percent of its pupils in grades 6-12. However, if a public school academy that is chartered by the intermediate district operates the program, the program is limited to enrolling ten percent of the ISD regionally combined pupil population in grades 6-12. Districts have the option of adding a blended learning component under this type of waiver where pupils will be required to physically attend face-to-face instruction. This should be noted in the district's seat time waiver implementation plan.

Blended Learning Seat Time Waiver: This type of waiver is a hybrid of instruction that takes place in part at a supervised school facility (or a location agreed upon by the district and pupil) and in part through a computer-based or internet-connected learning environment that provides pupils with some degree of control over time, location, and pace of instruction. There is no limit on the percentage of the district pupil population in grades 6-12 who may participate. Pupils must receive at least fifty percent of the course instructional time through on-site face-to-face instruction. The district is expected to maintain a schedule of dates where on-site (physical) attendance is required for students enrolled in a blended learning program. The teacher of record will record the actual attendance on these dates in the same manner as the district records attendance for traditionally delivered courses. The scheduled on-site instructional time should amount to at least fifty (50) percent of the instructional hour and day requirements.

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 a 100% online seat time waiver program. 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.

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.

K-5 Seat Time Waiver: Each local public school district, public school academy, and intermediate school district must apply individually to the Department for approval. Districts approved for a 100% online seat time waiver for grades K-5 may request a waiver for up-to twenty-five (25) percent of the pupils in those grades, however, the Department may limit the district to a lesser percent. Districts approved for a blended learning seat time waiver for grades K-5 may provide up to fifty (50) percent of the instructional time in an offsite, self-scheduled format. Districts may request a blended learning waiver for the entire K-5 population; however, the Department may limit the district to a lesser percent.

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C) Modes of Instruction

Under this section, the Department allows districts to use either teacher-led instruction or self-paced instructor-facilitated instruction for the delivery of course content.

Teacher-led instruction occurs when a Michigan certified (and highly qualified as appropriate) teacher directly delivers all of the course content in a manner similar to that found in a traditional classroom environment.

Self-paced instructor-facilitated instruction occurs when an appropriate grade level certified teacher is responsible for aiding in the delivery of content. This teacher is not necessarily providing the instruction, or may be delivering only a portion of the content. Content should be developed or vetted by a certified (and highly qualified as appropriate) teacher at the appropriate grade level in the content area. This mode of instruction requires that pupils have access to an appropriately Michigan certified or highly qualified teacher of record.

D) Instructional Components

Teacher of Record: A teacher who holds a valid Michigan teaching certificate or who is an instructor employed by or contracted through a community college or university for courses provided by a community college or university; who, where applicable, is endorsed in the subject area and grade of the course; and 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.

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.

Participation: Participation is measured for self-scheduled courses through the use of two-way interaction. 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 will be measured begins on count day (Wednesday), and continues through the following Tuesday. Each consecutive week will start on Wednesday and end on the following Tuesday, for a total of four (4) weeks including the week that began on count day. The district shall document and retain an online activity log detailing two-way interactions for each seat time waiver pupil. An illustration of this requirement appears below.

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			<----------week 1----------			
			Count Day			
----------week 1---------->			<----------week 2----------			
----------week 2---------->			<----------week 3----------			
----------week 3---------->			<----------week 4----------			
----------week 4---------->						

If the winter break is 4 school days or longer, the requirement for weekly two-way interaction

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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.

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. All two-way interaction must be documented and available to the pupil accounting auditor upon request. Interaction must be relevant to the course or pupil's progress. 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.

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.

E) Intermediate 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. 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 upon satisfactory completion of courses or other credit-earning activities, the credits earned through the seat time waiver courses and activities 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.

The class schedule shall reflect all courses scheduled, registered, and enrolled for the pupil for the semester. This includes pupils who utilize a sequential learning schedule where 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 seat time waivers granted for the 2011-2012 fiscal year or a subsequent fiscal year remain in effect unless revoked by the State Superintendent.

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Blended learning pupils must receive at least 549 hours of on-site instruction in reaching the 1,098-hour requirement.

b. 100% online seat time waivers granted for the 2011-2012 fiscal year or a subsequent fiscal year remain in effect, unless revoked by the State Superintendent, if educational services are available to pupils for at least 1,098 hours during a school year and ensures that each pupil is on track for course completion at proficiency level.

c. A waiver not described by (a) or (b) above 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 education plan that leads to a high school diploma. Districts must maintain the results of these assessments in the pupil's education plan.

As determined by the Department, a variety of benchmarks and measures are used to monitor program effectiveness and to make determinations regarding the continuation of program waivers.

At the end of the 2016-17 school year, districts will be required to report student growth for seat time waiver participants using a growth to proficiency model. The report shall include pupils who are enrolled in their second or greater year of participation in the program.

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, including:

- **The costs associated with providing the pupil with a computer.** The district must offer to provide a computer for each pupil enrolled under an approved seat time waiver The computer must include Internet capacity and appropriate software configuration for use by the pupil at home while enrolled in the seat time waiver program.
- **The costs associated with providing the pupil with broadband Internet access.** The district must offer to provide broadband Internet for a pupil enrolled in a seat time waiver program for the duration of the pupil's enrollment in a seat time waiver program. The broadband Internet capacity shall provide at least 3 Mbps download and 1 Mbps upload speeds.

F) Statutory and Other References

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State School Aid Act:	Revised School Code:	Administrative Rules:
MCL 388.1606	MCL 380.1281	R 340.11
MCL 388.1701	MCL 380.1311	R 340.18
	MCL 380.1311a	

Appellate Court Decision:
Bond v Ann Arbor School District, 383 Mich 693 (1970)

G) Question and Answer

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 a 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 in order 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 course schedule that reflects all courses in which the pupil is enrolled and which the pupil attended during the semester. The district will use the course schedule to determine the amount of FTE for the pupil.

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 Can a homebound/hospitalized pupil enroll and attend through a seat time waiver or does the pupil require the minimum two weekly 45-minute visits by a certified teacher?

A #6 The district must provide one-on-one instruction with a certified teacher in order to count a pupil using the homebound/hospitalized requirements (See Section 5-D of this manual). 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 seat time waiver rather than using homebound/hospitalized services; the pupil's class schedule would

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then determine the amount of FTE claimed.

Q #7 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 certified teacher if it wishes to count the pupil in membership?

A #7 Under Sections 1311 and 1311a of the Revised School Code, the district must provide the pupil with two weekly one-hour individualized instructional visits with a certified teacher in order 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 a seat time waiver as the method of providing the pupil instruction. If the district chooses to enroll the pupil in a seat time waiver 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.

Q #8 Must a district request a seat time waiver for any pupil taking online courses off-site?

A #8 No. A pupil who takes one or two courses off-site may not require a seat time waiver. Additionally, a pupil who has demonstrated previous success with online learning may be allowed to enroll in more than 2 online courses under Section 21f of the State School Aid Act (MCL 388.1621f) if school leadership and the pupil's parent or legal guardian determine it is in the best interest of the pupil.

Q #9 Must the district provide a computer and broadband access to a pupil enrolled in a seat time waiver program part-time?

A #9 The district must provide a computer and broadband access to full-time and part-time pupils enrolled through a seat time waiver unless the pupil refuses the computer or broadband access offered by the district.

Q #10 What are the requirements for a district with a mid-winter break during the 30-day count period?

A #10 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 #11 Is the teacher of record limited to a certain number of pupils?

A #11 There is no limit on the number of pupils assigned to the teacher of record.

Q #12 How does a school document the weekly two-way interaction between the teacher of record or mentor and pupil?

A #12 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 take notes from a telephone or face-to-face conversations that include details of the conversation and date.

Q #13 Are seat time waiver pupils required to participate in assessments required by the Department?

A #13 Yes. Participation in Department-required grade-appropriate assessments is a legislative requirement unless the pupil is being home-schooled or is enrolled in a

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nonpublic school.

Q #14 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 #14 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.

Q #15 Can the district enroll pupils in courses that have no online or computer-based component under a seat time waiver?

A #15 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 intermediate district 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 between the teacher of record or mentor and pupil to satisfy the participation requirement.

Q #16 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 #16 Per the membership requirements, 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.

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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).

A) 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 meets the membership eligibility requirements** pursuant to Section 6(4) or 6(6) of the State School Aid Act (MCL 388.1606) 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 participation requirement must be satisfied for membership purposes. The **participation requirement states** that a pupil must complete at least one (1) two-way interaction per week for each week of the four (4) week count period.

4) One or more of the following must be met on count day to satisfy the attendance 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 e-mail 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 upon by the cyber school and intermediate district auditor was met.

5) The pupil must participate in all courses 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 school days if the absence was unexcused, or during the next 30 calendar days if the absence was excused.

6) The cyber school provided full-time instruction and each pupil had a schedule based upon the school's criteria for a full-time pupil.

B) Instructional Components

Teacher of Record: A teacher who holds a valid Michigan teaching certificate or who is an instructor employed by or contracted through a community college or university for courses provided by a community college or university; who, where applicable, is endorsed in the subject area and grade of the course; and 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.

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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.

Participation: Participation is measured for self-scheduled courses through the use of two-way interaction. 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 will be measured begins on count day (Wednesday), and continues through the following Tuesday. Each consecutive week will start on Wednesday and end on the following Tuesday, for a total of four (4) weeks including the week that began on count day. The district shall document and retain an online activity log detailing two-way interactions for each seat time waiver pupil. An illustration of this requirement appears below.

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			<----------week 1----------			
			Count Day			
----------week 1---------->			<----------week 2----------			
----------week 2---------->			<----------week 3----------			
----------week 3---------->			<----------week 4----------			
----------week 4---------->						

If the winter break is 4 school 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.

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. All two-way interaction must be documented and available to the pupil accounting auditor upon request. Interaction must be relevant to the course or pupil's progress. 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.

C) Cyber Schools

Section 551(2)(e) of the Revised School Code (MCL 380.551) defines a cyber school as "a school of excellence established under this part 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."

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1) Enrollment Requirements

Pursuant to Section 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 pupils.

Pursuant to Section 556(7) of the Revised School Code (MCL 380.556), 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) 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 a minimum of at least 1,098 hours during a school year and must ensure that each pupil participates in the educational program for 1,098 hours during a school year.

The following calculation verifies 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 the teacher is scheduled for instruction per year]

x [# of hours the teacher is scheduled for instruction per day]

= [number of hrs of educational services made available to pupils per school yr]

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 or lessons per year)/60]
+ [((min. per lesson for course #2) x days of instruction or lessons per year)/60]
+ [((min. per lesson for course #3) x days of instruction or lessons per year)/60]
+ [((min. per lesson or course #4) x days of instruction or lessons per year)/60]
+ [((min. per lesson or course #5) x days of instruction or lessons per year)/60]
+ [((min. per lesson or course #6) x days of instruction or lessons 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

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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 listing of approved courses.
- 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.

Note: The class schedule must reflect all courses in which a sequential learning pupil will enroll throughout the semester.

D) Statutory and Other References

State School Aid Act:	Revised School Code:	Administrative Rule:
MCL 388.1606	MCL 380.551	R 340.11
MCL 388.1606a	MCL 380.552	
MCL 388.1698	MCL 380.553a	
MCL 388.1701	MCL 380.553b	
MCL 388.1766d	MCL 380.556	
	MCL 380.559	
	MCL 380.561	

E) Question and Answer

Q #1 How should the school document interaction between the teacher of record or mentor and pupil for attendance purposes?

A #1 The teacher of record or mentor 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, e-mail 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.

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5-O-D: EXPANDED ONLINE LEARNING

Expanded online learning options, available pursuant to Section 21f of the State School Aid Act (MCL 388.1621f), allow pupils in grades 6 to 12 to enroll in online courses where each course is capable of generating credit or a grade while being provided in an interactive internet-connected learning environment where pupils are separated from their teachers by time or location, or both.

Section 21f allows pupils to enroll in online courses from the district or statewide online course catalog by term, semester, or trimester. This enrollment may not cause the pupil to be counted in membership for more than 1.0 FTE. The district that counts the pupil in membership reports the enrollment on the pupil's class schedule and on the pupil's transcript.

A) 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** set forth in Section 6(4) or 6(6) of the State School Aid Act (MCL 388.1606) and any other applicable statute.
2) The **pupil shall be registered, enrolled and attending on the count day(s)** 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 and MCL 388.1606a).
3) The participation requirement must be satisfied for membership purposes. The **participation requirement states** that a pupil must complete at least one (1) two-way interaction per week for each week of the four (4) week count period.
4) The pupil must be enrolled in any of grades 6 to 12.
5) The pupil has parent or legal guardian consent for enrollment in the online course(s). Consent is not required if the pupil is at least age 18 or is an emancipated minor.
6) The course was selected from a course syllabi published in the statewide online course catalog maintained by the Michigan Virtual University (MVU) available at http://micourses.org (or from the district's online course catalog if the course is also published in the statewide online course catalog).
7) Unless the pupil is newly enrolled in the district, the request for online course enrollment must be made in the academic term, semester, trimester, or summer preceding the enrollment.
8) The pupil must be enrolled in the course on count day and the course must be reflected on the pupil's class schedule.
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 online courses shall not result in a pupil being counted for more than 1.0 FTE.
10) The district may count a pupil for no more than 2 online courses per count unless the pupil has demonstrated previous success with online courses and the school leadership and the pupil's parent or legal guardian determine that it is in the best interests of the pupil to enroll him or her in more than 2 online courses in a specific academic term, semester, or trimester.
11) The course must be capable of generating credit toward the pupil's high school diploma or grade progression.
12) A mentor must be assigned to the pupil.

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B) Instructional Components

Teacher of Record: A teacher who holds a valid Michigan teaching certificate or who is an instructor employed by or contracted through a community college or university for courses provided by a community college or university; who, where applicable, is endorsed in the subject area and grade of the course; and 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.

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.

Participation: Participation is measured for self-scheduled courses through the use of two-way interaction. 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 will be measured begins on count day (Wednesday), and continues through the following Tuesday. Each consecutive week will start on Wednesday and end on the following Tuesday, for a total of four (4) weeks including the week that began on count day. The district shall document and retain an online activity log detailing two-way interactions for each seat time waiver pupil. An illustration of this requirement appears below.

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			<----------week 1----------			
			Count Day			
----------week 1---------->			<----------week 2----------			
----------week 2---------->			<----------week 3----------			
----------week 3---------->			<----------week 4----------			
----------week 4---------->						

If the winter break is 4 school 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.

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. All two-way interaction must be documented and available to the pupil accounting auditor upon request. Interaction must be relevant to the course or pupil's progress. 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.

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C) Section 25e Membership Transfer Exception

The portion of the full-time equated pupil membership for which a pupil is enrolled in one (1) or more online courses under Section 21f shall not be transferred under the pupil membership transfer process under Section 25e of the State School Aid Act (MCL 388.1625e).

D) Course Provider Requirements

1) Each online course must have a course syllabus that addresses at least the following:
   a. The state academic standards addressed in the online course.
   b. The online course content outline.
   c. The online course required assessments.
   d. The online course prerequisites.
   e. Expectations for actual instructor contact time with the online learning pupil and other pupil-to-instructor communications.
   f. Academic support available to the online learning pupil.
   g. The online course learning outcomes and objectives.
   h. The name of the institution or organization providing the online content.
   i. The name of the institution or organization providing the online instructor.
   j. The course titles assigned by the district and the course titles and course codes from the National Center for Education Statistics (NCES) School Codes for the Exchange of Data (SCED).
   k. The number of eligible nonresident pupils who will be accepted by the district in the online course.
   l. The results of the online course quality review using the guidelines and model review process published by MVU.
2) Each online course placed in a local catalog or in the statewide online course catalog by a local district 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.
3) A teacher of record must be assigned.
4) The providing district provides the enrolling district with the teacher's primary identification code.
5) The course must offer an open entry and exit method, or align to a semester, trimester, or accelerated term format.
6) Not later than October 1 of the current school year, provide the Michigan Virtual University with the number of enrollments in each online course offered to pupils pursuant to this section in the immediately preceding school year, and the number of enrollments in which the pupil earned 60% or more of the total course points for each online course. Community colleges participating under Section 21f are exempt from this requirement until 2016.
7) If the course is provided by a community college under Section 21f, the course must generate postsecondary credit.

E) Program and Course Capacity

A providing district or community college shall determine whether it has capacity to accept applications for enrollment from nonresidents in online courses. If the providing district or

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community college determines that it has capacity for nonresident pupils, the district determines if the capacity is unlimited, whereby all nonresident pupils can be accepted, or if there is a limited number of seats. If the number of applicants for a limited program exceeds the number of seats available, the providing district or community college shall use a random draw system when selecting pupils for enrollment.

F) Course Catalog

A pupil may enroll in online courses published in the providing district's catalog of online courses or the statewide online course catalog maintained by MVU. A district offering an online course must provide MVU with the course syllabus for inclusion in the statewide online course catalog and must provide a link to the catalog on the district's website. Online courses are offered on an open entry and exit method or are aligned to a semester, trimester, or accelerated academic term.

Note: Districts should not add course information to the statewide online course catalog for courses that do not meet the definition of an online course under Section 21f, such as content-only courses or courses with a non-Michigan certificated teacher.

G) Denial of Enrollment

Enrollment in an online course may be denied for any of the following reasons:

a. The pupil has previously gained the credits provided from the completion of the online course.

b. The online course is not capable of generating academic credit.

c. The online course is inconsistent with the remaining graduation requirements or career interests of the pupil.

d. The pupil does not possess the prerequisite knowledge and skills to be successful in the online course or has demonstrated failure in previous online coursework in the same subject.

e. The online course is of insufficient quality or rigor. A district that denies a pupil enrollment for this reason shall make a reasonable effort to assist the pupil to find an alternative course in the same or a similar subject that is of acceptable rigor and quality.

f. The cost of the online course exceeds the amount allocated to a course under Section 21f unless the pupil's parent or legal guardian agrees to pay the cost that exceeds that amount.

g. The online course enrollment request does not occur within the same timelines established for enrollment and schedule changes for regular courses.

Note: A district may not establish additional requirements that would prohibit a pupil from taking an online course.

H) Pupil Enrollment Denial Appeals

If a pupil is denied enrollment in an online course, the pupil may appeal the denial by submitting a letter to the superintendent of the intermediate district. The letter of appeal shall include the reason for not enrolling the pupil and the reason why the pupil is claiming that the enrollment should be approved. The intermediate district superintendent or designee shall respond to the appeal within 5 business days after it is received. If the intermediate district superintendent or designee determines that the denial of enrollment does not meet 1 or more of the reasons specified in subsection F above, the pupil shall be allowed to enroll in the online course.

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I) Counting Membership, Awarding Credit, and Payment of Tuition

The enrolling district shall count the pupil in membership for the course(s) in which the pupil is enrolled under MCL 388.1621f if all of the requirements for counting a pupil in membership have been satisfied.

If a pupil successfully completes an online 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 online course title as it appears in the online course syllabus.

A district is not required to pay toward the cost of an online course an amount that exceeds 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).

J) Statutory and Other References

State School Aid Act:	Administrative Rules:
MCL 388.1606	R 340.11
MCL 388.1620	
MCL 388.1621f	
MCL 388.1701	

K) Question and Answer

Q #1 The manual describes the courses allowed through 21f as interactive internet-connected learning environments. What is an interactive course?

A #1 The term interactive course typically describes material of an educational or informational nature delivered in an electronic format, which allows the user to directly impact the materials' content, pace, and outcome.

Q #2 Districts are required to provide in each course syllabus the expectations for "actual instructor contact time with the online learning pupil and other pupil-to-instructor communications." How is contact time defined?

A #2 Instructor contact time refers to time that is set-aside during a course where a form of two-way interaction between the teacher of record or mentor and the pupil can occur. This interaction may occur through a virtual environment, face-to-face meeting, or another medium that allows communication.

Q #3 How can the district determine if the course is academic in nature?

A #3 Academic courses can be applied toward the satisfaction of degree requirements (or grade progression) and are not in the subject areas of theology, divinity, or religious education, nor is the course based on a hobby or craft. Academic courses may include courses that are classified as electives in addition to those classified as essential. The classification of courses as academic is left to the discretion of the district.

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5-P: WORK-BASED LEARNING EXPERIENCES

Work-based learning experiences (WBLE) provide students 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, 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 certified instructor teacher employed by the district.

A district may include in their membership a pupil earning high school credit in a work-based learning experience if the requirements that pertain to that particular program type are met. The work-based learning experiences must not generate more than one-half of the pupil's full-time equivalency (FTE). The employment of the pupil must not exceed the maximum hours set by the district.

A) 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) 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 and MCL 388.1606a).
3) Pupil must be enrolled in any of grades 9-12 for non-CTE or any of grades 11-12 for State Approved CTE.
4) The course must generate credit toward the pupil's high school diploma or grade progression.
5) The district has a written training agreement in place by the pupil membership count date.
6) The district has a written training plan in place by the pupil membership count date.
7) The employer or certified teacher/coordinator has maintained and verified records of the pupil's attendance throughout the duration of the training agreement.
8) Safety instruction appropriate to the placement has been provided by the district and must be documented in either the training plan or training agreement.
9) The WBLE does not generate more than one-half of the pupil's membership up to .5 FTE.
10) The employment of the pupil must not exceed the maximum hours set by the district.
11) The WBLE includes a plan for regular visitation. The plan indicates that visitations will occur every 9 weeks for a non-CTE WBLE and State Approved CTE program, or every 30 days for non-CTE WBLE for Pupils with Disabilities and In-district Placement/Transition Services.
12) Non-CTE WBLE and In-district Placement/Transition Services must be monitored by a certified secondary teacher. Non-CTE WBLE for Pupils with Disabilities must be monitored by a certified district teacher, and must have a special education teacher assigned to the pupil. All State Approved CTE programs must be monitored by a vocationally certified teacher/coordinator.

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13) Additional Requirements:

a. Non-CTE - WBLE
   - Follow Federal and State regulations to employ minors
   - Current or prior enrollment in related course
   - 45 hours per specific training experience (if unpaid WBLE)

b. Non-CTE - WBLE for Pupils with Disabilities
   - No requirement for previous or concurrent enrollment in related academic course.

c. Non-CTE - In-district Placement/Transition Services
   - Placement must be related to the pupil's transition services plan

d. State Approved CTE - Capstone WBLE
   - Has successfully completed 50% of state-approved CTE program
   - Must work minimum of 10 hours per week
   - Must attend related CTE class or capstone class minimum of 40 min/wk.

e. State Approved CTE - Work-Based Learning Experience (Rotations/Clinicals)
   - 45 hours per specific training experience (if unpaid WBLE)

f. State Approved CTE - In-District Work-Based Learning Experience
   - 45 hours per specific training experience (if unpaid WBLE)

g. State Approved CTE – Less Than Class Size
   - A completed and signed notification has been received by the OCTE
   - Time shall be equivalent to state-approved CTE program
   - No more than 4 pupils per instructor Instruction by LTCS annually authorized personnel

B) <u>Types of Work- Based Learning Experiences</u>

There are two types of work-based learning experiences that can be counted toward pupil membership (FTE):

1) Work-Based Learning Experiences (Non-CTE)
   a. Paid or Unpaid Work-Based Learning Experiences
   b. Paid or Unpaid Work-Based Learning Experiences for Pupils with Disabilities
   c. Unpaid In-District Placement/Transition Services
2) Work-Based Learning Experience Related to a State-Approved Career and Technical Education (CTE) Program
   a. Paid or Unpaid Capstone Work-Based Learning Experience State-Approved CTE Programs
   b. Unpaid Work-Based Learning Experience State-Approved CTE Programs (Rotations/Clinicals)

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c. Paid or Unpaid In-District Work-Based Learning Experience State-Approved CTE Programs

d. Unpaid Training State-Approved CTE Less-Than-Class-Size (LTCS) Programs

C) Definition of Terms

1) Career and Technical Education State-Approved Programs (50%)

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 listing 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."

2) Performance Elements

A requirement contained under the "written training plan" is a list of performance elements that contribute to the pupil's progress toward a career objective. The performance elements/job skills shall be used to assess the pupil's program. For Work-Based Learning State-Approved CTE programs, performance elements as established by the Office of Career and Technical Education must be used.

3) CTE Work-Based Learning

CTE Program Standards (Performance Elements) must be utilized to develop CTE work-based learning training programs (capstone, unpaid, in-district, and less-than-class-size) that contribute to the pupil's progress toward a career objective. The CTE standards (Performance Elements) can be found at http://ctenavigator.org.

4) Non-CTE Work-Based Learning

Non-CTE work-based learning may use the same performance elements as CTE work-based learning, or may also use other sources to develop performance elements, such as those found at http://online.onetcenter.org.

5) Training Agreement

The training agreement is a written contract that clarifies the specific responsibilities of the pupil learner, 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 learner to be legally employed. Hours not listed are not covered by the agreement. 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).

A training agreement must be in place by pupil membership count day and must include the following:

a. The pupil's personal information including name, home address, telephone number(s), birth date, and emergency contact information.

b. The school's name, address, telephone number, and contact person.

c. The employer's name, address, telephone number, and contact person.

d. A list of employer, school, and pupil responsibilities.

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e. The beginning and ending dates of the training agreement.

f. The daily hours to be worked that include beginning and ending times.

g. The beginning rate of pay, if paid work-based learning experience.

h. Verification that appropriate safety instruction has been provided by the school district (or the employer).

i. Verification that employer has workers' disability compensation and general liability insurance.

j. The signatures of the principal or his or her designee, certified teacher if non-CTE or a vocationally certified teacher/coordinator if CTE work-based learning, pupil, parent or legal guardian, and training station supervisor (employer). If the training agreement and training plan are combined into one document, only one set of signatures is required.

k. A statement of assurance signed by the employer that a pupil will not be discriminated against on the basis of race, color, religion, national origin, sex, age, or disability.

l. A district statement of assurance of compliance with federal laws relating to nondiscrimination.

An example of a training agreement can be found on the web at www.michigan.gov/octe. From the left hand column, click on "Instructional Programs", then under "Resources" click on "Work-Based Learning Guide for Risk Management" and go to section 9.

The direct link for career and technical education sample training agreement is:

http://mi.gov/documents/mde/Sample_CTE_WBL_Training_Agreement_June_2013_422841_7.doc

The direct link for the non-career and technical education sample training agreement is: http://mi.gov/documents/mde/Sample_Non-CTE_WBL_Training_Agreement_June_2013_422844_7.doc

6) 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. Verification by the certified teacher that the pupil's career or education goals as outlined in their education development plan relate to the placement.

b. A list of performance elements that contribute to the pupil's progress toward a career objective. The performance elements/job skills shall be used to assess the pupil's progress. For Work-Based Learning Experience State-Approved CTE programs, performance elements as established by the Office of Career and Technical Education must be used.

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 in that relates to and prepares the pupil for job placement (this requirement applies to Work-Based Learning Experience Non-CTE programs).

d. The signatures of the principal or his or her designee, certified teacher if non-CTE or a vocationally certified teacher/coordinator if CTE work-based learning, pupil, parent or legal guardian, and training station supervisor (employer). If the training agreement and training plan are combined into one document, only one set of signatures is required.

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An example of a training plan can be found on the web at: www.michigan.gov/octe. From the left hand column, click on "Instructional Programs", then under "Resources" click on "Work-Based Learning Guide for Risk Management" and go to section 9.

The direct link for the example training plan is:

http://mi.gov/documents/mde/Sample_WBL_Training_Plan_June_2013_422848_7.doc

7) Unpaid Trainee

The following six federal criteria must be met for a pupil to be considered as an unpaid trainee:

a. The training, even though it includes actual operation of the facilities of the employer, is similar to that which would be given in school where curriculum is followed and pupils are under the continued and direct supervision of representatives of the school or business.

b. The training is for the benefit of the trainees or pupils.

c. The trainees or pupils do not displace regular employees, but work under their close observation.

d. The employer who provides the training derives no immediate advantage from the activities of the trainees or pupils; and on occasion, operations may actually be impeded.

e. The trainees or pupils are not necessarily entitled to a job at the conclusion of the training period.

f. The employer and the trainees or pupils understand that the trainees or pupils are not entitled to wages for the time spent in training.

In order to avoid an employer/employee relationship and to maintain a "trainee" relationship under federal definitions, training must not be for more than a total of 45 hours per specific training experience and must be conducted under a written training agreement and a written training plan. Different training experiences can occur at one location if there are multiple training plans with a whole set of separate skills (no duplication of tasks) with a training agreement that clearly defines separate training experiences every 45 hours.

8) Verification of Workers' Disability Compensation and General Liability_Insurance

An important requirement of the training agreement for both paid and unpaid pupils is that there must be verification from the employer that they carry both workers' compensation insurance and general liability insurance. To verify workers' compensation coverage, call the Michigan Department of Energy, Labor and Economic Growth, Workers' Compensation Agency at 1-888-396-5041 or access the website at www.michigan.gov/wca and click on 'Insurance Coverage Lookup' in the right navigation under 'WCA Quicklinks'.

The above website does not provide general liability insurance; this information must be verified directly with the employer.

In Michigan, workers' compensation insurance and general liability insurance coverage are required by the Department of Education for any pupil (paid or unpaid) placed from a public school district into a work-based learning experience. The reasons for this requirement are listed below:

a. It assures that pupils are placed in businesses that have adequate supervision and oversight.

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According to the Michigan Department of Energy, Labor and Economic Growth, Workers' Compensation Agency, the workers' compensation law requires employers (profit and nonprofit businesses) to carry these policies if there is one (1) full time or three (3) part time employees and in most instances, the owner of the business is considered an employee.

b. It assures that a business has proper coverage in the event that the pupil is involved in an accident.

According to the Michigan Department of Energy, Labor and Economic Growth, Workers' Compensation Agency, even if the pupil is insured by the school district's policy (and many school districts do carry coverage for the pupils who are placed in work-based learning experiences), if a judge finds that the business and the pupil had an employee/employer relationship, the business workers' compensation insurance and general liability insurance protect both parties. No policy means that there is no protection for the pupil or the employer if an injury occurs.

The employee/employer relationship, should an injury occur, will ultimately be the decision of the magistrate. If an employer does not have a workers' compensation policy, they do not have the exclusive remedy protection under the act. This means that an employee is free to sue the employer and there would be no limitations to the amount of money the employee may receive. The policy protects everyone in case of an injury.

The Department of Education is not requiring that pupils in unpaid placements be added to the workers' compensation policy and general liability policy of the business. Many school districts continue to carry insurance coverage for pupils they place into these settings.

In summary, the Department of Education requires that any business where pupils are placed, carry these insurances (workers' compensation and general liability) to protect the pupil and the business in case of a law suit that finds the pupil to be an actual employee and to also insure that the business is big enough to adequately supervise the pupil safely.

9) Visitation Plan

These visitations by the certified teacher are to monitor the progress of the pupil's skill attainment, determine if the pupil is eligible to receive school credit, verify the pupil's attendance, and evaluate the site in terms of health, safety, and welfare of the pupil. More visits may be required depending upon the pupil learner's progress and needs, the supervisor's experience in working with pupil learners, and other factors. For special education work-based learning pupils, the visitation plan <u>must</u> comply with Rule 340.1733(i).

10) Vocationally (Career and Technical Education) Certified Teacher/Coordinator

State-Approved CTE program placements must be monitored by a vocationally (career and technical education/CTE) certified teacher/coordinator employed by the district. Responsibilities of a vocationally (CTE) certified teacher/coordinator can include the following:

a. Locate prospective training stations

b. Do an evaluation of the potential worksite

c. Provide detailed program information for the purpose of orientation to employers

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d. Observe safety conditions on the job

e. Confirm workers' compensation coverage and liability insurance

f. Prepare training agreements

g. Develop training plans

h. Confer with employer for instructional needs of pupil learner

i. Confer with pupil learner at worksites

j. Maintain teacher/coordinator records

k. Handle pupil learner work/school issues

l. Maintain pupil learner wage and hour records

m. Develop and implement a visitation plan

D) Work-Based Learning Experiences (Non-CTE)

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 Paid or Unpaid work experience must be monitored by a certified teacher. 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 shall 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.

Pupils receiving special education services may participate, as appropriate, in any work-based learning experience designed for general education pupils. In doing so, the pupils receiving special education services must meet all of the requirements of that general education work-based learning experience to be counted in membership.

1) Paid or Unpaid Work-Based Learning Experiences

A pupil who participates in a Paid or Unpaid work-based learning experience may be counted in membership if all of the following are met:

a. The pupil must be enrolled in grades 9-12.

b. The work experience must be monitored by a designated school certified teacher.

c. The pupil must be eligible to receive credits toward a high school diploma (or grade progression) for the work-based learning experience.

d. The work-based learning experience shall not generate more than one-half (.50) of the pupil's FTE.

e. The district shall have a written training agreement in place by the pupil membership count date.

f. The district shall have a written training plan in place by the pupil membership count date.

g. The employer or coordinator must maintain and verify records of the pupil's attendance throughout the duration of the training agreement.

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h. A regular visitation plan, calling for at least one visit every nine-week period to the site by the Certified teacher, after first visiting the employer to establish the training station, must be developed with each employer. For special education work-based learning pupils, the visitation plan must comply with Rule 340.1733(i).

i. Federal and state regulations regarding the employment of minors shall be followed. A pupil is allowed not more than 24 hours of work per week while school is in session (MCL 409.111).

j. The employment of the pupil shall not exceed the maximum hours set by the district.

k. In addition to the above, the following requirements apply to unpaid work-based learning experiences:

- The training experience must not be for more than a total of 45 hours per specific training plan.
- The work experience must occur during scheduled classroom time, unless a special exception is documented. For special exceptions, the training plan and training agreement must reflect the alternate hours and a Certified teacher must be available to monitor this experience during the pupil's training hours.

2) Paid or Unpaid Work-Based Learning Experiences for Pupils with Disabilities

For pupils receiving special education services that require an additional programming option, reference Michigan Administrative Rules governing Special Education Programs and Services, Rule 340.1733(i). This rule describes the program for a pupil/learner receiving work-site based education through a special education training plan. Special education work-based learning experiences shall comply with Rule 340.1733(i).

This work-site based learning experience, which is either paid or unpaid, is delivered through the special education delivery system. This program must have a written agreement (training plan) that must be signed by the principal or his or her designee, Certified teacher or coordinator, pupil, parent or legal guardian, and the training station supervisor (employer). The agreement shall set forth all of the following information:

a. Expectations and standards of attainment

b. Job activities

c. Time and duration of the program

d. Wages paid to the pupil, if applicable

e. Related instruction, if applicable

A district employed Certified teacher must visit the pupil's worksite at least once every 30 calendar days 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.

For a special education pupil receiving work-site based learning experiences under R340.1733(i) to be counted in special education membership, the following must occur:

a. Pupil must be enrolled and assigned to a special education teacher.

b. The district shall have a written training agreement in place by the pupil membership count date.

c. The district shall have completed a written training plan in place by the pupil membership count date.

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d. The employer must maintain verified records of the pupil's attendance.

e. The number of worksite hours counted for membership must not exceed the maximum number of worksite hours allowed to be counted for membership, as determined by the district.

f. A staff member must visit the pupil and the pupil's supervisor at the job site at least once every 30-calendar days as described above.

g. If unpaid, the training experience must not be for more than a total of 45 hours per specific training plan.

3) Unpaid In-District Placement/Transition Services

A pupil receiving special education services under a transition services plan may be placed in the school district. The in-district placement must be directly related to the postsecondary career and employment goals and objectives in the pupil's transition services plan developed for the pupil receiving special education services. A copy of the pupil's transition services plan must be attached to an unpaid in-district placement agreement and must directly relate to the placement. Failure to attach a copy of the pupil's transition services plan to the in-district placement agreement will result in a FTE deduction.

a. The district shall have an in-district placement agreement in lieu of a training agreement in place by the pupil membership count date. The direct link for a sample in-district placement agreement is at:

http://mi.gov/documents/mde/Sample_In-District_CTE__Transition_Placement_Form_June2013_422842_7.doc

b. The in-district placement agreement shall include the following information about the student and his or her placement:

- Pupil's personal information including name, home address, telephone number(s), birth date, and emergency contact information.
- Beginning and ending dates of placement.
- The daily hours to be worked that include beginning and ending times.
- A list of school and pupil responsibilities.
- Verification of appropriate safety instruction provided by the school district.
- The signatures of the principal or his or her designee, Certified teacher or coordinator, pupil, and pupil's parent(s) or legal guardian.

c. The district shall have a training plan.

d. The work-based learning experience shall not generate more than one-half of the pupil's FTE, not to exceed .5.

e. The training shall not be for more than a total of 45 hours per specific training experience.

f. Federal and state regulations regarding the employment of minors shall be followed. A pupil is allowed not more than 24 hours of work per week while school is in session (MCL 409.111).

g. The employment of the pupil shall not exceed the maximum hours set by the district.

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E) Work-Based Learning Experience Related to a State-Approved Career and Technical Education (CTE) Program

A state-approved CTE program work-based learning experience must be coordinated by a school 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.

In addition to the specific requirements below, the district shall comply with all of the following additional requirements:

- The employer or vocationally (CTE) certified teacher/coordinator shall maintain and verify records of the pupil's attendance throughout the duration of the training agreement.
- A vocationally (CTE) certified teacher/coordinator shall develop a regular visitation plan, after first visiting the employer to establish the training site, that includes at least one site visit every nine-week period.
- Federal and state regulations regarding the employment of minors shall be followed.

1) Paid or Unpaid Capstone Work-Based Learning Experience State-Approved CTE Programs

A pupil who participates in a paid (capstone) work-based learning experience related to a state-approved CTE program is eligible to generate Added Cost funding pursuant to State School Aid Act Section 61a and may be counted in membership if all of the following are met:

a. The pupil enrolled in a state-approved CTE program must be in grades 11 to 12.

b. The experience must be monitored by a vocationally (CTE) Certified teacher/coordinator employed by the school district.

c. The pupil must be eligible to receive credit toward a high school diploma for the work-based learning experience.

d. The work-based learning experience shall not generate more than one-half of the pupil's total full-time equivalency not to exceed .5 FTE.

e. The employment of the pupil shall not exceed the maximum hours set by the district.

f. The pupil must have successfully completed 50% of the State-Approved CTE program.

g. The pupil shall attend at least one 40-minute session per week taught by a vocationally (CTE) certified teacher/coordinator in either of the following:

   - The related State-Approved CTE classroom.
   - A district-approved educational course, with academic objectives, related to the pupil's career and educational goals.

Following are three examples showing how the "40-minute session per week in a related course work" is applicable.

Example 1: The pupil has successfully completed a state-approved CTE program in a block schedule format for one semester and will continue in the program for the second semester. The pupil qualifies as completing 50% of the program and can be placed into a "capstone experience" during the second semester.

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Example 2: The pupil has successfully completed a state-approved CTE program in their junior year and therefore, can be placed into a "capstone experience" the second year. In this situation, the pupil may go back to the previous CTE class for a minimum of 40 minutes per week to work with the vocationally (CTE) certified teacher. The pupil is NOT enrolled in the class, but is simply attending one hour per week.

Example 3: The pupil has successfully completed a state-approved CTE program in their junior year and therefore, can be placed into a "capstone experience" the second year. The pupil may attend a class specifically for "capstone experience pupils" for a minimum of 40 minutes a week taught by a vocationally (CTE) certified teacher/coordinator that is educational in nature, academically-based, career-focused and related to the pupil's career or educational goals. This class should build on the pupils' career goals and provide opportunities to have more rigor and relevance to future specialized training or postsecondary opportunities.

- The pupil is employed not less than an average of 10 hours per week during the effective time of the training agreement.
- The district shall have a written training agreement.
- The district shall have a written training plan.

2) Unpaid Work-Based Learning Experience State-Approved CTE Programs (Rotations/Clinicals)

A pupil who participates in an unpaid work-based learning experience related to a state-approved CTE program is eligible to generate Added Cost funding pursuant to State School Aid Act Section 61a and may be counted in membership if all of the following are met:

a. The pupil enrolled in a state-approved CTE program is enrolled in grades 11 to 12.

b. The experience is monitored by a vocationally (CTE) certified teacher/coordinator employed by the school district.

c. The pupil is eligible to receive credit toward a high school diploma for the work-based learning experience.

d. The training shall not be more than a total of 45 hours per specific training experience.

e. The work experience shall occur during the scheduled classroom time, unless a special exception is documented. For special exceptions, the training plan and agreement shall reflect the alternative hours and a vocationally (CTE) certified teacher/coordinator shall be available to monitor this experience during the pupil's training hours.

f. The district shall have a written training agreement.

g. The district shall have a written training plan.

3) Paid or Unpaid In-District Work-Based Learning Experience State-Approved CTE Programs

A pupil who participates in an in-district work-based learning experience related to a state-approved CTE program may do so without an FTE deduction if all of the following are met:

a. The pupil enrolled in a state-approved CTE program is enrolled in grades 11 to 12.

b. The program is on a list of state-recognized CTE programs eligible for in-district placement that shall be established by OCTE.

c. The work-based learning experience shall not generate more than one-half of the pupil's full-time equivalency not to exceed .5 FTE.

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d. The experience is monitored by a vocationally (CTE) certified teacher/coordinator employed by the school district.

e. The pupil is eligible to receive credit toward a high school diploma for the work-based learning experience.

f. If unpaid, the training shall not be for more than a total of 45 hours per specific training experience.

g. The district shall have an in-district placement agreement in lieu of training agreement in place by the pupil membership count date. The direct link for a sample in-district placement agreement is at:

http://mi.gov/documents/mde/Sample_In-District_CTE__Transition_Placement_Form_June2013_422842_7.doc

h. The in-district placement agreement shall include the following information about the student and his or her placement:

- Pupil's personal information including name, home address, telephone number(s), birth date, and emergency contact information.
- Beginning and ending dates of placement.
- The daily hours to be worked that include beginning and ending times.
- A list of school and pupil responsibilities.
- Verification of appropriate safety instruction provided by the school district.
- If an in-district placement relates to a state-approved CTE program, the completed in-district placement agreement MUST identify the program serial number (PSN). If the PSN is not filled in, it WILL result in an FTE deduction.
- The signatures of the principal or his or her designee, vocationally (CTE) certified teacher/coordinator, pupil, and pupil's parent or legal guardian.

i. The district shall have a training plan.

The following is a list of currently recognized state-approved CTE program in-district placements:

Career Cluster	CIP Code/Program Name	Scenarios With Pupil Placements
Information Technology	11.0201 Computer Programming/ Programmer 11.0801 Digital/Multimedia and Information Resources Design 11.0901 Computer Systems Networking and Telecommunications 11.1001 System Administration/ Administrator	Pupil is placed within the school district's technology department with the school district's technology coordinator.
Business Management and Administration	52.0299 Business Management and Administration	Pupil is placed in the school district's administrative business office with appropriate administrative management personnel.
Marketing	52.1999 Marketing/ Entrepreneurship	Pupil is placed under appropriate personnel as a manager or assistant manager in a marketing school-based enterprise/lab.
Hospitality and Tourism	12.9999 Personal and Culinary	Pupil is placed with the school district's food services coordinator/manager (NO serving duties).

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Finance	52.0800 Finance	Pupil is placed in the school district's administrative business office with appropriate management personnel.
Health Science	51.0000 Therapeutic Services	Pupil is placed with school nurse.
Human Services	13.0000 Education General (Teacher Cadet)	Pupil is placed into various classrooms.
Law, Public Safety, Corrections and Security	43.0100 Public Safety/ Protective Services	Pupil is placed with district level security/police or school legal counsel.
Architecture and Construction	47.0201 Heating, AC, Ventilation & Refrigeration	Pupil is placed with the district director for maintenance and with HVAC certified technician.
Transportation, Distribution and Logistics	47.0613 Medium/Heavy Truck Technician	Pupil is placed in the district transportation garage with certified mechanic working on district vehicles/equipment.

NOTE: All CTE sample scenarios require the use of the appropriate CTE state approved program performance elements in the development and documentation of the in-district placement work-based learning experience.

4) Unpaid Training State-Approved CTE Less-Than-Class-Size (LTCS) Programs

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 State School Aid Act Section 61a and may be counted in membership if all of the following are met:

j. The pupil is enrolled in grades 11 to 12.

k. A completed and signed notification has been received by the OCTE by the Friday after the fall pupil membership count day.

l. The experience is monitored by a vocationally (CTE) certified teacher/coordinator employed by the school district.

m. The pupil is eligible to receive credit toward a high school diploma for the work-based learning experience.

n. The program shall be established for a time period as defined in the program standards for the CTE program.

o. Instruction for pupils shall be provided by approved less-than-class-size vocationally (CTE) annually authorized personnel under the jurisdiction of the employer.

p. The LTCS contracted program shall have no more than four (4) pupils per vocationally (CTE) annually authorized personnel per instructional site in the same period.

q. The district shall have a written training agreement.

r. The district shall have a written training plan.

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F) Statutory and Other References

Fair Labor Standards Act:
29 USC 201, et seq.

Youth Employment Standards Act:
1970 PA 90

Administrative Rule:
340.1(5)(i)
340.15
340.1733(i)
340.1755
395.231-395.376

G) Question and Answer

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 general class where they learned about the work world, developed a work ethic and general employability skills. The class meets with a vocational education teacher on a daily basis; pupils have a training plan/agreement on file, weekly timecards, and employer evaluations every nine weeks. Phone calls and visits are made to each employer. The pupils are not reported as Capstone to collect added cost funding. May the district still 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 the www.onetcenter.org for related academic courses

Pupil Counted In Special Education

Q #2 If the special education pupil's individualized education program (IEP) prescribes for work-based education 100% of the required 1,098 hours of pupil instruction, can the pupil be claimed for 1.0 FTE provided the work-based documentation is in place?

A #2 No. If this job placement is under the work activity center rule at a licensed sheltered workshop, the time spent in the placement must be incidental to the educational program for the pupil (i.e. it must be less than 50% of the instructional day). If this is just a paid work-based learning experience, the number of hours the pupil is in the work-based learning experience cannot exceed district policy for all pupils. In either situation, the pupil is not eligible for a full FTE count. Without further information, it appears that the maximum FTE would be less than .5 as the incidental amount. There appears to be no other instructional time at the local district.

Capstone 40-Minute Class Time Requirement Through Virtual Delivery

Q #3 Can vocationally (CTE) certified teachers/coordinators use Blackboard, Moodle, or another web-managed tool for the 40-minute capstone requirement instead of the pupil

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returning to the related CTE program or a "capstone class?"

A #3 Yes. Through these venues, vocationally (CTE) Certified teachers can determine when the pupil logged in to the "class" to meet the 40-minutes per week requirement. Pupils can complete lessons assigned to them and the teachers and pupils can communicate electronically. Please note that this option is only for those pupils assigned to the vocationally (CTE) Certified teacher in this capstone program and all other Pupil Accounting rules must be met.

Types of Work-Based Learning	Eligible Grades	Monitored by Certified Instructors	Pupil Eligible to Receive High School Credit	Written Training Agreement	Written Training Plan	Placement Aligned With Career Pathway & EDP	Maintain and Verify Records of Pupil's Attendance	Regular Visitation Plan	Safety Training	Must not Generate More than Half Total FTE	Must Not Exceed School Maximum Hours	Additional Requirements
NON-CTE WORK-BASED LEARNING PROGRAMS (NON-CTE WBLE)												
1. Paid or Unpaid Work-Based Learning Experiences	9th-12th	Designated secondary school certified teacher	X	X	X	X	X	Every 9 Weeks	X	X	X	Follow Federal and State Regulations to Employ Minors. Currently or previously enrolled in related Academic Class/Course. Unpaid: 45 hours per specific training experience
2. Paid or Unpaid Work-Based Learning Experiences for Pupils with Disabilities	9th-12th	Site visited by a district employed certified teacher. Pupil enrolled & assigned to Special Ed. teacher	X	X	X	X	X	Every 30 calenda r days	X	X	X	No requirement for previous or concurrent enrollment in related academic course.
3. Unpaid In-District Placement/Transitio n Services	9th-12th	Site must be visited by a district employed certified teacher	X	X	X	X	X	Every 30 calenda r days	X	X	X	Placement must relate to the pupil's transition services plan.

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Types of Work-Based Learning	Eligible Grades	Monitored by Certified Instructors	Pupil Eligible to Receive High School Credit	Written Training Agreement	Written Training Plan	Placement Aligned With Career Pathway & EDP	Maintain and Verify Records of Pupil's Attendance	Regular Visitation Plan	Safety Training	Must not Generate More than Half Total FTE	Must Not Exceed School Maximum Hours	Additional Requirements
STATE-APPROVED CAREER AND TECHNICAL EDUCATION WORK-BASED LEARNING EXPERIENCE (CTE WBLE)												
1. Paid or Unpaid Capstone Work-Based Learning Experience State-Approved CTE Programs	11th-12th	Vocationally certified teacher/coordinator	X	X	X	X	X	Every 9 Weeks	X	X	X	1. Has successfully completed 50% of state-approved CTE program. 2. Must work minimum of 10 hours per week. 3. Must attend related CTE class or capstone class minimum of 40 min/wk.
2. Unpaid Work-Based Learning Experience State-Approved CTE Programs (Rotations/Clinicals)	11th-12th	Vocationally certified teacher/coordinator	X	X	X	X	X	Every 9 Weeks	X	X	X	Unpaid : 45 hours per specific training experience
3. Paid or Unpaid In-District Work-Based Learning Experience State-Approved CTE Programs	11th-12th	Vocationally certified teacher/coordinator	X	X	X	X	X	Every 9 Weeks	X	X	X	Unpaid : 45 hours per specific training experience
4. Unpaid Training State-Approved CTE Less-Than-Class-Size (LTCS) Programs	11th-12th	Vocationally certified teacher/coordinator	X	X	X	X	X	Every 9 Weeks	X	X	X	1. Signed Completed Notification Received by OCTE 2. Time Shall be equivalent to State-Approved CTE Program 3. No more than 4 pupils per instructor Instruction by LTCS annually authorized personnel

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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) 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.

A) Requirement for Counting in Membership

1) Pursuant to Section 1606(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) If the counting provisions set forth in Section 1606(4)(dd) result in a pupil being counted as more than 1.0 FTE in a fiscal year, the payment made for the pupil under Section 22a of the State School Aid Act (MCL 388.1622a) and Section 22b of the State School Aid Act (MCL 388.1622b) shall not be based on more than 1.0 FTE for that pupil, and any portion of an FTE for that pupil that exceeds 1.0 shall instead be paid under Section 25f of the State School Aid Act (MCL 388.1625f).

3) The pupil was in full attendance for a month.

4) The dropout recovery program only enrolls eligible pupils as described in (5) below.

5) 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.

6) 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.

7) 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.

8) The dropout recovery program monitors the pupil's progress against the written learning plan.

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9) The dropout recovery program requires each pupil to make satisfactory monthly progress as defined by the district consistent with subsection C below.

10) The dropout recovery program reports the pupil's progress results to the partner district at least monthly.

11) 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.

12) The dropout recovery program is operated throughout the entire calendar year (i.e., it is a 12-month program).

13) 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.

B) 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 located in the Michigan Student Data System (MSDS) “Collection Details Manual” in the “Section 23a Component” section.

C) Definitions

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.

Education management organization - a private provider that operates 1 or more other dropout recovery programs that meet the requirements of Section 1623a in partnership with 1 or more districts.

Full attendance – 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 1623a 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.

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.

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.

D) Statutory and Other References

State School Aid Act:	Revised School Code:
MCL 388.1606	MCL 380.1311

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MCL 388.1622a
MCL 388.1622b
MCL 388.1623a
MCL 388.1625f
MCL 388.1701
MCL 380.1311a
MCL 380.1230
MCL 380.1230a

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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) for pupils who transfer from one district to another 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).

A) Requirement for Counting in Membership

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) 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 and MCL 388.1606a).
3) The pupil must have been claimed by another district for all or part of an FTE 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 pupil satisfies the residency requirement of Section 6(4) of the State School Aid Act or meets one of the exceptions provided in Section 6(6) of the State School Aid Act (MCL 388.1606) in the district making the claim under this section.
6) The portion of the full-time equated pupil membership for which a pupil is enrolled in 1 or more online courses under Section 21f of the State School Aid Act (MCL 388.1621f) shall not be counted or transferred under the pupil transfer process under this section.

B) Reporting Membership

The educating district or intermediate 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 ISD 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 when the pupil attended classes in the new district. If the pupil has enrolled in online classes, the date reported will be the date on which the pupil first logged into an online class. 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: http://www.michigan.gov/cepi.

C) 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 intermediate school district auditor should be notified immediately.

The intermediate school district auditor reviews requests for membership transfer after

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submission to ensure that attendance information is accurate and that the amount of FTE claimed is valid. The auditor shall investigate a representative sample based on required audit sample sizes in the pupil auditing manual and may deny the pupil membership transfer.

For more information on reviewing Section 25e membership transfer requests, refer to the guidance found on CEPI's website at: http://www.michigan.gov/cepi.

D) Section 25e Reports

CEPI provides a detailed membership transfer report, which is available to authorized users through the MSDS under "Section 25," "Section 25 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.

E) 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 in the new district.

CEPI has provided detailed formulas in "Appendix B: Section 25 FTE Calculation" of the "Section 25 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:
http://mi.gov/documents/cepi/2013-14_Sec-25_Financial_Calendar_437064_7.pdf

F) Statutory References

State School Aid Act:
MCL 388.1606
MCL 388.1606a
MCL 388.1625e

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6-A: EXPERIENTIAL LEARNING COURSES

Experiential learning courses must receive local school board approval and must be part of the student handbook. The course must be part of the pupil's class schedule and must earn credit toward the pupil's high school diploma. Experiential learning courses must be taught by a certificated teacher employed by the district.

A) Requirements for Counting in Membership

An experiential learning course is a course that may be counted towards 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) 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 and MCL 388.1606a).
3) The pupil must be enrolled in grades 9 to 12.
4) The course is supervised by a certificated teacher.
5) The primary responsibility of the certificated teacher of the course is teaching the pupil(s) during the course time frame. That is, the teacher shall not be concurrently teaching another course.
6) A grade and credit must be given based upon assessment.
7) Attendance must be taken and documented.
8) The experience must be a local school district board approved curriculum/course.
9) The board approved curriculum and course must have identifiable content standards and expectations and must be progressive in nature.
10) The learning objectives shall not be general employability skills, such as punctuality and developing good work habits.
11) The experiential learning course *shall not* be used solely as the one course requirement for eligibility to participate in dual enrollment.
12) The pupil is limited to one experiential learning course per semester.
13) The pupil shall not replace an employee.
14) The course is a combination of instruction and direct experience.

Note: The pupil must have an education development plan (EDP) in place.

B) Examples of Eligible Experiential Learning Courses:

Examples of experiential learning courses that are ***eligible*** to be counted in membership include, but are not limited to, the following:

Example 1: A library assistant course that is curriculum-based and approved by the board of education of a school district or board of directors of a public school academy. Pupils receive a syllabus, are given tests and quizzes, and the course is graded rather than pass or fail.

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Example 2: A teacher assistant course (curriculum-based, board approved) in which a pupil learns teaching techniques and how to tutor or mentor other pupils. Pupils receive a syllabus, are given tests and quizzes, and the course is graded rather than pass or fail.

Example 3: A physical education teacher assistant course (curriculum-based, board approved). Pupils receive a syllabus, are given tests and quizzes, and the course is graded rather than pass or fail.

C) Examples of Courses that are Ineligible for Experiential Learning:

Examples of experiential learning courses ***not eligible*** to be counted for membership include, but are not limited to the following:

Example 1: Teacher's aide* whose primary function is to perform basic tasks such as photocopying, delivering and retrieving messages, taking attendance, or other errands

Example 2: Nurse's aide*

Example 3: Office aide*

Example 4: Janitor aide* - emptying trash or other errands

Example 5: Cafeteria aide* - washing tables or other errands

Note: This does not prevent the in-district placement of pupils into these areas if the work-based learning experience relates to a state-approved career and technical education program OR it is directly 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.

D) Detailed Examples of Eligible Experiential Learning Courses

The following are some examples of how an experiential learning course would operate in a district that has course specific board-approved curriculum and has included the course in the student class offering selections.

Example 1: Librarian Assistant Course

The pupil would enroll in a "librarian assistant course" taught by the certificated teacher during the pupil's fifth (5th) hour. The pupil attends and receives curriculum-based instruction from the certificated teacher that has been approved by the local board. The pupil receives a syllabus, is given tests and quizzes, and the pupil is eligible to receive credit towards a high school diploma through the issuance of a grade. The direct experience would be eventual library-related tasks.

Example 2: Teacher Assistant Course

The pupil would enroll in a "teacher assistant course" taught by the certificated teacher during the pupil's third (3rd) hour. The pupil attends and receives curriculum-based instruction from the certificated teacher that has been approved by the local board. The direct experience would be eventual tutoring or mentoring other students. The pupil receives a syllabus, is given tests and quizzes, and the pupil is eligible to receive credit towards a high school diploma through the issuance of a grade.

E) 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. This 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.

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F) Statutory References

Administrative Rule:

340.1733(i)

G) Questions and Answers

Q #1 If District A calls the experiential learning course "Office Skills" and places the pupil in the principal's office to answer telephones, type letters, etc. for one hour each day, is this acceptable?

A #1 No. This would not be an Experiential Learning course. The experiential learning course requires that the pupil be instructed by a certificated teacher. The course must have a class syllabus listing objectives to be learned, tests and quizzes must be given, a grade must be given (other than pass or fail), and credit must be earned toward the pupil's high school diploma.

Q #2 Can a pupil be assigned 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 work before and after school in the library/office, etc.?

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.

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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 non-traditional manner.

A peer-to-peer program is a strategy for providing ongoing support and modeling by a non-disabled pupil to a pupil with an individualized education program (IEP). It encompasses both the academic and the social domains. Both pupils derive benefits.

Certified teachers at appropriate grade levels MUST be teachers 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.

A) Requirements for Counting in Membership

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) 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 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.

B) Models for Implementing Peer-to-Peer

MODEL 1: General education elective taught by special education teacher who is general education certified in the grade level of the elective.

Educational Environment Status: Special Education

a. A pupil with an IEP is enrolled in a special education program.
b. A general education pupil is enrolled in a general education elective course called a “peer-to-peer” course and is receiving an elective course grade.
c. The general education peer-to-peer pupil attends a special education program with the pupil with an IEP and is under the direction of a special education teacher for the class period. The general education peer-to-peer pupil reports to the special education peer-to-peer teacher for attendance and is graded as a peer-to-peer pupil by the peer-to-peer special education teacher.
d. The special education teacher (who is general education certified for the grade(s) the elective is offered) teaches the general education peer-to-peer course and serves as the teacher of record, provides training, facilitates case conferences, and gives the grade for the general education peer-to-peer pupil in the elective course. Additional training and case

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conferences between the peer-to-peer pupil and special education teacher may take place outside of the special education class to which the peer-to-peer pupil is assigned.

e. If there is more than one special education teacher, the peer-to-peer special education teacher grades the peer-to-peer pupil in collaboration with the other special education teacher(s) to whom the peer-to-peer pupil is assigned for that class period.

MODEL 2: General education elective taught by a peer-to-peer teacher certified in general education in the grade the elective is offered.

Educational Environment Status: General Education

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 general education pupil is enrolled in a general education elective course called a "peer-to-peer" course and is receiving an elective course grade.

c. The general education peer-to-peer pupil reports to the elective peer-to-peer teacher for attendance but then attends the general 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 general education peer-to-peer pupil in the elective course. Supervision of the peer-to-peer pupil is ongoing by the peer-to-peer teacher and is in coordination with the general education teacher(s) in the general education content course that the peer-to-peer pupil attends with the pupil with an IEP. The peer-to-peer elective teacher may schedule additional training and case conferences for the peer-to-peer pupil.

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 inter-related 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 general education pupil is taking.

Educational Environment Status: General Education

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 general education pupil is enrolled in a general education elective course called a "peer-to-peer" course and is receiving an elective course grade.

c. The general education peer-to-peer pupil 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 general education pupil 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 peer-to-peer pupil and general education teacher may take place outside of the general education class to which the peer-to-peer pupil is assigned.

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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 inter-related 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 general education pupil is taking.

Educational Environment Status: Special Education.

a. The pupil with an IEP is enrolled in a special education program and receives instruction in that program.

b. The general education peer to peer pupil is enrolled in a general education elective course and is receiving elective course grade.

c. The general education peer to peer pupil reports to the special education teacher for attendance and attends the special education program with the pupil with an IEP.

d. 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 general education pupil 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 and or case conferences between the peer to peer pupil and special education teacher may take place outside of the general education class to which the peer to peer pupil is assigned.

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APPENDIX A: GLOSSARY OF TERMS

Attendance	The presence of a pupil on scheduled school days under the guidance and direction of a certified teacher either at or away from school.
Building/Program Alpha List	An alphabetized listing 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	Includes both state approved and local school board approved courses.
Career and Technical Education State-Approved Programs	Designed for pupils that have successfully completed at least half of the minimum number of minutes
Certified/Certificated Teachers	Instructors authorized to teach in Michigan; therefore, holding a valid Michigan teaching certificate or permit.
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 certificated teachers (either district-wide or in a particular building/program) are present and instruction is scheduled for the entire pupil membership and provided to no less than 75% of the total pupil population that was scheduled for instruction.
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.

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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
Educating District	A local or intermediate school district that provides instructional services to a pupil.
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 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 Time Equated (FTE)	An individual pupil's pro rata share of membership. In no case may a pupil generate more than 1.00 FTE.
General Education	Instructional programs provided to regular and special education pupils in grades K through 12 and does not include adult education participants.
Home-based	An individualized program in which one pupil is with the certificated teacher 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.
Homebound/Hospitalized Pupil	A pupil unable to physically attend school because of a medical condition which confines the pupil to home or a hospital for a period longer than five school days. Specific criteria is 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 Planning Committee (IEPC)	A group responsible for development of the Individualized Education Program for each special education pupil.

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Membership	The full-time equated number of pupils actually enrolled and in regular daily attendance on the official count day in accordance with the State School Aid Act and Administrative Rules. In no circumstance may the reported membership for an individual pupil be greater than 1.00 FTE.
Shared-time Pupil	A pupil who attends a private, denominational, or parochial school, or a homeschooled pupil, who enrolls on part-time basis in a public school in grades 1-12 in nonessential elective courses that are available to public school pupils at the same grade or age level.
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 work-site 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 the 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 such pupils for membership.
Part-Time Pupil	A part-time pupil is a pupil 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 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.
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.
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.
Pupil	A person in membership in a local or intermediate school district providing instruction to pupils in grades K through 12, special education, or alternative education.

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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 and/or 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 and/or meets the residency requirements outlined in the Pupil Residency section of the manual.
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.
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	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 all CTE programs. 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=s Curriculum Frameworks. Family and Consumer Science programs must also reflect Michigan FCS standards and benchmarks.
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 day on which the supplemental pupil count is conducted.

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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. 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, 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 certified instructor teacher employed by the district.

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APPENDIX-B: ABBREVIATIONS/ACRONYMS

AI	=	Autistic Impaired
CEPI	=	Center for Educational Performance and Information
CTE	=	Career and Technical Education
CTEIS	=	Career and Technical Education Information System
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
H/H	=	Homebound/Hospitalized
HI	=	Hearing Impaired
IDEA	=	Individuals with Disabilities Education Act
IEP	=	Individualized Education Program
IEPC	=	Individualized Educational Planning Committee
IFSP	=	Individualized Family Services Plan
ISD	=	Intermediate School District
LD	=	Learning Disabled
LEA	=	Local Education Agency
LTCS	=	Less-Than-Class-Size Programs

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MD	=	Medical Doctor
MDE	=	Michigan Department of Education
MEMCA	=	Michigan Early/Middle College Association
MME	=	Michigan Merit Exam
MSDS	=	Michigan Student Data System
MVU	=	Michigan Virtual University
OCTE	=	Office of Career and Technical Education
PBL	=	Project-Based Learning
POHI	=	Physically or Otherwise Health Impaired
PSA	=	Public School Academy
PSN	=	Program Serial Number
SEE	=	Shared Educational Entity
SEEC	=	Special Education Early Childhood
SLI	=	Severely Language Impaired
SOC	=	Schools of Choice
SRM	=	Student Record Maintenance
SXI	=	Severely Multiply Impaired
TCLE	=	Transition/Community Living Experiences
VI	=	Visually Impaired
WBLE	=	Work-Based Learning Experiences
WSBL	=	Worksite-Based Learning Experiences

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