

## COUNTING OF PUPIL INSTRUCTION TIME FOR VIRTUAL LEARNING COURSES

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**House Bill 5392 (Substitute H-1)**  
**Sponsor: Rep. Margaret O'Brien**  
**Committee: Education**

**Complete to 3-27-12**

### A REVISED SUMMARY OF HOUSE BILL 5392 AS REPORTED FROM COMMITTEE

The bill would amend Section 101 of the State School Aid Act. That provision describes in some detail what schools must do to be eligible to receive state aid. One of the requirements is that a district must provide 1,098 hours of pupil instruction. For the 2011-2012 school year, the required minimum number of days of pupil instruction is 165 days; for 2012-2013, the number is 170 days. With some exceptions, the failure to meet the required hours and days of instruction results in a loss of a portion of state aid. The section, however, allows a district to apply for a waiver to the Superintendent of Public Instruction for a department-approved alternative education program or another innovative program approved by the department. This is referred to as a seat time waiver.

#### ***Seat time waivers remain in effect until revoked***

House Bill 5392 (H-1) would retain seat time waivers generally, but specify that a waiver granted for the 2011-2012 fiscal year or a subsequent fiscal year would remain in effect unless it was revoked by the state school superintendent. The state superintendent could revoke a waiver only for a violation of the waiver standards set forth in the pupil accounting and auditing manuals or for a violation of state law.

#### ***Exceptions to minimum instruction and full-time equivalent student standards***

Further, House Bill 5392 (H-1) specifies that notwithstanding any rule to the contrary, subsections (3) and (7) [which concern the minimum hours and days of instruction], and subsection (8) [which concerns the calculation of a full-time equivalent student] would *not* apply to a program that provided online or other distance learning, and that met all of the following:

- The program is approved by the district's board or board of directors or by the intermediate district's board for the purpose of awarding credit that meets the requirements of Michigan grade level content expectations or the curriculum prescribed by the Michigan Merit Standard, and the credits earned for satisfactory completion of online courses or other credit-earning activities is comparable to credits earned for a high school diploma or grade progression in the district's or traditional program setting. (The board approval would have to allow the program director to comply with this requirement.)
- The primary method of delivery for instruction is online or other virtual learning. Technology using interactive television may also serve as an appropriate means of instructional delivery. For a district or intermediate district located where broadband access is severely limited for the purposes of the online learning, offline computer-

based delivery of instruction and alternative means of providing teacher-pupil interaction may be used with the approval of the Department of Education and appropriate documentation as required by the department.

- Each online course or other credit-bearing activity meets all of the following:
  - is facilitated by a highly qualified certificated teacher.
  - is approved by the district's board or board of directors or by the intermediate district's board.
  - generates credit toward the student's high school diploma or grade progression.
  - the course content is aligned with the Michigan Grade Level Content Expectations of the curriculum prescribed by the Michigan Merit Standard under Section 1278a and 1278B of the Revised School Code.
- Each student enrolled in the program is required to construct, with a mentor or a school counselor, a class schedule that details the credit anticipated to be earned by a predetermined course of study over the school year, or a learning plan that includes the number of credits to be earned through other credit-earning activities comparable to credits earned for a high school diploma or grade progression in the district's traditional program setting. Each student's class schedule or learning plan would have to be made current within four weeks of each pupil membership count day, supplemental count day, and June 30 of each year that the student was enrolled. Upon request, the district or intermediate district would have to make the class schedule or learning plan for each student available to the pupil accounting auditor within five business days of the request.
- The program would be required to use the following academic measures, as appropriate:
  - grade-appropriate Michigan Education Assessment Program (MEAP) assessment examinations.
  - the Michigan Merit Examination. The program would have to ensure that students who have earned 12 or more credits toward a high school diploma take the Michigan Merit Examination as scheduled by the Department of Education. If a student enrolled in the program and claimed more than 16 credits, the district would have to arrange for the student to take the Michigan Merit Examination within the first year of enrollment.
  - the MI Access assessments developed by the Department of Education.
- The district pays any associated tuition charges or fees for the online course and other credit-earning activities in the program on behalf of each student, and also meets the following:
  - the district offers to provide a computer for each student enrolled in the program. The computer must include Internet capacity and appropriate software configuration for use by the student in the home for the length of time that the student was enrolled in the program.
  - the district offers to provide broadband Internet for a student enrolled in the program. The broadband Internet capacity would have to be a minimum of 1

mbps up/ 3 mbps down for use in the home for the length of time that the student was enrolled in the seat time waiver program. For a district located where broadband access is severely limited for the purposes of the online learning, offline computer-based delivery of instruction and alternative means of providing teacher-pupil interaction could be used with the approval of the department and appropriate documentation as required by the department.

- The district or intermediate district identified the teacher of record for each student.
- A certificated teacher employed by the district is assigned to each student to serve as the mentor for the student. The mentor would have to be available for assistance and to monitor the student's progress. The mentor would also have to meet with or have two-way interaction with the student at least weekly.

***Full-time equivalent student guidelines***

In addition, House Bill 5392 (H-1) sets guidelines to be used to calculate the full-time equivalency of a student in a program described above, as follows:

- The student must have a course-specific class schedule, or a learning plan that includes the number of credits to be earned through the other credit-earning activities comparable to credits earned for a high school diploma or grade progression in the district's traditional program setting, in effect as of the most recent pupil membership count day or supplemental count day, and the student must log into at least one program-sponsored, online course on each pupil membership county day or supplemental count day. Upon request, the district would have to provide the course-specific class schedule and the login and other online activity reports to the pupil accounting auditor within five business days of the request.
- Participation would have to be measured by logging into at least one program-sponsored online course or credit-earning activity on each Pupil Membership Count Day or supplemental count day, and for nine additional calendar days during the 30-calendar day count period and documented weekly two-way interaction between the on-site mentor and student for each week of the count period. If a student did not log in on the Pupil Membership Count Day or supplemental count day and nine additional calendar days, then the student would not be counted as any portion of a full-time equivalency. Under the bill, the district would be required to keep a login record and documentation of weekly interaction during the count period for each student and, upon request, make these records available to the pupil accounting auditor within five business days of the request.
- Each course would count as one class on the student's class schedule, or a learning plan that includes the number of credits to be earned through the other credit-earning activities comparable to credits earned for a high school diploma or grade progression in the district's or intermediate district's traditional program setting, and would generate that portion of a full-time equivalency that a comparable on-site course offered by the district or intermediate district would generate.

MCL 388.1701

## **FISCAL IMPACT:**

The bill permits districts operating under a seat-time waiver in the current school year to continue to operate under that waiver without requiring the Department of Education to extend that waiver in subsequent school years. The bill also permits districts operating online education programs that provide fewer than the required 1,098 hours and 170 days (beginning in 2012-13) of instruction to do so without obtaining a seat-time waiver if the district's program complies with a number of requirements, which are largely incorporated from the department's Pupil Accounting Manual and pupil accounting rules. These changes would provide some administrative savings for the Department of Education and school districts as continuing programs would no longer require yearly waiver approvals, and new online programs would no longer require prior approval (a waiver) from the department.

## **POSITIONS:**

Genesee Intermediate School District supports the bill. (3-14-12)

The Michigan Association of Secondary School Principals supports the bill. (3-14-12)

Calhoun, Eaton, Barry, and Branch ISD support the bill. (3-14-12)

Oakland Schools supports the bill. (3-14-12)

Wayne RESA supports the bill. (3-14-12)

The Michigan Association of School Boards supports the bill. (3-14-12)

The Michigan Association of School Administrators supports the bill. (3-14-12)

The Michigan Association of Intermediate School Administrators supports the bill. (3-14-12)

The Michigan Elementary, Middle, and Secondary Principals Association supports the bill. (3-14-12)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.