

DEPARTMENT OF EDUCATION

SUPERINTENDENT OF PUBLIC INSTRUCTION

SCHOOL DISTRICT PUPIL ACCOUNTING FOR DISTRIBUTION OF STATE AID

Filed with the Secretary of State on September 22, 2008

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 34, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the superintendent of public instruction by sections 1281 and 1284 of 1976 PA 451, MCL 380.1281, MCL 380.1284, sections 6, 13, and 101 of 1979 PA 94, MCL 388.1606, MCL 388.1613 and MCL 388.1701, and Executive Reorganization Orders Nos. 1996-6 and 1996-7, MCL 388.993 and 388.994)

R 340.1, R 340.2, R 340.3, R 340.4, R 340.7, R 340.10, R 340.11, R 340.12, R 340.13, R 340.14, R 340.15, R 340.16 and R 340.17 of the Michigan Administrative Code are amended; R 340.10a and R 340.18 are added to the Code; and R 340.5 and R 340.6 are rescinded as follows:

R 340.1 Definitions.

Rule 1. As used in these rules:

(a) "Attendance" means the presence of a pupil on scheduled school days under the guidance and direction of a certificated teacher either at or away from school.

(b) "Count date" means the pupil membership count day pursuant to section 6(7) of 1979 PA 94, MCL 388.1606(7) and the supplemental pupil count pursuant to section 6a of 1979 PA 94, MCL 388.1606a.

(c) "Early college high school" or "middle college" means a public high school 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.

(d) "Enroll" or "register" means 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. This enrollment or registrative process of entrance constitutes the act of becoming a pupil of the school district. A pupil unable to appear in school due to physical incapacity or illness, attested to by a physician or equivalent licensed authority, may be enrolled by an agent of the school district who personally contacts the pupil.

(e) "Online learning" means a structured learning activity that utilizes technology with intranet or internet-based tools and resources as the delivery method for instruction, research, assessment, and communication.

(f) "School district" or "district" means "district" as defined under section 3 of 1979 PA 94, MCL 388.1603.

R 340.2 Pupils to be counted in membership.

June 4, 2008

Rule 2. (1) To be counted in membership on the count dates, a pupil shall be enrolled and in regular daily attendance in the school district and maintain such status of enrollment on the count day as provided by statute or these rules.

(2) A pupil who is enrolled and in attendance in a district prior to the count day, but is not in attendance in the district on the count day and is enrolled and in attendance in another district on the count day, shall not be counted in the former district but shall be counted in the membership in the latter district.

(3) A pupil who is enrolled and in attendance on the count day in more than 1 district shall be counted on a pro rata basis based upon the time of attendance in each district on the count day.

(4) A pupil who is enrolled part-time in more than 1 district on the count day shall be counted in membership pursuant to R 340.7.

(5) A pupil who is enrolled in more than 1 district with a full-time schedule in each district and is in attendance in more than 1 such district on the count day shall be counted in membership in each district on a pro rata basis based upon the time of attendance in each district on the count day.

(6) A part-time pupil who is enrolled in a class that is part of a series of classes, but who is enrolled in less than the full series of classes, such as a pupil enrolled in 1 class in a series of 3 6-week classes, shall be counted for the class on a pro rata basis. The calculation of the full-time equivalency for that class shall be equal to the number of hours for which the class is scheduled divided by the number of hours for which a full-time equated pupil is scheduled.

(7) The membership of a pupil who is regularly enrolled in the public schools while in attendance at religious instruction classes for not more than 2 class hours per week, off public school property during school hours upon written request of the parent, guardian, or person in loco parentis, is not affected by such released time.

(8) A foreign student or a foreign exchange student residing in the district may be counted in membership as provided by these rules. A foreign student or foreign exchange student residing in the district who has met the age requirements and has not obtained a high school diploma pursuant to section 6(4) of 1979 PA 94, MCL 388.1606(4) may be counted in membership.

(9) A pupil whose residence is within the boundaries of the school district or whose residence for educational purposes is prescribed by law to be within the school district may be counted in membership. A pupil who is 18 years of age or older may establish his or her own residence for educational purposes.

(10) A pupil whose residence is in another school district, if the enrolling district has the approval of the resident district to count the pupil in membership or the pupil meets 1 of the conditions under section 6(4) or section 6(6) of 1979 PA 94, MCL 388.1606(4) or 388.1606(6), may be counted in membership.

(11) A homebound or hospitalized pupil receiving instruction as a result of a medical condition under section 109 of 1979 PA 94, MCL 388.1709, from either the district the pupil is enrolled in or the intermediate school district in a non-special education homebound program may be counted in membership if both of the following provisions are satisfied:

- (a) A minimum of 2 45-minute periods of individualized instruction per week are given.
- (b) The instruction is provided by a certificated teacher.

(12) An eligible special education pupil who is receiving homebound or hospitalized instruction from either the district in which the pupil is enrolled or the intermediate school district pursuant to R 340.1746 may be counted in membership.

(13) A pupil receiving home-based instruction (in the pupil's home or otherwise apart from the general school population) as a result of a mandatory suspension or expulsion under sections 1311(2) or 1311a of 1976 PA 451, MCL 380.1311(2) or MCL 380.1311a, from either the district in which the pupil is enrolled or the intermediate school district, may be counted as a full-time equated pupil in membership if all of the following are met:

(a) A minimum of 2 nonconsecutive hours of individualized instruction is given per week under the supervision of a certificated teacher.

(b) The instruction is provided by a certificated teacher in a 1-to-1 environment.

(c) Instructional materials, resources, and supplies, except computers, are comparable to those provided in the district's alternative education program.

(d) Course content is comparable to that of the alternative education program.

(e) Credit earned is awarded to the pupil and placed on the pupil's transcript.

(f) Virtual learning or online learning may be used to supplement the pupil instructional time requirement. The district shall comply with the virtual learning requirements under R 340.11. The teacher shall be in weekly contact with the pupil to assess the pupil's progress.

(g) Postsecondary dual enrollment under R 340.17 may be used to supplement the pupil instructional time requirement of subrule (13)(a) of this rule.

(14) A pupil receiving instruction in an alternative education program or strict discipline academy as a result of a mandatory suspension or expulsion under sections 1311(2) or 1311a of 1976 PA 451, MCL 380.1311(2) or MCL 380.1311a, from either the district in which the pupil is enrolled or the intermediate school district, may be counted in membership.

(15) A pupil receiving home-based instruction (in the pupil's home or otherwise apart from the general school population) as a result of disciplinary action that is not a mandatory suspension or expulsion under section 1311(2) or 1311a of 1976 PA 451, MCL 380.1311(2) and MCL 380.1311a, from either the district the pupil is enrolled or the intermediate school district, may be counted in membership on a pro rata basis pursuant to section 6(4)(u) of 1979 PA 94, MCL 388.1606(4)(u) if all of the following are met:

(a) A minimum of 2 nonconsecutive hours of pupil instruction is given per week under the supervision of a certificated teacher.

(b) Instructional materials, resources, and supplies, except computers, are comparable to those provided in the district's alternative education program.

(c) Course content is comparable to that of the alternative education program.

(d) Credit earned is awarded to the pupil and placed on the pupil's transcript.

(e) Virtual learning or online learning may be used to supplement the pupil instructional time requirement. The district shall comply with the virtual learning requirements under R 340.11. The teacher shall be in weekly contact with the pupil to assess the pupil's progress.

(f) Postsecondary dual enrollment under R 340.17 may be used to supplement the pupil instructional time requirement in subrule (15)(a) of this rule and may be used in the calculation of a pupil's full-time equated membership.

(16) A pupil whose parents live on land in this state over which the federal government has exclusive jurisdiction may be included in membership in the school district which the pupil attends and shall be counted as a tuition pupil. However, if the land has been attached to a

school district as prescribed by law, then the pupil is a resident of the district entitled to all the educational rights and privileges of other resident children.

(17) A pupil placed in a state institution by the pupil's parent or legal guardian shall be counted in membership as a resident of the educating school district or intermediate school district.

(18) A student with a disability, as defined in R 340.1702 to R 340.1717, who is enrolled in regular daily attendance and who is receiving instruction in a school district or intermediate school district operating a special education program approved by the department of education, may be counted in membership.

(19) A pupil who is a homeless child under the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 et seq., may be counted in membership.

(20) A nonpublic or home school pupil may enroll in nonessential elective courses in grades 1 to 12 in a district and be counted for the purposes of membership on a pro-rata basis pursuant to section 166b of 1979 PA 94, MCL 388.1766b. All of the following apply:

(a) Nonessential elective courses include, but are not limited to, band, art, music, drama, computer technology, life skills, career and technical education, physical education, driver's education and advanced placement level courses. A district shall not enroll a nonpublic or home school pupil in essential courses.

(b) Essential courses include, but are not limited to 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.

(c) For membership purposes, a nonpublic or home school pupil may enroll in a special education resource and categorical program classroom that provides support and not core curriculum.

R 340.3 Pupils not to be counted in membership.

Rule 3. Pupils not to be counted in membership on the count date include all of the following:

(a) A pupil who moves out of the district before the count date unless otherwise provided by statute or these rules.

(b) A pupil who is a resident of another school district or resident of another state or foreign country unless otherwise provided by statute or these rules.

(c) All others who do not meet the requirements of these rules.

R 340.4 Schools of choice.

Rule 4. (1) A nonresident pupil who is enrolled on the count date pursuant to sections 105 or 105c of 1979 PA 94, MCL 388.1705 or MCL 388.1705c may be counted in membership.

(2) For the district to enroll and count a nonresident pupil who is eligible for special education programs and services in membership pursuant to section 105c of 1979 PA 94, MCL 388.1705c, the district shall have a written agreement pursuant to section 105c(19) of 1979 PA 94, MCL 388.1705c(19).

(3) A pupil who becomes eligible for special education programs and services after the pupil has been enrolled and attending a nonresident district pursuant to section 105c of 1979 PA 94, MCL 388.1705c may be counted in membership if the district obtains a written agreement pursuant to section 105c(19) of 1979 PA 94, MCL 388.1705c(19). If a written

agreement cannot be obtained, then the pupil shall not be counted in membership beginning on the next count date following the determination of eligibility for special education.

R 340.5 Rescinded.

R 340.6 Rescinded.

R 340.7 Computation of membership.

Rule 7. (1) The computation of a full-time equivalency shall comply with sections 6(4), 6(8), 51a, 101, 109, 163a and 166b of 1979 PA 94, MCL 388.1606(4), MCL 388.1606(8), MCL 388.1651a, MCL 388.1701, MCL 388.1709, MCL 388.1763a and MCL 388.1766b.

(2) A part-time pupil in membership on the count dates is counted in the amount computed on the pro rata basis provided in statute or these rules.

(3) Except as provided in subrule (2) of this rule, a pupil enrolled in and attending classes in more than 1 school district on the count day shall be counted as a part-time member by each school district. The part-time membership shall be equal to the number of hours scheduled and enrolled in each district divided by the total number of hours scheduled and enrolled in all districts. However, if the total number of hours scheduled and enrolled in all districts is less than the number of hours specified in section 101(3) of 1979 PA 94, MCL 388.1701(3), the part-time memberships shall be equal to the number of hours scheduled and enrolled in each district divided by the number of hours specified in section 101(3) of 1979 PA 94, MCL 388.1701(3).

(4) For a pupil receiving instruction in both a public school academy and in a district or intermediate district, the membership shall be calculated pursuant to section 6(4) of 1979 PA 94, MCL 388.1606(4).

(5) A pupil shall attend each of the classes in which the pupil is enrolled on the pupil membership count dates in order to have that class time used in the calculation of the pupil's full-time equivalency pursuant to section 6(8) of 1979 PA 94, MCL 388.1606(8). To calculate full-time equivalency, attendance shall be taken on a class-by-class basis for a high school pupil or for any other pupil who passes from class to class individually, not as an entire class. In addition, pupils enrolled in a program with a block schedule shall be accounted for on a class-by-class basis. For classes on a pupil's schedule not scheduled on the count date, attendance is required on the day immediately following the count date on which the classes are scheduled.

(6) A pupil with an excused absence on the count date who attends each class within 30 calendar days shall have that class time used in the calculation of the pupil's full-time equivalency. A pupil with an unexcused absence who was in attendance prior to the count date and attends class within 10 school days shall have that class time used in the calculation of the pupil's full-time equivalency. A pupil who was suspended or expelled who was in attendance prior to the count date and attends class within 45 calendar days shall have that class time used in the calculation of the pupil's full-time equivalency.

(7) An eligible pupil enrolled and attending an eligible postsecondary institution pursuant to 1996 PA 160, MCL 388.511 to MCL 388.524 or 2000 PA 258, MCL 388.1901 to MCL 388.1913 shall comply with the requirements of R 340.17 and R 388.151 to R 388.155. The pupil may be considered a full-time equated pupil if 1 of the following is met:

(a) The combined number of classes that the pupil is enrolled in and 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 computed.

(b) The combined number of classes that the pupil is enrolled in and 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 computed.

(c) The sum of the actual instruction hours a pupil is enrolled in at the high school and at an eligible postsecondary institution and the number of hours of travel time meet the minimum number of hours required to meet a reduced schedule.

(8) A pupil enrolled and attending an early college high school or middle college who is enrolled in postsecondary courses may be considered a full-time equated pupil if 1 of the following is met:

(a) The combined number of classes that the pupil is enrolled in and 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 computed.

(b) The combined number of classes that the pupil is enrolled in and 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 computed.

(c) The sum of the actual instruction hours a pupil is enrolled in at the high school and at an eligible postsecondary institution and the number of hours of travel time meet the minimum number of hours required to meet a reduced schedule.

(d) The pupil shall meet the postsecondary institution's definition of a full-time college pupil.

R 340.10 Pupil instructional time.

Rule 10. (1) To qualify for state aid without penalty a school district shall provide at least the number of hours of pupil instruction in each school year as required under section 101 of 1979 PA 94, MCL 388.1701.

(2) A district may count time toward the minimum pupil instructional hour requirement in a particular building, program, or grade level, without penalty, if all of the following are met:

(a) Pupils and certificated teacher or teachers are present and engaged in instruction.

(b) Instruction is scheduled and available for the entire pupil membership in a particular building, program, or grade level.

(c) The course generates credit toward the pupil's high school diploma or grade progression. Subrules 3(b) to 3(h) of this rule are exempt from this requirement. In addition, a pupil enrolled in and attending a high school and a postsecondary institution who elects not to earn high school credit for the postsecondary course is exempt from this requirement.

(3) A district may also count time toward the minimum pupil instructional hour requirement in a particular building, program, or grade level, without penalty, for any of the following:

(a) Instructional time that is part of a junior reserve officer training corps (JROTC) program in grades 7 to 12 pursuant to section 101(7) of 1979 PA 94, MCL 388.1701(7).

(b) A non-subject course such as seminar, achievement hour, or focused instructional time that is academic in nature and includes activities such as tutoring, mentoring, or advising, with a pupil to teacher ratio that is within the range of the regular academic courses for the building, but not greater than 35 pupils to 1 teacher.

(c) A homeroom that is not a study hall if it is not more than 15 minutes in length, including passing time.

(d) Not more than 2 study hall periods if supervised by a certificated teacher and the district provides at least 90 additional hours of pupil instruction than the number of hours of pupil instruction required under section 101 of 1979 PA 94, MCL 388.1701.

(e) A maximum of 30 minutes per day of passing time between class periods unless the building administrator demonstrates the need for additional passage time. Passing time to the first class period and from the last class period shall not be counted. Only 1 passing time to or from lunch may be counted.

(f) The breakfast period and lunch period shall not be counted.

(g) Recess of a reasonable duration may be counted if supervised by a certificated teacher. Passing time to or from the bus at the beginning or end of the school day shall not be counted for recess. The total number of minutes of recess that may be counted if supervised by a certificated teacher shall not exceed 30 minutes each school day.

(h) Travel time may be counted pursuant to R 340.10a.

(4) A pupil who has completed graduation requirements shall be deemed to have complied with this rule for the hours of instruction scheduled after completing the graduation requirements for the school year in which the graduation requirements are met.

R 340.10a Travel time; instructional time.

Rule 10a. (1) A pupil in grades 9 to 12 who is enrolled in a cooperative education program or a special education pupil who cannot meet the minimum required hours of pupil instruction due to the actual travel time between instructional sites may count up to 3 hours of travel time per week toward the minimum required hours.

(2) A district that can document that the actual travel time between the instructional sites for a pupil in subrule (1) of this rule exceeds 3 hours per week may apply to the department for a waiver to count additional travel time toward the minimum required hours of pupil instruction.

(3) A pupil whose actual instructional time plus the actual travel time does not equal the minimum hours of pupil instruction required for a full-time equated membership is ineligible to count any travel time.

(4) A pupil who is also enrolled in a postsecondary institution shall not be considered to be less than a full-time pupil if the actual travel time between the secondary institution and the educating district is the sole reason the pupil cannot enroll in the number of courses necessary to be a full-time equated membership.

R 340.11 Virtual learning, online learning or computer courses; distance learning; postsecondary dual enrollment virtual learning; self-scheduled virtual learning.

Rule 11. (1) Virtual learning or online learning is a nontraditional method of receiving pupil instruction for courses that are taken through online learning or otherwise on a computer or other technology. Virtual learning may be offered at the district during the day

as a scheduled class period or through distance learning, enrollment at a community college or university, or self-scheduled virtual learning.

(2) Virtual learning, online learning or computer courses provided during the school day as part of the pupil's class schedule shall meet the following requirements to count these pupils in membership:

(a) The pupil shall meet pupil membership eligibility requirements pursuant to section 6(4) of 1979 PA 94, MCL 388.1606(4).

(b) The course shall be approved by the board of education of a school district or board of directors of a public school academy.

(c) The course shall generate credit toward the pupil's high school diploma or grade progression.

(d) The pupil is in attendance in the building and in regular daily attendance pursuant to section 6(8) of 1979 PA 94, MCL 388.1606(8).

(e) There is no limit on the number of computer or internet courses that can be counted in membership for the pupil. A certificated teacher of record shall be in the classroom. However, if there is no certificated teacher, the pupil is limited to no more than 2 computer or internet courses taken on-site with an adult present who is not a certificated teacher. A mentor certificated teacher employed by the school district shall be assigned.

(f) The course shall be counted in the same manner as any other in-school course.

(3) Distance learning is provided via 2-way communication between the teacher of record and a group of pupils over a computer or television monitor, even though the teacher is physically remotely located from the pupils. The following requirements shall be met to count these pupils in membership:

(a) The pupil shall meet pupil membership eligibility requirements pursuant to section 6(4) of 1979 PA 94, MCL 388.1606(4).

(b) The course shall be approved by the board of education of a school district or board of directors of a public school academy.

(c) The course shall generate credit toward the pupil's high school diploma or grade progression.

(d) A certificated teacher and pupil shall be assigned to the distance learning course during the regular school day and shall appear on the pupil's class schedule. An adult shall be present in the classroom. If the distance learning course is provided through a cooperative agreement with another district(s), the certificated teacher shall be an employee of a school district that is part of the cooperative agreement.

(e) There is no limit on the number of distance learning courses that can be counted in membership for the pupil.

(f) The course shall be counted in the same manner as any other in-school course.

(4) A virtual learning course taken through a community college or university pursuant to R 340.17 shall meet all of the following:

(a) The pupil shall meet membership eligibility requirements pursuant to section 6(4) of 1979 PA 94, MCL 388.1606(4).

(b) The pupil shall be concurrently enrolled and attending at least 1 course offered by the district in which credit is earned and regular attendance is required.

(c) There is no limit on the number of virtual learning courses taken through a community college or university that can be counted in membership for the pupil.

(5) A self-scheduled virtual learning course taken at a pupil's self-scheduled time and place with no regular daily attendance shall meet all of the following:

(a) The pupil shall meet membership eligibility requirements pursuant to section 388.6(4) of 1979 PA 94, MCL 388.1606(4).

(b) The pupil shall be concurrently enrolled and attending on the pupil membership count day or the supplemental count day pursuant to section 6(8) of 1979 PA 94, MCL 388.1606(8) during the class time designated for the course on the pupil's class schedule.

(c) The course shall be approved by the board of education of a school district or board of directors of a public school academy.

(d) The course shall generate credit toward the pupil's high school diploma or grade progression.

(e) The teacher of record shall be identified.

(f) An on-site mentor shall be assigned to the pupil who shall be available for assistance and to monitor the pupil's progress. The on-site mentor shall be a certificated teacher employed by the school district.

(g) Each course shall count as 1 course on the pupil's class schedule and shall generate that portion of a full-time equivalency membership that a comparable course offered by the district would generate.

(h) The district shall pay any associated tuition charges for the course(s) similar to the tuition requirement for postsecondary dual enrollment pursuant to section 21b of 1979 PA 94, MCL 388.1621b.

(i) Not more than 2 of these courses may be used in the computation of a full-time equivalency on each of the count days.

(j) The district may adopt additional requirements for pupils enrolled in these courses.

R 340.12 Independent study.

Rule 12. (1) Independent study is a learning experience that is academic in nature that allows a pupil an opportunity for self-directed learning. The following requirements shall be met to count these pupils in membership:

(a) The pupil shall meet membership eligibility requirements pursuant to section 6(4) of 1979 PA 94, MCL 388.1606(4).

(b) The pupil is enrolled in grades 9 to 12.

(c) The pupil shall be concurrently enrolled and attending on the pupil membership count day or the supplemental count day pursuant to section 6(8) of 1979 PA 94, MCL 388.1606(8) during the class time designated for the course on the pupil's class schedule.

(d) The course shall be approved by the board of education of a school district or board of directors of a public school academy.

(e) The course shall generate credit toward the pupil's high school diploma or grade progression.

(f) An on-site mentor shall be assigned to the pupil who shall be available for assistance and to monitor the pupil's progress. The on-site mentor shall be a certificated teacher employed by the school district.

(g) Each course shall count as 1 course on the pupil's class schedule and shall generate that portion of a full-time-equivalency membership that a comparable course offered by the district would generate.

(h) Not more than 2 of these courses may be used in the computation of a full-time equivalency on each of the count days.

(i) The district may adopt additional requirements for pupils enrolled in these courses. In addition, a district may choose not to offer these courses or to place greater restrictions on the pupils, or on the courses offered.

(2) Independent study shall not include in-district placement under R 340.14(3).

R 340.13 Learning labs.

Rule 13. (1) A learning lab is 1 method a district may use to deliver academic instruction to pupils. The teacher may provide instruction in more than 1 subject during the class period. Multiple levels of a subject may be taught in the same class period. The following requirements shall be met to count these pupils in membership:

(a) If the learning lab is the only means of providing instruction to an entire group of pupils such as an alternative education program, then that learning lab shall meet the minimum required hours of pupil instruction or obtain a department approved waiver to operate fewer than the minimum required hours of pupil instruction pursuant to section 101 of 1979 PA 94, MCL 388.1701.

(b) The course shall be approved by the board of education of a school district or the board of directors of a public school academy.

(c) The course shall generate credit toward the pupil's high school diploma or grade progression.

(d) A certificated teacher shall be scheduled for and present in the learning lab.

(e) Attendance shall be taken by the pupil signing in and signing out of the learning lab. The certificated teacher scheduled for those hours shall sign a printed attendance sheet during the count period.

(f) The learning lab shall be part of the pupil's class schedule for a specified time slot. A pupil shall not generate a greater portion toward 1.0 full-time equivalency for each course than would be generated in a normal class setting.

(g) The pupil shall attend all scheduled classes or hours on the count date or during the count week. Only those hours scheduled and attended during the count week shall be used in the computation of a pupil's full-time equivalency. A pupil with an unexcused absence during the count week may be counted if the pupil attended classes prior to the count date and attended all hours scheduled in 1 week within 10 school days after the official count date. A pupil with an excused absence during the count week may be counted if the pupil attended all hours scheduled in 1 week within 30 calendar days after the official count date.

R 340.14 Experiential learning courses.

Rule 14. (1) A pupil enrolled in an "experiential learning course" may be counted in membership if all of the following are met:

(a) The pupil is enrolled in grades 9 to 12.

(b) The course is taught by a certificated teacher.

(c) The primary responsibility of the certificated teacher of the course is teaching the pupil(s) during the course time frame. The certificated teacher shall not be concurrently teaching another course.

(d) The pupil is given a grade and credit based on assessment.

(e) Attendance is taken and documented.

(f) The course with identified content standards and expectations is approved by the board of education of a school district or board of directors of a public school academy. In addition, the board of education shall approve learning objectives that relate to the board approved curriculum and course, outlining content standards and expectations, and shall be progressive in nature. The learning objectives shall not be limited to general employability skills, such as punctuality and developing good work habits.

(g) The course is not used solely as the 1 course requirement for eligibility to participate in postsecondary dual enrollment.

(h) The pupil is limited to 1 experiential learning course per semester.

(i) The pupil shall not replace a regular employee.

(j) The course is a combination of instruction and direct experience.

(2) Experiential learning courses that may be counted in membership include, but are not limited to, the following:

(a) 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.

(b) A teacher 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 in which a pupil learns teaching techniques and how to tutor or mentor other students. Pupils receive a syllabus, are given tests and quizzes, and the course is graded, rather than pass or fail.

(c) A physical education teacher 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.

(3) Experiential learning courses that shall not be counted in membership include, but are not limited to, the following:

(a) The pupil is enrolled in grades other than 9 to 12.

(b) A teacher's aide who is assigned to perform basic tasks such as photocopying, delivering and retrieving messages, taking attendance, or running errands.

(c) A janitor aide who is assigned to perform basic tasks, such as emptying trash or other errands.

(d) A cafeteria aide who is assigned to perform basic tasks, such as washing tables or other errands.

(e) An office aide.

(f) A nurse's aide.

(4) An in-district placement under R 340.15 or R 340.16 is not an experiential learning course.

(5) A pupil receiving special education services may participate, as appropriate, in an experiential learning course designed for general education pupils. The pupil shall meet all the requirements of this rule.

R 340.15 Work-based learning experiences.

Rule 15. (1) A "work-based learning experience" means a learning experience that is coordinated by a district through a training agreement with an employer providing a paid or unpaid educational experience relating to school instruction that may be offered as part of the

pupil's schedule. This experience is not part of a work-based learning experience related to a state-approved career and technical education program under R 340.16. 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 is enrolled in grades 9 to 12.
- (b) The experience is monitored by a designated certificated teacher.
- (c) The pupil is eligible to receive credit towards a high school diploma for the work-based learning experience.
- (d) Federal and state regulations regarding the employment of minors shall be followed.
- (e) The work-based learning experience shall not generate more than ½ of the pupil's total full-time equivalency.
- (f) The employment of the pupil shall not exceed the maximum hours set by the district.
- (g) The district shall have a written training agreement in place by the pupil membership count date. The training agreement shall include all of the following:
 - (i) Pupil's personal information including name, home address, telephone number(s), birth date, and emergency contact information.
 - (ii) School's name, address, telephone number, and contact person.
 - (iii) Employer's name, address, telephone number, and contact person.
 - (iv) A list of employer, school, and pupil responsibilities.
 - (v) Beginning and ending dates of the agreement.
 - (vi) The daily hours to be worked that include beginning and ending times.
 - (vii) Beginning rate of pay, if work-based learning experience is paid.
 - (viii) Verification of appropriate safety instruction provided by the school district or the employer may also be included in the training plan defined in subrule (1)(h) of this rule.
 - (ix) Verification that employer has worker's disability compensation and general liability insurance.
 - (x) The signatures of the principal or his or her designee, certificated teacher or coordinator, pupil, parent or legal guardian, and training station supervisor (employer). If the training agreement and training plan are combined into 1 document, only 1 set of signatures is required.
 - (xi) Statement of assurance signed by the employer that pupils will not be discriminated against on the basis of race, color, religion, national origin, sex, age, or disability.
 - (xii) A district statement of assurance of compliance with federal laws relating to discrimination.
- (h) The district shall have a written training plan in place by the pupil membership count date. The training plan shall include all of the following:
 - (i) Verification by the certificated teacher that the pupil's career or education goals as outlined in the pupil's education development plan relate to this placement.
 - (ii) A list of performance elements or job skills that contribute to the pupil's progress toward a career objective. The performance elements or job skills shall be used to assess the pupil's progress.
 - (iii) Identification of academic course(s) that generate credit towards a high school diploma in which the pupil is currently or previously enrolled that relates to and prepares the pupil for job placement.
 - (iv) Signatures of the principal or his or her designee, certificated teacher or coordinator, pupil, parent or legal guardian, and training station supervisor (employer). If the training

agreement and training plan are combined into 1 document, only 1 set of signatures is required.

(i) The employer or coordinator shall maintain and verify records of the pupil's attendance throughout the duration of the training agreement.

(j) A certificated teacher shall develop a regular visitation plan, after first visiting the employer to establish the training site, that includes at least 1 site visit every 9-week period.

(2) In addition to the requirements for paid and unpaid work-based learning experiences for pupils, the following requirements apply to unpaid work-based learning experiences:

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

(b) The work experience shall occur during scheduled classroom time, unless an exception is documented. For exceptions, the training plan and agreement shall reflect the alternate hours and a certificated teacher shall be available to monitor this experience during the pupil's training hours.

(3) A pupil receiving special education services may participate, as appropriate, in a work-based learning experience designed for general education pupils. The pupil shall meet all the requirements of this rule.

(4) A state-approved career and technical education program work-based learning experience shall comply with R 340.16.

(5) In addition to subrules (1) to (4) of this rule, a special education work-based learning experience shall comply with R 340.1733(i) related to instruction and worksite visitation by a district employed certificated teacher.

(6) A work-based learning experience shall not include in-district placement unless either of the following applies:

(a) It is a work-based learning experience related to a state-approved career and technical education program under R 340.16.

(b) 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.

R 340.16 Work-based learning experiences; state-approved career and technical education programs.

Rule 16. (1) A "work-based learning experience related to a state-approved career and technical education program" means a learning experience related to a state-approved career and technical education program that is coordinated by a district through a training agreement with an employer providing an educational experience relating to school instruction that may be offered as part of the pupil's schedule. A state-approved career and technical education program is a secondary career and technical education program that is approved by the department for the purposes of determining eligibility to receive added cost funding pursuant to section 61a of 1979 PA 94, MCL 388.1661a.

(2) A pupil who participates in a paid work-based learning experience related to a state-approved career and technical education program (capstone) may generate added cost funding pursuant to section 61a of 1979 PA 94, MCL 388.1661a and may be counted in membership if all of the following are met:

(a) The pupil is enrolled in a state-approved career and technical education program in grades 11 and 12.

- (b) The experience is monitored by a vocationally certificated teacher or vocationally certificated coordinator employed by the school district.
- (c) The pupil is eligible to receive credit towards a high school diploma for the work-based learning experience.
- (d) The work-based learning experience shall not generate more than ½ of the pupil's total full-time equivalency, not to exceed .5.
- (e) The employment of the pupil shall not exceed the maximum hours set by the district.
- (f) The pupil has successfully completed at least 6 of the 12 segments of the state-approved career and technical education program.
- (g) The pupil shall attend at least 1 40-minute session per week taught by a vocationally certificated teacher or coordinator in either of the following:
 - (i) The related state-approved career and technical education classroom.
 - (ii) A district-approved educational course, with academic objectives, related to the pupil's career and educational goals.
- (h) The pupil is employed not less than an average of 10 hours per week during the effective time of the training agreement.
 - (i) The district shall have a written training agreement pursuant to subrule (6) of this rule.
 - (j) The district shall have a written training plan pursuant to subrule (7) of this rule.
 - (k) The district shall comply with subrules (8), (9), (10), and (11) of this rule.
- (3) A pupil who participates in an unpaid work-based learning experience related to a state-approved career and technical education program may generate added cost funding pursuant to section 61a of 1979 PA 94, MCL 388.1661a and may be counted in membership if all of the following are met:
 - (a) The pupil is enrolled in a state-approved career and technical education program in grades 11 and 12.
 - (b) The experience is monitored by a vocationally certificated teacher or coordinator employed by the school district.
 - (c) The pupil is eligible to receive credit towards 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 scheduled classroom time, unless an exception is documented. For exceptions, the training plan and agreement shall reflect the alternate hours and a vocationally certificated teacher or coordinator shall be available to monitor this experience during the pupil's training hours.
 - (f) The district shall have a written training agreement pursuant to subrule (6) of this rule.
 - (g) The district shall have a written training plan pursuant to subrule (7) of this rule.
 - (h) The district shall comply with subrules (8), (9), (10), and (11) of this rule.
- (4) A pupil who participates in an in-district unpaid work-based learning experience related to a state-approved career and technical education program may generate added cost funding pursuant to section 61a of 1979 PA 94, MCL 388.1661a and may be counted in membership if all of the following are met:
 - (a) The pupil is enrolled in a state-approved career and technical education program in grades 11 and 12.
 - (b) A list of state-recognized career and technical education programs eligible for in-district placement shall be established by the department.

(c) The work-based learning experience shall not generate more than ½ of the pupil's total full-time equivalency, not to exceed .5.

(d) The experience is monitored by a vocationally certificated teacher or coordinator employed by the school district.

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

(f) 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 by the pupil membership count date. The in-district placement agreement shall include all of the following:

(i) Pupil's personal information including name, home address, telephone number(s), birth date, and emergency contact information.

(ii) Beginning and ending dates of the placement.

(iii) The daily hours to be worked that include beginning and ending times.

(iv) A list of school and pupil responsibilities.

(v) Verification of appropriate safety instruction provided by the school district.

(vi) The signatures of the principal or his or her designee, vocationally certificated teacher or coordinator, pupil, and parent or legal guardian.

(vii) The program serial number of the related state-approved career and technical education program.

(h) The district shall have a training plan pursuant to subrule (7) of this rule.

(i) The district shall comply with subrules (8), (9), (10), and (11) of this rule.

(5) An unpaid state-approved career and technical education less-than-class-size program provides an opportunity to pupils who, because of unique circumstances, do not have a program available through a regular state-approved career and technical education program. A pupil who participates in an unpaid work-based learning experience that is a less-than-class-size program may generate added cost funding pursuant to section 61a of 1979 PA 94, MCL 388.1661a and may be counted in membership if all of the following are met:

(a) The pupil is enrolled in grades 11 and 12.

(b) Notification of the program is received by the department on the Friday after the pupil count date.

(c) The experience is monitored by a vocationally certificated teacher or coordinator employed by the school district.

(d) The pupil is eligible to receive credit towards a high school diploma for the work-based learning experience.

(e) The program shall be established for a time period as defined in the program standards for the career and technical education program (i.e., a minimum of either 7,200 minutes or 14,400 minutes).

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

(g) The program shall have not more than 4 pupils per vocationally annually-authorized personnel per instructional site in the same time period.

(h) The district shall have a written training agreement pursuant to subrule (6) of this rule.

(i) The district shall have a written training plan pursuant to subrule (7) of this rule.

(j) The district shall comply with subrules (8), (9), (10), and (11) of this rule.

(6) The district shall have a written training agreement in place by the pupil membership count date. The training agreement shall include all of the following:

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

(b) School's name, address, telephone number and contact person.

(c) Employer's name, address, telephone number and contact person.

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

(e) Beginning and ending dates of the agreement.

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

(g) Beginning rate of pay, if paid work-based learning experience.

(h) Verification of appropriate safety instruction provided by the school district or the employer may also be included in the training plan.

(i) Verification that employer has worker's disability compensation and general liability insurance.

(j) The signatures of the principal or his or her designee, vocationally certificated teacher or coordinator, pupil, parent or legal guardian, and training station supervisor (employer). If the training agreement and training plan are combined into 1 document, only 1 set of signatures is required.

(k) Statement of assurance signed by the employer that pupils 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 discrimination.

(7) The district shall have a written training plan in place by the pupil membership count date. The training plan shall include all of the following:

(a) Verification by the vocationally certificated teacher or coordinator that the pupil's career or educational goals as outlined in the pupil's education development plan relate to this placement.

(b) A list of performance elements established by the department that contribute to the pupil's progress toward a career objective. The performance elements shall be used to assess the pupil's progress.

(b) Signatures of the principal or his or her designee, vocationally certificated teacher or coordinator, pupil, parent or legal guardian, and training station supervisor (employer). If the training agreement and training plan are combined into 1 document, then only 1 set of signatures is required.

(8) The employer or vocationally certificated teacher or coordinator shall maintain and verify records of the pupil's attendance throughout the duration of the training agreement or in-district placement agreement.

(9) A vocationally certificated teacher or coordinator shall develop a regular visitation plan, after first visiting the employer to establish the training site, that includes at least 1 site visit every 9-week period.

(10) Federal and state regulations regarding the employment of minors shall be followed.

(11) A pupil receiving special education services may participate, as appropriate, in a work-based learning experience in a state-approved career and technical education program designed for pupils attending state-approved career and technical education programs. The pupil shall meet all the requirements of this rule.

R 340.17 Postsecondary dual enrollment.

Rule 17. (1) A district shall comply with the requirements of the postsecondary dual enrollment options act of 1996 PA 160, MCL 388.511 to MCL 388.524 and the career and technical preparation act of 2000 PA 258, MCL 388.1901 to MCL 388.1913 and R 388.151 to R 388.155.

(a) The district shall pay any associated tuition charges for the course(s) for postsecondary dual enrollment pursuant to section 21b of 1979 PA 94, MCL 388.1621b.

(2) The postsecondary dual enrollment options act and the career and technical preparation act do not prohibit a district from supporting any pupil regardless of eligibility under those acts. A district may elect to support college level courses or career preparation courses for any pupil if it is in the best interest of the pupil.

R 340.18 Waiver.

Rule 18. Upon application by a district, the superintendent of public instruction may grant to the district a limited time waiver from these rules pursuant to section 380.1281 of 1976 PA 451, MCL 380.1281.