





Legislative Update

MPAAA Fall Conference 2010
Legislative Chair
Carolyn Claerhout



Legislative Overview

- State Aid Act 2010-11
- Race to the Top
- School Funding
- Other Legislation
- Instructional Requirements for 2010-11 (Calhoun ISD)
- 2010-11 Count Dates & Days/Hours Instruction (Genesee ISD)
- Legislative Committee



State Aid Act

- SB 1163, 2010 PA 110
- Link to bill and law
<http://legislature.mi.gov/doc.aspx?2010-SB-1163>.
- Link to House Detailed Analysis
http://house.michigan.gov/hfa/Summaries/DecDoc_10S1163_Exec_Senate%20Passed.pdf
- Link to Senate Detailed Analysis
http://www.senate.michigan.gov/sfa/Departments/DecisionDoc/DDk12_web.pdf

Membership Definition

- Section 6(4) – changed to include a pupil who is:
- a) enrolled in a PSA or alt ed high school that is located in a city with a population of more than 750,000 (Detroit) and is primarily focused on educating homeless pupils;
 - b) dropped out of school for more than 1 year and re-enrolled; and
 - c) is less than 22 years old as of Sept 1 of the current year.

This language seems to target a particular school – Covenant House - in Detroit but expands the age of eligibility for FTE from 19 to 21. MCL 388.1606(6)(l)

Pupil Definition

A district does **not** need a waiver and release from the resident district to enroll a pupil who:

- is a child of a person who “works at the district” or 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.”
MCL 388.1606(6)(j)
- enrolls in another district because the pupil’s school failed to make AYP under NCLB. MCL 388.1606(6)(o)

Remember, the Section 6(6) list is “permissive” not “mandatory”

Pupil Definition – foster care

- In addition, last winter, the legislature had revised MCL 380.1148 (residency in home of relative/court placed) to add a foster care residency provision
- waiver and release is not required to enroll a foster care child in school selected by DHS or child placing agency.
MCL 388.1606(6)(n)

State Aid Funds

- The \$165 per pupil reduction for the 2009-10 school year was reduced by \$11 to \$154 per pupil reduction for 2009-10.
- The \$154 reduction remains for the 2010-11 school year. MCL 388.1611d(1)*

Consolidation Plans

Districts must submit a report by Feb 1, 2011 on the implementation of the service consolidation plans submitted to MDE on Feb 1, 2010.

Districts and ISDs must explore coordinating the regional purchase of diesel fuel. MCL 388.1611d(4)

Audit Cycle Single Building Districts

Field audit every other year single building districts and public school academies with less than 700 FTE if:

- the LEA/PSA has stable membership--less than a 5% change from year to year, and
- the error rate from the past 2 field audits was less than 2%.

The LEA/PSA that fits this criteria is still subject to a desk audit every count every year but does not have to have an annual field audit.

MCL 388.1618(4)(b)

MSDS

CEPI has to create, maintain, and enhance the statewide longitudinal data system (MSDS) and ensure its data collection provides electronic transcript services, can link teachers to student information, and can track student through post secondary education. MCL 388.1694a.

The linking of student data to teacher information to be rolled out by June 2011.

Audit Packet Due Dates

LEA/PSA must submit their pupil membership count information to CEPI and the ISD by the fifth Wednesday after count day and certify the data with CEPI and file the certified data with the ISD by the seventh Wednesday after count day.

MCL 388.1701(1)

Days and Hours

- Have to provide at least 1,098 hours and at least 165 days of instruction but no fewer days than the district offered in 2009-10 for the 2010-2011, 2011-2012 school year. MCL 388.1701(3)(a)
- DS 4168 for 2009-2010 school year is key reference point.

Days and Hours cont.

- Beginning in 2012-13, the minimum number of days of pupil instruction is 170 days but cannot provide fewer days than the district offered in 2009-10. MCL 388.1701(3)(a)
- The district can apply for a State Supt waiver of this days and hours requirement for an MDE approved alt ed program or other innovative program approved by the MDE including a 4-day school week. MCL 388.1701(3)(a), (9)
- 180 days of instruction in the foreseeable future?

75% Attendance

The State Supt can grant a waiver of the 75% daily attendance requirement to a public school academy or district that only offers an alt ed program and does not serve all grades K-12 and allow for a 50% daily attendance requirement. MCL 388.1701(f)

The State Supt is supposed to promulgate rules to implement this section. MCL 388.1701(3)(g)

Forgiven Days and Hours

The forgiven days and hours has been clarified to be 6 days or the equivalent number of hours (rather than 30 hours) to insure that the number of forgiven days and hours match.

MCL 388.1701(4)

Professional Development Hours

- Do not have to provide 5 hours of on-line Professional Development (PD) to allow up to 38 hours of PD time to qualify for hours of pupil instruction.

- PD provided online is allowed/encouraged and MDE is to provide a list of MDE approved online professional development providers, including Michigan Virtual University. MCL 388.1701(10)

NOTE: PD time only counts towards the hours of pupil instruction and not the days requirement.

Qualifying PD

To qualify as instructional hours, the PD must focus on:

- achieving or improving AYP under NCLB,
 - achieving accreditation or improving a school's accreditation under MCL 380.1280,
 - achieving highly qualified teacher status under NCLB,
 - NEW ONE integrating technology into classroom instruction; or
 - maintaining teacher certification.
- MCL 388.1701 (10)(a-e)

Cyberschools

- FTE for cyberschools is not some percentage of the FTE of traditional schools as first proposed
- MDE must study the actual costs of providing distance learning or other alternative instructional delivery methods being used in the state and report its findings to the State by September 10, 2012.
- MVU and schools operating under a seat time waiver must submit data requested by MDE for this study. MCL 388.1701(12)

Shared Time and PSAs

Allows charter schools to be treated like contiguous districts and provide noncore courses at a nonpublic school site IF the school district where the nonpublic school is located declines to provide the noncore course instruction.

- The charter school must be located in the district where the nonpublic school is located or located in a contiguous district.
- The nonpublic school must first submit a written request to the school district where the nonpublic school is located. The school district must respond by May 1 or if the private school's request is made after March 1, the school district has 60 days to respond to the request. If the school district where the nonpublic school is located declines to provide the noncore instruction, the contiguous districts and charter schools in the district or in a contiguous districts may provide the noncore instruction. MCL 388.1766b(2)(a)(ii), (4)

Adequate Instructional Supplies

The access to adequate/basic instructional supplies law adopted with the Race to the Top legislation has been changed to provide a claim review process instead of a direct report to the MDE.

- The MDE must develop a model policy addressing adequate access to basic instructional supplies and school districts must develop and implement a basic instructional supplies policy.
- If a teacher or principal determines he doesn't have access to basic instructional supplies, he may file a claim with the school principal or district superintendent explaining the basis for that assertion. The principal or district superintendent must attempt to resolve the claim within a reasonable amount of time. If the claim is filed with the principal, the next step is the district superintendent. The next step is the school board. The final step is for the teacher or principal to file a claim with the MDE.
- The MDE may prioritize claims based on need but should notify the district of the claim and require the district to contact the MDE within 3 business days to resolve the problem. The MDE can further investigate and take some undefined action. MCL 388.1766c

Race to the Top (RTTT)

Michigan did not get RTTT funds but the RTTT laws are still in effect:

2009 PA 203, SB 926 CEPI must create teacher/student tracking system

MCL 388.1694c, adequate access to basic instructional supplies required, MCL 388.1766c.

2009 PA 205, SB 981 PSA Schools of Excellence, MCL 380.551-561, evaluation system that measures student growth, performance based compensation based in part on student growth, MCL 380.1249-1250, administrator certification, MCL 380.1246, Algebra II over 1.5 years or thru CTE program with embedded math function, MCL 380.1278a.

2009 PA 204, HB 4787 Lowest achieving 5% schools identified, appoint school reform/redesign officer or CEO, and choose 1 of 4 possible redesign plans, MCL 380.1280c, compulsory school attendance law to 18, MCL 380.1561.

2009 PA 201, HB 4788 PERA includes SRRO/CEO as school employer and CBAs can be modified by SRR plan, MCL 423.215

2009 PA 202, HB 5596 State Supt create interim teaching certificate and after 3 years of satisfactory performance earn teaching certificate, MCL 380.15311.

School Funding Still At Risk

- General Fund is facing a deficit (\$302m)
- Legislature plans to raid School Aid Fund to fund community colleges and shift community college allocation to fill GF deficit.
- US Education Job Funds provided \$10b in aid to states and schools districts to save education jobs
- Michigan's share of EduJobs is \$318m.

Governor's GF Proposal

- FY 2010 shift SAF "surplus" to community colleges to cover \$208m allocation in GF;
- \$312m from Fed "EduJobs" for SAF makes this raid of SAF more palatable?
- FY 2011 cuts and one-time, non-tax revenues to reduce GF by over \$602m.
- FY 2011 includes setting aside \$50m of SAF to encourage consolidation/service-sharing via MDE competitive grants.

HB 6086 Transfers SAF to GF

- \$208m transfer from SAF to community colleges to fill current year GF shortfall.
- Considered a "loan" that would have to be paid back in "subsequent fiscal years" but language is not binding on future Legislature.
- To be taken up by Senate when it returns Sept 7.

HB 5872 Appropriates Edujobs

- One time payment of \$154 per pupil (\$246m) to restore the per pupil cut under Section 11d.
- \$50m in one-time per pupil increase based on the 2x formula for schools at the lower end of the foundation allowance (\$17-\$34 per pupil)
- \$16m to ISDs in one-time payment to nearly restore Section 81.
- To be taken up by Senate when it returns Sept 7 Governor has to file State application for Federal Edujobs funds by Sept 9 and explain distribution method – must match Legislatures

Other Legislation - bullying

- SB 1458 Anti-bullying Policies – require the adoption and implementation of policies prohibiting harassment, intimidation or cyberbullying by ISDs, LEAs, PSAs
- SB 1459-1462 cyberbullying is crime, enforcement, prosecution and sentencing provisions

Instructional Hours Handouts

- Becky Rocho's infamous "Instructional Requirements for School Year 2010-11" provided
- Genesee ISDs "2010-11 Count Dates & Days/Hours of Instruction", modified with permission, also provided

MPAAA Legislative Committee

Meeting Sept 12 4:30pm
Kalamazoo Radisson
Prairies V&VI

Questions?

Instructional Requirements for School Year 2010-11

Minimum Days: Section 101 of the Michigan School Aid Act for 2010-11 does again require a minimum number of instructional days as well as instructional hours. Beginning in 2010-11, districts are required to have a minimum of 165 instructional days; however, no district can provide fewer days of pupil instruction in 2010-11 than they *provided* in 2009-10. Section 380.1527 (School Code) requires 5 Professional Development days in 2009-10.

Minimum Hours: According to Section 101 of the Michigan School Aid Act and supported by the Revised School Code MCL 380.1284(1), 1098 hours are required;

Exceptions to this are:

- for kindergarten pupils, the Michigan School Aid Act, Section 6(4)(r) stipulates that FTE's are determined by "dividing the number of class hours scheduled and provided per year **per pupil** by the number equal to 1/2 the number used for determining FTE's for pupils in grades 1-12" or $1,098/2 = 549$ hours for **each** kindergarten pupil
- a student with study halls must either receive the minimum (1,098 hours) excluding study halls, or minimum plus 90 hours (1,188 hours) including study halls
- a pupil in grades 9 - 12 for whom a reduced schedule has been determined to be "in the *individual* pupil's best educational interest" must be scheduled for a minimum of 80% of the minimum required hours or 878.4 hours; there a special provision in Sec. 101 to allow a school on a 4-block schedule to meet the minimum at 75% of the minimum required hours or 823.5 hours
- cooperative program pupil or special education pupil who travels outside the district may count up to 3 hours per week travel time as instructional time -- **not to exceed the actual amount**; a district may apply for a hardship waiver from the Department of Education to increase this maximum
- Alternative Education Programs - AEP (plus "as MDE approved") – may seek a waiver for instructional hours at not less than 80% of the hour requirement
- Seat Time Waivers (STW) are expected to have more uniform requirements for the 2010-11 School Year; once granted, the hours, days and audit requirements will be stipulated in the waiver
- Districts may notify MDE of using an exception of up to 38 hours of "**qualifying**" **professional development in lieu of instructional hour requirement** – not day requirement (5 hours on-line eliminated); these PD activities must include focus on: achieving AYP, meeting accreditation, or HQ/teacher certification – new for 2010-11 "integrating technology into the classroom"
- The FTE for ECSE: Programs (Rule 54) are based on actual instruction time divided by 450 hours; Services (Rule 55) are based on actual instruction time divided by 180 hours.

In order to count as instructional time, the following conditions must be met:

- direct pupil - teacher contact time;
- program must have specific written goals and objectives;
- credit must be given or, in the case of seminar or tutorial time, a grade is assigned (pass/fail, satisfactory/unsatisfactory, etc.) and is integral to grade progression
- instruction/session must be defined in the Board-adopted course handbook
- for seminar only, the session must not exceed 35:1 student/teacher ratio unless the class sizes in the building are comparable
- ECSE: to be approved – **Programs** must meet at least 144 days and 360 hours and **Services** must meet at least 72 hours over 180 days.



2010-11 Count Dates & Days / Hours of Instruction



2010-11 Count Dates		Absence was <u>UNEXCUSED</u> Enrolled and in attendance prior to count day. Must attend within 10-Day Count Period <i>(10 days in session)</i>	Absence was <u>EXCUSED</u> Enrolled prior to count day. Must attend within 30-Day Count Period <i>(30 calendar days)</i>
Pupil Membership Count Date (4TH WEDS. AFTER LABOR DAY)	WEDS., SEPT. 29, 2010*	Thurs., Sept. 30, thru Weds., Oct. 13, 2010	Ends Friday, October 29, 2010
Supplemental Pupil Count Date (2ND WEDS. IN FEB.)	WEDS., FEB. 9, 2011*	Thurs., Feb. 10, thru Weds., Feb. 23, 2011	Ends Friday, March 11, 2011

*The School Aid Act allows a district or building that will not be in session this Wednesday, due to conditions not within the control of school authorities and with the approval of the State Superintendent of Pupil Instruction, to use the immediately following day in which school is in session in the district or building.

Days/Hours of Student Instruction

Forgiven days / hours: The first 6 days or equivalent number of hours for which pupil instruction is not provided because of conditions not within the control of school authorities... shall be counted as days/hours of pupil instruction. For programs that provide fewer than 1098 hours, such as 1/2 day kindergarten and Special Education Early Childhood, the forgiven hours are prorated.

School Year	Minimum No. of Instructional Hrs. (Grades 1-12)*	Minimum No. of Instructional Hours (Kindergarten)	Minimum No. of Instructional Days for 2010-11 (Not less than offered in 2009-10)**	Early Childhood Special Education 340.1754 Minimum No. of Days/Hrs for bona fide program	Early Childhood Special Education Services 340.1755 Minimum 2 hours per week
2010-11	1,098	549	165	144 days/360 hours	not < 72 hrs within 180 days

*A district may count up to 38 hours of professional development for teachers as hours of pupil instruction. P.D. hours for programs operating less than 1098 hours must be prorated.

**Minimum number of instructional days for 2010-11 is 165 or days offered in 2009-10, whichever is greater. Day requirement is superseded by collective bargaining agreements in place by 10/19/2009. PROFESSIONAL DEVELOPMENT HOURS MAY NOT BE COUNTED TOWARD THE DAY REQUIREMENT.