

The Promise and Pitfalls of Shared-Time Arrangements



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Current Authorization for Shared-Time Programs



State School Aid Act

388.1766b Minor enrolled in nonpublic school or home school; enrollment in district, public school academy, or intermediate district in certain curricular offering; state school aid; requirements; "eligible other district" defined; nonessential course; minor as part-time pupil; reply by district.

Section 166B of the State School Aid Act

(2) This act does not prohibit a parent or legal guardian of a minor who is enrolled in any of grades kindergarten to 12 in a nonpublic school or who resides within the district and is being home-schooled from also enrolling the minor in the district in a curricular offering being provided by the district at the nonpublic school site. However, state school aid shall be provided under this act for a minor enrolled as described in this subsection only if all of the following apply:



Section 166B of the State School Aid Act – Continued

- (a) Either of the following:
- (i) The nonpublic school site is located, or the nonpublic students are educated, within the geographic boundaries of the district.
 - (ii) If the nonpublic school has submitted a written request to the district in which the nonpublic school is located for the district to provide certain instruction under this subsection for a school year and the district does not agree to provide some or all of that instruction by May 1 immediately preceding that school year or, if the request is submitted after March 1 immediately preceding that school year, within 60 days after the nonpublic school submits the request, the instruction is instead provided by an eligible other district. This subparagraph does not require a nonpublic school to submit more than 1 request to the district in which the nonpublic school is located for that district to provide instruction under this subsection, and does not require a nonpublic school to submit an additional request to the district in which the nonpublic school is located for that district to provide additional instruction under this subsection beyond the instruction requested in the original request, before having the instruction provided by an eligible other district. . . .

Section 166B of the State School Aid Act – Continued

(a)(ii) . . . As used in this subparagraph, "**eligible other district**" means 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.

Section 166B of the State School Aid Act – Continued

- (b) The nonpublic school is registered with the department as a nonpublic school and meets all state reporting requirements for nonpublic schools.
- (c) The instruction is provided directly by a certified teacher at the district or public school academy or at an intermediate district.
- (d) The curricular offering is also available to full-time pupils in the minor's grade level or age group in the district or public school academy at a public school site.
- (e) The curricular offering is restricted to nonessential elective courses for pupils in grades kindergarten to 12.

Section 166B of the State School Aid Act – Continued

- (3) A nonessential course in grades 1 to 8 is a course other than a mathematics, science, social studies, and English language arts course required by the district for grade progression. Nonessential courses in grades 9 to 12 are those other than algebra 1, algebra 2, English 9-12, geometry, biology, chemistry, physics, economics, geography, American history, world history, the Constitution, government, and civics, or courses that fulfill the same credit requirement as these courses. Nonessential elective courses include courses offered by the local district for high school credit that are also capable of generating postsecondary credit, including, at least, advanced placement and international baccalaureate courses. College level courses taken by high school students for college credit are nonessential courses. Remedial courses for any grade in the above-listed essential courses are considered essential. Kindergarten is considered nonessential.

Section 166B of the State School Aid Act – Continued

- (5) A district that receives a written request to provide instruction under subsection (2) 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.

Nonessential vs. Essential Courses

380.1278 Core Academic Curriculum

- (3) The board of each school district, considering academic curricular objectives defined and recommended pursuant to subsection (2), shall do both of the following:
 - (a) Establish a core academic curriculum for its pupils at the elementary, middle, and secondary school levels. The core academic curriculum shall define academic objectives to be achieved by all pupils and shall be based upon the school district's educational mission, long-range pupil goals, and pupil performance objectives. The core academic curriculum may vary from the model core academic curriculum content standards recommended by the state board pursuant to subsection (2).
 - (b) After consulting with teachers and school building administrators, determine the aligned instructional program for delivering the core academic curriculum and identify the courses and programs in which the core academic curriculum will be taught.
- (4) The board may supplement the core academic curriculum by providing instruction through additional classes and programs.

. . .
- (9) Any course that would have been considered a nonessential elective course under Snyder v Charlotte School Dist, 421 Mich 517 (1984), on April 13, 1990 shall continue to be offered to resident pupils of nonpublic schools on a shared time basis.

Nonessential vs. Essential Courses

Snyder v Charlotte Schools, 421 Mich 517 (1984)

"**nonessential elective courses**," such as band, art, domestic science, shop, advanced math, and science classes, etc., need not be taught in nonpublic schools. These are the types of courses that have traditionally been offered on a shared time basis. Thus, once these types of courses are offered to public school students in the district, they must also be offered to resident nonpublic school students.

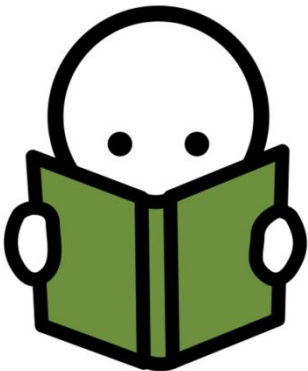


Nonessential vs. Essential Courses – Continued

Michigan Administrative Rules

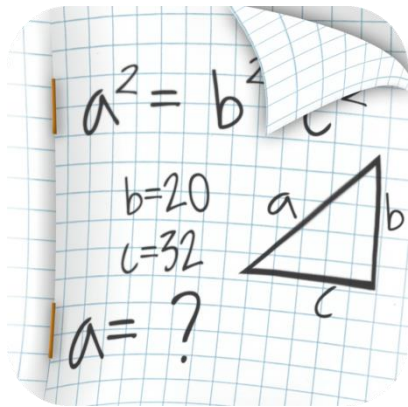
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- (20) A nonpublic or home school pupil may enroll in nonessential elective courses in grades 1 to 12 in a district and be counted for the purposes of membership on a pro-rata basis pursuant to section 166b of 1979 PA 94, MCL 388.1766b. All of the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



Nonessential Courses

According to Section 166b(3), a nonessential course in grades 1 to 8 is a course other than mathematics, science, social studies, and English language arts. Nonessential courses in grades 9 to 12 are those other than algebra 1, algebra 2, English 9-12, geometry, biology, chemistry, physics, economics, geography, American history, world history, the Constitution, government, and civics, or courses that fulfill the same credit requirement as these courses. Nonessential elective courses include courses offered by the local district for high school credit that are also capable of generating postsecondary credit, including, at least, advanced placement and international baccalaureate courses. College level courses taken by high school students for college credit are nonessential courses. Remedial courses for any grade in the above-listed essential courses are considered essential.



Pupil Accounting Manual Section 5-E – Framework for Shared-Time Programs

NON-PUBLIC 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 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 homeschool 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.

Pupil Accounting Manual – Section 5-E Continued

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 school district.
- 7) The curricular offering is offered and 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.

Pupil Accounting Manual – Section 5-E Continued

- 9) The pupil shall not be counted as more than 0.75 of a full-time equated membership.
- 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 school district site; or the nonpublic pupil is enrolled and attending courses provided by a district, public school academy, or intermediate school 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.

Pupil Accounting Manual Section 5-O-D – Framework for Online Programs

VIRTUAL LEARNING OPTIONS

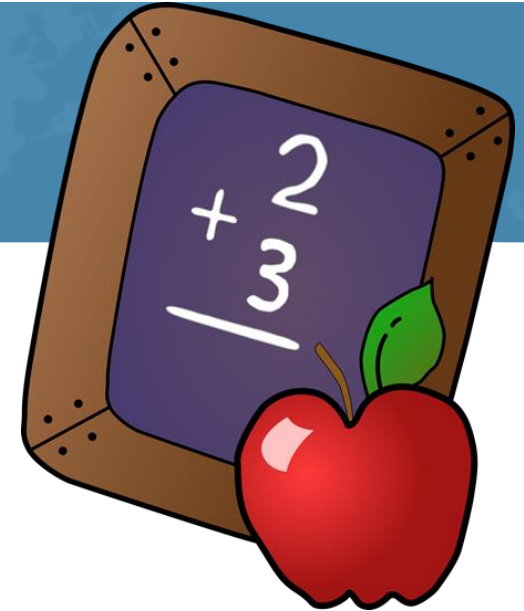
Virtual learning is a method of receiving academic instruction in courses in which the pupil is registered and the courses are taken through a digital learning environment. Virtual learning may be offered at a supervised school facility during the day as a scheduled class period or through self-scheduled 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.

Virtual courses may be selected from the local, board-approved, course catalog, or pupils may select courses from the statewide virtual course catalog (<https://micourses.org>).

Unless otherwise required by the district, physical attendance is not a requisite of this section. Such would be the case if a district offers blended virtual learning opportunities.

This section allows districts to continue to offer virtual learning opportunities that were previously offered under Section 5-O-A and Section 5-O-B of the 2016-17 Pupil Accounting Manual if the requirements that follow are met.

Pupil Accounting Manual Section 5-O-D – Continued



INSTRUCTIONAL COMPONENTS

Teacher of Record - Definition

Teacher of record is responsible for providing instruction, determining instructional methods for each pupil, diagnosing learning needs, assessing pupil learning, prescribing intervention strategies: and modifying lessons, reporting outcomes, and evaluating the effects of instruction and support strategies.

The teacher of record may coordinate the distribution and assignment of the responsibilities defined above with other teachers participating in the instructional process for the course.

Teacher of Record – Requirements



District and the Michigan Virtual University (MVU) Requirements:

- The teacher of record must hold a valid Michigan teaching certificate or a teaching permit recognized by the Department for the grade level being instructed through the virtual course.

Note: The teacher must also hold a teaching certificate or teaching permit that is endorsed in the subject area of the course and the teacher must be highly qualified if applicable.

- The teacher of record must have a personnel identification code provided by the Center for Educational Performance and information (CEPI).
- The teacher of record must be employed by the district, as applicable under Section 1231 of the Revised School Code (MCL 380.1231).

Pupil Accounting Manual Section 5-O-D – Instructional Components Continued

Mentor - Definition

A mentor is 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 be the teacher of record if the mentor meets the definition of a teacher of record and the district is the provider for the course.



Pupil Accounting Manual Section 5-O-D – Instructional Components Continued

Two-way Interaction – Definition

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. 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.

Two-way interactions are expected to continue throughout the course, even when not being used for membership purposes.

