

## SECTION 2: DAYS AND HOURS OF PUPIL INSTRUCTION

As specified in Section 101 of the *State School Aid Act*, to qualify for state aid without a deduction, a local school district must provide each pupil with both, the required minimum number of days, and the required minimum number of hours of pupil instruction in each school fiscal year.

Beginning in 2012-2013, each district shall provide the greater of 170 days or the number of days of pupil instruction provided by the district in 2009-2010. Each district shall also provide at least 1,098 hours of pupil instruction.

**Note:** Beginning in 2012-2013, full-time equated memberships for pupils in kindergarten shall be determined by dividing the number of instructional hours scheduled and provided per year per kindergarten pupil by the same number used for determining full-time equated memberships for pupils in grades 1 to 12 (1,098 hours). Pupil instructional days for kindergarten may be scheduled for a half-day session, a full-day session, or an alternative-day session; *thus, kindergarten is not required to meet a minimum number of days.*

A district may apply up to **38** hours of *qualifying* teacher professional development time toward the minimum requirement for pupil instructional hours, however, the professional development days **do not** apply to the minimum day requirement. A program that operates for fewer than the minimum required 1,098 hours must prorate the number of qualifying teacher professional development hours applied toward the hours counted as pupil instruction for the program.

### A) Calendars

The intermediate district, district, and public school academy must adhere to the regulations for starting pupil instruction after Labor Day, as provided in MCL 380.1284b. As established by MCL 380.1284a, districts and public school academies must also comply with the common calendar established by the intermediate district when scheduling winter holiday break and spring break. Finally, instruction may not be held on any of the public holidays provided in MCL 380.1175. Districts must have a waiver from the State Superintendent to deviate from these provisions of law.

#### 1) Labor Day Starting Date

The board of a school district, intermediate school district, or the board of directors of a public school academy **shall not** schedule pupil instruction prior to Labor Day (MCL 380.1284b). *Public schools are not prohibited from offering or requiring professional development for its personnel before Labor Day.*

The requirement to start school after Labor Day would not apply to districts that are already operating a year-round school or program or an international baccalaureate academy that provides 1,160 hours of pupil instruction. If a district begins operating a year-round school or program after September 29, 2005, the district must apply to the State Superintendent for a waiver from the requirements to start school after Labor Day. The State Superintendent will grant the waiver if it is determined that the school or program is a bona fide year-round school or program for educational purposes. If the school has already been operating a year-round school, the school must request approval from the Department to establish that the school is recognized as a bona fide year-round school. If the Department determines that the school is recognized as a bona fide year-round school, an annual request to waive the requirement to start school after Labor Day would not be required unless there is a change in the school calendar that would provide a summer break that is greater than six weeks in length. The waiver request or request for recognition of an

existing year-round school must include specific information regarding the school calendar. For the purposes of determining the length of the summer break, July 4th may be excluded.

An intermediate school district is exempt from the requirement to start after Labor Day if the intermediate school district (1) contracts with a constituent district or public school academy to provide programs and services for pupils; (2) operates a program or service within a school building owned by a constituent district or public school academy within the boundaries of the intermediate school district; or, (3) provides instructional programs or services to pupils of a constituent district or public school academy. The constituent district or public school academy must also be exempt from the requirements by either obtaining a waiver, having a collective bargaining agreement that does not comply with the requirement to start after Labor Day, or by being an international baccalaureate academy. The programs or services provided by the intermediate school district must be provided according to the school district's or public school academy's calendar.

In addition, a public school that operates all of grades 6-12 at a single site, that aligns its high school curriculum with advanced placement courses as the capstone curriculum, and that ends the second semester concurrently with the end of the advanced placement examination period is exempt from the requirement to start school after Labor Day.

**Note:** Any district that is exempt from the starting date after Labor Day requirement shall ensure that the district is not in session on the Friday before Labor Day.

## 2) Intermediate School District and District Common Calendar

Beginning July 1, 2008, an intermediate school district, in cooperation with its constituent districts (including Public School Academies within the intermediate district), shall adopt a common school calendar to apply to all of its constituent districts and to its intermediate school district programs. The intermediate school district shall post the common school calendar on its website. The intermediate common calendar shall meet all of the following:

- a. Shall be in compliance with section 1284 and 1284b (MCL 380.1284 and 380.1284b).
- b. Shall identify the dates for each school year when school will not be in session for winter holiday break and a spring break for the current year and the succeeding four years. The common calendar must have specific winter break days and spring break days in common. If a district would like to deviate from the ISD common calendar, the district must obtain approval from the ISD and then the district must request a waiver from the Department.
- c. Districts are encouraged to identify common dates for professional development days in the adopted common school calendar.

**Note:** A district that has a bargaining agreement that provides a complete school calendar in effect prior to July 1, 2008, and that school calendar is not in compliance with the intermediate common calendar, does not have to comply with that intermediate common calendar until such time that the district's bargaining agreement calendar expires.

The requirement to adopt a common school calendar would not apply to a district that operates a year-round school or program or an international baccalaureate academy that provides 1,160 hours of pupil instruction. If an intermediate school district or a district begins a year-round school or program after July 1, 2008, the intermediate district or district must apply to the State Superintendent for a waiver from the common calendar. The

waiver application shall provide documentation that the school or program meets year-round requirements. A district that operates all of grades 6-12 at a single site which aligns its high school curriculum with advanced placement courses as the capstone of the curriculum and ends its second academic semester concurrently with the end of the advanced placement examination period is exempt from the common school calendar requirement.

3) Instruction Shall Not Be Held on the Following Legal Holidays

Revised School Code 380.1175(1) reads in part: "January 1st, New Year's day; the last Monday in May, Memorial or Decoration day; July 4th, Independence day; the first Monday in September, Labor day; the fourth Thursday in November, Thanksgiving day; and December 25th, Christmas day, shall be public holidays in the public schools in this state. If 1 of these days falls on a Sunday, the Monday following shall be a public holiday in the public schools. A school session (pupils present and instruction taking place) shall not be held on the public holidays described in this subsection in a public school in this state."

4) District, Building, or Program Calendar

A district may operate using a district-wide school calendar that is universal to all buildings and programs within the district; or the district may operate using building or program calendars that are specific for each building or program; or, the district may operate using calendars for clusters of buildings or programs within the district. The calendar must indicate the total scheduled days and hours of pupil instruction for the year. The school calendar should also indicate the days and time teacher professional development time is scheduled and counted as pupil instructional time.

Pupil instructional days and instructional hours may vary within a calendar but the minimum required days and minimum required hours for the school fiscal year must be met by each grade level or program (calculate the hours to the nearest tenth or hundredth). A full-time special education early childhood classroom program pupil must be scheduled for 450 hours of pupil instruction. A special education early childhood pupil scheduled for 360 hours or more but less than 450 hours must be a prorated FTE.

- a. **A district wide calendar** is one on which the days of operation are universal to all buildings and programs within the district, including the beginning and ending dates of the school year and all vacation days. The individual building and program hours of operation may vary on the universal days for activities such as parent/teacher conferences and staff development. (The individual building/program may count only those days and hours that pupil instruction was scheduled for that building/program.)
- b. **An individual building or program calendar** is one on which the days of operation pertain to that individual building or program. When uncontrollable circumstances occur that require a particular building or program to alter the planned schedule, it is acceptable for a district to switch that particular building or program from a district wide calendar to an individual building or program calendar for the purpose of determining compliance with the minimum instructional hour requirements.
- c. **Cluster of buildings or programs calendar** is one on which the days of operation are common to a group of buildings or a group of programs within the district. When uncontrollable circumstances occur that require several buildings or programs to alter the planned schedule, it is acceptable for a district to switch that group of buildings or programs from the district wide calendar to a calendar that is universal to that group of

buildings or programs.

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

A minimum of 1,098 class hours MUST be scheduled and provided to generate full-time equated memberships for pupils in grades K-12, including alternative education. Instructional hours are based upon the actual time that instruction is scheduled and provided for a given grade level or group of pupils (to the nearest tenth or hundredth). Instructional hours may vary between buildings, programs or grade levels. Some non-conventional pupils may be provided fewer than the minimum required hours.

### 1) Pupil Instructional Hours

A local school district may count time toward the minimum instructional hour requirement in a particular building, program or grade level, without penalty, if the district has evidence that all of the following has occurred:

- Pupils and certificated teachers were present and engaged in instruction.
- Instruction was scheduled and available for the entire pupil membership.
- The class was offered for credit or, in the case of an elementary school pupil, the class was required for grade progression.
  - Exceptions to this requirement MUST meet the following criteria: The content of the hours pupils were scheduled with teachers in "non-subject classes" such as seminars, achievement hour, focused instructional time, etc., is academic in nature and included such activities as tutoring, mentoring, and/or advising, and will have a pupil/teacher ratio which falls within the range of the regular academic classes for the building but in no case is more than 35:1. For this purpose, "academic" is defined as classes counted toward a district's total instructional hours other than periods such as study hall.
- A maximum of 30 minutes per day of passing time between class periods may have been counted as pupil instruction unless the building administrator was able to demonstrate the need for additional passing time. (**Note:** a district may choose to schedule more passing time than necessary but not count it for membership.)
- Passing time to the first class period and from the last class period was excluded.
- Breakfast period was excluded; however, breakfast in the classroom (for example during homeroom or first period) while instruction was taking place may be counted.
- Lunch period was excluded.
- Only one passing time to or from lunch period was counted.
- Time used in passing from the bus, at the beginning of the day, or to the bus, at the end of the day, was excluded.
- In elementary school buildings, a recess of a reasonable duration may have been counted if supervised by a certificated teacher. Recess time used for passing from the bus at the beginning of the school day or passing to the bus at the end of the day, or a recess to provide breakfast or lunch to pupils shall not be counted. 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. Recess may attach to lunch.
- Homeroom may have been counted if it was of a reasonable length (no more than 15 minutes, which includes passing time) and if it was not determined to be a study hall by the ISD auditor.
- Not more than two study halls may have been counted and **ONLY** if supervised by a certificated teacher **AND** the local school district provided at least 90 more hours than the minimum number of hours of instruction.
- If a pupil in grades 9 to 12 who enrolled in a cooperative education program (as defined

in Section 3 of the State School Aid Act) or a special education pupil was unable to receive the minimum number of hours of pupil instruction solely because of travel time between instructional sites during the school day, that travel time, up to a maximum of three hours per school week, may have been considered to be pupil instruction time for the purpose of determining whether the pupil received the minimum number of hours of pupil instruction. (However, if a district has demonstrated to the satisfaction of the Department that the travel time limitation created undue costs or hardship to the district, the Department may consider more travel time to be pupil instruction time for this purpose.)

- In grades 7 through 12, instructional time that is part of a junior reserve officer training corps (JROTC) program may be counted as pupil instruction if the following requirements have been met: (1) the instructor has met all of the requirements established by the United States Department of Defense and the applicable branch of the armed services for serving as an instructor in the junior reserve officer training corps programs, (2) the board of the district or intermediate district employing or assigning the instructor complies with the requirements of section 1230 and 1230a of the Revised School Code, MCL 380.1230 and 1230a, with respect to the instructor to the same extent as if employing the instructor as a regular classroom teacher.
- A pupil of a district that begins its school year after Labor Day who is enrolled in an intermediate district program that begins before Labor Day shall not be considered to be less than a full-time pupil solely due to instructional time scheduled but not attended by the pupil before Labor Day.

## 2) Professional Development Time

Beginning in 2006-2007 a district may count up to **38 hours** of *qualified* teacher professional development program hours as hours of pupil instruction. The hours for the teacher professional development program must be part of the school fiscal year and must be conducted at a time that pupils are not scheduled for pupil instruction. The sessions must be a least 1 hour in length. The teacher group participating should be a recognizable group such as the district's entire staff of teachers, a group of teachers from a building, or a group of teachers for several grade levels. The actual pupil instructional hours versus teacher professional hours may differ by building and/or by grade level. However, in scheduling and counting the 1,098 hours, at least 1,060 hours must be actual pupil instructional time and not more than 38 hours may be teacher professional development time. A program that operates fewer than 1,098 hours may count a pro-rated number of qualifying teacher professional development time based upon the actual number of hours the program operates as related to the 1,098 hours requirement.

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

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

- Achieving or improving adequate yearly progress as defined under the no child left behind act of 2001, Public Law 107-110,
- Achieving accreditation or improving a school's accreditation status under section 1280 of the revised school code, MCL 380.1280,

- Achieving highly qualified teacher status as defined under the no child left behind act of 2001, Public Law 107-110.
- Maintaining teacher certification

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

**Note:** A district may opt to provide teacher professional development training to those high school teachers not involved with proctoring the MME exams during those hours that the MME exam are being taken. The hours for the MME would apply as instructional hours toward the minimum required 1,098 hours for the eleventh grade while the teacher professional development time would apply toward the 38 hours of PD time allowed to be counted toward the minimum required 1,098 hours for the remainder of the high school grades.

### 3) The First 6 Days of Canceled Instruction

The first six (6) days (or equivalent hours) of scheduled pupil instruction that is not provided because of conditions not within the control of school authorities such as severe storms, fires, health conditions, and infrastructure issues, shall be counted toward the required 1,098 hours of pupil instruction. **Note:** Forgiven time cannot be used toward cancelled teacher professional development time.

### 4) Instruction Canceled after April 1

A district may request an additional six (6) days (or equivalent hours) of forgiven time from the State Superintendent for instruction that is not provided after April 1 due to conditions not within the control of school authorities, such as severe storms, fires, health conditions, and infrastructure issues. The district's application must state:

- The actual number of pupil instructional hours originally scheduled
- The minimum number of teacher professional development hours the district could count toward the required 1,098 hours of pupil instruction.
- The total number of pupil instructional hours canceled during the applicable year, the reason for the cancellations, and the dates that pupil instruction was canceled.
- The number of pupil instructional hours the district has rescheduled.

**Note:** Forgiven time cannot be used toward cancelled teacher professional development time.

## C) State School Aid Adjustment For Failure To Meet The Minimum Required Days, The Minimum Required Hours, or 75% Attendance Requirement:

1) Failure to Meet the Minimum Required Days

Beginning in 2012-2013, each district shall provide the greater of 170 days or the number of days of pupil instruction provided by the district in 2009-2010.

A district failing to comply with the minimum required days of pupil instruction shall forfeit from its total state aid allocation an amount determined by applying a ratio of the number of days the district (if operating on a district wide calendar), the building or program (if operating by a building or program calendar), or the cluster of buildings or programs (if operating by a calendar for a cluster of buildings or programs) was in noncompliance in relation to the required minimum number of days.

**Example 1:** In a district on a district wide calendar, the original calendar had 167 days of pupil instruction scheduled. School was canceled on nine (9) scheduled days. There were five (5) days on which school was canceled due to snow and ice, two (2) days were canceled due to wide spread pupil illness, one (1) day was canceled due to a power outage, and one day (1) that instruction was canceled due to basketball playoffs. All of this occurred prior to April 1 of the school year in question. Even when including the six (6) forgiven days, this district is still short one (1) day as follows:

167	days of pupil instruction originally scheduled
- 9	days canceled due to weather, illness, power outage, and sports
+ 0	days rescheduled
+ 6	days "forgiven" (weather, illness, and power outage)
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= 164	days actually provided

The district's annual state aid, after adjusting for adult education payments and Durant related payments, is \$10,500,000. The penalty calculation is:

$$\$10,500,000 \text{ adjusted state aid} / 165 \text{ minimum required days} = \$63,636.36 \text{ per day}$$

**-\$63,636.36 adjustment for falling 1 day short of the day requirement**

2) Failure to Meet the Minimum Required Hours

A minimum of 1,098 hours of pupil instruction MUST be scheduled and provided to generate full time equated memberships for pupils in grades K-12, including alternative education.

A district failing to comply with the minimum required hours of pupil instruction shall forfeit from its total state aid allocation an amount determined by applying a ratio of the number of hours the district (if operating on a district wide calendar), the building or program (if operating by a building or program calendar), or the cluster of buildings or programs (if operating by a calendar for a cluster of buildings or programs) was in noncompliance in relation to the required minimum number of hours.

**Example 1:** In a district on a district wide calendar, the original calendar had 1,060 hours of pupil instruction scheduled plus 38 hours of teacher professional development time for a total of 1,098 hours. School was canceled due to inclement weather on four 6-hour days. There were four days on which school was delayed two hours due to fog and three days on which school was released two hours early due to power outage. Even when including the 36 forgiven hours (6 days at 6 hours per day), this district is still short two hours as follows:

1,060	hours of scheduled pupil instruction
+ 38	scheduled hours of professional development
- 24	hours pupil instruction canceled (four full-days)
- 8	hours pupil instruction canceled for fog delays
- 6	hours pupil instruction canceled - early releases
= 1,060	subtotal pupil instructional hours
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+ 36	hours of canceled pupil instruction forgiven
= 1,096	countable hours of pupil instruction

The district's annual state aid, after adjusting for adult education payments and Durant related payments, is \$10,500,000. The penalty calculation is:

\$10,500,000 adjusted state aid / 1,098 minimum required hours = \$9,562.84 per hour  
 \$9,562.84 hourly state aid for the district x 2 hours short = \$19,125.68

**-\$19,125.68 adjustment for falling 4 hours short of the hour requirement**

**Example 2A:** In a district on a district wide calendar, the original calendar scheduled 1,066 pupil instructional hours plus 38 teacher professional development hours for a total of 1,104 hours. School was canceled for inclement weather on two days, or 12 hours, and had two days that school was on a two-hour fog delay and morning kindergarten was canceled. The first through twelfth grades in this district exceed the minimum hours (1,098) as follows:

1,060	hours of scheduled pupil instruction
+ 38	scheduled hours of professional development
- 12	hours of pupil instruction canceled (two full-days)
- 4	hours of pupil instruction delayed for fog
= 1,088	subtotal pupil instructional hours
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+ 16	hours of canceled pupil instruction forgiven
= 1,104	countable hours of pupil instruction

**Example 2B:** In the example above, the morning kindergarten session was originally scheduled for 533 hours plus 19 teacher professional development hours for a total of 552 hours. This morning kindergarten group missed 6.2 hours for the two canceled days plus 6.2 hours for the two fog delayed days (morning kindergarten canceled) for a total of 12.4 hours. The half-day kindergarten session is allowed up to 15 hours forgiven, which means that this kindergarten may count a total of 552 hours.

533.0	hours of scheduled pupil instruction
+ 19	scheduled hours of professional development
- 6.2	hours of pupil instruction canceled (two full-days)
- 6.2	hours of pupil instruction delayed for fog
= 539	subtotal pupil instructional hours
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+ 12.4	hours of canceled pupil instruction forgiven
= 552.0	countable hours of pupil instruction



3) Failure to Meet the 75% Attendance Requirement

A district's daily pupil attendance must meet a minimum 75% pupil attendance requirement in order to avoid a state aid deduction. The percentage of pupil attendance is based upon the actual number of pupils enrolled and scheduled for pupil instruction compared to the number of pupils actually in attendance on that day. Districts must have a procedure in place to capture this information at the building level and the district level. Pupils enrolled in a self-paced, off-site, alternative education program with a seat-time waiver are excluded from the 75% attendance calculation. A district that has a day on which pupil attendance falls below the minimum 75% attendance requirement shall receive state aid in proportion of 1/180 that the percentage in attendance bears to the specified percentage.

The penalty calculation for not having 75% of the scheduled pupils in attendance is based upon the daily amount of state aid attributable only to the fraction of the district's pupils below 75% not in attendance. (See example below.)

Example: The district had one day on which only 68% of those pupils who were enrolled and scheduled for pupil instruction were in attendance. The district's annual state aid, after adjusting for adult education payments and Durant related payments, is \$10,500,000. The penalty calculated is:

$$\begin{aligned}
 &\$10,500,000/180 = \$58,333.33 \text{ per day (one day's state aid)} \\
 &75\% \text{ attendance required} - 68\% \text{ that attended} = 7\% \text{ short} \\
 &7\% / 75\% = .0933 \text{ (percent short bears to percent required to attend)} \\
 &\$58,333.33 \times .0933 = \$5,442.50
 \end{aligned}$$

**-\$5,442.50 adjustment for not meeting the 75% attendance requirement**

**Note:** The percentage in attendance is calculated only for those buildings, programs or grade levels that are in session. The number of pupils in buildings, programs or grade levels that have canceled the day, or otherwise not in session, should not be included in the calculation of the percentage of attendance for that day.

D) Regulatory References

<u>State Aid Act</u>	<u>Revised School Code</u>	<u>Administrative Rule</u>
388.1606(4)(cc)	380.1175	340.10
388.1606(4)(q)	380.1280	340.10a
388.1606(4)(r)	380.1284a	340.1754
388.1701(4)	380.1284b	340.1755
388.1701(5)		
388.1701(7)(d-e)		
388.1701(10)		

E) Question and Answer

**Pupil Attendance – Meeting The 75% Attendance Requirement**

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

**A #1** The alternative education program is part of K12 system; therefore, attendance must be taken and the pupils in this program are a part of the 75% attendance requirement. However, pupils in a self-paced, off-site, alternative education program under a seat-time waiver are

exempt from the 75% attendance requirement. Also, a district that operates an alternative education program and does not provide instruction in all of grades K-12 may apply to the State Superintendent for a waiver to meet a 50% attendance requirement as specified in Section 101(3)(c) of the State School Aid Act.

**Q #2** One elementary building had to be closed for the entire day due to a water main break. Pupil attendance was 75% for the day. May the district count this day as a day of pupil instruction?

**A #2** Yes, the district can still count the day; however, the hours would not apply to the one building that was closed.

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

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

**A #3** Section 101(4), of the State School Aid Act, grants all districts in the State of Michigan the right to count up to the first 6 days or equivalent number of hours of canceled pupil instruction for situations beyond the control of school authorities such as severe storms, fires, epidemics, utility power unavailability, water or sewer failure, or health conditions. *Anything in excess of 6 days or equivalent number of hours of canceled pupil instruction would have to be rescheduled.*

Section 101(4) also allows a district to apply to the State Superintendent for a waiver to count up to an additional 6 days or equivalent number of hours of canceled pupil instruction for situations that happen after April 1 of the applicable year when pupil instruction must be canceled due to conditions that are beyond the control of the school authorities.

The number of forgive hours available to use must be prorated for programs that operate for fewer than 1,098 hours.

**Q #4** District plans 38 hours of teacher professional development time to be counted toward the minimum required 1,098 hours of pupil instruction. Two days (12.6 hours) of teacher professional development were canceled because of a snowstorm. Does the district get to count those canceled hours as part of the 30 hours that the district is allowed to count as pupil instruction?

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

**Q#5** Section 101 (3) (a) states "Beginning in 2012-2013, the required minimum number of days of pupil instruction is 170. However, the law also states that beginning in 2010-2011, a

district shall not provide fewer days of pupil instruction than the district provided for 2009-2010." Do the minimum days equal 170 or the greater of days provided in 2009-10?

**A#5** The requirement will be the greater of 170 or what was provided in 2009-10.

### **Counting Pupil Instruction For Individual Pupils**

**Q #6** According to the Pupil Accounting Manual, each pupil must have 1,098 hours of instruction with a certified teacher to qualify for state aid without penalty. If our middle school building was to implement a type of "responsibility room" where a pupil could be scheduled into the room for an hour depending upon his/her behavior, could this be counted as contact time? Would the room be considered instructional?

**A #6** A district measures an individual pupil's FTE count based upon the sum of the actual instructional minutes that the pupil is scheduled to receive instruction from a certificated teacher each day. If the "responsibility room" is actually spending time in the office as an office aide to the secretary, this is in-school placement and is part of the work-based program. Work-based is not allowed for middle school pupils. If the responsibility room is a study hall or seminar, then other requirements are applied. Seminars require a certificated teacher present, not more than 35 pupils scheduled for that class, and must be academic in nature. Study halls require an additional 90 hours be added to the building schedule.

**Q #7** The district's alternative education program uses Plato software for math instruction and assessment. Is it permissible to staff the computer lab with a parapro during pupil instructional class time, and then have a certified teacher of record issue the pupil credit and grade?

**A #7** No. Plato is material available for pupils to use but is not a teacher-pupil interaction. A certificated teacher is required to be present and ready to assist the pupil(s) during the instructional period.

### **Passing Time**

**Q #8** The district utilizes block scheduling. Four days a week the district runs a normal A or B schedule. Each Monday the district runs "skinnies" (all eight blocks). Due to the physical size of the building and passing through all eight classes, the high school uses more than 30 minutes of passing time on Mondays. The pupil accounting manual states that a maximum of 30 minutes per day of passing time may be counted unless a building administrator is able to demonstrate the need for additional passing time. Does the size of the building and the class schedule qualify for more than 30 minutes per day? Does this need to be documented?

**A #8** It is suggested that a representative investigate to make certain, for example, that six minutes rather than four minutes are required in order to get from first period to second period on Mondays. If the high school administrator can demonstrate to the pupil accounting person that it reasonably takes more passing time than is allowed on Mondays, then document that for the records for auditing purposes. If the district cannot document the need for the extra passing time, the district may choose to schedule more passing time than necessary and not count that time toward membership.

### **Lunch Time**

**Q #9** One third of the high school population has five minutes less of pupil instruction each day than the remaining two thirds of the high school pupils. Do we do a weighted average to calculate the pupil instructional time for the high school?

**A #9** No. The five minute per day could add up to 15 hours per year (5 min. X 180 days = 900 minutes/ 60 min = 15 hours). This could mean that one third of the high school pupils would be

short the minimum required pupil instructional hours. Most frequently, the reason behind one group being five minutes short each day compared to the rest of the high school population is that the lunch period occurs in the middle of a class period. A passing time is not allowed in this instance since one passing time was counted at the beginning of the class and one passing time was counted at the end of this class. The actual instructional time for this group of pupils must be reported separately from the other two groups. If additional time were not scheduled in order for this group to meet the minimum required hours there would be a school aid adjustment.

**Q #10** A certificated teacher monitors the lunch period. The district wants to count this lunch period as instructional time for the special education pupils claiming the goals and objectives are to teach feeding skills. May the district count the lunch period toward the minimum required instructional hours for this group of pupils?

**A #10** As a general rule, lunch periods are not countable as instructional time. However, the lunch period may be counted for some special education pupils. The goals and objectives must be a part of the individual pupil's IEP and must specify how the lunch time activity relates to the individual pupil's educational needs. The special education certificated teacher also must be with the pupil(s) during the lunch period.

#### **Seminar vs. Study Hall**

**Q #11** What are the recognizable differences between a study hall and a seminar?

**A #11** A study hall is that period in a day when pupils from any grade level are in a room and each pupil is individually working on his/her home work for any class. The teacher or study hall monitor's purpose is to maintain a quiet area for studying. A seminar is that period in time when a small group of pupils and a certificated teacher are together for a specific class and serves the purpose of mentoring and/or tutoring. The teacher/pupil ratio is no more than 35:1.

#### **Using Teacher Professional Development Time**

**Q #12** The district wants to use the 38 hours of teacher professional development time toward the minimum required hours for some pupils but not for all pupils. Can you explain to me how this is done?

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

#### **Release Time**

**Q #13** A local church approached the district about the possibility of released time for some pupils. Administrative Rule 340.2(3) allows a pupil to attend religious instruction for "not more than 2 class hours per week, off school property during school hours..." without impacting a pupil's enrollment as 100% FTE. Please clarify what "not more than 2 hours" means. Does the travel time count toward those two hours?

**A #13** What the administrative rule 340.2(3) means is that the pupil may be released up to two hours per week to attend religious instruction without the district having to pro-rate the pupil's FTE count for membership purposes. However, this request must come in writing from the pupil's parent(s), guardian, or loco parentis (foreign exchange pupil). The church cannot make such a request. Two hours is exactly that – two hours. For example: if school is released at 3:30 p.m. every day and if the pupil leaves at 1:30 every Wednesday to attend catechism class; that meets the criteria. The district does not have to adjust the pupil's FTE count by 72 hours (2 hours x 36 weeks). The time needed for the pupil to travel to attend catechism can be part of those two hours.

#### **Nonpublic Pupil Travel Time**

**Q #14** District A has two nonpublic pupils attending the district. One pupil is enrolled in band and the parents transport the pupil to the public school for class. The second pupil is enrolled in vocational education and District A transports this pupil to the intermediate district's voc-tech center. May District A count the travel time for each of these pupils?

**A #14** Section 101(7)(d), of the State School Aid Act, permits a district to count travel time between instructional sites for pupils in grades 9-12 enrolled in a cooperative educational program or a special education pupil enrolled in a cooperative program if the travel time is the sole reason that the pupil does not receive enough hours to be a full FTE. Travel is not the only reason these nonpublic pupils cannot meet the minimum required 1,098 hours of pupil instruction. Nonpublic pupils enrolled in a public school for nonessential courses are meant to be only part-time pupils (see Section 6(6), of the State School Aid Act).

#### **When Travel Time Cannot Be Counted**

**Q #15** The morning career and technical education pupils arrive back at the high school approximately 23 minutes prior to lunch. It is too late for these pupils to attend a class period that has already been in session for thirty minutes. The district would like to count a 5-minute passing time to lunch in addition to the travel time thus increasing the FTE count for each of these pupils from .90 FTE to .91 FTE. May the district do this?

**A #15** A district may count one passing time to or from lunch for those pupils who have been in a class prior to lunch and in a class immediately following lunch. In this instance, the pupils were not in a class immediately preceding the lunch period. This 23 minutes was "down time". Also, Section 101(7)(d) allows a district to count travel time for those pupils in grades 9-12 enrolled in a cooperative educational program or special education pupils who must travel between instructional sites. Section 101(7)(d) states this travel time must be the *sole reason* that the pupil cannot be a full FTE. These morning career and technical education pupils do not qualify as a full FTE for reasons other than the actual travel time. Thus, because this group of pupils would not equate to a 1.0 FTE simply by counting the travel time, this district is not allowed to count any of the travel time for the morning career and technical education program.

#### **Legal Holidays**

**Q #16** Our district was in session on Monday, January 2. We exceeded the 75% attendance requirement. May we count this as a day of pupil instruction?

**A #16** No. Revised School Code 380.1175(1) is very specific that January 1, New Year's Day, is a public holiday. If January 1 falls on a Sunday, then school is not to be in session on that following Monday, January 2.

**Q #17** Our district had scheduled pupil instruction for Monday, January 2. Upon learning that legislation requires that school districts observe a legal holiday on Monday if that legal holiday falls on Sunday, our district converted January 2. from pupil instruction to a teacher

professional development day. May the district now count those teacher PD hours toward the minimum required pupil instructional hours?

**A #17** Revised School Code 380.1175(1) states that school cannot be in session on a legal holiday (or on those Mondays that are to be observed as legal holidays). School being "in session" is perceived as requiring pupils and certificated teachers to be present and instruction taking place. In this situation the pupils were not present. Section 101(10) of the State School Aid Act permits a district to count up to 38 hours of teacher professional development toward the minimum required hours of pupil instruction. The department has required that PD time occur at a time when pupils are not present and receiving instruction. Thus, these PD hours can be applied toward pupil instruction as part of the 38 hours.

### **Starting Prior To Labor Day**

**Q #18** May a district schedule professional development days prior to Labor Day?

**A #18** Revised School Code 380.1284b does not prohibit a school district, intermediate school district, or a public school academy from offering or requiring professional development for its personnel that is conducted before Labor Day. These professional development hours may apply toward the minimum required 1,098 hours of pupil instruction if they are part of the school calendar.

### **Incarcerated Pupil**

**Q #19** May a special education program serving emotionally impaired pupils claim a "homebound/hospitalized" situation for a pupil who has been incarcerated in the local jail and provide the two one-hour non-consecutive sessions per week to claim a full FTE? There is no medical or therapeutic service being provided and there is no physician's statement indicating such a need.

**A #19** No. A homebound/hospitalized pupil must have a medical reason the pupil cannot attend school during regular hours substantiated by a medical doctors statement.

**Q #20** May a special education program serving emotionally impaired pupils claim a "home based" situation for a pupil who has been incarcerated in the local jail and provide the two one-hour non-consecutive sessions per week to claim a full FTE?

**A #20** No. Home based services only apply to pupils who have been suspended or expelled for disciplinary reasons. This pupil was not suspended nor expelled from the district for any wrong doing at the district, on district property, or at a school function. The district where the local jail is located may provide educational services to this pupil and must pro-rate the FTE based upon the actual amount of instructional time provided.