

SECTION 2 - HOURS OF PUPIL INSTRUCTION

To qualify for state aid without a deduction, a local school district must provide each pupil with the required minimum number of hours of pupil instruction in each school fiscal year. The **minimum number of hours** for first through twelfth grades (including alternative education), as specified in Section 101 of the *State School Aid Act* is 1,098 hours of pupil instruction. A full-time kindergarten pupil must be scheduled for at least one-half of those minimum required hours (549 hours). A full-time special education early childhood pupil receiving classroom instruction under R 340.1754 must be scheduled for 450 hours. A district may apply up to **38** hours of *qualifying* teacher professional development time toward the minimum requirement for pupil instructional hours. 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. Pupil attendance on any given scheduled day must meet the 75% attendance requirement for all pupils scheduled for pupil instruction to avoid a state aid deduction.

~~**NOTE: Beginning in 2009-2010**, a full-time pupil in developmental kindergarten, prekindergarten, or a similar class intended to be the first of 2 school years before the pupil enters grade 1 shall be determined by dividing the number of class hours scheduled and provided per year per developmental kindergarten pupil by the number used for determining full-time equated memberships for pupils in grades 1-12.~~

~~**Beginning in 2010-2011**, a full-time equated memberships for pupils enrolled in kindergarten shall be determined by dividing the number of class hours scheduled and provided per year per kindergarten pupil by a number equal to 60% of the number used for determining full-time equated memberships for pupils in grades 1-12 (1,098 X 60% = **658.8 hours**.~~

~~**Beginning in 2011-2012**, full-time equated memberships for pupils enrolled in kindergarten shall be determined by dividing the number of class hours scheduled and provided per year per kindergarten pupil by a number equal to 70% of the number used for determining full-time equated memberships for pupils in grades 1-12 (1,098 X 70% = **768.6 hours**.~~

Labor Day Starting Date:

Beginning in 2006-2007, 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.

NOTE: If a district has a collective bargaining agreement in effect as of *September 29, 2005* that includes a start date before Labor Day, then this law does not apply until that collective bargaining agreement expires.

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 year-round school or program after September 29, 2005, the district must apply to the

superintendent of public instruction for a waiver from the requirements to start school after Labor Day. The superintendent of public instruction 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 also 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.

Intermediate School District and District Common Calendar

Beginning July 1, 2008, an intermediate school district, in cooperation with its constituent districts, 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.*
- c. Districts are encouraged to identify common dates for professional development days in the adopted common school calendar.

* 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 request a waiver from the Department.

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 superintendent of public instruction 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.

A. 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 hours may vary within a calendar but the minimum required hours for the school fiscal year must be met by each grade level or program (calculated to the nearest tenth or hundredth). Each kindergarten session must be scheduled to receive the minimum number of clock hours required for a full-time kindergarten (549 hours) during the school fiscal year. Each special education early childhood classroom program (under Administrative Rule 340.1754) must hold a minimum of 144 days and 360 hours of pupil instruction to be a bona-fide program; and, 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.

NOTE: 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 shall not be held on the public holidays described in this subsection in a public school in this state."

1. 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 hours that pupil instruction was scheduled for that building/program.)

2. **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.
3. **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. Hours of Pupil Instruction

A minimum of 1,098 class hours **MUST** be scheduled and provided to generate full-time equated memberships for pupils in grades first through twelfth, including alternative education. Kindergarten **MUST** be scheduled and provided a minimum of one-half of the hours required for first through twelfth grades, or a minimum of 549 hours. 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. (See section 5 for non-conventional pupils.)

1. 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, were 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 students 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.
 - ✓ 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. Counting Teacher Professional Development time as pupil instructional hours** - 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 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 may apply 19 hours toward a 549-hour session of the kindergarten program.

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: A district that has a teacher contract in place prior to **August 15, 2006** which specifies a number of hours of teacher professional development time that will be counted toward the minimum required hours of pupil instruction and that number of hours exceeds 38, may count the lesser of 51 hours or the number of hours specified in the teacher contract until that contract expires.

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 30 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, etc., shall be counted toward the required 1,098 hours of pupil instruction. A program that operates fewer than 1,098 hours may count a pro-rated number of canceled hours based upon the actual number hours the program operated as related to the 1,098 hours requirement. Example: A**

549-hour session of the kindergarten program may count up to 15 cancelled hours of pupil instruction toward the 549 hours. A 360-hour early childhood special education program may count up to 10 canceled hours as instruction. (NOTE: The first 30 hours of canceled pupil instruction does not apply to cancelled teacher professional development time.)

4. **An additional 30 hours of scheduled *pupil instruction* that is not provided after April 1st of the applicable year because of conditions not within the control of school authorities such as severe storms, fires, health conditions, etc., shall be counted toward the required 1,098 hours of pupil instruction. A district **MUST** apply to the Superintendent of Public Instruction for approval in order to count any portion of these 30 hours. The district's application must state:**
- a.) The actual number of pupil instructional hours originally scheduled
 - b.) The minimum number of teacher professional development hours the district could count toward the required 1,098 hours of pupil instruction.
 - c.) 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.
 - d.) The number of pupil instructional hours the district has rescheduled.

NOTE: the additional 30 hours of canceled pupil instruction does not apply to any canceled teacher professional development hours.

5. **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 two 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 30 forgiven hours, this district is still short four hours as follows:

1,060	hours of scheduled pupil instruction
+ 38	scheduled hours of professional development
- 24	hours pupil instruction canceled (four full-days)
- 4	hours pupil instruction canceled for fog delays
- <u>6</u>	hours pupil instruction canceled - early releases
1,064	subtotal pupil instructional hours
+ <u>30</u>	hours of canceled pupil instruction forgiven
1,094	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 4 hours short = \$38,251.36
Short Term Deduct for the 4 hours short is \$38,251.36

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:

1,066	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
+ 16	canceled hours of 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. The minimum requirement for each kindergarten session is 549 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	scheduled pupil instruction hours
+ 19.0	scheduled professional development hours
- 6.2	hours of pupil instruction canceled (two days)
- 6.2	hours of pupil instruction canceled (two days for fog)
539.6	subtotal
+ 12.4	canceled hours of pupil instruction is forgiven
552.0	countable pupil instruction hours

C. 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:

$\$10,500,000/180 = \$58,333.33$ per day (one day's state aid)
75% attendance required - 68% that attended = 7% short
 $7\% / 75\% = .0933$ (percent short bears to percent required to attend)
 $\$58,333.33 \times .0933 = - \$5,442.50 =$ Short Term Deduct 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

State Aid Act Sections:

388.1606(4)(cc)

388.1606(4)(q)

388.1606(4)(r)

388.1701(4)

388.1701(5)

388.1701(7)(d-e)

388.1701(10)

Administrative Rules:

340.10 – 340.10a

340.1754 - 340.1755

Revised School Code

380.1175

380.1280

380.1284

380.1284(b)

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 Superintendent of Public Instruction 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: Days of pupil instruction are no longer a requirement; however, pupil attendance on any given day must reach 75% to avoid a reduction in state school aid for that day.

The hours of pupil instruction would apply to the minimum required 1,098 hours for each of those buildings that remained open. The hours would not apply to the one building that was closed. If the percentage of pupil attendance in those buildings that remained open is less than 75%, the district would receive a reduction in the state school aid for that day. If the sum of pupil attendance for all of those building that remained open reached 75%, there would not be a reduction in state school aid for that day.

Counting the first 30 hours of canceled pupil instruction:

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 30 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 30 hours of canceled pupil instruction would have to be rescheduled. Section 101(4) also allows a district to apply to the superintendent of public instruction for a waiver to count up to an additional 30 hours of canceled pupil instruction for situations that happen after April 1st of the applicable year when pupil instruction must be canceled due to conditions that are beyond the control of the school authorities. Those conditions would be of the same nature as for the first 30 canceled hours of pupil instruction. Also, keep in mind that each kindergarten session and other programs that operate for fewer than 1,098 hours must pro-rate the 30 “forgiven” 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 30 hours of 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, including the 5 hours of online professional development provided by the Michigan virtual university under section 98, 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 first 30 hours of canceled pupil instruction that may be counted toward the 1,098 hours requirement.

Counting pupil instruction for individual pupils:

Q #5: According to the Pupil Accounting Manual, each student 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 #5: 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 #6: 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 student credit and grade?

A #6: 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 #7: 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 #7: 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 #8: 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 #8: 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 students must be reported separately from the other two groups. If additional time is not scheduled in order for this group to meet the minimum required hours, the membership for this group of pupils must be a prorated FTE.

Q #9: 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 #9: 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 #10: What are the recognizable differences between a study hall and a seminar?

A #10: 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 #11: 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 #11: 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 #12: 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 #12: 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 student). 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 #13: 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 #13: 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 #14: 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 #14: 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 #15: Our district was in session on Monday, January 2nd. We exceeded the 75% attendance requirement. May we count this as a day of pupil instruction?

A #15: 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 2nd.

Q #16: Our district had scheduled pupil instruction for Monday, January 2nd. 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 2nd 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 #16: 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 #17: May a district schedule professional development days prior to Labor Day?

A #17: 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 #18: 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 #18: 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 #19: 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 #19: 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.