



Michigan Great Lakes Virtual Academy

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August 28, 2018

Superintendent Sheila Alles
Interim Superintendent of Public Instruction
Michigan Department of Education
608 West Allegan Street
Lansing, Michigan 48909

Re: Changes to Pupil Accounting Manual – Cyber Schools

Dear Superintendent Alles:

I write to bring to your attention serious concerns about a new provision in the Michigan Department of Education's ("MDE") Pupil Accounting Manual ("PAM").

Prior to issuance of the recent PAM changes, MDE had interpreted and implemented M.C.L.A § 380.553a(2)(b), an operational standard for schools of excellence that operate as cyber schools ("cyber schools"), in the same manner since the statute was first enacted. Now, without notice or explanation, MDE purports to give this section a different interpretation – an interpretation which conflicts with other sections of Part 6e of the Revised School Code ("Code") and the State School Aid Act ("Act").

In the latest version of the PAM, MDE has added a new section entitled "Instructional Time Requirements, Tracking Participation, and Part-Time Memberships." In that new section, the PAM now states, "a cyber school cannot enroll a pupil if, at the time of enrollment, less than 1,098 hours remain in the cyber school's schedule." See newly released 2018-19 Pupil Accounting Manual, § 5-O-C-3.

Since the inception of the underlying statute, all cyber schools, their authorizers, and MDE have universally interpreted the underlying statute to be an operational requirement on each cyber school that any pupil have access to 1,098 hour of educational programming and that a full-year pupil participate in the educational programming for at least 1,098 hours. It had never been suggested by anyone – including MDE -- that section 553a meant a pupil was forbidden from enrolling in a cyber school at any time after the commencement of the school year unless the cyber school created an entirely new school calendar for that transferring pupil.

For many years admission policies have been written, approved by authorizers, relied upon by schools and families alike, and appropriately funded by MDE that universally recognized that the 1,098 hours reference in M.C.L.A § 380.553a(2)(b) was a requirement for the school to meet in the design and implementation of its educational program, not a ban on specific pupil enrollment if a student was not in attend for the entire school year.

As currently drafted, the PAM does not address how a cyber school can legally close off enrollment when that same school is required to maintain open enrollment for all pupils as required by public school districts. Student admission and enrollment is not addressed by Section 380.553a. Instead, admission and enrollment in a cyber school is governed by M.C.L.A. § 380.556. Under section 556, a cyber school



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may only limit enrollment within a particular range of age or grade level, and if those stated enrollment limits are reached, they then must administer a random selection drawing to enroll students. Other than these limitations and overall enrollment caps, a cyber school may only limit admission on a basis “that would be legal if used by a school district.” See M.C.L.A. § 380.556(2).

M.C.L.A. § 380.556(3) further reinforces the point. Section 556(3) provides that cyber schools are “open to all individuals who reside in this state who meet the admission policy.” The admission policy is a policy adopted by a cyber school’s board of directors and is incorporated into the school’s charter contract. As currently drafted, the PAM conflicts with the requirements in the Code regarding a cyber school’s obligation to provide open enrollment to all students and, just like school districts, to make that enrollment opportunity available to all students throughout the school year.

We are also concerned that the PAM is inconsistent with certain provisions in the Act that account for students attending two different public schools in a given school year and how funding is allocated among each school. See e.g. M.C.L.A. § 388.1625e. Section 25e deals with the pupil membership transfer application and pupil transfer process for all public schools (including cyber schools). The PAM does not address the fact that students in cyber schools enroll throughout a given school year for a variety of reasons (e.g., illness, disciplinary issues, family relocations, etc.). If cyber schools are required to close off enrollment to comply with the PAM, MDE may be unknowingly exposing cyber schools to potential legal exposure from students and families denied enrollment in a public school.

We ask that you promptly review the PAM and revise it accordingly to reflect the legal obligations on cyber schools to provide open enrollment to all students throughout the school year.

Sincerely,

Dave Ohman, President

Michigan Great Lakes Virtual Academy Board of Directors

Ronald Stoneman, Superintendent

Manistee Area Public Schools, Authorizer

cc: Kyle Guerrant, MDE, Deputy State Superintendent
Tammie Hatfield, MDE, Charter School Unit