



August 29, 2018

**VIA HAND-DELIVERY**

Michigan Department of Education  
State Aid and School Finance/Pupil Accounting Office  
Attn: Brian Ciloski and Jessica Beagle  
608 West Allegan, PO Box 30008  
Lansing, MI 48909

Re: Michigan Department of Education Revised Rules and Interpretations to Pupil Accounting Manual for Cyber Schools

Dear Mr. Ciloski and Ms. Beagle:

The Michigan Virtual Charter Academy Board of Directors (“Academy Board”) is concerned about the recent rules changes and interpretations that the Michigan Department of Education (“MDE”) has made to the Pupil Accounting Manual (“PAM”), and its impact on students and their families, as well as the Academy. These changes will essentially preclude students from enrolling in the Academy shortly after school year begins. Under the new PAM rules, and interpretations, which were released less than three (3) weeks before the start of school, without prior notice or time for public comment, now states that: “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: 2018-2019 PAM, §5-O-C-3.

This language is a dramatic deviation from the MDE’s long-standing interpretation of MCL §380.553a(2)(b), which allowed the Academy and other cyber schools to enroll students in accordance with its admissions and wait list policies, as required by state law. MDE has never denied students and their families their statutory right to enroll in the Academy or another cyber school because 1,098 instructional hours did not remain in the Academy school calendar at the time of their enrollment.

Since MVCA’s authorization and operation in August 2010 many of our students have enrolled in the Academy throughout the school year for unique and compelling reasons which include, but are not limited to the following:

1. Students with disabilities who prefer a home learning environment;
2. Students who encounter significant health issues during the school year;
3. Students who experience bullying and seek an alternative educational environment in the safety and security of their home;
4. Homeless students and families;
5. Families of “Different Learners” such as gifted and talented students; and
6. Students who have been suspended or expelled by a traditional public school for disciplinary reasons.

Moreover, the new MDE PAM rules and interpretations ignore the fact that students who transfer to the Academy or another cyber school during the school year have been enrolled in another public or private school. The student has been receiving instruction during that time in the school of origin. The MDE's new rules and interpretations set forth in the PAM mean that every student who seeks to transfer from a traditional school to the Academy or another cyber school, or moves to Michigan after the beginning of the school year, cannot attend MVCA or any other cyber school. This is not what the legislature envisioned when it passed legislation to create cyber schools that are a school of excellence.

The MDE's new rules and interpretation also violate the admission and enrollment requirements found in MCL § 380.556. Under this statute, a cyber school that is a school of excellence, may only limit enrollment within a particular age range or grade level. Where these limitations are implemented, the cyber school must adopt and apply an appropriate lottery system and create a waiting list for those students who do not "win" the lottery. Other than these specific limitations, a cyber school that is a school of excellence may only limit admission of a student on a basis, "that would be legal if used by a school district." See: MCL § 380.556(2). Traditional public schools are mandated by law to enroll students throughout the course of the school year no matter how many instructional hours remain in the school calendar.

We urge the MDE to follow its well-settled rules and interpretations and continue to allow Michigan students and families the choice to enroll in the Academy or another cyber school during the school year, in accordance with the admissions and wait list policies of the cyber school.

Sincerely,

Michigan Virtual Charter Academy Board of Directors