

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5911

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
by amending section 21f (MCL 388.1621f), as amended by 2018 PA 265.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21f. (1) ~~A-Except as otherwise provided under subsection~~
2 ~~(15), a~~ primary district shall enroll an eligible pupil in virtual
3 courses in accordance with the provisions of this section. ~~A-Except~~
4 ~~as otherwise provided under subsection (15), a~~ primary district
5 shall not offer a virtual course to an eligible pupil unless the
6 virtual course is published in the primary district's catalog of
7 board-approved courses or in the statewide catalog of virtual
8 courses maintained by the Michigan Virtual University pursuant to
9 section 98. The primary district shall also provide on its publicly

1 accessible website a link to the statewide catalog of virtual
 2 courses maintained by the Michigan Virtual University. ~~Unless~~
 3 **Except as otherwise provided under subsection (15), unless** the
 4 pupil is at least age 18 or is an emancipated minor, a pupil ~~shall~~
 5 **must** not be enrolled in a virtual course without the consent of the
 6 pupil's parent or legal guardian.

7 (2) Subject to subsection (3), **and except as otherwise**
 8 **provided under subsection (15)**, a primary district shall enroll an
 9 eligible pupil in up to 2 virtual courses as requested by the pupil
 10 during an academic term, semester, or trimester.

11 (3) ~~A-Except as otherwise provided under subsection (15), a~~
 12 pupil may be enrolled in more than 2 virtual courses in a specific
 13 academic term, semester, or trimester if all of the following
 14 conditions are met:

15 (a) The primary district has determined that it is in the best
 16 interest of the pupil.

17 (b) The pupil agrees with the recommendation of the primary
 18 district.

19 (c) The primary district, in collaboration with the pupil, has
 20 developed an education development plan, in a form and manner
 21 specified by the department, that is kept on file by the district.
 22 ~~Beginning October 1, 2016, this~~ **This** subdivision does not apply to
 23 a pupil enrolled as a part-time pupil under section 166b.

24 (4) ~~If-Except as otherwise provided under subsection (15), if~~
 25 the number of applicants eligible for acceptance in a virtual
 26 course does not exceed the capacity of the provider to provide the
 27 virtual course, the provider shall accept for enrollment all of the
 28 applicants eligible for acceptance. If the number of applicants
 29 exceeds the provider's capacity to provide the virtual course, the

1 provider shall use a random draw system, subject to the need to
2 abide by state and federal antidiscrimination laws and court
3 orders. A primary district that is also a provider shall determine
4 whether or not it has the capacity to accept applications for
5 enrollment from nonresident applicants in virtual courses and may
6 use that limit as the reason for refusal to enroll a nonresident
7 applicant.

8 (5) ~~A-Except as otherwise provided under subsection (15), a~~
9 primary district may not establish additional requirements beyond
10 those specified in this subsection that would prohibit a pupil from
11 taking a virtual course. ~~A-Except as otherwise provided under~~
12 **subsection (15), a** pupil's primary district may deny the pupil
13 enrollment in ~~an online~~ **a virtual** course if any of the following
14 apply, as determined by the district:

15 (a) The pupil is enrolled in any of grades K to 5.

16 (b) The pupil has previously gained the credits that would be
17 provided from the completion of the virtual course.

18 (c) The virtual course is not capable of generating academic
19 credit.

20 (d) The virtual course is inconsistent with the remaining
21 graduation requirements or career interests of the pupil.

22 (e) The pupil has not completed the prerequisite coursework
23 for the requested virtual course or has not demonstrated
24 proficiency in the prerequisite course content.

25 (f) The pupil has failed a previous virtual course in the same
26 subject during the 2 most recent academic years.

27 (g) The virtual course is of insufficient quality or rigor. A
28 primary district that denies a pupil enrollment request for this
29 reason shall enroll the pupil in a virtual course in the same or a

1 similar subject that the primary district determines is of
2 acceptable rigor and quality.

3 (h) The cost of the virtual course exceeds the amount
4 identified in subsection (10), unless the pupil or the pupil's
5 parent or legal guardian agrees to pay the cost that exceeds this
6 amount.

7 (i) The request for a virtual course enrollment did not occur
8 within the same timelines established by the primary district for
9 enrollment and schedule changes for regular courses.

10 (j) The request for a virtual course enrollment was not made
11 in the academic term, semester, trimester, or summer preceding the
12 enrollment. This subdivision does not apply to a request made by a
13 pupil who is newly enrolled in the primary district.

14 (6) ~~If~~ **Except as otherwise provided under subsection (15), if**
15 a pupil is denied enrollment in a virtual course by the pupil's
16 primary district, the primary district shall provide written
17 notification to the pupil of the denial, the reason or reasons for
18 the denial ~~pursuant to~~ **under** subsection (5), and a description of
19 the appeal process. The pupil may appeal the denial by submitting a
20 letter to the superintendent of the intermediate district in which
21 the pupil's primary district is located. The letter of appeal ~~shall~~
22 **must** include the reason provided by the primary district for not
23 enrolling the pupil and the reason why the pupil is claiming that
24 the enrollment should be approved. The intermediate district
25 superintendent or designee shall respond to the appeal within 5
26 days after it is received. If the intermediate district
27 superintendent or designee determines that the denial of enrollment
28 does not meet 1 or more of the reasons specified in subsection (5),
29 the primary district shall enroll the pupil in the virtual course.

1 (7) ~~To~~ **Except as otherwise provided under subsection (15), to**
2 provide a virtual course to an eligible pupil under this section, a
3 provider ~~shall~~ **must** do all of the following:

4 (a) Ensure that the virtual course has been published in the
5 pupil's primary district's catalog of board-approved courses or
6 published in the statewide catalog of virtual courses maintained by
7 the Michigan Virtual University.

8 (b) Assign to each pupil a teacher of record and provide the
9 primary district with the personnel identification code assigned by
10 the center for the teacher of record. If the provider is a
11 community college, the virtual course must be taught by an
12 instructor employed by or contracted through the providing
13 community college.

14 (c) Offer the virtual course on an open entry and exit method,
15 or aligned to a semester, trimester, or accelerated academic term
16 format.

17 (d) If the virtual course is offered to eligible pupils in
18 more than 1 district, the following additional requirements must
19 also be met:

20 (i) Provide the Michigan Virtual University with a course
21 syllabus that meets the definition under subsection (14)(g) in a
22 form and manner prescribed by the Michigan Virtual University for
23 inclusion in a statewide catalog of virtual courses.

24 (ii) Not later than October 1 of each fiscal year, provide the
25 Michigan Virtual University with an aggregated count of enrollments
26 for each virtual course the provider delivered to pupils ~~pursuant~~
27 ~~to~~ **under** this section during the immediately preceding school year,
28 and the number of enrollments in which the pupil earned 60% or more
29 of the total course points for each virtual course.

1 (8) ~~To~~**Except as otherwise provided under subsection (15), to**
2 provide ~~an online~~**a virtual** course under this section, a community
3 college shall ensure that each ~~online~~**virtual** course it provides
4 under this section generates postsecondary credit.

5 (9) ~~For~~**Except as otherwise provided under subsection (15),**
6 **for** any virtual course a pupil enrolls in under this section, the
7 pupil's primary district must assign to the pupil a mentor and
8 shall supply the provider with the mentor's contact information.

9 (10) ~~For~~**Except as otherwise provided under subsection (15),**
10 **for** a pupil enrolled in 1 or more virtual courses, the primary
11 district shall use foundation allowance or per-pupil funds
12 calculated under section 20 to pay for the expenses associated with
13 the virtual course or courses. ~~A~~**Except as otherwise provided under**
14 **subsection (15), a** primary district is not required to pay toward
15 the cost of a virtual course an amount that exceeds 6.67% of the
16 minimum foundation allowance for the current fiscal year as
17 calculated under section 20.

18 (11) A virtual learning pupil ~~shall have~~**has** the same rights
19 and access to technology in his or her primary district's school
20 facilities as all other pupils enrolled in the pupil's primary
21 district. The department shall establish standards for hardware,
22 software, and internet access for pupils who are enrolled in more
23 than 2 virtual courses **under this section** in an academic term,
24 semester, or trimester taken at a location other than a school
25 facility.

26 (12) If a pupil successfully completes a virtual course, as
27 determined by the pupil's primary district, the pupil's primary
28 district shall grant appropriate academic credit for completion of
29 the course and shall count that credit toward completion of

1 graduation and subject area requirements. A pupil's school record
2 and transcript ~~shall~~**must** identify the virtual course title as it
3 appears in the virtual course syllabus.

4 (13) The enrollment of a pupil in 1 or more virtual courses
5 ~~shall~~**must** not result in a pupil being counted as more than 1.0
6 full-time equivalent pupils under this article. ~~The~~**Except as**
7 **otherwise provided under subsection (15), the** minimum requirements
8 to count the pupil in membership are those established by the pupil
9 accounting manual as it was in effect for the 2015-2016 school year
10 or as subsequently amended by the department if the department
11 notifies the legislature about the proposed amendment at least 60
12 days before the amendment becomes effective.

13 (14) As used in this section:

14 (a) "Instructor" means an individual who is employed by or
15 contracted through a community college.

16 (b) "Mentor" means a professional employee of the primary
17 district who monitors the pupil's progress, ensures the pupil has
18 access to needed technology, is available for assistance, and
19 ensures access to the teacher of record. A mentor may also serve as
20 the teacher of record if the primary district is the provider for
21 the virtual course and the mentor meets the requirements under
22 subdivision (e).

23 (c) "Primary district" means the district that enrolls the
24 pupil and reports the pupil for pupil membership purposes.

25 (d) "Provider" means the district, intermediate district, or
26 community college that the primary district pays to provide the
27 virtual course or the Michigan Virtual University if it is
28 providing the virtual course.

29 (e) "Teacher of record" means a teacher who meets all of the

1 following:

2 (i) Holds a valid Michigan teaching certificate or a teaching
3 permit recognized by the department.

4 (ii) If applicable, is endorsed in the subject area and grade
5 of the virtual course.

6 (iii) Is responsible for providing instruction, determining
7 instructional methods for each pupil, diagnosing learning needs,
8 assessing pupil learning, prescribing intervention strategies and
9 modifying lessons, reporting outcomes, and evaluating the effects
10 of instruction and support strategies.

11 (iv) Has a personnel identification code provided by the
12 center.

13 (v) If the provider is a community college, is an instructor
14 employed by or contracted through the providing community college.

15 (f) "Virtual course" means a course of study that is capable
16 of generating a credit or a grade and that is provided in an
17 interactive learning environment where the majority of the
18 curriculum is delivered using the internet and in which pupils may
19 be separated from their instructor or teacher of record by time or
20 location, or both.

21 (g) "Virtual course syllabus" means a document that includes
22 all of the following:

23 (i) An alignment document detailing how the course meets
24 applicable state standards or, if the state does not have state
25 standards, nationally recognized standards.

26 (ii) The virtual course content outline.

27 (iii) The virtual course required assessments.

28 (iv) The virtual course prerequisites.

(v) Expectations for actual instructor or teacher of record contact time with the virtual learning pupil and other communications between a pupil and the instructor or teacher of record.

(vi) Academic support available to the virtual learning pupil.

(vii) The virtual course learning outcomes and objectives.

(viii) The name of the institution or organization providing the virtual content.

(ix) The name of the institution or organization providing the instructor or teacher of record.

(x) The course titles assigned by the provider and the course titles and course codes from the National Center for Education Statistics (NCES) school codes for the exchange of data (SCED).

(xi) The number of eligible pupils that will be accepted by the provider in the virtual course. A primary district that is also the provider may limit the enrollment to those pupils enrolled in the primary district.

(xii) The results of the virtual course quality review using the guidelines and model review process published by the Michigan Virtual University.

(h) "Virtual learning pupil" means a pupil enrolled in 1 or more virtual courses.

(15) The requirements under this section concerning virtual courses do not apply to virtual courses offered as part of pandemic learning. As used in this subsection, "pandemic learning" means a mode of pupil instruction provided as a result of the COVID-19 pandemic.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 100th Legislature are

1 enacted into law:

2 (a) House Bill No. 5912.

3 (b) House Bill No. 5913.