



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING


GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

MEMORANDUM

DATE: August 12, 2020

TO: Local and Intermediate School District Superintendents
Public School Academy Directors

FROM: Michael F. Rice, Ph.D., State Superintendent 

SUBJECT: Thoughts on Days, Hours, Attendance, and Enrollment for 2020-21

At yesterday's state board of education meeting, I shared the following thoughts about days, hours, attendance, and enrollment and, more specifically, *the importance of legislative action—as opposed to department waiver*—on these parameters.

While I have shared all or parts of this thinking with some of you in the last month, I thought it important to share more broadly at yesterday's the state board meeting and with you today.

As you well know, in a pandemic, the way we count days, hours, attendance, and enrollment will need to differ from the way that we have traditionally counted.

Many parents feel uncomfortable and/or are unwilling to send their children back to school during a pandemic for a range of reasons:

- *their children's health concerns,*
- *the parents' health concerns,*
- *other family members' health concerns, or*
- *a general sense of unease about the current situation.*

Many of these parents will want their children to continue to be educated by their local school district or public school academy, but at a distance. Moreover, if we fall into phase 3 or below of the pandemic, we will once again

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need to educate children at a distance. We must have a system that permits a different form of counting during a pandemic than pre-pandemic. In June, the executive directors of seven statewide education associations and I sent a letter to state legislative leadership to recommend the following:

- *The minimum days required annually should remain at 180.*
- *Given that some hours of instruction will take place for some students at a distance; that children, particularly young children, shouldn't spend the same number of hours in front of a computer screen as they would spend hours at school; that some students will still not be internet connected, and that it will be impossible to track as a result their instructional hours; and that we will have to "stay home" if Michigan moves back to phase 3 or below of the state's reopening phases for the pandemic, the requirement to have a minimum of 1,098 hours in the 2020-21 school year should be waived.*
- *Given that we will be educating some children at a distance during the entire year as a result of the concerns of parents, and that the governor may have to suspend in-person instruction at some point during the school year if our COVID-19 numbers grow, the requirement to count daily attendance in the 2020-21 school year should be waived. This amendment in state law would also allow districts to shift between an in-person and a remote learning environment without having to meet a 75 percent daily attendance requirement, the record-keeping for which could be very time-consuming, particularly at a distance.*
- *Because of the enormous uncertainty around public health at this time, as well as the lack of clarity about the percentages of children who will be educated at a distance in any school district at any given moment, the enrollment of a local school district for the 2020-21 school year should be the fall count of the 2019-20 school year. Parents should certainly be free to enroll their children where they believe it is best, but the 2020-21 enrollment count should be the 2019-20 fall count for revenue purposes, to ensure maximum stability for children and school districts at this difficult time.*
- *The counts for membership as currently required by law should be suspended for the 2020-21 school year.*

The governor and her team and the legislative leaders and their teams have been negotiating these parameters in the last few weeks. The department has shared reflections, both in Senate testimony that I provided a couple of weeks ago, and in discussions with the two sides.

Some have suggested that it would be better if the governor acted in an executive order to establish days, hours, attendance, and enrollment. It is true that the governor issued Executive Orders 2020-35 and 2020-65 in the spring to waive the 1,098 minimum number of annual hours and the 75 percent minimum daily attendance laws. It is also true that the governor extended these waivers in Executive Order 2020-142, issued June 30, through September 30. As such, at least for the hours and attendance parameters, local school districts have a temporary backstop through September 30, not sufficient for the year but helpful for the time being.

In spite of the executive orders in the spring, it would be better if the legislature could establish these parameters in collaboration with the governor, with technical support from the department. The parameters are, after all, statutory parameters; they are a part of state law.

Some have suggested that the state superintendent of public instruction should establish these parameters if the legislature is not going to do so, or if it isn't going to do so timely. The fact is that the state superintendent has no authority to waive attendance or enrollment requirements in current state law....and imperfect authority to waive days and hours requirements. To waive days and/or hours requirements has benefits but substantial limitations and potential detriments as well. Most obviously, anything that the state superintendent might do in these areas would still require the legislature to act on attendance and enrollment. Given that the four parameters—days, hours, attendance, and enrollment—are interrelated, it makes best sense for the legislature to address them all cohesively, rather than that they be chopped up between/among multiple parties. To do otherwise could adversely affect children and schools, albeit inadvertently.

If the state legislature fails to set days, hours, attendance, and enrollment parameters timely—and we begin to approach the sunset of the executive order waiver—I am prepared to use the limited authority accorded me as a constitutional officer, given the extensive review in the department of the legality, benefits, limitations, and detriments, but only after having exhausted all efforts to permit the governor and the legislature to address ALL parameters together in a mutually acceptable fashion.

cc: Michigan Education Alliance
Confederation of Michigan Tribal Education Directors