

## Understanding Michigan's Alternative Education System and Assessment of Alternative Accountability

The following analysis evaluates Michigan's statutory, regulatory and state policy guidance around designating alternative schools and holding them accountable against the eight *Essential Elements of an Effective Alternative Accountability System*. This rubric was developed by Momentum Strategy & Research, the product of a 50-state analysis of alternative accountability elements, and designed to help advocates and policy-makers understand ways to improve accountability mechanisms for alternative schools.

Below we outline the list of the eight policy elements that are needed for states to develop a robust and effect cadre of alternative schools and the systems by which to evaluate them. The elements are organized around the following key principles:

Effective assessment of alternative education require...

- a) Clear definitions, with schools as the unit for evaluation, as well as clear processes by which schools become part of the system; and
- b) Measures thoughtfully chosen as applicable to the schools, and tied to performance targets based on the best available comparison data.

### ***A. Defining eligible schools/programs to clearly identify and include schools appropriate for alternative accountability:***

1. A clear and tight definition of which schools qualify as alternative, limited to only those that are most exceptional;
2. A specific process for how schools attain alternative status, including roles and responsibilities of the stakeholders involved in the process;
3. A policy that allows all school types to qualify, using the same application process;

### ***B. Defining alternative accountability systems with measures selected specific to each school and performance targets set based on best available data and comparison group:***

4. A call for a separate accountability system that includes the use of alternative outcome measures; and
5. Allows for schools to select measures that match the mission of the school;
6. Has a focus on the individual growth of students;
7. Specifies the use of data from comparable students and school for setting benchmarks and targets for success; and
8. Requires the system to be reviewed periodically.

The following analysis and commentary is based on a review of Michigan’s state aid and public school accountability statutes, regulatory code, and implementation guidance from the Department of Education’s (MED) website. In addition, Momentum interviewed key stakeholders to better understand how policies have translated into practice. When applicable, the appropriate individuals or organizations are cited.

Finally, official data from various sources, including the Department of Education (DOE), and the Center for Educational Performance and Information (CEPI) were also consulted as part of the analysis summarized herein.

## Summary

Michigan’s policies defining alternative education could be simplified to allow for more clarity in interpreting the student populations served by alternative schools and define a set of well-articulated and robust standards for success.

Legislation currently identifies four school types serving students that are at high-risk of dropping out of school:

- Adult education programs;
- Alternative education programs;
- Dropout recovery programs; and
- Strict discipline academies.

Though three of the four are referred to as programs,<sup>1</sup> statutory definitions appear to allow them to be either stand-alone schools or district or state-run programs. However, a search of schools in the CEPI database yielded specific results for only two of the four types listed above—alternative education and strict discipline academies.

With respect to accountability, state statute is silent on how alternative education schools or programs are held accountable; adult education and dropout recovery program laws make mention of reporting out participation and compliance based data, and strict discipline academies are statutorily directed to identify their targets upon applying to an authorizer.

By cleaning up and simplifying the education code Michigan could accomplish a number of things, such as:

- Simplify and streamline the definition of alternative education and its purpose to encompass the needs of the target student populations;
- Combine target student populations into one uniform list of high-risk students (possibly expanding on the current “at-risk” definition found in 388.1631a(21) (a));

---

<sup>1</sup> Research (conducted by Momentum Strategy & Research) on states’ alternative education and accountability policies across the country has found that alternative programs are typically distinguishable from alternative schools based on whether they have separate and independent administrative leadership, whether they are held to statewide accountability rules and regulations, and (sometimes) how they are funded by the state and/or locally. Programs typically exist as part of an existing school or are run by a school district, or set of school districts, and tend to be held to more compliance based accountability systems, as opposed to outcomes based or performance based accountability.

- Defining the different organizational structures of alternative school options (i.e., when an alternative education entity is a school, and when they are a program); and
- Determine appropriate measures, metrics, and targets for success for this group of schools.

## Policy Elements for Defining School Eligibility

### Essential Element #1: Defining Alternative Schools

State statute calls for a clear definition that outlines a set of schools that qualify for alternative accountability, and is limited to a small set of schools across the state. Regulations for the implementation of the statute include a complete and tight definition of eligibility for alternative accountability, and a clear review process to ensure consistency across applications.

Currently, Michigan’s revised school code identifies and defines four different program types targeting “high-risk” students,<sup>2</sup> with considerable overlap between them.

1. **Adult Education Programs** are for individuals without a diploma that are either 20-years-old or 18-years old and their cohort has already graduated.
2. **Alternative Education Programs** are for students who can be better served in an alternative delivery system, including those who have specific needs and are often at risk of not graduating.
3. **Dropout Recovery Programs** are designated for pupils who has been expelled from school (per statutes 380.1311 and 380.1311a) those that have been suspended or expelled from school under a local policy, those referred by a court, who is pregnant or is a parent, has previously dropped out, or a pupil who is determined by the district to be at risk of dropping out.
4. **Strict Discipline Academies** are designated for pupils placed by either a court, the department of human services, or a county juvenile agency under the direction of a court. In addition, expelled students and those that have been suspended for 10 days or more (with conditions) may be placed in a SDA.

Except in cases where the definition determines specific funding allocations that are not also received by the others, Michigan could benefit from streamlining the definition of alternative schools to include the other types of schools mentioned above.

Options and decisions defining eligibility for alternative accountability:

#### 1. School eligibility as connected to current school categories:

With four types of schools or programs currently identified and serving relatively similar populations, is there any reason to tackle the categories and definitions themselves? (e.g. creating one school-based definition (combining alternative education and SDA statutes) and one program based definition (combining dropout recovery and adult ed programs).

If no, establish that this process of defining eligibility is about getting the characteristics right, regardless of school type.

---

<sup>2</sup> Enter definition of high-risk here

## **2. School eligibility primarily tied to demonstrated student composition.**

Though it appears under different legislation, MI already has a codified definition of “at-risk” students [388.1631a(21) (a)] that overlaps significantly with how states have tended to define “high-risk” student populations (i.e., students at high-risk of dropping out of school, if they have not done so already). The at-risk student definition could be incorporated into the definition of high-risk.

For example:

- a. Students defined as high-risk include those fitting at least one of the following:
  - i. Those qualifying as at-risk under MSC 388.1631a(21)(a)(iii through viii);
  - ii. Truant students;
  - iii. Expelled students or students suspended for more than 10 days in one academic year;
  - iv. Wards of the court or students involved in the foster care system
  - v. Students that are homeless or have experienced homelessness in their lifetime
- b. In addition, the proportion of students needed to qualify for alternative status (and thus alternative accountability) needs to be considered. States generally are between 70-90%. Colorado used to be 95%, proved too high for various reasons. Ohio and Florida are “majority of students,” which may be too low.

Items to consider:

- i. Thresholds too high limit access to reasonably atypical schools;
- ii. Thresholds too low may create an impression problem and make it harder to claim status as exceptional schools meriting “special treatment” (i.e., alternative accountability);
- iii. Too low a threshold also makes for harder comparisons and analysis within and among the group.

## **3. Including a mission requirement as part of the eligibility – i.e. that school has a specific mission to serve the high-risk population?**

Regardless of whether stakeholders opt to stick with the current alternative school categories or chose to redefine the schools based on the students served, is it critical that the schools in this set have a specific mission to serve high-risk students? If yes, any policies defining alternative schools will need to specify this.

## **Essential Element #2: Designation processes and organizational responsibilities**

State statute describes process by which schools attain alternative status, including the responsibilities of both the department and school district or authorizer in determining which schools qualify for the designation as well as the roles of the relevant organizations in collecting and analyzing data and making accountability determinations. The state system, as implemented, results in seamless allocation of responsibility for applying as an alternative school among the school, the district/authorizer, and the SEA and rules for determining accountability are followed.

Currently, Michigan policy does this very well in the case of the specifying the roles and responsibilities of the various entities involved in applying for and operating as a strict discipline academy. The strict discipline academy statute also outlines specifics as to the roles of the board of directors and the oversight entities. The revised school code also outlines with relative clarity the roles and responsibilities of the various agencies involved in providing dropout recovery and adult education.

For the alternative schools, there is an application to apply for a reduction in either the number of school hours per year and/or the number of school days per year. While the waiver application asks for a description of the MDE approved alternative education program, we did not find an application for the designation on that website. In speaking with one practitioner, they said there is currently no application for receiving alternative education status from the department.

### **Options for streamlining designation process and organizational responsibilities**

- A. Develop one application for all alternative schools/programs (defining roles for both DOE and districts/authorizers)
- B. Develop one application for alternative schools, and one for programs (defining schools as DOE responsibility and identifying charter authorizer role; and programs as districts' responsibility)
- C. Focus on application for schools only.

## **Essential Element #3: Eligibility to participate is applicable to all school types**

State statute clearly states that all public [high] schools are eligible for designated status, along with an unimpeded path to obtain the designation that's no different than what district schools do to obtain the same designation. In practice, schools of all types, including charter schools, have a clear path to apply for and obtain designation as a school that is eligible for alternative accountability

Momentum conducted a school search of the alternative education and strict discipline schools on the Center for Education Progress and Information website and found that alternative schools were reported across all school types listed (e.g., PSA schools, ISD schools, state schools, and LEA schools). Thus, there appear to be no restrictions in the types of schools permitted to apply for alternative education status.

Strict discipline academies, however, were only found as PSA schools and PSA districts.

## Alternative Accountability Policy Elements

### **Essential Element #4: Alternative accountability system is in place and includes additional measures that are more suitable for the group of schools**

State statute clearly describes intent to allow for or even encourages use of measures in addition to state mandated assessments and measures. Regulations are established that clearly identify allowable alternative measures and metrics for AECs.

In streamlining the statute defining alternative education schools, we also recommend that the various statutes be aligned to for one common system or set of rules for holding alternative schools accountable. Currently, each of the four school/program types have a different set of guidelines for reporting and/or accountability. These four sets of guidelines are summarized below.

#### **1. Accountability for Alternative education programs:**

Nothing in statute, rule, or departmental policy that we found mentioned accountability for alternative education schools. From review of a few state report cards for schools that appear on the state's alternative education list, it seems that the alternative schools are held accountable to all the same measures and metrics as any other school in the state.

#### **2. Accountability for Dropout recovery programs:**

In addition to several other requirements for dropout recovery programs to be eligible for special membership count funding and seat time waivers, dropout recovery programs must require students to make "satisfactory monthly progress". Satisfactory monthly progress for purposes of this legislation is defined as:

*"An amount of progress that is measurable on a monthly basis and that, if continued for a full 12 months, would result in the same amount of academic credit being awarded to the pupil as would be awarded to a general education pupil completing a full school year. Satisfactory monthly progress may include a lesser required amount of progress for the first 2 months a pupil participates in the program"* (Michigan Revised School Code 388.1623a).

This data is reported to state for funding purposes, but these programs do not appear to have any publicly reported information of either the satisfactory progress measures or any of the statewide assessment and accountability measures.

#### **3. Accountability for Strict Discipline Academies**

Statute defining the roles, responsibilities, and student populations to be served by Strict Discipline Academies (SDA), also outlines how these schools are to be held accountable (380.1311d (3)(ii)). In short, groups interested in applying to run a SDA must outline the goals of the schools within the application. The authorizing or oversight body that approves the SDA is then responsible for holding the SDA to an accountability framework developed to show the schools is meeting their specified goals.

The SDA statute is silent on whether statewide assessments or other traditional measures of accountability must be included in the schools' contractual accountability goals. This was confirmed in our communication with one authorizer that oversees two SDAs. For those two schools the authorizer

has unique and customized accountability goals for both schools—tailored to each schools mission and student population being served.

#### 4. Accountability for Adult education programs

Similar to the dropout recovery programs, adult education programs appear to be held to more compliance based standards that include annual reporting on programmatic components and participation levels, as opposed to outcomes based measures of student performance or growth. (See 388.1707 Sec 107(e)).

#### Options for developing an alternative accountability system for alternative schools:

- A. Develop one framework that meets the criteria for elements 5-8 for all types of alternative schools.
- B. Focus on charter schools and develop statute aligning alternative charters' accountability to be similar to current SDA statute with respect to contractual goals.
- C. Focus on accountability for schools that would fit under the current alternative education law, and leave the accountability of the other school types as is.

#### **Essential Element #5: Alternative accountability system includes flexibility in the selection of measures**

State statute clearly anticipates school specific accountability measures being customized appropriate to individual schools' missions. Regulations proscribe a measurement selection process that involves schools and districts/authorizers working together to reach consensus on measures and metrics the school is to be held accountable for.

In some ways, Michigan does allow alternative schools to be held accountable to alternative accountability measures. In the case of dropout recovery programs and adult education programs, accountability tends to focus on compliance. Alternative education schools appear to be held to the traditional school accountability measures, and must also complete an annual report (responding to mostly "yes" or "no" questions regarding programmatic components and specific practices (including whether specific data are collected) ([https://docs.google.com/forms/d/e/1FAIpQLSejgI35hKOONBkVHfT6Bn6zfKv2JNsUBZal\\_yGzvKOL1W7xtA/viewform](https://docs.google.com/forms/d/e/1FAIpQLSejgI35hKOONBkVHfT6Bn6zfKv2JNsUBZal_yGzvKOL1W7xtA/viewform)) and narrative description of how the school or program is meeting student needs.

In the case of SDAs, accountability measures are identified within contractual goals with no specifications on the types of measures that need to be included.

#### Options for developing an alternative accountability system for alternative schools that include flexibility in selecting the measures they are held accountable to:

- A. Should the system allow schools to supplement performance data on state required measures additional data on measures that are relevant to the schools?
- B. Should the system allow schools to utilize a different measure of school completion, such as:
  - a. Extended cohort graduation rates

- b. High school completion rates
- c. Graduation index
- C. Should the system incorporate a menu of options for each indicator (i.e., student achievement, student growth, student engagement, school completion, and/or college and career readiness) that schools could select from?

**Essential Element #6: Alternative accountability system includes an emphasis on individual student growth**

State statute specifies that measures of individual student growth should be weighted heavily in any system of accountability for alternative school—perhaps even more so than it does in the traditional schools’ accountability system.

Nothing in the statute defining reporting requirements or accountability of the alternative school/program types discusses the roll of growth measures. However, in the last legislative session funds were approved for the state to develop and adopt a value-added growth measure (388.1695b). While growth is an important indicator to use in the alternative school context, for both school improvement and external accountability, there are a number of technical issues with using statewide assessment to compute that growth that need to be addressed for alternative schools.

Since statewide assessments are only given in specific grades and at one point in time each year, alternative schools tend to have growth results on a very small fraction of the overall annual student body—typically less than 30 percent of all students. In addition, students enrolled in alternative education tend to be highly mobile, further reducing the proportion of students with growth information.

Additionally, Momentum’s Vice President has conducted multiple studies<sup>i</sup> across both state assessments (in Colorado and Arizona) and nationally normed assessments, finding that

1. Students enrolled in alternative education schools across the country grow more slowly, on average, than do their same grade peers that are enrolled in traditional public schools settings;
2. Between 35 and 45 percent of students score significantly lower on winter and/or spring assessments than they do on the fall assessments; and
3. Measuring growth from students starting grade level equivalent scores (as opposed to actual grade level) can show alternative students’ progress in a more accurate light.

**Options and decisions as to emphasis on individual student growth.**

1. Use nationally normed, short-cycle assessments as supplemental measures of growth to provide added data to the state’s growth measure;
  - a. One common assessment or
  - b. Select from a menu of potential assessments
2. Are there other measures of growth that schools would be interested in providing, such as measure of social-emotional well-being or student motivation?



**Essential Element #7: Targets for meeting standards are data-based**

State statute specifies that targets, or cut-points for meeting criteria, are set based on empirical data. Cut-points for meeting criteria for accreditation or renewal are based on data that shows that the established cut-points are attainable by a least a fraction of AECs within the state and/or nation.

Nothing in the statute defining reporting requirements or accountability of the alternative school/program types discusses the use of data for setting appropriate goals for alternative schools or the students they serve.

**Essential Element #8: Periodic Review of the alternative accountability system**

State statute calls for a periodic third party review of the alternative accountability system to ensure the system remains rigorous and relevant over time. Consistent application of state functions to regulate and ensure rigorous and consistent implementation of both the process for designating eligible schools and the alternative accountability system.

No true alternative system of accountability currently exists in such a way as to require periodic review.

## Appendix

### Citations of Relevant Statute, Regulations, and State Policies

#### *Michigan State Policy on Alternative Educations Schools and Alternative Accountability*

In Michigan we found reference to four school/program types mentioned in the state's revised education code, State Board of Education regulations and/or the Department of Education's documentation. These include:

1. Alternative education programs,
2. Dropout recovery programs,
3. Strict discipline academies, and
4. Adult Education

Below we provide the codified definitions (sources cited) of each.

#### **1. Department of education approved alternative education program [388.1701 Sec 101 (9)]**

- i) Definition not provided in statute
- ii) Definition found on the Michigan Department of Education website at [http://www.michigan.gov/mde/0,4615,7-140-81351\\_40027---,00.html](http://www.michigan.gov/mde/0,4615,7-140-81351_40027---,00.html)

*“Alternative education is a program operated as a subdivision of the regular K-12 program. It is designed for students who can be better served in an alternative delivery system. Students served include those who have specific needs and are often at risk of not graduating. Alternative education programs seek to provide added flexibility and alternative instructional models. These often include expanded services from the traditional setting such as online learning, institutional programs, counseling, childcare, and transportation in an effort to help students overcome barriers and meet the goals of the Michigan Merit Curriculum. Alternative education pupils are funded under the K-12 foundation rate.*

*Alternative Education is a separate, non-traditional program within a K-12 public school district or a public school academy established to provide personalized educational services for students who:*

- *are at risk of not graduating with their class; and/or*
- *have individual needs not being met in a traditional setting.”*

#### **2. Dropout Recovery Program [388.1623a]**

*Sec. 23a.*

*(1) A dropout recovery program operated by a district qualifies for the special membership counting provisions of section 6(4)(dd) and the hours and day of pupil instruction exemption under section*

*101(12) if the dropout recovery program meets all of the following:*

*(a) Enrolls only eligible pupils.*

*(b) Provides an advocate. An advocate may serve in that role for more than 1 pupil but no more than 50 pupils. An advocate may be employed by the district or may be provided by an education management organization that is partnering with the district. Before an individual is assigned to be an advocate for a pupil in the dropout recovery program, the district shall comply*

with sections 1230 and 1230a of the revised school code, MCL 380.1230 and 380.1230a, with respect to that individual.

(c) Develops a written learning plan.

(d) Monitors the pupil's progress against the written learning plan.

(e) Requires each pupil to make satisfactory monthly progress, as defined by the district under subsection (2).

(f) Reports the pupil's progress results to the partner district at least monthly.

(g) The program may be operated on or off a district school campus, but may be operated using distance learning online only if the program provides a computer and Internet access for each eligible pupil participating in the program.

(h) Is operated throughout the entire calendar year.

(i) If the district partners with an education management organization for the program, the education management organization has a dropout recovery program partnership relationship with at least 1 other district.

(2) A district operating a dropout recovery program under this section shall adopt a definition of satisfactory monthly progress that is consistent with the definition of that term under subsection

(3) As used in this section:

(a) "Advocate" means an adult available to meet in person with assigned pupils, as needed, to conduct social interventions, to proctor final examinations, and to provide academic and social support to pupils enrolled in the district's dropout recovery program.

(b) "Education management organization" means a private provider that operates 1 or more other dropout recovery programs that meet the requirements of this section in partnership with 1 or more districts.

(c) "Eligible pupil" means a pupil who has been expelled from school under the mandatory expulsion provisions in section 1311 or 1311a of the revised school code, MCL 380.1311 and 380.1311a, a pupil who has been suspended or expelled from school under a local policy, a pupil who is referred by a court, a pupil who is pregnant or is a parent, a pupil who was previously a dropout, or a pupil who is determined by the district to be at risk of dropping out.

(d) "Satisfactory monthly progress" means an amount of progress that is measurable on a monthly basis and that, if continued for a full 12 months, would result in the same amount of academic credit being awarded to the pupil as would be awarded to a general education pupil completing a full school year. Satisfactory monthly progress may include a lesser required amount of progress for the first 2 months a pupil participates in the program.

(e) "Teacher of record" means a teacher who holds a valid Michigan teaching certificate; who, if applicable, is endorsed in the subject area and grade of the course; and is responsible for providing instruction, determining instructional methods for each pupil, diagnosing learning needs, assessing pupil learning, prescribing intervention strategies, reporting outcomes, and evaluating the effects of instruction and support strategies.

(f) "Written learning plan" means a written plan developed in conjunction with the advocate that includes the plan start and end dates, courses to be taken, credit to be earned for each course, teacher of record for each course, and advocate name and contact information.

History: Add. 2012, Act 465, Imd. Eff. Dec. 28, 2012 ;-- Am. 2015, Act 85, Eff. Oct. 1, 2015 ;-- Am.2016, Act 249, Eff. Oct. 1, 2016

Compiler's Notes: Former MCL 388.1623a, which pertained to schools of choice, was repealed by Act336 of 1993, Eff. Oct. 1, 1994.

### **3. Strict Discipline Academies [380.1311b-1311i]**

*380.1311g Strict discipline academy; location; tuition; admission policies or practices; enrollment; types of pupils; special education pupils; individuals committed to high-security or medium-security juvenile facility; residence requirements; grades.*

*Sec. 1311g.*

*(1) A strict discipline academy may be located in all or part of an existing public school building. Except for a strict discipline academy that includes pupils who are the responsibility of a county juvenile agency, a strict discipline academy shall not operate at a site other than the single site requested for the configuration of grades that will use the site, as specified in the application required under section 1311d and in the contract.*

*(2) A strict discipline academy shall not charge tuition. Except as otherwise provided in subsection (6), a strict discipline academy shall not discriminate in its pupil admissions policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a student with a disability, or any other basis that would be illegal if used by a school district. However, a strict discipline academy may limit admission to pupils who are within a particular range of age or grade level or on any other basis that would be legal if used by a school district.*

*(3) A strict discipline academy shall be established under sections 1311b to 1311m specifically for enrolling 1 or more of the following types of pupils:*

*(a) Pupils placed in the strict discipline academy by a court or by the department of human services or a county juvenile agency under the direction of a court.*

*(b) Pupils who have been expelled under section 1311(2).*

*(c) Pupils who have been expelled under section 1311a or another provision of this act.*

*(d) Other pupils who have been expelled from school, or pupils who have been suspended from school for a suspension that is for a period in excess of 10 school days, and who are referred to the strict discipline academy by that pupil's school and placed in the strict discipline academy by the pupil's parent or legal guardian. However, a suspended pupil shall be allowed to attend the strict discipline academy only for the duration of the suspension.*

*(4) In addition to the types of pupils specified in subsection (3), a strict discipline academy shall be open for enrollment of a special education pupil who does not meet the requirements of subsection (3) if the special education pupil's individualized education program team recommends that the special education pupil be placed in the strict discipline academy. As used in this subsection, "individualized education program team" means that term as defined in section 614 of part B of title VI of the individuals with disabilities education act, 20 USC 1414.*

*(5) In addition to the types of pupils specified in subsections (3) and (4), a strict discipline academy may enroll a pupil who is placed in a high-security or medium-security juvenile facility, mental health facility, or child caring institution that is operated by a private agency.*

*(6) A strict discipline academy shall enroll only 1 or more of the types of pupils described in subsections (3) to (5). A strict discipline academy is not required to keep any group of pupils described in subsections (3) to (5) physically separated from another group of those pupils, as might otherwise be required under section 1311, section 1311a, or another provision of this act.*

*(7) Strict discipline academies are not intended to enroll or otherwise be used to educate individuals who are committed to a high-security or medium-security juvenile facility operated by the department of human services or another state department or agency. Further, if the department of corrections or another state department or agency other than the department of human services has custody of or jurisdiction over a child, that state department or agency has the financial responsibility for educating the child.*

*(8) Except for a foreign exchange student who is not a United States citizen, a strict discipline academy shall not enroll a pupil who is not a resident of this state. Enrollment in the strict discipline academy may be open to all individuals who reside in this state who meet the admission policy under subsections (3) to (5) and shall be open to all pupils who reside within the geographic boundaries, if any, of the authorizing body as described in section 1311d who meet the admission policy under subsections (3) to (5), except that admission to a strict discipline academy authorized by the board of a community college to operate, or operated by the board of a community college, on the grounds of a federal military installation, as described*

*in section 1311d, shall be open to all pupils who reside in the county in which the federal military installation is located who meet the admission policy under subsections (3) to (5).*

*For a strict discipline academy authorized by a state public university, enrollment shall be open to all pupils who reside in this state who meet the admission policy under subsections (3) to (5). If there are more applications to enroll in the strict discipline academy than there are spaces available, pupils shall be selected to attend using a random selection process. However, a strict discipline academy may give enrollment priority to a sibling of a pupil enrolled in the strict discipline academy. Except for a suspended pupil who is attending the strict discipline academy for the duration of the suspension, a strict discipline academy shall allow any pupil who was enrolled in the strict discipline academy in the immediately preceding school year to enroll in the strict discipline academy in the appropriate grade unless the appropriate grade is not offered at that strict discipline academy.*

*(9) A strict discipline academy may include any grade up to grade 12 or any configuration of those grades, including kindergarten and early childhood education, as specified in its contract. The authorizing body may approve amendment of a contract with respect to ages of pupils or grades offered.*

*History: Add. 1999, Act 23, Imd. Eff. May 12, 1999 ;-- Am. 2005, Act 28, Imd. Eff. May 23, 2005 ;--Am. 2007, Act 21, Imd. Eff. June 19, 2007 ;-- Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008 ;-- Am. 2014, Act 256, Imd. Eff. June 30, 2014*

*Popular Name: Act 451*

#### **4. Adult education programs**

*(3) To be eligible to be a participant funded under this section, an individual shall be enrolled in an adult basic education program, an adult secondary education program, an adult English as a second language program, a high school equivalency test preparation program, or a high school completion program, that meets the requirements of this section, and for which instruction is provided, and shall meet either of the following:*

*(a) Has attained 20 years of age.*

*(b) Has attained 18 years of age and the individual's graduating class has graduated.*

## *Accountability Policies for the four types of schools/programs*

### **1. Accountability for Alternative education programs**

Nothing mentioned about accountability. Looked a couple up in the school report card system and they appear with the same information and comparisons as other schools.

### **2. Accountability for Dropout recovery programs**

Did not find any specific programs or schools listed as dropout recovery. I have a feeling these are district run programs that report up to the school district. Reporting requirements are highlighted in green in the statute above.

### **3. Accountability for Strict discipline academies**

**380.1311d (3)(ii)** Applicant must provide..." *A copy of the educational goals of the strict discipline academy and the curricula to be offered and methods of pupil assessment to be used by the strict discipline academy. To the extent applicable, the progress of the pupils in the strict discipline academy shall be assessed using at least a Michigan education assessment program (MEAP) test or an assessment instrument developed under section 1279 for a state-endorsed high school diploma.*"

### **4. Accountability for Adult education programs**

**388.1707 Sec 107(e)** provider must," *report adult education program and participant data and information as prescribed by the department.*"

*Other policies that could impact accountability for alternative schools, thus we should pay attention to:*

-**388.1695b** provides funding for the department to adopt a model value-added growth projection and analytics system during the 2017-2018 school year.

-**388.1704b** law stating that schools must give all 11<sup>th</sup> grade students (and 12<sup>th</sup> grade students that did not complete the exam in grade 11) the M-STEP in order to receive state aid

-includes free SAT for math and ELA pieces as well as a science component and a social studies component and the ACT WorkKeys assessment.

-**Section 380.1278(a)(4)(c)** allows students to earn credit for courses if the student earns a qualifying score (determined by the DOE) on department or the district/academy assessment of the subject.

### **2017-18 Pupil Accounting Transition Related to Seat Time Waivers**

*Section 101(9), of the State School Aid Act (MCL 388.1701[9]), permits the State Superintendent to waive the minimum number of hours and days of pupil instruction for Alternative Education programs or other innovative programs approved by the Michigan Department of Education (MDE). Seat Time Waivers (STWs) have historically existed as a result of this legislation. For the 2017-18 school year, the processes and relevant pupil accounting language will go through a transitional phase.*

### **Alternative Education/Innovative Programs Reduction of Hours and/or Days Waivers**

*The State School Aid Act, Section 101(9) [MCL 388.1701], permits the State Superintendent to waive the minimum number of hours and days of pupil instruction for alternative education programs or other innovative programs approved by the Michigan Department of Education (MDE). This waiver can only be granted for alternative education or innovative programs and is not intended for individual students.*

*The State Superintendent will consider applications for waivers of hours for programs that will operate for less than the required 1,098 hours and/or less than the required 180 days during the 2017-18 school year. Before submitting the waiver to operate less than the required 1,098 hours of instruction or less than the required 180 days of instruction, consider very carefully the amount of instruction time needed to deliver the Michigan Merit Curriculum. The waiver application also allows a district to apply for a 50 percent attendance waiver, as indicated in Section 101(3)(h).*

**Compensatory age [380.1561(1)]** is effectively 6-18 years of age.

Statute changed at some point such that age and grade level (age 11 and grade 6) before or on/after 2009 determined whether students needed to remain in school (unless graduated) until age 16 or age 18. Given students turning 11 (as of Dec. 1 2017) or entering grade 6 in 2009 would now be age 18 or older and be graduated or one year past grade 12, the compensatory age is effectively 6-18 from here out.

**State definition of At-Risk** (under the state school aid act of 1979—defining how funds are to be spent to ensure “at-risk pupils are proficient in English language arts at grade 3 level and college and career ready as determined by proficiency in ELA, math and science content area assessments on the grade 11 summative assessments under revised school code 380.1279g(2)(a)”)

**388.1631a(21) (a)** "At-risk pupil" means a pupil for whom the district has documentation that the pupil meets any of the following criteria:

- (i) The pupil is economically disadvantaged.
- (ii) The pupil is an English language learner.
- (iii) The pupil is chronically absent as defined by and reported to the center.
- (iv) The pupil is a victim of child abuse or neglect.
- (v) The pupil is a pregnant teenager or teenage parent.
- (vi) The pupil has a family history of school failure, incarceration, or substance abuse.
- (vii) The pupil is an immigrant who has immigrated within the immediately preceding 3 years.
- (viii) The pupil did not complete high school in 4 years and is still continuing in school as identified in the Michigan cohort graduation and dropout report.
- (ix) For pupils for whom the results of the state summative assessment have been received, is a pupil who did not achieve proficiency on the English language arts, mathematics, science, or social studies content area assessment.

(x) Is a pupil who is at risk of not meeting the district's or public school academy's core academic curricular objectives in English language arts or mathematics, as demonstrated on local assessments.

(b) "Economically disadvantaged" means a pupil who has been determined eligible for free or reduced-price meals as determined under the Richard B. Russell national school lunch act, 42 USC 1751 to 1769j; who is in a household receiving supplemental nutrition assistance program or temporary assistance for needy families assistance; or who is homeless, migrant, or in foster care, as reported to the center.

(c) "English language learner" means limited English proficient pupils who speak a language other than English as their primary language and have difficulty speaking, reading, writing, or understanding English as reported to the center.

(also cited at [http://www.michigan.gov/mde/0,4615,7-140-81376\\_51051-43638--,00.html](http://www.michigan.gov/mde/0,4615,7-140-81376_51051-43638--,00.html))

### **388.1606 Additional definitions.**

#### Funding age and membership related definitions

(l) To be counted in membership, a pupil shall meet the minimum age requirement to be eligible to attend school under section 1147 of the revised school code, MCL 380.1147, or shall be enrolled under subsection (3) of that section, **and shall be less than 20 years of age on September 1 of the school year except as follows:**

(i) A special education pupil who is enrolled and receiving instruction in a special education program or service approved by the department, who does not have a high school diploma, and who is less than 26 years of age as of September 1 of the current school year shall be counted in membership.

(ii) A pupil who is determined by the department to meet **all** of the following may be counted in membership:

(A) Is enrolled in a public school academy or an alternative education high school diploma program, that is primarily focused on educating pupils with extreme barriers to education, such as being homeless as defined under 42 USC 11302.

(B) Had dropped out of school.

(C) Is less than 22 years of age as of September 1 of the current school year.

(m) An individual who has achieved a high school diploma shall not be counted in membership. An individual who has achieved a high school equivalency certificate shall not be counted in membership unless the individual is a student with a disability as defined in R 340.1702 of the Michigan Administrative Code. An individual participating in a job training program funded under former section 107a or a jobs program funded under former section 107b, administered by the department of talent and economic development, or participating in any successor of either of those 2 programs, shall not be counted in membership.

(n) **If a pupil counted in membership in a public school academy is also educated by a district or intermediate district as part of a cooperative education program, the pupil shall be counted in**



membership only in the public school academy unless a written agreement signed by all parties designates the party or parties in which the pupil shall be counted in membership, and the instructional time scheduled for the pupil in the district or intermediate district shall be included in the full-time equated membership determination under subdivision (q) and section 101. However, for pupils receiving instruction in both a public school academy and in a district or intermediate district but not as a part of a cooperative education program, the following apply:

(i) If the public school academy provides instruction for at least 1/2 of the class hours required under section 101, the public school academy shall receive as its prorated share of the full-time equated membership for each of those pupils an amount equal to 1 times the product of the hours of instruction the public school academy provides divided by the number of hours required under section 101 for full-time equivalency, and the remainder of the full-time membership for each of those pupils shall be allocated to the district or intermediate district providing the remainder of the hours of instruction.

(ii) If the public school academy provides instruction for less than 1/2 of the class hours required under section 101, the district or intermediate district providing the remainder of the hours of instruction shall receive as its prorated share of the full-time equated membership for each of those pupils an amount equal to 1 times the product of the hours of instruction the district or intermediate district provides divided by the number of hours required under section 101 for full-time equivalency, and the remainder of the full-time membership for each of those pupils shall be allocated to the public school academy.

(o) An individual less than 16 years of age as of September 1 of the current school year who is being educated in an alternative education program shall not be counted in membership if there are also adult education participants being educated in the same program or classroom.

(p) The department shall give a uniform interpretation of full-time and part-time memberships.

(q) The number of class hours used to calculate full-time equated memberships shall be consistent with section 101. In determining full-time equated memberships for pupils who are enrolled in a postsecondary institution, a pupil shall not be considered to be less than a full-time equated pupil solely because of the effect of his or her postsecondary enrollment, including necessary travel time, on the number of class hours provided by the district to the pupil.

(t) A pupil enrolled in a cooperative education program may be counted in membership in the pupil's district of residence with the written approval of all parties to the cooperative agreement.

(u) If, as a result of a disciplinary action, a district determines through the district's alternative or disciplinary education program that the best instructional placement for a pupil is in the pupil's home or otherwise apart from the general school population, if that placement is authorized in writing by the district superintendent and district alternative or disciplinary education supervisor, and if the district provides appropriate instruction as described in this subdivision to the pupil at the pupil's home or otherwise apart from the general school population, the district may count the pupil in membership on a pro rata basis, with the proration based on the number of hours of instruction the district actually provides to the pupil divided by the number of hours required under section 101 for full-time equivalency. For the purposes of this subdivision, a district shall be considered to be providing appropriate instruction if all of the following are met:

(i) The district provides at least 2 nonconsecutive hours of instruction per week to the pupil at the pupil's home or otherwise apart from the general school population under the supervision of a certificated teacher.

(ii) The district provides instructional materials, resources, and supplies that are comparable to those otherwise provided in the district's alternative education program.

(iii) Course content is comparable to that in the district's alternative education program.

(iv) Credit earned is awarded to the pupil and placed on the pupil's transcript.

(z) 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.

(aa) For the first year in which a pupil is counted in membership on the pupil membership count day in a middle college program, the membership is the average of the full-time equated membership on the pupil membership count day and on the supplemental count day for the current school year, as determined by the department. If a pupil described in this subdivision was counted in membership by the operating district on the immediately preceding supplemental count day, the pupil shall be excluded from the district's immediately preceding supplemental count for the purposes of determining the district's membership.

(dd) For a pupil enrolled in a dropout recovery program that meets the requirements of section 23a, the pupil shall be counted as 1/12 of a full-time equated membership for each month that the district operating the program reports that the pupil was enrolled in the program and was in full attendance. However, if the special membership counting provisions under this subdivision and the operation of the other membership counting provisions under this subsection result in a pupil being counted as more than 1.0 FTE in a fiscal year, the payment made for the pupil under sections 22a and 22b shall not be based on more than 1.0 FTE for that pupil, and any portion of an FTE for that pupil that exceeds 1.0 shall instead be paid under section 25g. The district operating the program shall report to the center the number of pupils who were enrolled in the program and were in full attendance for a month not later than 30 days after the end of the month. A district shall not report a pupil as being in full attendance for a month unless both of the following are met:

(i) A personalized learning plan is in place on or before the first school day of the month for the first month the pupil participates in the program.

(ii) The pupil meets the district's definition under section 23a of satisfactory monthly progress for that month or, if the pupil does not meet that definition of satisfactory monthly progress for that month, the pupil did meet that definition of satisfactory monthly progress in the immediately preceding month and appropriate interventions are implemented within 10 school days after it is determined that the pupil does not meet that definition of satisfactory monthly progress.

(gg) If a special education pupil is expelled under section 1311 or 1311a of the revised school code, MCL 380.1311 and 380.1311a, and is not in attendance on the pupil membership count day because of the expulsion, and if the pupil remains enrolled in the district and resumes regular daily attendance during

that school year, the district's membership shall be adjusted to count the pupil in membership as if he or she had been in attendance on the pupil membership count day.

(6) "Pupil" means an individual in membership in a public school. A district must have the approval of the pupil's district of residence to count the pupil in membership, except approval by the pupil's district of residence is not required for any of the following:...

h) A pupil enrolled in an alternative education program operated by a district other than his or her district of residence who meets 1 or more of the following:

(i) The pupil has been suspended or expelled from his or her district of residence for any reason, including, but not limited to, a suspension or expulsion under section 1310, 1311, or 1311a of the revised school code, MCL 380.1310, 380.1311, and 380.1311a.

(ii) The pupil had previously dropped out of school.

(iii) The pupil is pregnant or is a parent.

(iv) The pupil has been referred to the program by a court.

(i) A pupil enrolled in the Michigan Virtual School, for the pupil's enrollment in the Michigan Virtual School.

(k) An expelled pupil who has been denied reinstatement by the expelling district and is reinstated by another school board under section 1311 or 1311a of the revised school code, MCL 380.1311 and 380.1311a.

(8) "Pupils in grades K to 12 actually enrolled and in regular daily attendance" means pupils in grades K to 12 in attendance and receiving instruction in all classes for which they are enrolled on the pupil membership count day or the supplemental count day, as applicable. Except as otherwise provided in this subsection, a pupil who is absent from any of the classes in which the pupil is enrolled on the pupil membership count day or supplemental count day and who does not attend each of those classes during the 10 consecutive school days immediately following the pupil membership count day or supplemental count day, except for a pupil who has been excused by the district, shall not be counted as 1.0 full-time equated membership. A pupil who is excused from attendance on the pupil membership count day or supplemental count day and who fails to attend each of the classes in which the pupil is enrolled within 30 calendar days after the pupil membership count day or supplemental count day shall not be counted as 1.0 full-time equated membership. In addition, a pupil who was enrolled and in attendance in a district, intermediate district, or public school academy before the pupil membership count day or supplemental count day of a particular year but was expelled or suspended on the pupil membership count day or supplemental count day shall only be counted as 1.0 full-time equated membership if the pupil resumed attendance in the district, intermediate district, or public school academy within 45 days after the pupil membership count day or supplemental count day of that particular year. Pupils not counted as 1.0 full-time equated membership due to an absence from a class shall be counted as a prorated membership for the classes the pupil attended. For purposes of this

subsection, "class" means a period of time in 1 day when pupils and a certificated teacher or legally qualified substitute teacher are together and instruction is taking place.

***Questions not yet answered:***

What age does Michigan fund to for elementary and secondary public education?

Can alternative schools serve students 20 or older, or do those students have to go to an adult education program?

---

<sup>1</sup> Enter citations here.

DRAFT