

# HOUSE BILL NO. 6249

June 16, 2022, Introduced by Reps. Fink, Posthumus, O'Malley and Slagh and referred to the Committee on Education.

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 2021 PA 48.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 21f. (1) A primary district shall enroll an eligible  
2       pupil in virtual courses in accordance with the provisions of this  
3       section. A primary district shall not offer a virtual course to an  
4       eligible pupil unless the virtual course is published in the  
5       primary district's catalog of board-approved courses, **in a catalog**

1 **of virtual courses maintained by a college or university**, or in the  
2 statewide catalog of virtual courses maintained by the Michigan  
3 Virtual University ~~pursuant to~~ **under** section 98. The primary  
4 district shall also provide on its publicly accessible website a  
5 link to **all catalogs of virtual courses maintained by colleges or**  
6 **universities and** the statewide catalog of virtual courses  
7 maintained by the Michigan Virtual University. Unless the pupil is  
8 at least age 18 or is an emancipated minor, a pupil must not be  
9 enrolled in a virtual course without the consent of the pupil's  
10 parent or legal guardian.

11 (2) Subject to subsection (3), a primary district shall enroll  
12 an eligible pupil in up to 2 virtual courses as requested by the  
13 pupil during an academic term, semester, or trimester.

14 (3) A pupil may be enrolled in more than 2 virtual courses in  
15 a specific academic term, semester, or trimester if all of the  
16 following conditions are met:

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

19 (b) The pupil agrees with the recommendation of the primary  
20 district.

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

26 (4) If the number of applicants eligible for acceptance in a  
27 virtual course does not exceed the capacity of the provider to  
28 provide the virtual course, the provider shall accept for  
29 enrollment all of the applicants eligible for acceptance. If the

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

9 (5) A primary district may not establish additional  
10 requirements beyond those specified in this subsection that would  
11 prohibit a pupil from taking a virtual course. A pupil's primary  
12 district may deny the pupil enrollment in a virtual course if any  
13 of the following apply, as determined by the district:

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

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

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

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

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

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

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

1 acceptable rigor and quality.

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

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

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

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

28 (7) To provide a virtual course to an eligible pupil under  
29 this section, a provider must do all of the following:

1 (a) Ensure that the virtual course has been published in the  
2 pupil's primary district's catalog of board-approved courses,  
3 **published in a catalog of virtual courses maintained by a college**  
4 **or university**, or published in the statewide catalog of virtual  
5 courses maintained by the Michigan Virtual University.

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

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

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

18 (i) **Either of the following:**

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

23 (B) **Provide a college or university that maintains a catalog**  
24 **of virtual courses as described in subsection (1) with a course**  
25 **syllabus that meets the definition under subsection (14)(h) in a**  
26 **form and manner prescribed by the college or university for**  
27 **inclusion in the catalog.**

28 (ii) Not later than October 1 of each fiscal year, provide the  
29 Michigan Virtual University with an aggregated count of enrollments

1 for each virtual course the provider delivered to pupils under this  
2 section during the immediately preceding school year, and the  
3 number of enrollments in which the pupil earned 60% or more of the  
4 total course points for each virtual course.

5 (8) To provide a virtual course under this section, a  
6 ~~community-college~~ **or university** shall ensure that each virtual  
7 course it provides under this section generates postsecondary  
8 credit.

9 (9) For any virtual course a pupil enrolls in under this  
10 section, the pupil's primary district must assign to the pupil a  
11 mentor and shall supply the provider with the mentor's contact  
12 information.

13 (10) For a pupil enrolled in 1 or more virtual courses, the  
14 primary district shall use foundation allowance or per-pupil funds  
15 calculated under section 20 to pay for the expenses associated with  
16 the virtual course or courses. A primary district is not required  
17 to pay toward the cost of a virtual course an amount that exceeds  
18 6.67% of the minimum foundation allowance for the current fiscal  
19 year as calculated under section 20.

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

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

the course and shall count that credit toward completion of graduation and subject area requirements. A pupil's school record and transcript must identify the virtual course title as it appears in the virtual course syllabus.

(13) The enrollment of a pupil in 1 or more virtual courses must not result in a pupil being counted as more than 1.0 full-time equivalent pupils under this article. The minimum requirements to count the pupil in membership are those established by the pupil accounting manual as it was in effect for the 2015-2016 school year or as subsequently amended by the department if the department notifies the legislature about the proposed amendment at least 60 days before the amendment becomes effective.

(14) As used in this section:

**(a) "College or university" means a degree or certificate granting public or private college or university, junior college, or community college.**

**(b) ~~(a)~~ "Instructor" means an individual who is employed by or contracted through a ~~community college~~ or university.**

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

**(d) ~~(e)~~ "Primary district" means the district that enrolls the pupil and reports the pupil for pupil membership purposes.**

**(e) ~~(d)~~ "Provider" means the district, intermediate district, or ~~community college~~ or university that the primary district pays**

to provide the virtual course or the Michigan Virtual University if it is providing the virtual course. ~~Beginning on the first day of the 2020-2021 school year through August 31, 2021, "provider" also includes any other institution or individual that the primary district pays to provide the virtual course.~~

(f) ~~(e)~~ "Teacher of record" means a teacher who meets all of the following:

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

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

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

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

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

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

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



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

(ii) The virtual course content outline.

(iii) The virtual course required assessments.

(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.

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