

THE BIG FAQ

ATHLETICS (ORGANIZED SPORTS), FACIAL COVERINGS, AND PUPIL ACCOUNTING

INTRODUCTION

On June 30, 2020, Governor Whitmer issued Executive Order (EO) 2020-142 and the Return-to-School Roadmap for the 2020-21 school year. The EO directs school districts to create individualized Preparedness Plans that, among other things, require students and staff to wear masks during significant portions of the school day. Subsequently, the Michigan Legislature passed HB 5911, 5912 and 5913. Called the Return to Learn bills, this legislation drastically changed the pupil accounting rules that districts will operate under for the 2020-21 school year and required districts to develop Extended Continuity of Learning Plans. This FAQ Guide is intended to provide answers to some of the practical, everyday challenges teachers and administrators are facing as schools reopen across Michigan.

Before implementing these recommendations, schools should ensure they are consistent with their school district's individual Preparedness and Response Plan, Extended Continuity of Learning Plan, and board policies. We also note that while we believe the following recommendations accurately reflect current guidelines from the State of Michigan, the CDC, and similar state and federal agencies, schools should keep up-to-date with new guidance as it is released, and consult with legal counsel, as necessary.

Source documents:

- [MDE Memo on Pupil Accounting under Return to Learn](#)
- [Gov's FAQ on EO 2020-142](#)
- [EO 2020-176](#)
- [EO 2020-180](#)
- [Lusk Albertson Mask FAQ](#)
- Return to Learn Bills: [HB-5911](#), [HB-5912](#), [HB-5913](#)

ATHLETICS

ORGANIZED SPORTS

Are schools able to resume organized sports?

Yes. EOs 2020-176 and 2020-180 create a path for schools and other entities (little league, travel leagues, etc.) to resume organized subject to COVID-19 safety precautions, including a requirement to wear a facial covering or maintain six foot social distancing at all times.

What does "organized sports" mean? What constitutes organized sports"

For purposes of EO 2020-176 and 2020-180, "organized sports" means competitive athletic activity requiring skill or physical prowess and organized by an institution or association that sets and enforces rules to ensure the physical health and safety of all participants ("sports organizer" or "sports organizers").

Who is required to wear a mask at athletic events (practices, competition, school transportation)?

EO 2020-180 clarifies that, in order to participate in organized sports, athletes must either wear a facial covering or consistently maintain six feet of social distance from other athletes, coaches, and spectators except for occasional and fleeting moments. The EO further clarifies what this means by stating that "an athlete participating in a football, soccer, or volleyball game would not be able to consistently maintain 6 feet of distance, and therefore would need to wear a facial covering."

When must an athlete wear a mask and maintain social distancing?

Athletes training for, practicing for, or competing in an organized sport must wear a facial covering (except when swimming) or consistently maintain 6 feet of social distance from other athletes, coaches, and spectators except for occasional and fleeting moments (e.g., Cross Country, Golf).

Who is responsible for monitoring and enforcing social distancing and wearing of masks at athletic events?

EO 2020-180 states that sports organizers are responsible to ensure that athletes comply with this order for each organized sporting event (training, practice, competition). EO 176 states that an institution or association that sets and enforces rules to ensure the physical health and safety of all participants are the "sports organizer" or "sports organizers."

ATHLETICS

ORGANIZED SPORTS

Who may attend and how many people may be in attendance at outdoor events?

EO 2020-176 states that sports organizers must ensure that attendees at live outdoor organized sporting events are limited to either 2 designated guests per athlete or a maximum of 100 people, including all participants (athletes, coaches, staff, etc).

In regions 6 and 8, those limits are different. Districts may host up to 25% of an outdoor venue's maximum capacity or 250 people, whichever is smaller, if the venue is not a stadium or arena. A district may host up to 25% or 500 people, whichever is smaller within a stadium or arena.

- **Region 6** includes the following counties: Manistee, Wexford, Missaukee, Roscommon, Benzie, Grand Traverse, Kalkaska, Crawford, Leelanau, Antrim, Otsego, Montmorency, Alpena, Charlevoix, Cheboygan, Presque Isle, and Emmet.
- **Region 8** includes the following counties: Gogebic, Ontonagon, Houghton, Keweenaw, Iron, Baraga, Dickinson, Marquette, Menominee, Delta, Alger, Schoolcraft, Luce, Mackinac, and Chippewa.

Who may attend and how many people may be in attendance at indoor events?

EO 2020-176 states that 2 designated guests per participant are permitted to attend live indoor organized sporting events.

May schools, boosters or other entities provide concessions sporting events?

Concessions are prohibited at indoor sporting events. Districts should consult with their local legal counsel about what safety measures need to be in place in order to offer concessions at outdoor sporting events and whether those concessions can be provided by boosters or other non-school entities.

Must a school maintain entry and exit logs for events?

EO 2020-176 states that the live audience at indoor sporting events and (at the discretion of the organizer) outdoor sporting events is limited to "the guests of the participants, with each athlete designating up to two guests." There is no definition of what an athlete must do to designate his or her guests. Schools may want to consider keeping an entrance log at sporting events or using a ticketing app for the purposes of contact tracing should an outbreak occur. Districts should consult with their local legal counsel about entry and logging requirements for organized sports.

FACIAL COVERINGS

What is the definition of a facial covering?

A facial covering is cloth material that covers the nose and mouth. Facial coverings may be secured to the head or simply wrapped around the lower face. They can be made of a variety of materials, such as cotton or linen, and may be factory-made or made by hand. (Governor Whitmer EO 142 FAQ)

Are face shields acceptable alternatives to mask?

No. The CDC does not recommend the use of face shields as a substitute for cloth face coverings. However, a face shield that covers the eyes, nose and mouth can be worn in addition to a cloth mask if desired. Moreover, a face shield may be worn by younger children who are not required to wear a cloth face mask. (Governor Whitmer EO 142 FAQ)

Who determines whether or not a student/staff member can medically tolerate a facial covering?

Answer: People who should not wear facial coverings include the following (Governor Whitmer EO 142 FAQ):

- Children younger than 2 years old
- Anyone who has trouble breathing
- Anyone who is unconscious, incapacitated, or otherwise unable to remove the cloth face covering without assistance
- Schools should require documentation from a medical professional, as they do for other types of accommodations.

Are all medical professionals authorized to determine whether a person can "medically tolerate" a face covering?

No. Documentation from a medical professional must come from a qualified medical professional capable of providing the appropriate diagnosis. (Governor Whitmer EO 142 FAQ)

Can parents "opt-out" their child from the facial covering requirement, but still send them to school in-person?

No. The child may opt-out of the requirement only if they choose to enroll in a fully remote learning environment. (Governor Whitmer EO 142 FAQ)

FACIAL COVERINGS

If a building is K-8 or 5-6, or otherwise serves students in grades PK-5 and 6 and higher, can the school choose to do strict cohorting and therefore not require facial coverings for all students in that building?

No. Only students in grades PK-5 are exempt from wearing a mask during the school day when sitting within a self-contained classroom. All students PK-12 must wear a facial covering when on school transportation and traveling to and from classroom. Including all common areas. (Governor Whitmer EO 142 FAQ)

May schools request a doctor's note from parents claiming their student cannot medically tolerate a mask?

Yes. We recommend the doctor's note/other medical documentation include: (1) the signature of a physician or other health professional; and (2) state either that the student cannot medically tolerate a mask, or the specific situations under which a student is exempted from wearing a mask. In addition, schools should consider offering reasonable accommodations, such as alternative facial coverings (e.g., face shields or cloth gaiters instead of masks), or, to the extent available, educating exempted students virtually. (Lusk ALbertson FAQ)

What recourse is there if students/families openly refuse to wear masks and they have no documentation of being unable to medically tolerate a facial covering?

Schools should enforce compliance with state and local requirements for students through their normal disciplinary mechanisms. (Governor Whitmer EO 142 FAQ)

How should schools respond to situations where wearing a mask is impractical (e.g., during speech therapy services, special education evaluations, or when educating hearing-impaired students)?

In situations where virtual learning or evaluation is either unavailable or inappropriate, educators may consider the following alternatives to a standard cotton or disposable mask (Lusk ALbertson FAQ):

- Clear masks or masks with clear panels, as well as providing similar masks to students;
- Physically distancing from students before removing masks;
- Using voice amplifiers or similar electronic devices; and/or
- Using images or videos for demonstration purposes in lieu or in tandem with in-person or remote services.
- Clear face shields instead of masks with medical documentation exempting use of mask.

FACIAL COVERINGS

Can schools discipline students who refuse to wear masks?

EO 142 states schools should enforce compliance with state and local requirements for students through their normal disciplinary mechanisms. (However there is no specific state or federal guidance or consensus among school districts about how; some have instituted disciplinary procedures, while others declined such measures. Accordingly, the issue of discipline is left to the individual school districts to decide. Before disciplining unmasked students, consider: (1) providing masks to students who agree to wear them; (2) the student may have an underlying medical condition; and (3) whether a student's refusal to wear a mask is intended to be disobedience or is, instead, a symptom of a disability or only a matter of forgetfulness. In addition, schools should engage in open and frequent communication with parents, during which the procedures set forth in the school district's Preparedness Plan are reinforced. Schools may also require students who consistently refuse to wear masks (or whose parents are not insisting their student wear a mask) be educated virtually. (Lusk ALbertson FAQ)

Will there be consequences for staff members who do not wear masks or follow social distancing Guidelines?

Yes, and there should be. Ideally, school districts will let employees know of mask and social distancing expectations prior to school reopening and that a failure to comply may result in discipline or discharge (insubordination, unprofessional conduct, etc.). The union may be willing to help craft the message to school district employees, as a failure to comply with such requirements puts their members at risk. (Lusk ALbertson FAQ)

Will school district employees be tested on a regular basis, as a requirement for working? May they opt-out of testing?

This is a term and condition of employment that would have to be negotiated. Assuming such a condition of employment was negotiated, staff would not be able to opt-out unless permitted by the applicable collective bargaining agreement. (Lusk ALbertson FAQ)

Will staff members who have health concerns that make it difficult to wear a mask be required to wear one?

This question should be addressed on a case-by-case basis. If the employee has a disability that prevents him/her from wearing a mask, the school district should consider providing a reasonable accommodation that puts the staff member to productive work in a manner that does not put others at risk. A reasonable accommodation might be: a different type of facing covering (such as a clear shield or cloth gaiter); assignment to an online teaching position; designating one-way aisles in the workplace; moving offices; or using tables or other barriers to remind staff and students to remain physically distant. Remember: when considering a reasonable accommodation, the employee should be engaged pursuant to what the EEOC refers to as the "interactive process." (Lusk ALbertson FAQ)

FACIAL COVERINGS

What should schools districts do if staff members refuse to appear at work because other staff members or students are not wearing masks?

For staff members that have conditions on the CDC's list of higher risk factors, will the school district provide accommodations? Are those staff members guaranteed their jobs? Ultimately, schools have the authority to require staff members to wear masks (unless medically exempt) and may discipline staff members who refuse to appear at work when there is no immediate or direct threat of contracting COVID-19. Schools should do their utmost to create an environment in which administrators are open to receiving complaints of staff or students refusing to wear masks, as well as responding swiftly (and reasonably) to such complaints. We also recommend regularly reiterating to parents and school personnel the importance of wearing masks and of the mask requirements outlined in the school district's Preparedness Plan. School districts and employees should keep in mind that nobody's job is guaranteed. A reasonable accommodation is an accommodation that permits an employee to perform the essential functions of his/her job. An employee who cannot perform his/her job with a reasonable accommodation falls outside the protection of the ADA. There may be some level of protection under FMLA or the school district's collective bargaining agreement for an employee who cannot perform the essential functions of his/her job after a reasonable accommodation has been provided. But, in general, outside these parameters, an employee would be at-risk for losing his/her job. (Lusk ALbertson FAQ)

Per state guidelines, staff is required to wear masks and some preschool students (4 years old and younger) should not wear masks in the classroom. Since cloth masks protect the other person, not the mask wearer, are schools required to provide staff with N95 masks, as they may deliver the safest protection for the mask wearer?

Presently, there is no requirement that school districts provide a certain type of mask for employees. Requiring employee to wear a particular type of mask would be a term and condition of employment that would be subject to collective bargaining. (Lusk ALbertson FAQ)

Will families need to sign waivers of disclosure if they've been exposed to COVID-19 or tested for it? Do we violate privacy laws by asking for such waivers?

Absent a law (which, currently, does not exist), school districts cannot condition a student's attendance at school on a medical examination or a release of information that falls within the physician-patient privilege, such as whether a student has been diagnosed with COVID. Schools can: observe and ask about COVID symptoms (temperature, cough, etc.); encourage disclosure for everyone's sake; or even ask parents directly. However, it would be inappropriate to ask minors to waive the physician-patient privilege with respect to medical diagnoses. (Lusk ALbertson FAQ)

FACIAL COVERINGS

If a school district offers both in-person and virtual learning options for its students, can students who cannot medically tolerate a mask be required to attend school virtually?

Likely, yes. However, no guidance has been released on this issue. We recommend turning to virtual learning only as a last resort and, at the same time, ensuring that schools are treating all students who cannot or will not wear masks equally, including students who refuse to wear a mask despite no underlying medical condition, and students who cannot medically tolerate masks. Schools may also want to utilize the following decision-tree ((Lusk ALbertson FAQ):

- First, determine whether the parents would be amendable to moving the student to a virtual learning environment.
- If not, determine whether the parents would be amenable to reasonable accommodations.
- If not, determine whether the student's medical intolerance is due to behavior or an underlying physical health condition.
 - *If the intolerance is due to behavior, consider whether there are any behavior services available to assist the student in learning to tolerate a mask, and if those services can be reasonably achieved in the school environment. Services may include: behavioral health services, parent organizations, or online tools.*
 - *If the medical intolerance is due to a physical health condition, consider the student's individual classroom, the frequency of his/her interactions with other students, and determine whether maintaining physical distancing alone might be sufficient to protect all students.*
- If not, schools may move the student to a virtual learning environment.

Should schools allow students who cannot medically tolerate masks to interact with their peers to the same extent as masked students (e.g., sit at tables with other students or work on in-person group projects)?

Generally, schools should, to the extent feasible, not separate or single-out students who are unmasked due to underlying medical conditions. Even when all students are masked, educators are still required to enforce physical distancing. This may include: spacing student desks or students at one table farther apart (removing excess furniture from the classroom, if necessary); rearranging students or desks so all students face the front of the classroom instead of each other; fitting plexiglass around student desks; ensuring students have their own instruments (pencils, pens, scissors, etc.); and reminding students to maintain physical distance. (Lusk ALbertson FAQ)

FACIAL COVERINGS

What procedures should a school district follow for special education students who cannot medically tolerate masks?

Generally, schools should, to the extent feasible, not separate or single-out students who are unmasked due to underlying medical conditions. Even when all students are masked, educators are still required to enforce physical distancing. This may include: spacing student desks or students at one table farther apart (removing excess furniture from the classroom, if necessary); rearranging students or desks so all students face the front of the classroom instead of each other; fitting plexiglass around student desks; ensuring students have their own instruments (pencils, pens, scissors, etc.); and reminding students to maintain physical distance. We also recommend contacting your school's legal counsel. (Lusk ALbertson FAQ)

How should schools handle preschool classrooms, where there may be a combination of 4-year-olds (who are advised not to wear masks) and 5-year-olds (who are advised to wear masks)?

Under the Roadmap, students aged 4 years and younger should wear facial coverings while in hallways or other common areas. However, it is not recommended such students wear facial coverings while in their classroom. To best protect all students, teachers should do their best to ensure social distancing is practiced in the classroom where masked and unmasked students are together. (Lusk ALbertson FAQ)

What can school districts do now to help ease students into wearing masks at school?

If you haven't already, send a letter to all student households explaining that students and staff will be required to wear masks while in school, consistent with the parameters set forth in the school district's Preparedness Plan. The letter should also state whether the school district will enact disciplinary measures for students who refuse to wear masks and whether noncompliance may result in students being moved to a virtual learning environment. In addition, the letter should remind parents claiming medical exemptions that they will have to provide a doctor's note or other medical documentation supporting their student's medical intolerance to facial coverings. For students at the elementary school level, or for students who may not be familiar with wearing masks for long periods of time, parents should be urged to begin training their students to wear face masks for progressively longer periods of time, while indoors, and any time they are in proximity with people who are not members of their own household. (Lusk ALbertson FAQ)

PUPIL ACCOUNTING

FOR THE 2020-21 SCHOOL YEAR

What is the difference between asynchronous and synchronous learning, distance and virtual learning, and sequential and non-sequential learning?

- **Asynchronous Learning:** Learning that occurs through online channels without real-time interaction.
- **Synchronous Learning:** Learning that takes place in real time with live interaction between student(s) and a teacher or facilitator of learning.
- **Distance learning:** method of receiving synchronous academic instruction in courses for which the pupil is registered via a two-way communication between the teacher of record and a group of pupils. Teacher synchronously instructs from a location other than the classroom where the pupils are located at the district school site via a mobile device, computer, or television monitor.
- **Virtual learning:** method of receiving academic instruction in courses in which the pupil is registered and the courses are taken through a digital learning environment. Virtual learning may be offered at a supervised school facility during the day as a scheduled class period or through self-scheduled learning where pupils have some control over the time, location, and pace of their education. Virtual learning includes, but is not limited to, online learning and computer-based learning, where the delivery of instruction may incorporate a combination of software, technology, and the Internet.
 - **Sequential/Consecutive learning:** Self-paced variant of virtual learning in which a student takes 1-2 courses at a time and moves to a new course when the first set is completed.
 - **Traditional/Non-sequential/Non-consecutive learning:** A relatively traditional learning schedule in which students move between a full range of courses in a term (e.g. quarter, semester, trimester).
- **Independent Study:** type of learning experience that is academic in nature that allows the pupil an opportunity for self-directed learning.

Does a school need to ensure 180 days of school and 1098 hours of instruction for the 2020-21 school year?

No. The bills waive the requirement that districts provide 180 days and 1,098 hours of pupil instruction. However, the bills insert a new requirement that districts "provide pupil instruction ... that results in an amount of hours and days necessary to deliver the educational or course content that would have been delivered in 180 days and 1,098 hours in a school year in which pandemic learning was not provided and that would have led to course completion." "Pandemic learning" is defined here as a mode of pupil instruction provided as a result of the COVID-19 pandemic.

PUPIL ACCOUNTING

FOR THE 2020-21 SCHOOL YEAR

Must districts track pupil attendance?

Yes. Districts are required to track pupil attendance throughout the year. The method for tracking attendance is incredibly stripped down. Districts must log at least one, two-way interaction per student per month for at least 75% of students who are enrolled. If a district fails to hit the 75% threshold for a particular month, they will lose a portion of their state aid equal for that month to the amount they were below the 75% attendance threshold.

What is considered 2-way interaction?

“Two-way interaction” means a communication that occurs between a pupil and his or her teacher where one of them initiates communication and a response from the other person follows. The communication must be relevant to the course progress or content. Responses must be to the communication initiated by the teacher. This communication could occur through any of the following (but is not limited to these): email, telephone, instant messaging, or a face-to-face conversation.

Does two-way communication in an LMS (e.g. Brightspace, Canvas, Schoology), Google Classroom or other provider serve as a two-way interaction log?

Yes, if the tool documents/logs when the communication took place between an individual student and the teacher of record and can demonstrate that the communication is relevant to the course content or the student's course progress.

What options do schools have to count a pupil in membership (i.e. for an FTE) recognizing that the circumstances may make traditional count day difficult?

Schools may document pupil membership either by:

1. Using a two-way interaction log to demonstrate at least one two-way interaction during the week when count day occurs and during each of the three following weeks (each of these “weeks” begins on Wednesday and ends the following Tuesday), or
2. Documenting count day activity for a pupil in each of the pupil's courses. What constitutes count day activity is different depending on whether the student is a sequential learner vs. a traditional/non-sequential/non-consecutive learner (see subsequent questions for an explanation).

Additionally, the so-called 10/30 day rules are still in effect for demonstrating count day activity. This means that if a student is absent on count day, the school can still use the count day activity methodology as long as they can document activity in each of the pupil's courses within 10 school days of count day for a pupil who had an unexcused absence on count day or within 30 calendar days for a student who had an excused absence on count day. Districts may use any combination of these methods. For example, districts could document

PUPIL ACCOUNTING

FOR THE 2020-21 SCHOOL YEAR

What constitutes count day activity for a student enrolled in traditional/non-sequential/non-consecutive) learning?

One of the following must occur for each of the pupil's scheduled courses on count day:

- the pupil attends a live lesson given by the teacher on the count day and attendance is taken and documented;
- the pupil logs into an online lesson or activity on the count day and it can be documented;
- the pupil and one of his or her teachers speaks on the phone on the count day about the subject taught;
- the district or intermediate district (ISD) documents an email dialogue between the pupil and at least one of his or her teachers on count day; or
- the district or ISD documents activity between the pupil and a learning coach occurring on the count day.

A student with an unexcused absence on count day may satisfy these requirements by participating in or completing an activity described above during the 10 consecutive school days immediately following the count day. A student with an excused absence, who did not complete one of the identified activities above for each scheduled course on count day, would be allowed to participate in or complete an activity described above during the 30 calendar days immediately following the count day.

What constitutes a count day activity for a student enrolled in sequential learning?

One of the following must occur for each of the pupil's scheduled courses on count day:

- The student attends a virtual course where synchronous, live instruction occurs with the student's teacher or at least one of the student's teachers, and the attendance is documented. This could be through a synchronous platform such as Zoom.
- The student completes a course assignment and the completion is documented by the district, PSA, or intermediate district.
- The student completes a course lesson or lesson activity and the completion is documented by the district, PSA, or intermediate district.
- The student accesses an ongoing lesson that is not a login and the access is documented by the district, PSA, or intermediate district.

A student with an unexcused absence on count day may satisfy these requirements by participating in or completing an activity described above during the 10 consecutive school days immediately following the count day. A student with an excused absence, who did not complete one of the identified activities above for each scheduled course on count day, would be allowed to participate in or complete an activity described above during the 30 calendar days immediately following the count day.

PUPIL ACCOUNTING

FOR THE 2020-21 SCHOOL YEAR

What are the rules for combining multiple approaches/models for delivering instruction? For example, how should a district account for a student who is in class two days per week, is taking their courses via distance learning one day per week, and is learning virtually for the rest of the time?

The rules for counting pupils in membership and logging two-way interactions are universal regardless of what instructional modalities (or combinations of modalities) you are using. There are no rules that dictate how you organize your class structure.

How should a school plan to document student attendance for a course that begins the school year face-to-face and is later forced to shift to virtual instruction due to a COVID-19 outbreak forcing that region into phase 3?

For the purposes of documenting attendance, districts are only required to demonstrate one two-way interactions with each pupil each month. For the purposes of demonstrating whether a district is meeting its Extended Continuity of Learning Plan goal, districts are only required to demonstrate two two-way interactions per student per week. While it is still good practice to take daily attendance when in session face-to-face, there is no need to do so for pupil accounting purposes.

If students are taking an online course while sitting in a classroom supervised by an adult in the building, and attendance is taken every day, does that fulfill pupil accounting requirements?

Maybe. It depends on who the adult is, what role the adult has for the student(s), and which pupil accounting requirement the district is trying to fulfill with that attendance log. For example, if the adult is not a subject-area certified teacher, then they may only serve as a mentor and an interaction with that person is currently not allowed to count as a two-way interaction for either the purposes of pupil count or 75% monthly attendance. However, a mentor can log a student's participation in a count day activity if the district is using that methodology for counting FTE. If your district is planning to rely on such an attendance log as the only method of demonstrating pupil engagement, you would be well advised to check with your local pupil accounting auditor to see whether that record will be sufficient given the individual circumstances.

For a blended learning class, can a student's attendance for the in-person portion of the course fulfill pupil accounting requirements or do schools still need to keep a two-way interaction log for the virtual portion?

Yes. In person attendance is sufficient to meet all pupil accounting requirements in place for this year. For the purposes of logging two-way interactions, note that a single attendance roster is equivalent to a single two-way interaction, so if a student attends two or more classes in a single day or attendance is taken twice per day in a self-contained classroom environment, those two attendance rosters are enough to fulfill the twice weekly two-way interaction goal.

PUPIL ACCOUNTING

FOR THE 2020-21 SCHOOL YEAR

Are students required to have an EDP, in order to enroll in more than 2 virtual courses?

No. The EDP requirement has been suspended during the pandemic learning. Districts may enroll students in an unlimited number of virtual courses without an EDP.

Are districts required to obtain parental consent prior to enrolling a student in a virtual course?

No. The parental consent requirement has been suspended during the pandemic learning. Districts may enroll students in an unlimited number of virtual courses without parental consent.

Does every class offered through MV or other providers have to be listed in a schools course catalog?

No. The requirement to only enroll students in courses listed in a district's course catalogue has been suspended during the pandemic learning. Districts may enroll students in any virtual course without regard to their course catalogue.

Does a school need to indicate specific sections of the same course, if some students are taking face-to-face, while others are joining the same class through a synchronous connection (e.g. Zoom, Meets, GotoMtg)?

No. Because teachers can simply take attendance in any synchronous learning environment, there is no pupil accounting reason to distinguish between pupils attending in person versus remotely. However, since attendance logs are often used for other purposes (contact tracing, pupil safety during a fire or similar incident, etc.) a district may want to use an attendance code that designates which method each student used to engage in the lesson (e.g., P for present face-to-face, O for attending online, and A for absent).

What do the pupil accounting rules dictate a district provide specific to a Teacher of Record (TOR) for a virtual course.

- **If the course is provided by an LEA, ISD, or community college or Michigan Virtual?**
 - Any LEA, ISD or community college or Michigan Virtual can provide the teacher of record for a virtual or distance learning course. They simply need to provide the primary district with that student's PIC number for record keeping purposes.
- **If the course is provided by any other 3rd party private provider (Accelerate, Compass, Edgenuity, Edmentum, Odysseyware, etc.)?**
 - MDE has published that a District must supply a TOR who is employed by the District. Public School Academies may use a contracted TOR. There have been verbal statements made by MDE stating that a certified teacher contracted by one district or intermediate school may serve as a TOR in another school district, but this is not available in published form at time of this print.

PUPIL ACCOUNTING

FOR THE 2020-21 SCHOOL YEAR

May the Teacher of Record (TOR) for Independent Study (IS) be a school counselor? Administrator? Other school personnel?

The TOR must be subject and grade level certified for the IS. So, if a counselor or administrator happens to have a current teaching certificate in that subject and grade level, they can be TOR for the IS class. Otherwise, no they may not be the TOR for the IS.

In order for students to take an independent study, they have to be concurrently enrolled in another traditional "butt-in-seat" class. May a virtual class count as a "butt-in-seat" course for students with an Independent Study course? What about a distance learning course?

A virtual course may not count as the traditional "butt-in-seat" class, but a distance learning course may count. Also, if an Independent Study course is offered through a structured online program that would qualify as a virtual course, then it is no longer an Independent Study course, it is a virtual course and there is no requirement for that student to be concurrently enrolled in a "butt-in-seat" course.