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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING

MICHAEL P. FLANAGAN  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION

July 7, 2011

**MEMORANDUM**

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

FROM: Sally Vaughn, Ph.D. *Sally*  
Deputy Superintendent/Chief Academic Officer

SUBJECT: Streamlined Process for Approving Seat Time Waivers

In 2007, Superintendent of Public Instruction Michael P. Flanagan began using his authority to waive certain administrative rules to provide schools with flexibility in implementing innovative teaching and learning models. The goal of the program is moving all students to demonstrated mastery of the Michigan Merit Curriculum and graduating career and college readiness by increasing learning options and personal growth opportunities.

Between 2007 and 2011, twenty-one local school districts, public school academies, and intermediate school districts (districts) piloted the Superintendent's Seat Time Waiver program, including Genesee Intermediate School District (ISD), which continues to operate a statewide waiver that allows considerably more districts to participate. In 2010, the Michigan Department of Education (MDE) issued Pupil Accounting Manual guidance 5-O-B to provide consistency in implementing Seat Time Waiver programs statewide.

On April 27, 2011, Governor Rick Snyder called on the Michigan Legislature to put in place an "Any Time, Any Place, Any Way, Any Pace" education program that would replace seat time as a primary measure of school effectiveness. While we wait with great anticipation for legislation, it has become clear any legislative solution will not be in place for the FY2011-12 school year.

For this reason, Superintendent Flanagan is putting in place a streamlined seat time waiver process open to every local school district and public school academy in Michigan which chooses to apply. The waiver will be **good only for the 2011-12 school year** in anticipation of a more permanent legislative solution.

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Please note: if your district or ISD already has a seat time waiver, it is not necessary for your district to reapply. This includes districts that are currently enrolled under the Genesee ISD waiver. These waivers remain in place for the 2011-12 school year. This application process provides those districts and ISDs that want to run a new program a way to request a waiver.

It should be noted that the seat time waiver program is an optional program and, as such, districts are obligated to follow the guidance provided by the MDE in operating their programs. State law provides the Superintendent with the ability to approve districts to operate these alternative education and innovative programs at his discretion and he maintains the right, at any time, to deny, suspend, or terminate his approval for programs for any reason, especially for non-compliance, financial mismanagement, or unsuccessful student outcomes.

It is the intention of the Superintendent to open the seat time waiver program to every district in Michigan which chooses to apply for the 2011-12 school year. This memo is to announce the expanded, optional program and the streamlined application process, which starts today. The parameters of the 2011-12 seat time waiver program include:

1. Each local school district, public school academy, and intermediate school district which chooses to apply **must do so individually to the MDE for approval to run a seat time waiver program**. The seat time waiver application (see attached) must be completed and submitted to the MDE along with any additional information requested by the Department. If approved, the district will be provided a **one year** seat time waiver subject to annual evaluation and review. It should be noted that this is an optional program and carries additional requirements set forth in the 5-O-B guidance. Failure to comply with the 5-O-B guidance, including non-participation in program research and evaluation, may result in the termination of a district's entire seat time waiver program.
  - The MDE anticipates collecting the seat time waiver application via email. Please send all materials to [STWapp@michigan.gov](mailto:STWapp@michigan.gov) as attachments.
  - While the application process will remain open year-round, districts seeking to operate seat time waiver programs during the 2011-12 school year must apply to the MDE no later than **September 15, 2011** to ensure approval of applications in time for the Fall 2011 Full Time Equivalency (FTE) count day.

2. Districts may apply to operate any and all of four types of programs:

- The Genesee ISD statewide seat time waiver program
- An ISD-led seat time waiver consortium program
- Individual district-designed and operated seat time waiver program\*
- Blended Learning Option (described in #4)\*

\* The ISD providing pupil accounting audits for districts operating individual district-designed programs and blended learning option programs may request districts complete and submit a seat time waiver implementation plan. The district must then produce the plan within 30 days of request. Not producing a plan may result in the termination of a district's entire seat time waiver. (See attached checklist to guide implementation planning.)

Districts approved to operate a seat time waiver program may enroll **25 percent of their enrolled student population, grades 6 through 12**, in instructional programs that use online learning to deliver up to 100 percent of the pupil's instruction. It is recognized that districts may choose to utilize other means and methods for facilitating instruction, such as experiential and work-based learning. In these cases, districts must explain the unique approach in the individual implementation plans accompanying the district application.

3. Districts approved to operate a Blended Learning Option under its seat time waiver program may enroll **100 percent of its enrolled student population, grades 6 through 12, in blended instructional programs**. In this case, blended instruction is the practice of combining frequent face-to-face interaction with online learning to deliver the pupil's instruction. The Blended Learning Option will allow districts to use online learning to deliver **up to 50 percent of the pupil's instruction**.

4. An ISD-chartered public school academy (ISD-PSA) approved to operate a seat time waiver program may enroll **100 percent of its enrolled student population, grades 6 through 12, in blended instructional programs**. For the purposes of seat time waivers, blended instruction is the practice of combining frequent face-to-face interaction with online learning to deliver the pupil's instruction. Enrollment in this type of waiver program is limited to **10 percent of the ISD region's combined grades 6-12 student population**. (Example: If ISD services 10,000 students, then the ISD-PSA may enroll a total of 1,000 students in a blended model of instruction where the student attends a physical location once a week.)

- In the case where the ISD has chartered multiple PSAs, the combined enrollment of ISD-PSAs under this provision cannot exceed 10 percent of the ISD region's combined grades 6-12 student population. The ISD shall determine which ISD-PSAs can enroll students in the program and how many students they may enroll.

(Example: If ISD services 10,000 students and has chartered two ISD-PSAs, the two ISD-PSAs may enroll a combined total of 1,000 students in a blended model of instruction where the student attends a physical location once a week.)

To facilitate the expanded seat time waiver application process, the MDE has scheduled a series of webinars to assist districts in applying.

Information related to these webinars:

- Thursday, July 14, 2011, at 1 pm ET
- Thursday, July 28, 2011, at 1 pm ET
- Thursday, August 11, 2011, at 1 pm ET
- Thursday, August 25, 2011, at 1 pm ET

Webinar login information: <http://remc.adobeconnect.com/stw11-12/>

Call-in information: 215.861.0692, passcode: 8828859#

Seat time waiver documentation and the application with links to archived webinar information will be posted at [www.TechPlan.org/STW](http://www.TechPlan.org/STW). Applications and questions should be directed to: [STWapp@michigan.gov](mailto:STWapp@michigan.gov).

For additional questions, please contact the following MDE staff by email:

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Any calls should be directed to Wanda Shunk at 517.241.3629. Calls will be returned as staff is available.

cc: Education Alliance