

February 17, 2022

Dr. Michael Rice
Superintendent of Public Instruction
Michigan Department of Education
P.O. Box 30008
Lansing, MI 48909

Re: *Pupil Auditing Manual*

Dear Dr. Rice:

The purpose of this letter is to express our concern over the revisions to the Pupil Membership Auditing Manual for 2021-22 school year applicable to cyber schools. Specifically, these revisions include pupil participation and attendance requirements that are not consistent with and exceed those of both the State School Aid Act and the Revised School Code.

The State School Aid Act currently requires traditional school districts to provide at least 1,098 hours and 180 days of pupil instruction. Cyber schools like Highpoint Virtual Academy of Michigan (“HVAM”) are specifically exempt from this requirement, and instead are required by the Revised School Code to offer 1,098 hours of educational services for each school year – which is different from 1,098 hours of instruction.

Despite the statutory exemption for cyber schools as described in the paragraph above, the revisions to the 2021-22 Pupil Membership Auditing Manual now require cyber schools to provide a participation report that demonstrates the number of instructional hours which each student participates during the period of enrollment.

There is no such requirement under either the Revised School Code or the State School Aid Act that cyber school students participate for any required number of hours. Accordingly, the provisions which MDE has inserted in the 2021-22 Pupil Membership Auditing Manual to create such a requirement constitutes an invalid overreach of MDE’s authority. Simply stated, MDE cannot enact and enforce rules that are not supported by and which in fact are clearly contrary to the state law as established by the Legislature.

One of the primary intentions of the legislators who approved the Revised School Code amendments permitting the establishment and operation of cyber schools was to provide an “*any time, any place, any pace*” educational option for K-12 Michigan students. The new revisions to the Pupil Membership Auditing Manual would effectively undermine the purpose for which the cyber schools were established and inflict financial harm on these schools at a time when they are most needed.

For the reasons outlined above, we respectfully ask that MDE immediately eliminate the revisions to the 2021-22 Pupil Membership Auditing Manual applicable to cyber schools to be consistent with the Revised School Code and the State School Aid Act.

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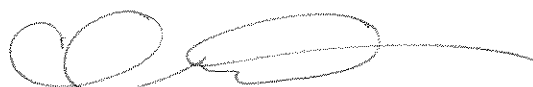
We appreciate your attention to this matter.

Respectfully,

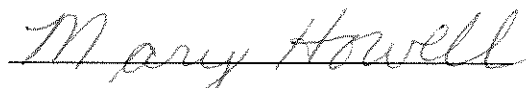
Highpoint Virtual Academy of Michigan



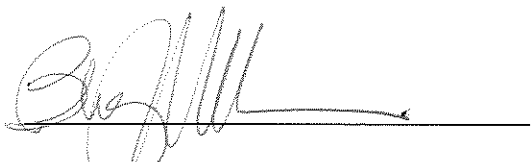
Paul Osborne – Board President



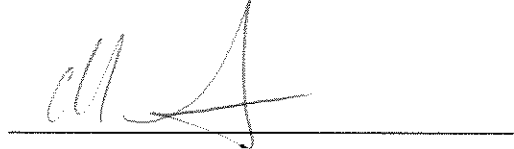
Chris Codden – Board Vice-President



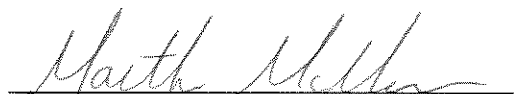
Mary Howell – Board Treasurer



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Ella Simmons – Board Member



Martha McMann – Board Member