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MICHIGAN HOUSE OF REPRESENTATIVES

**MARI MANOOGIAN**

STATE REPRESENTATIVE

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Dr. Michael F. Rice  
State Superintendent  
Michigan Department of Education  
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March 26, 2020

Dear Dr. Rice:

Since the Michigan Department of Health and Human Services identified and confirmed the first two presumptive-positive cases of the novel coronavirus (COVID-19) in Michigan on March 10, 2020, Governor Whitmer and the executive have acted swiftly by way of executive orders and directives to attempt to contain community spread of the virus, as well as to try to “flatten the curve” of the spread to prevent the eventual overwhelming of Michigan’s healthcare apparatus. As COVID-19 continues to spread throughout our state and our country, everyday Michiganders have made extraordinary changes to their daily lives.

As part of her executive action, Governor Whitmer issued Executive Order (EO) 2020-5 on March 13, 2020, which has since been rescinded and replaced with EO 2020-11 on March 16, 2020. Section (2) of EO 2020-11 confirms that “all elementary school buildings and secondary school buildings in this state must close to students for educational purposes through April 5, 2020. This requirement includes all public, nonpublic, and boarding schools in the state.”<sup>1</sup>

I applaud Governor Whitmer’s clear and decisive leadership throughout this crisis. While her decision to close schools across Michigan was necessary in the interest of public health, she has been strong in her support of our students, teachers, and school districts. I cannot agree more with Governor Whitmer’s statement from March 20, 2020: “I am in awe of the work that school employees are doing to support their kids and I applaud their efforts.”<sup>2</sup>

Many districts felt it imperative that COVID-19 did not become an obstacle to the educations of their students. They understand the importance that structured regular interaction between teachers and their students has in the lives of children. For example, in my district, West

<sup>1</sup> Whitmer, Gretchen E., Governor. “Executive Order 2020-11 (COVID-19).” March 16, 2020. [https://www.michigan.gov/whitmer/0,9309,7-387-90499\\_90705-521890--,00.html](https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-521890--,00.html).

<sup>2</sup> Whitmer, Gretchen E., Governor. “Governor Whitmer Statement on Instructional Time During School Closure.” March 20, 2020. [https://www.michigan.gov/whitmer/0,9309,7-387-90499\\_90640-522531--,00.html](https://www.michigan.gov/whitmer/0,9309,7-387-90499_90640-522531--,00.html).

Bloomfield School District has created a robust and interactive virtual distance learning program for their K-12 student body. The program is FAPE compliant, with provisions for 504 plans, speech and language classes, ancillary services like school psychologists and social workers, and English as a Second Language courses. They have strived to create equity for students by distributing Google Chromebook laptops and Wi-Fi hotspots to students that require them to participate. Through their serious planning, West Bloomfield School District has executed their “Cloud Learning Initiative” with much success, and has even offered to assist other districts in implementing their own.

It was, therefore, a disappointment – both to me and to the parents, teachers, administrators, and students of my district – to read the Michigan Department of Education’s (MDE) memorandum from March 20, 2020, which explained that MDE will not allow districts who provide significant virtual learning opportunities to students during this mandated closure period to count those days as instructional time, both for students or for their teachers.<sup>3</sup>

In this time of crisis, our school districts are offering to step up and provide continued support each and every day for our students, all while working during a mandated closure period. It is both confusing and contradictory when MDE tells our schools that they “can and are encouraged to offer supplemental learning opportunities to students using distance learning methods,”<sup>4</sup> and yet MDE has categorically denied considering any seat-time waivers (STW) for districts that can provide documentation of successful, daily execution of such programs across the state.

In consideration of the unprecedented global public health crisis we find ourselves in, I urge MDE to review the guidance set forth in the memorandum from March 20, 2020, as well as Section 5-O-D of the 2019-2020 Pupil Accounting Manual, governing the approval of offline STWs as per MDE’s memorandum from May 11, 2017.<sup>5</sup> It is well within MDE’s authority – under MCL 388.1701[9] – to grant such waivers, especially when considering the mandated closures of schools.

When considering the possibility of long-term school closures, I ask that you and MDE think of the class of 2020, who have already based plans for the next years of their lives on receiving the credits that they will need to graduate. Further, I implore you to think of our teachers, who are working every day with their students from makeshift home offices to make sure that the children for whom they are responsible are prepared for the next grade. When given the opportunity, they should be allowed to have each day learning and teaching in this *ad hoc* setting count as normal.

The work our teachers have done this past week, despite our ever-changing environment, has been incredibly inspiring. Their love for their work and dedication to the social-emotional well-being of our students demands that our state leadership supports them in every way we can.

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<sup>3</sup> Keesler, Vanessa A., and Kyle Guerrant. Michigan Department of Education. “Memorandum.” March 20, 2020. [https://www.michigan.gov/documents/mde/Guidance\\_Instructional\\_Time\\_684374\\_7.pdf](https://www.michigan.gov/documents/mde/Guidance_Instructional_Time_684374_7.pdf).

<sup>4</sup> Keesler and Guerrant, 2020.

<sup>5</sup> Keesler, Vanessa A. Michigan Department of Education. “Memorandum.” May 11, 2017. [https://www.michigan.gov/documents/mde/Seat\\_Time\\_Waiver\\_565020\\_7.pdf](https://www.michigan.gov/documents/mde/Seat_Time_Waiver_565020_7.pdf).

For districts who can create and successfully run virtual distance learning programs such as these, an application process to MDE for a STW should be created. I'm hopeful that you will choose to assert your authority under MCL 388.1701[9], review section 5-O-D of the Pupil Accounting Manual, and allow districts such as West Bloomfield School District to apply for STWs to make these days of mandated closure and forced social distancing count as instructional time.

Respectfully,  
Yours in Service,



Mari Manoogian  
State Representative for the 40<sup>th</sup> District

CC:

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