

## **2017 GUIDELINES**

### **Summer and Interim Session Classes**

### **Summer Membership Requirements**

School boards have the option to offer additional summer or interim session academic classes that are related or similar to instruction offered during the regular academic school year. Such instruction is provided free of charge (tuition) and any fees charged to students must be allowed and reconciled to account for actual cost to the district. Summer or interim session academic classes are voluntary and districts are prohibited from requiring student participation. Eligible summer and interim course minutes are claimed October 1<sup>st</sup> for summer membership full-time equivalency (FTE) for equalization aid and revenue limit purposes. To be eligible, course offerings must follow the summer and interim session statutes and rules.

These guidelines provide information regarding such requirements and provide answers to many common questions regarding: (I) course eligibility; (II) transportation; (III) counting students and calculating FTE for summer membership; and (IV) additional information.

#### **I. Course Offering Eligibility**

Instructional minutes for summer membership FTE may be counted for courses offered during the summer, or for schools with a year round calendar, interim session. These academic courses must be taught by licensed teachers and open, free of tuition, to all residents and students attending under Open Enrollment.

#### **A. Eligible courses are for necessary academic purposes affirmed by the Board of Education's approval process.**

Per Wisconsin Statutes and Wisconsin Administrative Rule PI 17, "Academic purposes" means summer or interim session learning experiences that are related or similar to instruction that is offered during the rest of the school year or for which credit toward graduation is given. The learning experience must be related or similar to instruction that is offered during the rest of the school year. The connection between the instructional objectives of a summer or interim session class and the district's regular school year curriculum should be obvious.

1. Local school boards are responsible for approving instructional objectives, course content, and resources for summer and interim session curriculum of a course. Districts are required to adhere to statutes, rules, and guidelines for summer and interim session classes. Board action and policy should be taken and developed accordingly.
2. Courses and programs wholly or partially funded with federal grants may be eligible for summer membership. Grant requirements may not conflict with the requirement that a course be open, free of tuition, to all residents and students attending under Open Enrollment. Grant requirements must also be met.

3. A district may contract for services, including the delivery of instruction for summer or interim session courses. Contracting does not relieve the district of responsibility for adhering to statutes, rules, and guidelines for their course offerings. Such responsibilities include establishing instructional objectives, course content, providing for the Wisconsin Department of Public Instruction (DPI) -licensed teachers, and paying for the cost of instruction.
4. Districts are required to adhere to statutes, rules, and guidelines for summer and interim session classes. Entering into agreements does not relieve the district of responsibility for adhering to statutes, rules, and guidelines for their course offerings. Such responsibilities include establishing instructional objectives, curriculum, and providing for instruction by DPI-licensed teachers. Summer courses are open to all residents free of charge.
  - a. Districts may operate an academic summer program in cooperation with other municipal governments under s. 66.0301, Wis. Stats., (including CESAs and other school districts).
  - b. Districts may operate an academic summer program or offer courses in cooperation or through an agreement with another entity.
  - c. A district may contract for services, including the delivery of instruction for a specific summer or interim session course.
5. Credited courses.
  - a. First-time earned, credit granting courses should be comparable in time and content to courses offered during the academic year.
  - b. The district must offer a comparable, credited course to all students during the regular school year.
  - c. The teacher must be appropriately licensed in that subject and grade level.
6. Eligible courses include successful completion of the following online courses for students entering grades 7-12. One credit earned requires 8,100 minutes of instruction. The course must fulfill high school requirements in:
  - a. English, including writing composition.
  - b. Social studies, including state and local government.
  - c. Mathematics, including certain computer sciences and certain career and technical education courses.
  - d. Science, including certain agriculture and career and technical education courses.
  - e. Physical education.

These online courses no longer require resident students or students attending a virtual charter school via open enrollment to be on-site. The law continues to require non-resident students attending the district via Open Enrollment (in a non-virtual charter school) to access these online courses within the geographical boundaries of the district.
7. The direct instructional portion of a work-study experience set up by the district may be considered an academic purpose. Only time spent providing direct instruction or time spent on the job site with an appropriately DPI-licensed teacher may be counted.

8. Summer or interim session required academic field trips must be provided to students free of charge. As with other classes, fees may be assessed for supplies and materials. Students may not be charged for transportation, entrance fees, or food and lodging for required academic off-campus class activities.

## **B. Courses must take place outside of the regular school term.**

Summer and interim session minutes increase the number of FTEs a school may claim for membership and are in addition to and outside of the regular school session.

1. Schools with traditional calendars must run classes during the summer months. Classes must start after the end of the previous school term and must end before the start of the new school term.
2. Schools that hold school year round may offer interim session classes in addition to the instructional hours of its regular school calendar. Interim sessions are not an extension of the regular school day or school week. Year-round school calendars may have no more than 45 calendar days between consecutive regular school year sessions.

## **C. Eligible courses must be taught by teachers with the proper WI DPI license.**

The instructor must be licensed to teach by the DPI. Just like during the regular school year, a person must hold a valid Initial Educator, Professional Educator, or Master Educator License and not a substitute license. A person with a substitute license or permit may substitute teach during a summer or interim session teacher's absence.

1. Licensure requirements for summer or interim session are as follows:
  - a. For credit-granting high school courses, including make-up credit or credit recovery, the teacher must be licensed in that subject and grade level.
  - b. For remedial support or tutoring, the teacher must be licensed in either the subject or grade level, but should work in collaboration with a teacher licensed in that subject and grade level. This includes special education teachers who may provide remedial support or tutoring to regular education students during summer interim session if they have the appropriate grade level certification.
  - c. For enrichment courses, the teacher must hold any valid Initial, Professional, or Master Educator License in the category of teaching, administration or pupil service to teach enrichment courses to regular education students. (This does not include a substitute teaching license.)
  - d. For summer driver education, the teacher must hold a license in driver's education (450), even if the course is not for credit. A DPI-licensed teacher with a substitute license in driver's education (450) may teach the course during summer school only.
2. Example 1: Swimming offered for credit, including make-up credit or credit recovery, must be taught by a teacher who holds a valid Initial, Professional, or Master Educator teaching license issued by the DPI in the subject area and grade level in which the credit is given.

Example 2: Swimming, not offered for credit as an enrichment course, may be taught by a teacher who holds a valid Initial, Professional, or Master Educator license in the category of teaching, administration, or pupil service.

3. In addition to the above, if the swimming program is offered through the American Red Cross *Learn-to-Swim* program, the teacher must also hold a valid Red Cross Water Safety Instructor's Certificate. If the DPI-licensed teacher does not hold the Red Cross Water Safety Instructors certification, instruction may be delivered by an unlicensed instructor who holds the Red Cross Water Safety Instructors certificate under the direction of an on-deck, appropriately licensed teacher as described in Examples 1 & 2. *(Note: Under direction means program planning, development of curriculum, ongoing consultation are done so with the licensed teacher who is on the pool deck during class time. Swimming is the one exception where instruction may be delivered by an unlicensed instructor if the conditions sited above are met.)*
  - a. For those districts that do not use the American Red Cross *Learn to Swim* program, the swimming course must be taught by the appropriately licensed teacher as described in Examples 1 & 2 above, but does not require the instructor to hold the Red Cross Water Safety Instructor's Certificate.
  - b. It is expected that the requirements for life guards under *DHS 172 Safety, Maintenance and Operation of Public Pools and Water Attractions* are followed.
4. Districts may contract with another entity to provide classes if the instructional minutes are delivered by a properly licensed teacher.
  - a. Courses offered by the district at a technical college or university for which credit is granted are only eligible for membership if they are taught by a DPI-licensed teacher in the subject and grade.
  - b. Enrichment courses offered by the district at a technical college, university, or other entity are eligible for membership if they are taught by a DPI-licensed teacher.

#### **D. Eligible courses must be provided free of tuition.**

The Board of Education may assess fees within the constraints of the law. To determine if a fee is allowable, a fee must be considered in light of the constitution, state statute, DPI administrative rule and case law. Although charging student fees is legal, they must be allowable and for actual costs. Students must have equal access to benefit from a class. Students may be charged for items that have an individual benefit and the fees can be for supplies, materials, and personal items. Fees may be no more than the district's actual cost of the item. District Boards are required to provide for indigent students. Districts offering a course in cooperation or through an agreement with another entity must ensure that the cooperating entity does not charge a fee to gain access to the course. Fees including organization membership, participation, and facility access are prohibited.

If DPI determines a district has charged an inappropriate student fee, student membership is reduced equal to the number of students that were charged the illegal fee.

1. School Boards shall not charge tuition for attendance at summer classes or interim session classes to pupils who are residents of the school district if the school board receives aid for such classes under s. [121.14 \(1\) \(a\)](#). Students attending a non-resident district under Open Enrollment have access to the same programs as residents following their first year of full-time attendance and given access free of tuition.

2. A school district or county children with disabilities education board offering summer or interim session classes may not charge for any of the following:
  - a. Instruction, registration, or tuition
  - b. Books for indigent children residing in the school district
  - c. Teacher salary
  - d. Buildings, maintenance, or equipment
  - e. Courses credited for graduation
  - f. Computers or microfilm readers
3. Except for Course Options, children from another school district may attend summer or interim session classes upon parent payment of nonresident tuition.
4. Fees are prohibited for transportation, shuttling, and food and lodging for off-campus activities and field trips that are required for the summer or interim class.

**E. Summer or Interim Session Courses must be open to all residents and certain non-residents.**

1. All school age children residing in the district have the right to attend a summer or interim session program, including home-school, and private-school students.
2. Children living in the school district during the summer session may be accorded the status of residents of the school district for the purpose of attendance at summer interim session classes, even though the children were not regular residents of the school district during the preceding regular school session. Children who are not legal residents of the state shall not be counted in computing the state aid to which the district is entitled.
3. Foreign exchange students who will be attending the district's school during the following fall may be counted as residents.
4. Students who have been enrolled in full-time open enrollment must be allowed to attend summer school, even if they do not intend to return in the fall. They are eligible to attend summer school following their first year of full-time attendance.
5. The district is not required to educate any pupil who has received a high school diploma.
6. Course opportunities funded partially or solely with grants or gifts must be open to all residents and certain non-residents identified in E.4.

**F. Extended School Year (ESY) - Special Education is not Summer or Interim Session Courses.**

1. Special education and related services provided pursuant to an Individualized Education Program (IEP) beyond the limits of the school term are ESY services. The ESY services are required special education and related services which are necessary to ensure the provision of a Free Appropriate Public Education (FAPE) for an individual student.

2. Summer or interim sessions are permissive and must be open to all students in the district. All students, including students with disabilities, may attend their district's academic summer or interim courses and be counted for membership. Summer or interim classes are not tailored to implement a student's IEP. Summer or interim classes integrate regular education and special education students. Additionally, the schedules for summer or interim courses are predetermined. The ESY is required for the provision of a free, appropriate public education. The program/service and the nature and amount/frequency of service is individually driven, based upon each student's needs as reflected on an IEP.
3. A student's ESY services may be provided in a district's summer or interim session program. However, courses which are wholly or partially funded with federal money or categorical aid are not eligible for general aid. The district should not report this course on the PI-1804 Summer School Membership Report.

## **II. Transportation for Eligible Courses and Transportation Aid**

There is no specific requirement that districts provide transportation for summer or interim session courses. Districts choosing to provide transportation must exercise reasonable uniformity in the minimum and maximum distances pupils are transported and may be eligible for reimbursement under pupil transportation aids. Districts are required to provide transportation, free of charge, when necessary for students to access courses requiring field trips and off campus alternate locations.

### **A. Transportation Aid.**

1. If a district elects to transport students, the district may collect summer or interim session transportation categorical aid for those pupils who reside two (2) or more miles from the school attended.
2. If the district receives aid for transportation, they may not charge a fee to transport students to school.
3. The district may elect to provide summer or interim session transportation to some, but not all, students. If the school board provides transportation for less than all pupils, there shall be reasonable uniformity in the minimum and maximum distances pupils are transported. *This limited service must be based on the distance pupils are transported from their home or pick-up points to the school of attendance. Transportation services, if provided, must be provided to all grade-level students within the school district.*

### **B. Transportation not required or aided.**

1. If the parent of a student who would not otherwise be transported under the board policy requests summer or interim session transportation, a district may provide transportation if the parent

agrees to pay to the school board a fee sufficient to reimburse the board for the costs incurred in providing such transportation. No state aid shall be paid for transportation provided under these circumstances.

2. Parents may also enter into a personal contract with a private bus company for transportation to summer or interim session. *In this case, the school district should not be the fiscal agent collecting funds as this is a contract between the parents and the private bus contractor.*

### **C. Transportation for fieldtrips and off campus courses.**

1. Districts are required to designate the location of the summer or interim session course. It is necessary for a district to identify the base location of the course, to determine whether or not fieldtrips or alternate locations are a required component of the summer or interim session course. A district is required to provide transportation services for a student enrolled in a course that includes required field trips or instruction at alternate locations.
2. Although districts are not required to provide student transportation from home to summer or interim class, districts are required, free of charge, to transport students to academic classes held at alternate sites during the student's summer or interim school day.
  - a. If the district offers programs or courses at more than one location during the school day; the district is required to provide transportation so that all students can access the various courses offered at different locations. If individual students have schedules that include moving between different course sites, districts are required to provide free transportation. Districts are required to shuttle a student(s) without charge between academic classes which may be held during the same day at more than one site.
  - b. Each program or course is based at one location only. Any instructional activity held at a different location for that course requires transportation free of charge.

## **III. Summer or Interim Membership**

Districts are required to report the number of instructional minutes of student enrollment in summer and interim sessions. Generally, minutes of instruction for resident students enrolled in eligible courses are divided by 48,600 to calculate fulltime equivalency for summer membership (interim minutes are included in summer minutes) for revenue limit and state aid purposes. These FTEs are added to the school district's regular membership for the upcoming school year. Revenue limits are calculated using 40% of the summer membership.

### **A. All minutes of direct instruction with a DPI licensed teacher are counted.**

1. There is no longer a limit on the maximum number of minutes allowed for reimbursement per student per day of instruction per Wisconsin Administrative Rule PI 17.
2. Only the time spent by students receiving direct instruction from a DPI-licensed teacher may be counted for membership. Independent study times/study halls are not considered to be instructional time and are not eligible to be counted for state aid or revenue limit purposes.

3. The total number of minutes continues to be divided by 48,600 to calculate 1.0 FTE.

**B. Summer average daily membership.**

1. Summer average daily membership equivalent is a number determined by dividing the sum of the following by 48,600:
  - a. The total number of minutes in which pupils are enrolled in academic summer classes, interim session classes, or laboratory periods, as defined by the State Superintendent under s. [121.14](#).
  - b. If certain online course offerings are provided by DPI-licensed teachers, districts may count instructional minutes (see next item) for the successful completion of eligible high school online courses for resident students and students currently attending a virtual charter school via Open Enrollment for state aid and revenue limit purposes. (This is the only time you can count non-residents for revenue limit and aid membership.)
2. There are three ways to account for minutes of instruction for students receiving instruction during summer or interim sessions. One, the district may use a log to determine the actual minutes of instruction a student received with a specific teacher. Two, if a course is held for a specific number of days and minutes per day, the district may use a calculation to determine the number of instructional minutes for students enrolled in the course. Three, for certain online courses multiply the number of student credits earned by the 8,100 minutes of instruction required to earn one (1) credit.
3. For all classes, an accurate record must be kept of attendance, late enrollments, and withdrawals. The district should have a policy to address notification that a student will not attend for the remainder of the course. To be counted as a day of membership (days of instruction available to the pupil or possible days of attendance) a student must attend at least one day and maintain enrollment.
4. A day of membership is the first day of attendance plus any days where the pupil maintained enrollment. To maintain enrollment the student is either present or absent with excuse.

#### **IV. Additional Information**

##### **A. Other activities over the summer or interim session periods.**

If a district is not claiming the minutes as a part of its summer or interim session, it may establish and collect reasonable fees for social, recreational or extracurricular summer classes and programs which are neither credited toward graduation nor eligible for state aid [s. 118.04 (4), Wis. Stats.]. School boards may also provide and charge for transportation for extracurricular activities such as school athletic contests, after-school practices, late activities, school outings or extracurricular school field trips [s. 121.54 (7) Wis. Stats.]. Such activities are not eligible for state aid or revenue limit purposes and cannot be included in the summer membership report.

##### **B. Contacts.**

General summer school questions may be directed to Wendi Zitske at [wendi.zitske@dpi.wi.gov](mailto:wendi.zitske@dpi.wi.gov) or 608-266-8938. Questions concerning financial reporting may be directed to Carey Bradley at [carey.bradley@dpi.wi.gov](mailto:carey.bradley@dpi.wi.gov) or 608-267-9212. Questions concerning transportation may be directed to Bruce Anderson at [bruce.anderson@dpi.wi.gov](mailto:bruce.anderson@dpi.wi.gov) or 608-267-9707.