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# Shared-Time Agreements

By Marshall W. Grate / Jan 17, 2014

It is not too early to begin considering Shared-Time arrangements with nonpublic schools for the 2014-2015 school year. Under a shared-time arrangement, a public school can receive state school aid by enrolling nonpublic school students in nonessential courses to be taught by a public school certified teacher at the nonpublic school site. Nonessential courses include advanced placement classes, art, physical education, music, language, computer skills, and study skills.

It is important to follow the statutory requirements of MCL 388.1766b. A nonpublic school must submit a written request for shared-time services to the district in which the nonpublic school is located (home district). The home district has until May 1 to respond if the request is submitted before March 1. If it is submitted after March 1, then the home district must respond within 60 days. Failure to respond is treated as a rejection of the request, which means that the nonpublic school is free to seek shared-time services from another "eligible" district.

In 2012, the Michigan legislature enacted Public Act 130 which diminished a home district's control over shared-time services. As interpreted by the Attorney General in a letter issued on August 6, 2013, a nonpublic school is not required to submit more than one request to the home district. Even if the home district grants a request and provides shared-time services, a nonpublic school can seek shared-time services from an "eligible other district" the following year.

"Eligible other district" means a district that is located in the same intermediate school district as the home district or is located in an intermediate district that is contiguous to that intermediate district. Other statutory requirements include:

- The nonpublic school is registered with the Michigan Department of Education.
- The instruction is scheduled to occur during a regular school day.
- The instruction is provided directly by an employee of the public school district.
- The curricular offering is also available to full-time pupils in the minors' grade level or age group during a regular school day at the public school site.

Recently, questions have arisen regarding substitute teachers for shared-time classes. There is no legal authority directly addressing recruitment of substitute teachers for shared-time courses. However, there are some guiding principles that should apply. A public school district can use the same methodology for providing shared-time substitute teachers that the public school district uses for providing substitute teachers at its public school sites. A public school district can select from a pool of qualified substitute teachers, which can include substitute teachers that are familiar with the nonpublic school. Since the public school district is responsible for the shared-time instruction, it should ultimately be responsible for procurement and compensation of shared-time substitute teachers. If you have any questions regarding shared-time services, please contact your Clark Hill educational law attorney.