



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

RICK SNYDER
GOVERNOR

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

September 25, 2012

MEMORANDUM

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

FROM: Mike Flanagan, Superintendent of Public Instruction 

SUBJECT: Use of Federal Title I Funds for Full-Day Kindergarten

Late last week, the Michigan Department of Education received confirmation from the U.S. Department of Education (USED) that the use of federal Title I funds was an allowable use to fund the second half of full-day Kindergarten and does not violate Section 9522 of the federal ESEA law. The letter from USED is attached.

The Michigan Department of Education worked relentlessly with State Representative Bill Rogers to advocate for those Michigan school districts that had used Title I funds to cover the costs of full-day Kindergarten. As MDE has kept you continuously updated, we have been in contact with USED on securing verification that section 1606(4)(r) of the State School Aid Act was an allowable use of Title I funds for those eligible districts as designated in that section (below):

388.1606(4)(r)

(r) Beginning in 2012-2013, full-time equated memberships for pupils in kindergarten shall be determined by dividing the number of instructional hours scheduled and provided per year per kindergarten pupil by the same number used for determining full-time equated memberships for pupils in grades 1 to 12. However, to the extent allowable under federal law, for a district or public school academy that provides evidence satisfactory to the department that it used federal Title I money in the 2 immediately preceding school fiscal years to fund full-time kindergarten, full-time equated memberships for pupils in kindergarten shall be determined by dividing the number of class hours scheduled and provided per year per kindergarten pupil by a number equal to 1/2 the number used for determining full-time equated memberships for pupils in grades 1 to 12. Not later than December 1, 2012, the department shall seek a clarification from the federal department of

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education as to whether this is an allowable use of federal Title I money. The change in the counting of full-time equated memberships for pupils in kindergarten that takes effect in 2012-2013 is not a mandate. Not later than the fifth Wednesday after the pupil membership count day, each district or public school academy and the education achievement system shall report to the department and the center the number of instructional hours scheduled per kindergarten pupil for 2012-2013. If the number of instructional hours scheduled per kindergarten pupil is not equal for all kindergarten pupils in the district, the district or public school academy and the education achievement system shall report the number of kindergarten pupils who were scheduled to receive each of the different numbers of instructional hours scheduled.

As laid out to local school districts in Michigan Department of Education official memorandum 2012-091, http://michigan.gov/documents/mde/Title_I_Kindergarten_396145_7.pdf, requests for using federal Title I to fund full-day Kindergarten through each district's Consolidated Application were to be unapproved until a definite decision was received from USED.

Based on the response now received from USED, the MDE Office of Field Services consultants are prepared to approve the Title I funding of the second half of full-day kindergarten for those districts that have been using Title I for this purpose for the past two years. This approval will be done during the Consolidated Application amendment process.

We would like to thank Rep. Rogers for his assistance in this federal determination process, and thank all affected school districts for their patience while the USED was making its determination.

Attachment

cc: Michigan Education Alliance



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

The Honorable Michael P. Flanagan
Superintendent of Public Instruction
Michigan Department of Education
608 West Allegan Street
Lansing, Michigan 48909

SEP 19 2012

Dear Superintendent Flanagan:

I am writing in response to your August 29, 2012 letter concerning section 9522 of the Elementary and Secondary Education Act of 1965, as amended (ESEA), and its relation to a recent change in State funding for kindergarten in Michigan's fiscal year (FY) 2012–2013 State school aid budget (State aid budget). Previously, you requested that the U.S. Department of Education (Department) provide guidance on whether Michigan's State aid budget is consistent with Federal law. In response, in a July 17, 2012 letter to you, I asked that Michigan justify to the Department how the State aid budget complies with section 9522 of the ESEA, which prohibits a State from taking into consideration payments under an ESEA program (except for Impact Aid) when determining the eligibility of a local educational agency (LEA) for State aid or the amount of State aid an LEA receives.

As justification, you enclosed a letter from State Representative Bill Rogers who asserted that the State aid budget complies with section 9522 because "it is consistent with the intent of Congress that sought to prevent states from reducing state support as a result of federal Title I funding." Representative Rogers added that the kindergarten funding language in the State aid budget is intended to provide a full allotment of State support for any LEA that provides a full day of kindergarten instruction.

We agree with Representative Rogers that section 9522 is intended to prevent States from using Title I funds to replace State money that an LEA otherwise would be entitled to receive. In other words, a State cannot penalize an LEA through reduced State aid because the LEA receives funding under Title I. As we understand Michigan's State aid budget, as a general rule, to receive a full allotment of State aid an LEA must operate a full-day kindergarten program during the 2012–2013 school year. If an LEA provides only a half-day kindergarten program, the LEA would receive half the State aid of an LEA that provides a full-day program. In general, this funding methodology applies regardless of whether an LEA receives Title I funding and, as a result, every LEA can receive the full extent of available State funding for kindergarten as long as it provides a full-day kindergarten program.

The generally applicable State funding methodology described above is consistent with section 9522 because no LEA would receive less State aid merely by virtue of its receipt of Title I funds. However, Michigan's State aid formula provides for an exception to the general State funding rules that is applicable to a subset of LEAs — *i.e.*, those that used Title I funds during the

previous two years to provide the second half of a full-day kindergarten program. Under this exception, an LEA is entitled to receive a full allotment of State aid for kindergarten regardless of whether it provides a full-day program during the 2012–2013 school year. Although we have concerns that this results in differential treatment for a subset of LEAs, we nonetheless have concluded that, based on the unique facts relevant here, Michigan’s State aid budget does not result in a violation of section 9522. That is, application of the exception does not result in Title I funds being used to reduce State funds that otherwise would have been available to an LEA; rather, an LEA that falls within the exception may receive a full allotment of State funds even though it operates only a half-day kindergarten program. To the extent that these LEAs use Title I funds to provide the second half of a full-day kindergarten, they then have flexibility to use the remaining State funds for other purposes.

If you have any additional questions regarding this issue, please contact Todd Stephenson of my staff at Todd.Stephenson@ed.gov or (202) 205-1645.

Sincerely,



Deborah S. Delisle

cc. Dr. Sally Vaughn
Dr. Michael Radke