



The Michigan Department of Education (MDE)
Section 31a At-risk
Frequently Asked Questions
2023-24

This document has been prepared to assist local education agencies (LEAs) in implementing programming in alignment with legislation using Section 31a funding. Questions and answers are organized into the following categories:

- Intent and Purpose/Assurances
- At-risk Identification & Reporting
- Funding Eligibility
- Instructional Programming
- Non-Instructional Programming
- Program Reports and Audits
- Overall Planning

Key Contact Information

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Introductory Information

LEAs must use Section 31a funds to provide instructional programs and direct non-instructional services for At-risk eligible pupils for the intent and purpose of ensuring pupils are proficient in English Language Arts (ELA) by the end of 3rd grade, proficient in mathematics by the end of 8th grade, career- and college-ready by high school graduation and are attending school regularly [Sec. 31a (1)].

Section 31a is categorical funding intended to provide additional supports and services to meet the needs of at-risk eligible students. Section 31a requires LEAs to use a Multi-Tiered Systems of Support (MTSS) framework to meet the needs of all students. This grant provides an additional layer of support to enhance foundational strategies and best practices to improve whole-child programming. Key elements include providing effective academic and behavioral instruction for all learners, intervening early, and providing a multi-tiered model of instruction and intervention. Additionally, MTSS **must** include at least all five essential components: Team-Based Leadership, Tiered Delivery System, Selection and Implementation of Instruction, Interventions and Supports, Comprehensive Screening and Assessment System, and Continuous Data-Based Decision Making [Sec. 31a (2)]. These essential components are defined in the [MDE MTSS Practice Profile](#).

Intent and Purpose/Assurances [Sec. 31a (1)(2)(5)(6) and (9)]

1. What is the Section 31a At-risk grant?

Section 31a is a categorical state aid grant that is intended for a narrow set of objectives, including the intent/purpose and assurances that are designated to recognize differentiated instructional costs for different groups of pupils. Funding is used to provide instructional and direct non-instructional services beyond the core, general educational requirements for operating schools and districts under the Michigan School Code. Categorical funding is not used to provide services required by federal or state law, administrative rule, or local policy. General funds shall not be diverted for other purposes because of the availability of categorical funding. Categorical funding may be referred to as supplemental funding.

Section 31a At-risk funds are allocated to support the LEA's efforts toward **improving student academic and non-academic outcomes** guided by the needs assessment outlined in the continuous improvement plans [Sec. 31a (1) and (5)]. Recognizing the **additional needs** of At-risk eligible students, the intent and purpose of this legislation are to strengthen and intensify the LEA's support toward implementing evidence-based practices in early literacy and numeracy, mathematics, and career- and college readiness through a Multi-Tiered System of Supports.

2. What is the focus of Section 31a legislation?

The focus of Section 31a legislation is to ensure pre-Kindergarten-12 grade At-risk eligible students demonstrate proficiency in:

- 3rd-grade English Language Arts
- 8th-grade Mathematics
- Career- and College-ready by high school graduation
- regular attendance

3. What assurances are required to comply with Section 31a legislation [Sec. 31a (2)(6) and (9)]?

Section 31a funding eligibility requires an LEA to comply with the Read by Grade Three Law (RBG3); use resources to address early literacy and numeracy; and implement with fidelity, for all grades it serves, an evidence-based MTSS framework that uses data-driven problem-solving to integrate academic and behavioral instruction as well as interventions delivered to all pupils in varying intensities based on pupil needs. The MTSS must provide at least all of the following essential components:

- a) Team-Based Leadership
- b) A Tiered Delivery System

- c) Selection and Implementation of Instruction, Interventions, and Supports
- d) A Comprehensive Screening and Assessment System
- e) Continuous Data-Based Decision Making

Additionally, an LEA shall supplement their school breakfast program, operated under Section 1272a [MCL 380.1272a], with Section 31a funding not to exceed \$10 per Economically Disadvantaged Pupil using immediately preceding state fiscal year's data.

Districts must submit an Annual Program and Fiscal Report (APFR), by July 15 to report how the grant funds were spent during the grant cycle to support At-risk eligible students. The APFR details the types of instructional and direct non-instructional services that were provided to students and includes counts of students who benefitted from the programming as well as fiscal data.

At-risk Eligible Identification and Reporting

4. Which pupils are considered "At-risk" eligible?

An "At-risk pupil" is a pupil in grades Pre-K to 12 for whom the LEA has documentation that the pupil meets any of the following criteria [Sec. 31a (21)]:

- economically disadvantaged
- English learner (EL)
- chronically absent as defined and reported to CEPI
- victim of child abuse or neglect
- pregnant teenager or teenage parent
- family history of school failure, incarceration, or substance abuse
- an immigrant who has immigrated within the immediately preceding 3 years
- did not complete high school in 4 years and is still in school
- did not achieve proficiency in the ELA, mathematics, science, or social studies State summative assessments
- at the risk of not meeting the LEA's core academic curricular objectives in ELA or mathematics based on local assessments

Pupils who are eligible for the homeless, foster care, and migratory programs are automatically considered economically disadvantaged and are to be identified as such in the LEA's student information system.

5. How should LEAs code pupils who are considered At-risk eligible if they receive no instructional or direct non-instructional services? Which students will be auto-flagged?

The MDE and CEPI have been in collaboration to support LEAs in accurate At-risk student identification and reporting. There are two ways to report students within the MSDS

- A student will automatically be identified as At-risk if they are reported in an MSDS General Collection as EL, Immigrant, or Economically Disadvantaged for the school year in which they are reported. It is not necessary to report these students with the code "3060" within the Program Participation Component.
- All students not reported as EL, Immigrant, or Economically Disadvantaged **must** be reported using code "3060" within the Program Participation Component in the MSDS general collections.

All At-risk services will be reflected in the Section 31a APFR, due July 15th, in the NexSys System [Sec. 31a (9)].

6. Do LEAs report At-risk eligible students in each collection (Fall, Spring, End-of-Year [EOY])?

Yes. Beginning with the first general collection for which the student is eligible as "At-risk," report the student in MSDS with either one of the automatic identifiers (EL, Immigrant, or Economically Disadvantaged) or by using program participation code 3060. Report the students in each subsequent collection for THAT school year [Sec. 31a (21)]. *Note: Code "3060" is not submitted for Preschool students.*

7. Is reporting the LEA's numbers in the Section 31a APFR sufficient, or should the LEA make sure that each qualified pupil is reported as At-risk in MSDS as well?

LEAs must identify their pupils in their local School Identification System (SIS) and report them to MDE through the three General Collections (Fall, Spring, EOY) in MSDS. The LEA must certify the data by the appropriate deadline specified by the State School Aid Act, and the data between the local SIS and MSDS must be 100% in agreement. LEAs need to contact the CEPI Help Desk to discuss any data-related issues they are experiencing with submitting data through MSDS. Data submitted in the Section 31a APFR provides information on the services and supports provided. This aggregate data does not include individual student eligibility for the At-risk program.

8. What assessments may an LEA use to determine which pupils are academically At-risk pupils?

An LEA may use any of the State summative assessments in ELA, mathematics, social studies, and/or science; or local ELA or mathematics assessment data provided through the LEA's comprehensive screening and assessment system that is part of their MTSS framework. All assessments should align with the State standards to ensure the expected proficiency by 3rd Grade, 8th Grade, and 11th Grade [Sec. 31a (21)].

9. Do students with disabilities automatically qualify as At-risk eligible?

The determination criteria for At-risk eligibility for students with disabilities is the same as the criteria used for all pupils. Their Special Education status neither excludes them from consideration nor guarantees eligibility. [Sec. 31a (21)].

10. What data could an LEA use to determine which students are chronically absent?

LEAs should use the most recent student attendance information available. The Identification Criteria Worksheet includes pupils who miss 10% or more of the enrolled days during the school year. The reference to 10 days in CEPI's documentation now refers to the minimum number of days a student must be enrolled before being determined to be chronically absent. A student who is present for at least 50% of the school day is considered in attendance for a full day. Report participation in half-day Pre-Kindergarten or other specialized pupil programs as a full day in attendance based on the LEA's attendance policies. While there will be pupils who fit this category for the current SY, a student who was chronically absent in the previous school year may also be included [Sec. 31a (21)].

11. Why is it necessary for an LEA to complete and maintain the Identification Criteria Worksheet for eligible At-risk pupils?

Each LEA is required to identify and code its K-12 At-risk pupils to ensure Section 31a supports and services are implemented in compliance with the law. The Identification Criteria Worksheet is required for the following reasons:

- demonstration that the identification of At-risk eligible students is based on legislative criteria
- fiscal and program monitoring transparency

LEAs complete and maintain an Identification Criteria Worksheet for each grade level. LEAs may use the one provided by MDE or develop a local version that is comprehensive of the At-risk identification criteria. Once identified, a pupil is considered At-risk eligible for the remainder of the year.

12. Are there changes to the 2023-24 At-risk eligibility criteria?

There were no changes to the ten eligibility criteria, however, grade-level eligibility has been extended to Pre-K students during the 2023-2024 grant cycle. As in previous identification cycles, the district should refer to its established written procedure and policies for Section 31a identification and reporting. Section 31a Identification and Reporting protocols should include, but are not limited to, timelines for data collection, the review and reporting of data, and responsible interested parties.

Reporting for eligible K-12 students in all three general collections (Fall, Spring, and End of Year) is required. Students who are At-risk eligible will be reported in the first collection in which they are identified and in each subsequent collection. If students meet the eligibility criteria at the time of fall collection, they are reported in

the fall, spring, and end-of-year collections. If students meet the eligibility criteria as of the spring collection, they are reported in the spring and end-of-year collections.

Refer to question 5 in the **At-risk Identification & Reporting Section** for information on auto-flagged students.

13. How does the district and school identify and report students? Do all reported students receive support and services funded with Section 31a? How often does the LEA need to review services and supports provided for eligible students?

School districts should review student-level data annually to determine a student's eligibility and include the 3060 codes in the Program Participation Component of the MSDS collection for all students that a district has documentation of meeting any one of the ten criteria. Although students will be reported in the district's Student Information System and MSDS as being At-risk eligible based on the legislatively defined criteria, need drives support and services, not eligibility. The determination of programming is based on ongoing progress monitoring. Districts must have student entrance and exit procedures to determine appropriate programming supports and services for eligible students. In addition, districts must have procedures for identifying and reviewing students' At-risk eligibility status between the reporting windows. These procedures may include but are not limited to when students move into a district or when a student's home or academic circumstances change.

14. If students are learning virtually, should they be identified as At-risk Eligible?

If students meet one or more of the criteria for At-risk eligibility, they will be identified as At-risk eligible. Any enrolled student could potentially be At-Risk eligible if they meet one of the ten At-risk identification criteria. Therefore, all student-level data will be reviewed and, if determined eligible, should be accurately reported. *Please note that participation in virtual learning programming is not one of the ten identification criteria.*

15. What if a student did not participate in the latest statewide summative assessments? What criteria would the district utilize to identify eligible students for not meeting proficiency standards?

For pupil accounting, the law states that districts must have documentation for at least one of the ten criteria to identify and report the students as At-Risk eligible (participation code 3060) through the MSDS General Collections. In lieu of state assessments, districts may leverage criteria that allow districts to identify students as At-risk based on the latest local assessment data – [Sec.31a(21)(a)(x)] *Is a pupil who is at risk of not meeting the district's or public-school academy's core academic curricular objectives in English language arts or mathematics, as demonstrated on local assessments.*

Funding Eligibility

16. How will MDE determine Section 31a allocations if there is no application process?

An annual appropriation in the State School Aid Act provides funding for Section 31a At-risk grant. Allocations are calculated based on the legislatively defined formula in Section 31a of the State School Aid Act. The formula used to determine each LEA's allocation is based on the LEA's opportunity index band assignment defined in Section 31a(4). Based on the assigned opportunity index score, districts' rate will be used to calculate their Section 31a allocation. Proration may be applied to Section 31a allocations (Section 31a(15)). Section 31a At-risk grant allocation payments are distributed to eligible districts in their monthly state aid payments throughout the state fiscal year from October through August.

17. Are administrative costs allocable to Section 31a funding?

No. Section 31a law specifically states that an LEA or PSA shall NOT use any funds for administrative costs [Sec. 31a(5)]. Administrative costs may include, but are not limited to, costs for staff or activities that provide oversight of the At-risk programming, including the management of Section 31a staff and completing Section 31a reporting documentation (e.g. At-risk identification worksheets, Annual Program & Fiscal Report). The use of these categorical state funds for administrative roles, such as Assistant Principals and Dean of Students, does not meet the Intent and Purpose of Section 31a and is not allowed. Please refer to the [Michigan Public School Accounting Manual](#) for a full list of administrative cost function codes. LEAs should contact their Section 31a Single Point of Contact consultant if they have specific questions about allowability.

18. Who in the LEA should manage the funding?

It is the LEA's decision as to who oversees Section 31a funding. The MDE expects a program team to provide program oversight while the fiscal team provides fiscal oversight. Both teams are expected to collaborate to review the needs assessment and determine goals, objectives, and strategies for the At-risk eligible pupils within their continuous improvement process. These plans must align with the intent and purpose of the Section 31a At-risk legislation (literacy, mathematics, career- and college-readiness, attendance, and MTSS) [Sec. 31a (1)(3)(9)].

19. May an LEA carry over Section 31a funds [Sec. 31a (1) and (9)]?

The current year allocation is intended for use during the current Fiscal Year (FY). Unobligated funds have a one-year carryover period. If carryover funds are not expended and reported in the July 15th Annual Program and Fiscal Report (APFR) of the following year, the funds are returned to the State's School Aid budget (State School Aid Act [388.1618a]). Carryover funds are those Section 31a funds not expended by August 31st. Extended school year programming costs and year-round positions funded by Section 31a are not considered carryover and are to be reported spent in the current fiscal year. Carryover funds are monies that have not been utilized or targeted for use within the same fiscal year in which they were allocated. Carryover funds from the prior year must be spent before the current year's allocation. All carryover funds abide by the legislative guidelines in place for the FY they are spent. LEAs showing unspent or negative carryover in the APFR will be notified by MDE to correct expenditures.

The following are fiscal and program risk factors that may indicate concerns in an LEA's At-risk program implementation and/or communication between finance and program leadership teams.

- Carryover of 25% or more
- Unaligned reporting of carryover expenditures to proposed programming in continuous improvement plans

20. Does the October free/reduced lunch count number that is used for calculating the following year's Section 31a allocation come from the "Reimbursement Claim" report submitted by our food services department?

Section 31a allocations are calculated based on free and reduced-price lunch or free milk-eligible pupils, not meal reimbursement claims. These data are collected through the Supplemental Nutrition Eligibility Component

(SNE) of the Michigan Student Data System (MSDS) Fall General Collection and the direct certification of students enrolled on the Fall Pupil Membership Count Day. October data from the previous school year is used as a basis for the current school year's allocation [Sec. 31a (4)].

21. For LEAs who are Community Eligibility Provision (CEP), are all pupils within that LEA considered to be Economically Disadvantaged?

No. LEAs that are part of CEP **must** still collect and enter data showing the socio-economic information that was formerly collected on the free/reduced-price meal application. For those CEP-eligible students who are not on the Direct Certification Report or have eligibility extended to them via a sibling on the Direct Certification Report, a household information report **must** be used to gather the families' economic status. The data collected **must** be reported through the Supplemental Nutrition Eligibility Component (SNE) of the Fall General Collection in MSDS. SNE is a report of family income characteristics that may indicate a student's eligibility for benefits at school such as free or reduced-price meals, Advanced Placement (AP) exam fee waivers, Great Start Readiness Program (GSRP), etc. Questions regarding CEP eligibility may be referred to the [Office of Health and Nutrition Services](#) or MDE-SchoolNutrition@michigan.gov.

22. What is the SNE data used for?

The SNE (Supplemental Nutrition Eligibility) characteristic is used in determining the **economically disadvantaged** (ED) population. The ED count is used by multiple State of Michigan offices for categorical funding allocations and in a multitude of state and federal reports. It must be submitted for each student who is determined to meet eligibility requirements for free or reduced-price meals. Following is a list:

- Section 31a at all Local Educational Agencies (LEAs)
- Federal Title I Part A funding for public school academies only
- E-Rate
- Federal Individuals with Disabilities Education Act (IDEA) Part B funding for all LEAs
- Perkins Core Performance Indicators
- School Index and Parent Transparency Dashboard
- Graduation and Dropout Rates
- Great Start Readiness Program
- Child Nutrition Programs

23. Is the economically disadvantage (ED) student count or At-risk eligible program participation code (3060) student count used in the Section 31a allocation formula? How are ED vs. At-risk eligible student counts used in Section 31a?

Often, there is a misconception that economically disadvantaged and At-risk are interchangeable terms. The At-risk eligible Michigan Student Data System program participation 3060 code is reported for students whose life experiences and circumstances meet any one of the ten legislatively defined criteria in Section 31(21). One of these criteria is eligibility for free- or reduced-priced meals or identification as economically disadvantaged.

Throughout Section 31a law, specific subsections reference either economically disadvantaged or At-risk pupils. **Economically disadvantaged student counts are the counts used in the current legislative allocation formula.** Additionally, economically disadvantaged counts are used to determine required thresholds, as in a district with at least 50% of its population identified as economically disadvantaged, for using funds on school security and/or school parent liaisons.

Alternatively, districts use the At-risk eligible identification to determine which students are eligible to participate in supports and services that are funded with the Section 31a grant. At-risk eligible counts are used to determine required thresholds, as in a school that has at least 40% of its building population identified as At-risk eligible for using funds for the implementation of the Schoolwide Reform strategy.

Instructional Programming

24. What are some examples of allowable instructional activities that LEAs may provide for At-risk eligible pupils with Section 31a funds?

Section 31a funds may be used to implement:

- evidence-based instruction and intervention
- supplemental instructional materials and equipment that are pertinent to MTSS, early literacy, and numeracy instruction
- supporting career and college readiness strategies
- hiring properly endorsed and/or highly skilled staff to provide academic/behavioral interventions
- professional learning based on the LEA's needs assessment to improve the quality and fidelity of instruction and intervention for MTSS, early literacy, and numeracy

For more information, reference [Sec. 31a(3)(5)]. The [Evidence for ESSA](#) website provides evidence-based practices that meet *Every Student Succeeds Act* (ESSA) evidence standards.

25. Can LEAs use Section 31a to fund instructional coaches? Behavioral coaches?

Section 31a subsection (13) allows LEAs to fund instructional and behavioral coaches. The responsibilities of instructional and behavioral coaches must be clearly defined and support the intent and purpose of Section 31a and the implementation of the MTSS framework. Coaches should support the development of teachers through evidence-based practices with the goal of increasing student engagement, teacher capacity, improvement of student achievement across core curriculum subjects, and behavioral outcomes. An LEA is to see evidence of increased instructional time, and improved student social, emotional, behavioral, and academic achievement. Instructional coaches are not paraprofessional staff. The MDE has developed Coaching Definition and core expectations for staff in this role. It is expected that specific types of coaches (i.e., literacy, early childhood, instructional, behavioral) have additional competencies and specific guidance for these roles in addition to the definition's expectations.

26. Can LEAs use Section 31a to purchase technology and testing materials that will identify pupils for services?

Since Section 31a is categorical funding, the district should defer to its general fund before utilizing Section 31a funding. Supplemental purchases of technology and testing materials should be supported by the district needs assessment and documented.

All additional assessment needs are to be prioritized with the understanding that Section 31a funds are for identified At-risk eligible pupils. Testing materials are to be aligned and embedded in the LEA's MTSS, and only the percentage necessary to test At-risk pupils should be allocated for this cost.

27. Can Section 31a funds be used for an Alternative Education Program?

The LEA may utilize Section 31a funding for *supplemental support* within an Alternative Education Program. Even though eligible At-risk students are more than likely to be referred to "Alternative Education" options of sorts, they still must have access to universal, quality Tier 1 instruction of the LEAs choosing. Therefore, funding ***cannot be used to support the entire cost of programming and services for an Alternative Education Program.*** This funding is intended to provide supplemental support and services for the At-risk eligible students it enrolls that remove barriers, accelerate academic achievement, and meet the needs of the whole child. The additional assurance of MTSS K-12 must also be met, even in the alternative education setting. The LEA needs to prioritize the needs of all K-12 At-risk eligible students and ensure the intent and purpose of the legislation are met. One evidence-based model that could help support students is [Early Warning Intervention and Monitoring Systems](#) (EWIMS). Please reference the MDE webpage for additional information.

28. Can Section 31a funds be used for Pre-kindergarten to supplement the Great Start Readiness Program (GSRP) for pupils who do not meet the income threshold?

Subsection (14) allows a district to use up to 10% of the district's total allocation to provide evidence-based instruction for Pre-kindergarten instructional and non-instructional services to children who meet at least one of

the criteria in subsection (20)(a)(i) to (x). Some examples of allowable costs are additional seats for students that meet Section 31a criteria but are not eligible for the Great Start Readiness Program (GSRP) or if slots are full, professional learning; transportation costs for transporting eligible students, social-emotional supports, and MTSS Coaches. Services and programs must meet the intent and purpose of Section 31a and the program guidelines set by GSRP ([Implementation Manual](#)).

The GSRP program was designed to provide high-quality preschool to children at-risk for low educational attainment in the school year before they are regularly eligible for kindergarten. For GSRP, this means a child must turn 4 years of age on or before September 1. However, a provision exists for parents who wish to request early enrollment for children who will turn 4 after September 1, but on or before December 1. For more information or specific GSRP questions, please contact the **Office of Preschool and Out-of-School-Time Learning (MiLEAP)**, [Mischele McManus](#), Education Consultant, 517.275.1958.

29. Can Section 31a funds be used for Dual Enrollment costs?

In cases where a student is participating in Dual Enrollment opportunities, Section 31a funds may be used to **add to the funding in the event a district has already exhausted its required prorated portion of the Statewide Pupil-Weighted Average Foundation**. The laws supporting Dual Enrollment ([Postsecondary Enrollment Options Act](#)) and the ([Career and Technical Preparation Act](#)) provide for payment from a school district's state aid foundation allowance for enrollment of certain eligible high school students in postsecondary courses of education. Districts may get full details by reviewing the [Dual Enrollment FAQ](#) and may determine the required contribution using the Dual Enrollment Calculation Worksheet [MDE - Dual Enrollment \(michigan.gov\)](#).

30. Can Section 31a funds pay for professional learning [Sec. 31a(12)]?

LEAs may use funds for evidence-based professional learning and to implement a coaching model that supports the MTSS framework. Professional learning may be provided to LEA and school leadership and teachers; must be aligned to professional learning standards; must be integrated into LEA, school building, and classroom practices; and may be solely related to the following:

- Implementing the MTSS required in Section 31a(3) with fidelity and utilizing the data from that system to inform curriculum and instruction
- Implementing Section 1280f of the Revised School Code, MCL 380.1280f, as required under Section 31a(3), with fidelity

31. Can Section 31a funds be used for schoolwide reform?

Section 31a(11) allows for LEAs to utilize funds for instructional or direct non-instructional services for schoolwide reform if 40% of a building's pupils are identified as At-risk eligible. This is **different** than the Title I, Part A requirement for Schoolwide status which specifically focuses on economically disadvantaged students and the transitioning of the building to the new status.

The schoolwide reform strategy and/or initiative must:

- Meet the intent and purpose of Section 31a and support the implementation of the MTSS framework.
- Be guided by the needs assessment.
- Be included in the MICIP planning process and improvement plans.
- Be evidence-based and delivered in varying intensity based on student needs.

As part of the continuous improvement process, the LEA must maintain data demonstrating the acceleration of student academic, behavioral, and social-emotional growth as a result of this instruction and/or services.

Non-Instructional Programming

32. Can an LEA use Section 31a to fund behavior interventionists, aides, social workers, or counselors?

Yes. Direct non-instructional services are allowable. Such services may include medical, dental, counseling, or behavioral intervention programs and services that include counselors, nurses, social workers, or their staff with specialized training in behavioral intervention strategies. Section 31a staff may also be utilized to provide support and improve the culture and climate of the school, address safety and security and provide anti-bullying or crisis intervention programs [Sec. 31a (5) and (21)].

33. Can Section 31a funding cover the cost of an Attendance/Tuancy Officer or an Attendance Liaison?

The portion of an Attendance/Tuancy Officer position that calls for tracking pupil attendance, as well as instituting and participating in legal proceedings, is considered an administrative cost and is not an allowable expense. The portion of an Attendance/Tuancy Officer or an Attendance Liaison position that calls for proactive monitoring and counseling of pupils/families with attendance concerns and working as a team member with school personnel to develop prevention/intervention strategies as part of an MTSS framework are considered intervention practices and is an allowable cost.

34. Can LEAs use Section 31a funds to provide an anti-bullying or crisis intervention program?

Yes. An LEA may use Section 31a funds to provide an anti-bullying or crisis intervention program [Sec. 31a (21)].

35. Must LEAs use Section 31a funds to support the school breakfast program?

Yes. LEAs, including CEP-eligible LEAs, shall use Section 31a funds in an amount not to exceed \$10.00 per economically disadvantaged pupil for whom the LEA receives Section 31a funds to pay for costs associated with the operation of the school breakfast program [Sec. 31a(6)]. Allowable costs to the Nonprofit School Food Service Account (NSFSA) may be used to support school breakfast program operations. LEAs are to identify the amount dedicated for school breakfast prior to allocating other expenditures. LEAs with 20% or less of students qualifying for free/reduced meals per building that do not offer a school breakfast program are not mandated to serve breakfast. LEAs offering a school breakfast program and/or operating a school breakfast program under Section 1272a of the Revised School Code, MCL 380.1272a must comply with this requirement.

All schools that offer a breakfast program, regardless of sponsorship, must allocate Section 31a funds for the School Breakfast Program. This includes alternate agreement sites under one LEA. There must be Section 31a funds allocated and provided by the LEA School Food Authority sponsor district to be used at the alternate agreement site for school breakfast.

Additional questions may be referred to the Office of Health and Nutrition Services:

- [Sara Harmon](#), Consultant, OHNS
- [Brenda Sweatman](#), Financial Analyst, OHNS

36. How much of Section 31a funds may be used for security?

Districts in which at least 50% of the pupils in membership met the income eligibility criteria for free/reduced breakfast, lunch, or milk in the immediately preceding State FY [Sec. 31a (5)] may utilize funding for school security. School security includes personnel and/or School Parent Liaison that is connected and aligned with the district's needs assessment and delivered through its MTSS framework.

37. What may the 31a funds for breakfast be spent on in the food service program?

Because these funds will flow into the restricted Nonprofit Food Service Account, they are subject to all Federal Child Nutrition Program requirements.

Any normal school breakfast operating costs would be an allowable use of the 31a funds.

- Costs of running the breakfast program: staffing, food costs, increasing food quality or offerings, supplies/equipment for serving breakfast
- For more breakfast spending ideas, see here: [31a Breakfast Spending Ideas](#)

38. Is it allowable to use 31a funds to provide breakfast and/or food for free to all students?

No, it is not allowable to use 31a breakfast funds for:

- Paying or replacing the meal payments for students (meal prices for reduced or paid eligible students)
- Depositing into student meal accounts
- Paying off negative student balances
- Providing extra food items outside of a reimbursable breakfast meal
- Costs that benefit non-food service programs

All costs must be specific to the breakfast service. Reach out to the OHNS Fiscal Monitoring Team with questions on the guidelines or allowability: MDE-Fiscal@michigan.gov.

Program Report and Audits

39. How often should LEAs submit their Section 31a Annual Program and Fiscal Report (APFR)?

The Section 31a APFR must be submitted to the OES via NexSys by July 15th of each year. Non-compliance with this requirement will result in the MDE withholding the August School Aid Payment until the report is submitted. If the report is not submitted by the end of the State FY, September 30th, the funds will be forfeited to the school aid fund [Sec. 31a(9)].

40. Who should be included in completing the Section 31a APFR?

The APFR reports the supports and programs funded by Section 31a as well as counts of At-risk eligible students served. As such, it is critical that a team comprised of key interested parties and decision-makers is utilized (finance, curriculum, building administration, human resources) to ensure funding has been dedicated and expended most effectively and reported accurately.

41. How is monitoring conducted?

The OES will conduct On-Site and Desk Reviews to ensure programs, practices, and services funded by Section 31a meet the intent and purpose of the legislation and data indicates improvements in meeting the needs of the whole child. Consultants will notify LEAs at least three months in advance of a review. A Section 31a Program Review Companion Guide is available on the [Section 31a At-risk](#) page of the OES website to assist LEAs in this process [Sec. 31a(10)].

In addition to formal monitoring, a selection of APFR submissions will be reviewed each year. Districts selected for APFR Review will be notified if additional information is needed. Following the completion of the APFR Review, the district will receive a summary.

Overall Planning

42. Are Section 31a services limited to the regular school day?

No. Allowable instructional and non-instructional services under Section 31a may be conducted during the regular school day, before or after regular school hours, or by adding extra school days to the school year (i.e., summer school) [Sec. 31a(5)].

43. How do LEAs know if their programming is effective?

An annual program evaluation is expected and the key to continuous improvement. Any programming paid for with Section 31a must be evaluated annually for effectiveness. The evaluation shows the impact of instruction on student achievement and whether opportunity gaps are being closed for underserved students in the district. Program evaluation ensures that high-quality planning, implementation, and monitoring are part of the LEA and the school's continuous improvement process. The evaluation also improves the quality of plans and the implementation of these plans with fidelity. Evaluating with fidelity ensures the ongoing engagement of multiple interested parties (students, teachers, parents/community, and administrators). Additionally, evaluation maximizes the coordination, focus, and use of local, State, and Federal funds to impact student learning and provides documentation of program implementation to inform future decision-making. Built into the MICIP process are monitoring and adjusting components to support the ongoing evaluation of LEA's improvement efforts. [MDE - MICIP Resources \(michigan.gov\)](#)