

IS IT KINDERGARTEN OR CHILD CARE?

In response to community desires, many districts are offering program and scheduling options for their kindergarten pupils. Certain services can be classified as before and/or after school child care programs, for which a fee can legitimately be charged. Other services are actually an extension of the traditional half-day kindergarten program into a full-day kindergarten, for which the charging of tuition or fees is prohibited by state law (State School Aid Act Section 112, MCL 388.1712). Many of the learning situations provided in a high quality child care program may replicate a kindergarten curriculum. Therefore, properly classifying these services in order to assess whether memberships may be claimed or whether fees can be charged can be challenging, at best. Following are some guidelines that may be used to make that determination.

The extended part of the day is highly likely to be a kindergarten if one or more of the following exists:

- The children are co-mingled with a kindergarten class.
- The district requires that pupils participate in the program for promotion into first grade.
- The hours are counted toward the minimum 549 hours of instruction for a full FTE.
- The teacher's record book indicates that grades are being given or an assessment of kindergarten progress is based, at least in part, on the activities that take place during the extended part of the day or absences during the extended part of the day are reported as kindergarten absences on the report cards.
- The program is advertised as full-day kindergarten. Documents given to the parents indicate that it is a full-day kindergarten.
- District staff indicates that it is not child care.
- The children are co-mingled with pupils during recess and aren't supervised by the child care providers in the required ratio.

The extended part of the day is highly likely to be a child care program (NOT kindergarten) if:

- A certified teacher is not present.
- The program is clearly advertised as child care. The promotional material should include information necessary to file for the child care tax credit or to use a flexible spending account.
- The program is in compliance with all child care rules, including but not limited to:
 - The program has signed parental child care contracts.
 - The program meets adult/child ratios.
 - The child care license is posted in a prominent place.
- The program is voluntary and attendance is not mandatory.
- The program is operated in a child care center or room.
- Staff salaries for the child care portion of the day are charged to function code 351.
- District staff is clear that the program operates as child care, not instruction.

PROPOSED SOLUTIONS

If a program is judged to be a full day kindergarten but tuition or a fee has been charged:

- Either the tuition must be refunded to the parents or the pupil count must be deducted.
- For the future, the tuition must be discontinued or the program must be clearly run as child care and must meet the above indicators of a child care program.

If a program is judged to be child care:

- Promotional information pertaining to the extended program should be clear that it is child care in that parents and staff are not misled into believing that the program is all day kindergarten and a requirement for grade promotion.

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