



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING

RICK SNYDER  
GOVERNOR

BRIAN J. WHISTON  
STATE SUPERINTENDENT

**MEMORANDUM**

**DATE:** August 24, 2017

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

**FROM:** Brian J. Whiston, State Superintendent 

**SUBJECT:** Shared Time Instruction in Nonessential Courses for Kindergarten

Following the Governor's signing of Public Act 108 of 2017, the Michigan Department of Education (MDE) received several inquiries regarding changes to Section 166b of the State School Aid Act (MCL 388.1766b), with concern over the effect of the inclusion of kindergarten in the definition of what is considered to be an essential course for students in this grade level.

Previously, the Department's stance was that all content taught in kindergarten was nonessential, based on the absence of a legislative definition, and in part being that kindergarten is optional in law. The Department made the issue known to the Legislature and received correspondence from Senator Hansen and Representative Kelly recognizing the error and explaining that this was not the intent of the law.

Due to this information and an expected change in law, the Department will maintain that all content taught in kindergarten is nonessential.

*388.1766b(3) A nonessential course in grades **kindergarten** to 8 is a course other than mathematics, science, social studies, and English language arts. Nonessential courses in grades 9 to 12 are those other than algebra 1, algebra 2, English 9-12, geometry, biology, chemistry, physics, economics, geography, American history, world history, the Constitution, government, and civics, or courses that fulfill the same credit requirement as these courses. Nonessential elective courses*

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*include courses offered by the local district for high school credit that are also capable of generating postsecondary credit, including, at least, advanced placement and international baccalaureate courses. College level courses taken by high school students for college credit are nonessential courses. Remedial courses for any grade in the above-listed essential courses are considered essential.*

Questions specific to Section 166b and pupil accounting requirements should be directed to Brian Ciloski at 517-373-3352 or [ciloskib@michigan.gov](mailto:ciloskib@michigan.gov).

cc Michigan Education Alliance  
Michigan Pupil Accounting & Attendance Association