



The Michigan Department of Education (MDE) Section 31a Questions and Answers

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

With the revised Section 31a legislation, funds have been allocated for payments to eligible districts, eligible public school academies, and the education achievement system for the purposes of ensuring that eligible pupils are proficient in reading by the end of grade three and that high school graduates are career and college ready. [Sec 31a(1)]

2. Should the Continuous Improvement Plan include Section 31a programs, services, and initiatives?

If a district, public school academy or the education achievement system chooses to use Section 31a funds to implement schoolwide reform in its schools that have forty percent or more students classified as "at-risk", those services must be consistent with the school improvement plan. [Sec 31a (11)] "Continuous Improvement Plan" is another name for the School Improvement Plan (SIP), District Improvement Plan (DIP) and the Single Building District Improvement Plan (SBDIP). The Office of Field Services recommends districts, public school academies and the education achievement system include their Section 31a programs, services, and initiatives in their continuous improvement plans. Having one plan for all funding sources ensures better coordination and articulation among all initiatives that support eligible students.

3. Are districts required to implement a Multi-Tiered System of Supports (MTSS) in order to be eligible for funding?

In order for a district, public school academy, or the education achievement system to be eligible to receive Section 31a funding, it must implement, for at least grades K-3, an evidence-based model Multi-Tiered System of Supports (MTSS) 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 essential elements of MTSS are: implementation of effective instruction for all learners; early intervention; progress monitoring to inform instruction and data based instructional decision making; engagement of the family and the community; implementation of evidence-based, scientifically validated instruction and intervention with fidelity; use of a collaborative problem-solving model; and a multi-tiered model of instruction and intervention that provides:

- A core curriculum and classroom interventions available to all pupils that meet the needs of most pupils

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- Targeted group interventions and
 - Intense individual interventions
- [Sec 31a(3)(a-i)]

4. Which students are considered “at-risk”?

A student is considered an “at-risk” student if the district, public school academy, or the education achievement system has documentation that the student meets any of the following risk factors: did not achieve proficiency on the English Language Arts, (ELA), math, science, or social studies content areas of the state summative assessment; is at risk of not meeting the district's core academic curricular objectives in ELA or math, as demonstrated on local assessments; is a victim of child abuse or neglect; is a pregnant teenager or teenage parent; has a family history of school failure, incarceration, or substance abuse; or is enrolled in a priority or priority successor school. [Sec.31A (14)(a-f)] Priority schools are those schools identified in the bottom five percent (5%) of the statewide Top-to-Bottom school rankings. Priority successor schools are those where fifty percent (50%) or more of enrolled students at existing priority school transfer to a new school, and where fifty percent (50%) or more of enrolled students at this new school come from the sending school.

5. What assessments can a district use to determine its academically “at-risk” students?

A district, public school academy, or the education achievement system can use state summative assessments in the four content core areas [Sec 31a (14)(d)] or evidence based local assessments in ELA and math [Sec 31a (14)(e)]. All assessments should align with the state standards to ensure the expected proficiency by grade three and grade eleven. [Sec 31a (14)(e)]

6. Can a district, public school academy, or the education achievement system identify “at-risk” students in the absence of state or local assessment data?

Yes. If there is no state or local assessment data, students must meet at least two of the following criteria: eligible for free or reduced price breakfast, lunch, or milk; absent more than ten percent of enrolled days or ten school days during the school year; homeless; migrant; an English language learner; an immigrant who has immigrated within the immediately preceding three years; did not complete high school in four years and is continuing in school as identified in the Michigan cohort graduation and dropout report. [Sec 31a (14)(g)]

7. Do students in special education categorical rooms count in “at-risk” eligibility and percentage of third graders passing the reading portion of the state summative assessment?

Determination criteria for “at-risk” status for students in categorical rooms is the same as the criteria used for all students. Their special education status neither

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excludes them from consideration nor guarantees eligibility. Their assessment results should be included in the calculation of students reaching the proficiency targets on the state assessment – M-STEP or MI-Access, whichever is appropriate.

- 8. For attendance, should a district use data from the previous school year?**
Use discretion. The Identification Criteria Worksheet includes students who miss more than ten days or ten percent of the SY time out of class. Certainly, there will be students who fit in this category for the current school year, but if they were chronically absent in the previous school year, they may also be included.
- 9. Should schools in which fifty percent of the third graders are not proficient in reading allocate Section 31a funds to the lower grades to assist students to be proficient readers by the end of third grade?**
The milestone is for proficiency in reading at the end of the third grade. It is highly recommended that districts focus efforts on improving reading proficiency prior to third grade. [Sec 31a (1) and (15)(a)]
- 10. What are some examples of allowable instructional activities that districts can provide for “at-risk” students with Section 31a funds?**
Section 31a funds can be used to provide evidence based instructional practices; MTSS as defined in subsection three of the Section 31a legislation; reducing class size as part of school wide reform; adult high school completion; supplies, materials, and equipment to implement instruction; hiring highly qualified instructional staff to provide interventions; job embedded, ongoing, and need-based professional learning to improve the quality and fidelity of instruction and intervention; development, enhancement, and implementation of curriculum, formative or interim assessments; and evidence-based interventions.
- 11. Does Section 31a fund non-instructional services and activities?**
Yes, direct non-instructional services are allowable. Such services can include medical, counseling or behavioral intervention programs and services that include counselors, nurses, social workers or staff with specialized training in behavioral intervention strategies; community medical referrals; dental care; substance abuse counseling, sexually transmitted disease (STD) education; mental health services; prenatal care; immunizations; obesity health programs; and activities and services to improve the culture and climate of the school, address safety and security, and provide anti-bullying or crisis intervention programs. [Sec 31a(5)].
- 12. Can Section 31a funds be used for school-wide reform?**
Yes. A district may use up to one hundred percent (100%) of the funds it receives to implement school-wide reform in schools with forty percent (40%) or more of their pupils identified as at-risk pupils by providing supplemental instructional or

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non-instructional services to all students consistent with the school (continuous) improvement plan. [Sec 31a(11)]

13. Can Section 31a funds be used to provide an evidence based instructional intervention program for all students in first grade?

It depends. A district, public school academy, or the educational achievement system must use Section 31a funds to provide instructional programs and direct non-instructional services for at-risk pupils. [Sec 31(5)] If a district has a school with forty percent or more of their pupils identified as at-risk, the district may use up to one hundred percent of its Section 31a funds to support a schoolwide reform strategy in that school, including supplemental instructional or non-instructional services consistent with its school (continuous) improvement plan. [Sec 31a(11)] The term "schoolwide" refers to comprehensive reform strategies designed to upgrade the entire educational program in a school. Its primary goal is to ensure that all students, particularly those who are low-achieving, demonstrate proficient and advanced levels of achievement on State academic achievement standards.

14. Can Section 31a funds be used to provide breakfast?

Districts, public school academies and the education achievement system, if it operates a school breakfast program, shall use an amount, not to exceed \$10.00 per pupil, to pay for costs associated with the operation of the school breakfast program. [Sec 31a(6)]

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

Yes, a district, or public school academy, or education achievement system may use Section 31a funds to provide an anti-bullying or crisis intervention program. [Sec 31a(17)]

16. A Special Education director shared that the district is not allowed to use Section 31a funds because it uses IDEA funds and this would be considered "double dipping".

Coordination of state and federal funds to meet the needs of students is encouraged; however, any service specified in a student's IEP is not allowed with Section 31a funding. Additionally, access to core curriculum for special education students should not be dependent on utilization of 31a services.

17. Are alternative education programs allocable to Section 31a funding?

Alternative education programs must be aligned to the primary focus of the legislation which includes ensuring high school graduates are career and college

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ready and third grade students are proficient in reading. [Sec. 31a (1)] Students in alternative education programs are most likely to have "at-risk" characteristics. If so, the district could use Section 31a funds for this initiative/program.

18. 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. [Sec 31a (5)]

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

No, administration at the district or school levels is unallowable. [Sec 31a(5)]

- 226, Supervision and Direction of Instructional Programs,
- 230 Series – General Administration,
- 240 Series – School Administration,
- 250 Series – Business Services,
- 280 Series – Central Services, and
- 510 Series – Long Term Debt Services

See the *Michigan Public School Accounting Manual*

20. How much of Section 31a funds can be used for security?

A district, public school academy or the education achievement system in which at least fifty percent (50%) of the pupils in membership met the income eligibility criteria for free breakfast, lunch, or milk in the immediately preceding state fiscal year may use not more than twenty percent (20%) of the funds it receives under Section 31a for security. [Sec 31a(5)]

21. May a district carry over Section 31a funds?

Unobligated funds have a one-year carryover period. If the funds are not expended and reported in the July 15 annual report of the following year, the funds are returned to the State's School Aid budget.

22. What process does a district use if it has unspent funds?

A check for unspent funds should be mailed to: Chief Cashier, MDE, PO Box 30106, Lansing, MI 48909; please include a note indicating the check is a return of (year) State Aid Section 31a funds.

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

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Section 31a allocations are calculated based upon free lunch, breakfast and milk eligible students. This data is collected through the Supplemental Nutrition Eligibility Component of the Michigan Student Data System (MSDS) Fall General Collection. October data from the previous school year is used as a basis for the current school year's allocation. [Sec 31a (4)]

- 24. How will MDE determine allocations if there is no application process?**
An annual appropriation in the School Aid Act provides funding for Section 31a allocations. Allocations are calculated based on the formula in Section 31a of the School Aid Act; the formula used to determine each local educational agency's (LEA's) allocation is based on the LEA's foundation grant multiplied by 11.5% then multiplied by its free lunch count. To be eligible, an LEA must have state and local funding per general education pupil FTE less than or equal to the basic foundation allowance. The sum of this calculation for each LEA is the state total needed to fully fund the formula. Because the appropriation is not sufficient to fully fund payments, payments are prorated by a per free lunch pupil amount. [Sec 31a (4)]
- 25. For pupil accounting purposes, if a school does not receive Section 31a funds, is it required to complete the Identification Criteria Worksheet?**
Section 31a funds are allocated to districts and each district is required to identify and code its students K-12 whether they are enrolled in a school receiving Section 31a funds or not; therefore, schools should complete the Identification Criteria Worksheet. [Sec 31a (14)]
- 26. Should Priority Schools use the Identification Criteria Worksheet to identify "at-risk" students?**
For accountability purposes, MDE will pull the students enrolled in priority schools. Such schools are not required to identify these students in the Identification Criteria Worksheet nor code them in MSDS for reporting purposes; however, the Office of Field Services encourages schools to use the Identification Criteria Worksheet as part of a process for determining the needs of its "at-risk" students.
- 27. How should districts code students who are considered "at-risk" if they receive no direct instructional services or direct non-instructional services?**
The purpose of 3060 MSDS coding is to identify "at-risk" students. It does not reflect the type and intensity of service or program that will be provided. All "at-risk" students should be coded with the number 3060. This is in the program participation component of the general collection. All services will be reflected in the Section 31a Program Report due July 15th in MEGS+.
- 28. What is the purpose for the 3060 MSDS coding for student accountability?**
Michigan Student Data System (MSDS) is used for the collection of student-level data for state and federal reporting as well as for allocations. One of the purposes

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of coding students in MSDS is to identify those students annually who are Section 31a "at-risk" according to the criteria established in the legislation. Pupils reported with code 3060 in at least two of the three general collections will be considered "at-risk" for Section 31a accountability calculation purposes.

29. How often should districts, public school academies, and the education achievement system submit their Section 31a report?

The report must be submitted to the Office of Field Services via MEGS+ each year by July 15th. Non-compliance with this requirement will result in the department withholding the August school aid payment until the report is submitted. If the report is not submitted by the end of the state fiscal year, September 30th, the funds will be forfeited to the school aid fund. [Sec. 31a (9)]

30. Which 'at risk' students (coded 3060) does the Office of Evaluation, Strategic Research, and Accountability (OESRA) include in the annual accountability calculations?

Students coded 3060 must be in the same district, public school academy, or the education achievement system for at least two out of three MSDS collections to be included in the accountability calculations.

31. If a district or public school academy never receives Section 31a funds, is it required to report its "at-risk" students in MSDS with code 3060?

No, it is not required to report its "at risk" students in MSDS with code 3060.