



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

August 30, 2012

MEMORANDUM

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

FROM: Sally Vaughn, Ph.D. *Sally*
Deputy Superintendent/Chief Academic Officer

SUBJECT: Update on Status of Using Title I Funds for Kindergarten

Last week, I reported on the status of the Michigan Department of Education requesting U.S. Department of Education (USED) approval of our justification for how the state is complying with Section 9522 of the Elementary and Secondary Education Act of 1965, as amended, in light of state legislation tying State aid funding to the use of Title I funds in prior years.

Yesterday we were informed that we should consider the justification provided to us from Representative Rogers as consensus input from both the state House and Senate. Therefore, we sent the attached letter, which includes Representative Rogers' letter, to USED Assistant Secretary Deb Delisle, who requested our justification.

We will update you again as soon as we hear from the USED on this issue.

If you have any questions related to this memo, please contact Mike Radke at (517) 373-3921.

Attachments

cc: Michigan Education Alliance

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PUBLIC INSTRUCTION

August 29, 2012

Ms. Deborah S. Delisle
Assistant Secretary for Elementary and Secondary Education
United States Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-6100

Dear Ms. Delisle:

The Michigan Department of Education (MDE) received your letter of July 17, 2012, related to our questions on the use of Title I, Part A to fund the second half of full day kindergarten for select Local Educational Agencies (LEAs) in light of recent changes in state funding for kindergarten in Michigan.

Your letter asked "Michigan to provide a justification as to how, in tying State aid funding to the use of Title I funds in prior years, Michigan is in compliance with Section 9522 of the ESEA." The MDE requested input from the State House and Senate to help provide that justification to the language they enacted into state law. The attached letter was provided by the state representative who wrote the language in question and serves as Michigan's justification for compliance with Section 9522 of the ESEA for your consideration.

Based on your review of the justification for compliance, please indicate whether Michigan LEAs will be in compliance with related federal laws and regulations if the state law stands as written and local districts continue to use Title I, Part A to fund the second half of full day Kindergarten programs if they funded those programs in the two previous years prior to the implementation of the new legislation to be implemented in 2012-2013.

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Ms. Delisle
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A timely response would be greatly appreciated as all Michigan schools will commence the 2012-2013 school year shortly after Labor Day, and clarity on this issue will guide their use of Title I, Part A funds.

Respectfully,



Michael P. Flanagan
Superintendent of Public Instruction

cc: Senate Majority Leader Randy Richardville
Senate Minority Leader Gretchen Whitmer
Senator Roger Kahn
Senator Howard Walker
Senator Bruce Caswell
Senator John Pappageorge
Senator Hoon-Yung Hopgood
House Speaker Jase Bolger
House Minority Leader Rick Hammel
Representative Chuck Moss
Representative Bill Rogers
Representative Earl Poleski
Representative Jon Bumstead
Representative Phil Potvin
Representative Ellen Cogen Lipton
Representative Jim Ananich



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August 14, 2012

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AUG 16 2012

SUPERINTENDENT'S OFFICE

Superintendent Michael Flanagan
Michigan Department of Education
Hannah Bldg, 4th Floor
608 W. Allegan
Lansing, MI 48933

Dear Superintendent Flanagan:

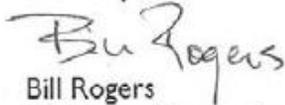
The purpose of this document is to provide rationale and explain the legislative intent of Michigan's new kindergarten funding formula, specifically as it relates to the use of Title I funds. This document is provided in response to the United States Department of Education (USDOE) inquiry in a letter to Michael Flanagan, Superintendent of Public Instruction dated July 17, 2012. In part, Deborah S. Delisle, Assistant Secretary of the U.S. Department of Education, wrote the following:

"As we understand Michigan's State aid budget, an LEA that used Title I funds to provide full-day kindergarten in the last two years would receive the full State aid amount if it provides at least a half-day program; it would not, however, have to provide full-day kindergarten during SY 2012-2013 to receive the full allotment. Based on this understanding, the Department does not think there would be a supplanting issue because, in the absence of Title I funds for SY 2012-2013, the LEA would still receive the full State amount due to it having used Title I funds for full-day kindergarten during the previous two years, regardless of whether or not it provides a full-day program in SY 2012-2013."

The legislative rationale and intent of this new kindergarten funding formula is to provide full State funding for LEAs that provide a full day of instruction for kindergarten students while not adversely affecting school districts who currently use Title I funds to provide a full-day kindergarten program for their students. The new kindergarten funding language does not mandate a full-day kindergarten program, but intends to provide full state funding to those school districts that provide a full instructional day for these students, irrespective of its funding source.

The USDOE did question whether Michigan's new kindergarten funding formula complies with section 9522 of the ESEA, which prohibits a state from taking into consideration payments under the ESEA program (except for Impact Aid) when determining the eligibility of an LEA for State aid or the amount of State aid an LEA receives. Michigan's new kindergarten funding language does comply with section 9522 of ESEA 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. It is the intent of Michigan's legislature and the new kindergarten funding language to provide a "full allotment" of state support for those LEAs that provide a full day of instruction regardless of the source of funding, including Title I, used to provide that full day of instruction to the extent allowable under federal law. In this case, the legislature intends to maintain its full funding obligation to LEAs who continue to serve our most needy students.

Sincerely,

A handwritten signature in cursive script that reads "Bill Rogers".

Bill Rogers

Chairman, House Appropriations Subcommittee on School Aid & Education
State Representative
66th District of Michigan