



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

RICK SNYDER
GOVERNOR

MICHAEL P. FLANAGAN
STATE SUPERINTENDENT

February 6, 2014

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

FROM: Carol Wolenberg, Deputy Superintendent, Administrative and Support Services *Carol*
Joseph Martineau Ph.D., Deputy Superintendent, Accountability Services *JM*

SUBJECT: Use of Non-Certificated Teachers

The purpose of this communication is to advise districts and public school academies of Michigan law related to the use of non-certificated teachers by local school districts, intermediate school districts, and public school academies when engaged in instruction and the corresponding school aid adjustments for use of non-certified teachers. Two sections of the State School Aid Act address this situation: Section 6(8) (MCL 388.1606) and Section 163 (MCL 388.1763).

Section 6 of the State School Aid Act provides that membership is based on the number of full-time equated "pupils in grades K to 12 actually enrolled and in regular daily attendance" on the pupil membership count day and the supplemental count day. Section 6(8) defines "pupils in grades K to 12 actually enrolled and in regular daily attendance" to mean "pupils in grades K to 12 in attendance and receiving instruction in all classes for which they are enrolled on the pupil membership count day or the supplemental count day, as applicable." It further provides that pupils who are absent from a class and do not meet the 10/30 day rule shall have their membership FTE prorated.

Of significance to this communication, section 6(8) defines a "class" to mean "a period of time in one (1) day when pupils and a certificated teacher or legally qualified substitute teacher are together and instruction is taking place." Thus, the period of time where pupil instruction is not being provided by a certificated teacher or legally qualified substitute teacher is not a "class" and may not be counted for purposes of determining the number of full-time equated pupils.

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608 WEST ALLEGAN STREET • P.O. BOX 30008 • LANSING, MICHIGAN 48909
www.michigan.gov/mde • (517) 373-3324

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In addition to the pupil membership provisions in Section 6(8), Section 163 provides that "a district or intermediate district employing teachers or counselors not legally certificated shall have deducted the sum equal to the amount paid the teachers or counselors for the period of non-certificated or illegal employment."

Based on a finding in the Auditor General's audit report of the Pupil Membership Accounting and Reporting Process released January 31, 2014 and concurrence from MDE's legal counsel, the two statutory references above require that the use of non-certificated teachers must result in both the adjustment of the foundation allowance for any pupil membership FTE associated with the teacher and a school aid adjustment equal to the salary paid during the period of non-certificated or illegal employment. Beginning in 2014-15 and subsequent years, MDE will begin increased monitoring of this issue.

Please be advised that FTE adjustments may be significantly greater than the salary adjustment. It is the district's (including intermediate school district's and public school academy's) responsibility to ensure that all teachers educating pupils claimed for school aid are properly certificated.

Questions related to this correspondence should be directed to Dan Hanrahan, HanrahanD@michigan.gov, or Flora Jenkins, JenkinsF@michigan.gov.

Thank you for your cooperation.

cc: Michigan Education Alliance