

Act No. 7  
Public Acts of 2023  
Approved by the Governor  
March 24, 2023  
Filed with the Secretary of State  
March 24, 2023  
EFFECTIVE DATE: Sine Die  
(91st day after final adjournment of the 2023 Regular Session)

**STATE OF MICHIGAN  
102ND LEGISLATURE  
REGULAR SESSION OF 2023**

Introduced by Senators Polehanki, Bayer, McCann, Hertel, Cavanagh and Chang

## **ENROLLED SENATE BILL No. 12**

AN ACT to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to make appropriations for certain purposes; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending section 1280f (MCL 380.1280f), as added by 2016 PA 306.

*The People of the State of Michigan enact:*

Sec. 1280f. (1) The department shall do all of the following to help ensure that more pupils will achieve a score of at least proficient in English language arts on the grade 3 state assessment:

(a) Approve 3 or more valid and reliable screening, formative, and diagnostic reading assessment systems for selection and use by school districts and public school academies in accordance with the following:

(i) Each approved assessment system must provide a screening assessment, monitoring capabilities for monitoring progress toward a growth target, and a diagnostic assessment.

(ii) In determining which assessment systems to approve for use by school districts and public school academies, the department shall also consider at least the following factors:

(A) The time required to conduct the assessments, with the intention of minimizing the impact on instructional time.

(B) The level of integration of assessment results with instructional support for teachers and pupils.

(C) The timeliness in reporting assessment results to teachers, administrators, and parents.

(b) Recommend or develop an early literacy coach model with the following features:

(i) An early literacy coach shall support and provide initial and ongoing professional development to teachers in all of the following:

(A) Each of the 5 major reading components listed in subsection (3)(a)(iv)(B) as needed, based on an analysis of pupil performance data.

- (B) Administering and analyzing instructional assessments.
  - (C) Providing differentiated instruction and intensive intervention.
  - (D) Using progress monitoring.
  - (E) Identifying and addressing reading deficiency.
- (ii) An early literacy coach shall also do all of the following:
- (A) Model effective instructional strategies for teachers.
  - (B) Facilitate study groups.
  - (C) Train teachers in data analysis and using data to differentiate instruction.
  - (D) Coach and mentor colleagues.
  - (E) Work with teachers to ensure that evidence-based reading programs such as comprehensive core reading programs, supplemental reading programs, and comprehensive intervention reading programs are implemented with fidelity.
  - (F) Train teachers to diagnose and address reading deficiency.
  - (G) Work with teachers in applying evidence-based reading strategies in other content areas, including, but not limited to, prioritizing time spent on those teachers, activities, and roles that will have the greatest impact on pupil achievement and prioritizing coaching and mentoring in classrooms.
  - (H) Help to increase instructional density to meet the needs of all pupils.
  - (I) Help lead and support reading leadership teams at the school.
  - (J) Continue to increase his or her knowledge base in best practices in reading instruction and intervention.
  - (K) For each teacher who teaches in a classroom for grades K to 3, model for the teacher, and coach the teacher in, instruction with pupils in whole and small groups.
- (iii) In the context of performing the functions described in subparagraph (ii), an early literacy coach must not be asked to perform administrative functions that will confuse his or her role for teachers.
- (iv) An early literacy coach must meet all of the following:
- (A) Have experience as a successful classroom teacher.
  - (B) Have sufficient knowledge of scientifically based reading research, special expertise in quality reading instruction and infusing reading strategies into content area instruction, and data management skills.
  - (C) Have a strong knowledge base in working with adults.
  - (D) Have a minimum of a bachelor's degree and advanced coursework in reading or have completed professional development in evidence-based literacy instructional strategies.
  - (v) An early literacy coach must not be assigned a regular classroom teaching assignment, but must be expected to work frequently with pupils in whole and small group instruction or tutoring in the context of modeling and coaching in or outside of teachers' classrooms.
- (2) Subject to subsection (10), the board of a school district or board of directors of a public school academy shall do all of the following to ensure that more pupils will achieve a score of at least proficient in English language arts on the grade 3 state assessment:
- (a) Select 1 valid and reliable screening, formative, and diagnostic reading assessment system from the assessment systems approved by the department under subsection (1)(a). A school district or public school academy shall use this assessment system for pupils in grades K to 3 to screen and diagnose difficulties, inform instruction and intervention needs, and assess progress toward a growth target. A school district or public school academy periodically shall assess a pupil's progress in reading skills at least 3 times per school year in grades K to 3. The first of these assessments for a school year must be conducted within the first 30 school days of the school year.
  - (b) For any pupil in grades K to 3 who exhibits a reading deficiency at any time, based upon the reading assessment system selected and used under subdivision (a), provide an individual reading improvement plan for the pupil within 30 days after the identification of the reading deficiency. The individual reading improvement plan must be created by the pupil's teacher, school principal, and parent or legal guardian and other pertinent school personnel, and must describe the reading intervention services the pupil will receive to remedy the reading deficiency. A school district or public school academy shall provide intensive reading intervention for the pupil in accordance with the individual reading improvement plan until the pupil no longer has a reading deficiency.
  - (c) If a pupil in grades K to 3 is identified as having an early literacy delay or reading deficiency, provide written notice to the pupil's parent or legal guardian of the delay or reading deficiency in writing and provide tools to assist the parent or legal guardian to engage in intervention and to address or correct any reading deficiency at home.

(d) Require a school principal or chief administrator to do all of the following:

(i) For a teacher in grades K to 3, target specific areas of professional development based on the reading development needs data for incoming pupils.

(ii) Differentiate and intensify professional development for teachers based on data gathered by monitoring teacher progress in improving pupil proficiency rates among their pupils.

(iii) Establish a collaborative system within the school to improve reading proficiency rates in grades K to 3.

(iv) Ensure that time is provided for teachers to meet for professional development.

(e) Utilize, at least, early literacy coaches provided through the intermediate school district in which the school district or public school academy is located, as provided for under section 35a(4) of the state school aid act of 1979, MCL 388.1635a. However, a public school academy may use an early literacy coach provided by the public school academy, at the expense of the public school academy, rather than using an early literacy coach provided through an intermediate school district if the early literacy coach and the usage of the early literacy coach otherwise meet the requirements of this section.

(3) Subject to subsection (10), a school district or public school academy shall provide reading intervention programs for pupils in grades K to 3, including at least all of the following:

(a) For pupils who exhibit a reading deficiency, a reading intervention program intended to ensure that pupils are proficient readers by the end of grade 3 and that includes some or all of the following features:

(i) Is provided to each pupil in grades K to 3 who is identified with a reading deficiency based on screening and diagnostic tools, and identifies and addresses the pupil's reading deficiency.

(ii) Periodically screens and monitors the progress of each pupil's reading skills, at least 3 times per year.

(iii) Provides evidence-based core reading instruction that is comprehensive and meets the majority of the general education classroom needs.

(iv) Provides reading intervention that meets, at a minimum, the following specifications:

(A) Assists pupils exhibiting a reading deficiency in developing the ability to read at grade level.

(B) Provides intensive development in the 5 major reading components: phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(C) Is systematic, explicit, multisensory, and sequential.

(D) Is implemented during regular school hours in addition to regular classroom reading instruction.

(v) Provides parents, legal guardians, or other providers of care for the pupil with a read-at-home plan, including parent, guardian, or care provider training workshops and regular home reading.

(vi) Documents efforts by the pupil's school to engage the pupil's parent or legal guardian and whether or not those efforts were successful.

(vii) Documents any dissenting opinions expressed by school personnel or a parent or legal guardian concerning the individual reading improvement plan provided for the pupil under subsection (2)(b).

(b) For grade 3 pupils exhibiting a reading deficiency as determined by the pupil's teacher through the diagnostic reading assessment system selected by the school district or public school academy under subsection (2)(a), a reading intervention program intended to correct the identified area or areas of reading deficiency and that includes all of the following features as needed by the individual pupil:

(i) Is evidence-based and has proven results in accelerating pupil reading achievement within the same school year.

(ii) Provides more dedicated time than the pupil's previous school year in evidence-based reading instruction and intervention.

(iii) Provides daily targeted small group or 1-to-1 reading intervention based on pupil needs as determined by assessment data, including explicit and systematic instruction with more detailed and varied explanations, more extensive opportunities for guided practice, and more opportunities for error correction and feedback.

(iv) Provides administration of ongoing progress monitoring assessments to frequently monitor pupil progress.

(v) Provides supplemental evidence-based reading intervention delivered by a teacher, tutor, or volunteer with specialized reading training that is provided before school, after school, during school hours but outside of regular English language arts classroom time, or any combination of these.

(vi) Provides parents, legal guardians, or other providers of care for a pupil with a read-at-home plan, including parent, guardian, or care provider training workshops and regular home reading.

(vii) Documents efforts by the pupil's school to engage the pupil's parent or legal guardian and whether or not those efforts were successful.

(viii) Documents any dissenting opinions expressed by school personnel or a parent or legal guardian concerning the individual reading improvement plan provided for the pupil under subsection (2)(b).

(c) Subject to subsection (11), for pupils identified as English language learners by the pupil's teacher or by the diagnostic reading assessment selected by the school district or public school academy under subsection (2)(a), intervention services that include at least all of the following:

(i) Ongoing assessments that provide actionable data for teachers to use in interventions.

(ii) Instruction in academic vocabulary.

(iii) Instruction in the 5 major reading components listed in subdivision (a)(iv)(B).

(iv) Common English language development strategies such as modeling, guided practice, and comprehensive input.

(4) For all pupils exhibiting a reading deficiency as determined by the pupil's teacher through the diagnostic reading assessment system selected by the school district or public school academy under subsection (2)(a), school districts and public school academies are encouraged to offer summer reading camps staffed with highly effective teachers of reading, as determined by the teacher evaluation system under section 1249, providing reading intervention services and supports to correct pupils' identified areas of reading deficiency.

(5) After the department finalizes the scoring for the grade 3 state assessments, whichever is earlier, the department shall provide CEPI with the grade 3 state assessment scores for every grade 3 pupil enrolled in a public school in this state who was administered 1 or more of those assessments.

(6) After CEPI receives the grade 3 state assessment results from the department under subsection (5), using those state assessment results, CEPI shall identify each pupil completing grade 3 that year who has a reading deficiency and shall notify the parent or legal guardian and the school district or public school academy of each of these pupils that the pupil has a reading deficiency; shall include an explanation in the notification concerning what constitutes a reading deficiency; and shall include, in the notification, information concerning interventions that are available to the pupil to address the pupil's reading deficiency. A school district or public school academy may also make its own notification to a parent or guardian in addition to the notification by CEPI.

(7) Except as otherwise provided in this section, for a grade 3 pupil who has a reading deficiency based on the grade 3 state English language arts assessment, the school district or public school academy shall provide, only through grade 4, a reading intervention program that is intended to correct the pupil's specific reading deficiency, as identified by a valid and reliable assessment. This program must include effective instructional strategies necessary to assist the pupil in becoming a successful reader, and all of the following features, as appropriate for the needs of the individual pupil:

(a) Assigning to a pupil 1 or more of the following:

(i) A highly effective teacher of reading as determined by the teacher evaluation system under section 1249.

(ii) The highest evaluated grade 3 teacher in the school as determined by the teacher evaluation system under section 1249.

(iii) A reading specialist.

(b) Reading programs that are evidence-based and have proven results in accelerating pupil reading achievement within the same school year.

(c) Reading instruction and intervention for the majority of pupil contact time each day that incorporates opportunities to master the grade 4 state standards in other core academic areas, if applicable.

(d) Daily targeted small group or 1-to-1 reading intervention that is based on pupil needs, determined by assessment data, and on identified reading deficiencies and that includes explicit and systematic instruction with more detailed and varied explanations, more extensive opportunities for guided practice, and more opportunities for error correction and feedback.

(e) Administration of ongoing progress monitoring assessments to frequently monitor pupil progress toward a growth target.

(f) Supplemental evidence-based reading intervention delivered by a teacher or tutor with specialized reading training that is provided before school, after school, during regular school hours but outside of regular English language arts classroom time, or any combination of these.

(g) Providing parents, legal guardians, or other providers of care for the pupil with a read-at-home plan, including parent, guardian, or care provider training workshops and regular home reading.

(8) For a pupil or child described in subsection (7) who has a reading deficiency at the end of grade 4, the school district or public school academy shall provide intensive reading intervention beyond grade 4 to the pupil, in a manner determined by the school district or public school academy, until the pupil no longer has a reading deficiency.

(9) If a school district or public school academy cannot furnish the number of teachers needed to satisfy 1 or more of the criteria set forth in this section for a school year, then by the August 15 before the beginning of that school year the school district or public school academy shall develop a staffing plan for providing services under this section. The school district or public school academy shall post the staffing plan on its website for the applicable school year. The staffing plan must include at least all of the following:

(a) A description of the criteria that will be used to assign a pupil who has been identified as not proficient in English language arts to a teacher.

(b) The credentials or training held by teachers currently teaching at the school.

(c) How the school district or public school academy will meet the requirements under this section.

(10) This section does not require or state an intention to require a school district or public school academy to supplant state funds with federal funds for implementing or supporting the activities under this section and does not prohibit a school district or public school academy from continuing to use federal funds for any of the purposes or activities described in this section.

(11) For pupils identified as English language learners by the pupil's teacher or by the diagnostic reading assessment selected by the school district or public school academy under subsection (2)(a), if available staff resources allow, a school district or public school academy is encouraged to provide the following intervention services in addition to those required under subsection (3)(c):

(a) Instruction in the pupil's native language, with withdrawal of that instruction as appropriate as the pupil improves his or her English language skills. A school district or public school academy is encouraged to provide this support for at least pupils whose native language is Spanish, Chinese, Hindi, Korean, or Arabic.

(b) Opportunities for speech production.

(c) Common English language development strategies such as modeling, guided practice, and comprehensive input.

(d) Feedback for the pupil, including explanations in his or her native language.

(12) As used in this section:

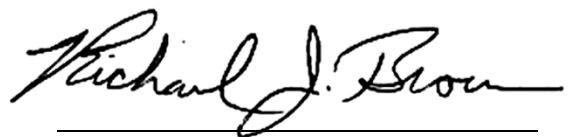
(a) "Evidence-based" means based in research and with proven efficacy.

(b) "Reading deficiency" means scoring below grade level or being determined to be at risk of reading failure based on a screening assessment, diagnostic assessment, standardized summative assessment, or progress monitoring.

(c) "Reading leadership team" means a collaborative system led by a school building's principal or program director and consisting of a cross-section of faculty who are interested in working to improve literacy instruction across the curriculum.



Secretary of the Senate



Clerk of the House of Representatives

Approved \_\_\_\_\_

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Governor