

# HOUSE BILL No. 4286

February 20, 2001, Introduced by Reps. Garza, Kolb, Lipsey, Minore, Daniels, Hale, Jacobs, Thomas, Clark, Clarke, Rison, Wojno and Lemmons and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending sections 1153 and 1155 (MCL 380.1153 and 380.1155),  
as amended by 1995 PA 289, and by adding sections 1154, 1156, and  
1158.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1153. (1) THE BOARD OF A SCHOOL DISTRICT HAVING AN  
2 ENROLLMENT OF 20 OR MORE CHILDREN OF LIMITED ENGLISH-SPEAKING  
3 ABILITY IN A LANGUAGE CLASSIFICATION IN GRADES K TO 12 SHALL  
4 ESTABLISH AND OPERATE A BILINGUAL INSTRUCTION PROGRAM FOR THOSE  
5 CHILDREN.

6       (2) ~~-(1)-~~ The board of a school district THAT HAS AN ENROLL-  
7 MENT OF FEWER THAN 20 CHILDREN OF LIMITED ENGLISH-SPEAKING  
8 ABILITY may establish and operate a bilingual instruction program

1 IN A LANGUAGE CLASSIFICATION for children of limited  
2 English-speaking ability.

3 (3) CHILDREN ENROLLED IN A BILINGUAL INSTRUCTION PROGRAM  
4 OPERATED UNDER THIS SECTION MAY BE PLACED IN CLASSES WITH OTHER  
5 CHILDREN OF APPROXIMATELY THE SAME AGE AND GRADE LEVEL. IF CHIL-  
6 DREN OF DIFFERENT AGE GROUPS OR GRADE LEVELS ARE COMBINED, THE  
7 BOARD SHALL INSURE THAT THE INSTRUCTION GIVEN EACH CHILD IS  
8 APPROPRIATE TO THE CHILD'S LEVEL OF EDUCATIONAL ATTAINMENT.

9 (4) ~~-(2)-~~ A child of limited English-speaking ability resid-  
10 ing in a district that does not have an appropriate bilingual  
11 instruction program or that is not required to have a bilingual  
12 instruction program may enroll in a bilingual instruction program  
13 in another school district. IF A CHILD ENROLLS IN A BILINGUAL  
14 INSTRUCTION PROGRAM IN ANOTHER SCHOOL DISTRICT UNDER THIS SUBSEC-  
15 TION, THE SCHOOL DISTRICT IN WHICH THE CHILD RESIDES SHALL PAY  
16 ANY TUITION CHARGED FOR THE PUPIL AND SHALL PROVIDE TRANSPORTA-  
17 TION FOR THE PUPIL.

18 (5) ~~-(3)-~~ IF FEWER THAN 20 CHILDREN OF LIMITED  
19 ENGLISH-SPEAKING ABILITY IN A LANGUAGE CLASSIFICATION ARE  
20 ENROLLED IN A SCHOOL DISTRICT, THE INTERMEDIATE SCHOOL BOARD  
21 SHALL DETERMINE WHETHER THE TOTAL NUMBER OF THESE CHILDREN RESID-  
22 ING IN ITS CONSTITUENT DISTRICTS THAT DO NOT OPERATE BILINGUAL  
23 INSTRUCTION PROGRAMS WARRANTS THE ESTABLISHMENT OF AN INTERMEDI-  
24 ATE BILINGUAL INSTRUCTION-SUPPORT PROGRAM. An intermediate school  
25 district ~~may operate or contract~~ OPERATING OR CONTRACTING for  
26 the operation of a bilingual program or service ~~—, and~~ may carry  
27 children enrolled in the program in membership in the same manner

1 as a local school district and be entitled to its proportionate  
2 share of state funds available for the program. Membership shall  
3 be calculated under rules promulgated by the state board. The  
4 intermediate school board shall consider ALL OF THE FOLLOWING:

5 (a) Whether the cost of operating an intermediate bilingual  
6 instruction-support program is justified by the number of chil-  
7 dren at each grade level who would benefit from its  
8 establishment.

9 (b) Whether alternative methods of providing a bilingual  
10 instruction-support program, such as visiting teachers or  
11 part-time instruction, can be provided.

12 ~~(4) The state shall continue to fund programs of bilingual~~  
13 ~~instruction described in this section at least at the level that~~  
14 ~~instruction is funded in the 1995-1996 state fiscal year.~~

15 SEC. 1154. THE BILINGUAL INSTRUCTION PROGRAM OPERATED BY A  
16 SCHOOL DISTRICT SHALL BE A FULL-TIME PROGRAM OF BILINGUAL  
17 INSTRUCTION IN ALL OF THE FOLLOWING:

18 (A) THE COURSES AND SUBJECTS REQUIRED BY THIS ACT.

19 (B) THE COURSES AND SUBJECTS REQUIRED BY THE BOARD FOR COM-  
20 PLETION OF THE GRADE LEVEL IN WHICH THE CHILD IS ENROLLED.

21 Sec. 1155. (1) ~~Prior to~~ BEFORE the placement of a child  
22 of limited English-speaking ability in a bilingual instruction  
23 program, the board of the local school district in which the  
24 child resides shall notify, by registered mail, the child's par-  
25 ents or legal guardian that the child is being enrolled in a  
26 bilingual instruction program. The notice shall contain a  
27 simple, nontechnical description of the purposes, method, and

1 content of the program and shall inform the parents or guardian  
2 that they have the right to visit bilingual instruction classes  
3 in which their child is enrolled.

4 (2) The notice shall be written in English and in the native  
5 language of the child of limited English-speaking ability.

6 (3) The notice shall inform the parents or guardian that  
7 they have the absolute right to refuse the placement or to with-  
8 draw their child from the program by giving written notice to the  
9 board of the local school district in which the child resides.

10 (4) A CHILD OF LIMITED ENGLISH-SPEAKING ABILITY RESIDING IN  
11 A SCHOOL DISTRICT OPERATING OR PARTICIPATING IN A BILINGUAL  
12 INSTRUCTION PROGRAM PURSUANT TO SECTION 1153 SHALL BE ENROLLED IN  
13 THE BILINGUAL INSTRUCTION PROGRAM FOR 3 YEARS OR UNTIL THE CHILD  
14 ACHIEVES A LEVEL OF PROFICIENCY IN ENGLISH LANGUAGE SKILLS SUFFI-  
15 CIENT TO RECEIVE AN EQUAL EDUCATIONAL OPPORTUNITY IN THE REGULAR  
16 SCHOOL PROGRAM, WHICHEVER OCCURS FIRST. A CHILD OF LIMITED  
17 ENGLISH-SPEAKING ABILITY SHALL NOT BE TRANSFERRED OUT OF A BILIN-  
18 GUAL INSTRUCTION PROGRAM BEFORE THE CHILD'S THIRD YEAR OF ENROLL-  
19 MENT UNLESS THE PARENT OR GUARDIAN OF THE CHILD APPROVES THE  
20 TRANSFER IN WRITING OR UNLESS THE CHILD SUCCESSFULLY COMPLETES AN  
21 EXAMINATION THAT, IN THE DETERMINATION OF THE STATE BOARD,  
22 REFLECTS A LEVEL OF PROFICIENCY IN ENGLISH LANGUAGE SKILLS APPRO-  
23 PRIATE TO THE CHILD'S GRADE LEVEL.

24 SEC. 1156. THE BOARD OF A SCHOOL DISTRICT OPERATING A  
25 BILINGUAL INSTRUCTION PROGRAM PURSUANT TO SECTION 1153 SHALL  
26 ESTABLISH AN ADVISORY COMMITTEE TO ASSIST THE BOARD IN EVALUATING  
27 AND PLANNING THE BILINGUAL INSTRUCTION PROGRAM. THE ADVISORY

1 COMMITTEE SHALL BE COMPRISED OF REPRESENTATIVES OF PARENTS OF  
2 CHILDREN ENROLLED IN THE PROGRAM, BILINGUAL INSTRUCTION TEACHERS  
3 AND COUNSELORS, AND MEMBERS OF THE COMMUNITY. A MAJORITY OF THE  
4 MEMBERS OF THE ADVISORY COMMITTEE SHALL BE PARENTS OF CHILDREN  
5 ENROLLED IN THE BILINGUAL INSTRUCTION PROGRAM.

6 SEC. 1158. THE STATE BOARD SHALL DO ALL OF THE FOLLOWING:

7 (A) ADVISE AND ASSIST SCHOOL DISTRICTS IN COMPLYING WITH AND  
8 IMPLEMENTING SECTIONS 1152 TO 1158.

9 (B) STUDY, REVIEW, AND EVALUATE TEXTBOOKS AND INSTRUCTIONAL  
10 MATERIALS, RESOURCES, AND MEDIA FOR USE IN BILINGUAL INSTRUCC-  
11 TIONAL PROGRAMS.

12 (C) COMPILE DATA RELATIVE TO THE THEORY AND PRACTICE OF  
13 BILINGUAL INSTRUCTION AND PEDAGOGY.

14 (D) ENCOURAGE EXPERIMENTATION AND INNOVATION IN BILINGUAL  
15 EDUCATION.

16 (E) RECOMMEND CURRICULUM DEVELOPMENT AND TESTING  
17 MECHANISMS.

18 (F) MAKE AN ANNUAL REPORT RELATIVE TO BILINGUAL INSTRUCTION  
19 PROGRAMS TO THE LEGISLATURE AND THE GOVERNOR.