



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 842 (Substitute S-1)
Senate Bill 1275 (as introduced 4-24-08)
Sponsor: Senator Wayne Kuipers
Committee: Education

Date Completed: 4-24-08

CONTENT

Senate Bill 842 (S-1) would amend the Revised School Code to do the following:

- Require the Superintendent of Public Instruction to include a three-credit course on reading disabilities and differentiated instruction in the continuing education requirements for teachers and school administrators.
- Require current employees to complete such a course by July 1, 2013, and require those hired after that date to have completed the course.
- Require the Department of Education (DOE) to develop a model summer language arts program that schools could adopt for students entering grades 1 through 4 who had shown the need for additional literacy skills training.
- Require the DOE to develop or adopt a model early intervention program meeting the requirements of an intervention program under Senate Bill 1275, that schools could use to improve students' reading skills during the academic year.
- Require the DOE to make available information on public and private supplemental service providers that could help parents improve their child's literacy skills.

Senate Bill 1275 would amend the State School Aid Act to do the following:

- Require a district that had failed to meet English language arts requirements under the No Child Left Behind Act (NCLB) to use discretionary nonmandated payments from the State to provide an early intervening program for pupils in grades K to 3.
- Require the program to provide a comprehensive, age-appropriate language arts curriculum, include active parental involvement, and provide all pupils with 60 to 90 minutes of reading instruction per school day.
- Require a program to screen children in grades K to 3 three times a year.
- Require a program to rescreen pupils in grade 6 beginning in 2011-2012 and grade 8 beginning in 2013-2014.
- Require a program to provide additional reading instruction to a pupil who was not meeting basic literary benchmarks for his or her grade level.
- Require the program to give notice to the parent or guardian of a child in grades K to 3 if the pupil failed to meet standards for basic literary skills, including notice of the specific role that the parent or guardian could play to improve the pupil's reading level, and notice of the right to receive reimbursement for the pupil to receive supplemental services.

- **Permit a district to contract with an intermediate school district (ISD) to provide an early intervening program.**
- **Require an ISD that contained two or more districts that had failed to meet NCLB English language arts requirements to offer to provide an early intervening program to those districts.**

Senate Bill 1275 is tie-barred to Senate Bill 842. The bills are described in detail below.

Senate Bill 842 (S-1)

Reading Disabilities Course

The Revised School Code requires the Superintendent of Public Instruction to promulgate rules establishing continuing education requirements as a condition for continued employment as a superintendent, principal, or other person whose primary responsibility is administering instructional programs.

Under the bill, the Superintendent would have to revise those rules to require people who initially were employed in one of the positions described above after July 1, 2013, to have completed successfully at least a three-credit course of study with appropriate field experiences in the diagnosis and remediation of reading disabilities and differentiated instruction.

The rules would have to require people already employed in positions described above to complete such a course by July 1, 2013.

The course would have to comply with Section 1531(5)(c) of the Code. (Under that section, a course of study should include the following elements, as determined by the DOE to be appropriate for the person's certification level and endorsements: interest inventories, English language learning screening, visual and auditory discrimination tools, language expression and processing screening, phonemics, phonics, vocabulary, fluency, comprehension, spelling and writing assessment tools, and instructional strategies.)

Under the Code, beginning July 1, 2009, if a person holds a teaching certificate, the Superintendent may not advance the person's certification to professional certification unless he or she has successfully completed at least a three-credit course of study with appropriate field experiences in the diagnosis and remediation of reading disabilities and differentiated instruction.

Under the bill, that requirement would apply only to a person holding a provisional teaching certificate. If a person held a professional or a continuing teaching certificate and had not completed that requirement, then the person's teaching certificate would not be valid after July 1, 2011, unless he or she had successfully completed the course described above.

In each case, as currently required, the course would have to comply with Section 1531(5)(c).

Model Programs & Resources

The DOE would have to develop and make available a model summer English language arts program that could be adopted by school districts and public school academies (PSAs) for pupils who would be attending grades one to four in the next school year and had demonstrated the need for additional literacy skills training, as demonstrated by assessment under State law.

The model English language arts program would have to be aligned with grade level content expectations in English language arts established by the DOE and would have to meet the requirements for Federal funding under the Title I program administered by the U.S. Department of Education Office of Elementary and Secondary Education.

The DOE also would have to develop or adopt and make available a model early intervention program that could be used by school districts, ISDs, and PSAs to improve reading skills during the academic year. The model program would have to be designed to meet requirements for an intervention program under Section 42 of the State School Aid Act (which Senate Bill 1275 would add).

In addition, the DOE would have to develop and make available a statewide resource guide of public and private supplemental service providers, as required under NCLB, to assist parents in improving their child's literacy skills.

Senate Bill 1275

Early Intervening Program

The bill would require a district, under certain circumstances, to use the amount it received under Section 22b of the School Aid Act (which allocates funds for discretionary nonmandated payments to districts) as necessary to provide a program for the following purposes:

- Providing enhanced instructional services, periodic screenings, and early intervening services (as described below).
- Improving the literacy skills of students in grades K through 3 so that they were reading at grade level as soon as possible.
- Preventing inappropriate or unnecessary referrals to special education services.

A district would be subject to these provisions if it operated at least one elementary school that had been determined by the DOE to be in phase 2 or above of the corrective measures required for schools that are determined not to meet the adequate yearly progress standard in English language arts under NCLB.

A program under the bill would have to provide, in each elementary school that was in phase 2 or above, a comprehensive, age-appropriate language arts curriculum that helped ensure that pupils met the grade level content expectations developed in English language arts for the grade level in which the pupils were enrolled.

The program would have to be designed to include active and continuous involvement of the parents or guardians of the pupils participating in the program, and provide all pupils in grades K to 3 in the elementary school with 60 to 90 minutes of reading instruction per school day using a research-based core comprehensive reading program. The reading instruction would have to include phonemic awareness, phonics, fluency, vocabulary, and comprehension, and oral language and writing taught in a combination of entire class setting, small group settings, and individual practice.

In addition, the program under the bill would have to measure pupils' literacy skills regularly in all of grades K to 3 in the elementary school. Screenings would have to be conducted school-wide at least three times per school year in each of those grades. The screenings would have to screen for learning difficulty and determine whether a pupil was meeting applicable basic literacy benchmarks for his or her grade level, and would have to be conducted using a research-based screening tool that was proven to be reliable and valid.

If a pupil were determined by the screening to need further intervention because the screening revealed that the pupil was not meeting applicable basic literacy benchmarks for his or her grade level, then the program would have to provide the pupil with at least 30 minutes of reading instruction per school day in addition to the instruction required above. This reading instruction would have to be of the same type described above, except that it would have to be taught in a combination of small group settings and individual practice. Further, the program would have to ensure that those pupils were re-screened through progress monitoring at least every two to four weeks.

If a pupil receiving additional intervention under these provisions were determined by the program screening still not to be meeting applicable basic literacy benchmarks for his or her grade level, then the program would have to provide the pupil with at least 30 more minutes of reading instruction per school day, in addition to the instruction required above. This reading instruction would have to be of the same type, but taught in a combination of small group settings and individual practices.

Notice to Parent or Guardian

If a pupil in grades K to 3 had been determined not to meet applicable basic literacy benchmarks for his or her grade level, then by the end of the first semester or trimester, or as early as practicable for parents to assist in the pupil's academic improvement, whichever was earlier, the program would have to provide for a written notice to the pupil's parent or legal guardian. The notice would have to include all of the following:

- Notification that the pupil's school had determined that the child had failed to meet standards for basic literacy skills, based on the grade level content expectations in English language arts established by the DOE for the pupil's grade level.
- Notification of the specific role the parent or guardian could play at home to improve the pupil's literacy skills, including at least any extra work that the parent or guardian could do with the pupil, and a description of varied approaches to completing homework or extra work in order to help raise the pupil's reading skill level.

If the pupil were enrolled in a school that was required to provide supplementary services under NCLB, the notice also would have to include notification that the pupil's parent or legal guardian had a right to receive reimbursement for the pupil to receive services from a supplemental service provider identified by the DOE, and that the parent or guardian could choose to have the pupil receive supplemental services from one of those providers with reimbursement from the school district or PSA. This part of the notice would have to include a listing of the supplemental service providers that were identified by the DOE under the Revised School Code (as Senate Bill 842 (S-1) would require) and that were located within a 30-mile radius of the pupil's school.

The program would have to give a copy of the notice to the DOE, which would have to maintain the copy.

The DOE would have to develop and make available to districts that were subject to the bill a model parent notification form that could be used for these purposes.

Pupils in Later Grades

The program under the bill would have to rescreen pupils in grades 6 and 8 using the Michigan Education Assessment Program (MEAP) English language arts assessments for those grades. The rescreening in grade 6 would have to begin in 2011-2012, and the rescreening in grade 8 would have to begin in 2013-2014, and would have to be done for all

pupils in those grades who were determined by the screening in grade 3 to require additional intervention or who had enrolled in the school for the first time after 3rd grade.

If a pupil did not achieve level I or II on the MEAP English language arts assessment, the program would have to provide at least 30 minutes of reading instruction per school day in addition to the pupil's regular English language arts instruction. This reading instruction would have to be of the same type as the instruction required for all pupils in grades K to 3, except that it would have to be taught in a combination of small group settings and individual practice. The program would have to ensure that the pupils who did not achieve level I or II were rescreened through process monitoring at least every two to four weeks.

If a pupil receiving this additional intervention were determined by the program screening still not to be meeting applicable basic literacy benchmarks for his or her grade level, the program would have to provide at least 30 more minutes of reading instruction per school day in addition to the instruction required above and the pupil's regular English language arts instruction.

Reporting Requirements

A district that was subject to the bill would have to report both of the following to the DOE by June 30 of each year:

- The percentage of pupils in each elementary school that received services from the program under the bill who were referred to special education for learning disabilities.
- The amount of estimated cost savings, if any, incurred as a result of implementing the intervention program.

Program Provided by ISD

A district could contract with an ISD to provide the program required under the bill. If an ISD had at least two constituent districts that each operated at least one elementary school that the DOE had determined to be in phase 2 or above of the corrective measures required for schools not meeting the adequate yearly progress in English language arts under NCLB, the ISD would have to offer to provide the required services to those constituent districts.

MCL 380.1246 et al. (S.B. 842)
388.1622b et al. (S.B. 1275)

Legislative Analyst: Curtis Walker

FISCAL IMPACT

Senate Bill 842 (S-1)

State: The Department of Education would face increased costs under this bill. The requirements that the DOE develop and make available a model summer English language arts program, develop or adopt and make available a model early intervention program, and develop and make available a statewide resource guide of public and private supplemental service providers would raise the Department's costs, measured both in staff resources and in resources necessary to make these items available. The Department also would see increased costs due to the required revision of promulgated rules establishing continuing education requirements for instructional administrators.

Local: A school district could see increased hiring and training costs if some of its teachers' certificates were not valid after July 1, 2011, because the teachers had not completed coursework in reading disabilities and differentiated instruction, and the district were forced to hire and train new teachers who met that coursework requirement.

Senate Bill 1275

State: The Department of Education would face increased costs under this bill. The requirement that the DOE develop and make available a model notice to parents on available tutoring would raise the Department's costs, measured both in staff resources and in resources necessary to make this available.

Local: According to the most recent data available, three school districts (Detroit, Benton Harbor, and Flint) would be required to provide an intervention program as defined in proposed Section 42. Detroit Public Schools has nine elementary school buildings in Phase 2 or above of the corrective measures required for schools that are determined not to meet adequate yearly progress in English language arts, Flint has five, and Benton Harbor has one.

Each affected school district would be required to use Section 22b (discretionary foundation allowance payments) to provide and report on an intervention program as outlined in Section 42. The cost of such a program is unknown, and would depend upon staff hired or trained and resources purchased to fulfill the requirements of the section. The cost would depend upon the scope of the program as well; the legislation would require that the intervention program be provided in each elementary school meeting the criteria listed above.

In the current year, Detroit Public Schools is receiving approximately \$138.7 million in Section 22b funding, Flint Schools is receiving approximately \$27.0 million, and Benton Harbor is receiving approximately \$7.9 million. It is from this source of funding that the legislation would require the intervention program to be funded.

Fiscal Analyst: Kathryn Summers-Coty

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.