

HOUSE BILL No. 5146

October 19, 2017, Introduced by Reps. Clemente, Sneller, Camilleri, Brinks, Faris, Pagan, Hoadley, Sowerby, Hammoud, Schor, Chang, Lasinski, Geiss and Zemke and referred to the Committee on Education Reform.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1280f (MCL 380.1280f), as added by 2016 PA 306, and by adding section 1280g.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

9 (i) Each approved assessment system shall provide a screening

1 assessment, monitoring capabilities for monitoring progress toward
2 a growth target, and a diagnostic assessment.

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

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

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

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

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

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

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

20 (B) Administering and analyzing instructional assessments.

21 (C) Providing differentiated instruction and intensive
22 intervention.

23 (D) Using progress monitoring.

24 (E) Identifying and addressing reading deficiency.

25 (ii) An early literacy coach shall also do all of the
26 following:

27 (A) Model effective instructional strategies for teachers.

1 (B) Facilitate study groups.

2 (C) Train teachers in data analysis and using data to
3 differentiate instruction.

4 (D) Coach and mentor colleagues.

5 (E) Work with teachers to ensure that evidence-based reading
6 programs such as comprehensive core reading programs, supplemental
7 reading programs, and comprehensive intervention reading programs
8 are implemented with fidelity.

9 (F) Train teachers to diagnose and address reading deficiency.

10 (G) Work with teachers in applying evidence-based reading
11 strategies in other content areas, including, but not limited to,
12 prioritizing time spent on those teachers, activities, and roles
13 that will have the greatest impact on pupil achievement and
14 prioritizing coaching and mentoring in classrooms.

15 (H) Help to increase instructional density to meet the needs
16 of all pupils.

17 (I) Help lead and support reading leadership teams at the
18 school.

19 (J) Continue to increase his or her knowledge base in best
20 practices in reading instruction and intervention.

21 (K) For each teacher who teaches in a classroom for grades K
22 to 3, model for the teacher, and coach the teacher in, instruction
23 with pupils in whole and small groups.

24 (iii) In the context of performing the functions described in
25 subparagraph (ii), an early literacy coach shall not be asked to
26 perform administrative functions that will confuse his or her role
27 for teachers.

1 (iv) An early literacy coach must meet all of the following:

2 (A) Have experience as a successful classroom teacher.

3 (B) Have sufficient knowledge of scientifically based reading
4 research, special expertise in quality reading instruction and
5 infusing reading strategies into content area instruction, and data
6 management skills.

7 (C) Have a strong knowledge base in working with adults.

8 (D) Have a minimum of a bachelor's degree and advanced
9 coursework in reading or have completed professional development in
10 evidence-based literacy instructional strategies.

11 (v) An early literacy coach shall not be assigned a regular
12 classroom teaching assignment, but shall be expected to work
13 frequently with pupils in whole and small group instruction or
14 tutoring in the context of modeling and coaching in or outside of
15 teachers' classrooms.

16 (2) Subject to subsection (14), beginning in the 2017-2018
17 school year, the board of a school district or board of directors
18 of a public school academy shall do all of the following to ensure
19 that more pupils will achieve a score of at least proficient in
20 English language arts on the grade 3 state assessment:

21 (a) Select 1 valid and reliable screening, formative, and
22 diagnostic reading assessment system from the assessment systems
23 approved by the department under subsection (1)(a). A school
24 district or public school academy shall use this assessment system
25 for pupils in grades K to 3 to screen and diagnose difficulties,
26 inform instruction and intervention needs, and assess progress
27 toward a growth target. A school district or public school academy

1 periodically shall assess a pupil's progress in reading skills at
2 least 3 times per school year in grades K to 3. The first of these
3 assessments for a school year shall be conducted within the first
4 30 school days of the school year.

5 (b) For any pupil in grades K to 3 who exhibits a reading
6 deficiency at any time, based upon the reading assessment system
7 selected and used under subdivision (a), provide an individual
8 reading improvement plan for the pupil within 30 days after the
9 identification of the reading deficiency. **HOWEVER, BEGINNING IN THE**
10 **2018-2019 SCHOOL YEAR, FOR A PUPIL IN KINDERGARTEN WHO EXHIBITS A**
11 **READING DEFICIENCY UNDER THIS SECTION OR A READING DIFFICULTY,**
12 **DEFICIENCY, OR DISABILITY UNDER SECTION 1280G, THE PUPIL'S TEACHER**
13 **MAY DELAY THE PROVISION OF AN INDIVIDUAL READING IMPROVEMENT PLAN**
14 **UNTIL THE SECOND ADMINISTRATION OF A READING ASSESSMENT UNDER**
15 **SUBDIVISION (A) IF THE TEACHER BELIEVES, IN HIS OR HER PROFESSIONAL**
16 **JUDGMENT, THAT THE PUPIL WILL MITIGATE THE READING DEFICIENCY,**
17 **DIFFICULTY, OR DISABILITY, AS APPLICABLE, WITHOUT BEING PROVIDED AN**
18 **INDIVIDUAL READING IMPROVEMENT PLAN.** The individual reading
19 improvement plan shall be created by the pupil's teacher, school
20 principal, and parent or legal guardian and other pertinent school
21 personnel, and shall describe the reading intervention services the
22 pupil will receive to remedy the reading deficiency. A school
23 district or public school academy shall provide intensive reading
24 intervention for the pupil in accordance with the individual
25 reading improvement plan until the pupil no longer has a reading
26 deficiency.

27 (c) If a pupil in grades K to 3 is identified as having an

1 early literacy delay or reading deficiency, provide written notice
2 to the pupil's parent or legal guardian of the delay or reading
3 deficiency in writing and provide tools to assist the parent or
4 legal guardian to engage in intervention and to address or correct
5 any reading deficiency at home.

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

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

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

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

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

18 (e) Utilize, at least, early literacy coaches provided through
19 the intermediate school district in which the school district or
20 public school academy is located, as provided for under section
21 35a(4) of the state school aid act of 1979, MCL 388.1635a. However,
22 a public school academy may use an early literacy coach provided by
23 the public school academy, at the expense of the public school
24 academy, rather than using an early literacy coach provided through
25 an intermediate school district if the early literacy coach and the
26 usage of the early literacy coach otherwise meet the requirements
27 of this section.

1 (3) Subject to subsection (14), a school district or public
2 school academy shall provide reading intervention programs for
3 pupils in grades K to 3, including at least all of the following:

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

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

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

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

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

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

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

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

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

27 (v) Provides parents, legal guardians, or other providers of

1 care for the pupil with a "Read at Home" plan, including parent,
2 guardian, or care provider training workshops and regular home
3 reading.

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

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

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

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

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

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

27 (iv) Provides administration of ongoing progress monitoring

1 assessments to frequently monitor pupil progress.

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

7 (vi) Provides parents, legal guardians, or other providers of
8 care for a pupil with a "Read at Home" plan, including parent,
9 guardian, or care provider training workshops and regular home
10 reading.

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

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

18 (c) Subject to subsection (15), for pupils identified as
19 English language learners by the pupil's teacher or by the
20 diagnostic reading assessment selected by the school district or
21 public school academy under subsection (2) (a), intervention
22 services that include at least all of the following:

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

25 (ii) Instruction in academic vocabulary.

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

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

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

12 (5) Beginning with pupils enrolled in grade 3 during the 2019-
13 2020 school year, all of the following apply:

14 (a) Subject to subsection (6), the superintendent of the
15 school district or chief administrator of the public school academy
16 in which the pupil is enrolled shall ensure that a pupil whose
17 parent or legal guardian has been provided with the notification
18 under subdivision (d) is not enrolled in grade 4 until 1 of the
19 following occurs:

20 (i) The pupil achieves a reading score that is less than 1
21 grade level behind as determined by the department based on the
22 grade 3 state English language arts assessment.

23 (ii) The pupil demonstrates a grade 3 reading level through
24 performance on an alternative standardized reading assessment
25 approved by the superintendent of public instruction.

26 (iii) The pupil demonstrates a grade 3 reading level through a
27 pupil portfolio, as evidenced by demonstrating competency in all

1 grade 3 state English language arts standards through multiple work
2 samples.

3 (b) Subject to subsection (6), if a child younger than 10
4 years of age seeks to enroll for the first time in a school
5 district or public school academy in grade 4, the superintendent of
6 the school district or chief administrator of the public school
7 academy shall not allow the child to enroll in grade 4 unless 1 of
8 the following occurs:

9 (i) The child achieves a grade 3 reading score as determined
10 by the department based on the reading portion of the grade 3 state
11 English language arts assessment.

12 (ii) The child demonstrates a grade 3 reading level through
13 performance on an alternative standardized reading assessment
14 approved by the superintendent of public instruction.

15 (iii) The child demonstrates a grade 3 reading level through a
16 pupil portfolio, as evidenced by demonstrating competency in all
17 grade 3 state English language arts standards through multiple work
18 samples.

19 (c) Not later than May 23 of each year or not later than 14
20 days after the department finalizes the scoring for the grade 3
21 state assessments, whichever is earlier, the department shall
22 provide CEPI with the grade 3 state assessment scores for every
23 grade 3 pupil enrolled in a public school in this state who was
24 administered 1 or more of those assessments.

25 (d) Not later than June 1 of each year or not later than 14
26 days after CEPI receives the grade 3 state assessment results from
27 the department under subdivision (c), whichever is earlier, using

1 those state assessment results, CEPI shall identify each pupil
2 completing grade 3 that year who is subject to not being advanced
3 to grade 4 due to the operation of subdivision (a) (i) and who is
4 not eligible to enroll in grade 4 under subsection (6) (a), and
5 shall notify the parent or legal guardian and the school district
6 or public school academy of each of these pupils that the pupil is
7 subject to being retained in grade 3. A school district or public
8 school academy may also make its own notification to a parent or
9 guardian in addition to the notification by CEPI. The notification
10 by CEPI to a parent or legal guardian shall be by certified mail.
11 The notification by CEPI shall clearly state at least all of the
12 following:

13 (i) That, based on standardized testing, this state has
14 determined that the pupil may be required to be retained in grade 3
15 as provided under state law, with a reference to this section along
16 with an explanation that even if the pupil is not eligible to
17 enroll in grade 4 based on state assessments, the pupil may still
18 be allowed to enroll in grade 4 if he or she demonstrates a grade 3
19 reading level through performance on an alternative standardized
20 reading assessment or through a pupil portfolio.

21 (ii) That the parent or legal guardian has the right to
22 request a good cause exemption under this section that, if granted,
23 will allow the pupil to enroll in grade 4 in the next school year.

24 (iii) That the parent or legal guardian must request the good
25 cause exemption within 30 days after the date of the notification
26 by CEPI and must direct the request to the school district or
27 public school academy in which the parent or legal guardian intends

1 to enroll the pupil for grade 4.

2 (iv) That the parent or legal guardian has the right to
3 request a meeting with school officials to discuss the retention
4 requirement under state law and the standards and processes for a
5 good cause exemption from that requirement.

6 (e) If a parent or legal guardian receives a notification from
7 CEPI under subdivision (d), the parent or legal guardian may
8 request a meeting with school officials to discuss the retention
9 requirement under state law and the standards and processes for a
10 good cause exemption from that requirement. If a parent or legal
11 guardian requests a meeting described in this subdivision, the
12 school official to whom the request is made shall ensure that an
13 appropriate school official is made available to the parent or
14 legal guardian for such a meeting.

15 (f) If a pupil is not enrolled in grade 4 at the beginning of
16 a school year due to the operation of this subsection, then before
17 placing the child in grade 4 during the school year, an appropriate
18 school official of the pupil's school district or public school
19 academy shall provide written notification to the pupil's parent or
20 legal guardian of the proposed placement.

21 (6) Subject to subsection (11), if a pupil or child
22 demonstrates both of the following, then subsection (5) (a) and (b)
23 do not apply and he or she may be enrolled in grade 4:

24 (a) That he or she is proficient in all subject areas assessed
25 on the grade 3 state assessment other than English language arts,
26 as evidenced by his or her scores on those assessments.

27 (b) That he or she is proficient in science and social studies

1 as shown through a pupil portfolio and as determined by the teacher
2 who provided the grade 3 instruction to the pupil in science or
3 social studies, as applicable.

4 (7) For a pupil who is not promoted to grade 4 or a child who
5 is not enrolled in grade 4 due to the operation of subsection (5),
6 and for a pupil or child described in subsection (6) or (11), the
7 school district or public school academy shall provide a reading
8 intervention program that is intended to correct the pupil's
9 specific reading deficiency, as identified by a valid and reliable
10 assessment. This program shall include effective instructional
11 strategies necessary to assist the pupil in becoming a successful
12 reader, and all of the following features, as appropriate for the
13 needs of the individual pupil:

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

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

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

19 (iii) A reading specialist.

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

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

27 (d) Daily targeted small group or 1-to-1 reading intervention

1 that is based on pupil needs, determined by assessment data, and on
2 identified reading deficiencies and that includes explicit and
3 systematic instruction with more detailed and varied explanations,
4 more extensive opportunities for guided practice, and more
5 opportunities for error correction and feedback.

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

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

13 (g) Providing parents, legal guardians, or other providers of
14 care for the pupil with a "Read at Home" plan, including parent,
15 guardian, or care provider training workshops and regular home
16 reading.

17 (8) If the superintendent of the pupil's school district or
18 chief administrator of the pupil's public school academy, or his or
19 her designee, grants a good cause exemption from the requirements
20 of subsection (5)(a) for a pupil, then a pupil may be promoted to
21 grade 4 without meeting the requirements of subsection (5)(a). A
22 good cause exemption may be granted only according to the
23 procedures under subsection (10) and only for 1 of the following:

24 (a) The pupil is a student with an individualized education
25 program or with a section 504 plan and the pupil's individualized
26 education program team or section 504 coordinator, as applicable,
27 makes the decision to exempt the pupil from the requirements of

1 subsection (5) (a) based upon the team's or coordinator's knowledge
2 of the pupil.

3 (b) The pupil is a limited English proficient student who has
4 had less than 3 years of instruction in an English language learner
5 program.

6 (c) The pupil has received intensive reading intervention for
7 2 or more years but still demonstrates a reading deficiency and was
8 previously retained in kindergarten, grade 1, grade 2, or grade 3.

9 (d) The pupil has been continuously enrolled in his or her
10 current school district or public school academy for less than 2
11 years and there is evidence that the pupil was not provided with an
12 appropriate individual reading improvement plan under subsection
13 (2) (b) by the school district or public school academy in which the
14 pupil was previously enrolled.

15 (e) The pupil's parent or legal guardian has requested a good
16 cause exemption within the time period provided under subsection
17 (10) (d) and the superintendent or chief administrator, or his or
18 her designee, determines that the good cause exemption is in the
19 best interests of the pupil.

20 (9) Subject to subsection (14), if a pupil is promoted to
21 grade 4 due to a good cause exemption granted under subsection (8),
22 the pupil remains eligible for reading intervention services
23 designed to enable the pupil to achieve proficiency in reading. The
24 services for a pupil described in this subsection shall be similar
25 to those provided to pupils in grade 3 under this section.

26 (10) The superintendent of a school district or chief
27 administrator of a public school academy, or his or her designee,

1 shall grant a good cause exemption under subsection (8) only
2 through the following procedure:

3 (a) For a good cause exemption under subsection (8)(a) to (d),
4 at the request of the pupil's parent or legal guardian or upon the
5 teacher's own initiative, the pupil's grade 3 teacher submits to
6 the superintendent or chief administrator, or his or her designee,
7 a recommendation for a good cause exemption along with
8 documentation that indicates that a good cause exemption under
9 subsection (8)(a) to (d) applies to the pupil.

10 (b) For a pupil enrolled in a school operated by a school
11 district, the superintendent or his or her designee shall review
12 and discuss the recommendation with the pupil's grade 3 teacher
13 and, if the pupil has an individualized education program, with the
14 pupil's individualized education program team. After this
15 discussion, the superintendent or his or her designee shall make a
16 determination in writing of whether or not to grant the good cause
17 exemption for the pupil. The decision by the superintendent or his
18 or her designee is final.

19 (c) For a pupil enrolled in a public school academy, the chief
20 administrator of the public school academy, or his or her designee,
21 shall review and discuss the recommendation with the pupil's grade
22 3 teacher and, if the pupil has an individualized education
23 program, with the pupil's individualized education program team.
24 After this discussion, the chief administrator or his or her
25 designee shall make a determination in writing of whether or not to
26 grant the good cause exemption for the pupil. The decision by the
27 chief administrator or his or her designee is final.

1 (d) For a pupil for whom a request has been received from the
2 pupil's parent or legal guardian, as described in subsection
3 (8)(e), if the request is received within 30 days after the
4 notification by CEPI under subsection (5)(d), the superintendent of
5 the school district or chief administrator of the public school
6 academy, as applicable, or his or her designee, shall review the
7 request and any supporting information and shall consider whether
8 or not the good cause exemption is in the best interests of the
9 pupil. After this consideration, he or she shall make a
10 determination in writing of whether or not to grant the good cause
11 exemption. This determination shall be made and communicated to the
12 parent or legal guardian at least 30 days before the first day of
13 school for the school year. The decision of the superintendent or
14 chief administrator, or his or her designee, is final.

15 (e) The superintendent of the pupil's school district or chief
16 administrator of the pupil's public school academy, or his or her
17 designee, shall notify the pupil's parent or legal guardian of the
18 determination and decision under subdivision (b), (c), or (d), as
19 applicable.

20 (11) For a pupil or child described in subsection (6) or a
21 pupil who has been granted a good cause exemption under subsection
22 (8), the school district or public school academy shall provide
23 intensive reading intervention, as described under subsection (7),
24 for the pupil until he or she no longer has a reading deficiency.

25 (12) A school district or public school academy shall not
26 require a pupil to repeat grade 3 more than once due to the
27 operation of this section.

1 (13) Beginning June 4, 2019, if a school district or public
2 school academy cannot furnish the number of teachers needed to
3 satisfy 1 or more of the criteria set forth in this section for a
4 school year, then by the August 15 before the beginning of that
5 school year the school district or public school academy shall
6 develop a staffing plan for providing services under this section.
7 The school district or public school academy shall post the
8 staffing plan on its website for the applicable school year. The
9 staffing plan shall include at least all of the following:

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

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

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

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

24 (15) For pupils identified as English language learners by the
25 pupil's teacher or by the diagnostic reading assessment selected by
26 the school district or public school academy under subsection
27 (2) (a), if available staff resources allow, a school district or

1 public school academy is encouraged to provide the following
2 intervention services in addition to those required under
3 subsection (3)(c):

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

10 (b) Opportunities for speech production.

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

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

15 (16) Beginning in 2020, not later than September 1 of each
16 year, a school district or public school academy shall submit a
17 retention report to the center for educational performance and
18 information in the form and manner prescribed by the center. The
19 retention report shall contain at least all of the following
20 information for the most recent school year:

21 (a) The number of pupils retained in grade 3 due to the
22 operation of this section.

23 (b) The number of pupils promoted to grade 4 due to a good
24 cause exemption under subsection (8), disaggregated by each of the
25 specific exemptions listed in that subsection.

26 (17) As used in this section:

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

1 efficacy.

2 (b) "Individualized education program" means that term as
3 described in R 340.1721e of the Michigan administrative code.

4 (c) "Kindergarten" includes a classroom for young 5-year-olds,
5 commonly referred to as "young 5s" or "developmental kindergarten".

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

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

14 (f) "Section 504 plan" means a plan under section 504 of title
15 V of the rehabilitation act of 1973, 29 USC 794.

16 **SEC. 1280G. (1) BEGINNING IN THE 2018-2019 SCHOOL YEAR, THE**
17 **BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL**
18 **ACADEMY MAY PROVIDE AN INDIVIDUAL READING IMPROVEMENT PLAN TO ANY**
19 **PUPIL ENROLLED IN A SCHOOL OPERATED BY THE DISTRICT OR PUBLIC**
20 **SCHOOL ACADEMY WHO MEETS AT LEAST 1 OF THE FOLLOWING:**

21 **(A) HAS BEEN IDENTIFIED BY A TEACHER AS EXHIBITING AN**
22 **INDICATION OF A READING DIFFICULTY, DEFICIENCY, OR DISABILITY AT**
23 **ANY TIME DURING AN OBSERVATION OR OTHER ASSESSMENT.**

24 **(B) AS THE RESULT OF AN OBSERVATION OR OTHER ASSESSMENT, HAS**
25 **BEEN DETERMINED TO HAVE A READING DIFFICULTY, DEFICIENCY, OR**
26 **DISABILITY.**

27 **(2) AN INDIVIDUAL READING IMPROVEMENT PLAN PROVIDED UNDER THIS**

1 SECTION MUST BE IMPLEMENTED IN THE SAME MANNER AS THE READING
2 IMPROVEMENT PLAN DESCRIBED UNDER SECTION 1280F(2) (B) .

3 Enacting section 1. This amendatory act takes effect 90 days
4 after the date it is enacted into law.