

**SUBSTITUTE FOR
SENATE BILL NO. 265**

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.

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~~**must** provide a

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

3 (ii) In determining which assessment systems to approve for use
4 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.

28 (B) Facilitate study groups.

29 (C) Train teachers in data analysis and using data to

1 differentiate instruction.

2 (D) Coach and mentor colleagues.

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

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

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

13 (H) Help to increase instructional density to meet the needs
14 of all pupils.

15 (I) Help lead and support reading leadership teams at the
16 school.

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

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

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

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

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

28 (B) Have sufficient knowledge of scientifically based reading
29 research, special expertise in quality reading instruction and

1 infusing reading strategies into content area instruction, and data
2 management skills.

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

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

7 (v) An early literacy coach ~~shall~~**must** not be assigned a
8 regular classroom teaching assignment, but ~~shall~~**must** be expected
9 to work frequently with pupils in whole and small group instruction
10 or tutoring in the context of modeling and coaching in or outside
11 of teachers' classrooms.

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

17 (a) Select 1 valid and reliable screening, formative, and
18 diagnostic reading assessment system from the assessment systems
19 approved by the department under subsection (1)(a). A school
20 district or public school academy shall use this assessment system
21 for pupils in grades K to 3 to screen and diagnose difficulties,
22 inform instruction and intervention needs, and assess progress
23 toward a growth target. A school district or public school academy
24 periodically shall assess a pupil's progress in reading skills at
25 least 3 times per school year in grades K to 3. The first of these
26 assessments for a school year ~~shall~~**must** be conducted within the
27 first 30 school days of the school year.

28 (b) For any pupil in grades K to 3 who exhibits a reading
29 deficiency at any time, based upon the reading assessment system

1 selected and used under subdivision (a), provide an individual
2 reading improvement plan for the pupil within 30 days after the
3 identification of the reading deficiency. The individual reading
4 improvement plan ~~shall~~**must** be created by the pupil's teacher,
5 school principal, and parent or legal guardian and other pertinent
6 school personnel, and ~~shall~~**must** describe the reading intervention
7 services the pupil will receive to remedy the reading deficiency. A
8 school district or public school academy shall provide intensive
9 reading intervention for the pupil in accordance with the
10 individual reading improvement plan until the pupil no longer has a
11 reading deficiency.

12 (c) If a pupil in grades K to 3 is identified as having an
13 early literacy delay or reading deficiency, provide written notice
14 to the pupil's parent or legal guardian of the delay or reading
15 deficiency in writing and provide tools to assist the parent or
16 legal guardian to engage in intervention and to address or correct
17 any reading deficiency at home.

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

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

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

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

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

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

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

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

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

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

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

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

29 (A) Assists pupils exhibiting a reading deficiency in

1 developing the ability to read at grade level.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (i) Ongoing assessments that provide actionable data for

1 teachers to use in interventions.

2 (ii) Instruction in academic vocabulary.

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

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

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

16 (5) ~~Beginning~~ **Subject to subsections (17) and (18), beginning**
17 with pupils enrolled in grade 3 during the 2019-2020 school year,
18 all of the following apply:

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

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

28 (ii) The pupil demonstrates a grade 3 reading level through
29 performance on an alternative standardized reading assessment

1 approved by the superintendent of public instruction.

2 (iii) The pupil demonstrates a grade 3 reading level through a
3 pupil portfolio, as evidenced by demonstrating competency in all
4 grade 3 state English language arts standards through multiple work
5 samples.

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

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

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

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

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

28 (d) Not later than June 1 of each year or not later than 14
29 days after CEPI receives the grade 3 state assessment results from

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

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

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

25 (iii) That the parent or legal guardian must request the good
26 cause exemption within 30 days after the date of the notification
27 by CEPI and must direct the request to the school district or
28 public school academy in which the parent or legal guardian intends
29 to enroll the pupil for grade 4.

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

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

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

20 (6) Subject to ~~subsection~~ **subsections** (11) **and (17)**, if a
21 pupil or child demonstrates both of the following, then subsection
22 (5) (a) and (b) do not apply and he or she may be enrolled in grade
23 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
28 as shown through a pupil portfolio and as determined by the teacher
29 who provided the grade 3 instruction to the pupil in science or

1 social studies, as applicable.

2 (7) ~~For~~ **Subject to subsection (17)**, for a pupil who is not
3 promoted to grade 4 or a child who is not enrolled in grade 4 due
4 to the operation of subsection (5), and for a pupil or child
5 described in subsection (6) or (11), the school district or public
6 school academy shall provide a reading intervention program that is
7 intended to correct the pupil's specific reading deficiency, as
8 identified by a valid and reliable assessment. This program ~~shall~~
9 **must** include effective instructional strategies necessary to assist
10 the pupil in becoming a successful reader, and all of the following
11 features, as appropriate for the needs of the individual pupil:

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

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

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

17 (iii) A reading specialist.

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

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

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

1 opportunities for error correction and feedback.

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

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

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

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

20 (a) The pupil is a student with an individualized education
21 program or with a section 504 plan and the pupil's individualized
22 education program team or section 504 coordinator, as applicable,
23 makes the decision to exempt the pupil from the requirements of
24 subsection (5)(a) based upon the team's or coordinator's knowledge
25 of the pupil.

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

29 (c) The pupil has received intensive reading intervention for

1 2 or more years but still demonstrates a reading deficiency and was
2 previously retained in kindergarten, grade 1, grade 2, or grade 3.

3 (d) The pupil has been continuously enrolled in his or her
4 current school district or public school academy for less than 2
5 years and there is evidence that the pupil was not provided with an
6 appropriate individual reading improvement plan under subsection
7 (2)(b) by the school district or public school academy in which the
8 pupil was previously enrolled.

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

14 (9) Subject to subsection (14), if a pupil is promoted to
15 grade 4 due to a good cause exemption granted under subsection (8),
16 the pupil remains eligible for reading intervention services
17 designed to enable the pupil to achieve proficiency in reading. The
18 services for a pupil described in this subsection ~~shall~~**must** be
19 similar to those provided to pupils in grade 3 under this section.

20 (10) The superintendent of a school district or chief
21 administrator of a public school academy, or his or her designee,
22 shall grant a good cause exemption under subsection (8) only
23 through the following procedure:

24 (a) For a good cause exemption under subsection (8)(a) to (d),
25 at the request of the pupil's parent or legal guardian or upon the
26 teacher's own initiative, the pupil's grade 3 teacher submits to
27 the superintendent or chief administrator, or his or her designee,
28 a recommendation for a good cause exemption along with
29 documentation that indicates that a good cause exemption under

1 subsection (8) (a) to (d) applies to the pupil.

2 (b) For a pupil enrolled in a school operated by a school
3 district, the superintendent or his or her designee shall review
4 and discuss the recommendation with the pupil's grade 3 teacher
5 and, if the pupil has an individualized education program, with the
6 pupil's individualized education program team. After this
7 discussion, the superintendent or his or her designee shall make a
8 determination in writing of whether or not to grant the good cause
9 exemption for the pupil. The decision by the superintendent or his
10 or her designee is final.

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

20 (d) For a pupil for whom a request has been received from the
21 pupil's parent or legal guardian, as described in subsection
22 (8) (e), if the request is received within 30 days after the
23 notification by CEPI under subsection (5) (d), the superintendent of
24 the school district or chief administrator of the public school
25 academy, as applicable, or his or her designee, shall review the
26 request and any supporting information and shall consider whether
27 or not the good cause exemption is in the best interests of the
28 pupil. After this consideration, he or she shall make a
29 determination in writing of whether or not to grant the good cause

1 exemption. This determination ~~shall~~**must** be made and communicated
2 to the parent or legal guardian at least 30 days before the first
3 day of school for the school year. The decision of the
4 superintendent or chief administrator, or his or her designee, is
5 final.

6 (e) The superintendent of the pupil's school district or chief
7 administrator of the pupil's public school academy, or his or her
8 designee, shall notify the pupil's parent or legal guardian of the
9 determination and decision under subdivision (b), (c), or (d), as
10 applicable.

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

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

19 (13) ~~Beginning June 4, 2019, if~~**If** a school district or public
20 school academy cannot furnish the number of teachers needed to
21 satisfy 1 or more of the criteria set forth in this section for a
22 school year, then by the August 15 before the beginning of that
23 school year the school district or public school academy shall
24 develop a staffing plan for providing services under this section.
25 The school district or public school academy shall post the
26 staffing plan on its website for the applicable school year. The
27 staffing plan ~~shall~~**must** include at least all of the following:

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

1 language arts to a teacher.

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

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

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

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

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

26 (b) Opportunities for speech production.

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

29 (d) Feedback for the pupil, including explanations in his or

1 her native language.

2 (16) Beginning in ~~2020~~, **2022**, not later than September 1 of
 3 each year, a school district or public school academy shall submit
 4 a retention report to ~~the center for educational performance and~~
 5 ~~information~~ **CEPI** in the form and manner prescribed by ~~the center.~~
 6 **CEPI**. The retention report ~~shall~~ **must** contain at least all of the
 7 following information for the most recent school year:

8 (a) ~~The~~ **Except as otherwise provided in this subdivision, the**
 9 number of pupils retained in grade 3 due to the operation of this
 10 section. **For the retention report submitted under this subsection**
 11 **in 2022, the number of pupils retained in grades 3 and 4 due to the**
 12 **operation of this section.**

13 (b) ~~The~~ **Except as otherwise provided in this subdivision, the**
 14 number of pupils promoted to grade 4 due to a good cause exemption
 15 under subsection (8), disaggregated by each of the specific
 16 exemptions listed in that subsection. **For the retention report**
 17 **submitted under this subsection in 2022, the number of pupils**
 18 **promoted to grades 4 and 5 due to a good cause exemption under**
 19 **subsection (21), disaggregated by each of the specific exemptions**
 20 **listed in that subsection.**

21 (17) Subsections (5), (7), and (11) do not apply to both of
 22 the following:

23 (a) Pupils enrolled in grade 3 in the 2020-2021 school year.

24 (b) Pupils enrolled in grade 3 in the 2021-2022 school year.

25 (18) For pupils enrolled in grades 3 and 4 in the 2021-2022
 26 school year, all of the following apply:

27 (a) Subject to subsection (19), the superintendent of the
 28 school district or chief administrator of the public school academy
 29 in which the pupil is enrolled shall ensure that a pupil whose

1 parent or legal guardian has been provided with the notification
2 under subdivision (e) is not enrolled in grade 4, if the pupil is
3 enrolled in grade 3 in the 2021-2022 school year, or enrolled in
4 grade 5, if the pupil is enrolled in grade 4 in the 2021-2022
5 school year, until 1 of the following occurs, as applicable:

6 (i) For a pupil enrolled in grade 3 in the 2021-2022 school
7 year, any of the following:

8 (A) The pupil achieves a reading score that is less than 1
9 grade level behind as determined by the department based on the
10 grade 3 state English language arts assessment.

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

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

18 (ii) For a pupil enrolled in grade 4 in the 2021-2022 school
19 year, any of the following:

20 (A) 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 4 state English language arts assessment.

23 (B) The pupil demonstrates a grade 4 reading level through
24 performance on an alternative standardized reading assessment
25 approved by the superintendent of public instruction.

26 (C) The pupil demonstrates a grade 4 reading level through a
27 pupil portfolio, as evidenced by demonstrating competency in all
28 grade 4 state English language arts standards through multiple work
29 samples.

1 (b) Subject to subsection (19), if a child younger than 10
2 years of age seeks to enroll for the first time in a school
3 district or public school academy in grade 4, the superintendent of
4 the school district or chief administrator of the public school
5 academy shall not allow the child to enroll in grade 4 unless 1 of
6 the following occurs:

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

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

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

17 (c) Subject to subsection (19), if a child younger than 11
18 years of age seeks to enroll for the first time in a school
19 district or public school academy in grade 5, the superintendent of
20 the school district or chief administrator of the public school
21 academy shall not allow the child to enroll in grade 5 unless 1 of
22 the following occurs:

23 (i) The child achieves a grade 4 reading score as determined by
24 the department based on the reading portion of the grade 4 state
25 English language arts assessment.

26 (ii) The child demonstrates a grade 4 reading level through
27 performance on an alternative standardized reading assessment
28 approved by the superintendent of public instruction.

29 (iii) The child demonstrates a grade 4 reading level through a

1 pupil portfolio, as evidenced by demonstrating competency in all
2 grade 4 state English language arts standards through multiple work
3 samples.

4 (d) Not later than May 23, 2022 or not later than 14 days
5 after the department finalizes the scoring for the grade 3 and
6 grade 4 state assessments for 2021-2022, whichever is earlier, the
7 department shall provide CEPI with the grade 3 and grade 4 state
8 assessment scores for every grade 3 and grade 4 pupil enrolled in a
9 public school in this state who was administered 1 or more of those
10 assessments.

11 (e) Not later than June 1, 2022 or not later than 14 days
12 after CEPI receives the grade 3 and grade 4 state assessment
13 results from the department under subdivision (d), whichever is
14 earlier, using those state assessment results, CEPI shall identify
15 each pupil completing grade 3 and grade 4 that year who is subject
16 to not being advanced to grade 4 or 5, as applicable due to the
17 operation of subdivision (a) (i) (A) or (ii) (A) and who is not eligible
18 to enroll in grade 4 or 5 under subsection (19) (a) or (b), and
19 shall notify the parent or legal guardian and the school district
20 or public school academy of each of these pupils that the pupil is
21 subject to being retained in grade 3 or 4, as applicable. A school
22 district or public school academy may also make its own
23 notification to a parent or legal guardian in addition to the
24 notification by CEPI. The notification by CEPI to a parent or legal
25 guardian must be by certified mail. The notification by CEPI must
26 clearly state at least all of the following:

27 (i) That, based on standardized testing, this state has
28 determined that the pupil may be required to be retained in grade 3
29 or grade 4 as provided under state law, with a reference to this

1 section along with an explanation that even if the pupil is not
2 eligible to enroll in grade 4 or grade 5 based on state
3 assessments, the pupil may still be allowed to enroll in grade 4 if
4 he or she demonstrates a grade 3 reading level through performance
5 on an alternative standardized reading assessment or through a
6 pupil portfolio or be allowed to enroll in grade 5 if he or she
7 demonstrates a grade 4 reading level through performance on an
8 alternative standardized reading assessment or through a pupil
9 portfolio.

10 (ii) That the parent or legal guardian has the right to request
11 a good cause exemption under this section that, if granted, will
12 allow the pupil to enroll in grade 4 or grade 5, as applicable, in
13 the next school year.

14 (iii) That the parent or legal guardian must request the good
15 cause exemption within 30 days after the date of the notification
16 by CEPI and must direct the request to the school district or
17 public school academy in which the parent or legal guardian intends
18 to enroll the pupil for grade 4 or grade 5.

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

23 (f) If a parent or legal guardian receives a notification from
24 CEPI under subdivision (e), the parent or legal guardian may
25 request a meeting with school officials to discuss the retention
26 requirement under state law and the standards and processes for a
27 good cause exemption from that requirement. If a parent or legal
28 guardian requests a meeting described in this subdivision, the
29 school official to whom the request is made shall ensure that an

1 appropriate school official is made available to the parent or
2 legal guardian for the meeting.

3 (g) If a pupil is not enrolled in grade 4 or grade 5 at the
4 beginning of a school year due to the operation of this subsection,
5 then before placing the child in grade 4 or grade 5 during the
6 school year, an appropriate school official of the pupil's school
7 district or public school academy shall provide written
8 notification to the pupil's parent or legal guardian of the
9 proposed placement.

10 (19) Subject to subsection (24), both of the following apply:

11 (a) If a pupil or child demonstrates both of the following,
12 then subsection (18) (a) (i) and (b) do not apply and he or she may be
13 enrolled in grade 4:

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

17 (ii) That he or she is proficient in science and social studies
18 as shown through a pupil portfolio and as determined by the teacher
19 who provided the grade 3 instruction to the pupil in science or
20 social studies, as applicable.

21 (b) If a pupil or child demonstrated both of the following,
22 then subsection (18) (a) (ii) and (c) do not apply and he or she may
23 be enrolled in grade 5:

24 (i) That he or she is proficient in all subject areas assessed
25 on the grade 4 state assessment other than English language arts,
26 as evidenced by his or her scores on those assessments.

27 (ii) That he or she is proficient in science and social studies
28 as shown through a pupil portfolio and as determined by the teacher
29 who provided the grade 4 instruction to the pupil in science or

1 social studies, as applicable.

2 (20) Both of the following apply:

3 (a) For a pupil who is not promoted to grade 4 or a child who
4 is not enrolled in grade 4 due to the operation of subsection (18),
5 and for a pupil or child described in subsection (19) or (24) who
6 is enrolled in grade 3 in the 2021-2022 school year, the school
7 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 must 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 (i) Assigning to a pupil 1 or more of the following:

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

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

19 (C) A reading specialist.

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

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

27 (iv) Daily targeted small group or 1-to-1 reading intervention
28 that is based on pupil needs, determined by assessment data, and on
29 identified reading deficiencies and that includes explicit and

1 systematic instruction with more detailed and varied explanations,
2 more extensive opportunities for guided practice, and more
3 opportunities for error correction and feedback.

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

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

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

15 (b) For a pupil who is not promoted to grade 5 or a child who
16 is not enrolled in grade 5 due to the operation of subsection (18),
17 and for a pupil or child described in subsection (19) or (24) who
18 is enrolled in grade 4 in the 2021-2022 school year, the school
19 district or public school academy shall provide a reading
20 intervention program that is intended to correct the pupil's
21 specific reading deficiency, as identified by a valid and reliable
22 assessment. This program must include effective instructional
23 strategies necessary to assist the pupil in becoming a successful
24 reader, and all of the following features, as appropriate for the
25 needs of the individual pupil:

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

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

29 (B) The highest evaluated grade 4 teacher in the school as

1 determined by the teacher evaluation system under section 1249.

2 (C) A reading specialist.

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

6 (iii) Reading instruction and intervention for the majority of
7 pupil contact time each day that incorporate opportunities to
8 master the grade 5 state standards in other core academic areas, if
9 applicable.

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

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

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

23 (vii) Providing parents, legal guardians, or other providers of
24 care for the pupil with a "Read at Home" plan, including parent,
25 guardian, or care provider training workshops and regular home
26 reading.

27 (21) If the superintendent of the pupil's school district or
28 chief administrator of the pupil's public school academy, or his or
29 her designee, grants a good cause exemption from the requirements

1 of subsection (18) (a) for a pupil, then a pupil may be promoted to
2 grade 4 or grade 5, as applicable, without meeting the requirements
3 of subsection (18) (a). A good cause exemption may be granted only
4 according to the procedures under subsection (23) and only for 1 of
5 the following:

6 (a) The pupil is a student with an individualized education
7 program or with a section 504 plan and the pupil's individualized
8 education program team or section 504 coordinator, as applicable,
9 makes the decision to exempt the pupil from the requirements of
10 subsection (18) (a) based upon the team's or coordinator's knowledge
11 of the pupil.

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

15 (c) For a pupil enrolled in grade 3 in the 2021-2022 school
16 year, the pupil has received intensive reading intervention for 2
17 or more years but still demonstrates a reading deficiency and was
18 previously retained in kindergarten, grade 1, grade 2, or grade 3.
19 For a pupil enrolled in grade 4 in the 2021-2022 school year, the
20 pupil has received intensive reading intervention for 2 or more
21 years but still demonstrates a reading deficiency and was
22 previously retained in kindergarten, grade 1, grade 2, grade 3, or
23 grade 4.

24 (d) The pupil has been continuously enrolled in his or her
25 current school district or public school academy for less than 2
26 years and there is evidence that the pupil was not provided with an
27 appropriate individual reading improvement plan under subsection
28 (2) (b) by the school district or public school academy in which the
29 pupil was previously enrolled.

1 (e) The pupil's parent or legal guardian has requested a good
2 cause exemption within the time period provided under subsection
3 (23) (d) and the superintendent or chief administrator, or his or
4 her designee, determines that the good cause exemption is in the
5 best interests of the pupil.

6 (22) Subject to subsection (14), if a pupil is promoted to
7 grade 4 or grade 5 due to a good cause exemption granted under
8 subsection (21), the pupil remains eligible for reading
9 intervention services designed to enable the pupil to achieve
10 proficiency in reading. The services for a pupil described in this
11 subsection must be similar to those provided to pupils in grade 3
12 under this section to ensure the student achieves proficiency in
13 the state model English Language Arts standards applicable to the
14 grade level to which the student has been promoted.

15 (23) The superintendent of a school district or chief
16 administrator of a public school academy, or his or her designee,
17 shall grant a good cause exemption under subsection (21) only
18 through the following procedure:

19 (a) For a good cause exemption under subsection (21) (a) to
20 (d), at the request of the pupil's parent or legal guardian or upon
21 the teacher's own initiative, the pupil's grade 3 teacher, if the
22 pupil is enrolled in grade 3 in the 2021-2022 school year, or grade
23 4 teacher, if the pupil is enrolled in grade 4 in the 2021-2022
24 school year, submits to the superintendent or chief administrator,
25 or his or her designee, a recommendation for a good cause exemption
26 along with documentation that indicates that a good cause exemption
27 under subsection (21) (a) to (d) applies to the pupil.

28 (b) For a pupil enrolled in a school operated by a school
29 district, the superintendent or his or her designee shall review

1 and discuss the recommendation with the pupil's grade 3 teacher, if
2 the pupil is enrolled in grade 3 in the 2021-2022 school year, or
3 the pupil's grade 4 teacher, if the pupil is enrolled in grade 4 in
4 the 2021-2022 school year, and, if the pupil has an individualized
5 education program, with the pupil's individualized education
6 program team. After this discussion, the superintendent or his or
7 her designee shall make a determination in writing of whether or
8 not to grant the good cause exemption for the pupil. The decision
9 by the superintendent or his or her designee is final.

10 (c) For a pupil enrolled in a public school academy, the chief
11 administrator of the public school academy, or his or her designee,
12 shall review and discuss the recommendation with the pupil's grade
13 3 teacher, if the pupil is enrolled in grade 3 in the 2021-2022
14 school year, or the pupil's grade 4 teacher, if the pupil is
15 enrolled in grade 4 in the 2021-2022 school year, and, if the pupil
16 has an individualized education program, with the pupil's
17 individualized education program team. After this discussion, the
18 chief administrator or his or her designee shall make a
19 determination in writing of whether or not to grant the good cause
20 exemption for the pupil. The decision by the chief administrator or
21 his or her designee is final.

22 (d) For a pupil for whom a request has been received from the
23 pupil's parent or legal guardian, as described in subsection
24 (21) (e), if the request is received within 30 days after the
25 notification by CEPI under subsection (18) (e), the superintendent
26 of the school district or chief administrator of the public school
27 academy, as applicable, or his or her designee, shall review the
28 request and any supporting information and shall consider whether
29 or not the good cause exemption is in the best interests of the

1 pupil. After this consideration, he or she shall make a
 2 determination in writing of whether or not to grant the good cause
 3 exemption. This determination must be made and communicated to the
 4 parent or legal guardian at least 30 days before the first day of
 5 school for the school year. The decision of the superintendent or
 6 chief administrator, or his or her designee, is final.

7 (e) The superintendent of the pupil's school district or chief
 8 administrator of the pupil's public school academy, or his or her
 9 designee, shall notify the pupil's parent or legal guardian of the
 10 determination and decision under subdivision (b), (c), or (d), as
 11 applicable.

12 (24) For a pupil or child described in subsection (19) or a
 13 pupil who has been granted a good cause exemption under subsection
 14 (21), the school district or public school academy shall provide
 15 intensive reading intervention, as described under subsection
 16 (20) (a) or (b), as applicable, for the pupil until he or she no
 17 longer has a reading deficiency.

18 (25) A pupil enrolled in grade 3 in the 2020-2021 school year
 19 who is determined by the district in which he or she is enrolled on
 20 the first day of the 2021-2022 school year to be 1 or more grade
 21 levels behind in reading shall be provided with a reading
 22 intervention program described in subsection (7) beginning in the
 23 2021-2022 school year and shall continue to be provided that
 24 program until the pupil is determined to be less than 1 grade level
 25 behind in reading.

26 (26) ~~(17)~~—As used in this section:

27 (a) "CEPI" means the center for educational performance and
 28 information created under section 94a of the state school aid act
 29 of 1979, MCL 388.1694a.

1 **(b)** ~~(a)~~—"Evidence-based" means based in research and with
2 proven efficacy.

3 **(c)** ~~(b)~~—"Individualized education program" means that term as
4 described in R 340.1721e of the Michigan ~~administrative~~
5 ~~code~~. **Administrative Code.**

6 **(d)** ~~(e)~~—"Kindergarten" includes a classroom for young 5-year-
7 olds, commonly referred to as "young 5s" or "developmental
8 kindergarten".

9 **(e)** ~~(d)~~—"Reading deficiency" means scoring below grade level
10 or being determined to be at risk of reading failure based on a
11 screening assessment, diagnostic assessment, standardized summative
12 assessment, or progress monitoring.

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

17 **(g)** ~~(f)~~—"Section 504 plan" means a plan under section 504 of
18 title V of the rehabilitation act of 1973, 29 USC 794.

19 Enacting section 1. This amendatory act does not take effect
20 unless all of the following bills of the 101st Legislature are
21 enacted into law:

22 (a) Senate Bill No. 268.

23 (b) Senate Bill No. _____ or House Bill No. _____ (request no.
24 01440'21).