

SENATE BILL No. 842

October 24, 2007, Introduced by Senator KUIPERS and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1280b (MCL 380.1280b), as added by 2000 PA 230,
and by adding section 1283.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1280b. (1) Subject to subsection (2), the board of a
2 school district, or board of directors of a public school academy
3 that operates any of grades 1 to 5, shall administer each school
4 year to all pupils in grades 1 to 5 a nationally-recognized norm-
5 referenced test or another assessment, which may include a locally-
6 adopted assessment, **IF THE OTHER ASSESSMENT IS** approved by the
7 superintendent of public instruction at the request of the school

1 district or public school academy. FOR ASSESSING ENGLISH LITERACY
2 SKILLS AT THE END OF GRADES 2 AND 3 UNDER SECTION 1283, A BOARD OR
3 BOARD OF DIRECTORS SHALL USE AN ASSESSMENT REQUIRED UNDER SECTION
4 1283.

5 (2) A school district or public school academy may use the
6 Michigan literacy progress profile to assess literacy in grades 1
7 to 3 as part of its compliance with subsection (1).

8 (3) If a school is designated for participation in the
9 national assessment of education progress program, the school shall
10 participate as designated.

11 (4) An elementary school that is not in compliance with
12 subsection (1) or a school that does not comply with subsection (3)
13 shall not be accredited under section 1280.

14 SEC. 1283. (1) A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY
15 SHALL MEASURE EACH PUPIL'S LITERACY SKILLS NOT LATER THAN THE END
16 OF BOTH GRADES 2 AND 3 USING EITHER THE MICHIGAN LITERACY PROGRESS
17 PROFILE OR AN ASSESSMENT DEVELOPED BY THE DEPARTMENT TO MEASURE
18 GRADE LEVEL CONTENT EXPECTATIONS IN ENGLISH LANGUAGE ARTS FOR GRADE
19 2 OR 3, AS APPLICABLE. IF A PUPIL IN GRADE 3 FAILS BY THE END OF
20 THAT SCHOOL YEAR TO MEET STANDARDS FOR BASIC LITERACY SKILLS, BASED
21 ON THE GRADE LEVEL CONTENT EXPECTATIONS IN ENGLISH LANGUAGE ARTS
22 FOR GRADE 3 ESTABLISHED BY THE DEPARTMENT, THE SCHOOL DISTRICT OR
23 PUBLIC SCHOOL ACADEMY IN WHICH THE PUPIL IS ENROLLED SHALL NOT
24 PROMOTE THE PUPIL TO GRADE 4 UNLESS THE PUPIL'S LITERACY DEFICIENCY
25 IS DETERMINED BY THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY TO BE
26 DUE TO A DISABILITY OTHER THAN A LEARNING DISABILITY THAT IS BASED
27 SOLELY ON READING DIFFICULTIES.

1 (2) IF A PUPIL IN EITHER GRADE 2 OR 3 FAILS BY THE END OF THAT
2 SCHOOL YEAR TO MEET STANDARDS FOR BASIC LITERACY SKILLS, BASED ON
3 THE ASSESSMENTS DESCRIBED IN SUBSECTION (1), THE BOARD OF THE
4 PUPIL'S SCHOOL DISTRICT OR BOARD OF DIRECTORS OF THE PUPIL'S PUBLIC
5 SCHOOL ACADEMY SHALL PROVIDE A WRITTEN NOTICE TO THE PUPIL'S PARENT
6 OR LEGAL GUARDIAN. THE NOTICE SHALL INCLUDE ALL OF THE FOLLOWING:

7 (A) NOTIFICATION THAT THE PUPIL'S SCHOOL HAS DETERMINED THAT
8 THE CHILD HAS FAILED TO MEET STANDARDS FOR BASIC LITERACY SKILLS,
9 BASED ON THE GRADE LEVEL CONTENT EXPECTATIONS IN ENGLISH LANGUAGE
10 ARTS ESTABLISHED BY THE DEPARTMENT FOR THE PUPIL'S GRADE LEVEL, AND
11 THAT IF THE PUPIL IS NOT DETERMINED TO HAVE ACHIEVED AT LEAST THIRD
12 GRADE LITERACY SKILLS BEFORE THE BEGINNING OF GRADE 4, THE CHILD
13 WILL NOT BE PROMOTED TO GRADE 4 UNLESS THE PUPIL'S LITERACY
14 DEFICIENCY IS DETERMINED BY THE SCHOOL DISTRICT OR PUBLIC SCHOOL
15 ACADEMY TO BE DUE TO A DISABILITY OTHER THAN A LEARNING DISABILITY
16 THAT IS BASED SOLELY ON READING DIFFICULTIES.

17 (B) IF THE PUPIL IS ENROLLED IN A SCHOOL THAT IS REQUIRED TO
18 PROVIDE SUPPLEMENTAL SERVICES UNDER THE FEDERAL NO CHILD LEFT
19 BEHIND ACT OF 2001, PUBLIC LAW 107-110, NOTIFICATION THAT THE
20 PUPIL'S PARENT OR LEGAL GUARDIAN HAS A RIGHT TO RECEIVE
21 REIMBURSEMENT FOR THE PUPIL TO RECEIVE SERVICES FROM A SUPPLEMENTAL
22 SERVICE PROVIDER IDENTIFIED BY THE DEPARTMENT UNDER SUBSECTION (4)
23 AND THAT THE PUPIL'S PARENT OR LEGAL GUARDIAN MAY CHOOSE TO HAVE
24 THE PUPIL RECEIVE SUPPLEMENTAL SERVICES FROM 1 OF THESE PROVIDERS
25 WITH REIMBURSEMENT FROM THE SCHOOL DISTRICT OR PUBLIC SCHOOL
26 ACADEMY. THIS PART OF THE NOTICE SHALL INCLUDE A LISTING OF THE
27 SUPPLEMENTAL SERVICE PROVIDERS THAT ARE IDENTIFIED BY THE

1 DEPARTMENT UNDER SUBSECTION (4) AND THAT ARE LOCATED WITHIN A 30-
2 MILE RADIUS OF THE PUPIL'S SCHOOL.

3 (3) A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SHALL PROVIDE A
4 COPY OF THE NOTICE REQUIRED UNDER SUBSECTION (2) TO THE DEPARTMENT,
5 AND THE DEPARTMENT SHALL MAINTAIN A COPY OF THIS NOTICE.

6 (4) THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

7 (A) DEVELOP AND MAKE AVAILABLE A MODEL SUMMER ENGLISH LANGUAGE
8 ARTS PROGRAM THAT MAY BE ADOPTED BY SCHOOL DISTRICTS AND PUBLIC
9 SCHOOL ACADEMIES FOR PUPILS WHO WILL BE ATTENDING GRADES 1 TO 4 IN
10 THE NEXT SCHOOL YEAR AND HAVE DEMONSTRATED THE NEED FOR ADDITIONAL
11 LITERACY SKILLS TRAINING, AS EVIDENCED BY ASSESSMENT UNDER THIS
12 SECTION AND SECTION 1280B. THE MODEL ENGLISH LANGUAGE ARTS PROGRAM
13 SHALL BE ALIGNED WITH GRADE LEVEL CONTENT EXPECTATIONS IN ENGLISH
14 LANGUAGE ARTS ESTABLISHED BY THE DEPARTMENT AND SHALL MEET THE
15 REQUIREMENTS FOR FEDERAL FUNDING UNDER THE TITLE I PROGRAM
16 ADMINISTERED BY THE UNITED STATES DEPARTMENT OF EDUCATION OFFICE OF
17 ELEMENTARY AND SECONDARY EDUCATION.

18 (B) DEVELOP AND MAKE AVAILABLE A MODEL NOTICE FOR THE PURPOSES
19 OF SUBSECTION (2).

20 (C) DEVELOP AND MAKE AVAILABLE A STATEWIDE RESOURCE GUIDE OF
21 PUBLIC AND PRIVATE SUPPLEMENTAL SERVICE PROVIDERS, AS REQUIRED
22 UNDER THE NO CHILD LEFT BEHIND ACT OF 2001, PUBLIC LAW 107-110, TO
23 ASSIST PARENTS IN IMPROVING THEIR CHILD'S LITERACY SKILLS.

24 (5) IF A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY HAS FEDERAL
25 FUNDS AVAILABLE TO IT FOR PROVIDING SUPPLEMENTAL SERVICES UNDER THE
26 NO CHILD LEFT BEHIND ACT OF 2001, PUBLIC LAW 107-110, THEN TO THE
27 EXTENT POSSIBLE THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SHALL

1 USE THESE FEDERAL FUNDS FOR THE PURPOSE OF BRINGING PUPILS'
2 LITERACY SKILLS TO GRADE LEVEL BEFORE THE BEGINNING OF GRADE 4
3 BEFORE USING THESE FEDERAL FUNDS FOR ANY OTHER PURPOSE. UPON
4 REQUEST BY A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY, THE
5 DEPARTMENT SHALL PROVIDE ASSISTANCE IN IDENTIFYING SOURCES FOR
6 THESE FEDERAL FUNDS. IF THERE ARE INSUFFICIENT FEDERAL FUNDS
7 AVAILABLE FOR THESE PURPOSES, A SCHOOL DISTRICT OR PUBLIC SCHOOL
8 ACADEMY SHALL USE FUNDS RECEIVED UNDER SECTION 22B OF THE STATE
9 SCHOOL AID ACT OF 1979, MCL 388.1622B, FOR THE REMAINING FUNDING
10 NEEDED.