

SENATE BILL No. 1275

April 24, 2008, Introduced by Senator KUIPERS and referred to the Committee on Education.

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
by amending section 22b (MCL 388.1622b), as amended by 2007 PA 137,
and by adding section 42.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 22b. (1) From the appropriation in section 11, there is
2 allocated an amount not to exceed \$3,722,000,000.00 for 2007-2008
3 for discretionary nonmandated payments to districts under this
4 section. Funds allocated under this section that are not expended
5 in the state fiscal year for which they were allocated, as
6 determined by the department, may be used to supplement the
7 allocations under sections 22a and 51c in order to fully fund those
8 calculated allocations for the same fiscal year.

1 (2) Subject to subsection (3) and section 11, the allocation
2 to a district under this section shall be an amount equal to the
3 sum of the amounts calculated under sections 20, 20j, 51a(2),
4 51a(3), and 51a(12), minus the sum of the allocations to the
5 district under sections 22a and 51c.

6 (3) In order to receive an allocation under this section, each
7 district shall do all of the following:

8 (a) Administer in each grade level that it operates in grades
9 1 to 5 a standardized assessment approved by the department of
10 grade-appropriate basic educational skills. A district may use the
11 Michigan literacy progress profile to satisfy this requirement for
12 grades 1 to 3. Also, if the revised school code is amended to
13 require annual assessments at additional grade levels, in order to
14 receive an allocation under this section each district shall comply
15 with that requirement.

16 (b) Comply with sections 1278a and 1278b of the revised school
17 code, MCL 380.1278a and 380.1278b.

18 (c) Furnish data and other information required by state and
19 federal law to the center and the department in the form and manner
20 specified by the center or the department, as applicable.

21 (d) Comply with section 1230g of the revised school code, MCL
22 380.1230g.

23 **(E) IF THE DISTRICT IS A DISTRICT THAT IS SUBJECT TO SECTION**
24 **42, COMPLY WITH THAT SECTION BY EXPENDING THE AMOUNT OF THE FUNDS**
25 **IT RECEIVES UNDER THIS SECTION NECESSARY TO PROVIDE THE**
26 **INTERVENTION PROGRAM REQUIRED UNDER THAT SECTION.**

27 (4) Districts are encouraged to use funds allocated under this

1 section for the purchase and support of payroll, human resources,
2 and other business function software that is compatible with that
3 of the intermediate district in which the district is located and
4 with other districts located within that intermediate district.

5 (5) From the allocation in subsection (1), the department
6 shall pay up to \$1,000,000.00 in litigation costs incurred by this
7 state associated with lawsuits filed by 1 or more districts or
8 intermediate districts against this state. If the allocation under
9 this section is insufficient to fully fund all payments required
10 under this section, the payments under this subsection shall be
11 made in full before any proration of remaining payments under this
12 section.

13 (6) It is the intent of the legislature that all
14 constitutional obligations of this state have been fully funded
15 under sections 22a, 31d, 51a, and 51c. If a claim is made by an
16 entity receiving funds under this act that challenges the
17 legislative determination of the adequacy of this funding or
18 alleges that there exists an unfunded constitutional requirement,
19 the state budget director may escrow or allocate from the
20 discretionary funds for nonmandated payments under this section the
21 amount as may be necessary to satisfy the claim before making any
22 payments to districts under subsection (2). If funds are escrowed,
23 the escrowed funds are a work project appropriation and the funds
24 are carried forward into the following fiscal year. The purpose of
25 the work project is to provide for any payments that may be awarded
26 to districts as a result of litigation. The work project shall be
27 completed upon resolution of the litigation.

1 (7) If the local claims review board or a court of competent
2 jurisdiction makes a final determination that this state is in
3 violation of section 29 of article IX of the state constitution of
4 1963 regarding state payments to districts, the state budget
5 director shall use work project funds under subsection (6) or
6 allocate from the discretionary funds for nonmandated payments
7 under this section the amount as may be necessary to satisfy the
8 amount owed to districts before making any payments to districts
9 under subsection (2).

10 (8) If a claim is made in court that challenges the
11 legislative determination of the adequacy of funding for this
12 state's constitutional obligations or alleges that there exists an
13 unfunded constitutional requirement, any interested party may seek
14 an expedited review of the claim by the local claims review board.
15 If the claim exceeds \$10,000,000.00, this state may remove the
16 action to the court of appeals, and the court of appeals shall have
17 and shall exercise jurisdiction over the claim.

18 (9) If payments resulting from a final determination by the
19 local claims review board or a court of competent jurisdiction that
20 there has been a violation of section 29 of article IX of the state
21 constitution of 1963 exceed the amount allocated for discretionary
22 nonmandated payments under this section, the legislature shall
23 provide for adequate funding for this state's constitutional
24 obligations at its next legislative session.

25 (10) If a lawsuit challenging payments made to districts
26 related to costs reimbursed by federal title XIX medicaid funds is
27 filed against this state, then, for the purpose of addressing

1 potential liability under such a lawsuit, the state budget director
2 may place funds allocated under this section in escrow or allocate
3 money from the funds otherwise allocated under this section, up to
4 a maximum of 50% of the amount allocated in subsection (1). If
5 funds are placed in escrow under this subsection, those funds are a
6 work project appropriation and the funds are carried forward into
7 the following fiscal year. The purpose of the work project is to
8 provide for any payments that may be awarded to districts as a
9 result of the litigation. The work project shall be completed upon
10 resolution of the litigation. In addition, this state reserves the
11 right to terminate future federal title XIX medicaid reimbursement
12 payments to districts if the amount or allocation of reimbursed
13 funds is challenged in the lawsuit. As used in this subsection,
14 "title XIX" means title XIX of the social security act, 42 USC 1396
15 to 1396v.

16 (11) From the allocation in subsection (1), there is allocated
17 for 2007-2008 only an amount not to exceed \$40,000.00 for payment
18 to a district that meets all of the following:

19 (a) Had a membership of less than 900 pupils for 2006-2007.

20 (b) Is located in an intermediate district that had a taxable
21 value per membership pupil, as defined in section 22a, of greater
22 than \$290,000.00 for 2006-2007.

23 (c) The school electors of the district voted in the
24 affirmative on May 8, 2007 to restore a millage reduction required
25 under section 31 of article IX of the state constitution of 1963,
26 but the district was later found to have an incorrect millage
27 reduction fraction as defined in section 34d of the general

1 property tax act, 1893 PA 206, MCL 211.34d.

2 SEC. 42. (1) A DISTRICT THAT IS SUBJECT TO THIS SECTION SHALL
3 USE THE AMOUNT OF THE FUNDS IT RECEIVES UNDER SECTION 22B NECESSARY
4 TO PROVIDE A PROGRAM FOR THE PURPOSES OF PROVIDING ENHANCED
5 INSTRUCTIONAL SERVICES, PERIODIC SCREENINGS, AND EARLY INTERVENING
6 SERVICES AS DESCRIBED IN THIS SECTION; IMPROVING THE LITERACY
7 SKILLS OF STUDENTS IN GRADES K TO 3 SO THAT THEY ARE READING AT
8 GRADE LEVEL AS SOON AS POSSIBLE; AND PREVENTING INAPPROPRIATE OR
9 UNNECESSARY REFERRALS TO SPECIAL EDUCATION SERVICES. A DISTRICT IS
10 SUBJECT TO THIS SECTION IF THE DISTRICT OPERATES AT LEAST 1
11 ELEMENTARY SCHOOL THAT HAS BEEN DETERMINED BY THE DEPARTMENT TO BE
12 IN PHASE 2 OR ABOVE OF THE CORRECTIVE MEASURES REQUIRED FOR SCHOOLS
13 THAT ARE DETERMINED TO NOT MEET THE ADEQUATE YEARLY PROGRESS
14 STANDARD IN ENGLISH LANGUAGE ARTS UNDER THE NO CHILD LEFT BEHIND
15 ACT OF 2001, PUBLIC LAW 107-110.

16 (2) A PROGRAM PROVIDED UNDER THIS SECTION SHALL MEET ALL OF
17 THE FOLLOWING:

18 (A) SHALL PROVIDE IN EACH ELEMENTARY SCHOOL DESCRIBED IN
19 SUBSECTION (1) A COMPREHENSIVE, AGE-APPROPRIATE LANGUAGE ARTS
20 CURRICULUM THAT HELPS ENSURE THAT PUPILS MEET THE GRADE LEVEL
21 CONTENT EXPECTATIONS DEVELOPED BY THE DEPARTMENT IN ENGLISH
22 LANGUAGE ARTS FOR THE GRADE LEVEL IN WHICH THE PUPILS ARE ENROLLED.

23 (B) SHALL BE DESIGNED TO INCLUDE ACTIVE AND CONTINUOUS
24 INVOLVEMENT OF THE PARENTS OR GUARDIANS OF THE PUPILS PARTICIPATING
25 IN THE PROGRAM.

26 (C) SHALL PROVIDE ALL PUPILS IN GRADES K TO 3 IN THE
27 ELEMENTARY SCHOOL WITH 60 TO 90 MINUTES OF READING INSTRUCTION PER

1 SCHOOL DAY USING A CORE COMPREHENSIVE READING PROGRAM THAT IS
2 RESEARCH-BASED. THE READING INSTRUCTION MUST INCLUDE PHONEMIC
3 AWARENESS, PHONICS, FLUENCY, VOCABULARY, AND COMPREHENSION, AND
4 ORAL LANGUAGE AND WRITING TAUGHT IN A COMBINATION OF ENTIRE CLASS
5 SETTING, SMALL GROUP SETTINGS, AND INDIVIDUAL PRACTICE.

6 (D) SHALL REGULARLY MEASURE PUPILS' LITERACY SKILLS IN ALL OF
7 GRADES K TO 3 IN THE ELEMENTARY SCHOOL. SCREENINGS SHALL BE
8 CONDUCTED SCHOOLWIDE AT LEAST 3 TIMES PER SCHOOL YEAR IN EACH OF
9 GRADES K TO 3, SHALL SCREEN FOR LEARNING DIFFICULTY AND TO
10 DETERMINE WHETHER A PUPIL IS MEETING APPLICABLE BASIC LITERACY
11 BENCHMARKS FOR HIS OR HER GRADE LEVEL, AND SHALL BE CONDUCTED USING
12 A RESEARCH-BASED SCREENING TOOL THAT IS PROVEN RELIABLE AND VALID.

13 (E) IF A PUPIL IS DETERMINED BY THE SCREENING UNDER
14 SUBDIVISION (D) TO NEED FURTHER INTERVENTION BECAUSE THE SCREENING
15 REVEALS THAT THE PUPIL IS NOT MEETING APPLICABLE BASIC LITERACY
16 BENCHMARKS FOR HIS OR HER GRADE LEVEL, THEN THE PROGRAM SHALL
17 PROVIDE THE PUPIL WITH AT LEAST 30 MINUTES OF READING INSTRUCTION
18 PER SCHOOL DAY IN ADDITION TO THE INSTRUCTION REQUIRED UNDER
19 SUBDIVISION (C). THIS READING INSTRUCTION SHALL BE OF THE SAME TYPE
20 AS DESCRIBED IN SUBDIVISION (C), EXCEPT THAT IT SHALL BE TAUGHT IN
21 A COMBINATION OF SMALL GROUP SETTINGS AND INDIVIDUAL PRACTICE.
22 FURTHER, THE PROGRAM SHALL ENSURE THAT THESE PUPILS ARE RESCREENED
23 THROUGH PROGRESS MONITORING AT LEAST EVERY 2 TO 4 WEEKS.

24 (F) IF A PUPIL RECEIVING ADDITIONAL INTERVENTION UNDER
25 SUBDIVISION (E) IS DETERMINED BY THE PROGRAM SCREENING TO STILL NOT
26 BE MEETING APPLICABLE BASIC LITERACY BENCHMARKS FOR HIS OR HER
27 GRADE LEVEL, THEN THE PROGRAM SHALL PROVIDE THE PUPIL WITH AT LEAST

1 30 MORE MINUTES OF READING INSTRUCTION PER SCHOOL DAY IN ADDITION
2 TO THE INSTRUCTION REQUIRED UNDER SUBDIVISIONS (C) AND (D). THIS
3 READING INSTRUCTION SHALL BE OF THE SAME TYPE AS DESCRIBED IN
4 SUBDIVISION (C), EXCEPT THAT IT SHALL BE TAUGHT IN A COMBINATION OF
5 SMALL GROUP SETTINGS AND INDIVIDUAL PRACTICE.

6 (G) IF A PUPIL IN GRADES K TO 3 HAS BEEN DETERMINED TO NOT
7 MEET APPLICABLE BASIC LITERACY BENCHMARKS FOR HIS OR HER GRADE
8 LEVEL, THEN BY THE END OF THE FIRST SEMESTER OR TRIMESTER, OR AS
9 EARLY AS IS PRACTICABLE FOR PARENTS TO ASSIST IN THE PUPIL'S
10 ACADEMIC IMPROVEMENT, WHICHEVER IS EARLIER, THE PROGRAM SHALL
11 PROVIDE FOR A WRITTEN NOTICE TO THE PUPIL'S PARENT OR LEGAL
12 GUARDIAN. THE NOTICE SHALL INCLUDE ALL OF THE FOLLOWING:

13 (i) NOTIFICATION THAT THE PUPIL'S SCHOOL HAS DETERMINED THAT
14 THE CHILD HAS FAILED TO MEET STANDARDS FOR BASIC LITERACY SKILLS,
15 BASED ON THE GRADE LEVEL CONTENT EXPECTATIONS IN ENGLISH LANGUAGE
16 ARTS ESTABLISHED BY THE DEPARTMENT FOR THE PUPIL'S GRADE LEVEL.

17 (ii) NOTIFICATION AS TO THE SPECIFIC ROLE THE PARENT OR
18 GUARDIAN CAN PLAY AT HOME TO IMPROVE THE PUPIL'S LITERACY SKILLS,
19 INCLUDING AT LEAST ANY EXTRA WORK THAT THE PARENT OR GUARDIAN CAN
20 DO WITH THE PUPIL AND A DESCRIPTION OF VARIED APPROACHES TO
21 COMPLETING HOMEWORK OR EXTRA WORK IN ORDER TO HELP RAISE THE
22 READING SKILL LEVEL OF THE PUPIL.

23 (iii) IF THE PUPIL IS ENROLLED IN A SCHOOL THAT IS REQUIRED TO
24 PROVIDE SUPPLEMENTAL SERVICES UNDER THE FEDERAL NO CHILD LEFT
25 BEHIND ACT OF 2001, PUBLIC LAW 107-110, NOTIFICATION THAT THE
26 PUPIL'S PARENT OR LEGAL GUARDIAN HAS A RIGHT TO RECEIVE
27 REIMBURSEMENT FOR THE PUPIL TO RECEIVE SERVICES FROM A SUPPLEMENTAL

1 SERVICE PROVIDER IDENTIFIED BY THE DEPARTMENT AND THAT THE PUPIL'S
2 PARENT OR LEGAL GUARDIAN MAY CHOOSE TO HAVE THE PUPIL RECEIVE
3 SUPPLEMENTAL SERVICES FROM 1 OF THESE PROVIDERS WITH REIMBURSEMENT
4 FROM THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY. THIS PART OF THE
5 NOTICE SHALL INCLUDE A LISTING OF THE SUPPLEMENTAL SERVICE
6 PROVIDERS THAT ARE IDENTIFIED BY THE DEPARTMENT UNDER SECTION 1283
7 OF THE REVISED SCHOOL CODE, MCL 380.1283, AND THAT ARE LOCATED
8 WITHIN A 30-MILE RADIUS OF THE PUPIL'S SCHOOL.

9 (H) THE PROGRAM SHALL PROVIDE A COPY OF THE NOTICE REQUIRED
10 UNDER SUBDIVISION (G) TO THE DEPARTMENT, AND THE DEPARTMENT SHALL
11 MAINTAIN A COPY OF THIS NOTICE.

12 (I) THE PROGRAM SHALL DO ALL OF THE FOLLOWING WITH REGARD TO
13 PUPILS IN LATER GRADES:

14 (i) SHALL RESCREEN PUPILS IN GRADES 6 AND 8 USING THE MEAP
15 ENGLISH LANGUAGE ARTS ASSESSMENTS FOR THOSE GRADES. THIS
16 RESCREENING IN GRADE 6 SHALL BEGIN IN 2011-2012 AND IN GRADE 8
17 SHALL BEGIN IN 2013-2014, AND SHALL BE DONE FOR ALL PUPILS IN THESE
18 GRADES WHO WERE DETERMINED BY THE SCREENING IN GRADE 3 TO REQUIRE
19 ADDITIONAL INTERVENTION UNDER SUBDIVISION (F) OR WHO HAVE ENROLLED
20 IN THE SCHOOL FOR THE FIRST TIME AFTER GRADE 3.

21 (ii) IF A PUPIL DID NOT ACHIEVE LEVEL I OR II ON THE MEAP
22 ENGLISH LANGUAGE ARTS ASSESSMENT, SHALL PROVIDE AT LEAST 30 MINUTES
23 OF READING INSTRUCTION PER SCHOOL DAY IN ADDITION TO THE PUPIL'S
24 REGULAR ENGLISH LANGUAGE ARTS INSTRUCTION. THIS READING INSTRUCTION
25 SHALL BE OF THE SAME TYPE AS DESCRIBED IN SUBDIVISION (C), EXCEPT
26 THAT IT SHALL BE TAUGHT IN A COMBINATION OF SMALL GROUP SETTINGS
27 AND INDIVIDUAL PRACTICE. FURTHER, THE PROGRAM SHALL ENSURE THAT

1 THESE PUPILS ARE RESCREENED THROUGH PROGRESS MONITORING AT LEAST
2 EVERY 2 TO 4 WEEKS.

3 (iii) IF A PUPIL RECEIVING ADDITIONAL INTERVENTION UNDER
4 SUBPARAGRAPH (ii) IS DETERMINED BY THE PROGRAM SCREENING TO STILL
5 NOT BE MEETING APPLICABLE BASIC LITERACY BENCHMARKS FOR HIS OR HER
6 GRADE LEVEL, SHALL PROVIDE AT LEAST 30 MORE MINUTES OF READING
7 INSTRUCTION PER SCHOOL DAY IN ADDITION TO THE INSTRUCTION REQUIRED
8 UNDER SUBPARAGRAPH (ii) AND THE PUPIL'S REGULAR ENGLISH LANGUAGE
9 ARTS INSTRUCTION. THIS READING INSTRUCTION SHALL BE OF THE SAME
10 TYPE AS DESCRIBED IN SUBDIVISION (C), EXCEPT THAT IT SHALL BE
11 TAUGHT IN A COMBINATION OF SMALL GROUP SETTINGS AND INDIVIDUAL
12 PRACTICE.

13 (3) A DISTRICT THAT IS SUBJECT TO THIS SECTION SHALL REPORT
14 ALL OF THE FOLLOWING TO THE DEPARTMENT ON AN ANNUAL BASIS BY JUNE
15 30 OF EACH YEAR:

16 (A) THE PERCENTAGE OF PUPILS IN EACH ELEMENTARY SCHOOL THAT
17 RECEIVES SERVICES FROM THE PROGRAM UNDER THIS SECTION WHO ARE
18 REFERRED TO SPECIAL EDUCATION FOR LEARNING DISABILITIES.

19 (B) THE AMOUNT OF ESTIMATED COST SAVINGS, IF ANY, INCURRED AS
20 A RESULT OF IMPLEMENTING THIS INTERVENTION PROGRAM.

21 (4) A DISTRICT MAY CONTRACT WITH AN INTERMEDIATE DISTRICT TO
22 PROVIDE THE PROGRAM UNDER THIS SECTION. IF AN INTERMEDIATE DISTRICT
23 HAS AT LEAST 2 CONSTITUENT DISTRICTS THAT EACH OPERATE AT LEAST 1
24 ELEMENTARY SCHOOL THAT HAS BEEN DETERMINED BY THE DEPARTMENT TO BE
25 IN PHASE 2 OR ABOVE OF THE CORRECTIVE MEASURES REQUIRED FOR SCHOOLS
26 THAT ARE DETERMINED TO NOT MEET THE ADEQUATE YEARLY PROGRESS
27 STANDARD IN ENGLISH LANGUAGE ARTS UNDER THE NO CHILD LEFT BEHIND

1 ACT OF 2001, PUBLIC LAW 107-110, THE INTERMEDIATE DISTRICT SHALL
2 OFFER TO PROVIDE THE SERVICES REQUIRED UNDER THIS SECTION TO THOSE
3 CONSTITUENT DISTRICTS.

4 (5) THE DEPARTMENT SHALL DEVELOP AND MAKE AVAILABLE TO
5 DISTRICTS THAT ARE SUBJECT TO THIS SECTION A MODEL PARENT
6 NOTIFICATION FORM THAT MAY BE USED FOR THE PURPOSES OF SUBSECTION
7 (2).

8 Enacting section 1. This amendatory act does not take effect
9 unless Senate Bill No. 842 of the 94th Legislature is enacted into
10 law.