

# HOUSE BILL No. 5866

September 30, 2014, Introduced by Reps. Singh, Zemke, Geiss and Driskell and referred to the Committee on Appropriations.

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 11 (MCL 388.1611), as amended by 2014 PA 196, and by adding section 59.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 11. (1) For the fiscal year ending September 30, 2014,  
2 there is appropriated for the public schools of this state and  
3 certain other state purposes relating to education the sum of  
4 \$11,200,232,300.00 from the state school aid fund, the sum of  
5 \$156,000,000.00 from the MPSERS retirement obligation reform  
6 reserve fund created under section 147b, and the sum of  
7 \$149,900,000.00 from the general fund. For the fiscal year ending  
8 September 30, 2015, there is appropriated for the public schools of  
9 this state and certain other state purposes relating to education  
10 the sum of ~~\$11,929,262,900.00~~ **\$11,931,762,900.00** from the state

1 school aid fund, the sum of \$18,000,000.00 from the MPSERS  
2 retirement obligation reform reserve fund created under section  
3 147b, and the sum of \$114,900,000.00 from the general fund. In  
4 addition, all other available federal funds are appropriated each  
5 fiscal year for the fiscal year ending September 30, 2014 and for  
6 the fiscal year ending September 30, 2015.

7 (2) The appropriations under this section shall be allocated  
8 as provided in this article. Money appropriated under this section  
9 from the general fund shall be expended to fund the purposes of  
10 this article before the expenditure of money appropriated under  
11 this section from the state school aid fund.

12 (3) Any general fund allocations under this article that are  
13 not expended by the end of the state fiscal year are transferred to  
14 the school aid stabilization fund created under section 11a.

15 **SEC. 59. (1) FROM THE APPROPRIATIONS IN SECTION 11, THERE IS**  
16 **ALLOCATED FOR 2014-2015 AN AMOUNT NOT TO EXCEED \$2,500,000.00 FOR**  
17 **PAYMENTS TO INTERMEDIATE DISTRICTS UNDER THIS SECTION. AN**  
18 **INTERMEDIATE DISTRICT SHALL USE MONEY RECEIVED UNDER THIS SECTION**  
19 **TO OFFSET THE COSTS OF IDENTIFYING PUPILS WHO ARE GIFTED AND**  
20 **TALENTED, AS PROVIDED UNDER THIS SECTION, OR FOR REIMBURSING**  
21 **DISTRICTS THAT PERFORM 1 OR MORE OF THE FUNCTIONS UNDER THIS**  
22 **SECTION UNDER AN ARRANGEMENT WITH THE INTERMEDIATE DISTRICT. THE**  
23 **AMOUNT OF THE PAYMENT TO EACH INTERMEDIATE DISTRICT UNDER THIS**  
24 **SECTION SHALL BE AN EQUAL PER-PUPIL AMOUNT CALCULATED BY DIVIDING**  
25 **THE TOTAL AMOUNT ALLOCATED UNDER THIS SECTION BY THE TOTAL NUMBER**  
26 **OF PUPILS IN MEMBERSHIP STATEWIDE FOR 2014-2015 AND MULTIPLYING**  
27 **THAT AMOUNT BY THE TOTAL NUMBER OF PUPILS IN MEMBERSHIP IN**

1 DISTRICTS LOCATED IN THE INTERMEDIATE DISTRICT FOR 2014-2015.

2 (2) NOT LATER THAN MARCH 1, 2015, EACH INTERMEDIATE DISTRICT  
3 SHALL IMPLEMENT MEASURES TO IDENTIFY PUPILS WHO ARE GIFTED AND  
4 TALENTED. EXCEPT FOR DEVELOPING A METHOD FOR IDENTIFYING PUPILS WHO  
5 ARE GIFTED AND TALENTED UNDER SUBDIVISION (A), AN INTERMEDIATE  
6 DISTRICT MAY ALLOW 1 OR MORE OF THE DISTRICTS LOCATED WITHIN THE  
7 INTERMEDIATE DISTRICT TO IMPLEMENT 1 OR MORE OF THESE MEASURES AT  
8 THE DISTRICT LEVEL UNDER AN ARRANGEMENT WITH THE INTERMEDIATE  
9 DISTRICT. THESE STEPS SHALL INCLUDE ALL OF THE FOLLOWING:

10 (A) THE INTERMEDIATE DISTRICT SHALL DEVELOP A METHOD FOR THE  
11 IDENTIFICATION OF PUPILS AS GIFTED AND TALENTED. THE METHOD OF  
12 IDENTIFICATION SHALL CONFORM TO THESE GENERAL PRINCIPLES:

13 (i) STANDARDS SHALL ENSURE THE IDENTIFICATION OF PUPILS WHO  
14 POSSESS A CAPACITY FOR EXCELLENCE FAR BEYOND THAT OF THEIR  
15 CHRONOLOGICAL PEERS.

16 (ii) METHODS SHALL BE DESIGNED TO SEEK OUT AND IDENTIFY THOSE  
17 PUPILS WHOSE EXTRAORDINARY CAPACITIES REQUIRE SPECIAL SERVICES AND  
18 PROGRAMS.

19 (iii) PROVISION SHALL BE MADE FOR EXAMINING A PUPIL'S RANGE OF  
20 CAPACITIES.

21 (iv) METHODS AND TECHNIQUES OF IDENTIFICATION SHALL GENERATE  
22 INFORMATION AS TO A PUPIL'S CAPACITIES AND NEEDS.

23 (v) THERE SHALL BE EQUAL OPPORTUNITY TO BE IDENTIFIED IN THE  
24 CATEGORIES SERVED.

25 (vi) METHODS SHALL BE DESIGNED TO SEEK OUT AND IDENTIFY GIFTED  
26 AND TALENTED PUPILS FROM VARYING LINGUISTIC, ECONOMIC, AND CULTURAL  
27 BACKGROUNDS.

1 (B) AN INTERMEDIATE DISTRICT, OR A DISTRICT UNDER AN  
2 ARRANGEMENT WITH THE INTERMEDIATE DISTRICT, SHALL USE 1 OR MORE OF  
3 THE FOLLOWING CATEGORIES IN IDENTIFYING PUPILS AS GIFTED AND  
4 TALENTED. IN ALL CATEGORIES, IDENTIFICATION OF A PUPIL'S  
5 EXTRAORDINARY CAPABILITY SHALL BE IN RELATION TO THE PUPIL'S  
6 CHRONOLOGICAL PEERS:

7 (i) INTELLECTUAL ABILITY: A PUPIL DEMONSTRATES EXTRAORDINARY OR  
8 POTENTIAL FOR EXTRAORDINARY INTELLECTUAL DEVELOPMENT.

9 (ii) CREATIVE ABILITY: A PUPIL CHARACTERISTICALLY DOES THE  
10 FOLLOWING:

11 (A) PERCEIVES UNUSUAL RELATIONSHIPS AMONG ASPECTS OF THE  
12 PUPIL'S ENVIRONMENT AND AMONG IDEAS.

13 (B) OVERCOMES OBSTACLES TO THINKING AND DOING.

14 (C) PRODUCES UNIQUE SOLUTIONS TO PROBLEMS.

15 (iii) SPECIFIC ACADEMIC ABILITY: A PUPIL FUNCTIONS AT HIGHLY  
16 ADVANCED ACADEMIC LEVELS IN PARTICULAR SUBJECT AREAS.

17 (iv) LEADERSHIP ABILITY: A PUPIL DISPLAYS THE CHARACTERISTIC  
18 BEHAVIORS NECESSARY FOR EXTRAORDINARY LEADERSHIP.

19 (v) HIGH ACHIEVEMENT: A PUPIL CONSISTENTLY PRODUCES ADVANCED  
20 IDEAS AND PRODUCTS OR ATTAINS EXCEPTIONALLY HIGH SCORES ON  
21 ACHIEVEMENT TESTS.

22 (vi) VISUAL AND PERFORMING ARTS TALENT: A PUPIL ORIGINATES,  
23 PERFORMS, PRODUCES, OR RESPONDS AT EXTRAORDINARILY HIGH LEVELS IN  
24 THE ARTS.

25 (C) BEFORE IDENTIFICATION UNDER SUBDIVISION (B), AN  
26 INTERMEDIATE DISTRICT, OR A DISTRICT UNDER AN ARRANGEMENT WITH THE  
27 INTERMEDIATE DISTRICT, SHALL COMPILE PERTINENT EVIDENCE AS TO A

1 PUPIL'S CAPACITY FOR EXCELLENCE FAR BEYOND THAT OF CHRONOLOGICAL  
2 PEERS. APPROPRIATE DATA TO BE COLLECTED BY THE INTERMEDIATE  
3 DISTRICT OR DISTRICT MAY INCLUDE: SCHOOL, CLASS, AND INDIVIDUAL  
4 PUPIL RECORDS; INDIVIDUAL TESTS (INCLUDING SUMMARY AND EVALUATION  
5 BY CREDENTIALLED SCHOOL PSYCHOLOGIST); GROUP TESTS; AND INTERVIEWS  
6 AND QUESTIONNAIRES (TEACHER, PARENT, AND OTHERS). THE RANGE OF DATA  
7 SHALL BE BROAD ENOUGH TO REVEAL GIFTS AND TALENTS ACROSS CULTURAL,  
8 ECONOMIC, AND LINGUISTIC GROUPS. EVIDENCE OF A PUPIL'S CAPABILITY  
9 MAY ALSO BE DERIVED FROM PUPIL PRODUCTS, COMMENTS FROM PEERS, AND  
10 OPINIONS OF PROFESSIONAL PERSONS. STUDIES OF THE FACTORS  
11 CONTRIBUTING TO A PUPIL'S UNDERACHIEVEMENT AND STUDIES OF A PUPIL'S  
12 UNDERACHIEVEMENT RESULTING FROM HANDICAPPING OR DISADVANTAGED  
13 CONDITIONS SHALL BE CONSIDERED. THE PERTINENT EVIDENCE SHALL  
14 REFLECT CONSIDERATION OF THE ECONOMIC, LINGUISTIC, AND CULTURAL  
15 CHARACTERISTICS OF THE PUPIL'S BACKGROUND.

16 (D) THE INTERMEDIATE SUPERINTENDENT, OR THE DISTRICT  
17 SUPERINTENDENT OR CHIEF ADMINISTRATIVE OFFICER, OR HIS OR HER  
18 DESIGNEE, SHALL MAKE THE FINAL DETERMINATION IDENTIFYING A PUPIL AS  
19 GIFTED AND TALENTED IN ACCORDANCE WITH PROCEDURES ADOPTED BY THE  
20 INTERMEDIATE DISTRICT. THIS INDIVIDUAL SHALL BASE THE DECISION UPON  
21 THE EVALUATION OF THE PERTINENT EVIDENCE BY THE SCHOOL PRINCIPAL OR  
22 A DESIGNEE OF THE SCHOOL PRINCIPAL, A CLASSROOM TEACHER FAMILIAR  
23 WITH THE SCHOOLWORK OF THE PUPIL, AND, WHEN APPROPRIATE, A  
24 CREDENTIALLED SCHOOL PSYCHOLOGIST. TO DETERMINE THE FULL RANGE OF A  
25 PUPIL'S CAPABILITY, AN INDIVIDUAL RECOGNIZED AS AN EXPERT IN THE  
26 GIFTED AND TALENTED CATEGORY UNDER CONSIDERATION, OR AN INDIVIDUAL  
27 WHO HAS IN-DEPTH UNDERSTANDING OF THE PUPIL'S LINGUISTIC OR

1 CULTURAL GROUP, OR BOTH, SHALL PARTICIPATE IN THE EVALUATION OF THE  
2 EVIDENCE UNLESS THERE IS NO DOUBT THAT THE PUPIL IS GIFTED AND  
3 TALENTED. THESE INDIVIDUALS MAY REVIEW SCREENING, IDENTIFICATION,  
4 AND PLACEMENT DATA IN SERIAL ORDER IF THESE INDIVIDUALS MEET TO  
5 RESOLVE DIFFERENCES IN ASSESSMENT AND RECOMMENDATIONS. THIS  
6 SUBDIVISION DOES NOT PROHIBIT THE USE OF AN IDENTIFICATION  
7 COMMITTEE.

8 (3) NOT LATER THAN APRIL 1, 2015, EACH INTERMEDIATE DISTRICT  
9 SHALL PROVIDE TO THE DEPARTMENT, IN THE FORM AND MANNER PRESCRIBED  
10 BY THE DEPARTMENT, A REPORT THAT DOES BOTH OF THE FOLLOWING:

11 (A) SUMMARIZES THE MEASURES THE INTERMEDIATE DISTRICT AND ITS  
12 DISTRICTS HAVE IMPLEMENTED TO IDENTIFY PUPILS WHO ARE GIFTED AND  
13 TALENTED, DETAILING THE METHOD OF IDENTIFICATION, AND SPECIFYING  
14 THE NUMBER OF THOSE PUPILS ENROLLED IN EACH GRADE LEVEL IN  
15 DISTRICTS LOCATED WITHIN THE INTERMEDIATE DISTRICT.

16 (B) ESTIMATES, ON A PER-PUPIL BASIS, THE ADDED COSTS THAT  
17 WOULD BE INCURRED AT THE INTERMEDIATE DISTRICT AND DISTRICT LEVELS  
18 FOR PROVIDING FOR THE PUPILS IDENTIFIED AS BEING GIFTED AND  
19 TALENTED QUALITY GIFTED AND TALENTED EDUCATION PROGRAMS THAT MEET  
20 GUIDELINES ESTABLISHED BY THE NATIONAL ASSOCIATION FOR GIFTED  
21 CHILDREN.

22 (4) NOTWITHSTANDING SECTION 17B, PAYMENTS TO INTERMEDIATE  
23 DISTRICTS UNDER THIS SECTION SHALL BE PAID ON A SCHEDULE DETERMINED  
24 BY THE DEPARTMENT.

25 (5) IT IS THE INTENT OF THE LEGISLATURE TO ALLOCATE UNDER THIS  
26 ACT FOR 2015-2016 AN AMOUNT NOT TO EXCEED \$5,000,000.00 FOR THE  
27 IMPLEMENTATION OF PILOT GIFTED AND TALENTED EDUCATION PROGRAMS FOR

1 THE 2015-2016 SCHOOL YEAR. THESE PILOT PROGRAMS MAY BE OPERATED AT  
2 THE DISTRICT OR INTERMEDIATE DISTRICT LEVEL AND SHALL BE REQUIRED  
3 TO MEET GUIDELINES ESTABLISHED BY THE NATIONAL ASSOCIATION FOR  
4 GIFTED CHILDREN.

5 (6) AS USED IN THIS SECTION, "GIFTED AND TALENTED" MEANS  
6 CHILDREN AND YOUTH WITH OUTSTANDING TALENT WHO PERFORM OR SHOW THE  
7 POTENTIAL FOR PERFORMING AT REMARKABLY HIGH LEVELS OF  
8 ACCOMPLISHMENT WHEN COMPARED WITH OTHERS OF THEIR AGE, EXPERIENCE,  
9 OR ENVIRONMENT; WHO EXHIBIT HIGH PERFORMANCE CAPABILITY IN 1 OR  
10 MORE INTELLECTUAL, CREATIVE, OR ARTISTIC AREAS, POSSESS AN UNUSUAL  
11 LEADERSHIP CAPACITY, OR EXCEL IN 1 OR MORE SPECIFIC ACADEMIC  
12 FIELDS; WHO REQUIRE SERVICES OR ACTIVITIES NOT ORDINARILY PROVIDED  
13 BY SCHOOLS; AND WHO MAY BE FOUND IN ALL CULTURAL GROUPS, ACROSS ALL  
14 ECONOMIC STRATA, AND IN ALL AREAS OF HUMAN ENDEAVOR.