



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4822 (Substitute H-5 as passed by the House)
Sponsor: Representative Amanda Price
House Committee: Education
Senate Committee: Education

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CONTENT

The bill would add Section 1280f to the Revised School Code to do the following:

- Require the Department of Education to approve three or more reading assessment systems for use by a school district or public school academy (PSA).
- Require the Department to recommend or develop an early literacy coach model.
- Specify the responsibilities and qualifications of an early literacy coach.
- Require a school board or PSA board of directors to select an approved assessment system to screen and diagnose reading deficiencies.
- Require a school district or PSA to assess a pupil's progress in reading at least three times per school year, during kindergarten through third grade.
- Require a school board or board of directors to provide a kindergarten to third-grade (K to 3) pupil who exhibited a reading deficiency with an individual reading improvement plan within 30 days after the reading deficiency was identified.
- Require a school district or PSA to provide reading intervention programs for pupils with reading deficiencies in grades K to 3.
- Require a school district or PSA to provide intervention services for pupils identified as English language learners.
- Prohibit the promotion of a pupil to grade 4 unless the pupil demonstrated a satisfactory reading score, or otherwise demonstrated a grade 3 reading level.
- Prohibit a school district superintendent or PSA chief administrator from allowing a child under 10 years old to enroll in grade 4 unless he or she demonstrated a satisfactory reading score, or otherwise demonstrated a grade 3 reading level.
- Specify reasons and procedures for granting a good cause exemption from the grade 3 promotion and retention requirements.
- Prohibit a school district or PSA from requiring a pupil to repeat grade 3 more than once due to the operation of Section 1280f.

The bill also states that Section 1280f "does not require or state an intention to require a school district or public school academy to supplant state funds with federal funds for implementing or supporting the activities under this section, and does not prohibit a school district or public school academy from continuing to use federal funds for any of the purposes or activities described in this section".

The bill would take effect 90 days after its enactment.

Department of Education Responsibilities

The bill would require the Department to approve three or more valid and reliable screening, formative, and diagnostic reading assessment systems for selection and use by school districts and PSAs to ensure that more pupils achieved a score of at least proficient in English language arts on the grade 3 State assessment. Each approved assessment would have to provide a screening assessment, progress monitoring capabilities, and a diagnostic assessment. In determining which assessment systems to approve, the Department would have to consider the following factors:

- The time required to conduct the assessments, with the intention of minimizing the impact on instructional time.
- The level of integration of assessment results with instructional support for teachers and pupils.
- The timeliness in reporting assessment results to teachers, administrators, and parents.

To ensure that more pupils achieved the specified score, the bill also would require the Department to recommend or develop an early literacy coach model, with the features described below.

Early Literacy Coach

An early literacy coach would have to support and provide initial and ongoing professional development to teachers in all of the following:

- Each of the five major reading components (phonemic awareness, phonics, fluency, vocabulary, and comprehension) as needed, based on an analysis of pupil performance data.
- Administering and analyzing instructional assessments.
- Providing differentiated instruction and intensive intervention.
- Using progress monitoring.
- Identifying and addressing reading deficiency.

("Reading deficiency" would mean scoring below grade level or being determined to be at risk of reading failure based on a screening assessment, diagnostic assessment, standardized summative assessment, or progress monitoring.)

The bill also would require an early literacy coach to do the following:

- Model effective instructional strategies for teachers.
- Facilitate study groups.
- Train teachers in data analysis and using data to differentiate instruction.
- Coach and mentor colleagues.
- Work with teachers to ensure that research-based reading programs such as comprehensive core reading programs, supplemental reading programs, and comprehensive intervention reading programs were implemented with fidelity.
- Train teachers to diagnose and address reading deficiency.
- Work with teachers in applying research-based reading strategies in other content areas.
- Help to increase instructional density to meet the needs of all pupils.
- Help lead and support reading leadership teams at the school.
- Continue to increase his or her knowledge base in best practices and reading instruction and intervention.
- For each teacher who taught in a classroom for grades K to 3, model for the teacher, and coach the teacher in, instruction with pupils in whole and small groups.

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

In the context of performing the functions described above, an early literacy coach could not be asked to perform administrative functions that would confuse his or her role for teachers.

The bill would require an early literacy coach to meet all of the following: a) have experience as a successful classroom teacher; b) have sufficient knowledge of scientifically based reading research, special expertise in quality reading instruction and infusing strategies into content area instruction, and data management skills; c) have a strong knowledge base in working with adults; and d) have a minimum of a bachelor's degree and advanced coursework in reading or have completed professional development in research-based literacy instructional strategies.

An early literacy coach could not be assigned a regular classroom teaching assignment, but would be expected to work frequently with pupils in whole and small group instruction or tutoring in the context of modeling and coaching in or outside of teachers' classrooms.

Responsibilities of School Boards & Boards of Directors

Beginning in the 2016-2017 school year, to ensure that more pupils achieved a score of at least proficient in English language arts on the grade 3 assessment, the board of a school district or board of directors of a PSA would have select one of the assessment systems approved by the Department, as described above. A school district or PSA would have to use this assessment system for pupils in grades K to 3 to screen and diagnose difficulties, inform instruction and intervention needs, and assess progress. A school district or PSA would have to assess a pupil's progress in reading skills in grades K to 3 at least three times per school year. The first of these assessments for a school year would have to be conducted within the first 30 days of the school year.

For any pupil in grades K to 3 who exhibited a reading deficiency at any time, based on the reading assessment selected and used, the school board or board of directors would have to provide an individual reading improvement plan for the pupil within 30 days after the reading deficiency was identified. The reading improvement plan would have to be created by the pupil's teacher, school principal, and parent or legal guardian and other pertinent school personnel, and would have to describe the reading intervention services the pupil would receive to remedy the reading deficiency. A school district or PSA would have to provide intensive reading intervention for the pupil in accordance with the individual reading improvement plan until the pupil no longer had a reading deficiency.

If a pupil in grades K to 3 were identified as having an early literacy delay or reading deficiency, the school board or board of directors would have to give written notice to the pupil's parent or legal guardian of the delay or deficiency and would have to provide tools to assist the parent or guardian to engage in intervention and to address or correct the deficiency at home.

A school board or PSA board of directors also would have to require a school principal or chief administrator to do all of the following:

- For a teacher in grades K to 3, target specific areas of professional development based on the reading development needs data for incoming pupils.
- Differentiate and intensify professional development for teachers based on data gathered by monitoring teacher progress in improving pupil proficiency rates among their pupils.
- Establish a collaborative system within the school to improve reading proficiency rates in grades K to 3.

- Ensure that time was provided for teachers to meet for professional development.

The school board or board of directors would have to use, at least, early literacy coaches provided through the intermediate school district in which the school district or PSA was located, as provided for under the State School Aid Act, and use the early literacy coach model recommended or developed by the Department. The school board or board of directors also would have to identify how to best monitor the implementation and effectiveness of the model and assure communication between the central office, school administration, and the early literacy coach throughout the school year to address areas of concern.

Reading Intervention Programs

The bill would require a school district or PSA to provide reading intervention programs for pupils in grades K to 3. For pupils who exhibited a reading deficiency, the school district or PSA would have to provide a reading intervention program that was intended to ensure that pupils were proficient readers by the end of grade 3 and that included some or all of the following features:

- Was provided to each pupil in grades K to 3 who was identified with a reading deficiency based on screening and diagnostic tools, and would identify and address the deficiency.
- Periodically screened and monitored the progress of each pupil's reading skills, at least three times per year.
- Provided evidence-based core reading instruction that was comprehensive and met the majority of the general education classroom needs.
- Provided parents, legal guardians, or other pupil care providers with a "read at home" plan, including parent, guardian, or care provider training workshops and regular home reading.

A reading intervention program also would have to provide a reading intervention that met, at a minimum, the following specifications: a) assisted pupils exhibiting a reading deficiency in developing the ability to read at grade level; b) provided intensive development in the five major reading components: phonetic awareness, phonics, fluency, vocabulary, and comprehension; c) was systematic, explicit, multisensory, and sequential; and d) was implemented during regular school hours in addition to regular classroom reading instruction.

For a grade 3 pupil exhibiting a reading deficiency as determined by the pupil's teacher through the diagnostic reading assessment system selected by the school district or PSA, the school district or PSA would have to provide a reading intervention program that was intended to correct the identified area or areas of reading deficiency and that included all of the following features as needed by the individual pupil:

- Was evidence-based and had proven results in accelerating pupil reading achievement within the same school year.
- Provided more dedicated time than the pupil's previous school year in evidence-based reading instruction and intervention.
- Provided daily targeted small group or one-to-one reading intervention based on pupil needs as determined by assessment data, including explicit and systematic instruction with more detailed and varied explanations, more extensive opportunities for guided practice, and more opportunities for error correction and feedback.
- Provided administration of ongoing progress monitoring assessments to frequently monitor pupil progress.
- Provided supplemental evidence-based reading intervention delivered by a teacher, tutor, or volunteer with specialized reading training that was provided before school, after school, during school hours but outside of regular English language arts classroom time, or any combination of these.

- Provided parents, legal guardians, or other pupil care providers with a "read at home" plan, including parent, guardian, or care provider training workshops and regular home reading.

English Language Learners

For a pupil identified as an English language learner by the pupil's teacher or by the diagnostic reading assessment selected by the school district or PSA, the school district or PSA would have to provide intervention services that included access to instruction in the pupil's native language, as available, with withdrawal of that instruction as appropriate as the pupil improved his or her English language skills. A school district or PSA would be encouraged to provide this support for at least pupils whose native language was Spanish, Chinese, Hindi, Korean, or Arabic.

The intervention services also would have to include at least all of the following:

- Ongoing assessments that provided actionable data for teachers to use in interventions.
- Instruction in academic vocabulary.
- Opportunities for speech production.
- Instruction in the five major reading components.
- Specific instruction connecting the pupil's native language and English.
- Common English language development strategies such as modeling, guided practice, and comprehensive input.
- Feedback for the pupil, including explanations in his or her native language.

Summer Reading Camps

For every pupil exhibiting a reading deficiency as determined by the pupil's teacher through the diagnostic reading assessment system selected by the school district or PSA, the school district or PSA would be encouraged to offer summer reading camps staffed with highly effective teachers of reading, as determined by the teacher evaluation system under Section 1249, providing reading intervention services and supports to correct pupils' identified areas of reading deficiency.

(Section 1249 requires a school board or PSA board of directors to implement a performance evaluation system. The system is required to include ratings for teachers as highly effective, effective, minimally effective, or ineffective.)

Promotion & Retention of Third Grade Pupils

The following provisions would apply beginning with pupils enrolled in grade 3 during the 2019-2020 school year.

The superintendent of the school district or chief administrator of the PSA in which a pupil was enrolled would have to ensure that the pupil was not promoted to grade 4 until one of the following occurred:

- The pupil achieved a reading score that was less than one grade level behind as determined by the Department based on the grade 3 State English language arts assessment.
- The pupil demonstrated a grade 3 reading level through performance on an alternative standardized reading assessment approved by the Superintendent of Public Instruction.
- The pupil demonstrated a grade 3 reading level through a pupil portfolio, as evidenced by demonstrating competency in all grade 3 State English language arts standards through multiple work samples.

The Department would have to complete the scoring of the grade 3 State English language arts assessment, and release the results of the assessment, by June 1 of each year.

If a child younger than 10 years of age sought to enroll in for the first time in a school district or PSA in grade 4, the superintendent of the school district or chief administrator of the PSA could not allow the child to enroll unless one of the following occurred:

- The child achieved a reading score that was less than one grade level behind as determined by the Department based on the reading portion of the grade 3 State English language arts assessment.
- The child demonstrated a grade 3 reading level through performance on an alternative standardized reading assessment approved by the Superintendent of Public Instruction.
- The child demonstrated a grade 3 reading level through a pupil portfolio, as evidenced by demonstrating competency in all grade 3 State English language arts standards through multiple work samples.

If a pupil were not enrolled in grade 4 due to these requirements, and the pupil had demonstrated proficiency in mathematics, science, writing, or social studies as determined by the grade 3 State assessment in the applicable subject area or by the pupil's grade 3 reading teacher, the board of the school district or board of directors of the PSA would have to ensure that the pupil was provided with instruction commensurate with his or her achievement level in that specific subject area. This instruction could be given in a grade 4 classroom setting. In addition, before the child was placed in grade 4 during the school year, an appropriate school official of the pupil's school district or PSA would have to notify the pupil's parent or guardian of the proposed placement and obtain his or her written consent for the proposed placement.

For a pupil who was not promoted to grade 4 or a child who was not enrolled in grade 4 because of the bill's requirements, the school district or PSA would have to provide a reading intervention program that was intended to correct the pupil's specific reading deficiency, as identified by a valid and reliable assessment. The program would have to include effective instructional strategies necessary to assist the pupil in becoming a successful reader, and all of the following features, as appropriate for the needs of the individual pupil:

- Assignment to a pupil one or more of the following: a) a highly effective reading teacher as determined by the teacher evaluation system, b) the highest-evaluated grade 3 teacher in the school, or c) a reading specialist.
- Reading programs that were evidence-based and had proven results in accelerating pupil reading achievement within the same school year.
- Reading instruction and intervention for the majority of pupil contact time each day that incorporated opportunities to master the grade 4 State standards in other core academic areas, if applicable.
- Daily targeted small groups or one-to-one reading intervention that was based on pupil needs, determined by assessment data, and on identified reading deficiencies and that included explicit and systematic instruction with more detailed and varied explanations, more extensive opportunities for guided practice, and more opportunities for error correction and feedback.
- Administration of ongoing progress monitoring assessments to frequently monitor pupil progress.
- Supplemental evidence-based reading intervention delivered by a teacher or tutor with specialized reading training that was provided before school, after school, during regular school hours but outside of regular English language arts classroom time, or any combination of these.
- Provision to parents, legal guardians, or other pupil care providers of a "read at home" plan, including parent, guardian, or care provider training workshops and regular home reading.

Good Cause Exemption

If the superintendent of a pupil's school district or chief administrator of a pupil's PSA granted a good cause exemption from the retention requirements for a pupil, then the pupil could be promoted to grade 4 without meeting the bill's requirements for promotion. A good cause exemption could be granted only for one of the following:

- The pupil was a student with a Section 504 plan, or an individualized education program (IEP) whose IEP team made the decision to exempt the pupil from the retention requirements based on the team's knowledge of the pupil.
- The pupil was a limited English proficient student who had less than three years of instruction in an English language learner program.
- The pupil had received intensive reading intervention for two or more years but still demonstrated a reading deficiency and was previously retained in kindergarten, grade 1, grade 2, or grade 3.

("Individualized education program" would mean that term as described in R 340.1721e of the Michigan Administrative Code, which requires an IEP to be developed according to specific Federal regulations and to contain specific statements, and describes the responsibilities of an IEP team. "Section 504 plan" would mean a plan under Section 504 of Title 5 of the Rehabilitation Act, which specifies that no otherwise qualified person with a disability may be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program receiving Federal financial assistance.)

If a pupil were promoted to grade 4 due to a good cause exemption, the pupil would remain eligible for reading intervention services designed to enable him or her to achieve proficiency in reading. The services for a pupil would have to be similar to those would be provided in grade 3.

The superintendent of a school district or chief administrator of a PSA could grant a good cause exemption only through the procedure described below:

At the request of the pupil's parent or guardian, or upon the teacher's own initiative, the pupil's grade 3 teacher would have to submit to the principal or other chief administrator of the school a recommendation for a good cause exemption along with documentation that indicated that an exemption applied to the pupil. The principal or chief administrator would have to review and discuss the recommendation with the pupil's grade 3 teacher and, if the pupil had an IEP, with the pupil's IEP team.

For a pupil enrolled in a school operated by a school district, after this discussion, the principal would have to make a written determination of whether to recommend that the exemption be granted. If the principal determined to recommend that an exemption be granted, he or she would have to submit that recommendation to the superintendent of the district. The superintendent would have to accept or reject the principal's recommendation in writing, and his or her decision would be final.

For a pupil enrolled in a PSA, after the discussion with the pupil and the IEP team, the chief administrator would have to make a written determination of whether to grant the exemption for the pupil. The chief administrator's decision would be final.

The superintendent or chief administrator would have to notify the pupil's parent or legal guardian of the determination and decision, as applicable.

Proposed MCL 380.1280f

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would result in increased costs to the School Aid Fund, Department of Education, and local education authorities (LEAs), which are school districts and public school academies. The State would see additional costs if more students were held back in the third grade. This additional year of education would result in an additional year of per-pupil funding for each of those students, although the fiscal impact on the State would not occur until the first cohort of students retained in third grade reached the 12th grade. (This would occur in fiscal year (FY) 2029-30, because initially students would be counted in a different grade than they otherwise would have been without the retention.)

If a significant number of students were held back as a result of the bill, there could be significant added costs to the School Aid Fund to support the additional year of funding. In FY 2015-16, the fall count of first graders was 104,897 full time equivalent students, which can be used as an approximation for the size of the class entering third grade in the 2019-2020 school year. The average pupil-weighted foundation allowance for FY 2015-16 is \$7,545. Assuming all other things begin equal, for every 1% increase in pupil retention due to the bill, the School Aid Fund would experience an additional \$7.9 million for the additional year of educating those students. However, this is based on current-year foundation allowances and would change based on the foundation allowance in place for FY 2029-30, when the additional year of instruction would begin to increase School Aid Fund expenditures. The higher cost would continue for each school year beginning in FY 2029-30, because statewide enrollment would increase by the average number of students retained.

The Department of Education would experience administrative costs in order to carry out its responsibilities under the bill. These include approving reading assessment systems for LEAs, recommending or developing an early literacy coach model, and providing technical support to LEAs. At this time, there is no projection of whether the additional expenses to the Department would require additional appropriations. However, the Department did receive \$900,000 in FY 2015-16 to implement and oversee third grade reading initiatives, and the Governor's recommendation for FY 2016-17 is to provide another \$1.0 million in administrative funding.

Local education authorities also would experience additional costs for carrying out the systems of support to students who were not meeting the State reading standards. In addition, LEAs would be required to provide increased support to students who repeated third grade. The costs to LEAs to perform these requirements are indeterminate. It is also unknown whether these costs would be greater or less than the additional year of funding that LEAs would receive from retaining students. In FY 2015-16, \$17.5 million was provided to LEAs for additional instructional time; \$5.5 million was provided for diagnostic and screening tools and computer adaptive tests; and \$3.0 million was provided to intermediate school districts for early literacy coaches. The Governor's budget recommendation for FY 2016-17 continues funding for these programs.

Fiscal Analyst: Cory Savino

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.