



HOUSE BILL No. 5715

March 28, 1996, Introduced by Reps. Scott, Varga, Martinez, Brewer, Cherry, Gubow, Murphy, Vaughn, DeMars, Price, Stallworth, Parks and Wallace and referred to the Committee on Education.

A bill to amend sections 1153 and 1155 of Act No. 451 of the Public Acts of 1976, entitled as amended "The revised school code," as amended by Act No. 289 of the Public Acts of 1995, being sections 380.1153 and 380.1155 of the Michigan Compiled Laws; and to add sections 1154a, 1156a, and 1158a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1153 and 1155 of Act No. 451 of the
2 Public Acts of 1976, as amended by Act No. 289 of the Public Acts
3 of 1995, being sections 380.1153 and 380.1155 of the Michigan
4 Compiled Laws, are amended and sections 1154a, 1156a, and 1158a
5 are added to read as follows:

6 Sec. 1153. (1) THE BOARD OF A SCHOOL DISTRICT HAVING AN
7 ENROLLMENT OF 20 OR MORE CHILDREN OF LIMITED ENGLISH-SPEAKING
8 ABILITY IN A LANGUAGE CLASSIFICATION IN GRADES K TO 12 SHALL

1 ESTABLISH AND OPERATE A BILINGUAL INSTRUCTION PROGRAM FOR THOSE
2 CHILDREN.

3 (2) ~~(1)~~ The board of a school district may establish and
4 operate a bilingual instruction program IN A LANGUAGE
5 CLASSIFICATION for children of limited English-speaking ability
6 IF THE SCHOOL DISTRICT HAS FEWER THAN 20 CHILDREN OF LIMITED
7 ENGLISH-SPEAKING ABILITY.

8 (3) CHILDREN ENROLLED IN A BILINGUAL INSTRUCTION PROGRAM
9 OPERATED UNDER THIS SECTION MAY BE PLACED IN CLASSES WITH OTHER
10 CHILDREN OF APPROXIMATELY THE SAME AGE AND GRADE LEVEL. IF CHIL-
11 DREN OF DIFFERENT AGE GROUPS OR GRADE LEVELS ARE COMBINED, THE
12 BOARD SHALL INSURE THAT THE INSTRUCTION GIVEN EACH CHILD IS
13 APPROPRIATE TO THE CHILD'S LEVEL OF EDUCATIONAL ATTAINMENT.

14 (4) ~~(2)~~ A child of limited English-speaking ability resid-
15 ing in a district that does not have an appropriate bilingual
16 instruction program or that is not required to have a bilingual
17 instruction program may enroll in a bilingual instruction program
18 in another school district. TUITION FOR THE CHILD SHALL BE PAID,
19 AND TRANSPORTATION SHALL BE PROVIDED, BY THE SCHOOL DISTRICT IN
20 WHICH THE CHILD RESIDES.

21 (5) ~~(3)~~ IF FEWER THAN 20 CHILDREN OF LIMITED
22 ENGLISH-SPEAKING ABILITY IN A LANGUAGE CLASSIFICATION ARE
23 ENROLLED IN A SCHOOL DISTRICT, THE INTERMEDIATE SCHOOL BOARD
24 SHALL DETERMINE WHETHER THE TOTAL NUMBER OF THESE CHILDREN RESID-
25 ING IN ITS CONSTITUENT DISTRICTS THAT DO NOT OPERATE BILINGUAL
26 INSTRUCTION PROGRAMS WARRANTS THE ESTABLISHMENT OF AN
27 INTERMEDIATE BILINGUAL INSTRUCTION-SUPPORT PROGRAM. An

1 intermediate school district ~~may operate or contract~~ OPERATING
2 OR CONTRACTING for the operation of a bilingual program or serv-
3 ice ~~and~~ may carry children enrolled in the program in member-
4 ship in the same manner as a local school district and be enti-
5 tled to its proportionate share of state funds available for the
6 program. Membership shall be calculated under rules promulgated
7 by the state board. The intermediate school board shall
8 consider:

9 (a) Whether the cost of operating an intermediate bilingual
10 instruction-support program is justified by the number of chil-
11 dren at each grade level who would benefit from its
12 establishment.

13 (b) Whether alternative methods of providing a bilingual
14 instruction-support program, such as visiting teachers or
15 part-time instruction, can be provided.

16 ~~(4) The state shall continue to fund programs of bilingual~~
17 ~~instruction described in this section at least at the level that~~
18 ~~instruction is funded in the 1995-1996 state fiscal year.~~

19 SEC. 1154A. THE BILINGUAL INSTRUCTION PROGRAM OPERATED BY A
20 SCHOOL DISTRICT SHALL BE A FULL-TIME PROGRAM OF BILINGUAL
21 INSTRUCTION IN:

22 (A) THE COURSES AND SUBJECTS REQUIRED BY THIS ACT.

23 (B) THE COURSES AND SUBJECTS REQUIRED BY THE BOARD FOR COM-
24 PLETION OF THE GRADE LEVEL IN WHICH THE CHILD IS ENROLLED.

25 Sec. 1155. (1) Prior to the placement of a child of limited
26 English-speaking ability in a bilingual instruction program, the
27 board of the local school district in which the child resides

1 shall notify, by registered mail, the child's parents or legal
2 guardian that the child is being enrolled in a bilingual instruc-
3 tion program. The notice shall contain a simple, nontechnical
4 description of the purposes, method, and content of the program
5 and shall inform the parents or guardian that they have the right
6 to visit bilingual instruction classes in which their child is
7 enrolled.

8 (2) The notice shall be written in English and in the native
9 language of the child of limited English-speaking ability.

10 (3) The notice shall inform the parents or guardian that
11 they have the absolute right to refuse the placement or to with-
12 draw their child from the program by giving written notice to the
13 board of the local school district in which the child resides.

14 (4) A CHILD OF LIMITED ENGLISH-SPEAKING ABILITY RESIDING IN
15 A SCHOOL DISTRICT OPERATING OR PARTICIPATING IN A BILINGUAL
16 INSTRUCTION PROGRAM PURSUANT TO SECTION 1153 SHALL BE ENROLLED IN
17 THE BILINGUAL INSTRUCTION PROGRAM FOR 3 YEARS OR UNTIL THE CHILD
18 ACHIEVES A LEVEL OF PROFICIENCY IN ENGLISH LANGUAGE SKILLS SUFFI-
19 CIENT TO RECEIVE AN EQUAL EDUCATIONAL OPPORTUNITY IN THE REGULAR
20 SCHOOL PROGRAM, WHICHEVER OCCURS FIRST. A CHILD OF LIMITED
21 ENGLISH-SPEAKING ABILITY SHALL NOT BE TRANSFERRED OUT OF A BILIN-
22 GUAL INSTRUCTION PROGRAM PRIOR TO THE CHILD'S THIRD YEAR OF
23 ENROLLMENT UNLESS THE PARENTS OR GUARDIAN OF THE CHILD APPROVES
24 THE TRANSFER IN WRITING OR UNLESS THE CHILD SUCCESSFULLY COM-
25 PLETES AN EXAMINATION WHICH, IN THE DETERMINATION OF THE STATE
26 BOARD, REFLECTS A LEVEL OF PROFICIENCY IN ENGLISH LANGUAGE SKILLS
27 APPROPRIATE TO THE CHILD'S GRADE LEVEL.

1 SEC. 1156A. THE BOARD OF A SCHOOL DISTRICT OPERATING A
2 BILINGUAL INSTRUCTION PROGRAM PURSUANT TO SECTION 1153 SHALL
3 ESTABLISH AN ADVISORY COMMITTEE TO ASSIST THE BOARD IN EVALUATING
4 AND PLANNING THE BILINGUAL INSTRUCTION PROGRAM. THE ADVISORY
5 COMMITTEE SHALL BE COMPRISED OF REPRESENTATIVES OF PARENTS OF
6 CHILDREN ENROLLED IN THE PROGRAM, BILINGUAL INSTRUCTION TEACHERS
7 AND COUNSELORS, AND MEMBERS OF THE COMMUNITY. A MAJORITY OF THE
8 MEMBERS OF THE ADVISORY COMMITTEE SHALL BE PARENTS OF CHILDREN
9 ENROLLED IN THE BILINGUAL INSTRUCTION PROGRAM.

10 SEC. 1158A. THE STATE BOARD SHALL DO ALL OF THE FOLLOWING:

11 (A) ADVISE AND ASSIST SCHOOL DISTRICTS IN COMPLYING WITH AND
12 IMPLEMENTING SECTIONS 1152 TO 1158.

13 (B) STUDY, REVIEW, AND EVALUATE TEXTBOOKS AND INSTRUCTIONAL
14 MATERIALS, RESOURCES, AND MEDIA FOR USE IN BILINGUAL INSTRU-
15 TIONAL PROGRAMS.

16 (C) COMPILE DATA RELATIVE TO THE THEORY AND PRACTICE OF
17 BILINGUAL INSTRUCTION AND PEDAGOGY.

18 (D) ENCOURAGE EXPERIMENTATION AND INNOVATION IN BILINGUAL
19 EDUCATION.

20 (E) RECOMMEND CURRICULUM DEVELOPMENT AND TESTING
21 MECHANISMS.

22 (F) MAKE AN ANNUAL REPORT RELATIVE TO BILINGUAL INSTRUCTION
23 PROGRAMS TO THE LEGISLATURE AND THE GOVERNOR.