

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 910**

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of education for the fiscal year ending September 30, 1999, from the funds indicated in this part. The following is a summary of the appropriations in this part:

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For Fiscal Year Ending
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1 DEPARTMENT OF EDUCATION

2 APPROPRIATION SUMMARY:

3	Full-time equated unclassified positions.....	6.0	
4	Full-time equated classified positions.....	542.6	
5	GROSS APPROPRIATION.....		\$ [870,451,700]
6	Interdepartmental grant revenues:		
7	Interdepartmental grant from consumer and industry		
8	services.....		404,600
9	Interdepartmental grant from corrections academy		
10	lease.....		605,500
11	Interdepartmental grant from Michigan jobs commission		212,900
12	Interdepartmental grant from treasury.....		150,000
13	Total interdepartmental grants and intradepartmental		
14	transfers.....		1,373,000
15	ADJUSTED GROSS APPROPRIATION.....		\$ [869,078,700]
16	Federal revenues:		
17	Total federal revenues.....		803,836,400
18	Special revenue funds:		
19	Local cost sharing (schools for blind/deaf).....		6,019,100
20	Local school district service fees.....		100,500
21	Total local revenues.....		6,119,600
22	Gifts, bequests, and donations.....		470,000
23	Private foundations.....		117,200
24	Student insurance revenue.....		201,000
25	Total private revenues.....		788,200
26	Total local and private revenues.....		6,907,800

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1	Defaulted school loan fees.....	100,000
2	Certification fees.....	2,524,400
3	Commodity distribution fees.....	40,400
4	Driver fees.....	8,087,100
5	Lansing, Michigan school for the blind rent.....	605,500
6	Motorcycle license fees.....	1,004,300
7	Safety education fund.....	309,000
8	School loan exception fees.....	32,000
9	State employee child care center.....	90,800
10	Private occupational school license fees.....	260,200
11	Teacher testing fees.....	257,700
12	Training and orientation workshop fees.....	100,000
13	Total other state restricted revenues.....	13,411,400
14	State general fund/general purpose.....	\$ [44,918,800]
15	Sec. 102. STATE BOARD OF EDUCATION/ OFFICE OF THE SUPERINTENDENT	
16	Full-time equated unclassified positions.....	6.0
17	Full-time equated classified positions.....	17.0
18	State board of education, per diem payments.....	\$ 19,400
19	Unclassified positions--6.0 FTE positions.....	490,800
20	State board/superintendent operations--17.0 FTE	
21	positions.....	<u>2,565,000</u>
22	GROSS APPROPRIATION.....	\$ 3,075,200
23	Appropriated from:	
24	Federal revenues:	
25	Federal revenues.....	553,200
26	Special revenue funds:	

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1	Private foundations.....	8,000
2	State general fund/general purpose..... \$	2,514,000
3	Sec. 103. CENTRAL SUPPORT	
4	Full-time equated classified positions.....55.2	
5	Central support--46.2 FTE positions..... \$	5,158,900
6	Worker's compensation.....	93,600
7	Education commission of the states.....	90,000
8	Building occupancy charges - property management	
9	services.....	1,212,300
10	Training and orientation workshops.....	100,000
11	Terminal leave payments.....	500,000
12	State tenure commission, per diem.....	11,100
13	Administrative law operations-9.0 FTE positions.....	<u>790,100</u>
14	GROSS APPROPRIATION..... \$	7,956,000
15	Appropriated from:	
16	Interdepartmental grant revenues:	
17	Interdepartmental grant from consumer and industry	
18	services.....	2,300
19	Interdepartmental grant from Michigan jobs commission	1,200
20	Interdepartmental grant from treasury.....	900
21	Federal revenues:	
22	Federal revenues.....	3,967,000
23	Special revenue funds:	
24	Certification fees.....	133,900
25	Driver fees.....	17,000
26	Local cost sharing.....	60,800

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1	Commodity distribution fees.....		4,300
2	Motorcycle license fees.....		3,400
3	Private occupational school license fees.....		12,200
4	Safety education fund.....		2,000
5	School loan exception fees.....		32,000
6	Teacher testing fees.....		7,700
7	Training and orientation workshop fees.....		100,000
8	State general fund/general purpose.....	\$	3,611,300
9	Sec. 104. SCHOOL SUPPORT SERVICES		
10	Full-time equated classified positions.....	41.4	
11	School support operations--41.4 FTE positions.....	\$	<u>4,689,300</u>
12	GROSS APPROPRIATION.....	\$	4,689,300
13	Appropriated from:		
14	Federal revenues:		
15	Federal revenues.....		3,743,400
16	Special revenue funds:		
17	Commodity distribution fees.....		40,400
18	Driver fees.....		459,700
19	Motorcycle license fees.....		133,600
20	Safety education fund.....		112,700
21	State general fund/general purpose.....	\$	199,500
22	Sec. 105. TECHNOLOGY AND INFORMATION SERVICES		
23	Full-time equated classified positions.....	36.9	
24	Technology and information operations--36.9 FTE		
25	positions.....	\$	<u>5,724,200</u>
26	GROSS APPROPRIATION.....	\$	5,724,200

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1	Appropriated from:	
2	Interdepartmental grant revenues:	
3	Interdepartmental grant from consumer and industry	
4	services.....	402,300
5	Interdepartmental grant from Michigan jobs commission	211,700
6	Interdepartmental grant from treasury.....	149,100
7	Federal revenues:	
8	Federal revenues.....	3,137,500
9	Special revenue funds:	
10	Certification fees.....	246,200
11	Driver fees.....	10,400
12	State general fund/general purpose..... \$	1,567,000
13	Sec. 106. STANDARDS, ASSESSMENT, AND ACCREDITATION SERVICES	
14	Full-time equated classified positions.....37.7	
15	Standards, assessment, and accreditation	
16	operations--37.7 FTE positions..... \$	2,509,800
17	Test development and administration.....	<u>7,388,400</u>
18	GROSS APPROPRIATION..... \$	9,898,200
19	Appropriated from:	
20	Federal revenues:	
21	Federal revenues.....	343,100
22	Special revenue funds:	
23	State general fund/general purpose..... \$	9,555,100
24	Sec. 107. SPECIAL EDUCATION SERVICES	
25	Full-time equated classified positions.....56.1	
26	Special education operations--56.1 FTE positions..... \$	<u>4,713,400</u>

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1	GROSS APPROPRIATION.....	\$	4,713,400
2	Appropriated from:		
3	Federal revenues:		
4	Federal revenues.....		4,554,000
5	Special revenue funds:		
6	Certification fees.....		19,000
7	State general fund/general purpose.....	\$	140,400
8	Sec. 108. LANSING, MICHIGAN SCHOOL FOR THE BLIND FORMER SITE		
9	General services.....	\$	<u>1,311,800</u>
10	GROSS APPROPRIATION.....	\$	1,311,800
11	Appropriated from:		
12	Interdepartmental grant revenues:		
13	Interdepartmental grant from corrections academy food		
14	service.....		605,500
15	Special revenue funds:		
16	Lansing, Michigan school for the blind rent.....		605,500
17	Gifts, bequests, and donations.....		10,000
18	State employee child care center.....		90,800
19	State general fund/general purpose.....	\$	0
20	Sec. 109. MICHIGAN SCHOOL FOR THE DEAF AND BLIND		
21	Full-time equated classified positions.....120.3		
22	School for the deaf/blind operations--117.0 FTE		
23	positions.....	\$	10,635,300
24	Summer institute.....		312,100
25	Michigan deaf/blind center--2.3 FTE positions.....		301,400
26	Camp Tuhsmeheeta--1.0 FTE position.....		250,000

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1	Private gifts - blind.....	90,000
2	Private gifts - deaf.....	<u>50,000</u>
3	GROSS APPROPRIATION.....	\$ 11,638,800
4	Appropriated from:	
5	Federal revenues:	
6	Federal revenues.....	1,273,200
7	Special revenue funds:	
8	Local cost sharing (schools for blind/deaf).....	5,958,300
9	Local school district service fees.....	100,500
10	Gifts, bequests, and donations.....	460,000
11	Student insurance revenue.....	201,000
12	State general fund/general purpose.....	\$ 3,645,800
13	Sec. 110. CAREER CURRICULUM, ADULT AND POSTSECONDARY SERVICES	
14	Full-time equated classified positions.....95.2	
15	Career, curriculum and adult education	
16	operations--73.2 FTE positions.....	\$ 7,784,100
17	Postsecondary operations--22.0 positions.....	<u>2,142,700</u>
18	GROSS APPROPRIATION.....	\$ 9,926,800
19	Appropriated from:	
20	Federal revenues:	
21	Federal revenues.....	6,777,400
22	Special revenue funds:	
23	Private foundations.....	14,400
24	Defaulted loan collection fees.....	100,000
25	Private occupational school license fees.....	248,000
26	State general fund/general purpose.....	\$ 2,787,000

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1	Sec. 111. PROFESSIONAL PREPARATION SERVICES		
2	Full-time equated classified positions.....	26.5	
3	Professional preparation operations--	26.5 FTE	
4	positions.....		\$ 2,537,300
5	Department of attorney general.....		<u>50,000</u>
6	GROSS APPROPRIATION.....		\$ 2,587,300
7	Appropriated from:		
8	Federal revenues:		
9	Federal revenues.....		212,000
10	Special revenue funds:		
11	Certification fees.....		2,125,300
12	Teacher testing fees.....		250,000
13	State general fund/general purpose.....		\$ 0
14	Sec. 112. FIELD SERVICES		
15	Full-time equated classified positions.....	41.0	
16	Field services operations--	41.0 FTE positions.....	\$ <u>3,812,800</u>
17	GROSS APPROPRIATION.....		\$ 3,812,800
18	Appropriated from:		
19	Federal revenues:		
20	Federal revenues.....		3,412,900
21	State general fund/general purpose.....		\$ 399,900
22	Sec. 113. INNOVATION AND COMMUNITY SERVICES		
23	Full-time equated classified positions.....	15.3	
24	Innovation and community services operations--	15.3	
25	FTE positions.....		\$ <u>1,291,200</u>
26	GROSS APPROPRIATION.....		\$ 1,291,200

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1	Appropriated from:	
2	Federal revenues:	
3	Federal revenues.....	723,400
4	State general fund/general purpose..... \$	567,800
5	Sec. 114. GRANTS AND DISTRIBUTIONS	
6	FEDERAL PROGRAMS:	
7	Adult basic education..... \$	8,024,100
8	Acquired immunodeficiency syndrome education grants..	600,000
9	Competitive child care and development.....	500,000
10	Drug-free schools grant.....	16,758,400
11	Eisenhower mathematics and science grants.....	12,940,000
12	Emergency immigrant.....	850,000
13	Goals 2000 grants.....	17,082,200
14	Handicapped infants and toddlers.....	16,000,000
15	Homeless children and youth.....	833,000
16	Job training partnership act.....	7,952,700
17	Michigan charter school subgrant.....	3,483,600
18	Migrant technology.....	576,300
19	Preschool grants (PL 94-142).....	12,400,000
20	School-age child care grants.....	288,000
21	School lunch program-federal share.....	226,000,000
22	School-to-work.....	1,800,000
23	Serve America grants.....	840,000
24	Special education.....	17,189,800
25	Statewide systemic initiative grant.....	200,000
26	Surplus commodity.....	2,506,000

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1	Technology literacy challenge grant.....	17,784,300
2	Title I, disadvantaged children.....	331,000,000
3	Title I, even start.....	4,400,000
4	Title I, migrant.....	12,000,000
5	Title I, comprehensive school reform.....	5,889,200
6	Title VI, innovative strategies.....	13,480,900
7	Training personnel for education of the handicapped..	253,600
8	Vocational education act of 1963.....	38,507,200
9	STATE PROGRAMS:	
10	Michigan exemplary physical education program.....	\$ 500,000
11	Christa McAuliffe grants.....	94,800
12	Driver education.....	7,600,000
13	School readiness grants.....	12,083,000
14	Motorcycle safety education.....	867,300
15	National board certification.....	20,000
16	Michigan geographic alliance.....	300,000
17	Off-road vehicle safety training grant.....	194,300
18	Reading plan for Michigan grants.....	5,000,000
19	School lunch and breakfast.....	6,728,000
	[Fast track program.....	<u>300,000]</u>
20	GROSS APPROPRIATION.....	\$ [803,826,700]
21	Appropriated from:	
22	Interdepartmental grant revenues:	
23	Federal revenues:	
24	DAG-food and nutrition service, national school lunch	226,000,000
25	DAG-the emergency food assistance program.....	2,506,000
26	DED-grants and contracts service, school-to-work.....	1,800,000

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1	DED-OBEMLA, emergency immigrant education assistance.	850,000
2	DED-OESE, charter schools.....	3,483,600
3	DED-OESE, drug-free schools and communities.....	16,758,400
4	DED-OESE, goals 2000.....	22,082,200
5	DED-OESE, Eisenhower mathematics and science	
6	administration.....	12,940,000
7	DED-OESE, title I, migrant technology.....	576,300
8	DED-OESE, technology literacy challenge fund.....	17,784,300
9	DED-OESE, title I, disadvantaged children.....	331,000,000
10	DED-OESE, title I, even start.....	4,400,000
11	DED-OESE, title I, migrant education.....	12,000,000
12	DED-OESE, title I, comprehensive school reform.....	5,031,900
13	DED-OESE, title VI, innovative strategies.....	13,480,900
14	DED-OESE, title X, comprehensive school reform.....	857,300
15	DED-OSERS, handicapped infants and toddlers.....	16,000,000
16	DED-OSERS, handicapped preschool incentive grants....	12,400,000
17	DED-OSERS, handicapped program, individuals with dis-	
18	abilities act.....	17,189,800
19	DED-OSERS, personnel development.....	253,600
20	DED-OVAE, adult education, state administered program	8,024,100
21	DED-OVAE, basic grants to states.....	38,507,200
22	DED-OVAE, homeless children and youth.....	833,000
23	DOL, job training partnership act.....	7,952,700
24	HHS-administration of child and family, at-risk child	
25	care.....	500,000
26	HHS-centers for disease control, acquired	
27	immunodeficiency syndrome education.....	600,000

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1	HHS-OHDS, dependent care block grant.....	288,000
2	National science foundation.....	200,000
3	Corporation for national and community service.....	840,000
4	Special revenue funds:	
5	Driver fees.....	7,600,000
6	Motorcycle license fees.....	867,300
7	Private foundations.....	94,800
8	Safety education fund.....	194,300
9	State general fund/general purpose.....	\$ [19,931,000]

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PART 2

13

PROVISIONS CONCERNING APPROPRIATIONS

14 **GENERAL SECTIONS**

15 Sec. 201. (1) In accordance with the provisions of section 30 of
16 article IX of the state constitution of 1963, total state spending from
17 state sources for fiscal year 1998-99 is estimated at [\$58,330,200.00] in
18 this act and state spending from state sources paid to local units of
19 government for fiscal year 1998-99 is estimated at \$27,492,600.00. The
20 itemized statement below identifies appropriations from which spending to
21 units of local government will occur:

22 DEPARTMENT OF EDUCATION

23 GRANTS AND DISTRIBUTIONS

24 STATE PROGRAMS:

25	Driver education.....	\$ 7,600,000
26	School readiness grants.....	12,083,000

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1	Motorcycle safety education.....	867,300
2	National board certification.....	20,000
3	Off-road vehicle safety training grant.....	194,300
4	School lunch and breakfast.....	<u>6,728,000</u>
5	TOTAL..... \$	27,492,600

6 (2) If it appears to the principal executive officer of each depart-
7 ment that state spending to local units of government will be less than
8 the amount that was projected to be expended for any quarter under
9 subsection (1), the principal executive officer shall immediately give
10 notice of the approximate shortfall to the department of management and
11 budget, the senate and house appropriations subcommittees responsible for
12 the department's budget, and the senate and house fiscal agencies.

13 Sec. 202. The appropriations made and the expenditures authorized
14 under this act and the departments, agencies, commissions, boards,
15 offices, and programs for which an appropriation is made under this act
16 are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to
17 18.1594.

18 Sec. 203. As used in this act:

19 (a) "DAG" means the United States department of agriculture.

20 (b) "DED" means the United States department of education.

21 (c) "Department" means the Michigan department of education.

22 (d) "District" means a local school district as defined in section
23 6 of the revised school code, 1976 PA 451, MCL 380.6.

24 (e) "DOL" means the United States department of labor.

25 (f) "HHS" means the United States department of health and human
26 services.

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1 (g) "OBEMLA" means office of bilingual education and minority
2 languages affairs.

3 (h) "OERI" means office of educational research and improvement.

4 (i) "OESE" means office of elementary and secondary education.

5 (j) "OHDS" means office of human development services.

6 (k) "OPSE" means office of postsecondary education.

7 (l) "OSERS" means the office of special education rehabilitation
8 service.

9 (m) "OVAE" means office of vocational and adult education.

10 Sec. 204. (1) Beginning October 1, 1998, a hiring freeze is imposed
11 on the state classified civil service. State departments and agencies
12 are prohibited from hiring any new full-time state classified civil serv-
13 ice employees and prohibited from filling any vacant state classified
14 civil service positions. This hiring freeze does not apply to internal
15 transfers of classified employees from 1 position to another within a
16 department or to positions that are funded with 80% or more federal or
17 restricted funds.

18 (2) The director of the department of management and budget shall
19 grant exceptions to this hiring freeze when the director believes that
20 the hiring freeze will result in rendering a state department or agency
21 unable to deliver basic services. The director of the department of man-
22 agement and budget shall report by the fifteenth of each month to the
23 chairpersons of the senate and house appropriations committees the number
24 of exceptions to the hiring freeze approved during the previous month and
25 the reasons to justify the exception.

26 Sec. 205. (1) In addition to the funds appropriated in part 1,
27 there is appropriated an amount not to exceed \$30,000,000.00 for federal

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1 contingency funds. These funds are not available for expenditure until
2 they have been transferred to another line item in this act under section
3 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

4 (2) In addition to the funds appropriated in part 1, there is appro-
5 priated an amount not to exceed \$700,000.00 for state restricted contin-
6 gency funds. These funds are not available for expenditure until they
7 have been transferred to another line item in this act under
8 section 393(2) of the management and budget act, 1984 PA 431,
9 MCL 18.1393.

10 (3) In addition to the funds appropriated in part 1, there is appro-
11 priated an amount not to exceed \$250,000.00 for local contingency funds.
12 These funds are not available for expenditure until they have been trans-
13 ferred to another line item in this act under section 393(2) of the man-
14 agement and budget act, 1984 PA 431, MCL 18.1393.

15 (4) In addition to the funds appropriated in part 1, there is appro-
16 priated an amount not to exceed \$250,000.00 for private contingency
17 funds. These funds are not available for expenditure until they have
18 been transferred to another line item in this act under section 393(2) of
19 the management and budget act, 1984 PA 431, MCL 18.1393.

20 Sec. 206. A department or agency billed by the department of civil
21 service for the 1% charge authorized by section 5 of article XI of the
22 state constitution of 1963 by the end of the first fiscal quarter shall
23 pay the total amount of the billing by the end of the second fiscal
24 quarter.

25 Sec. 207. The department may carry into the succeeding fiscal year
26 unexpended federal pass-through funds to local institutions and
27 governments that do not require additional state matching funds. Federal

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1 pass-through funds to local institutions and governments that are
2 received in amounts in addition to those included in part 1 and that do
3 not require additional state matching funds are appropriated for the pur-
4 poses intended.

5 Sec. 208. The department shall provide the department of management
6 and budget and the senate and house fiscal agencies with copies of the
7 state board of education agenda and all supporting documents at the time
8 the agenda and supporting documents are provided to state board of educa-
9 tion members.

10 Sec. 209. (1) The department shall submit to the department of man-
11 agement and budget, the house and senate appropriations committees, the
12 house and senate fiscal agencies, and the house and senate standing com-
13 mittees with jurisdiction over technology issues periodic reports on the
14 department's efforts to change the department's computer software and
15 hardware as necessary to perform properly in the year 2000 and beyond.
16 These reports shall identify actual progress in comparison to the
17 department's approved work plan for these efforts.

18 (2) The department may present progress billings to the department
19 of management and budget for the costs incurred in changing computer
20 software and hardware as necessary to perform properly in the year 2000
21 and beyond. At the time progress billings are presented for reimburse-
22 ment, the department shall identify and forward as appropriate the fund-
23 ing sources that should support the work performed.

24 Sec. 210. The department shall not lease real property for less
25 than fair market value.

26 Sec. 211. Money appropriated in part 1 shall not be used for the
27 purchase of foreign goods or services when competitively priced and of

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1 comparable quality American goods or services are available. By May 1,
2 1999, the department shall submit a report to the department of manage-
3 ment and budget, the speaker and minority leader of the house of repre-
4 sentatives, the majority and minority leaders of the senate, and the
5 chairpersons of the house and senate appropriations committees on efforts
6 to comply with this section.

7 Sec. 213. Of the amounts appropriated in part 1 for higher educa-
8 tion management operations, \$250,000.00 of private occupational school
9 license fees shall fund 3.0 FTE positions and related administrative
10 costs of the proprietary schools oversight unit within the department.

11 Sec. 214. If the department leases real property to a person or
12 organization that is not a department of state government, the department
13 shall not expend funds in excess of the lease revenue received to
14 replace, renovate, or repair that real property. This section shall not
15 apply to emergency repairs or costs associated with technological
16 renovations.

17 Sec. 215. Money in the school loan exception fee fund that is unex-
18 pended at the end of the fiscal year shall not revert to the general fund
19 but be carried over to the succeeding fiscal year.

20 Sec. 216. (1) The department of management and budget and the
21 department shall provide to the house and senate appropriations commit-
22 tees and the house and senate fiscal agencies a monthly report on all
23 sole source contracts and personal service contracts awarded that month
24 without competitive bidding, pricing, or rate setting. The monthly
25 report shall include at least all of the following:

26 (a) The total dollar amount of the contract.

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1 (b) The duration of the contract.

2 (c) The name of the vendor.

3 (d) The type of service to be provided.

4 (2) At least quarterly, the appointing authority of the department
5 shall transmit to the house and senate appropriations committees, the
6 house and senate fiscal agencies, and the department of management and
7 budget a report including all of the following for each personal service
8 contract awarded that quarter:

9 (a) A description of the personal service contract.

10 (b) A copy of the approved CS-138 form.

11 (c) The purpose and type of service to be provided.

12 (d) The name of the person or entity that was awarded the contract.

13 (e) The estimated cost or financial obligation for the contract.

14 (f) The cost savings to the state from awarding the contract. This
15 cost savings shall be calculated as the difference between the cost of
16 the personal service contract and the estimated cost if that product or
17 service were provided through the classified civil service by permanent
18 civil service employees.

19 (3) The internal auditor of the department shall prepare an annual
20 report concerning personal service contracts that explicitly identifies
21 exceptions between the authorized purpose and level of expenditures and
22 the actual product or service and level of expenditures. This report
23 shall be submitted to the legislative auditor general, the house and
24 senate fiscal agencies, and the department of management and budget not
25 later than 90 days after the books are closed at the conclusion of the
26 fiscal year.

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1 (4) The department shall provide to the department of management and
2 budget a monthly listing of all bid requests or requests for proposal
3 that were issued for personal service contracts during that month. The
4 department of management and budget shall provide this monthly listing to
5 the house and senate appropriations committees and house and senate
6 fiscal agencies.

7 (5) The department shall provide to the department of management and
8 budget a monthly summary listing that identifies any authorizations for
9 personal service contracts that are provided to the department of civil
10 service pursuant to delegated authority granted to each principal execu-
11 tive department and agency related to personal service contracts. The
12 department of management and budget shall provide this monthly listing to
13 the house and senate appropriations committees and the house and senate
14 fiscal agencies.

15 (6) All reporting and provision of information by the department of
16 management and budget referred to in this section shall be as provided in
17 House Bill No. 5595 of the 89th Legislature.

18 Sec. 217. (1) Any initiative to privatize state services funded
19 under this act shall not commence until after the completion of a pilot
20 program with a duration of not less than 36 months. At least 30 days
21 before beginning any privatization pilot program, the department shall
22 submit a complete project plan to the appropriate house and senate appro-
23 priations subcommittees and the house and senate fiscal agencies. The
24 submission of the project plan shall contain a complete set of baseline
25 data for comparative evaluation of the pilot program at the end of the
26 program term. The privatization pilot program evaluation shall include
27 the administrative costs of the contract for privatized services.

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1 (2) A contract for privatized services shall not be continued beyond
2 the original privatization pilot program term unless the program has con-
3 clusively demonstrated a cost savings of at least 5% and improved quality
4 of service.

5 Sec. 218. The department is appropriated an amount not to exceed
6 \$100,000.00 from collection of defaulted loans in the Martin Luther King,
7 Jr.-Cesar Chavez-Rosa Parks programs to offset costs of administering the
8 loan collections.

9 Sec. 219. Each school district must have the maximum fiscal cer-
10 tainty possible for appropriate fiscal planning. Any departmental audit
11 of school district programs prior to the adoption of proposal A, not yet
12 resolved, shall be considered closed.

[Sec. 220. (1) From the amount appropriated in part 1, the department shall establish an office for safe schools within the department. The office for safe schools shall work with local school boards, law enforcement agencies, community leaders, and other state departments and agencies for the prevention of school violence. The office for safe schools shall develop and implement, and serve as coordinator of, a statewide clearinghouse for information, program development, model programs and policies, and technical assistance on school violence prevention.

(2) To accomplish its functions under this section, the office for safe schools shall do all of the following:

(a) Evaluate the effectiveness of, and make recommendations to local school boards concerning, public school violence prevention programs, including but not limited to programs aimed at reducing the possession of weapons and the incidence of other violent behaviors on school campuses, violence prevention curricula, conflict resolution and peer mediation training, interagency cooperative referral and treatment programs, parental involvement programs, and school safety planning.

(b) Develop and distribute to local school boards a model memorandum of understanding with local law enforcement officials and appropriate state agencies to facilitate reporting of incidents affecting school safety that should appropriately be reported to law enforcement officials and provide technical assistance as requested for implementation of the memorandum of understanding and procedures to be followed.

(c) Provide public education on, and coordinate a process for, school violence prevention and crime awareness, intervention, prevention, and treatment. The public education shall include, but is not limited to, presentations to pupils, school personnel, civic groups, and other organizations and agencies.

(d) In consultation with appropriate organizations, develop and distribute to school districts and public school academies a model code of conduct for pupils.

(e) Coordinate with the office of drug control policy in the department of community health to ensure that there is a meaningful linkage between the efforts under this act to provide safe schools and the initiatives undertaken through that office, including, but not limited to, school districts' safe and drug-free school plans, and to facilitate timely applications for and distribution of available grant money.

(f) Survey public schools around the nation to identify public schools that require or otherwise use school uniforms or strict dress codes for students, identify the best practices for school uniforms or strict dress codes, and provide information to school districts and public school academies on best practices for school uniforms and school dress codes.

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(g) Identify the best practices in this state among peer mediation and other conflict resolution programs for pupils and provide information to school districts and public school academies on these best practices.

(h) Work with teacher preparation institutions to encourage

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training for prospective teachers in classroom management, conflict resolution, and disciplinary techniques.

Sec. 221. (1) In the expenditure of funds appropriated under this act, the department shall take all reasonable steps to ensure that businesses in deprived and depressed communities are given the opportunity to compete for and perform contracts to provide services or supplies, or both, for the department.

(2) The department shall strongly encourage firms with which the department contracts to subcontract with businesses in depressed and deprived communities for services or supplies, or both.]

13 STATE BOARD/OFFICE OF THE SUPERINTENDENT

14 Sec. 301. (1) The appropriations in section 102 may be used for per
15 diem payments to members of boards, committees, and commissions for each
16 day's board, committee, or commission work at which a quorum is present;
17 for attending a hearing as authorized by the respective board, committee,
18 or commission; or for performing official business as authorized by the
19 respective board, committee, or commission. The per diem payments shall
20 be at a rate as follows:

- 21 (a) State board of education - president..... \$ 110.00 per day
22 (b) State board of education - member other than
23 president..... \$ 100.00 per day
24 (c) State tenure commission - member..... \$ 50.00 per day

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1 (2) A state board of education member shall not be paid a per diem
2 for more than 24 days per year.

3 (3) The administrative secretary of the state board of education
4 shall report to the public, the senate and house fiscal agencies, and the
5 department of management and budget the previous quarter's expenses by
6 fund source for members of the state board of education related to the
7 performance of their responsibilities.

8 Sec. 302. (1) From the amount appropriated in section 102 to the
9 state board of education, not more than \$27,500.00 shall be expended for
10 travel.

11 (2) The state board of education shall not expend amounts for travel
12 appropriated from DED-OVAE, basic grants to states.

13 Sec. 303. (1) From the amount appropriated in section 102 for state
14 board/superintendent operations, there is allocated \$500,000.00 and 5.0
15 FTE positions to establish and operate a charter school office to admin-
16 ister charter school legislation and associated regulations, and to coor-
17 dinate the activities of the department relating to charter schools.

18 (2) From the amount appropriated in section 102 for state
19 board/superintendent operations, there is allocated up to \$250,000.00 to
20 fund an exchange program between teachers in Michigan school districts
21 and public school academies and teachers in Michigan's sister state of
22 Shiga in Japan.

23 (3) If an audit finds that a public school academy has significantly
24 misrepresented its enrollment membership or financial data to the depart-
25 ment, its funding shall be withheld and the public school academy shall
26 be required to reimburse the state any appropriations made as a result of
27 the misrepresentations.

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1 (4) A public school academy found to have misrepresented its
2 enrollment membership may utilize the same appeal process as a school
3 district.

4 Sec. 304. (1) If a person employed by this state as superintendent
5 of public instruction is removed from that position, the state board of
6 education, or another state agency, shall not enter into a settlement
7 agreement concerning his or her removal unless the agreement is in set-
8 tlement of a lawsuit filed against this state.

9 (2) The state board of education shall not grant administrative
10 leave for more than a total of 6 months to a person employed, or previ-
11 ously employed, as state superintendent of public instruction.

12 (3) The state board of education shall not offer a contract for a
13 person to be employed by this state as superintendent of public instruc-
14 tion, or extend the contract of a superintendent of public instruction,
15 within 6 months before a general election at which state board members
16 are elected or within 2 months after a general election at which state
17 board members are elected. The state board shall not offer a contract
18 for employment of a superintendent of public instruction in excess of 3
19 years and shall not extend a contract in increments of more than 1 year.
20 This subsection does not prohibit the state board from employing an
21 interim superintendent of public instruction at any time there is a
22 vacancy.

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1 TECHNOLOGY AND INFORMATION SERVICES

2 Sec. 401. Included in the appropriation for technology and informa-
3 tion services in section 105 is \$50,000.00 to publish and distribute the
4 Michigan school report.

5 STANDARDS, ASSESSMENT, AND ACCREDITATION SERVICES

6 Sec. 501. (1) From the general fund allocations in section 106, the
7 department may provide tests to nonpublic schools. The department shall
8 notify nonpublic schools that they are eligible to receive the tests
9 without cost to them.

10 (2) The department shall release test results at the same time to
11 all private schools and public school districts taking the tests.

12 (3) From the amount appropriated in section 106 for test development
13 and administration, \$200,000.00 shall be expended to expedite the report-
14 ing of [Michigan educational assessment program high school] test results
and to improve the method of
15 reporting the results to enable pupils to accurately interpret the
16 information.

17 Sec. 502. The funds appropriated in section 106 shall include a
18 fine arts consultant.

19 MICHIGAN SCHOOLS FOR THE DEAF AND BLIND

20 Sec. 601. The employees at the Michigan schools for the deaf and
21 blind who work on a school year basis shall be considered annual employ-
22 ees for purposes of service credits, retirement, and insurance benefits.

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1 Sec. 602. For each student enrolled at the Michigan schools for the
2 deaf and blind, the department shall assess the intermediate school
3 district of residence 100% of the cost of operating the student's
4 instructional program. The amount shall exclude room and board related
5 costs and the cost of weekend transportation between the school and the
6 student's home.

7 Sec. 603. (1) The department may assess rent to the department of
8 corrections for Michigan school for the blind's former site space occu-
9 pied by the corrections staff training academy. The rental rates and all
10 leasing arrangements shall be subject to the approval of the department
11 of management and budget. Amounts received under section 108 for the
12 corrections academy lease program may be expended by the department for
13 operation, maintenance, and renovation expenses associated with the lease
14 space.

15 (2) In addition, the department may receive and expend funds in
16 addition to those authorized in section 108 for the rental of facilities
17 at the Michigan school for the blind's former site to private or publicly
18 funded organizations.

19 (3) The department shall not rent, lease, or declare as surplus
20 property the superintendent's house on the Michigan school for the
21 blind's former site without prior consent from the house and senate
22 appropriations subcommittees on education. Amounts received under
23 section 108 for general services may be expended by the department for
24 operation, maintenance, and renovation expenses associated with the
25 superintendent's house.

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1 (4) Security guards or other patrols at the Michigan school for the
2 blind's former site shall not be funded through section 109 funds
3 appropriated for the Michigan schools for the deaf and blind.

4 Sec. 604. The department shall assess rent to the state employee
5 child care center for the rental of space it occupies at the Michigan
6 school for the blind's former site. The rental rates and all leasing
7 arrangements shall be subject to the approval of the department of man-
8 agement and budget. Amounts received under section 108 for the child
9 care center may be expended by the department for the operation, mainte-
10 nance, and renovation of the leased space.

11 Sec. 605. Proceeds from the sale of surplus property and facilities
12 at the Michigan schools for the deaf and blind are hereby appropriated
13 for the purposes of repairs, renovations, and maintenance of the school's
14 campus. Any unexpended and unencumbered funds remaining on September 30,
15 1999 from such proceeds shall be carried forward as a work project for
16 the purposes of repairs, renovations, and maintenance of the school's
17 campus. The work shall be carried out by state employees, or by contract
18 as necessary, at an estimated cost of \$132,000.00. The estimated comple-
19 tion date of the work is September 30, 2000.

20 Sec. 606. The department may assist the department of community
21 health, other departments, and local school districts to secure reim-
22 bursement for eligible services provided in Michigan schools from the
23 federal medicaid program. The department may submit reports of direct
24 expenses related to this effort to the department of community health for
25 reimbursement.

26 Sec. 607. The unexpended balances of appropriations for the schools
27 for the deaf and blind operations shall not lapse to the state general

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1 fund at the end of the fiscal year. Any unexpended and unencumbered
2 funds remaining on September 30, 1999, shall be carried forward as a work
3 project and expended for special maintenance and repairs of facilities at
4 the Michigan schools for the deaf and blind. The work shall be carried
5 out by state employees, or by contract as necessary, at an estimated cost
6 of \$100,000.00. The estimated completion date of the work is September
7 30, 2000.

8 Sec. 608. The unexpended balances of appropriations and any surplus
9 restricted revenue for the former school for the blind site in Lansing
10 shall not lapse to the state general fund at the end of the fiscal year.
11 Any unexpended and unencumbered funds remaining on September 30, 1999,
12 shall be carried forward as a work project or as restricted revenue and
13 expended for special maintenance and repairs of facilities at the former
14 Michigan school for the blind site in Lansing.

15 Sec. 609. (1) The Michigan schools for the deaf and blind may pro-
16 mote its residential program as a possible appropriate option for chil-
17 dren who are deaf or hard of hearing or who are blind or visually
18 impaired. The Michigan schools for the deaf and blind shall distribute
19 information detailing its services to all intermediate school districts
20 in the state.

21 (2) Upon knowledge of or recognition by an intermediate school dis-
22 trict that a child in the district is deaf or hard of hearing or blind or
23 visually impaired, the intermediate school district shall provide to the
24 parents of the child the literature distributed by the Michigan schools
25 for the deaf and blind to intermediate school districts under
26 subsection (1).

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1 Sec. 610. The department shall report to the house and senate
2 appropriations subcommittees on education detailed information on the
3 expenditures made from the amount authorized in section 108 for general
4 services for the Michigan school for the blind's former site.

5 Sec. 611. From the amount of early retirement savings retained by
6 the department resulting from the state's 1997 early retirement program,
7 there is sufficient funding to replace all of the employees at the
8 Michigan schools for the deaf and blind who retire under the state's 1997
9 early retirement program provided for in section 19f of the state
10 employees' retirement act, 1943 PA 240, MCL 38.19f. The department shall
11 ensure that all positions required to maintain a ratio of 1.0 full-time
12 equated position to 5.5 students enrolled, which are vacated by employees
13 at the Michigan schools for the deaf and blind who retire under the
14 state's 1997 early retirement program, are filled. Replacement of
15 employees at the Michigan schools for the deaf and blind who retired
16 under the state's 1997 early retirement program shall not be counted
17 against the department's 1:4 employee replacement ratio. Replacements of
18 employees as cited in this section are exempt from the hiring freeze pre-
19 scribed by section 204.

20 Sec. 612. In addition to those funds appropriated in part 1, the
21 department may receive and expend funds from the mid-Michigan academy for
22 capital improvements. These additional funds are appropriated specifi-
23 cally for capital improvements authorized by the department of management
24 and budget and shall be negotiated as part of the lease agreement.

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1 PROFESSIONAL PREPARATION SERVICES

2 Sec. 701. From the funds appropriated in section 111 for profes-
3 sional preparation services, the department shall maintain the profes-
4 sional personnel register and certificate revocation/felony conviction
5 files.

6 GRANTS AND DISTRIBUTIONS

7 Sec. 801. The department shall disburse the funds to a general fund
8 grantee in accordance with the same standards of timing and amount that
9 apply to disbursements made by the department to a federal fund grantee.
10 The disbursement shall be restricted to the minimum amount needed for
11 immediate disbursement by the grantee. The department may waive this
12 section if extenuating circumstances warrant and are substantiated in the
13 grantee's application or other appropriate documentation. A waiver
14 granted pursuant to this section shall not be effective until 15 days
15 after written notice of the proposed waiver is given to the department of
16 management and budget and the chairpersons of the senate and house appro-
17 priations subcommittees having jurisdiction over the department budget.

18 Sec. 802. (1) The funds appropriated in section 114 for school
19 breakfast programs shall be made available to all eligible applicant
20 public school districts and public school academies as follows:

21 (a) The district or public school academy participates in the fed-
22 eral school breakfast program and meets all standards as prescribed by 7
23 C.F.R. parts 220 and 245.

24 (b) Payment is made for each breakfast served meeting standards
25 prescribed in subdivision (a).

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1 (c) The payment for a district or public school academy is at a per
2 meal rate equal to the lesser of the district's or public school
3 academy's actual cost, or 100% of the cost of a breakfast served by an
4 efficiently operated breakfast program as determined by the department,
5 less federal reimbursement, participant payments, and other state
6 reimbursement. Determination of efficient cost by the department shall
7 be determined by using a statistical sampling of statewide and regional
8 cost as reported in a manner approved by the department for the preceding
9 school year.

10 (d) The payment determined under subdivision (c) is prorated if the
11 appropriation in section 114 is not sufficient to fund all payments
12 determined under this section.

13 (2) Of the appropriation of federal funds in section 114 for the
14 national school lunch program, expenditures shall not be made in fiscal
15 year 1998-1999 for any programs other than those authorized by the
16 department and funded from this line item in fiscal year 1997-1998.

17 Sec. 803. (1) The funds appropriated in section 114 for school
18 readiness programs shall be made available through a competitive applica-
19 tion process as follows:

20 (a) An applicant may be any public or private nonprofit legal entity
21 or agency other than a local or intermediate school district except a
22 local or intermediate school district acting as a fiscal agent for a
23 child caring organization regulated under 1973 PA 116, MCL 722.111 to
24 722.128.

25 (b) Applications shall be submitted in a form and manner as required
26 by the department.

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1 (c) Applications shall be reviewed by a diverse interagency
2 committee composed of representatives of the department, appropriate
3 community, volunteer, and social service agencies and organizations, and
4 parents.

5 (d) Priority in the recommendation for awarding of grants by the
6 state board of education to applicants shall be based upon the following
7 criteria:

8 (i) Compliance with standards for early childhood development con-
9 sistent with programs for 4-year-olds, as approved by the state board of
10 education.

11 (ii) Active and continuous involvement of the parents or guardians
12 of the children participating in the program.

13 (iii) Employment of teachers possessing proper training in early
14 childhood development, including an early childhood (ZA) endorsement or
15 child development associate, and trained support staff.

16 (iv) Evidence of collaboration with the community of providers in
17 early childhood development programs including documentation of the total
18 number of children in the community who would meet the criteria estab-
19 lished in subparagraph (vi), and who are being served by other providers,
20 and the number of children who will remain unserved by other community
21 early childhood programs if this program is funded.

22 (v) The extent to which these funds will supplement other federal,
23 state, local, or private funds.

24 (vi) The extent to which these funds will be targeted to children
25 who will be at least 4, but less than 5, years of age as of December 1 of
26 the year in which the programs are offered and who show evidence of 2 or
27 more "at-risk" factors as defined in the state board of education report

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1 entitled, "children at risk" that was adopted by the state board on
2 April 5, 1988.

3 (e) Whether the application contains a comprehensive evaluation plan
4 that includes implementation of all program components required and an
5 assessment of the gains of children participating in an early childhood
6 development program.

7 (f) Applications shall provide for the establishment of a school
8 readiness advisory committee that shall be involved in the planning and
9 evaluation of the program and provides for the involvement of parents and
10 appropriate community, volunteer, and social service agencies and
11 organizations. There shall be on the committee at least 1 parent or
12 guardian of a program participant for every 18 children enrolled in the
13 program, with a minimum of 2 parent or guardian representatives. The
14 committee shall do all of the following:

15 (i) Review the mechanisms and criteria used to determine referrals
16 for participation in the school readiness program.

17 (ii) Review the health screening program for all participants.

18 (iii) Review the nutritional services provided to all participants.

19 (iv) Review the mechanisms in place for the referral of families to
20 community social service agencies, as appropriate.

21 (v) Review the collaboration with and the involvement of appropriate
22 community, volunteer, and social service agencies and organizations in
23 addressing all aspects of education disadvantage.

24 (vi) Review, evaluate, and make recommendations for changes in the
25 school readiness program.

26 (g) More than 50% of the children participating in the program shall
27 meet the income eligibility criteria for free or reduced price lunch, as

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1 determined under the national school lunch act, chapter 281, 60
2 Stat. 230, 42 U.S.C. 1751 to 1753, 1755 to 1761, 1762a, 1765 to 1766b,
3 and 1769 to 1769h, or meet income and all other eligibility criteria for
4 participation in the Michigan family independence agency unified child
5 day care program.

6 (2) Grant awards by the state board of education may be at whatever
7 level the board determines appropriate. A grant, when combined with
8 other sources of state revenue for this program, shall not exceed
9 \$3,100.00 per child or the cost of the program, whichever is less. To
10 achieve the goals and objectives of the early childhood development pro-
11 grams, it is the intent of the legislature to fund these programs at the
12 minimum optimum per pupil level.

13 (3) Except as otherwise provided, an applicant that received a grant
14 under this section in the 1997-1998 fiscal year shall receive priority
15 for funding in 1998-1999. However, continuation of funding is contingent
16 on the availability of funds and documented evidence of grantee compli-
17 ance with standards for early childhood development consistent with pro-
18 grams for 4-year-olds, as approved by the state board of education, and
19 with all operational, fiscal, administrative, and other program
20 requirements. After 3 years of funding, a program that received a grant
21 under this section may reapply for funding, but will compete for avail-
22 able funds with other new programs and other programs also completing
23 their third year of funding under this section. A program which offers
24 supplementary day care and thereby offers full-day programs as part of
25 its early childhood development program shall receive priority in the
26 allocation of these competitive funds.

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1 (4) A joint application process and form shall be developed by the
2 family independence agency and the department for those participants who
3 meet the eligibility criteria for the unified child day care program.

4 Sec. 804. (1) The reading plan for Michigan (RPM) is a series of
5 elementary education strategies created for the purpose of improving
6 reading skills of K-3 students so that all students are reading at an
7 appropriate grade level prior to the start of the fourth grade. The
8 reading plan for Michigan (RPM) shall be developed by the department and
9 not less than 1 representative from each of the following categories:

10 (a) Local school districts.

11 (b) Intermediate school districts.

12 (c) Teachers.

13 (d) Professors of education at public universities recognized for
14 expertise in reading instruction.

15 (e) Local literacy councils.

16 (f) Parents.

17 (g) The Michigan library association.

18 (2) In order to implement the reading plan for Michigan, the depart-
19 ment shall do at least all of the following:

20 (a) Develop a model summer reading program for students who will be
21 attending grades 1 through 4 in the following school year and who have
22 demonstrated the need for additional reading skills training, as evi-
23 denced by standardized test results on tests approved by the department
24 for this purpose. The model reading program shall be in conformance with
25 the national education goals and shall also meet criteria for DED-OESE,
26 Title I program funding.

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1 (b) Recommend diagnostic tools and student assessments to local
2 districts to determine reading readiness and ensure progress in reading
3 skills.

4 (c) Develop and disseminate reading readiness kits to parents of
5 students in preschool and kindergarten to provide parents with informa-
6 tion about how they can prepare their children for reading success.

7 (d) Develop and make available a statewide resource guide of public
8 and private service providers to assist parents in improving their
9 children's reading skills.

10 (3) The funds appropriated in section 114 for the reading plan for
11 Michigan grants shall be allocated by the department on a competitive
12 grant basis to districts, intermediate districts, or consortia of dis-
13 tricts which meet the following criteria:

14 (a) The district must offer a summer reading program based upon the
15 model reading program developed by the department pursuant to subsection
16 (1) beginning after the close of the 1998-99 school year.

17 (b) The district must identify money from other sources available to
18 the district which will be used to support at least 50% of the total
19 costs of the summer reading program.

20 (4) Applications for funding must be submitted to the department no
21 later than December 31, 1998. The department shall notify recipients of
22 the grants no later than March 30, 1999.

23 (5) Not later than the 2002-2003 school year, a pupil shall not be
24 promoted to the next grade level at the end of the school year if the
25 pupil has not met the standards for pupil promotion adopted by the local
26 school district.

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1 Sec. 805. If there is appropriated for fiscal year 1997-98 not more
2 than \$2,000,000.00 from the general fund/general purpose revenues from
3 the state school aid fund to develop early childhood education programs
4 for children ages 0 to 3, the department shall administer the grant pro-
5 gram in accordance with the criteria stated for the early childhood edu-
6 cation program in the state school aid act.

7 Sec. 806. From the funds appropriated in part 1 for national board
8 certification, the department shall pay 1/2 of the application fee for
9 teachers who are deemed by the department by March 1, 1998 to be quali-
10 fied to apply to the national board for professional teaching standards
11 for professional teaching certificates or licenses and to provide grants
12 to recognize and reward teachers who receive certification or licensure.

13 Sec. 807. Funds appropriated in part 1 for Michigan's exemplary
14 physical education curriculum (MI-EPIC) grants shall be distributed to
15 500 Michigan teachers, in the amount of \$1,000.00 per teacher. Teachers
16 shall submit applications for these grants to the department of education
17 not later than July 1, [1999]. The department shall evaluate the applica-
18 tions, with recommendations of grant recipients approved not later than
19 September 1, [1999] in order for the MI-EPIC program to be implemented in
20 the 1998-99 school year. The department shall use the following criteria
21 in evaluating applications, as well as any additional criteria required
22 by the state board:

23 (a) The teacher must possess a major in physical education at the
24 baccalaureate or masters level.

25 (b) The teacher must possess current certification in first aid and
26 cardiopulmonary resuscitation.

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1 (c) The teacher must possess current knowledge of prevention and
2 care of injuries, first aid, and safety procedures.

3 (d) The teacher must demonstrate his or her understanding of the
4 contributions of physical activity to well-being.

5 (e) The teacher must subscribe to the goals and objectives outlined
6 and embodied in the Michigan's exemplary physical education curriculum.

7 **TIE-BAR**

8 Sec. 901. This bill does not take effect unless House Bill No. 5807
9 of the 89th Legislature is enacted into law.