

HOUSE BILL No. 5096

September 30, 2003, Introduced by Rep. Tobocman and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 1153 and 1155 (MCL 380.1153 and 380.1155),
as amended by 1995 PA 289, and by adding sections 1154, 1156, and
1158.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1153. (1) The board of a school district having an
2 enrollment of 20 or more children of limited English-speaking
3 ability in a language classification in grades K to 12 shall
4 establish and operate a bilingual instruction program for those
5 children.

6 (2) ~~—(1)—~~ The board of a school district that has an
7 enrollment of fewer than 20 children of limited English-speaking
8 ability may establish and operate a bilingual instruction program
9 in a language classification for children of limited

1 English-speaking ability.

2 **(3) Children enrolled in a bilingual instruction program**
3 **operated under this section may be placed in classes with other**
4 **children of approximately the same age and grade level. If**
5 **children of different age groups or grade levels are combined,**
6 **the board shall insure that the instruction given each child is**
7 **appropriate to the child's level of educational attainment.**

8 **(4) ~~-(2)-~~ A child of limited English-speaking ability**
9 **residing in a district that does not have an appropriate**
10 **bilingual instruction program or that is not required to have a**
11 **bilingual instruction program may enroll in a bilingual**
12 **instruction program in another school district. If a child**
13 **enrolls in a bilingual instruction program in another school**
14 **district under this subsection, the school district in which the**
15 **child resides shall pay any tuition charged for the pupil and**
16 **shall provide transportation for the pupil.**

17 **(5) ~~-(3)-~~ If fewer than 20 children of limited**
18 **English-speaking ability in a language classification are**
19 **enrolled in a school district, the intermediate school board**
20 **shall determine whether the total number of these children**
21 **residing in its constituent districts that do not operate**
22 **bilingual instruction programs warrants the establishment of an**
23 **intermediate bilingual instruction-support program. An**
24 **intermediate school district ~~may operate or contract~~ operating**
25 **or contracting** for the operation of a bilingual program or
26 service ~~—, and~~ may carry children enrolled in the program in
27 membership in the same manner as a local school district and be

1 entitled to its proportionate share of state funds available for
2 the program. Membership shall be calculated under rules
3 promulgated by the state board. The intermediate school board
4 shall consider **all of the following:**

5 (a) Whether the cost of operating an intermediate bilingual
6 instruction-support program is justified by the number of
7 children at each grade level who would benefit from its
8 establishment.

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

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

15 **Sec. 1154. The bilingual instruction program operated by a**
16 **school district shall be a full-time program of bilingual**
17 **instruction in all of the following:**

18 (a) The courses and subjects required by this act.

19 (b) The courses and subjects required by the board for
20 completion of the grade level in which the child is enrolled.

21 **Sec. 1155. (1) ~~Prior to~~ Before** the placement of a child
22 of limited English-speaking ability in a bilingual instruction
23 program, the board of the local school district in which the
24 child resides shall notify, by registered mail, the child's
25 parents or legal guardian that the child is being enrolled in a
26 bilingual instruction program. The notice shall contain a
27 simple, nontechnical description of the purposes, method, and

1 content of the program and shall inform the parents or guardian
2 that they have the right to visit bilingual instruction classes
3 in which their child is enrolled.

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

6 (3) The notice shall inform the parents or guardian that they
7 have the absolute right to refuse the placement or to withdraw
8 their child from the program by giving written notice to the
9 board of the local school district in which the child resides.

10 (4) A child of limited English-speaking ability residing in a
11 school district operating or participating in a bilingual
12 instruction program pursuant to section 1153 shall be enrolled in
13 the bilingual instruction program for 3 years or until the child
14 achieves a level of proficiency in English language skills
15 sufficient to receive an equal educational opportunity in the
16 regular school program, whichever occurs first. A child of
17 limited English-speaking ability shall not be transferred out of
18 a bilingual instruction program before the child's third year of
19 enrollment unless the parent or guardian of the child approves
20 the transfer in writing or unless the child successfully
21 completes an examination that, in the determination of the state
22 board, reflects a level of proficiency in English language skills
23 appropriate to the child's grade level.

24 Sec. 1156. The board of a school district operating a
25 bilingual instruction program pursuant to section 1153 shall
26 establish an advisory committee to assist the board in evaluating
27 and planning the bilingual instruction program. The advisory

1 committee shall be comprised of representatives of parents of
2 children enrolled in the program, bilingual instruction teachers
3 and counselors, and members of the community. A majority of the
4 members of the advisory committee shall be parents of children
5 enrolled in the bilingual instruction program.

6 Sec. 1158. The state board shall do all of the following:

7 (a) Advise and assist school districts in complying with and
8 implementing sections 1152 to 1158.

9 (b) Study, review, and evaluate textbooks and instructional
10 materials, resources, and media for use in bilingual
11 instructional programs.

12 (c) Compile data relative to the theory and practice of
13 bilingual instruction and pedagogy.

14 (d) Encourage experimentation and innovation in bilingual
15 education.

16 (e) Recommend curriculum development and testing mechanisms.

17 (f) Make an annual report relative to bilingual instruction
18 programs to the legislature and the governor.