

SUBSTITUTE FOR
SENATE BILL NO. 329

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
by amending section 20 (MCL 388.1620), as amended by 2004 PA 351,
and by adding section 34.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 20. (1) For ~~2003-2004 and for~~ 2004-2005, the basic
2 foundation allowance is \$6,700.00 per membership pupil.

3 (2) The amount of each district's foundation allowance shall
4 be calculated as provided in this section, using a basic foundation
5 allowance in the amount specified in subsection (1).

6 (3) Except as otherwise provided in this section, the amount
7 of a district's foundation allowance shall be calculated as
8 follows, using in all calculations the total amount of the
9 district's foundation allowance as calculated before any proration:

10 (a) Except as otherwise provided in this subsection, for a

1 district that in the immediately preceding state fiscal year had a
2 foundation allowance in an amount at least equal to the amount of
3 the basic foundation allowance for the immediately preceding state
4 fiscal year, the district shall receive a foundation allowance in
5 an amount equal to the sum of the district's foundation allowance
6 for the immediately preceding state fiscal year plus the dollar
7 amount of the adjustment from the immediately preceding state
8 fiscal year to the current state fiscal year in the basic
9 foundation allowance. However, for 2002-2003, the foundation
10 allowance for a district under this subdivision is an amount equal
11 to the sum of the district's foundation allowance for the
12 immediately preceding state fiscal year plus \$200.00.

13 (b) For a district that in the 1994-95 state fiscal year had a
14 foundation allowance greater than \$6,500.00, the district's
15 foundation allowance is an amount equal to the sum of the
16 district's foundation allowance for the immediately preceding state
17 fiscal year plus the lesser of the increase in the basic foundation
18 allowance for the current state fiscal year, as compared to the
19 immediately preceding state fiscal year, or the product of the
20 district's foundation allowance for the immediately preceding state
21 fiscal year times the percentage increase in the United States
22 consumer price index in the calendar year ending in the immediately
23 preceding fiscal year as reported by the May revenue estimating
24 conference conducted under section 367b of the management and
25 budget act, 1984 PA 431, MCL 18.1367b. For 2002-2003, for a
26 district that in the 1994-95 state fiscal year had a foundation
27 allowance greater than \$6,500.00, the district's foundation

1 allowance is an amount equal to the sum of the district's
2 foundation allowance for the immediately preceding state fiscal
3 year plus the lesser of \$200.00 or the product of the district's
4 foundation allowance for the immediately preceding state fiscal
5 year times the percentage increase in the United States consumer
6 price index in the calendar year ending in the immediately
7 preceding fiscal year as reported by the May revenue estimating
8 conference conducted under section 367b of the management and
9 budget act, 1984 PA 431, MCL 18.1367b.

10 (c) For a district that has a foundation allowance that is not
11 a whole dollar amount, the district's foundation allowance shall be
12 rounded up to the nearest whole dollar.

13 (d) For a district that received a payment under former
14 section 22c for 2001-2002, the district's 2001-2002 foundation
15 allowance shall be considered to have been an amount equal to the
16 sum of the district's actual 2001-2002 foundation allowance as
17 otherwise calculated under this section plus the per pupil amount
18 of the district's equity payment for 2001-2002 under former section
19 22c.

20 (4) Except as otherwise provided in this subsection, the state
21 portion of a district's foundation allowance is an amount equal to
22 the district's foundation allowance or \$6,500.00, whichever is
23 less, minus the difference between the product of the taxable value
24 per membership pupil of all property in the district that is not a
25 principal residence or qualified agricultural property times the
26 lesser of 18 mills or the number of mills of school operating taxes
27 levied by the district in 1993-94 and the quotient of the ad

1 valorem property tax revenue of the district captured under 1975 PA
2 197, MCL 125.1651 to 125.1681, the tax increment finance authority
3 act, 1980 PA 450, MCL 125.1801 to 125.1830, the local development
4 financing act, 1986 PA 281, MCL 125.2151 to 125.2174, or the
5 brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651
6 to 125.2672, divided by the district's membership excluding special
7 education pupils. For a district described in subsection (3)(b),
8 the state portion of the district's foundation allowance is an
9 amount equal to \$6,962.00 plus the difference between the
10 district's foundation allowance for the current state fiscal year
11 and the district's foundation allowance for 1998-99, minus the
12 difference between the product of the taxable value per membership
13 pupil of all property in the district that is not a principal
14 residence or qualified agricultural property times the lesser of 18
15 mills or the number of mills of school operating taxes levied by
16 the district in 1993-94 and the quotient of the ad valorem property
17 tax revenue of the district captured under 1975 PA 197, MCL
18 125.1651 to 125.1681, the tax increment finance authority act, 1980
19 PA 450, MCL 125.1801 to 125.1830, the local development financing
20 act, 1986 PA 281, MCL 125.2151 to 125.2174, or the brownfield
21 redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2672,
22 divided by the district's membership excluding special education
23 pupils. For a district that has a millage reduction required under
24 section 31 of article IX of the state constitution of 1963, the
25 state portion of the district's foundation allowance shall be
26 calculated as if that reduction did not occur. The \$6,500.00 amount
27 prescribed in this subsection shall be adjusted each year by an

1 amount equal to the dollar amount of the difference between the
2 basic foundation allowance for the current state fiscal year and
3 \$5,000.00, minus \$200.00.

4 (5) The allocation calculated under this section for a pupil
5 shall be based on the foundation allowance of the pupil's district
6 of residence. However, for a pupil enrolled in a district other
7 than the pupil's district of residence, if the foundation allowance
8 of the pupil's district of residence has been adjusted pursuant to
9 subsection (19), the allocation calculated under this section shall
10 not include the adjustment described in subsection (19). For a
11 pupil enrolled pursuant to section 105 or 105c in a district other
12 than the pupil's district of residence, the allocation calculated
13 under this section shall be based on the lesser of the foundation
14 allowance of the pupil's district of residence or the foundation
15 allowance of the educating district. For a pupil in membership in a
16 K-5, K-6, or K-8 district who is enrolled in another district in a
17 grade not offered by the pupil's district of residence, the
18 allocation calculated under this section shall be based on the
19 foundation allowance of the educating district if the educating
20 district's foundation allowance is greater than the foundation
21 allowance of the pupil's district of residence. The calculation
22 under this subsection shall take into account a district's per
23 pupil allocation under section 20j(2).

24 (6) Subject to subsection (7) and section 22b(3) and except as
25 otherwise provided in this subsection, for pupils in membership,
26 other than special education pupils, in a public school academy or
27 a university school, the allocation calculated under this section

1 is an amount per membership pupil other than special education
2 pupils in the public school academy or university school equal to
3 the sum of the local school operating revenue per membership pupil
4 other than special education pupils for the district in which the
5 public school academy or university school is located and the state
6 portion of that district's foundation allowance, or the sum of the
7 basic foundation allowance under subsection (1) plus \$300.00,
8 whichever is less. Notwithstanding section 101(2), for a public
9 school academy that begins operations after the pupil membership
10 count day, the amount per membership pupil calculated under this
11 subsection shall be adjusted by multiplying that amount per
12 membership pupil by the number of hours of pupil instruction
13 provided by the public school academy after it begins operations,
14 as determined by the department, divided by the minimum number of
15 hours of pupil instruction required under section 101(3). The
16 result of this calculation shall not exceed the amount per
17 membership pupil otherwise calculated under this subsection.

18 (7) If more than 25% of the pupils residing within a district
19 are in membership in 1 or more public school academies located in
20 the district, then the amount per membership pupil calculated under
21 this section for a public school academy located in the district
22 shall be reduced by an amount equal to the difference between the
23 product of the taxable value per membership pupil of all property
24 in the district that is not a principal residence or qualified
25 agricultural property times the lesser of 18 mills or the number of
26 mills of school operating taxes levied by the district in 1993-94
27 and the quotient of the ad valorem property tax revenue of the

1 district captured under 1975 PA 197, MCL 125.1651 to 125.1681, the
2 tax increment finance authority act, 1980 PA 450, MCL 125.1801 to
3 125.1830, the local development financing act, 1986 PA 281, MCL
4 125.2151 to 125.2174, or the brownfield redevelopment financing
5 act, 1996 PA 381, MCL 125.2651 to 125.2672, divided by the
6 district's membership excluding special education pupils, in the
7 school fiscal year ending in the current state fiscal year,
8 calculated as if the resident pupils in membership in 1 or more
9 public school academies located in the district were in membership
10 in the district. In order to receive state school aid under this
11 act, a district described in this subsection shall pay to the
12 authorizing body that is the fiscal agent for a public school
13 academy located in the district for forwarding to the public school
14 academy an amount equal to that local school operating revenue per
15 membership pupil for each resident pupil in membership other than
16 special education pupils in the public school academy, as
17 determined by the department.

18 (8) If a district does not receive an amount calculated under
19 subsection (9); if the number of mills the district may levy on a
20 principal residence and qualified agricultural property under
21 section 1211(1) of the revised school code, MCL 380.1211, is 0.5
22 mills or less; and if the district elects not to levy those mills,
23 the district instead shall receive a separate supplemental amount
24 calculated under this subsection in an amount equal to the amount
25 the district would have received had it levied those mills, as
26 determined by the department of treasury. A district shall not
27 receive a separate supplemental amount calculated under this

1 subsection for a fiscal year unless in the calendar year ending in
2 the fiscal year the district levies 18 mills or the number of mills
3 of school operating taxes levied by the district in 1993, whichever
4 is less, on property that is not a principal residence or qualified
5 agricultural property.

6 (9) For a district that had combined state and local revenue
7 per membership pupil in the 1993-94 state fiscal year of more than
8 \$6,500.00 and that had fewer than 350 pupils in membership, if the
9 district elects not to reduce the number of mills from which a
10 principal residence and qualified agricultural property are exempt
11 and not to levy school operating taxes on a principal residence and
12 qualified agricultural property as provided in section 1211(1) of
13 the revised school code, MCL 380.1211, and not to levy school
14 operating taxes on all property as provided in section 1211(2) of
15 the revised school code, MCL 380.1211, there is calculated under
16 this subsection for 1994-95 and each succeeding fiscal year a
17 separate supplemental amount in an amount equal to the amount the
18 district would have received per membership pupil had it levied
19 school operating taxes on a principal residence and qualified
20 agricultural property at the rate authorized for the district under
21 section 1211(1) of the revised school code, MCL 380.1211, and
22 levied school operating taxes on all property at the rate
23 authorized for the district under section 1211(2) of the revised
24 school code, MCL 380.1211, as determined by the department of
25 treasury. If in the calendar year ending in the fiscal year a
26 district does not levy 18 mills or the number of mills of school
27 operating taxes levied by the district in 1993, whichever is less,

1 on property that is not a principal residence or qualified
2 agricultural property, the amount calculated under this subsection
3 will be reduced by the same percentage as the millage actually
4 levied compares to the 18 mills or the number of mills levied in
5 1993, whichever is less.

6 (10) Subject to subsection (4), for a district that is formed
7 or reconfigured after June 1, 2002 by consolidation of 2 or more
8 districts or by annexation, the resulting district's foundation
9 allowance under this section beginning after the effective date of
10 the consolidation or annexation shall be the average of the
11 foundation allowances of each of the original or affected
12 districts, calculated as provided in this section, weighted as to
13 the percentage of pupils in total membership in the resulting
14 district who reside in the geographic area of each of the original
15 or affected districts. The calculation under this subsection shall
16 take into account a district's per pupil allocation under section
17 20j(2).

18 (11) Each fraction used in making calculations under this
19 section shall be rounded to the fourth decimal place and the dollar
20 amount of an increase in the basic foundation allowance shall be
21 rounded to the nearest whole dollar.

22 (12) State payments related to payment of the foundation
23 allowance for a special education pupil are not calculated under
24 this section but are instead calculated under section 51a.

25 (13) To assist the legislature in determining the basic
26 foundation allowance for the subsequent state fiscal year, each
27 revenue estimating conference conducted under section 367b of the

1 management and budget act, 1984 PA 431, MCL 18.1367b, shall
2 calculate a pupil membership factor, a revenue adjustment factor,
3 and an index as follows:

4 (a) The pupil membership factor shall be computed by dividing
5 the estimated membership in the school year ending in the current
6 state fiscal year, excluding intermediate district membership, by
7 the estimated membership for the school year ending in the
8 subsequent state fiscal year, excluding intermediate district
9 membership. If a consensus membership factor is not determined at
10 the revenue estimating conference, the principals of the revenue
11 estimating conference shall report their estimates to the house and
12 senate subcommittees responsible for school aid appropriations not
13 later than 7 days after the conclusion of the revenue conference.

14 (b) The revenue adjustment factor shall be computed by
15 dividing the sum of the estimated total state school aid fund
16 revenue for the subsequent state fiscal year plus the estimated
17 total state school aid fund revenue for the current state fiscal
18 year, adjusted for any change in the rate or base of a tax the
19 proceeds of which are deposited in that fund and excluding money
20 transferred into that fund from the countercyclical budget and
21 economic stabilization fund under section 353e of the management
22 and budget act, 1984 PA 431, MCL 18.1353e, by the sum of the
23 estimated total school aid fund revenue for the current state
24 fiscal year plus the estimated total state school aid fund revenue
25 for the immediately preceding state fiscal year, adjusted for any
26 change in the rate or base of a tax the proceeds of which are
27 deposited in that fund. If a consensus revenue factor is not

1 determined at the revenue estimating conference, the principals of
2 the revenue estimating conference shall report their estimates to
3 the house and senate subcommittees responsible for school aid
4 appropriations not later than 7 days after the conclusion of the
5 revenue conference.

6 (c) The index shall be calculated by multiplying the pupil
7 membership factor by the revenue adjustment factor. However, for
8 2004-2005, the index shall be 1.00. If a consensus index is not
9 determined at the revenue estimating conference, the principals of
10 the revenue estimating conference shall report their estimates to
11 the house and senate subcommittees responsible for school aid
12 appropriations not later than 7 days after the conclusion of the
13 revenue conference.

14 (14) If the principals at the revenue estimating conference
15 reach a consensus on the index described in subsection (13)(c), the
16 basic foundation allowance for the subsequent state fiscal year
17 shall be at least the amount of that consensus index multiplied by
18 the basic foundation allowance specified in subsection (1).

19 (15) If at the January revenue estimating conference it is
20 estimated that pupil membership, excluding intermediate district
21 membership, for the subsequent state fiscal year will be greater
22 than 101% of the pupil membership, excluding intermediate district
23 membership, for the current state fiscal year, then it is the
24 intent of the legislature that the executive budget proposal for
25 the school aid budget for the subsequent state fiscal year include
26 a general fund/general purpose allocation sufficient to support the
27 membership in excess of 101% of the current year pupil membership.

1 (16) For a district that had combined state and local revenue
2 per membership pupil in the 1993-94 state fiscal year of more than
3 \$6,500.00, that had fewer than 7 pupils in membership in the 1993-
4 94 state fiscal year, that has at least 1 child educated in the
5 district in the current state fiscal year, and that levies the
6 number of mills of school operating taxes authorized for the
7 district under section 1211 of the revised school code, MCL
8 380.1211, a minimum amount of combined state and local revenue
9 shall be calculated for the district as provided under this
10 subsection. The minimum amount of combined state and local revenue
11 for 1999-2000 shall be \$67,000.00 plus the district's additional
12 expenses to educate pupils in grades 9 to 12 educated in other
13 districts as determined and allowed by the department. The minimum
14 amount of combined state and local revenue under this subsection,
15 before adding the additional expenses, shall increase each fiscal
16 year by the same percentage increase as the percentage increase in
17 the basic foundation allowance from the immediately preceding
18 fiscal year to the current fiscal year. The state portion of the
19 minimum amount of combined state and local revenue under this
20 subsection shall be calculated by subtracting from the minimum
21 amount of combined state and local revenue under this subsection
22 the sum of the district's local school operating revenue and an
23 amount equal to the product of the sum of the state portion of the
24 district's foundation allowance plus the amount calculated under
25 section 20j times the district's membership. As used in this
26 subsection, "additional expenses" means the district's expenses for
27 tuition or fees, not to exceed \$6,500.00 as adjusted each year by

1 an amount equal to the dollar amount of the difference between the
2 basic foundation allowance for the current state fiscal year and
3 \$5,000.00, minus \$200.00, plus a room and board stipend not to
4 exceed \$10.00 per school day for each pupil in grades 9 to 12
5 educated in another district, as approved by the department.

6 (17) For a district in which 7.75 mills levied in 1992 for
7 school operating purposes in the 1992-93 school year were not
8 renewed in 1993 for school operating purposes in the 1993-94 school
9 year, the district's combined state and local revenue per
10 membership pupil shall be recalculated as if that millage reduction
11 did not occur and the district's foundation allowance shall be
12 calculated as if its 1994-95 foundation allowance had been
13 calculated using that recalculated 1993-94 combined state and local
14 revenue per membership pupil as a base. A district is not entitled
15 to any retroactive payments for fiscal years before 2000-2001 due
16 to this subsection.

17 (18) For a district in which an industrial facilities
18 exemption certificate that abated taxes on property with a state
19 equalized valuation greater than the total state equalized
20 valuation of the district at the time the certificate was issued or
21 \$700,000,000.00, whichever is greater, was issued under 1974 PA
22 198, MCL 207.551 to 207.572, before the calculation of the
23 district's 1994-95 foundation allowance, the district's foundation
24 allowance for 2002-2003 is an amount equal to the sum of the
25 district's foundation allowance for 2002-2003, as otherwise
26 calculated under this section, plus \$250.00.

27 (19) For a district that received a grant under former section

1 32e for 2001-2002, the district's foundation allowance for 2002-
2 2003 and each succeeding fiscal year shall be adjusted to be an
3 amount equal to the sum of the district's foundation allowance, as
4 otherwise calculated under this section, plus the quotient of 100%
5 of the amount of the grant award to the district for 2001-2002
6 under former section 32e divided by the number of pupils in the
7 district's membership for 2001-2002 who were residents of and
8 enrolled in the district. Except as otherwise provided in this
9 subsection, a district qualifying for a foundation allowance
10 adjustment under this subsection shall use the funds resulting from
11 this adjustment for at least 1 of grades K to 3 for purposes
12 allowable under former section 32e as in effect for 2001-2002, **AND**
13 **MAY ALSO USE THESE FUNDS FOR AN EARLY INTERVENING PROGRAM DESCRIBED**
14 **IN SUBSECTION (21)**. For an individual school or schools operated by
15 a district qualifying for a foundation allowance under this
16 subsection that have been determined by the department to meet the
17 adequate yearly progress standards of the federal no child left
18 behind act of 2001, Public Law 107-110, in both mathematics and
19 English language arts at all applicable grade levels for all
20 applicable subgroups, the district may submit to the department an
21 application for flexibility in using the funds resulting from this
22 adjustment that are attributable to the pupils in the school or
23 schools. The application shall identify the affected school or
24 schools and the affected funds and shall contain a plan for using
25 the funds for specific purposes identified by the district that are
26 designed to reduce class size, but that may be different from the
27 purposes otherwise allowable under this subsection. The department

1 shall approve the application if the department determines that the
2 purposes identified in the plan are reasonably designed to reduce
3 class size. If the department does not act to approve or disapprove
4 an application within 30 days after it is submitted to the
5 department, the application is considered to be approved. If an
6 application for flexibility in using the funds is approved, the
7 district may use the funds identified in the application for any
8 purpose identified in the plan.

9 (20) For a district that is a qualifying school district with
10 a school reform board in place under part 5a of the revised school
11 code, MCL 380.371 to 380.376, the district's foundation allowance
12 for 2002-2003 shall be adjusted to be an amount equal to the sum of
13 the district's foundation allowance, as otherwise calculated under
14 this section, plus the quotient of \$15,000,000.00 divided by the
15 district's membership for 2002-2003. If a district ceases to meet
16 the requirements of this subsection, the department shall adjust
17 the district's foundation allowance in effect at that time based on
18 a 2002-2003 foundation allowance for the district that does not
19 include the 2002-2003 adjustment under this subsection.

20 (21) AN EARLY INTERVENING PROGRAM THAT USES FUNDS RESULTING
21 FROM THE ADJUSTMENT UNDER SUBSECTION (19) SHALL MEET EITHER OR BOTH
22 OF THE FOLLOWING:

23 (A) SHALL MONITOR INDIVIDUAL PUPIL LEARNING FOR PUPILS IN
24 GRADES K TO 3 AND PROVIDE SPECIFIC SUPPORT OR LEARNING STRATEGIES
25 TO PUPILS IN GRADES K TO 3 AS EARLY AS POSSIBLE IN ORDER TO REDUCE
26 THE NEED FOR SPECIAL EDUCATION PLACEMENT. THE PROGRAM SHALL INCLUDE
27 LITERACY AND NUMERACY SUPPORTS, SENSORY MOTOR SKILL DEVELOPMENT,

1 BEHAVIOR SUPPORTS, INSTRUCTIONAL CONSULTATION FOR TEACHERS, AND THE
2 DEVELOPMENT OF A PARENT/SCHOOL LEARNING PLAN.

3 (B) SHALL PROVIDE EARLY INTERVENING STRATEGIES FOR PUPILS IN
4 GRADES K TO 3 USING SCHOOLWIDE SYSTEMS OF ACADEMIC AND BEHAVIORAL
5 SUPPORTS AND SHALL BE SCIENTIFICALLY RESEARCH-BASED. THE STRATEGIES
6 TO BE PROVIDED SHALL INCLUDE AT LEAST PUPIL PERFORMANCE INDICATORS
7 BASED UPON RESPONSE TO INTERVENTION, INSTRUCTIONAL CONSULTATION FOR
8 TEACHERS, AND ONGOING PROGRESS MONITORING.

9 (22) ~~-(21)-~~ Payments to districts, university schools, or
10 public school academies shall not be made under this section.
11 Rather, the calculations under this section shall be used to
12 determine the amount of state payments under section 22b.

13 (23) ~~-(22)-~~ If an amendment to section 2 of article VIII of
14 the state constitution of 1963 allowing state aid to some or all
15 nonpublic schools is approved by the voters of this state, each
16 foundation allowance or per pupil payment calculation under this
17 section may be reduced.

18 (24) ~~-(23)-~~ As used in this section:

19 (a) "Combined state and local revenue" means the aggregate of
20 the district's state school aid received by or paid on behalf of
21 the district under this section and the district's local school
22 operating revenue.

23 (b) "Combined state and local revenue per membership pupil"
24 means the district's combined state and local revenue divided by
25 the district's membership excluding special education pupils.

26 (c) "Current state fiscal year" means the state fiscal year
27 for which a particular calculation is made.

1 (d) "Immediately preceding state fiscal year" means the state
2 fiscal year immediately preceding the current state fiscal year.

3 (e) "Local school operating revenue" means school operating
4 taxes levied under section 1211 of the revised school code, MCL
5 380.1211.

6 (f) "Local school operating revenue per membership pupil"
7 means a district's local school operating revenue divided by the
8 district's membership excluding special education pupils.

9 (g) "Membership" means the definition of that term under
10 section 6 as in effect for the particular fiscal year for which a
11 particular calculation is made.

12 (h) "Principal residence" and "qualified agricultural
13 property" mean those terms as defined in section 7dd of the general
14 property tax act, 1893 PA 206, MCL 211.7dd.

15 (i) "School operating purposes" means the purposes included in
16 the operation costs of the district as prescribed in sections 7 and
17 18.

18 (j) "School operating taxes" means local ad valorem property
19 taxes levied under section 1211 of the revised school code, MCL
20 380.1211, and retained for school operating purposes.

21 (k) "Taxable value per membership pupil" means taxable value,
22 as certified by the department of treasury, for the calendar year
23 ending in the current state fiscal year divided by the district's
24 membership excluding special education pupils for the school year
25 ending in the current state fiscal year.

26 **SEC. 34. (1) FROM THE MONEY APPROPRIATED IN SECTION 11, THERE**
27 **IS ALLOCATED AN AMOUNT NOT TO EXCEED \$1,000,000.00 FROM THE STATE**

1 SCHOOL AID FUND APPROPRIATION FOR 2005-2006 TO THE DEPARTMENT FOR
2 GRANTS TO DISTRICTS UNDER THIS SECTION.

3 (2) NOT MORE THAN 75% OF THE MONEY ALLOCATED UNDER THIS
4 SECTION SHALL BE USED FOR GRANTS TO DISTRICTS FOR THE FIRST YEAR OF
5 A 5-YEAR GRANT PROGRAM TO DEVELOP AN EARLY INTERVENING MODEL
6 PROGRAM FOR GRADES K TO 3. THE EARLY INTERVENING PROGRAM WILL
7 INSTRUCT CLASSROOM TEACHERS AND SUPPORT STAFF ON HOW TO MONITOR
8 INDIVIDUAL PUPIL LEARNING AND HOW TO PROVIDE SPECIFIC SUPPORT OR
9 LEARNING STRATEGIES TO PUPILS AS EARLY AS POSSIBLE IN ORDER TO
10 REDUCE THE NEED FOR SPECIAL EDUCATION PLACEMENT. THE PROGRAM WILL
11 INCLUDE LITERACY AND NUMERACY SUPPORTS, SENSORY MOTOR SKILL
12 DEVELOPMENT, BEHAVIOR SUPPORTS, INSTRUCTIONAL CONSULTATION FOR
13 TEACHERS, AND THE DEVELOPMENT OF A PARENT/SCHOOL LEARNING PLAN. ALL
14 OF THE FOLLOWING APPLY TO THE GRANTS:

15 (A) EACH SITE FUNDED BY A GRANT SHALL SERVE AS EITHER A MODEL
16 SITE OF PRACTICE OR A SITE OF IMPROVEMENT. A MODEL SITE WILL SERVE
17 AS AN ONGOING MODEL THAT PROVIDES THE EARLY INTERVENING PROGRAM FOR
18 PUPILS AND CONDUCTS PROFESSIONAL DEVELOPMENT ON SITE FOR PERSONNEL
19 VISITING FROM A SITE OF IMPROVEMENT. A SITE OF IMPROVEMENT IS A
20 SITE THAT SEEKS TO IMPLEMENT THE EARLY INTERVENING PROGRAM.

21 (B) THE GRANTS SHALL BE DISTRIBUTED THROUGH A COMPETITIVE
22 PROCESS ESTABLISHED BY THE DEPARTMENT. THE SELECTION OF GRANT
23 RECIPIENTS SHALL BE BASED ON THE ABILITY TO SERVE AS A MODEL SITE
24 OF PRACTICE OR, FOR A SITE OF IMPROVEMENT, ON A DEMONSTRATED NEED
25 TO IMPROVE OPPORTUNITIES FOR LEARNING SUCCESS AS REFLECTED BY A
26 COMBINED PERCENTAGE OF PUPILS WHO ARE LEARNING DISABLED,
27 EMOTIONALLY IMPAIRED, OR SPEECH AND LANGUAGE IMPAIRED THAT IS

1 HIGHER THAN THE STATEWIDE PERCENTAGE OF THOSE PUPILS, AS DETERMINED
2 BY THE DEPARTMENT. THE DEPARTMENT SHALL ENSURE GEOGRAPHIC DIVERSITY
3 IN AWARDING GRANTS.

4 (C) THE DEPARTMENT SHALL AWARD UP TO 18 GRANTS, WITH NOT MORE
5 THAN 3 OF THE GRANTS FOR DEVELOPMENT OF MODEL SITES OF PRACTICE AND
6 NOT MORE THAN 15 OF THE GRANTS FOR SITES OF IMPROVEMENT. A MODEL
7 SITE OF PRACTICE SHALL USE THE GRANT FUNDS TO MAKE PROFESSIONAL
8 DEVELOPMENT ON HOW TO PROVIDE THE PROGRAM AVAILABLE ON SITE TO
9 PERSONNEL FROM SITES OF IMPROVEMENT. A SITE OF IMPROVEMENT SHALL
10 USE THE GRANT FUNDS TO PAY FOR THE EXPENSES OF OBTAINING THIS
11 PROFESSIONAL DEVELOPMENT AND OTHER EXPENSES RELATED TO IMPLEMENTING
12 AN EARLY INTERVENING PROGRAM.

13 (D) THE AMOUNT OF A GRANT TO A DISTRICT SHALL BE \$40,000.00.

14 (E) A GRANT SHALL BE USED FOR EARLY INTERVENING PROGRAMS FOR
15 PUPILS AT THE ELEMENTARY LEVEL ONLY.

16 (3) NOT MORE THAN 25% OF THE MONEY ALLOCATED UNDER THIS
17 SECTION SHALL BE USED FOR GRANTS TO DISTRICTS FOR PROGRAMS THAT
18 PROVIDE EARLY INTERVENING STRATEGIES FOR PUPILS IN GRADES K TO 3
19 USING SCHOOLWIDE SYSTEMS OF ACADEMIC AND BEHAVIORAL SUPPORTS AND
20 SHALL BE SCIENTIFICALLY RESEARCH-BASED. THE STRATEGIES TO BE
21 PROVIDED SHALL INCLUDE AT LEAST PUPIL PERFORMANCE INDICATORS BASED
22 UPON RESPONSE TO INTERVENTION, INSTRUCTIONAL CONSULTATION FOR
23 TEACHERS, AND ONGOING PROGRESS MONITORING. THESE GRANTS SHALL BE
24 DISTRIBUTED THROUGH A COMPETITIVE PROCESS ESTABLISHED BY THE
25 DEPARTMENT. A GRANT SHALL BE USED FOR PROVIDING THESE PROGRAMS FOR
26 PUPILS AT THE ELEMENTARY LEVEL ONLY.

27 (4) NOTWITHSTANDING SECTION 17B, PAYMENTS UNDER THIS SECTION

Senate Bill No. 329 as amended May 5, 2005

1 MAY BE MADE PURSUANT TO AN AGREEMENT WITH THE DEPARTMENT.

2 (5) NOT LATER THAN JANUARY 30 OF THE NEXT FISCAL YEAR, THE
3 DEPARTMENT SHALL PREPARE AND SUBMIT TO THE GOVERNOR, THE SENATE AND
4 HOUSE STANDING COMMITTEES ON EDUCATION, AND THE SENATE AND HOUSE
5 APPROPRIATIONS SUBCOMMITTEES HAVING JURISDICTION OVER STATE SCHOOL
6 AID AN ANNUAL REPORT OF OUTCOMES ACHIEVED BY THE GRANT RECIPIENTS
7 FUNDED UNDER THIS SECTION FOR A FISCAL YEAR. FOR THIS REPORT, THE
8 FUNDED SITES SHALL COLLECT DATA PRESCRIBED BY THE DEPARTMENT AND
9 REPORT TO THE DEPARTMENT ON THE PERCENTAGE OF PUPILS READING AT
10 GRADE LEVEL BEFORE IMPLEMENTATION OF THE PROGRAM AND THE PERCENTAGE
11 OF PUPILS READING AT GRADE LEVEL AFTER IMPLEMENTATION OF THE
12 PROGRAM, AS MEASURED BY THE STATEWIDE THIRD GRADE ENGLISH LANGUAGE
13 ARTS ASSESSMENT.

<<Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) Senate Bill No. 73.
- (b) Senate Bill No. 92.
- (c) Senate Bill No. 221.
- (d) Senate Bill No. 222.
- (e) Senate Bill No. 223.
- (f) Senate Bill No. 224.
- (g) Senate Bill No. 225.
- (h) Senate Bill No. 226.
- (i) Senate Bill No. 227.
- (j) Senate Bill No. 228.
- (k) Senate Bill No. 251.
- (l) Senate Bill No. 298.
- (m) Senate Bill No. 353.
- (n) Senate Bill No. 354.
- (o) Senate Bill No. 355.
- (p) Senate Bill No. 356.
- (q) Senate Bill No. 357.
- (r) Senate Bill No. 358.
- (s) Senate Bill No. 359.
- (t) Senate Bill No. 387.
- (u) Senate Bill No. 393.
- (v) Senate Bill No. 398.
- (w) Senate Bill No. 399.
- (x) Senate Bill No. 415.
- (y) Senate Bill No. 419.
- (z) House Bill No. 4342.
- (aa) Senate Bill No. 246.>>