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BILL ANALYSIS

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Senate Bill 634 (Substitute S-1 as reported)
Sponsor: Senator Nancy Cassis
Committee: Education

(as passed by the Senate)

Date Completed: 9-21-09

RATIONALE

Research suggests that the early childhood years are an important time in a child's academic development. A child who struggles to learn the concepts taught in kindergarten or elementary school may lack the foundational skills to master more complex concepts in upper grade levels, and might never catch up. On the other hand, if a student is given assistance during the first years of school, those basic academic skills are likely to help him or her succeed in later years. Some believe that early intervention to help children who are showing signs of difficulty can reduce the number of children who are unnecessarily referred to special education classes.

In 2006, legislation was enacted to permit an intermediate school district (ISD) to develop a model early intervening program for children in kindergarten through third grade. Not all ISDs have done so, however. Some have expressed concern that the pace of development of early intervening programs has been too slow, and have suggested that a model program could be made available more quickly through the Department of Education.

CONTENT

The bill would amend the Revised School Code to require the Michigan Department of Education, by January 1, 2010, to develop or adopt a model early intervention program for kindergarten to third grade.

The model program would have to have the same goals and include the same elements as the early intervening model program described in Section 641 of the Code. (Please see **BACKGROUND** for a description of that section.)

The Department would have to make the model program available to school districts, ISDs, and public school academies (PSAs).

The bill would encourage each district, ISD, and PSA to adopt and implement the model program or one or more similar early intervening programs.

Proposed MCL 380.1280c

BACKGROUND

Section 641 of the Code permits an ISD to develop and make available to school districts and PSAs an early intervening model program for kindergarten to third grade. The model program must be designed to instruct classroom teachers and support staff on how to monitor individual pupil learning and how to provide specific support or learning strategies to pupils as early as possible in order to avoid inappropriate referrals to special education.

The model program must be based on a program with documented positive results and outcomes and must include literacy and numeracy supports, sensory motor skill development, behavior supports, instructional consultation for teachers, and the development of a parent/school learning plan. The Code identifies specific support or learning strategies that may be included in the model program; these would be provided based on an understanding of a child's learning needs.

The model program also must include a schoolwide system of academic and behavioral support based on a support team available to the classroom teachers. The members of the team could include the principal and other school personnel who would be available to systemically study the

needs of the individual child and work with the classroom teacher to match instruction to those needs.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The State's education system has not done enough to identify and help students showing early signs of learning difficulties. Unnoticed, the problems can be compounded as children experience greater difficulties in successive grades until they are finally placed in a special education program. Reportedly, Michigan schools refer a higher percentage of students to special education compared with the rest of the nation. In many cases, the placement might not be based on any actual learning disability, but is made because the student failed to receive the proper academic support at an early age. An early intervening program could provide support for those students as soon as they begin to struggle, helping them keep pace with their peers. Stepping in at an early stage also would be more cost effective than waiting until the learning difficulties compound and the child is farther behind.

Some ISDs have adopted early intervening programs, and those that have done so have shown high success rates. In one Wayne County school, special education referrals dropped by 98% after the implementation of an early intervening program, according to testimony before the Senate Education Committee. While most schools likely would not see such dramatic reductions, an early intervening program could produce significant cost savings for districts by preventing unnecessary special education referrals. Early intervention also could improve other academic outcomes, including graduation rates, test scores, and success in higher education, at a lower cost than the expense of special education services.

Current law permits an ISD to develop a model program that districts and PSAs can adopt, but at the present rate of development it could take a decade or more before those programs became widely used in Michigan schools. Making a model program available through the Department of Education would be a more efficient way to achieve widespread adoption of early

intervening programs, giving children who currently are struggling a better chance at academic success.

Opposing Argument

An early intervening program would be expensive to implement, requiring coordination between school administrators, teachers, and others to develop an individual plan to meet the needs of each child in the program. Without adequate funding, the program likely would not be successful, and could place additional expectations on districts that already are struggling to balance their budgets.

Response: Under current law, a district may fund an early intervening program using money from a variety of sources, including settlement money from the *Durant, et al. v. State of Michigan* lawsuit and money designated for at-risk students. The cost of implementing an early intervening program would be relatively low, and would produce long-term savings for the district. Also, the bill would not require any district or PSA to adopt an early intervening program, but would merely give each one the option to do so.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

State: The Department of Education likely would see a minimal increase in staff/administrative costs associated with the development, adoption, and dissemination of a model early intervention program. However, since the legislation would require that the program have the same goals and include the same elements as the program described in Section 641, the Department likely would not incur high costs in research and development of the program.

Local: The bill would have no fiscal impact on local government.

Fiscal Analyst: Kathryn Summers

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