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**BILL ANALYSIS**

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Senate Bill 1284 (Substitute S-2 as passed by the Senate)
Sponsor: Senator Nancy Cassis
Committee: Education

Date Completed: 8-2-10

RATIONALE

Under the Revised School Code, an intermediate school district may create a model early intervening program to provide instructional supports to pupils in grades K to 3. A school district or public school academy may adopt and implement such a program, using money that is designated for at-risk pupils or other specified sources. While some school districts have adopted such programs, many schools with a high proportion of poorly performing students have not yet done so. It is likely that at least some of these schools are among the lowest-achieving in the State, as determined under provisions of the Code that require the Superintendent of Public Instruction to identify the lowest-achieving 5% of public schools annually, and require them to implement one of four models of reform. It has been suggested that these low-performing schools should be encouraged to implement programs designed to identify struggling students early in their academic careers and provide support to those students, in order to help them succeed and avoid unnecessary referrals to special education classes or services.

CONTENT

The bill would amend the Revised School Code to strongly encourage a school district or public school academy (PSA) to implement a program to improve pupils' literacy and numeracy skills if it operated a school that was among the lowest-achieving 5% of public schools, and other criteria were met. The program would have to meet the following requirements:

- **Be implemented by the beginning of the 2010-2011 school year.**
- **Include screenings of pupils in kindergarten to 3rd grade, and provide additional instruction to pupils determined to need intervention.**
- **Include screenings in 4th grade beginning in the 2011-2012 school year, and in 7th grade beginning in the 2014-2015 school year; and provide literacy and numeracy intervention in 5th and 8th grades to the pupils determined to need intervention.**
- **Include parental notification if a pupil failed to meet grade level content expectations.**

The school district or PSA also would have to implement certain additional initiatives, including the assignment of adult advocates to high school pupils at risk of dropping out.

Intervention Program

The Code requires the Superintendent of Public Instruction annually to publish a list of the lowest-achieving 5% of schools in the State, as defined for the purposes of the Federal Race to the Top program.

Under the bill, if a school district or PSA operated a school that was identified as being among the lowest-achieving 5%, if a needs assessment identified a lack of an effective early intervention program as a primary reason for low pupil achievement, and if the school were operating under the transformational, turnaround, or restart

model under the Code, the district or PSA would be strongly encouraged to develop and implement a program (referred to below as an intervention program) to do the following:

- Provide enhanced instructional services, periodic screenings, and early intervening services as described in the bill.
- Improve the literacy and numeracy skills of students in grades K to 3 so that they were reading at grade level as soon as possible.
- Prevent inappropriate or unnecessary referrals to special education services.

The district or PSA would have to implement the program by the beginning of the 2010-2011 school year.

The bill states, "The measure of success for the interventions under this section is intended to be that at least 90% of pupils at all grade levels are achieving at least a level 2 proficiency on the English language arts and mathematics assessments administered under the Michigan education assessment program." (A level two proficiency indicates that the pupil met the Michigan standards in that subject.)

Literacy & Numeracy Instruction

In each elementary school, an intervention program under the bill would have to provide a comprehensive literacy and numeracy curriculum that was designed to meet grade level benchmarks, as measured by a scientifically research-based universal screening tool that was proven reliable and valid.

The program would have to be designed to include active and continuous involvement of the parents or guardians of the participating pupils.

The program would have to provide literacy and numeracy instruction to all pupils in grades K to 3 every school day in which it was practicable to do so, using a scientifically research-based core comprehensive literacy or numeracy program. The literacy instruction would have to include learner-appropriate tools such as phonemic awareness, phonics, fluency, vocabulary, comprehension, and oral language and writing.

Screening & Intervention: Grades K-3

An intervention program would have to measure pupils' literacy and numeracy skills in each grade from kindergarten to 3rd grade. Screenings would have to be conducted school-wide on an ongoing basis each school year in each K to 3rd grade, using a scientifically research-based universal screening tool that was proven reliable and valid and that provided teachers with student-specific data to plan instruction.

If a pupil were determined by the screening to need intervention, then the program would have to provide the pupil with literacy and numeracy instruction each school day, in addition to the instruction described above. The pupil's progress would have to be monitored at least every six weeks, and data from this monitoring would have to be used to adjust the pupil's instruction.

Parental Notification

If a pupil in grades K to 3 were determined not to meet basic literacy or numeracy grade level benchmarks, an intervention program would have to provide for a written notice to the pupil's parent or legal guardian by the end of the first semester or trimester, or as early as practicable for parents to assist in the pupil's academic improvement, whichever was earlier. Beginning in the 2011-2012 school year, this requirement would apply to pupils in grades K to 4. Beginning in the 2014-2015 school year, the requirement also would apply to pupils in 7th grade.

The notice would have to include notification that the pupil had failed to meet grade level benchmarks in English language arts or math, and notification of the role that the parent or guardian could play at home to improve the pupil's literacy and numeracy skills.

Screening & Intervention: Grades 4 & 7; 5 & 8

Beginning in the 2011-2012 school year, an intervention program would have to administer a scientifically research-based universal screening tool that was proven reliable and valid at the end of 4th grade to identify pupils who required additional literacy or numeracy intervention. An

evaluator also would have to consider the pupil's English and math Michigan Education Assessment Program (MEAP) scores, the pupil's grade point average if applicable, and his or her attendance and work habits, including beginning and completing work on time and following directions.

Beginning in the 2014-2015 school year, the program would have to administer a screening tool as described above at the end of 7th grade.

If a pupil were determined by either of those screenings to need intervention, then the program would have to provide the pupil with literacy or numeracy intervention in 5th grade or 8th grade, as applicable, in addition to the pupil's regular instruction. The additional instruction would have to teach vocabulary, comprehension, and writing skills that could be used for all content areas based on grade level benchmarks. The instruction would have to be provided either as an additional separate class or subject, or outside regular school hours.

In addition, the school district or PSA would have to include in its program for grades 5 and 8 initiatives to improve pupils' classroom behavior and social skills, including the following:

- Use of adult advocates or other engaged adults to help pupils establish attainable academic and behavioral goals with specific benchmarks.
- Recognition of pupil accomplishments.
- Teaching of strategies to strengthen problem-solving and decision-making skills.
- Establishment of partnerships as necessary with community-based program providers and other agencies such as social services, family assistance, mental health, and law enforcement.

Additional Initiatives

By the beginning of the 2010-2011 school year, a school district or PSA that chose to implement an intervention program also would have to implement the initiatives described below to complement the program.

In the middle school grades, the district or PSA would have to do the following:

- Provide teachers with ongoing ways to expand their knowledge and improve their skills.
- Integrate academic content with career- and skill-based themes through career academies or multiple pathways models.

In the high school grades, the school district or PSA would have to do the following:

- Host career days and offer opportunities for work-related experiences and visits to postsecondary campuses.
- Provide pupils with extra assistance and information about the demands of college.
- Partner with local businesses to provide opportunities for work-related experience such as internships, simulated job interviews, or long-term employment.
- Assign adult advocates to pupils at risk of dropping out.

Regarding the last initiative, the school district or PSA would have to do the following:

- Choose adults who were committed to investing in the pupil's personal and academic success.
- Keep the adults' caseloads low.
- Purposefully match specific pupils with a specific advocate.
- Establish a regular time in the school day or week for a pupil to meet with the adult advocate.

The school district or PSA also would have to communicate with the adult advocates about the various obstacles pupils may encounter and provide the adult advocates with guidance and training about how to work with pupils, parents, or school staff to address those obstacles.

Coordination with ISD

A school district or PSA could contract with an intermediate school district (ISD) to provide an intervention program. Upon request by a constituent district or PSA, an ISD could provide technical assistance in developing the program. An ISD could use funds received under Section 81 of the State School Aid Act (which allocates funds to ISDs) for those purposes.

Proposed MCL 380.1280d

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 high school graduation requirements enacted in 2006 have raised expectations for all public high school students in Michigan. At the same time, the drop-out age has been raised from 16 to 18, except for a pupil who has the written permission of his or her parent or guardian. Those high standards need to be coupled with a safety net that will help students successfully meet the new requirements. Kindergarten through third grade are crucial years in a pupil's development, and providing support during that phase can make a tremendous difference in the student's future performance.

Low-performing schools in particular could benefit from such a program, because they are likely to have a large proportion of struggling pupils. The bill would encourage these schools to implement an early intervention program to help provide pupils with the basic literacy and numeracy skills that are the foundation for the content taught in higher grades. Without those foundational skills, pupils might struggle needlessly.

In addition, some students might be wrongly assessed as having learning disabilities and be referred for special education services, at great expense to the school district or public school academy and without giving the students the help they need. Providing supports at an early age could prevent unnecessary special education referrals and reduce costs.

The screenings used to identify struggling pupils would have to be based on scientific research and demonstrated to be reliable and valid, to ensure consistency among school districts. The screenings also would have to provide teachers with specific information that they could use to help each individual student.

Several school districts in Michigan already have implemented early intervening programs that reportedly have reduced special education referrals to a substantial degree. Northville Public Schools, for

instance, created a pilot program in the 1996-97 school year and fully implemented the program three year later. Since the start of the pilot program, it has reduced the percentage of pupils identified as needing special education from 8.5% to 5.9%, far below the statewide average of 14.4%, according to testimony before the Senate Education Committee. Despite this potential benefit, early intervention programs have not yet been widely adopted, meaning that each year pupils are not receiving necessary support and instead are being referred to special education services. The bill would help make those programs more widely available, benefiting both the pupils and the school districts.

Because the adoption of an early intervening program would be voluntary, the bill would preserve local control over the academic curriculum and would not impose any unfunded mandates on school districts or PSAs.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would have no fiscal impact on State government.

To the extent that successful literacy and numeracy programs are not already in place, school districts or public school academies in the lowest-achieving 5% of all public schools that met the additional criteria described in the bill and that chose to develop and implement programs providing enhanced instructional services, periodic screenings, and early intervening services, would incur additional costs due to the requirements for such a program. The extent to which the requirements in this legislation would exceed programs already in place would determine the fiscal impact on each affected district.

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.