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BILL



ANALYSIS

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Senate Bill 1421 (Substitute S-1 as reported)  
Sponsor: Senator Nancy Cassis  
Committee: Education

*(as passed by the Senate)*

Date Completed: 10-6-10

### **RATIONALE**

The Revised School Code requires an educational development plan (EDP) to be prepared for each pupil before he or she enters high school. Public Act 623 of 2006 added a provision that a school psychologist should be included in the group developing the EDP for a student who receives special education services. Although that provision remains in the Code, it will be deleted on July 1, 2011, when Public Act 80 of 2010 takes effect. In addition to revising the EDP requirements (and adding an alternative to the algebra II graduation requirement), Public Act 80 removes the language regarding a school psychologist's participation in the development of EDPs for special education students. Some people believe, however, that a school psychologist's participation is important, because a psychologist is more likely than other personnel to have a holistic understanding of those students' development.

### **CONTENT**

**The bill would amend the Revised School Code to specify that a school psychologist should participate in developing, reviewing, and revising a pupil's educational development plan if the pupil received special education services.**

Section 1278b of the Code requires the board of a school district or the board of directors of a public school academy to provide the opportunity for each pupil to develop an educational development plan during 7<sup>th</sup> grade, and to ensure that each pupil reviews his or her EDP during 8<sup>th</sup> grade

and revises it as appropriate before he or she begins high school. An EDP must be developed, reviewed, and revised by the pupil under the supervision of the pupil's school counselor or another designee qualified under the Code to act in a counseling role and selected by the school principal. An EDP must be based on high school readiness scores and a career pathways program or similar career exploration program, and must be designed to assist pupils to identify career development goals as they relate to academic requirements.

Under the bill, if the pupil received special education services, a school psychologist should participate in developing, reviewing, and revising the pupil's educational development plan.

The bill would take effect on July 1, 2011.

(The EDP requirements described above reflect the language of Public Act 80 of 2010.)

MCL 380.1278b

### **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**

Removing statutory language that says a school psychologist should be involved in developing, reviewing, and revising the EDP of a student who receives special education services was an oversight that needs to be

corrected. School psychologists are highly trained professionals who bring a unique expertise to a child's development plan. They receive training in diagnostics and cognitive development, for instance, that is beyond the level of expertise of most counselors and special education instructors. Unlike most academicians, school psychologists offer a holistic approach to understanding the development and tracking the progress of special education students. They should continue to be included in the EDP process.

#### **Opposing Argument**

Many school administrators oppose statutory language suggesting the inclusion of school psychologists in the EDP process. An official representing the Michigan Association of School Boards testified before the Senate Education Committee that his organization supported the removal of that provision by Public Act 80, because school psychologists' participation may be more appropriate in another type of plan. Federal law requires the development, review, and revision of an individualized education program (IEP) for each child with a disability. At the discretion of the parent or the public school, an IEP team can include individuals, such as school psychologists, who have knowledge or special expertise regarding the child. An IEP generally is viewed as a holistic look at a child's experience in school, while the EDP is academically focused. Although it might not be necessary or appropriate to include school psychologists in the EDP process in every case, a school principal has broad authority to bring a school psychologist or other professional into the process if he or she determines that need on a case-by-case basis.

**Response:** An academic curriculum should not be separated from the concept of a holistic approach to a student's growth and development. School psychologists can be a crucial part of the academic team establishing and reviewing a student's EDP, particularly when that student receives special education services. Furthermore, Section 1278b of the Revised School Code also states that a school psychologist should be included in the group that develops a special education student's personal curriculum (which is required for any pupil seeking to modify the Code's high school graduation requirements).

#### **Opposing Argument**

School psychologists are not necessarily readily available to all schools. Including statutory language that they should participate in the EDP process could result in schools' having difficulty meeting the Code's standards. This, in turn, could strain local schools' resources and might have Headlee amendment implications as an unfunded State mandate.

**Response:** While there is a shortage of school psychologists, that situation is due in part to administrators who lay them off first when there are signs of financial difficulties. Every school, even one without an on-staff school psychologist, still should have access to the services of a school psychologist through the intermediate school district. There would be no Headlee implications because nothing in the legislation would require a district or school to hire or retain a school psychologist. Like the language added in 2006, the bill states that a school psychologist "should" participate, not "shall" participate.

Legislative Analyst: Patrick Affholter

#### **FISCAL IMPACT**

The bill would have no fiscal impact on State or 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.