

HOUSE BILL No. 5222

September 27, 2005, Introduced by Reps. Tobocman and Condino 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

1 IN A LANGUAGE CLASSIFICATION for children of limited English-
2 speaking ability.

3 (3) CHILDREN ENROLLED IN A BILINGUAL INSTRUCTION PROGRAM
4 OPERATED UNDER THIS SECTION MAY BE PLACED IN CLASSES WITH OTHER
5 CHILDREN OF APPROXIMATELY THE SAME AGE AND GRADE LEVEL. IF CHILDREN
6 OF DIFFERENT AGE GROUPS OR GRADE LEVELS ARE COMBINED, THE BOARD
7 SHALL INSURE THAT THE INSTRUCTION GIVEN EACH CHILD IS APPROPRIATE
8 TO THE CHILD'S LEVEL OF EDUCATIONAL ATTAINMENT.

9 (4) ~~-(2)-~~ A child of limited English-speaking ability residing
10 in a district that does not have an appropriate bilingual
11 instruction program or that is not required to have a bilingual
12 instruction program may enroll in a bilingual instruction program
13 in another school district. IF A CHILD ENROLLS IN A BILINGUAL
14 INSTRUCTION PROGRAM IN ANOTHER SCHOOL DISTRICT UNDER THIS
15 SUBSECTION, THE SCHOOL DISTRICT IN WHICH THE CHILD RESIDES SHALL
16 PAY ANY TUITION CHARGED FOR THE PUPIL AND SHALL PROVIDE
17 TRANSPORTATION FOR THE PUPIL.

18 (5) ~~-(3)-~~ IF FEWER THAN 20 CHILDREN OF LIMITED ENGLISH-
19 SPEAKING ABILITY IN A LANGUAGE CLASSIFICATION ARE ENROLLED IN A
20 SCHOOL DISTRICT, THE INTERMEDIATE SCHOOL BOARD SHALL DETERMINE
21 WHETHER THE TOTAL NUMBER OF THESE CHILDREN RESIDING IN ITS
22 CONSTITUENT DISTRICTS THAT DO NOT OPERATE BILINGUAL INSTRUCTION
23 PROGRAMS WARRANTS THE ESTABLISHMENT OF AN INTERMEDIATE BILINGUAL
24 INSTRUCTION-SUPPORT PROGRAM. An intermediate school district ~~may~~
25 ~~operate or contract~~ OPERATING OR CONTRACTING for the operation of
26 a bilingual program or service ~~—and—~~ may carry children enrolled
27 in the program in membership in the same manner as a local school

1 district and be entitled to its proportionate share of state funds
2 available for the program. Membership shall be calculated under
3 rules 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 children
7 at each grade level who would benefit from its establishment.

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

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

14 **SEC. 1154. THE BILINGUAL INSTRUCTION PROGRAM OPERATED BY A**
15 **SCHOOL DISTRICT SHALL BE A FULL-TIME PROGRAM OF BILINGUAL**
16 **INSTRUCTION IN ALL OF THE FOLLOWING:**

17 **(A) THE COURSES AND SUBJECTS REQUIRED BY THIS ACT.**

18 **(B) THE COURSES AND SUBJECTS REQUIRED BY THE BOARD FOR**
19 **COMPLETION OF THE GRADE LEVEL IN WHICH THE CHILD IS ENROLLED.**

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

1 the right to visit bilingual instruction classes in which their
2 child is enrolled.

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

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

9 (4) A CHILD OF LIMITED ENGLISH-SPEAKING ABILITY RESIDING IN A
10 SCHOOL DISTRICT OPERATING OR PARTICIPATING IN A BILINGUAL
11 INSTRUCTION PROGRAM PURSUANT TO SECTION 1153 SHALL BE ENROLLED IN
12 THE BILINGUAL INSTRUCTION PROGRAM FOR 3 YEARS OR UNTIL THE CHILD
13 ACHIEVES A LEVEL OF PROFICIENCY IN ENGLISH LANGUAGE SKILLS
14 SUFFICIENT TO RECEIVE AN EQUAL EDUCATIONAL OPPORTUNITY IN THE
15 REGULAR SCHOOL PROGRAM, WHICHEVER OCCURS FIRST. A CHILD OF LIMITED
16 ENGLISH-SPEAKING ABILITY SHALL NOT BE TRANSFERRED OUT OF A
17 BILINGUAL INSTRUCTION PROGRAM BEFORE THE CHILD'S THIRD YEAR OF
18 ENROLLMENT UNLESS THE PARENT OR GUARDIAN OF THE CHILD APPROVES THE
19 TRANSFER IN WRITING OR UNLESS THE CHILD SUCCESSFULLY COMPLETES AN
20 EXAMINATION THAT, IN THE DETERMINATION OF THE STATE BOARD, REFLECTS
21 A LEVEL OF PROFICIENCY IN ENGLISH LANGUAGE SKILLS APPROPRIATE TO
22 THE CHILD'S GRADE LEVEL.

23 SEC. 1156. THE BOARD OF A SCHOOL DISTRICT OPERATING A
24 BILINGUAL INSTRUCTION PROGRAM PURSUANT TO SECTION 1153 SHALL
25 ESTABLISH AN ADVISORY COMMITTEE TO ASSIST THE BOARD IN EVALUATING
26 AND PLANNING THE BILINGUAL INSTRUCTION PROGRAM. THE ADVISORY
27 COMMITTEE SHALL BE COMPRISED OF REPRESENTATIVES OF PARENTS OF

1 CHILDREN ENROLLED IN THE PROGRAM, BILINGUAL INSTRUCTION TEACHERS
2 AND COUNSELORS, AND MEMBERS OF THE COMMUNITY. A MAJORITY OF THE
3 MEMBERS OF THE ADVISORY COMMITTEE SHALL BE PARENTS OF CHILDREN
4 ENROLLED IN THE BILINGUAL INSTRUCTION PROGRAM.

5 SEC. 1158. THE STATE BOARD SHALL DO ALL OF THE FOLLOWING:

6 (A) ADVISE AND ASSIST SCHOOL DISTRICTS IN COMPLYING WITH AND
7 IMPLEMENTING SECTIONS 1152 TO 1158.

8 (B) STUDY, REVIEW, AND EVALUATE TEXTBOOKS AND INSTRUCTIONAL
9 MATERIALS, RESOURCES, AND MEDIA FOR USE IN BILINGUAL INSTRUCTIONAL
10 PROGRAMS.

11 (C) COMPILE DATA RELATIVE TO THE THEORY AND PRACTICE OF
12 BILINGUAL INSTRUCTION AND PEDAGOGY.

13 (D) ENCOURAGE EXPERIMENTATION AND INNOVATION IN BILINGUAL
14 EDUCATION.

15 (E) RECOMMEND CURRICULUM DEVELOPMENT AND TESTING MECHANISMS.

16 (F) MAKE AN ANNUAL REPORT RELATIVE TO BILINGUAL INSTRUCTION
17 PROGRAMS TO THE LEGISLATURE AND THE GOVERNOR.