

SENATE BILL NO. 1173

October 01, 2020, Introduced by Senators IRWIN, POLEHANKI and RUNESTAD and referred to the Committee on Education and Career Readiness.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1280i.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 1280i. (1) The board of a school district or intermediate**
2 **school district or the board of directors of a public school**
3 **academy shall ensure that each pupil described in subsection (2) is**
4 **screened for difficulties with word reading using a reliable and**
5 **valid universal screening assessment. A school district,**

1 intermediate school district, or public school academy shall screen
2 pupils under this subsection with fidelity.

3 (2) The board of a school district or intermediate school
4 district or the board of directors of a public school academy shall
5 ensure that all of the following pupils enrolled in the school
6 district, intermediate school district, or public school academy
7 are screened for difficulties with word reading using a reliable
8 and valid universal screening assessment as required under
9 subsection (1):

10 (a) Each pupil during kindergarten, grade 1, grade 2, and
11 grade 3.

12 (b) Each pupil who is in kindergarten, grade 1, grade 2, or
13 grade 3 who transferred to the school district, intermediate school
14 district, or public school academy from another school district,
15 intermediate school district, or public school academy in this
16 state and who has not been screened for difficulties with word
17 reading using a reliable and valid universal screening assessment.

18 (c) Each pupil in grade 4 or higher who, as determined by that
19 pupil's teacher or educational-support staff, demonstrates any of
20 the following:

21 (i) Escape or avoidance behaviors when asked to engage in
22 reading or writing activities.

23 (ii) Effortful or laborious reading.

24 (iii) Reading-comprehension difficulties caused by inaccurate or
25 inefficient word reading.

26 (iv) Significant spelling or encoding difficulties not caused
27 by fine-motor or visual-motor difficulties.

28 (d) Each pupil who is in kindergarten, grade 1, grade 2, or
29 grade 3 who has transferred to the school district, intermediate

1 school district, or public school academy from a school that is not
2 located in this state, unless the pupil presents written
3 documentation to the school district, intermediate school district,
4 or public school academy showing either of the following:

5 (i) That the pupil was subject to a reliable and valid
6 universal screening assessment.

7 (ii) That the pupil is exempt from screening under this
8 section, as determined by the department.

9 (3) If a reliable and valid universal screening assessment
10 described in subsection (1) indicates that a pupil is at risk for
11 dyslexia or indicates that the pupil is experiencing difficulty in
12 learning to decode accurately and efficiently, the school district,
13 intermediate school district, or public school academy shall ensure
14 that a multi-tiered system of support (MTSS) is provided to the
15 pupil. The multi-tiered system of support (MTSS) described in this
16 subsection must meet all of the following:

17 (a) Be a comprehensive framework composed of a collection of
18 evidence-based strategies designed to meet the individual needs and
19 assets of the whole pupil at all achievement levels.

20 (b) Include 3 distinct tiers of instructional support.

21 (c) Tier 1 support of the 3 distinct tiers of instructional
22 support described in subdivision (b) must, at a minimum, meet all
23 of the following:

24 (i) Encompass a combination of evidence-based strategies that
25 are available to all learners.

26 (ii) Effectively meet the needs of most pupils.

27 (iii) The instructional methods and curriculum resources under
28 this tier must be used to address the decoding and word-recognition
29 components of reading using a code emphasis instructional approach

1 and must be supported by cognitive science. The instructional
2 methods and curriculum resources described in this subparagraph
3 must not include instructional methods that minimize the importance
4 of primarily using letter-sound information to decode or recognize
5 unknown words, including, but not limited to, any of the following
6 uses:

7 (A) Using pictures and illustrations.

8 (B) Skipping over an unknown word or words to use the meaning
9 of the passage to recognize the unknown word or words.

10 (C) Identifying only the first sound of an unknown word and
11 then being prompted to guess the word using the word's initial
12 sound and the meaning of the text surrounding the word.

13 (D) Memorizing a word in its written form.

14 (E) Using predictable text and leveled text to provide initial
15 word recognition instruction and practice in reading new learned
16 letter-sound correspondences.

17 (d) Tier 2 support of the 3 distinct tiers of instructional
18 support described in subdivision (b) must be provided to small
19 groups of pupils to whom at least 1 of the following applies:

20 (i) Screening-assessment data indicate a need for intervention
21 to address difficulties in learning to decode and recognizing words
22 accurately and efficiently.

23 (ii) Tier 1 instructional data indicate a need for intervention
24 to address difficulties in learning to decode and in recognizing
25 words.

26 (e) Provide that tier 2 support, as described in subdivision
27 (d), must include instructional methods and curriculum resources
28 that use a code emphasis approach to address the decoding and word-
29 recognition components of reading and that are supported by

1 cognitive science. The instructional methods and curriculum
2 resources described in this subdivision must include, but are not
3 limited to, specialized instructional procedures, duration, and
4 frequency. However, these methods and resources must not include
5 instructional methods that minimize the importance of primarily
6 using letter-sound information to decode or recognize unknown
7 words, including, but not limited to, any of the uses of letter-
8 sound information described in subdivision (c) (iii) (A) to (E).

9 (f) Provide that pupils receiving tier 2 support, as described
10 in subdivision (d), must be provided reading intervention and must
11 be progress monitored in order to determine their response to
12 intervention instruction.

13 (g) Provide that, if pupils who are receiving tier 2 support
14 as described in this subsection are not making measurable progress
15 in response to reading intervention at a rate that will result in
16 meaningful improvements in performance, then intensive, tier 3
17 support must be provided to the pupil using an evidence-based
18 process for individualizing and intensifying interventions. This
19 process must integrate evidence-based interventions that are
20 grounded in the principles of structured literacy and cognitive
21 science, ongoing assessment, and increasingly intensive
22 instructional adaptations that must be documented in an
23 individualized intensive intervention plan. A multi-disciplinary
24 team at the school district, intermediate school district, or
25 public school academy shall develop individualized intensive
26 intervention plans and refine those plans with the teacher
27 providing the intervention instruction to the pupil to meaningfully
28 accelerate reading outcomes.

29 (h) Provide that, if a pupil's response to the intervention

1 instruction described in subdivisions (a) to (g) is insufficient
2 for accelerating reading outcomes after repeated attempts to adapt
3 and intensify the instruction, then, subject to state and federal
4 laws concerning special education, the school district,
5 intermediate school district, or public school academy must
6 consider referring the pupil for special education services.

7 (4) If a reliable and valid universal screening assessment
8 described in subsection (1) indicates the need for intervention,
9 the school district, intermediate school district, or public school
10 academy in which the pupil is enrolled shall provide the pupil with
11 evidence-based intervention services that must be grounded in
12 principles of cognitive science and structured literacy approaches
13 or programs that must include, at a minimum, systematic, direct,
14 explicit, cumulative, and diagnostic instruction that integrates
15 listening, speaking, reading, and writing and emphasizes the
16 structure of language across the speech sound system (phonology),
17 the writing system (orthography), the structure of sentences
18 (syntax), the meaningful parts of words (morphology), the
19 relationships among words (semantics), and the organization of
20 spoken and written discourse.

21 (5) If it is determined that a pupil has functional
22 difficulties in the academic environment due to characteristics of
23 dyslexia or underlying factors that place pupils at risk for
24 difficulties in learning to decode accurately and efficiently, the
25 board of the school district or intermediate school district or the
26 board of directors of the public school academy in which the pupil
27 is enrolled shall ensure that the necessary accommodations or
28 equipment are provided to the pupil as required under section 504
29 of title V of the rehabilitation act of 1973, 29 USC 794, and title

1 II of the Americans with disabilities act of 1990, 42 USC 12131 to
2 12165.

3 (6) If a pupil's performance on a reliable and valid universal
4 screening assessment described in subsection (1) indicates a need
5 for intervention services, the board of the school district or
6 intermediate school district or the board of directors of the
7 public school academy in which the pupil is enrolled shall ensure
8 that the pupil's parent or legal guardian is sent a written
9 notification that includes all of the following:

10 (a) The results of the screening described in this subsection.

11 (b) Resource material that includes information regarding, at
12 a minimum, all of the following:

13 (i) The characteristics of dyslexia or underlying factors that
14 place pupils at risk for difficulties in learning to decode
15 accurately and efficiently.

16 (ii) Evidence-based interventions that are grounded in
17 principles of structured literacy and cognitive science that are
18 designed for pupils with dyslexia and pupils at risk for
19 difficulties in learning to decode accurately and efficiently.

20 (iii) Educational accommodations for pupils who display
21 characteristics of dyslexia and pupils who have been identified as
22 having dyslexia.

23 (c) Information describing the multi-tiered system of support
24 (MTSS) framework described in subsection (3).

25 (7) If the parent or legal guardian of a pupil has an
26 independent, comprehensive dyslexia evaluation conducted, the board
27 of the school district or intermediate school district or the board
28 of directors of the public school academy in which the pupil is
29 enrolled shall do both of the following:

1 (a) Consider the diagnosis included in the independent,
2 comprehensive dyslexia evaluation in consultation with a dyslexia
3 specialist.

4 (b) Ensure that appropriate interventions, as determined by
5 the board or board of directors, in conjunction with a dyslexia
6 interventionist, are provided to the pupil.

7 (8) Beginning not later than the 2023-2024 school year, the
8 department shall develop dyslexia expertise to provide technical
9 assistance to school districts, intermediate school districts, and
10 public school academies regarding dyslexia and underlying factors
11 that place pupils at risk for difficulties in learning to decode
12 accurately and efficiently. The department shall offer expertise
13 under this subsection by providing guidance on at least all of the
14 following:

15 (a) Screening for, the identification of, and treatment of
16 dyslexia and difficulties in learning to decode accurately and
17 efficiently.

18 (b) Structured literacy.

19 (c) Best-practice interventions for dyslexia that include
20 instructional methods and curriculum resources that use a code
21 emphasis approach to address the decoding and word-recognition
22 components of reading and that are supported by cognitive science.
23 The instructional methods and curriculum resources described in
24 this subdivision must not include instructional methods that
25 minimize the importance of primarily using letter-sound information
26 to decode or recognize unknown words, including, but not limited
27 to, any of the uses of letter-sound information described in
28 subsection (3) (c) (iii) (A) to (E).

29 (d) The development of coaching expertise for individuals

1 responsible for supporting, at a minimum, all of the following:

2 (i) Methods to develop schoolwide and classroom infrastructures
3 to meet the collective and individual needs of pupils using a
4 multi-tiered system of support (MTSS) framework.

5 (ii) High-quality administration, scoring, and interpretation
6 of screening assessments under this section.

7 (iii) The use of best-practice interventions for dyslexia.

8 (iv) Methods to intensify decoding and word recognition
9 intervention instruction.

10 (e) Professional learning about dyslexia to school districts,
11 intermediate school districts, and public school academies.

12 (9) Beginning not later than the 2023-2024 school year, the
13 board of a school district or intermediate school district or the
14 board of directors of a public school academy shall ensure that it
15 employs both classroom and reading-intervention teachers trained in
16 all of the following:

17 (a) Evidence-based, structured literacy approaches or programs
18 that are grounded in the principles of cognitive science and that
19 include, at a minimum, systematic, direct, explicit, cumulative,
20 and diagnostic instruction that integrates listening, speaking,
21 reading and writing and emphasizes the structure of language across
22 the speech sound system (phonology), the writing system
23 (orthography), the structure of sentences (syntax), the meaningful
24 parts of words (morphology), the relationships among words
25 (semantics), and the organization of spoken and written discourse.

26 (b) The characteristics of dyslexia and underlying factors
27 that place pupils at risk for difficulties in learning to decode
28 accurately and efficiently.

29 (c) Secondary consequences of dyslexia, such as problems in

1 reading comprehension and a reduced reading experience that can
2 impede the growth of vocabulary and background knowledge and lead
3 to social, emotional, and behavioral difficulties.

4 (d) Accommodations for pupils with dyslexia and accommodations
5 for addressing underlying factors that place pupils at risk for
6 difficulties in learning to decode accurately and efficiently.

7 (10) By not later than January 1, 2023, the department, in
8 conjunction with the advisory committee described in section 1280h,
9 shall develop or adopt a dyslexia resource guide based on current
10 research to be used by school districts, intermediate school
11 districts, and public school academies and that must include
12 information regarding the education of pupils with dyslexia.

13 (11) Beginning not later than the 2023-2024 school year, the
14 department, in consultation with school districts, intermediate
15 school districts, and public school academies, shall ensure that
16 each K to 6 certificated teacher, K to 12 certificated special
17 education teacher, and all K to 12 school personnel providing
18 reading intervention to pupils in this state receive professional
19 learning regarding all of the following:

20 (a) The characteristics of dyslexia and underlying factors
21 that place pupils at risk for difficulties in learning to decode
22 accurately and efficiently.

23 (b) Secondary consequences of dyslexia, such as problems in
24 reading comprehension and a reduced reading experience that can
25 impede the growth of vocabulary and background knowledge and lead
26 to social, emotional, and behavioral difficulties.

27 (c) Evidence-based interventions that are grounded in
28 principles of structured literacy and cognitive science and that
29 are designed for pupils with dyslexia and pupils at risk for

1 difficulties in learning to decode accurately and efficiently.

2 (d) Accommodations for pupils with dyslexia and accommodations
3 to address the underlying factors that place pupils at risk for
4 difficulties in learning to decode accurately and efficiently.

5 (e) Methods to develop schoolwide and classroom
6 infrastructures to meet the collective and individual needs of
7 pupils using a multi-tiered system of support (MTSS) framework.

8 (12) Beginning not later than the 2023-2024 school year, the
9 department, in consultation with school districts, intermediate
10 school districts, and public school academies, shall ensure that
11 each certificated teacher in this state receives professional
12 learning regarding all of the following, unless the certificated
13 teacher has already received the professional learning under
14 subsection (11):

15 (a) The characteristics of dyslexia.

16 (b) Secondary consequences of dyslexia, such as problems in
17 reading comprehension and a reduced reading experience that can
18 impede the growth of vocabulary and background knowledge and lead
19 to social, emotional, and behavioral difficulties.

20 (c) Accommodations for pupils with dyslexia and accommodations
21 to address the underlying factors that place pupils at risk for
22 difficulties in learning to decode accurately and efficiently.

23 (d) Methods to develop schoolwide and classroom
24 infrastructures to meet the collective and individual needs of
25 pupils using a multi-tiered system of support (MTSS) framework.

26 (13) A school district, intermediate school district, or
27 public school academy shall ensure that each pupil enrolled in the
28 school district, intermediate school district, or public school
29 academy who has been identified as having a specific learning

1 disability and that is showing deficiencies in word reading
2 accuracy or efficiency receives structured literacy intervention
3 that is provided in tier 3 support through a multi-tiered system of
4 support (MTSS) that meets the criteria of tier 3 support required
5 to be provided under subsection (3) (g) . If a pupil described in
6 this subsection is otherwise receiving the intervention and support
7 described in this subsection under this section, the school
8 district, intermediate school district, or public school academy is
9 not required to provide additional intervention or support under
10 this subsection.

11 (14) As used in this section:

12 (a) "Code emphasis" means direct, explicit instruction on the
13 code system of written English at the sound, syllable, morpheme,
14 and word level so pupils develop automaticity in accurate sound-
15 symbol associations used for word recognition and for developing a
16 robust sight-word vocabulary. Instruction, as described in this
17 subdivision, is provided through phonological awareness, including
18 phonemic awareness; through letter-names; and through letter-sound
19 correspondences using a sequence of instruction that gradually
20 progresses from easier to more complex skills. Decodable texts are
21 embedded into the lessons that make up the instruction described in
22 this subdivision for pupils to apply the newly learned sound-symbol
23 associations to connected text. Informative feedback from a teacher
24 while providing instruction using decodable text as described in
25 this subdivision includes the teacher asking pupils to look
26 carefully at a word and sound the word out, and, after sounding out
27 the word, prompting pupils to ask themselves if the decoded word
28 makes sense.

29 (b) "Cognitive science" means the study of the human mind. It

1 is an interdisciplinary field combining ideas and methods from
2 psychology, computer science, linguistics, philosophy, and
3 neuroscience with the goal of characterizing the nature of human
4 knowledge and how that knowledge is used, processed, and acquired.

5 (c) "Cumulative" means the practice of basing new concepts on
6 those previously learned and maximizing retention of concepts
7 through regular, systematic review to gain automaticity and
8 fluency.

9 (d) "Decodable text" means text that meets both of the
10 following:

11 (i) Includes a high number of words containing the sound-symbol
12 associations and high-frequency words that are the focus of direct,
13 explicit decoding instruction.

14 (ii) Allows pupils to depend on their knowledge of the
15 alphabetic code rather than guessing, using picture clues, or rote
16 memorization.

17 (e) "Diagnostic" means continuous assessment and
18 individualization of instruction to meet each pupil's instructional
19 needs.

20 (f) "Dyslexia" means both of the following:

21 (i) A specific learning disability that is neurobiological in
22 origin and characterized by difficulties with accurate or fluent
23 word recognition and by poor spelling and decoding abilities that
24 typically result from a deficit in the phonological component of
25 language that is often unexpected in relation to other cognitive
26 abilities and the provision of effective classroom instruction.

27 (ii) A specific learning disability that may include secondary
28 consequences, such as problems in reading comprehension and a
29 reduced reading experience that can impede the growth of vocabulary

1 and background knowledge and lead to social, emotional, and
2 behavioral difficulties.

3 (g) "Dyslexia interventionist" means personnel within a school
4 district or public school who are trained in the characteristics of
5 dyslexia and underlying factors that place pupils at risk for
6 difficulties in learning to decode accurately and efficiently and
7 who have expertise in providing structured literacy intervention.

8 (h) "Dyslexia specialist" means a professional at each
9 intermediate school district, school district, or public school
10 academy who has expertise and knowledge in the screening of,
11 identification of, treatment for, and accommodations for pupils who
12 display the characteristics of dyslexia and pupils who have been
13 identified as having dyslexia and who has attained or is working
14 toward an endorsement or certification in providing training for
15 evidence-based, structured literacy approaches or programs that
16 must include, at a minimum, systematic, direct, explicit,
17 cumulative, and diagnostic instruction that integrates listening,
18 speaking, reading and writing and emphasizes the structure of
19 language across the speech sound system (phonology), the writing
20 system (orthography), the structure of sentences (syntax), the
21 meaningful parts of words (morphology), the relationships among
22 words (semantics), and the organization of spoken and written
23 discourse. A dyslexia specialist serves as an expert resource for
24 dyslexia interventionists and provides advice on external dyslexia
25 evaluations.

26 (i) "Evidence-based" means an activity, program, process,
27 service, strategy, or intervention that demonstrates statistically
28 significant effects on improving pupil outcomes or other relevant
29 outcomes and that meets at least both of the following:

1 (i) At least 1 of the following:

2 (A) Is based on strong evidence from at least 1 well-designed
3 and well-implemented experimental study.

4 (B) Is based on moderate evidence from at least 1 well-
5 designed and well-implemented quasi-experimental study.

6 (C) Is based on promising evidence from at least 1 well-
7 designed and well-implemented correlational study with statistical
8 controls for selection bias.

9 (D) Demonstrates a rationale based on high-quality research
10 findings or positive evaluation that the activity, program,
11 process, service, strategy, or intervention is likely to improve
12 pupil outcomes or other relevant outcomes.

13 (ii) Includes ongoing efforts to examine the effects of the
14 activity, program, process, service, strategy, or intervention.

15 (j) "Explicit" means direct and deliberate instruction through
16 continuous pupil-teacher interaction that includes teacher
17 modeling, guided practice, and independent practice.

18 (k) "Leveled text" means text that has characteristics of
19 predictable text and text focused on teaching high-frequency words
20 without regard to sound-symbol associations. Leveled texts are
21 assigned a level based on a difficulty scale according to print
22 features, content, themes, ideas, text structure, language, and
23 literary elements. Leveled texts do not provide pupils
24 opportunities to apply newly learned phonological and orthographic
25 knowledge.

26 (l) "Multi-tiered system of support (MTSS)" means a
27 comprehensive framework that includes 3 distinct tiers of
28 instructional support and is composed of a collection of evidence-
29 based strategies designed to meet the individual needs and assets

1 of a whole pupil at all achievement levels.

2 (m) "Phonemic awareness" means the conscious awareness of all
3 of the following:

4 (i) Individual speech sounds, including, but not limited to,
5 consonants and vowels, in spoken syllables.

6 (ii) The ability to consciously manipulate through, including,
7 but not limited to, matching, blending, segmenting, deleting, or
8 substituting, individual speech sounds described in subparagraph

9 (i).

10 (iii) All levels of the speech sound system, including, but not
11 limited to, word boundaries, rhyme recognition, stress patterns,
12 syllables, onset-rime units, and phonemes.

13 (n) "Predictable text" means text that replicates language
14 patterns using rhythm and rhyme to teach pupils phrasing and
15 cadence.

16 (o) "Reliable and valid universal screening assessment" means
17 an assessment that includes, but is not limited to, measures
18 designed to identify underlying difficulties impacting a pupil's
19 ability to learn to decode and to recognize words accurately and
20 efficiently and that aligns with assessment guidelines concerning
21 grade levels in which, and times of the school year when, specific
22 universal screening assessment measures must be administered. The
23 range of the assessment described in this subdivision must be
24 equipped to identify difficulties impacting a pupil's ability to
25 learn to decode and recognize words and, at a minimum, must include
26 all of the following:

27 (i) Phonemic awareness.

28 (ii) Rapid automatized naming.

29 (iii) Letter-sound correspondence.

1 (iv) Single-word reading.

2 (v) Nonsense-word reading.

3 (vi) Oral passage reading fluency with retelling.

4 (p) "Structured literacy" means systematic, direct, explicit,
5 cumulative, and diagnostic instruction that integrates listening,
6 speaking, reading, and writing and emphasizes the structure of
7 language across the speech sound system (phonology), the writing
8 system (orthography), the structure of sentences (syntax), the
9 meaningful parts of words (morphology), the relationships among
10 words (semantics), and the organization of spoken and written
11 discourse.

12 (q) "Systematic" means following the logical order of language
13 and moving from the most basic concepts to the more advanced.

14 (15) If a valid and reliable screening, formative, and
15 diagnostic reading assessment system selected by the board of a
16 school district or the board of directors of a public school
17 academy under section 1280f(2) includes a reliable and valid
18 universal screening assessment, that assessment system selected
19 under section 1280f(2) may be utilized to meet the requirement
20 under subsection (1).

21 Enacting section 1. This amendatory act does not take effect
22 unless all of the following bills of the 100th Legislature are
23 enacted into law:

24 (a) Senate Bill No. 1174.

25

26 (b) Senate Bill No. 1172.

27

28 (c) Senate Bill No. 1175.

29