SUBSTITUTE FOR
SENATE BILL NO. 380

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:

Sec. 1280i. (1) By not later than the beginning of the 2024-
2025 school year, and each school year thereafter, subject to
subsections (3) and (5), the board of a school district or
intermediate school district or board of directors of a public
school academy shall ensure that each pupil described in subsection
(2) is screened for characteristics of dyslexia and difficulties in
learning to decode accurately and efficiently using a reliable and
valid universal screening assessment. A school district,
intermediate school district, or public school academy shall screen
pupils under this subsection with fidelity.

(2) Subject to subsection (5), the board of a school district or intermediate school district or board of directors of a public school academy shall ensure that all of the following pupils enrolled in the school district, intermediate school district, or public school academy are screened for characteristics of dyslexia and difficulties in learning to decode accurately and efficiently using a reliable and valid universal screening assessment as required under subsection (1):

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

(b) Each pupil who is in kindergarten, grade 1, grade 2, or grade 3 who transferred to the school district, intermediate school district, or public school academy from another school district, intermediate school district, or public school academy in this state and who has not been screened for characteristics of dyslexia and difficulties in learning to decode accurately and efficiently using a reliable and valid universal screening assessment.

(c) Each pupil who is in kindergarten, grade 1, grade 2, or grade 3 who has transferred to the school district, intermediate school district, or public school academy from a school that is not located in this state, unless the pupil presents written documentation to the school district, intermediate school district, or public school academy showing that the pupil was subject to a reliable and valid universal screening assessment.

(d) Each pupil who is in any of grades 4 to 8 who, as determined by that pupil's teacher, educational-support staff, or the pupil's parent or legal guardian, demonstrates any of the following:
(i) Escape or avoidance behaviors when asked to engage in reading or writing activities.

(ii) Effortful or laborious reading.

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

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

(v) Low performance on school-district-, intermediate-school-district-, or public-school-academy-approved English language arts standards.

(vi) Low performance on school-district-, intermediate-school-district-, or public-school-academy-approved standardized assessments.

(e) A pupil enrolled in any of grades 9 to 12 who exhibits any of the elements described in subsection (2)(d).

(3) Pupils required to be screened under subsection (2)(a), (b), and (c) must be screened, as described in subsection (2), no fewer than 3 times during the school year. Pupils required to be screened under subsection (2)(b) or (c) must not be screened more than 3 times during a school year.

(4) For a pupil described in subsection (2)(e), beginning with the 2024-2025 school year, the school district, intermediate school district, or public school academy in which a pupil is enrolled shall ensure that additional assessment data pertaining to the pupil is gathered, as available, and shall make a determination concerning whether or not the pupil has difficulties with word reading in making a decision concerning intervention placement for the pupil, as needed.

(5) Except as otherwise provided in this subsection, beginning
with the 2024-2025 school year, notwithstanding section 1280f, the
board of a school district or intermediate school district or board
of directors of a public school academy shall ensure that each
pupil who is an English language learner is provided with 1 year of
English language development instruction before a reliable and
valid universal screening assessment is administered to the pupil
under this section. However, if administration of a reliable and
valid universal screening assessment to a pupil described in this
subsection is recommended by a multidisciplinary team, the board or
board of directors may administer the screening assessment without
providing the development instruction described in this subsection
to the pupil beforehand. Each pupil who is enrolled in a dual
language program or who is an English language learner and who is
enrolled in kindergarten, grade 1, grade 2, or grade 3 must be
administered a reliable and valid universal screening assessment
under this section in the language in which that pupil receives
instruction in reading.

(6) Beginning with the 2024-2025 school year, if a reliable
and valid universal screening assessment indicates that a pupil is
exhibiting characteristics of dyslexia or indicates that the pupil
is experiencing difficulty in learning to decode accurately and
efficiently, to the extent that the school district, intermediate
school district, or public school academy is not providing the
pupil with a multi-tiered system of support (MTSS) under other laws
that meets the description of such support as described in this
subsection, the school district, intermediate school district, or
public school academy in which the pupil is enrolled shall ensure
that a multi-tiered system of support (MTSS) is provided to the
pupil, including, but not limited to, the decoding and word
recognition instruction in the multi-tiered system of support (MTSS). The multi-tiered system of support (MTSS) described in this subsection must meet all of the following:

(a) Be a comprehensive framework composed of a collection of evidence-based strategies designed to meet the individual needs and assets of the whole pupil at all achievement levels.
(b) Include 3 distinct tiers of instructional support.
(c) Tier 1 support of the 3 distinct tiers of instructional support described in subdivision (b) must, at a minimum, meet all of the following:
   (i) Encompass a combination of evidence-based strategies that are available to all learners.
   (ii) Effectively meet the needs of most pupils.
   (iii) The instructional methods and curriculum resources under this tier used to address the decoding and word-recognition components of reading must use a code emphasis instructional approach and must be supported by the science of reading. The instructional methods and curriculum resources described in this subparagraph must not include instructional methods that minimize the importance of primarily using letter-sound information to decode or recognize unknown words, including, but not limited to, any of the following uses:
      (A) Using pictures and illustrations.
      (B) Skipping over an unknown word or words to use the meaning of the passage to recognize the unknown word or words.
      (C) Identifying only the first sound of an unknown word and then being prompted to guess the word using the word's initial sound and the meaning of the text surrounding the word.
      (D) Memorizing a word in its written form.
(E) Using predictable text and leveled text to provide initial word recognition instruction and practice in reading new learned letter-sound correspondences.

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

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

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

(e) Provide that tier 2 support, as described in subdivision (d), must include instructional methods and curriculum resources that use a code emphasis approach to address the decoding and word-recognition components of reading and that are supported by the science of reading. The instructional methods and curriculum resources described in this subdivision must include, but are not limited to, specialized instructional procedures, duration, and frequency. However, these methods and resources must not include instructional methods that minimize the importance of primarily using letter-sound information to decode or recognize unknown words, including, but not limited to, any of the uses of letter-sound information described in subdivision (c)(iii)(A) to (E).

(f) Provide that pupils receiving tier 2 support, as described in subdivision (d), must be provided reading intervention and must have their progress monitored by individuals providing the intervention instruction using progress monitoring assessments in order to determine the pupils' response to intervention.
(g) Provide that, if pupils who are receiving tier 2 support as described in this subsection are not making measurable progress in response to reading intervention at a rate that will result in meaningful improvements in performance, intensive, tier 3 support must be provided to the pupil using evidence-based instructional adaptations that must be documented in the pupil's individual reading improvement plan provided to the pupil under section 1280f, if applicable, or, if the pupil has not been provided with an individual reading improvement plan under section 1280f, the pupil's individual reading improvement plan developed as described in subdivision (i).

(h) If a pupil described in subdivision (g) has an individual reading improvement plan under section 1280f and his or her plan does not include at least all of the following, the school district, intermediate school district, or public school academy in which the pupil is enrolled shall ensure that the pupil's plan is updated to include at least all of the following elements:

(i) A description of the focus of the intervention that will be provided under subdivision (g).

(ii) An outline of the curriculum resources and evidence-based practices that will be used as part of the intervention that will be provided under subdivision (g).

(iii) A summary describing why the intervention resources and evidence-based practices selected for intervention under subdivision (g) are best suited to address the pupil's needs.

(iv) Information concerning the frequency and duration of the intervention that will be provided under subdivision (g).

(v) A description of the assessment data that will be used to
determine pupil progress and adaptations to the intervention
instruction that will be provided under subdivision (g).

(vi) Information concerning adjustments that may be made to
intensify the intervention instruction that will be provided under
subdivision (g).

(vii) Assurance that the intervention provided under
subdivision (g) will be implemented with fidelity.

(i) If a pupil described in subdivision (g) does not have an
individual reading improvement plan under section 1280f, a
multidisciplinary team at the school district, intermediate school
district, or public school academy in which the pupil is enrolled
shall develop an individual reading improvement plan that includes
all of the elements listed in subdivision (h) for the pupil.

(j) Provide that, for the purposes of subdivision (g), a
multidisciplinary team at the school district, intermediate school
district, or public school academy in which a pupil described in
subdivision (g) is enrolled shall refine the pupil's individual
reading improvement plan with the teacher providing the
intervention instruction to the pupil under subdivision (g) to
meaningfully accelerate reading outcomes.

(k) Provide that, if a pupil's response to the intervention
instruction described in subdivisions (a) to (g) is insufficient
for accelerating reading outcomes after repeated attempts to adapt
and intensify the instruction, subject to state and federal laws
concerning special education, the school district, intermediate
school district, or public school academy must consider the need
for a full and comprehensive evaluation to determine eligibility
for special education services.

(7) Beginning with the 2024-2025 school year, if a reliable
and valid universal screening assessment indicates the need for intervention, to the extent that the school district, intermediate school district, or public school academy is not under other laws providing the pupil with the evidence-based intervention services described in this subsection, the school district, intermediate school district, or public school academy in which the pupil is enrolled shall provide the pupil with evidence-based intervention services that must be grounded in the science of reading and the principles of structured language and literacy approaches or programs.

(8) If it is determined by the school district, intermediate school district, or public school academy in which the pupil is enrolled that a pupil has functional difficulties due to characteristics of dyslexia or underlying factors that place pupils at risk for difficulties in learning to decode accurately and efficiently, the board of the school district or intermediate school district or board of directors of the public school academy in which the pupil is enrolled shall ensure that the necessary accommodations or equipment are provided to the pupil as required under section 504 of title V of the rehabilitation act of 1973, 29 USC 794, and title II of the Americans with disabilities act of 1990, 42 USC 12131 to 12165.

(9) Beginning with the 2024-2025 school year, if it is determined by the pupil’s school district, intermediate school district, or public school academy that the pupil needs tier 2 support as described in subsection (6)(d) or the pupil is going to be given an individual reading improvement plan under this section or section 1280f, by not later than 30 days after either of those occurs, to the extent that a notification described in this
subsection was not sent to the pupil's parent or legal guardian
pursuant to section 1280f, the board of the school district or
intermediate school district or board of directors of the public
school academy in which the pupil is enrolled shall ensure that the
pupil's parent or legal guardian is sent a written notification
that meets all of the following:

(a) Includes information from any screening assessment
relating to the pupil's reading development with specific
information about indicators that suggest, as applicable, that the
pupil may struggle with decoding and word recognition.

(b) Includes information concerning evidence-based
instructional practices to be provided by school personnel that are
grounded in the science of reading and the principles of structured
language and literacy that are designed for pupils exhibiting the
characteristics of dyslexia or difficulties in learning to decode
accurately and efficiently.

(c) Includes information concerning instructional adjustments
for pupils exhibiting difficulties in learning to decode accurately
and efficiently.

(d) Includes information describing the multi-tiered system of
support (MTSS) framework described in subsection (6).

(e) Is written in the language used in the pupil's household.

(10) If the parent or legal guardian of a pupil has an
independent, comprehensive dyslexia evaluation conducted, the board
of the school district or intermediate school district or board of
directors of the public school academy in which the pupil is
enrolled shall ensure that any requirements under the individuals
with disabilities education act, Public Law 108-446, that are
applicable are fulfilled.
(11) Beginning not later than September 1, 2023, the department shall develop dyslexia expertise to provide technical assistance to school districts, intermediate school districts, and public school academies regarding dyslexia and underlying factors that place pupils at risk for difficulties in learning to decode accurately and efficiently. The department shall offer expertise under this subsection by providing guidance on at least all of the following:

(a) Screening for, the identification of, and treatment of pupils who exhibit characteristics of dyslexia and pupils who display difficulties in learning to decode accurately and efficiently.

(b) Structured language and literacy.

(c) Evidence-based instructional methods and the features of evidence-based interventions for pupils exhibiting the characteristics of dyslexia or pupils who have difficulties in learning to decode accurately and efficiently that include instructional methods and curriculum resources that use a code emphasis approach to address the decoding and word-recognition components of reading and that are supported by the science of reading. The instructional methods and curriculum resources described in this subdivision must not include instructional methods that minimize the importance of primarily using letter-sound information to decode or recognize unknown words, including, but not limited to, any of the uses of letter-sound information described in subsection (6)(c)(iii)(A) to (E).

(d) The development of coaching expertise for individuals responsible for supporting, at a minimum, all of the following:

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

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

(iii) The use of evidence-based instructional methods and the features of evidence-based interventions for pupils displaying the characteristics of dyslexia.

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

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

(12) By not later than January 1, 2024, to support the implementation of requirements under this section, the department, in conjunction with the advisory committee described in section 1280h, shall develop or adopt, and make available to the public, a dyslexia resource guide based on current research to be used by school districts, intermediate school districts, and public school academies and that must include information regarding the education of pupils with dyslexia and with characteristics of dyslexia.

(13) By not later than the beginning of the 2026-2027 school year, the department, in consultation with school districts, intermediate school districts, and public school academies, shall ensure that each pre-K to grade 12 certificated special education personnel with endorsements in learning disabilities, emotional impairments, early childhood special education, teacher consultation, or speech and language impairments; K to 12 literacy consultants; literacy coach; school psychologist; school district principal and administrator responsible for curriculum, instruction, and assessment decisions; pre-K to grade 12
certificated teacher; and all pre-K to grade 12 school personnel providing reading intervention to pupils in this state have received professional learning regarding all of the following, as applicable:

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

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

(c) Evidence-based instructional methods and features of evidence-based interventions that are grounded in the science of reading and the principles of structured language and literacy that are designed for pupils with characteristics of dyslexia and pupils at risk for difficulties in learning to decode accurately and efficiently. This subdivision does not apply to grade 7 to grade 12 certificated teachers who do not meet the other criteria of other individuals described in this subsection.

(d) Instructional adjustments for pupils with dyslexia and instructional adjustments to address the underlying factors that place pupils at risk for difficulties in learning to decode accurately and efficiently.

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

(f) Evidence-based instructional methods, features of evidence-based interventions, and structured language and literacy approaches or programs that are grounded in the science of reading.
and structured language and literacy. This subdivision does not apply to grade 7 to grade 12 certificated teachers who do not meet the other criteria of other individuals described in this subsection.

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

(15) Between January 1, 2024 to April 1, 2024, the department shall update its approval of valid and reliable screening, formative, and diagnostic reading assessment systems for selection and use by school districts and public school academies under section 1280f(1) and, in addition to meeting applicable requirements under section 1280f, identify, within each approved assessment system for selection and use by school districts and public school academies under section 1280f(1), the elements, in a list, of a reliable and valid universal screening assessment that are or are not included in the approved assessment system. By not later than August 1, 2024, each school district and public school academy shall update its selection of a valid and reliable screening, formative, and diagnostic reading assessment system under section 1280f(2) to ensure that the selected system includes a reliable and valid universal screening assessment, if it does not do so already. A school district, intermediate school district, or public school academy may administer multiple assessments for purposes of complying with this section as long as, when utilized
together, all of the elements of a reliable and valid universal screening assessment are captured in the assessments administered.

(16) For purposes of this section, subject to the requirements under this section, a teacher has the discretion to decide which screening is selected for the pupils taught by that teacher who are enrolled in any of grades 4 to 12.

(17) As used in this section:

(a) "Code emphasis" means direct, explicit instruction on the code system of written English at the sound, syllable, morpheme, and word level so pupils develop automaticity in accurate sound-symbol associations used for word recognition and for developing a robust sight-word vocabulary.

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

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

(d) "Dyslexia" means both of the following:

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

(ii) A specific learning disorder that may include secondary consequences, such as problems in reading comprehension and a reduced reading experience that can impede the growth of vocabulary.
and background knowledge and lead to social, emotional, and behavioral difficulties.

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

(i) At least 1 of the following:

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

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

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

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

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

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

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

(h) "Multidisciplinary team" means a group of individuals with
expertise in assessments, literacy, working with English language
learners, behavioral efforts, and working with students with
disabilities who develop individualized plans to support pupils
with significant and persistent needs. A multidisciplinary team
must include at least 1 certificated teacher who has English as a
second language or bilingual education as an endorsement on his or
her certificate.

(i) "Multi-tiered system of support (MTSS)" means a
comprehensive framework that includes 3 distinct tiers of
instructional support and is composed of a collection of evidence-
based strategies designed to meet the individual needs and assets
of a whole pupil at all achievement levels.

(j) "Phonemic awareness" means the conscious awareness of all
of the following:

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

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

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

(k) "Predictable text" means text that replicates language
patterns using rhythm and rhyme to teach pupils phrasing and
cadence.
(l) "Reliable" means something that is based on the consistency of a set of scores that are designed to measure the same thing.

(m) "Reliable and valid universal screening assessment" means an assessment that includes, but is not limited to, brief measures designed to identify underlying difficulties impacting a pupil's ability to learn to decode and to recognize words accurately and efficiently and that aligns with assessment guidelines concerning grade levels in which, and times of the school year when, specific universal screening assessment measures must be administered. The range of the assessment described in this subdivision must be equipped to identify difficulties impacting a pupil's ability to learn to decode and recognize words and, at a minimum, must measure the following, as appropriate for grade level or age as determined by the department based on guidance issued by the International Dyslexia Association and in consultation with the advisory committee described in section 1280h, and in alignment with the assessment guidelines described in this subdivision:

(i) Phonological and phonemic awareness.

(ii) Rapid automatized naming.

(iii) Letter-sound correspondence.

(iv) Word identification.

(v) Decoding.

(vi) Oral passage reading fluency.

(vii) Phonics.

(n) "Science of reading" means a cumulative and evolving body of evidence whose research studies follow a scientific process of inquiry and utilize scientific methods to help answer questions related to reading development and issues related to reading and writing derived from research from multiple fields of cognitive
psychology, communication sciences, developmental psychology, education, special education, implementation science, linguistics, and neuroscience.

(o) "Standardized assessment" means an assessment that is administered and scored in a consistent or standard manner.

(p) "Structured language and literacy" means systematic, direct, explicit, cumulative, and diagnostic instruction that integrates listening, speaking, reading, and writing and emphasizes the structure of language across the speech sound system (phonology); the writing system (orthography); the structure of sentences (syntax); the meaningful parts of words (morphology); the meaning of words, phrases, sentences, and text (semantics); and the processing of oral and written discourse.

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

(r) "Valid" means a degree to which a method assesses what it claims or intends to assess.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 101st Legislature are enacted into law:

(a) Senate Bill No. 381.
(b) Senate Bill No. 382.
(c) Senate Bill No. 383.