

# SENATE BILL NO. 712

February 07, 2024, Introduced by Senator HUIZENGA and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1280f (MCL 380.1280f), as amended by 2023 PA 224.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1280f. (1) The department shall do all of the following  
2 to help ensure that more pupils will achieve a score of at least  
3 proficient in English language arts on the grade 3 state  
4 assessment:

5           (a) Approve 3 or more valid and reliable screening, formative,

1 and diagnostic reading assessment systems for selection and use by  
2 school districts and public school academies in accordance with the  
3 following:

4 (i) Each approved assessment system must provide a screening  
5 assessment, monitoring capabilities for monitoring progress toward  
6 a growth target, and a diagnostic assessment.

7 (ii) In determining which assessment systems to approve for use  
8 by school districts and public school academies, the department  
9 shall also consider at least the following factors:

10 (A) The time required to conduct the assessments, with the  
11 intention of minimizing the impact on instructional time.

12 (B) The level of integration of assessment results with  
13 instructional support for teachers and pupils.

14 (C) The timeliness in reporting assessment results to  
15 teachers, administrators, and parents.

16 **(D) The assessment system's clarity in informing parents and**  
17 **legal guardians of the level of proficiency in reading or English**  
18 **language arts, as applicable, that their child has reached.**

19 (b) Recommend or develop an early literacy coach model with  
20 the following features:

21 (i) An early literacy coach shall support and provide initial  
22 and ongoing professional development to teachers in all of the  
23 following:

24 (A) Each of the 5 major reading components listed in  
25 subsection (3) (a) (iv) (B) as needed, based on an analysis of pupil  
26 performance data.

27 (B) Administering and analyzing instructional assessments, **and**  
28 **relaying a pupil's level of proficiency in reading or English**  
29 **language arts, as applicable, to the pupil's parent or legal**

1 **guardian.**

2 (C) Providing differentiated instruction and intensive  
3 intervention.

4 (D) Using progress monitoring.

5 (E) Identifying and addressing reading deficiency.

6 (ii) An early literacy coach shall also do all of the  
7 following:

8 (A) Model effective instructional strategies for teachers.

9 (B) Facilitate study groups.

10 (C) Train teachers in data analysis and using data to  
11 differentiate instruction.

12 (D) Coach and mentor colleagues.

13 (E) Work with teachers to ensure that evidence-based reading  
14 programs such as comprehensive core reading programs, supplemental  
15 reading programs, and comprehensive intervention reading programs  
16 are implemented with fidelity.

17 (F) Train teachers to diagnose and address reading  
18 ~~deficiency.~~ **deficiencies and effectively describe those deficiencies**  
19 **to parents and legal guardians.**

20 (G) Work with teachers in applying evidence-based reading  
21 strategies in other content areas, including, but not limited to,  
22 prioritizing time spent on those teachers, activities, and roles  
23 that will have the greatest impact on pupil achievement and  
24 prioritizing coaching and mentoring in classrooms.

25 (H) Help to increase instructional density to meet the needs  
26 of all pupils.

27 (I) Help lead and support reading leadership teams at the  
28 school.

29 (J) Continue to increase the early literacy coach's knowledge

1 base in best practices in reading instruction and intervention.

2 (K) For each teacher who teaches in a classroom for grades K  
3 to 3, model for the teacher, and coach the teacher in, instruction  
4 with pupils in whole and small groups.

5 (iii) In the context of performing the functions described in  
6 subparagraph (ii), an early literacy coach must not be asked to  
7 perform administrative functions that will confuse the early  
8 literacy coach's role for teachers.

9 (iv) An early literacy coach must meet all of the following:

10 (A) Have experience as a successful classroom teacher.

11 (B) Have sufficient knowledge of scientifically based reading  
12 research, special expertise in quality reading instruction and  
13 infusing reading strategies into content area instruction, and data  
14 management skills.

15 (C) Have a strong knowledge base in working with adults.

16 (D) Have a minimum of a bachelor's degree and advanced  
17 coursework in reading or have completed professional development in  
18 evidence-based literacy instructional strategies.

19 **(E) Have a strong knowledge base in effective communication**  
20 **with parents and legal guardians in describing pupils' reading**  
21 **deficiencies.**

22 (v) An early literacy coach must not be assigned a regular  
23 classroom teaching assignment, but must be expected to work  
24 frequently with pupils in whole and small group instruction or  
25 tutoring in the context of modeling and coaching in or outside of  
26 teachers' classrooms.

27 (2) Subject to subsection (10), the board of a school district  
28 or board of directors of a public school academy shall do all of  
29 the following to ensure that more pupils will achieve a score of at

1 least proficient in English language arts on the grade 3 state  
2 assessment:

3 (a) Select 1 valid and reliable screening, formative, and  
4 diagnostic reading assessment system from the assessment systems  
5 approved by the department under subsection (1)(a). A school  
6 district or public school academy shall use this assessment system  
7 for pupils in grades K to 3 to screen and diagnose difficulties,  
8 inform instruction and intervention needs, and assess progress  
9 toward a growth target. A school district or public school academy  
10 periodically shall assess a pupil's progress in reading skills at  
11 least 3 times per school year in grades K to 3. The first of these  
12 assessments for a school year in kindergarten must be conducted  
13 within the first 90 school days of the school year. The first of  
14 these assessments for a school year in grades 1 to 3 must be  
15 conducted within the first 30 school days of the school year.

16 (b) For any pupil in grades K to 3 who exhibits a reading  
17 deficiency at any time, based upon the reading assessment system  
18 selected and used under subdivision (a), provide an individual  
19 reading improvement plan for the pupil within 30 days after the  
20 identification of the reading deficiency. The individual reading  
21 improvement plan must be created by the pupil's teacher, school  
22 principal, and parent or legal guardian and other pertinent school  
23 personnel, and must describe the reading intervention services the  
24 pupil will receive to remedy the reading deficiency. A school  
25 district or public school academy shall provide intensive reading  
26 intervention for the pupil in accordance with the individual  
27 reading improvement plan until the pupil no longer has a reading  
28 deficiency.

29 (c) If a pupil in grades K to 3 is identified as having an

1 early literacy delay or reading deficiency, provide written notice  
 2 to the pupil's parent or legal guardian of the delay or reading  
 3 deficiency in writing **not more 15 days after the first assessment**  
 4 **and not more than 15 days after each additional assessment during**  
 5 **the school year**, and provide tools to assist the parent or legal  
 6 guardian to engage in intervention and to address or correct any  
 7 reading deficiency at home. **The written notice must include a**  
 8 **specific indication of the pupil's level of English language arts**  
 9 **proficiency based on results from the state assessment, or the**  
 10 **pupil's level of reading proficiency based on the benchmark**  
 11 **assessment described in section 104i of the state school aid act of**  
 12 **1979, MCL 388.1704i, as applicable.**

13 (d) Require a school principal or chief administrator to do  
 14 all of the following:

15 (i) For a teacher in grades K to 3, target specific areas of  
 16 professional development based on the reading development needs  
 17 data for incoming pupils, **including training in the science of**  
 18 **reading.**

19 (ii) Differentiate and intensify professional development for  
 20 teachers based on data gathered by monitoring teacher progress in  
 21 improving pupil proficiency rates among their pupils.

22 (iii) Establish a collaborative system within the school to  
 23 improve reading proficiency rates in grades K to 3.

24 (iv) Ensure that time is provided for teachers to meet for  
 25 professional development **for the purposes described in**  
 26 **subparagraphs (i) and (ii).**

27 (e) Utilize, at least, early literacy coaches provided through  
 28 the intermediate school district in which the school district or  
 29 public school academy is located, as provided for under section

1 35a(4) of the state school aid act of 1979, MCL 388.1635a. However,  
2 a public school academy may use an early literacy coach provided by  
3 the public school academy, at the expense of the public school  
4 academy, rather than using an early literacy coach provided through  
5 an intermediate school district if the early literacy coach and the  
6 usage of the early literacy coach otherwise meet the requirements  
7 of this section.

8 (3) Subject to subsection (10), a school district or public  
9 school academy shall provide reading intervention programs for  
10 pupils in grades K to 3, including at least all of the following:

11 (a) For pupils who exhibit a reading deficiency, a reading  
12 intervention program intended to ensure that pupils are proficient  
13 readers by the end of grade 3 and that includes some or all of the  
14 following features:

15 (i) Is provided to each pupil in grades K to 3 who is  
16 identified with a reading deficiency based on screening and  
17 diagnostic tools, and identifies and addresses the pupil's reading  
18 deficiency.

19 (ii) Periodically screens and monitors the progress of each  
20 pupil's reading skills, at least 3 times per year.

21 (iii) Provides evidence-based core reading instruction that is  
22 comprehensive and meets the majority of the general education  
23 classroom needs.

24 (iv) Provides reading intervention that meets, at a minimum,  
25 the following specifications:

26 (A) Assists pupils exhibiting a reading deficiency in  
27 developing the ability to read at grade level.

28 (B) Provides intensive development in the 5 major reading  
29 components: phonemic awareness, phonics, fluency, vocabulary, and

1 comprehension.

2 (C) Is systematic, explicit, multisensory, and sequential.

3 (D) Is implemented during regular school hours in addition to  
4 regular classroom reading instruction.

5 (v) Provides parents, legal guardians, or other providers of  
6 care for the pupil with a read-at-home plan, including parent,  
7 guardian, or care provider training workshops and regular home  
8 reading. **The read-at-home plan must include a notice to the pupil's**  
9 **parent or legal guardian indicating the pupil's level of English**  
10 **language arts proficiency based on results from the state**  
11 **assessment, or the pupil's level of reading proficiency based on**  
12 **the benchmark assessment described in section 104i of the state**  
13 **school aid act of 1979, MCL 388.1704i, as applicable.**

14 (vi) Documents efforts by the pupil's school to engage the  
15 pupil's parent or legal guardian and whether or not those efforts  
16 were successful. **The documentation must include the dates and times**  
17 **that the pupil's school attempted to engage the pupil's parent or**  
18 **legal guardian.**

19 (vii) Documents any dissenting opinions expressed by school  
20 personnel or a parent or legal guardian concerning the individual  
21 reading improvement plan provided for the pupil under subsection  
22 (2) (b) **and how those dissenting opinions were addressed.**

23 (b) For grade 3 pupils exhibiting a reading deficiency as  
24 determined by the pupil's teacher through the diagnostic reading  
25 assessment system selected by the school district or public school  
26 academy under subsection (2) (a), a reading intervention program  
27 intended to correct the identified area or areas of reading  
28 deficiency and that includes all of the following features as  
29 needed by the individual pupil:



1 (i) Is evidence-based and has proven results in accelerating  
2 pupil reading achievement within the same school year.

3 (ii) Provides more dedicated time than the pupil's previous  
4 school year in evidence-based reading instruction and intervention.

5 (iii) Provides daily targeted small group or 1-to-1 reading  
6 intervention based on pupil needs as determined by assessment data,  
7 including explicit and systematic instruction with more detailed  
8 and varied explanations, more extensive opportunities for guided  
9 practice, and more opportunities for error correction and feedback.

10 (iv) Provides administration of ongoing progress monitoring  
11 assessments to frequently monitor pupil progress.

12 (v) Provides supplemental evidence-based reading intervention  
13 delivered by a teacher, tutor, or volunteer with specialized  
14 reading training that is provided before school, after school,  
15 during school hours but outside of regular English language arts  
16 classroom time, or any combination of these.

17 (vi) Provides parents, legal guardians, or other providers of  
18 care for a pupil with a read-at-home plan, including parent,  
19 guardian, or care provider training workshops and regular home  
20 reading. **The read-at-home plan must include a notice to the pupil's**  
21 **parent or legal guardian indicating the pupil's level of English**  
22 **language arts proficiency based on results from the state**  
23 **assessment, or the pupil's level of reading proficiency based on**  
24 **the benchmark assessment described in section 104i of the state**  
25 **school aid act of 1979, MCL 388.1704i, as applicable.**

26 (vii) Documents efforts by the pupil's school to engage the  
27 pupil's parent or legal guardian and whether ~~or not~~ those efforts  
28 were successful. **The documentation must include the dates and times**  
29 **that the pupil's school attempted to engage the pupil's parent or**

1 **legal guardian.**

2 (viii) Documents any dissenting opinions expressed by school  
3 personnel or a parent or legal guardian concerning the individual  
4 reading improvement plan provided for the pupil under subsection  
5 (2) (b) **and how those dissenting opinions were addressed.**

6 (c) Subject to subsection (11), for pupils identified as  
7 English language learners by the pupil's teacher or by the  
8 diagnostic reading assessment selected by the school district or  
9 public school academy under subsection (2) (a), intervention  
10 services that include at least all of the following:

11 (i) Ongoing assessments that provide actionable data for  
12 teachers to use in interventions.

13 (ii) Instruction in academic vocabulary.

14 (iii) Instruction in the 5 major reading components listed in  
15 subdivision (a) (iv) (B).

16 (iv) Common English language development strategies such as  
17 modeling, guided practice, and comprehensive input.

18 (v) **A notice to the pupil's parent or legal guardian in the  
19 parent or legal guardian's native language. The notice must  
20 indicate the pupil's level of English language arts proficiency  
21 based on results from the state assessment, or the pupil's level of  
22 reading proficiency based on the benchmark assessment described in  
23 section 104i of the state school aid act of 1979, MCL 388.1704i, or  
24 a WIDA Consortium assessment, as applicable.**

25 (4) For all pupils exhibiting a reading deficiency as  
26 determined by the pupil's teacher through the diagnostic reading  
27 assessment system selected by the school district or public school  
28 academy under subsection (2) (a), school districts and public school  
29 academies are encouraged to offer summer reading camps staffed with

1 effective teachers of reading, as determined by the teacher  
2 evaluation system under section 1249, providing reading  
3 intervention services and supports to correct pupils' identified  
4 areas of reading deficiency. **Parents and legal guardians must be**  
5 **notified of the opportunity for eligible pupils to participate in a**  
6 **summer reading camp.**

7 (5) After the department finalizes the scoring for the grade 3  
8 state assessments, the department shall provide CEPI with the grade  
9 3 state assessment scores for every grade 3 pupil enrolled in a  
10 public school in this state who was administered 1 or more of those  
11 assessments.

12 (6) After CEPI receives the grade 3 state assessment results  
13 from the department under subsection (5), using those state  
14 assessment results, CEPI shall identify each pupil completing grade  
15 3 that year who has a reading deficiency and shall notify the  
16 parent or legal guardian and the school district or public school  
17 academy of each of these pupils that the pupil has a reading  
18 deficiency; shall include an explanation in the notification  
19 concerning what constitutes a reading deficiency; and shall  
20 include, in the notification, **the proficiency level that the pupil**  
21 **has achieved on the state assessment and** information concerning  
22 interventions that are available to the pupil to address the  
23 pupil's reading deficiency. A school district or public school  
24 academy may also make its own notification to a parent or guardian  
25 in addition to the notification by CEPI.

26 (7) Except as otherwise provided in this section, for a grade  
27 3 pupil who has a reading deficiency based on the grade 3 state  
28 English language arts assessment, the school district or public  
29 school academy shall provide, only through grade 4, a reading

1 intervention program that is intended to correct the pupil's  
2 specific reading deficiency, as identified by a valid and reliable  
3 assessment. This program must include effective instructional  
4 strategies necessary to assist the pupil in becoming a successful  
5 reader, and all of the following features, as appropriate for the  
6 needs of the individual pupil:

7 (a) Assigning to a pupil 1 or more of the following:

8 (i) An effective teacher of reading as determined by the  
9 teacher evaluation system under section 1249.

10 (ii) The highest evaluated grade 3 **or 4** teacher, **as applicable**,  
11 in the school as determined by the teacher evaluation system under  
12 section 1249.

13 (iii) A reading specialist.

14 (b) Reading programs that are evidence-based and have proven  
15 results in accelerating pupil reading achievement within the same  
16 school year.

17 (c) Reading instruction and intervention for the majority of  
18 pupil contact time each day that incorporates opportunities to  
19 master the grade 4 state standards in other core academic areas, if  
20 applicable.

21 (d) Daily targeted small group or 1-to-1 reading intervention  
22 that is based on pupil needs, determined by assessment data, and on  
23 identified reading deficiencies and that includes explicit and  
24 systematic instruction with more detailed and varied explanations,  
25 more extensive opportunities for guided practice, and more  
26 opportunities for error correction and feedback.

27 (e) Administration of ongoing progress monitoring assessments  
28 to frequently monitor pupil progress toward a growth target.

29 (f) Supplemental evidence-based reading intervention delivered

1 by a teacher or tutor with specialized reading training that is  
2 provided before school, after school, during regular school hours  
3 but outside of regular English language arts classroom time, or any  
4 combination of these.

5 (g) Providing parents, legal guardians, or other providers of  
6 care for the pupil with a read-at-home plan, including parent,  
7 guardian, or care provider training workshops and regular home  
8 reading. **The read-at-home plan must include a notice to the pupil's**  
9 **parent or legal guardian indicating the pupil's level of English**  
10 **language arts proficiency based on results from the state**  
11 **assessment, or the pupil's level of reading proficiency based on**  
12 **the benchmark assessment described in section 104i of the state**  
13 **school aid act of 1979, MCL 388.1704i, as applicable.**

14 (8) For a pupil or child described in subsection (7) who has a  
15 reading deficiency at the end of grade 4, the school district or  
16 public school academy shall provide intensive reading intervention  
17 beyond grade 4 to the pupil, in a manner determined by the school  
18 district or public school academy, until the pupil no longer has a  
19 reading deficiency.

20 (9) If a school district or public school academy cannot  
21 furnish the number of teachers needed to satisfy 1 or more of the  
22 criteria set forth in this section for a school year, then by the  
23 August 15 before the beginning of that school year the school  
24 district or public school academy shall develop a staffing plan for  
25 providing services under this section. The school district or  
26 public school academy shall post the staffing plan on its website  
27 for the applicable school year. The staffing plan must include at  
28 least all of the following:

29 (a) A description of the criteria that will be used to assign

1 a pupil who has been identified as not proficient in English  
2 language arts to a teacher.

3 (b) The credentials or training held by teachers currently  
4 teaching at the school.

5 (c) How the school district or public school academy will meet  
6 the requirements under this section.

7 (10) This section does not require or state an intention to  
8 require a school district or public school academy to supplant  
9 state funds with federal funds for implementing or supporting the  
10 activities under this section and does not prohibit a school  
11 district or public school academy from continuing to use federal  
12 funds for any of the purposes or activities described in this  
13 section.

14 (11) For pupils identified as English language learners by the  
15 pupil's teacher or by the diagnostic reading assessment selected by  
16 the school district or public school academy under subsection

17 (2) (a), if available staff resources allow, a school district or  
18 public school academy is encouraged to provide the following  
19 intervention services in addition to those required under  
20 subsection (3) (c):

21 (a) Instruction in the pupil's native language, with  
22 withdrawal of that instruction as appropriate as the pupil improves  
23 the pupil's English language skills. A school district or public  
24 school academy is encouraged to provide this support for at least  
25 pupils whose native language is Spanish, Chinese, Hindi, Korean, or  
26 Arabic.

27 (b) Opportunities for speech production.

28 (c) Common English language development strategies such as  
29 modeling, guided practice, and comprehensive input.

1 (d) Feedback for the pupil, including explanations in the  
2 pupil's native language.

3 (12) As used in this section:

4 (a) "CEPI" means the center for educational performance and  
5 information created under section 94a of the state school aid act  
6 of 1979, MCL 388.1694a.

7 (b) "Evidence-based" means based in research and with proven  
8 efficacy.

9 (c) "Reading deficiency" means scoring below grade level or  
10 being determined to be at risk of reading failure based on a  
11 screening assessment, diagnostic assessment, standardized summative  
12 assessment, or progress monitoring.

13 (d) "Reading leadership team" means a collaborative system led  
14 by a school building's principal or program director and consisting  
15 of a cross-section of faculty who are interested in working to  
16 improve literacy instruction across the curriculum.