

HOUSE BILL No. 4196

January 30, 1997, Introduced by Reps. Scott, Varga, Wallace, Hanley, Schermesser, Hale, Murphy, Martinez, Vaughn and Brater 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)
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 may establish and
7 operate a bilingual instruction program IN A LANGUAGE
8 CLASSIFICATION for children of limited English-speaking ability
9 IF THE SCHOOL DISTRICT HAS FEWER THAN 20 CHILDREN OF LIMITED
10 ENGLISH-SPEAKING ABILITY.

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

7 (4) ~~-(2)-~~ A child of limited English-speaking ability resid-
8 ing in a district that does not have an appropriate bilingual
9 instruction program or that is not required to have a bilingual
10 instruction program may enroll in a bilingual instruction program
11 in another school district. TUITION FOR THE CHILD SHALL BE PAID,
12 AND TRANSPORTATION SHALL BE PROVIDED, BY THE SCHOOL DISTRICT IN
13 WHICH THE CHILD RESIDES.

14 (5) ~~-(3)-~~ IF FEWER THAN 20 CHILDREN OF LIMITED
15 ENGLISH-SPEAKING ABILITY IN A LANGUAGE CLASSIFICATION ARE
16 ENROLLED IN A SCHOOL DISTRICT, THE INTERMEDIATE SCHOOL BOARD
17 SHALL DETERMINE WHETHER THE TOTAL NUMBER OF THESE CHILDREN RESID-
18 ING IN ITS CONSTITUENT DISTRICTS THAT DO NOT OPERATE BILINGUAL
19 INSTRUCTION PROGRAMS WARRANTS THE ESTABLISHMENT OF AN INTERMEDI-
20 ATE BILINGUAL INSTRUCTION-SUPPORT PROGRAM. An intermediate school
21 district ~~may operate or contract~~ OPERATING OR CONTRACTING for
22 the operation of a bilingual program or service ~~—, and~~ may carry
23 children enrolled in the program in membership in the same manner
24 as a local school district and be entitled to its proportionate
25 share of state funds available for the program. Membership shall
26 be calculated under rules promulgated by the state board. The
27 intermediate school board shall consider:

1 (a) Whether the cost of operating an intermediate bilingual
2 instruction-support program is justified by the number of chil-
3 dren at each grade level who would benefit from its
4 establishment.

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

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

11 SEC. 1154. THE BILINGUAL INSTRUCTION PROGRAM OPERATED BY A
12 SCHOOL DISTRICT SHALL BE A FULL-TIME PROGRAM OF BILINGUAL
13 INSTRUCTION IN:

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

15 (B) THE COURSES AND SUBJECTS REQUIRED BY THE BOARD FOR COM-
16 PLETION OF THE GRADE LEVEL IN WHICH THE CHILD IS ENROLLED.

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

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

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

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

21 SEC. 1156. THE BOARD OF A SCHOOL DISTRICT OPERATING A
22 BILINGUAL INSTRUCTION PROGRAM PURSUANT TO SECTION 1153 SHALL
23 ESTABLISH AN ADVISORY COMMITTEE TO ASSIST THE BOARD IN EVALUATING
24 AND PLANNING THE BILINGUAL INSTRUCTION PROGRAM. THE ADVISORY
25 COMMITTEE SHALL BE COMPRISED OF REPRESENTATIVES OF PARENTS OF
26 CHILDREN ENROLLED IN THE PROGRAM, BILINGUAL INSTRUCTION TEACHERS
27 AND COUNSELORS, AND MEMBERS OF THE COMMUNITY. A MAJORITY OF THE

1 MEMBERS OF THE ADVISORY COMMITTEE SHALL BE PARENTS OF CHILDREN
2 ENROLLED IN THE BILINGUAL INSTRUCTION PROGRAM.

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

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

6 (B) STUDY, REVIEW, AND EVALUATE TEXTBOOKS AND INSTRUCTIONAL
7 MATERIALS, RESOURCES, AND MEDIA FOR USE IN BILINGUAL INSTRUCC-
8 TIONAL PROGRAMS.

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

11 (D) ENCOURAGE EXPERIMENTATION AND INNOVATION IN BILINGUAL
12 EDUCATION.

13 (E) RECOMMEND CURRICULUM DEVELOPMENT AND TESTING
14 MECHANISMS.

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