

HOUSE BILL No. 6458

September 24, 2002, Introduced by Reps. Hart, Godchaux and Scranton and referred to the Committee on Education.

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 67, 68, 94a, 98, 104a, 107, and 108 (MCL 388.1603, 388.1667, 388.1668, 388.1694a, 388.1698, 388.1704a, 388.1707, and 388.1708), section 3 as amended by 2000 PA 297 and sections 67, 68, 94a, 98, 104a, 107, and 108 as amended by 2002 PA 521.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) "Average daily attendance", for the purposes of
2 complying with federal law, means 92% of the membership as
3 defined in section 6(4).

4 (2) "Board" means the governing body of a district or public
5 school academy.

6 (3) "Cooperative education program" means a written
7 voluntary agreement between and among districts to provide

1 certain educational programs for pupils in certain groups of
2 districts. The written agreement shall be approved by all
3 affected districts at least annually and shall specify the educa-
4 tional programs to be provided and the estimated number of pupils
5 from each district who will participate in the educational
6 programs.

7 (4) "Department" ~~, except in sections 67, 68, 107, and~~
8 ~~108,~~ means the department of education.

9 (5) "District" means a local school district established
10 under the revised school code, a local act school district, or,
11 except in sections 6(4), 6(6), 13, 20, 22a, 23, 31a, 32f, 105,
12 and 105c, a public school academy. Except in sections 6(4),
13 6(6), 13, 20, 22a, 105, and 105c, district also includes a uni-
14 versity school.

15 (6) "District of residence", except as otherwise provided in
16 this subsection, means the district in which a pupil's custodial
17 parent or parents or legal guardian resides. For a pupil
18 described in section 24b, the pupil's district of residence is
19 the district in which the pupil enrolls under that section. For
20 a pupil described in section 6(4)(d), the pupil's district of
21 residence shall be considered to be the district or intermediate
22 district in which the pupil is counted in membership under that
23 section. For a pupil under court jurisdiction who is placed out-
24 side the district in which the pupil's custodial parent or par-
25 ents or legal guardian resides, the pupil's district of residence
26 shall be considered to be the educating district or educating
27 intermediate district.

1 (7) "District superintendent" means the superintendent of a
2 district, the chief administrator of a public school academy, or
3 the chief administrator of a university school.

4 Sec. 67. (1) From the general fund appropriation in section
5 11, there is allocated an amount not to exceed \$350,000.00 each
6 fiscal year for 2001-2002, for 2002-2003, and for 2003-2004 for
7 Michigan career preparation system grants under this section.

8 (2) From the allocation in subsection (1), there is allo-
9 cated \$150,000.00 each fiscal year for 2001-2002, for 2002-2003,
10 and for 2003-2004 to the department to identify uniform career
11 competency standards and assessments for career clusters, to
12 establish a statewide information system on current and antici-
13 pated employment opportunities and the required level of skills
14 and education required for employment.

15 (3) From the allocation in subsection (1), there is allo-
16 cated \$100,000.00 each fiscal year for 2001-2002, for 2002-2003,
17 and for 2003-2004 to the department to provide information to
18 parents, pupils, school personnel, employers, and others regard-
19 ing opportunities to receive integrated academic and technical
20 preparation in the public schools of this state.

21 (4) From the allocation in subsection (1), there is allo-
22 cated \$100,000.00 each fiscal year for 2001-2002, for 2002-2003,
23 and for 2003-2004 to the department to provide technical assist-
24 ance to eligible education agencies and workforce development
25 boards.

26 (5) As used in this section and in section 68:

1 (a) "Advanced career academy" means a career-technical
2 education program operated by a district, by an intermediate
3 district, or by a public school academy, that applies for and
4 receives advanced career academy designation from the
5 department. To receive this designation, a career-technical edu-
6 cation program shall meet criteria established by the department,
7 which criteria shall include at least all of the following:

8 (i) Operation of programs for those career clusters identi-
9 fied by the department as being eligible for advanced career
10 academy status.

11 (ii) Involvement of employers in the design and implementa-
12 tion of career-technical education programs.

13 (iii) A fully integrated program of academic and technical
14 education available to pupils.

15 (iv) Demonstration of an established career preparation
16 system resulting in industry-validated career ladders for gradu-
17 ates of the program, including, but not limited to, written
18 articulation agreements with postsecondary institutions to allow
19 pupils to receive advanced college placement and credit or feder-
20 ally registered apprenticeships, as applicable.

21 (b) "Career cluster" means a grouping of occupations from 1
22 or more industries that share common skill requirements.

23 (c) "Career preparation system" is a system of programs and
24 strategies providing pupils with opportunities to prepare for
25 success in careers of their choice.

26 ~~(d) "Department" means the department of career~~
27 ~~development.~~

1 (D) ~~(e)~~ "Eligible education agency" means a district,
2 intermediate district, or advanced career academy that partici-
3 pates in an approved regional career preparation plan.

4 (E) ~~(f)~~ "FTE" means full-time equivalent pupil as deter-
5 mined by the department.

6 (F) ~~(g)~~ "Workforce development board" means a local work-
7 force development board established pursuant to the workforce
8 investment act of 1998, Public Law 105-220, 112 Stat. 936, and
9 the school-to-work opportunities act of 1994, Public Law 103-239,
10 108 Stat. 568, or the equivalent.

11 (G) ~~(h)~~ "Strategic plan" means a department-approved com-
12 prehensive plan prepared by a workforce development board with
13 input from local representatives, including the education
14 advisory group, that includes career preparation system goals and
15 objectives for the region.

16 Sec. 68. (1) From the general fund appropriation in section
17 11, there is allocated an amount not to exceed \$21,850,000.00
18 each fiscal year for 2001-2002, for 2002-2003, and for 2003-2004
19 to be used to implement the Michigan career preparation system in
20 the corresponding school years as provided under this section.
21 In order to receive funds under this section, an eligible educa-
22 tion agency shall be part of an approved regional career prepara-
23 tion plan under subsection (2) and shall agree to expend the
24 funds required under this section in accordance with the regional
25 career preparation plan. Funds awarded under this section that
26 are not expended in accordance with this section may be recovered
27 by the department.

1 (2) In order to receive funding under this section, an
2 eligible education agency shall be a part of an approved 3-year
3 regional career preparation plan that is consistent with the
4 workforce development board's strategic plan and is as described
5 in this subsection. All of the following apply to a regional
6 career preparation plan:

7 (a) A 3-year regional career preparation plan shall be
8 developed under subdivisions (b), (c), and (d) for all public
9 education agencies participating as part of a regional career
10 preparation system within the geographical boundaries of a work-
11 force development board, and revised annually. If an intermedi-
12 ate district is located within the geographical boundaries of
13 more than 1 workforce development board, the board of the inter-
14 mediate district shall choose 1 workforce development board with
15 which to align and shall notify the department of this choice not
16 later than October 31, 1997.

17 (b) The regional career preparation plan shall be developed
18 by representatives of the education advisory group of each work-
19 force development board in accordance with guidelines developed
20 under former section 67(5), and in accordance with subdivisions
21 (d) and (e). All of the following shall be represented on each
22 education advisory group: workforce development board members,
23 other employers, labor, districts, intermediate districts, post-
24 secondary institutions, career/technical educators, parents of
25 public school pupils, and academic educators. The representa-
26 tives of districts, intermediate districts, and postsecondary
27 institutions appointed to the education advisory group by the

1 workforce development board shall be individuals designated by
2 the board of the district, intermediate district, or postsecond-
3 ary institution.

4 (c) By majority vote, the education advisory group may nomi-
5 nate 1 education representative, who may or may not be a member
6 of the education advisory group, for appointment to the workforce
7 development board. This education representative shall be in
8 addition to existing education representation on the workforce
9 development board. This education representative shall meet all
10 workforce development board membership requirements.

11 (d) The components of the regional career preparation plan
12 shall include, but are not limited to, all of the following:

13 (i) The roles of THE DEPARTMENT, districts, intermediate
14 districts, advanced career academies, postsecondary institutions,
15 employers, labor representatives, and others in the career prepa-
16 ration system.

17 (ii) Programs to be offered, including at least career
18 exploration activities, for middle school pupils.

19 (iii) Identification of integrated academic and technical
20 curriculum, including related professional development training
21 for teachers.

22 (iv) Identification of work-based learning opportunities for
23 pupils and for teachers and other school personnel.

24 (v) Identification of testing and assessments that will be
25 used to measure pupil achievement.

1 (vi) Identification of all federal, state, local, and
2 private sources of funding available for career preparation
3 activities in the region.

4 (e) The education advisory group shall develop a 3-year
5 regional career preparation plan consistent with the workforce
6 development board's strategic plan and submit the plan to the
7 department for final approval. The submission to the department
8 shall also include statements signed by the chair of the educa-
9 tion advisory group and the chair of the workforce development
10 board certifying that the plan has been reviewed by each entity.
11 Upon department approval, all eligible education agencies desig-
12 nated in the regional career preparation plan as part of the
13 career preparation delivery system are eligible for funding under
14 this section.

15 (3) Funding under this section shall be distributed to eli-
16 gible education agencies for allowable costs defined in this sub-
17 section and identified as necessary costs for implementing a
18 regional career preparation plan, as follows:

19 (a) The department shall rank all career clusters, including
20 career exploration, guidance, and counseling. Rank determination
21 will be based on median salary data in career clusters and
22 employment opportunity data provided by the council for career
23 preparation standards. In addition, rank determination shall be
24 based on placement data available for prior year graduates of the
25 programs in the career clusters either in related careers or
26 postsecondary education. The procedure for ranking of career
27 clusters shall be determined by the department.

1 (b) Allowable costs to be funded under this section shall be
2 determined by the department. Budgets submitted by eligible edu-
3 cation agencies to the department in order to receive funding
4 shall identify funds and in-kind contributions from the regional
5 career education plan, excluding funds or in-kind contributions
6 available as a result of funding received under section 61a,
7 equal to at least 100% of anticipated funding under this
8 section. Eligible categories of allowable costs are the
9 following:

10 (i) Career exploration, guidance, and counseling.

11 (ii) Curriculum development, including integration of aca-
12 demic and technical content, and professional development for
13 teachers directly related to career preparation.

14 (iii) Technology and equipment determined to be necessary.

15 (iv) Supplies and materials directly related to career prep-
16 aration programs.

17 (v) Work-based learning expenses for pupils, teachers, and
18 counselors.

19 (vi) Evaluation, including career competency testing and
20 peer review.

21 (vii) Career placement services.

22 (viii) Student leadership organizations integral to the
23 career preparation system.

24 (ix) Up to 10% of the allocation to an eligible education
25 agency may be expended for planning, coordination, direct over-
26 sight, and accountability for the career preparation system.

1 (c) The department shall calculate career preparation costs
2 per FTE for each career cluster, including career exploration,
3 guidance, and counseling, by dividing the allowable costs for
4 each career cluster by the prior year FTE enrollment for each
5 career cluster. Distribution to eligible education agencies
6 shall be the product of 50% of career preparation costs per FTE
7 times the current year FTE enrollment of each career cluster.
8 This allocation shall be distributed to eligible education agen-
9 cies in decreasing order of the career cluster ranking described
10 in subdivision (a) until the money allocated for grant recipients
11 in this section is distributed. Beginning in 2001-2002, funds
12 shall be distributed to eligible education agencies according to
13 workforce development board geographic area consistent with sub-
14 section (2)(a) based upon the proportion of each workforce devel-
15 opment board area's K-12 public school membership to the total
16 state K-12 public school membership.

17 (4) The department shall establish a review procedure for
18 assessing the career preparation system in each region.

19 (5) An education advisory group is responsible for assuring
20 the quality of the career preparation system. An education
21 advisory group shall review the career preparation system in
22 accordance with evaluation criteria established by the
23 department.

24 (6) An education advisory group shall report its findings
25 and recommendations for changes to the participating eligible
26 education agencies, the workforce development board, and the
27 department.

1 (7) The next revision of a regional career preparation plan
2 shall take into account the findings of the education advisory
3 group in accordance with evaluation criteria established by the
4 department in order for the affected education agencies to
5 receive continued funding under this section.

6 Sec. 94a. (1) There is created within the ~~office of the~~
7 ~~state budget director in the department of management and budget~~
8 DEPARTMENT the center for educational performance and
9 information. The center shall do all of the following:

10 (a) Coordinate the collection of all data required by state
11 and federal law from all entities receiving funds under this
12 act.

13 (b) Collect data in the most efficient manner possible in
14 order to reduce the administrative burden on reporting entities.

15 (c) Establish procedures to ensure the validity and reli-
16 ability of the data and the collection process.

17 (d) Develop state and model local data collection policies,
18 including, but not limited to, policies that ensure the privacy
19 of individual student data. State privacy policies shall ensure
20 that student social security numbers are not released to the
21 public for any purpose.

22 (e) Provide data in a useful manner to allow state and local
23 policymakers to make informed policy decisions.

24 (f) Provide reports to the citizens of this state to allow
25 them to assess allocation of resources and the return on their
26 investment in the education system of this state.

1 (g) Assist all entities receiving funds under this act in
2 complying with audits performed according to generally accepted
3 accounting procedures.

4 (h) Other functions as assigned by the ~~state budget~~
5 ~~director~~ SUPERINTENDENT.

6 (2) The ~~state budget director~~ SUPERINTENDENT shall appoint
7 a CEPI advisory committee, consisting of the following members:

8 (a) One representative from the house fiscal agency.

9 (b) One representative from the senate fiscal agency.

10 (c) One representative from the office of the state budget
11 director.

12 (d) One representative from the ~~state education agency~~
13 DEPARTMENT.

14 (e) One representative each from the department of career
15 development and the department of treasury.

16 (f) Three representatives from intermediate school
17 districts.

18 (g) One representative from each of the following educa-
19 tional organizations:

20 (i) Michigan association of school boards.

21 (ii) Michigan association of school administrators.

22 (iii) Michigan school business officials.

23 (h) One representative representing private sector firms
24 responsible for auditing school records.

25 (i) Other representatives as the ~~state budget director~~
26 SUPERINTENDENT determines are necessary.

1 (3) The CEPI advisory committee appointed under
2 subsection (2) shall provide advice to the director of the center
3 regarding the management of the center's data collection activi-
4 ties, including, but not limited to:

5 (a) Determining what data is necessary to collect and main-
6 tain in order to perform the center's functions in the most effi-
7 cient manner possible.

8 (b) Defining the roles of all stakeholders in the data col-
9 lection system.

10 (c) Recommending timelines for the implementation and ongo-
11 ing collection of data.

12 (d) Establishing and maintaining data definitions, data
13 transmission protocols, and system specifications and procedures
14 for the efficient and accurate transmission and collection of
15 data.

16 (e) Establishing and maintaining a process for ensuring the
17 accuracy of the data.

18 (f) Establishing and maintaining state and model local poli-
19 cies related to data collection, including, but not limited to,
20 privacy policies related to individual student data.

21 (g) Ensuring the data is made available to state and local
22 policymakers and citizens of this state in the most useful format
23 possible.

24 (h) Other matters as determined by the ~~state budget~~
25 ~~director~~ SUPERINTENDENT or the director of the center.

26 (4) The center may enter into any interlocal agreements
27 necessary to fulfill its functions.

1 (5) From the general fund appropriation in section 11, there
2 is allocated an amount not to exceed \$2,332,000.00 for 2001-2002
3 for payments to the center. From the general fund appropriation
4 in section 11, there is allocated an amount not to exceed
5 \$4,500,000.00 each fiscal year for 2002-2003 and for 2003-2004 to
6 the department ~~of management and budget~~ to support the opera-
7 tions of the center. The center ~~shall cooperate with the state~~
8 ~~education agency to~~ AND THE DEPARTMENT SHALL ensure that this
9 state is in compliance with federal law and is maximizing oppor-
10 tunities for increased federal funding to improve education in
11 this state. In addition, from the federal funds appropriated in
12 section 11 for 2002-2003 and for 2003-2004, there is allocated
13 the following amounts each fiscal year in order to fulfill fed-
14 eral reporting requirements:

15 (a) An amount estimated at \$1,000,000.00 funded from
16 DED-OESE, title I, disadvantaged children funds.

17 (b) An amount estimated at \$284,700.00 funded from DED-OESE,
18 title I, reading first state grant funds.

19 (c) An amount estimated at \$46,750.00 funded from DED-OESE,
20 title I, migrant education funds.

21 (d) An amount estimated at \$500,000.00 funded from DED-OESE,
22 improving teacher quality funds.

23 (e) An amount estimated at \$526,100.00 funded from DED-OESE,
24 drug-free schools and communities funds.

25 (6) Funds allocated under this section that are not expended
26 in the fiscal year in which they were allocated may be carried
27 forward to a subsequent fiscal year. From the funds allocated

1 for 1999-2000 that were carried forward under this section and
2 from the general funds appropriated under this section for
3 2002-2003, the center shall make grants to intermediate districts
4 for the purpose of assisting the intermediate districts and their
5 constituent districts in data collection required by state and
6 federal law or necessary for audits according to generally
7 accepted accounting procedures. Grants to each intermediate dis-
8 trict shall be made at the rate of \$2.00 per each full-time
9 equated membership pupil times the total number of 2000-2001
10 pupils in membership in the intermediate district and its con-
11 stituent districts. An intermediate district shall develop a
12 plan in cooperation with its constituent districts to distribute
13 the grants between the intermediate district and its constituent
14 districts. These grants shall be paid to intermediate districts
15 no later than the next regularly scheduled school aid payment
16 after the effective date of this section.

17 (7) If the applicable intermediate district determines that
18 the pupil counts submitted by a district for the February 2002
19 supplemental pupil count using the single record student database
20 cannot be audited by the intermediate district pursuant to
21 section 101, all of the following apply:

22 (a) The district may submit its pupil count data for the
23 February 2002 supplemental pupil count using the education data
24 network system.

25 (b) If the applicable intermediate district determines that
26 the pupil counts submitted by the district for the 2002-2003
27 pupil membership count day using the single record student

1 database cannot be audited by the intermediate district pursuant
2 to section 101, the district may submit its pupil count data for
3 the 2002-2003 pupil membership count day using the education data
4 network system.

5 (8) At least 30 days before implementing a proposed elec-
6 tronic data collection, submission, or collation process, or a
7 proposed change to 1 or more of those processes, the center shall
8 submit the proposal and an analysis of the proposal to the senate
9 and house of representatives appropriations subcommittees respon-
10 sible for this act. The analysis shall include at least a deter-
11 mination of the cost of the proposal for districts and intermedi-
12 ate districts and of available funding for districts and interme-
13 diate districts.

14 (9) As used in this section:

15 (a) "Center" means the center for educational performance
16 and information created under this section.

17 (b) "DED-OESE" means the United States department of educa-
18 tion office of elementary and secondary education.

19 ~~(c) "State education agency" means the department.~~

20 Sec. 98. (1) From the general fund money appropriated in
21 section 11, there is allocated an amount not to exceed
22 \$1,500,000.00 for 2001-2002 and an amount not to exceed
23 \$5,000,000.00 each fiscal year for 2002-2003 and for 2003-2004 to
24 the department to provide a grant to the Michigan virtual univer-
25 sity for the development, implementation, and operation of the
26 Michigan virtual high school and to fund other purposes described
27 in this section. In addition, from the federal funds

1 appropriated in section 11, there is allocated each fiscal year
2 for 2001-2002, for 2002-2003, and for 2003-2004 the following
3 amounts:

4 (a) An amount estimated at \$3,251,800.00 from DED-OESE,
5 title II, improving teacher quality funds.

6 (b) An amount estimated at \$1,188,000.00 from DED-OESE,
7 title II, educational technology grants funds.

8 (c) An amount estimated at \$2,044,400.00 from DED-OESE,
9 title V, innovative strategies grants funds.

10 (d) An amount estimated at \$100,500.00 from DED-OESE, title
11 VI, rural and low income schools grants funds.

12 (2) The Michigan virtual high school shall have the follow-
13 ing goals:

14 (a) Significantly expand curricular offerings for high
15 schools across this state through agreements with districts or
16 licenses from other recognized providers. The Michigan virtual
17 university shall explore options for providing rigorous civics
18 curricula online.

19 (b) Create statewide instructional models using interactive
20 multimedia tools delivered by electronic means, including, but
21 not limited to, the internet, digital broadcast, or satellite
22 network, for distributed learning at the high school level.

23 (c) Provide pupils with opportunities to develop skills and
24 competencies through on-line learning.

25 (d) Offer teachers opportunities to learn new skills and
26 strategies for developing and delivering instructional services.

1 (e) Accelerate this state's ability to respond to current
2 and emerging educational demands.

3 (f) Grant high school diplomas through a dual enrollment
4 method with districts.

5 (g) Act as a broker for college level equivalent courses, as
6 defined in section 1471 of the revised school code, MCL 380.1471,
7 and dual enrollment courses from postsecondary education
8 institutions.

9 (3) The Michigan virtual high school course offerings shall
10 include, but are not limited to, all of the following:

11 (a) Information technology courses.

12 (b) College level equivalent courses, as defined in section
13 1471 of the revised school code, MCL 380.1471.

14 (c) Courses and dual enrollment opportunities.

15 (d) Programs and services for at-risk pupils.

16 (e) General education development test preparation courses
17 for adjudicated youth.

18 (f) Special interest courses.

19 (g) Professional development programs and services for
20 teachers.

21 (4) From the allocation in subsection (1), there is allo-
22 cated \$3,500,000.00 each fiscal year for 2002-2003 and for
23 2003-2004 for the purpose of developing innovative strategies to
24 use wireless technology to improve student academic achievement
25 in this state. The Michigan virtual university shall identify
26 not more than 5 pilot project sites for these initiatives. The
27 pilot project sites shall be geographically diverse and at least

1 1 of the pilot project sites shall be in the Upper Peninsula.
2 The pilot projects shall be funded through public-private
3 partnerships. In addition, the Michigan virtual university shall
4 establish local fund matching requirements for the pilot project
5 sites.

6 (5) The ~~state education agency~~ DEPARTMENT shall sign a
7 memorandum of understanding with the Michigan virtual university
8 regarding the DED-OESE, title II, improving teacher quality funds
9 as provided under this subsection. To the extent allowed under
10 federal law, the Michigan virtual university shall address the
11 unique issues of providing educational opportunities in rural
12 communities. The memorandum of understanding under this subsec-
13 tion shall require that the Michigan virtual university coordi-
14 nate the following activities related to DED-OESE, title II,
15 improving teacher quality funds in accordance with federal law:

16 (a) Develop, and assist districts in the development and use
17 of, proven, innovative strategies to deliver intensive profes-
18 sional development programs that are both cost-effective and
19 easily accessible, such as strategies that involve delivery
20 through the use of technology, peer networks, and distance
21 learning.

22 (b) Encourage and support the training of teachers and
23 administrators to effectively integrate technology into curricula
24 and instruction.

25 (c) Coordinate the activities of eligible partnerships that
26 include higher education institutions for the purposes of

1 providing professional development activities for teachers,
2 paraprofessionals, and principals as defined in federal law.

3 (6) The ~~state education agency~~ DEPARTMENT shall sign a
4 memorandum of understanding with the Michigan virtual university
5 regarding DED-OESE, title II, educational technology grants as
6 provided under this subsection. The Michigan virtual university
7 shall coordinate activities described in this subsection with the
8 pilot project sites identified in subsection (4). The memorandum
9 of understanding shall require that the Michigan virtual univer-
10 sity coordinate the following state activities related to
11 DED-OESE, title II, educational technology grants in accordance
12 with federal law:

13 (a) Assist in the development of innovative strategies for
14 the delivery of specialized or rigorous academic courses and cur-
15 ricula through the use of technology, including distance learning
16 technologies.

17 (b) Establish and support public-private initiatives for the
18 acquisition of educational technology for students in high-need
19 districts.

20 (7) The ~~state education agency~~ DEPARTMENT shall sign a
21 memorandum of understanding with the Michigan virtual university
22 regarding DED-OESE, title V, innovative strategies grants as pro-
23 vided under this subsection. The Michigan virtual university
24 shall coordinate activities described in this subsection with the
25 pilot project sites identified in subsection (4). The memorandum
26 of understanding shall require the Michigan virtual university to
27 coordinate the following state-level activities related to

1 DED-OESE, title V, innovative strategies grants in accordance
2 with federal law:

3 (a) Programs for the development or acquisition and use of
4 instructional and educational materials, including computer soft-
5 ware and hardware for instructional use, that will be used to
6 improve student academic achievement as part of an overall educa-
7 tion reform strategy.

8 (b) Programs and activities that expand learning opportuni-
9 ties through best-practice models designed to improve classroom
10 learning and teaching.

11 (8) The ~~state education agency~~ DEPARTMENT shall sign a
12 memorandum of understanding with the Michigan virtual university
13 requiring that the Michigan virtual university coordinate the
14 awarding of competitive grants to districts and state-level
15 activities related to DED-OESE, title VI, rural and low income
16 schools grants in accordance with federal law for the following
17 purposes:

18 (a) Teacher professional development, including programs
19 that train teachers to utilize technology, programs to improve
20 teaching, and programs to train special needs teachers.

21 (b) Educational technology, including software and hardware,
22 as described in federal law.

23 (9) Funds allocated under this section that are not expended
24 in the state fiscal year for which they were allocated may be
25 carried forward to a subsequent state fiscal year.

26 (10) The ~~state education agency~~ DEPARTMENT and the
27 Michigan virtual university shall complete the memoranda of

1 understanding required under this section ~~within 60 days after~~
2 ~~the effective date of the amendatory act that added this~~
3 ~~subsection~~ NOT LATER THAN JUNE 25, 2002. It is the intent of
4 the legislature that all plans or applications submitted by the
5 ~~state education agency~~ DEPARTMENT to the United States depart-
6 ment of education relating to the distribution of federal funds
7 under this section shall be for the purposes described in this
8 section.

9 (11) As used in this section, ~~:(a)~~ "DED-OESE" means the
10 United States department of education office of elementary and
11 secondary education.

12 ~~(b) "State education agency" means the department.~~

13 Sec. 104a. (1) In order to receive state aid under this
14 act, a district shall comply with this section and shall adminis-
15 ter state assessments to high school pupils in the subject areas
16 of communications skills, mathematics, science, and social
17 studies. If the department ~~or the Michigan assessment governing~~
18 ~~board, as applicable,~~ determines that it would be consistent
19 with the purposes of this section, the department ~~or the~~
20 ~~Michigan assessment governing board, as applicable,~~ may desig-
21 nate the grade 11 Michigan education assessment program tests as
22 the assessments to be used for the purposes of this section. The
23 district shall include on the pupil's high school transcript all
24 of the following:

25 (a) For each high school graduate who has completed a
26 subject area assessment under this section, the pupil's scaled
27 score on the assessment.

1 (b) If the pupil's scaled score on a subject area assessment
2 falls within the range required under subsection (2) for a cate-
3 gory established under subsection (2), an indication that the
4 pupil has achieved state endorsement for that subject area.

5 (c) The number of school days the pupil was in attendance at
6 school each school year during high school and the total number
7 of school days in session for each of those school years.

8 (2) The department shall develop scaled scores for reporting
9 subject area assessment results for each of the subject areas
10 under this section. The superintendent shall establish 3 catego-
11 ries for each subject area indicating basic competency, above
12 average, and outstanding, and shall establish the scaled score
13 range required for each category. The department shall design
14 and distribute to districts, intermediate districts, and nonpub-
15 lic schools a simple and concise document that describes these
16 categories in each subject area and indicates the scaled score
17 ranges for each category in each subject area. A district may
18 award a high school diploma to a pupil who successfully completes
19 local district requirements established in accordance with state
20 law for high school graduation, regardless of whether the pupil
21 is eligible for any state endorsement.

22 (3) The assessments administered for the purposes of this
23 section shall be administered to pupils during the last 30 school
24 days of grade 11. The department shall ensure that the assess-
25 ments are scored and the scores are returned to pupils, their
26 parents or legal guardians, and districts not later than the
27 beginning of the pupil's first semester of grade 12. The

1 department shall arrange for those portions of a pupil's
2 assessment that cannot be scored mechanically to be scored in
3 Michigan by persons who are Michigan teachers, retired Michigan
4 teachers, or Michigan school administrators and who have been
5 trained in scoring the assessments. The returned scores shall
6 indicate the pupil's scaled score for each subject area assess-
7 ment, the range of scaled scores for each subject area, and the
8 range of scaled scores required for each category established
9 under subsection (2). In reporting the scores to pupils, par-
10 ents, and schools, the department shall provide specific, mean-
11 ingful, and timely feedback on the pupil's performance on the
12 assessment.

13 (4) For each pupil who does not achieve state endorsement in
14 1 or more subject areas, the board of the district in which the
15 pupil is enrolled shall provide that there be at least 1 meeting
16 attended by at least the pupil and a member of the district's
17 staff or a local or intermediate district consultant who is pro-
18 ficient in the measurement and evaluation of pupils. The dis-
19 trict may provide the meeting as a group meeting for pupils in
20 similar circumstances. If the pupil is a minor, the district
21 shall invite and encourage the pupil's parent, legal guardian, or
22 person in loco parentis to attend the meeting and shall mail a
23 notice of the meeting to the pupil's parent, legal guardian, or
24 person in loco parentis. The purpose of this meeting and any
25 subsequent meeting under this subsection shall be to determine an
26 educational program for the pupil designed to have the pupil
27 achieve state endorsement in each subject area in which he or she

1 did not achieve state endorsement. In addition, a district may
2 provide for subsequent meetings with the pupil conducted by a
3 high school counselor or teacher designated by the pupil's high
4 school principal, and shall invite and encourage the pupil's
5 parent, legal guardian, or person in loco parentis to attend the
6 subsequent meetings. The district shall provide special programs
7 for the pupil or develop a program using the educational programs
8 regularly provided by the district unless the board of the dis-
9 trict decides otherwise and publishes and explains its decision
10 in a public justification report.

11 (5) A pupil who wants to repeat an assessment administered
12 under this section may repeat the assessment, without charge to
13 the pupil, in the next school year or after graduation. An indi-
14 vidual may repeat an assessment at any time the district adminis-
15 ters an applicable assessment instrument or during a retesting
16 period under subsection (7).

17 (6) The department shall ensure that the length of the
18 assessments used for the purposes of this section and the com-
19 bined total time necessary to administer all of the assessments
20 are the shortest possible that will still maintain the degree of
21 reliability and validity of the assessment results determined
22 necessary by the department. The department shall ensure that
23 the maximum total combined length of time that schools are
24 required to set aside for administration of all of the assess-
25 ments used for the purposes of this section does not exceed 8
26 hours. However, this subsection does not limit the amount of
27 time that individuals may have to complete the assessments.

1 (7) The department shall establish, schedule, and arrange
2 periodic retesting periods throughout the year for individuals
3 who desire to repeat an assessment under this section. The
4 department shall coordinate the arrangements for administering
5 the repeat assessments and shall ensure that the retesting is
6 made available at least within each intermediate district and, to
7 the extent possible, within each district.

8 (8) A district shall provide accommodations to a pupil with
9 disabilities for the assessments required under this section, as
10 provided under section 504 of title V of the rehabilitation act
11 of 1973, Public Law 93-112, 29 U.S.C. 794; subtitle A of title II
12 of the Americans with disabilities act of 1990, Public Law
13 101-336, 42 U.S.C. 12131 to 12134; and the implementing regula-
14 tions for those statutes.

15 (9) For the purposes of this section, the superintendent
16 shall develop or select and approve assessment instruments to
17 measure pupil performance in communications skills, mathematics,
18 social studies, and science. The assessment instruments shall be
19 based on the model core academic content standards objectives
20 under section 1278 of the revised school code, MCL 380.1278.

21 (10) Upon written request by the pupil's parent or legal
22 guardian stating that the request is being made for the purpose
23 of providing the pupil with an opportunity to qualify to take 1
24 or more postsecondary courses as an eligible student under the
25 postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to
26 388.524, the board of a district shall allow a pupil who is in at
27 least grade 10 to take an assessment administered under this

1 section without charge at any time the district regularly
2 administers the assessment or during a retesting period estab-
3 lished under subsection (7). A district is not required to
4 include in an annual education report, or in any other report
5 submitted to the department for accreditation purposes, results
6 of assessments taken under this subsection by a pupil in grade 11
7 or lower until the results of that pupil's graduating class are
8 otherwise reported.

9 (11) All assessment instruments developed or selected and
10 approved by the state under any statute or rule for a purpose
11 related to K to 12 education shall be objective-oriented and con-
12 sistent with the model core academic content standards objectives
13 under section 1278 of the revised school code, MCL 380.1278.

14 (12) A person who has graduated from high school after 1996
15 and who has not previously taken an assessment under this section
16 may take an assessment used for the purposes of this section,
17 without charge to the person, at the district from which he or
18 she graduated from high school at any time that district adminis-
19 ters the assessment or during a retesting period scheduled under
20 subsection (7) and have his or her scaled score on the assessment
21 included on his or her high school transcript. If the person's
22 scaled score on a subject area assessment falls within the range
23 required under subsection (2) for a category established under
24 subsection (2), the district shall also indicate on the person's
25 high school transcript that the person has achieved state
26 endorsement for that subject area.

1 (13) A child who is a student in a nonpublic school or home
2 school may take an assessment under this section. To take an
3 assessment, a child who is a student in a home school shall con-
4 tact the district in which the child resides, and that district
5 shall administer the assessment, or the child may take the
6 assessment at a nonpublic school if allowed by the nonpublic
7 school. Upon request from a nonpublic school, the department
8 shall supply assessments and the nonpublic school may administer
9 the assessment.

10 (14) The purpose of the assessment under this section is to
11 assess pupil performance in mathematics, science, social studies,
12 and communication arts for the purpose of improving academic
13 achievement and establishing a statewide standard of competency.
14 The assessment under this section provides a common measure of
15 data that will contribute to the improvement of Michigan schools'
16 curriculum and instruction by encouraging alignment with
17 Michigan's curriculum framework standards. These standards are
18 based upon the expectations of what pupils should know and be
19 able to do by the end of grade 11.

20 ~~(15) If the Michigan assessment governing board is estab-~~
21 ~~lished by law, the Michigan assessment governing board shall~~
22 ~~administer this section and shall have all of the powers and~~
23 ~~duties as otherwise provided under this section for the depart-~~
24 ~~ment or the superintendent.~~

25 (15) ~~(16)~~ As used in this section:

26 (a) "Communications skills" means reading and writing.

1 (b) "Social studies" means geography, history, economics,
2 and American government.

3 Sec. 107. (1) From the appropriation in section 11, there
4 is allocated an amount not to exceed \$75,000,000.00 for 2001-2002
5 and an amount not to exceed \$77,500,000.00 each fiscal year for
6 2002-2003 and for 2003-2004 for adult education programs autho-
7 rized under this section.

8 (2) To be eligible to be a participant funded under this
9 section, a person shall be enrolled in an adult basic education
10 program, an adult English as a second language program, a general
11 education development (G.E.D.) test preparation program, a job
12 or employment related program, or a high school completion pro-
13 gram, that meets the requirements of this section, and shall meet
14 either of the following, as applicable:

15 (a) If the individual has obtained a high school diploma or
16 a general education development (G.E.D.) certificate, the indi-
17 vidual meets 1 of the following:

18 (i) Is less than 20 years of age on September 1 of the
19 school year and is enrolled in the state technical institute and
20 rehabilitation center.

21 (ii) Is less than 20 years of age on September 1 of the
22 school year, is not attending an institution of higher education,
23 and is enrolled in a job or employment-related program through a
24 referral by an employer.

25 (iii) Is enrolled in an English as a second language
26 program.

1 (iv) Is enrolled in a high school completion program.

2 (b) If the individual has not obtained a high school diploma
3 or G.E.D. certificate, the individual meets 1 of the following:

4 (i) Is at least 20 years of age on September 1 of the school
5 year.

6 (ii) Is at least 16 years of age on September 1 of the
7 school year, has been permanently expelled from school under sec-
8 tion 1311(2) or 1311a of the revised school code, MCL 380.1311
9 and 380.1311a, and has no appropriate alternative education pro-
10 gram available through his or her district of residence.

11 (3) The amount allocated under subsection (1) shall be dis-
12 tributed as follows:

13 (a) For districts and consortia that received payments for
14 1995-96 under former section 107f and that received payments for
15 1996-97 under subsection (4) of this section as in effect in
16 1996-97, the amount allocated to each for 2001-2002, for
17 2002-2003, and for 2003-2004 shall be an amount each fiscal year
18 equal to 36.76% of the amount the district or consortium received
19 for 1995-96 under former section 107f.

20 (b) For districts and consortia that received payments under
21 subsection (3) of this section as in effect for 1996-97, the
22 amount allocated to each for 2001-2002, for 2002-2003, and for
23 2003-2004 shall be an amount each fiscal year equal to the pro-
24 duct of the number of full-time equated participants actually
25 enrolled and in attendance during the 1996-97 school fiscal year
26 in the program funded under subsection (3) of this section as in
27 effect for 1996-97 as reported to the department, ~~of career~~

1 ~~development,~~ audited, and adjusted according to subsection (10)
2 of this section as in effect for 1996-97, multiplied by
3 \$2,750.00.

4 (c) For districts and consortia that meet the conditions of
5 both subdivisions (a) and (b), the amount allocated each fiscal
6 year for 2001-2002, for 2002-2003, and for 2003-2004 shall be the
7 sum of the allocations to the district or consortium under subdi-
8 visions (a) and (b).

9 (d) A district or consortium that received funding in
10 1996-97 under this section as in effect for 1996-97 may operate
11 independently of a consortium or join or form a consortium for
12 2001-2002, for 2002-2003, or for 2003-2004. The allocation for
13 2001-2002, for 2002-2003, or for 2003-2004 to the district or the
14 newly formed consortium under this subsection shall be determined
15 by the department ~~of career development~~ and shall be based on
16 the proportion of the amounts specified in subdivision (a) or
17 (b), or both, that are attributable to the district or consortium
18 that received funding in 1996-97. A district or consortium
19 described in this subdivision shall notify the department ~~of~~
20 ~~career development~~ of its intention with regard to 2001-2002,
21 2002-2003, or for 2003-2004 by October 1 of the affected fiscal
22 year.

23 (4) A district that operated an adult education program in
24 1996-97 and does not intend to operate a program in 2001-2002,
25 2002-2003, or 2003-2004 shall notify the department ~~of career~~
26 ~~development~~ by October 1 of the affected fiscal year of its
27 intention. The funds intended to be allocated under this section

1 to a district that does not operate a program in 2001-2002,
2 2002-2003, or 2003-2004 and the unspent funds originally allo-
3 cated under this section to a district or consortium that subse-
4 quently operates a program at less than the level of funding
5 allocated under subsection (3) shall instead be proportionately
6 reallocated to the other districts described in subsection (3)(a)
7 that are operating an adult education program in 2001-2002,
8 2002-2003, or 2003-2004 under this section.

9 (5) The amount allocated under this section per full-time
10 equated participant is \$2,850.00 for a 450-hour program. The
11 amount shall be proportionately reduced for a program offering
12 less than 450 hours of instruction.

13 (6) An adult basic education program or an adult English as
14 a second language program operated on a year-round or school year
15 basis may be funded under this section, subject to all of the
16 following:

17 (a) The program enrolls adults who are determined by an
18 appropriate assessment to be below ninth grade level in reading
19 or mathematics, or both, or to lack basic English proficiency.

20 (b) The program tests individuals for eligibility under
21 subdivision (a) before enrollment and tests participants to
22 determine progress after every 90 hours of attendance, using
23 assessment instruments approved by the department. ~~of career~~
24 ~~development.~~

25 (c) A participant in an adult basic education program is
26 eligible for reimbursement until 1 of the following occurs:

1 (i) The participant's reading and mathematics proficiency
2 are assessed at or above the ninth grade level.

3 (ii) The participant fails to show progress on 2 successive
4 assessments after having completed at least 450 hours of
5 instruction.

6 (d) A funding recipient enrolling a participant in an
7 English as a second language program is eligible for funding
8 according to subsection (10) until the participant meets 1 of the
9 following:

10 (i) The participant is assessed as having attained basic
11 English proficiency.

12 (ii) The participant fails to show progress on 2 successive
13 assessments after having completed at least 450 hours of
14 instruction. The department ~~of career development~~ shall pro-
15 vide information to a funding recipient regarding appropriate
16 assessment instruments for this program.

17 (7) A general education development (G.E.D.) test prepara-
18 tion program operated on a year-round or school year basis may be
19 funded under this section, subject to all of the following:

20 (a) The program enrolls adults who do not have a high school
21 diploma.

22 (b) The program shall administer a G.E.D. pre-test approved
23 by the department ~~of career development~~ before enrolling an
24 individual to determine the individual's potential for success on
25 the G.E.D. test, and shall administer other tests after every 90
26 hours of attendance to determine a participant's readiness to
27 take the G.E.D. test.

1 (c) A funding recipient shall receive funding according to
2 subsection (10) for a participant, and a participant may be
3 enrolled in the program until 1 of the following occurs:

4 (i) The participant passes the G.E.D. test.

5 (ii) The participant fails to show progress on 2 successive
6 tests used to determine readiness to take the G.E.D. test after
7 having completed at least 450 hours of instruction.

8 (8) A high school completion program operated on a
9 year-round or school year basis may be funded under this section,
10 subject to all of the following:

11 (a) The program enrolls adults who do not have a high school
12 diploma.

13 (b) A funding recipient shall receive funding according to
14 subsection (10) for a participant in a course offered under this
15 subsection until 1 of the following occurs:

16 (i) The participant passes the course and earns a high
17 school diploma.

18 (ii) The participant fails to earn credit in 2 successive
19 semesters or terms in which the participant is enrolled after
20 having completed at least 900 hours of instruction.

21 (9) A job or employment-related adult education program
22 operated on a year-round or school year basis may be funded under
23 this section, subject to all of the following:

24 (a) The program enrolls adults referred by their employer
25 who are less than 20 years of age, have a high school diploma,
26 are determined to be in need of remedial mathematics or

1 communication arts skills and are not attending an institution of
2 higher education.

3 (b) An individual may be enrolled in this program and the
4 grant recipient shall receive funding according to subsection
5 (10) until 1 of the following occurs:

6 (i) The individual achieves the requisite skills as deter-
7 mined by appropriate assessment instruments administered at least
8 after every 90 hours of attendance.

9 (ii) The individual fails to show progress on 2 successive
10 assessments after having completed at least 450 hours of
11 instruction. The department ~~of career development~~ shall pro-
12 vide information to a funding recipient regarding appropriate
13 assessment instruments for this program.

14 (10) A funding recipient shall receive payments under this
15 section in accordance with the following:

16 (a) Ninety percent for enrollment of eligible participants.

17 (b) Ten percent for completion of the adult basic education
18 objectives by achieving an increase of at least 1 grade level of
19 proficiency in reading or mathematics; for achieving basic
20 English proficiency; for passage of the G.E.D. test; for passage
21 of a course required for a participant to attain a high school
22 diploma; or for completion of the course and demonstrated profi-
23 ciency in the academic skills to be learned in the course, as
24 applicable.

25 (11) As used in this section, "participant" means the sum of
26 the number of full-time equated individuals enrolled in and
27 attending a department-approved adult education program under

1 this section, using quarterly participant count days on the
2 schedule described in section 6(7)(b).

3 (12) A person who is not eligible to be a participant funded
4 under this section may receive adult education services upon the
5 payment of tuition. In addition, a person who is not eligible to
6 be served in a program under this section due to the program lim-
7 itations specified in subsection (6), (7), (8), or (9) may con-
8 tinue to receive adult education services in that program upon
9 the payment of tuition. The tuition level shall be determined by
10 the local or intermediate district conducting the program.

11 (13) An individual who is an inmate in a state correctional
12 facility shall not be counted as a participant under this
13 section.

14 (14) A district shall not commingle money received under
15 this section or from another source for adult education purposes
16 with any other funds of the district. A district receiving adult
17 education funds shall establish a separate ledger account for
18 those funds. This subsection does not prohibit a district from
19 using general funds of the district to support an adult education
20 or community education program.

21 ~~(15) The department shall work with the department of edu-~~
22 ~~cation to ensure that this section is administered in the same~~
23 ~~manner as in 1998-99.~~

24 Sec. 108. (1) From the general fund appropriation in
25 section 11, there is allocated an amount not to exceed
26 \$20,000,000.00 for 2001-2002 and an amount not to exceed
27 \$20,000,000.00 each fiscal year for 2002-2003 and for 2003-2004

1 for partnership for adult learning programs authorized under this
2 section.

3 (2) To be eligible to be enrolled as a participant in an
4 adult learning program funded under this section, a person shall
5 be at least 16 years of age as of September 1 of the immediately
6 preceding state fiscal year and shall meet the following, as
7 applicable:

8 (a) If the individual has obtained a high school diploma or
9 a general education development (G.E.D.) certificate, the indi-
10 vidual is determined to have English language proficiency, read-
11 ing, writing, or math skills below workforce readiness standards
12 as determined by tests approved by the department ~~of career~~
13 ~~development~~ and is not enrolled in a postsecondary institution.
14 An individual who has obtained a high school diploma is not eli-
15 gible for enrollment in a G.E.D. test preparation program funded
16 under this section.

17 (b) If the individual has not obtained a high school diploma
18 or a G.E.D. certificate, the individual has not attended a sec-
19 ondary institution for at least 6 months before enrollment in an
20 adult learning program funded under this section and is not
21 enrolled in a postsecondary institution.

22 (3) From the allocation under subsection (1), an amount not
23 to exceed \$19,800,000.00 is allocated for 2001-2002 and an amount
24 not to exceed \$19,800,000.00 is allocated each fiscal year for
25 2002-2003 and for 2003-2004 to local workforce development boards
26 for the purpose of providing regional adult learning programs.
27 An application for a grant under this subsection shall be in the

1 form and manner prescribed by the department. ~~of career~~
2 ~~development.~~ Subject to subsections (4), (5), and (6), the
3 amount allocated to each local workforce development board shall
4 be as provided in this subsection, except that an eligible local
5 workforce development board shall not receive an initial alloca-
6 tion under this section that is less than \$70,000.00. The maxi-
7 mum amount of a grant awarded to an eligible local workforce
8 development board shall be the sum of the following components:

9 (a) Thirty-four percent of the allocation under this subsec-
10 tion multiplied by the proportion of the family independence
11 agency caseload in the local workforce development board region
12 to the statewide family independence agency caseload.

13 (b) Thirty-three percent of the allocation under this sub-
14 section multiplied by the proportion of the number of persons in
15 the local workforce development board region over age 17 who have
16 not received a high school diploma compared to the statewide
17 total of persons over age 17 who have not received a high school
18 diploma.

19 (c) Thirty-three percent of the allocation under this sub-
20 section multiplied by the proportion of the number of persons in
21 the local workforce development board region over age 17 for whom
22 English is not a primary language compared to the statewide total
23 of persons over age 17 for whom English is not a primary
24 language.

25 (4) The amount of a grant to a local workforce development
26 board under subsection (3) shall not exceed the cost for adult
27 learning programs needed in the local workforce development board

1 region, as documented in a manner approved by the department. ~~of~~
2 ~~career development.~~

3 (5) Not more than 9% of a grant awarded to a local workforce
4 development board may be used for program administration, includ-
5 ing contracting for the provision of career and educational
6 information, counseling services, and assessment services.

7 (6) In order to receive funds under this section, a local
8 workforce development board shall comply with the following
9 requirements in a manner approved by the department: ~~of career~~
10 ~~development.~~

11 (a) The local workforce development board shall document the
12 need for adult learning programs in the local workforce develop-
13 ment region.

14 (b) The local workforce development board shall report par-
15 ticipant outcomes and other measurements of program performance.

16 (c) The local workforce development board shall develop a
17 strategic plan that incorporates adult learning programs in the
18 region. A local workforce development board is not eligible for
19 state funds under this section without a strategic plan approved
20 by the department. ~~of career development.~~

21 (d) The local workforce development board shall furnish to
22 the department, ~~of career development,~~ in a form and manner
23 determined by the department, ~~of career development,~~ the infor-
24 mation the department ~~of career development~~ determines is nec-
25 essary to administer this section.

26 (e) The local workforce development board shall allow access
27 for the department ~~of career development~~ or its designee to

1 audit all records related to adult learning programs for which it
2 receives funds. The local workforce development board shall
3 reimburse this state for all disallowances found in the audit in
4 a manner determined by the department. ~~of career development.~~

5 (7) Local workforce development boards shall distribute
6 funds to eligible adult learning providers as follows:

7 (a) Not less than 85% of a grant award shall be used to sup-
8 port programs that improve reading, writing, and math skills to
9 workforce readiness standards; English as a second language pro-
10 grams; G.E.D. preparation programs; high school completion pro-
11 grams; or workforce readiness programs in the local workforce
12 development board region. These programs may include the provi-
13 sion of career and educational information, counseling services,
14 and assessment services.

15 (b) Up to 15% of a grant award may be used to support work-
16 force readiness programs for employers in the local workforce
17 development board region as approved by the department. ~~of~~
18 ~~career development.~~ Employers or consortia of employers whose
19 employees participate in these programs must provide matching
20 funds in a ratio of at least \$1.00 of private funds for each
21 \$1.00 of state funds.

22 (8) Local workforce development boards shall award competi-
23 tive grants to eligible adult learning providers for the purpose
24 of providing adult learning programs in the local workforce
25 development board region. Applications shall be in a form and
26 manner prescribed by the department. ~~of career development.~~ In

1 awarding grants, local workforce development boards shall
2 consider all of the following:

3 (a) The ability of the provider to assess individuals before
4 enrollment using assessment tools approved by the department ~~of~~
5 ~~career development~~ and to develop individual adult learner plans
6 from those assessments for each participant.

7 (b) The ability of the provider to conduct continuing
8 assessments in a manner approved by the department ~~of career~~
9 ~~development~~ to determine participant progress toward achieving
10 the goals established in individual adult learner plans.

11 (c) The past effectiveness of an eligible provider in
12 improving adult literacy skills and the success of an eligible
13 provider in meeting or exceeding performance measures approved by
14 the department. ~~of career development.~~

15 (d) Whether the program is of sufficient intensity and dura-
16 tion for participants to achieve substantial learning gains.

17 (e) Whether the program uses research-based instructional
18 practices that have proven to be effective in teaching adult
19 learners.

20 (f) Whether the program uses advances in technology, as
21 appropriate, including computers.

22 (g) Whether the programs are staffed by well-trained teach-
23 ers, counselors, and administrators.

24 (h) Whether the activities coordinate with other available
25 resources in the community, such as schools, postsecondary insti-
26 tutions, job training programs, and social service agencies.

1 (i) Whether the provider offers flexible schedules and
2 support services, such as child care and transportation, that
3 enable participants, including individuals with disabilities or
4 other special needs, to attend and complete programs.

5 (j) Whether the provider offers adequate job and postsecond-
6 ary education counseling services.

7 (k) Whether the provider can maintain an information manage-
8 ment system that has the capacity to report participant outcomes
9 and monitor program performance against performance measures
10 approved by the department. ~~of career development.~~

11 (l) Whether the provider will allow access for the local
12 workforce development board or its designee to audit all records
13 related to adult learning programs for which it receives funds.
14 The adult learning provider shall reimburse the local workforce
15 development board for all disallowances found in the audit.

16 (m) The cost per participant contact hour or unit of measur-
17 able outcome for each type of adult learning program for which
18 the provider is applying.

19 (9) Contracts awarded by local workforce development boards
20 to adult learning providers shall comply with the priorities
21 established in a strategic plan approved by the department. ~~of~~
22 ~~career development.~~

23 (10) Adult learning providers that do not agree with the
24 decisions of the local workforce development board in issuing or
25 administering competitive grants may use the grievance procedure
26 established by the department. ~~of career development.~~

1 (11) Local workforce development boards shall reimburse
2 eligible adult learning providers under this section as follows:

3 (a) For a first-time provider, as follows:

4 (i) Fifty percent of the contract amount shall be allocated
5 to eligible adult learning providers based upon enrollment of
6 participants in adult learning programs. "Enrollment" means a
7 participant enrolled in the program who received a preenrollment
8 assessment using assessment tools approved by the department ~~of~~
9 ~~career development~~ and for whom an individual adult learner plan
10 has been developed.

11 (ii) Fifty percent of the contract amount shall be allocated
12 to eligible adult learning providers based upon the following
13 performance standards as measured in a manner approved by the
14 department: ~~of career development~~:

15 (A) The percentage of participants taking both a pretest and
16 a posttest in English language proficiency, reading, writing, and
17 math.

18 (B) The percentage of participants showing improvement
19 toward goals identified in their individual adult learner plan.

20 (C) The percentage of participants achieving their terminal
21 goals as identified in their individual adult learner plan.

22 (b) Eligible providers that have provided adult learning
23 programs previously under this section shall be reimbursed 100%
24 of the contract amount based upon the performance standards in
25 subdivision (a)(ii) as measured in a manner determined by the
26 department. ~~of career development~~.

1 (c) A provider is eligible for reimbursement for a
2 participant in an adult learning program until the participant's
3 reading, writing, or math proficiency, as applicable, is assessed
4 at workforce readiness levels or the participant fails to show
5 progress on 2 successive assessments as determined by the
6 department. ~~of career development.~~

7 (d) A provider is eligible for reimbursement for a partici-
8 pant in an English as a second language program until the partic-
9 ipant is assessed as having attained basic English proficiency or
10 the participant fails to show progress on 2 successive assess-
11 ments as determined by the department. ~~of career development.~~

12 (e) A provider is eligible for reimbursement for a partici-
13 pant in a G.E.D. test preparation program until the participant
14 passes the G.E.D. test or the participant fails to show progress
15 on 2 successive assessments as determined by the department. ~~of~~
16 ~~career development.~~

17 (f) A provider is eligible for reimbursement for a partici-
18 pant in a high school completion program until the participant
19 earns a high school diploma or the participant fails to show
20 progress as determined by the department. ~~of career~~
21 ~~development.~~

22 (12) A person who is not eligible to be a participant funded
23 under this section may receive adult learning services upon the
24 payment of tuition or fees for service. The tuition or fee level
25 shall be determined by the adult learning provider and approved
26 by the local workforce development board.

1 (13) Adult learning providers may collect refundable
2 deposits from participants for the use of reusable equipment and
3 supplies and may provide incentives for program completion.

4 (14) A provider shall not be reimbursed under this section
5 for an individual who is an inmate in a state correctional
6 facility.

7 (15) In order to administer the partnership for adult learn-
8 ing system under this section, the department ~~of career~~
9 ~~development~~ shall do all of the following:

10 (a) Develop and provide guidelines to local workforce devel-
11 opment boards for the development of strategic plans that incor-
12 porate adult learning.

13 (b) Develop and provide adult learning minimum program per-
14 formance standards to be implemented by local workforce develop-
15 ment boards.

16 (c) Identify approved assessment tools for assessing a
17 participant's English language proficiency, reading, math, and
18 writing skills.

19 (d) Approve workforce readiness standards for English lan-
20 guage proficiency, reading, math, and writing skills that can be
21 measured by nationally recognized assessment tools approved by
22 the department. ~~of career development.~~

23 (16) Of the amount allocated in subsection (1), up to
24 \$200,000.00 is allocated to the department ~~of career~~
25 ~~development~~ for the development and administration of a stan-
26 dardized data collection system. Local workforce development
27 boards and adult learning providers receiving funding under this

1 section shall use the standardized data collection system for
2 enrolling participants in adult learning programs, tracking par-
3 ticipant progress, reporting participant outcomes, and reporting
4 other performance measures.

5 (17) A provider is not required to use certificated teachers
6 or certificated counselors to provide instructional and counsel-
7 ing services in a program funded under this section.

8 (18) As used in this section:

9 (a) "Adult education", for the purposes of complying with
10 section 3 of article VIII of the state constitution of 1963,
11 means a high school pupil receiving educational services in a
12 nontraditional setting from a district or intermediate district
13 in order to receive a high school diploma.

14 (b) "Adult learning program" means a program approved by the
15 department ~~of career development~~ that improves reading, writ-
16 ing, and math skills to workforce readiness standards; an English
17 as a second language program; a G.E.D. preparation program; a
18 high school completion program; or a workforce readiness program
19 that enhances employment opportunities.

20 (c) "Eligible adult learning provider" means a district,
21 public school academy, intermediate district, community college,
22 university, community-based organization, or other organization
23 approved by the department ~~of career development~~ that provides
24 adult learning programs under a contract with a local workforce
25 development board.

1 (d) "Participant" means an individual enrolled in an adult
 2 learning program and receiving services from an eligible adult
 3 learning provider.

4 (e) "Strategic plan" means a document approved by the
 5 department ~~of career development~~ that incorporates adult learn-
 6 ing goals and objectives for the local workforce development
 7 board region and is developed jointly by the local workforce
 8 development board and the education advisory groups.

9 (f) "Workforce development board" means a local workforce
 10 development board established pursuant to the workforce invest-
 11 ment act of 1998, Public Law 105-220, 112 Stat. 936, and the
 12 school-to-work opportunities act of 1994, Public Law 103-239, 108
 13 Stat. 568, or the equivalent.

14 (g) "Workforce readiness standard" means a proficiency level
 15 approved by the department ~~of career development~~ in English
 16 language, reading, writing, or mathematics, or any and all of
 17 these, as determined by results from assessments approved for use
 18 by the department. ~~of career development.~~

19 Enacting section 1. This amendatory act does not take
 20 effect unless all of the following bills of the 91st Legislature
 21 are enacted into law:

22 (a) Senate Bill No. ____ or House Bill No. 6457 (request
 23 no. 07890'02).

24 (b) Senate Bill No. ____ or House Bill No. 6455 (request
 25 no. 07909'02).

26 (c) Senate Bill No. ____ or House Bill No. 6456 (request
 27 no. 07909'02 a).