

Act No. 335
Public Acts of 1993
Approved by the Governor
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**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Reps. Bryant, Horton, Bender, Gilmer, London, Johnson, Bullard, DeLange, Bandstra, Dalman, Dobb, Munsell, Llewellyn and Martin

ENROLLED HOUSE BILL No. 5121

AN ACT to amend sections 5, 172, 1169, 1204a, 1246, 1272a, 1272d, 1277, 1278, 1280, 1282, 1284, 1300, 1311, 1502, 1507, 1508, 1531, and 1536 of Act No. 451 of the Public Acts of 1976, entitled as amended "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and classify the laws relating to elementary and secondary education; to provide for the classification, organization, regulation, and maintenance of schools, school districts, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, and intermediate school districts; to provide for the regulation of school teachers and school administrators; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal certain acts and parts of acts," section 5 as amended by Act No. 263 of the Public Acts of 1992, section 172 as added by Act No. 236 of the Public Acts of 1992, section 1169 as amended by Act No. 139 of the Public Acts of 1990, section 1204a as amended and sections 1277, 1278, and 1280 as added by Act No. 25 of the Public Acts of 1990, sections 1246 and 1536 as amended by Act No. 63 of the Public Acts of 1991, section 1272a as amended by Act No. 35 of the Public Acts of 1990, section 1272d as amended by Act No. 306 of the Public Acts of 1982, section 1284 as amended by Act No. 143 of the Public Acts of 1992, section 1507 as amended by Act No. 87 of the Public Acts of 1981, and section 1531 as amended by Act No. 282 of the Public Acts of 1992, being sections 380.5, 380.172, 380.1169, 380.1204a, 380.1246, 380.1272a, 380.1272d, 380.1277, 380.1278, 380.1280, 380.1282, 380.1284, 380.1300, 380.1311, 380.1502, 380.1507, 380.1508, 380.1531, and 380.1536 of the Michigan Compiled Laws; to add sections 624a, 1147b, 1149, 1150, 1174a, 1202a, 1277a, 1278a, 1278b, 1279, 1279a, 1279b, 1279c, 1279d, 1279e, 1280a, 1284a, 1291, 1300a, 1531b, and 1531c and part 21a; and to repeal certain parts of the act.

The People of the State of Michigan enact:

Section 1. Sections 5, 172, 1169, 1204a, 1246, 1272a, 1272d, 1277, 1278, 1280, 1282, 1284, 1300, 1311, 1502, 1507, 1508, 1531, and 1536 of Act No. 451 of the Public Acts of 1976, section 5 as amended by Act No. 263 of the Public Acts of 1992, section 172 as added by Act No. 236 of the Public Acts of 1992, section 1169 as amended by Act No. 139 of the Public Acts of 1990, section 1204a as amended and sections 1277, 1278, and 1280 as added by Act No. 25 of the Public Acts of 1990, sections 1246 and 1536 as amended by Act No. 63 of the Public Acts of 1991, section 1272a as amended by Act No. 35 of the Public Acts of 1990, section 1272d as amended by Act No. 306 of the Public Acts of 1982, section 1284 as amended by Act No. 143 of the Public Acts of 1992, section 1507 as amended by Act No. 87 of the Public Acts of 1981, and section 1531 as amended by Act No. 282 of the Public Acts of 1992, being sections 380.5, 380.172, 380.1169, 380.1204a, 380.1246, 380.1272a, 380.1272d, 380.1277, 380.1278, 380.1280, 380.1282, 380.1284, 380.1300, 380.1311, 380.1502, 380.1507, 380.1508, 380.1531, and 380.1536 of the Michigan Compiled Laws, are amended and sections 624a, 1147b, 1149, 1150,

1174a, 1202a, 1277a, 1278a, 1278b, 1279, 1279a, 1279b, 1279c, 1279d, 1279e, 1280a, 1284a, 1291, 1300a, 1531b, and 1531c and part 21a are added to read as follows:

Sec. 5. (1) "Local act school district" or "special act school district" means a district governed by a special or local act or chapter of a local act. "Local school district" and "local school district board" as used in article 3 includes a local act school district and a local act school district board.

(2) "Membership" means the number of full-time equivalent pupils in a public school as determined by the number of pupils registered for attendance plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the state board.

(3) "Modified school bus" means a school bus of any age with a factory installed fuel system that has been modified to operate on a fuel source other than gasoline or diesel fuel.

(4) "Nonpublic school" means a private, denominational, or parochial school.

(5) "Outcomes" means measurable pupil academic skills and knowledge.

(6) "Pupil membership count day" of a school district means that term as defined in section 6 of the state school aid act of 1979, being section 388.1606 of the Michigan Compiled Laws.

(7) "Pupil transportation vehicle" means any vehicle other than a school bus used by a school district to transport pupils to or from school or school-related events.

(8) "Rehabilitated school bus" means a bus that is at least 4 years old and has accumulated at least 100,000 miles, or is at least 7 years old; and that has been thoroughly inspected and had all systems repaired, replaced, or adjusted to meet the department of state police inspection requirements including but not limited to any of the following:

(a) Engine overhaul of short block.

(b) New tires on the front axle.

(c) New recap tires on the rear axle.

(d) New brake linings and drums.

(e) New hydraulic brake lines.

(f) Front and rear springs.

(g) New paint in the interior.

(h) New exhaust system.

(9) "Reorganized intermediate school district" means an intermediate school district formed by consolidation or annexation of 2 or more intermediate school districts under sections 701 and 702.

(10) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

Sec. 172. (1) Until December 31, 1996, the boards of 2 or more contiguous fourth class school districts that are located in a county with a population of 40,000 or less may create by resolution a joint high school district to operate or to construct and operate a high school to serve the entire area encompassed by the participating school districts.

(2) Unless the written agreement described in section 173 prescribes that the board of a participating school district shall appoint a different number of individuals to the governing board, a joint high school district shall be governed by a governing board as follows:

(a) The board of each of the participating school districts shall each appoint 2 individuals to the governing board. A member appointed under this subdivision shall be a member of the board of the appointing participating school district. If a board fails or neglects to make an appointment under this subdivision within 20 days after the effective date of this section or after the occurrence of a vacancy, the intermediate superintendent of the intermediate district in which the participating school district is located shall appoint a qualified individual to fill the position.

(b) The members of the governing board who were appointed under subdivision (a) shall appoint by agreement 1 additional member, who shall be a school elector of 1 of the participating school districts and qualified under this act to serve on the board of a fourth class school district. If the members cannot agree on an appointee under this subdivision and the joint high school district is located in a single intermediate school district, the intermediate superintendent of the intermediate school district in which the joint high school district is located shall appoint a qualified individual as the 1 additional member under this subdivision. If the members cannot agree on an appointee under this subdivision and the joint high school district is located in more than 1 intermediate school district, the 1 additional member under this subdivision shall be appointed according to a method specified in the written agreement described in section 173.

(3) The term of a member of the governing board of a joint high school district who is appointed by the board of a participating school district is at the pleasure of the appointing board. The term of another member of the governing

board of a joint high school district shall be 3 years. The term of the initial members of the governing board shall commence upon appointment. A vacancy shall be filled in the same manner as the original appointment.

(4) Not later than 5 days after appointing an individual to the governing board of a joint high school district or to fill a vacancy on the governing board, the appointing board or appointing intermediate superintendent shall notify the individual of the appointment. If the individual accepts the appointment, not later than 10 days after receiving notification of the appointment, the individual shall file with the secretary of the appointing board or with the appointing intermediate superintendent an acceptance of the appointment accompanied by a written affidavit setting forth facts establishing the individual's eligibility for the appointment.

(5) An individual appointed to the governing board of a joint high school district shall take and subscribe the oath of office specified in section 1102, substituting the term "governing board" for "board of education".

(6) The office of a member of the governing board of a joint high school district shall become vacant immediately, without declaration by an officer or acceptance by the governing board or appointing board or any of the members of the governing board or appointing board, upon the occurrence of 1 of the events specified for a vacancy in a school board under section 1103.

(7) Members of the governing board of a joint high school district shall not receive compensation. The governing board may pay the actual and necessary expenses incurred by its members and employees in the discharge of official duties or in the performance of functions authorized by the governing board. The expenditures shall be a public record and shall be made available to a person upon request.

Sec. 624a. Notwithstanding section 624, for 1994 only an intermediate school board is not required to comply with section 624(2), regarding submission of its annual budget, until April 15, 1994.

Sec. 1147b. Each school district shall recognize and meet the educational needs for different learning environments required by a diverse pupil population.

Sec. 1149. Beginning in 1994, a school district shall provide special assistance to each pupil enrolled in the school district who is eligible for purposes of allocating federal funds under chapter 1 of the Hawkins-Stafford elementary and secondary school improvement amendments of 1988, Public Law 100-297, or who is at risk of falling seriously behind others of his or her age level in learning or in danger of being expelled or of not advancing in grade level with pupils of his or her age level, as defined by department rule. A school district shall avoid removing a pupil described in this section from his or her core curriculum or other regular classroom courses in order to provide the programs.

Sec. 1150. Subject only to availability of space, payment of reasonable rent, and adherence to the instruction schedules of the school facility, any state public university and the community college in which community college district the school district is located or, if the school district is not located in a community college district, any community college in this state, may offer and conduct at the school district facilities any of its courses for which a pupil may receive both college and high school credit. A school district shall not unreasonably refuse to give high school credit for a course offered by a state public university, independent college or university, or community college.

Sec. 1169. (1) The principal modes by which dangerous communicable diseases, including, but not limited to, human immunodeficiency virus infection and acquired immunodeficiency syndrome, are spread and the best methods for the restriction and prevention of these diseases shall be taught in every public school in this state. Subject to subsection (3), the teaching under this section shall include the teaching of abstinence from sex as a responsible method for restriction and prevention of these diseases and as a positive lifestyle for unmarried young people.

(2) Except for licensed health care professionals who have received training on human immunodeficiency virus infection and acquired immunodeficiency syndrome, each person who teaches K to 12 pupils about human immunodeficiency virus infection and acquired immunodeficiency syndrome pursuant to subsection (1) shall have training in human immunodeficiency virus infection and acquired immunodeficiency syndrome education for young people. The state board, in cooperation with the department of public health, shall train trainers to provide the teacher training required by this subsection and shall provide for the development and distribution to school districts of material on the teaching of human immunodeficiency virus infection and acquired immunodeficiency syndrome to young people.

(3) The choice of curricula to be used for human immunodeficiency virus infection and acquired immunodeficiency syndrome education required to be taught under subsection (1) shall be approved by the appropriate school board and implemented in the school setting not later than October 1, 1990. Before adopting any revisions to the curriculum implemented under this section, including, but not limited to, revisions to provide for the teaching of abstinence from sex as a responsible method for restriction and prevention of disease, a school board shall hold at least 2 public hearings on the proposed revisions. The hearings shall be held at least 1 week apart and public notice of the hearings shall be given in the manner required under section 1201 for board meetings. A public hearing held pursuant to this section may be held in conjunction with a public hearing held pursuant to section 1507.

Sec. 1174a. Not later than the beginning of the 1995-96 school year, the board of a school district may develop and implement a curriculum ensuring multicultural education in all grade levels. The curriculum may incorporate guidelines and materials developed by the state board under section 1174 and may include separate courses or instructional units, as appropriate for a particular grade level. If a district develops and implements a multicultural education curriculum, the curriculum shall include, but is not limited to, studies relative to the culture and contributions of African-Americans, Native-Americans, and Asian-Americans, and emphasis shall be placed on human relations and sensitivity towards all races.

Sec. 1202a. The board of a school district shall ensure that decisions made at the school building level are made using site-based decision making that includes the participation of teachers, school administrators, parents, pupils, and others in the school community.

Sec. 1204a. (1) In addition to the requirements specified in section 1280 for accreditation under that section, if the board of a school district wants all of its schools to be accredited under section 1280, the board shall prepare and submit to the state board not later than September 1 each year, and shall provide that each school in the school district distributes to the public at an open meeting not later than October 15 each year, an annual educational report. The annual educational report shall include, but is not limited to, all of the following information for each public school in the school district:

(a) The accreditation status of each school within the school district, the process by which pupils are assigned to particular schools, and a description of each specialized school.

(b) The status of the 3- to 5-year school improvement plan as described in section 1277 for each school within the school district.

(c) A copy of the core academic curriculum and a description of its implementation, including how pupils are ensured enrollment in those courses or subjects necessary for them to receive adequate instruction in all of the core academic curriculum, and the variances and explanation for the variances from the model core academic curriculum developed by the state board pursuant to section 1278(2).

(d) A report for each school of aggregate student achievement based upon the results of any locally-administered student competency tests, statewide assessment tests, or nationally normed achievement tests that were given to pupils attending school in the school district.

(e) For the year in which the report is filed and the previous school year, the district pupil retention report as defined in section 6 of the state school aid act of 1979, being section 388.1606 of the Michigan Compiled Laws.

(f) The number and percentage of parents, legal guardians, or persons in loco parentis with pupils enrolled in the school district who participate in parent-teacher conferences for pupils at the elementary, middle, and secondary school level, as appropriate.

(g) A comparison with the immediately preceding school year of the information required by subdivisions (a) through (f).

(2) Not later than June 11, 1990, the state board shall prepare and make available to school districts suggestions for accumulating the information listed in subsection (1) and a model annual educational report for school districts to consider in the implementation of this section.

Sec. 1246. (1) Beginning in the 1995-96 school year, a school district shall not employ a person as a superintendent, principal, assistant principal, or other person whose primary responsibility is administering instructional programs or as a chief business official unless the person has completed the continuing education requirements prescribed by state board rule under subsection (2).

(2) The state board shall promulgate rules establishing continuing education requirements as a condition for continued employment for persons employed in positions described in subsection (1). The rules shall prescribe a minimum amount of continuing education to be completed within a 5-year period.

Sec. 1272a. (1) The board of a K to 12 school district shall, and the board of a primary school district or a fourth class school district that does not operate a K to 12 program may, establish and operate a program under which lunch is made available to all full-time pupils enrolled and in regular daily attendance at each public school of the school district.

(2) The board of a K to 12 school district shall establish and operate a program under which breakfast is made available to all full-time pupils enrolled and in regular daily attendance at each public school of the school district unless no more than 20% of the lunches served the immediately preceding year were free or reduced price lunches provided pursuant to section 1272b(c) and, after a public hearing on the issue, which shall be held annually with notice to parents and pupils, the board decides not to operate such a program and publishes a public justification report explaining its decision. The board of a primary school district or a fourth class school district that does not operate all of grades K to 12 may establish and operate a school breakfast program.

(3) To the extent permitted by federal law, the department shall encourage innovative cost effective models of breakfast distribution designed to maximize pupil participation.

Sec. 1272d. The department of education shall do all of the following:

(a) Prescribe a uniform reporting system for the collection, compilation, and analysis of data relative to the administration of this section and section 1272a.

(b) Pay a school district for each free meal served pursuant to section 1272b(c) an amount calculated by subtracting the federal reimbursement rate for a free meal from the actual cost of the meal, but not to exceed 5 cents per meal.

(c) Pay a school district for each reduced price meal served pursuant to section 1272b(c) an amount calculated by subtracting the sum of the federal reimbursement rate for a reduced price meal and the fee charged from the actual average cost of the meal, but not to exceed 2 cents per meal.

(d) For 1982-83 and thereafter, payments required by subdivisions (b) and (c) to a school district shall be credited to the state's matching share required by section 7 of the national school lunch act, 42 U.S.C. 1756.

(e) Designate a reimbursable cost per breakfast equal to the lesser of the school district's actual costs or 100% of the cost of a breakfast served by an efficiently operated breakfast program, as determined by the department. The department shall allocate, and the legislature shall appropriate as part of the annual department appropriations and allocations, all reasonable and necessary direct and indirect costs of an efficiently operated breakfast program or the school district's actual costs, whichever is less, incurred by a school district in the operation of a breakfast program, which costs would not have been incurred without the operation of a breakfast program, to any extent that they exceed state and federal breakfast subsidies and permissible pupil breakfast fees. These costs shall be reimbursed on a per-breakfast-served basis and may include, but shall not be limited to, compensation for needed additional personnel and supervision of both participating and nonparticipating pupils. In a school year in which the total amount of reimbursements under this subsection, as determined by the department, are not appropriated, the requirements of section 1272a(2) shall not apply to the affected school district.

Sec. 1277. (1) Considering criteria established by the state board, in addition to the requirements specified in section 1280 for accreditation under that section, if the board of a school district wants all of the schools of the school district to be accredited under section 1280, the board shall adopt and implement and, not later than September 1 each year, shall submit to the department a copy of a 3- to 5-year school improvement plan and continuing school improvement process for each school within the school district. The school improvement plans shall include, but are not limited to, a mission statement, goals based on student academic outcomes for all students, curriculum alignment corresponding with those goals, evaluation processes, staff development, development and utilization of community resources and volunteers, the role of adult and community education, libraries and community colleges in the learning community, and building level decision making. School board members, school building administrators, teachers and other school employees, pupils, parents of pupils attending that school, and other residents of the school district shall participate in the planning, development, implementation, and evaluation of the district's school improvement plans. Upon request of the board of a school district, the department and the intermediate school district shall assist the school district in the development and implementation of district school improvement plans. Educational organizations may also provide assistance for these purposes. School improvement plans described in this section shall be updated annually by each school and by the board of the school district.

(2) The school improvement plans of a school district shall be maintained on file with the intermediate school district to which the school district is constituent.

(3) The state board shall annually review a random sampling of school improvement plans. Based on its review, the state board shall annually submit a report on school improvement activities planned and accomplished by each of the school districts that were part of the sampling to the senate and house committees that have the responsibility for education legislation.

Sec. 1277a. (1) Beginning in the 1994-95 school year, in addition to the requirements specified in section 1280 for accreditation under that section, if the board of a school district wants all of the schools in the school district to be accredited under section 1280, the board shall ensure all of the following:

(a) That all information assembled regarding each school building within the school district to prepare the school's annual educational report, as described in section 1204a, is disaggregated by gender and is provided to the individuals participating in the development of the district's school improvement plan under section 1277.

(b) That all gender equity issues raised by the disaggregated information described in subdivision (a) are addressed as part of the planning, development, implementation, evaluation, and updating of the school improvement plan of each school within the school district under section 1277 or, if such an issue is not addressed, that an explanation is made to the community of the reason or reasons why the issue is not addressed. An explanation for not addressing a gender equity issue may be included in the school's annual educational report under section 1204a.

(2) Upon request by a school district, intermediate school district, or school, the department shall provide advice and technical assistance to the district or school on meeting the requirements of this section.

Sec. 1278. (1) Subject to subsection (12), in addition to the requirements for accreditation under section 1280 specified in that section, if the board of a school district wants all of the schools of the school district to be accredited under section 1280, the board shall make available to all pupils attending public school in the district a core academic curriculum in compliance with subsection (3) in each of the curricular areas specified in the state board recommended model core academic curriculum developed under subsection (2). The state board model core academic curriculum shall encompass academic and cognitive instruction only. For purposes of this subsection, the state board model core academic curriculum shall not include attitudes, beliefs, or value systems that are not essential in the legal, economic, and social structure of our society and to the personal and social responsibility of citizens of our society.

(2) A recommended model core academic curriculum shall be developed by the state board and distributed to each school district in the state. The recommended core academic curriculum shall set forth desired learning objectives in math, science, reading, history, geography, economics, American government, and writing for all children at each stage of schooling and be based upon the "Michigan K-12 program standards of quality" to ensure that high academic standards, academic skills, and academic subject matters are built into the instructional goals of all districts for all children. The state board also shall ensure that the Michigan educational assessment program and the high school proficiency exam, or any other statewide benchmark test is testing only for proficiency in basic academic skills and academic subject matter and are not used to measure pupils' values or attitudes.

(3) Subject to subsection (12), the board of each school district, considering the academic curricular outcomes defined and recommended pursuant to subsection (2), shall do both of the following:

(a) Establish a core academic curriculum for its pupils at the elementary, middle, and secondary school levels. The core academic curriculum shall define academic outcomes to be achieved by all pupils and be based upon the school district's educational mission, long-range student goals, and student performance objectives. The core academic curriculum may vary from the model core academic curriculum recommended by the state board pursuant to subsection (2).

(b) After consulting with teachers and school building administrators, determine the aligned instructional program for delivering the core academic curriculum and identify the courses and programs in which the core academic curriculum will be taught.

(4) Consistent with its core academic curriculum for early elementary school, the board of a school district shall consider adopting early elementary school program initiatives establishing nongraded, continuous progress programs for grades 1 through 4, utilizing individualized planning, maintaining comprehensive portfolios and narrative reports of learning progress for all pupils, and emphasizing collegiality and collaboration among teachers, parents, and students, all over multiple year periods.

(5) The board may supplement the core academic curriculum by providing instruction through additional classes and programs.

(6) For all pupils, the subjects or courses, and the delivery of those including special assistance, that constitute the curriculum the pupils engage in shall assure the pupils have a realistic opportunity to learn all subjects and courses required by the district's core academic curriculum in order to give all pupils a good and fair opportunity to attain a state-endorsed diploma. A subject or course required by the core academic curriculum pursuant to subsection (3) shall be provided to all pupils in the school district by a school district, a consortium of school districts, or a consortium of 1 or more school districts and 1 or more intermediate school districts.

(7) To the extent practicable, the state board may adopt or develop academic outcome-based high standards for knowledge and life skills, and core academic curriculum, for special education pupils for whom it may not be realistic or desirable to expect achievement of novice level or initial mastery of the state board recommended model core academic curriculum outcomes or of a high school diploma.

(8) The state board shall make available to all nonpublic schools in this state, as a resource for their consideration, the model core academic curriculum developed for public schools pursuant to subsection (2) for the purpose of assisting the governing body of a nonpublic school in developing its own core academic curriculum.

(9) Excluding special education pupils, pupils having a learning disability, and pupils with extenuating circumstances as determined by school officials, a pupil who does not score satisfactorily on the 4th or 7th grade Michigan educational assessment program reading test shall be provided special assistance reasonably expected to enable the pupil to bring his or her reading skills to grade level within 12 months.

(10) Any course that would have been considered a nonessential elective course under Snyder v Charlotte Schools, 421 Mich 517 (1984) on the effective date of the amendatory act that added this section shall continue to be offered to resident pupils of nonpublic schools on a shared time basis.

(11) Not later than September 1, 1994, the state board shall develop and submit for public hearing under the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the

Michigan Compiled Laws, proposed rules establishing a required core academic curriculum for all school districts. The proposed rules may exempt pupils described in subsection (7) and require that the standards described in subsection (7) be implemented. Not later than January 1, 1996, the state board shall submit the proposed rules to the joint committee on administrative rules.

(12) Beginning in the 1997-98 school year, the board of a school district shall provide to each pupil the core academic curriculum required under the state board rules described in subsection (11).

Sec. 1278a. (1) Not later than December 31, 1995, the state board, with the assistance and input of the academic performance standards committee created under section 1278b, shall recommend pupil performance standards to measure achievement of the academic outcomes specified in the state board model core academic curriculum under section 1278. The performance standards at least shall include standards for mathematics, science, and communication arts, and shall be consistent with the subject matter alignment under the state board model core academic curriculum.

(2) Beginning July 1, 1996, a school district shall consider the pupil performance standards recommended under this section as an essential basis for assessing the subject matter competency of pupils and for promoting pupils to another level in those areas of the state board model core academic curriculum for which standards have been recommended. In awarding course credit, schools shall consider alternatives to the Carnegie unit for measuring and reporting student progress.

(3) Beginning July 1, 1997, in addition to the requirements specified in section 1280 for accreditation under that section, if the board of a school district wants all of its schools to be accredited under section 1280, the board, considering the performance standards recommended pursuant to subsection (1), shall establish performance standards. To enable establishment of performance standards that are aligned with the core academic curriculum of the school district, the performance standards established by a board may vary from the performance standards recommended pursuant to subsection (1).

(4) The state board, with the assistance and input of the academic performance standards committee described in section 1278b, periodically shall review and reevaluate the pupil performance standards recommended under this section and may revise those standards or recommend additional standards as the state board considers advisable.

Sec. 1278b. (1) The state board shall appoint an academic performance standards committee, which shall include school board members, building level school administrators, teachers, pupils, parents of pupils, business representatives, labor representatives, representatives of the state board-approved teacher education institutions, and representatives of the general public.

(2) The academic performance standards committee shall do all of the following:

(a) Monitor and evaluate the activities of school districts, intermediate school districts, the state board, and the department under sections 1204a, 1277, 1278, and 1280, commonly referred to as "public act 25 of 1990", and under section 1278a, and periodically make recommendations to the state board on the need for those activities and on ways to improve those activities.

(b) Assist the state board in establishing recommended pupil performance standards under section 1278a, and in periodically reviewing and reevaluating those standards.

(c) Consolidate and perform the functions of advisory committees and groups established by the state board or department concerning the implementation of section 1204a, 1277, 1278, or 1280.

(3) The academic performance standards committee is subject to the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws, and the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

Sec. 1279. (1) The board of a school district shall award a state-endorsed high school diploma to an eligible graduate as provided in this section. For a pupil scheduled to graduate in 1994, 1995, or 1996 to be eligible for a state endorsement in 1 or more of the subject areas of communication arts, mathematics, or science, the pupil must achieve at least 1 of the following:

(a) A passing score on locally-adopted and state-approved basic proficiency tests measuring proficiency in 1 or more of the subject areas specified in this subsection.

(b) If the pupil is eligible to take the general education development (G.E.D.) test, a passing score in 1 or more of the subject areas specified in this subsection and tested in the G.E.D. test.

(c) For a state endorsement in communications arts, at least category 2 on the reading portion of the Michigan educational assessment program (MEAP) grade 10 test; for a state endorsement in mathematics, at least 50% of the objectives on the mathematics portion of the MEAP grade 10 test; and, for a state endorsement in science, at least 50% of the objectives on the science portion of the MEAP grade 11 test.

(2) Beginning with pupils scheduled to graduate in 1997, if a pupil achieves the academic outcomes required by the state board, as measured by an assessment instrument developed under subsection (8), for a state-endorsed high school

diploma in 1 or more of the subject areas of communications skills, mathematics, science, and, beginning with pupils scheduled to graduate in 1999, social studies, the pupil's school district shall award a state endorsement on the pupil's diploma in each of the subject areas in which the pupil demonstrated the required proficiency. A school district shall not award a state endorsement to a pupil unless the pupil meets the applicable requirements for the endorsement, as described in this subsection. A school district may award a high school diploma to a pupil who successfully completes local district requirements established in accordance with state law for high school graduation, regardless of whether the pupil is eligible for any state endorsement.

(3) A school district that offers a pupil the opportunity to pass a basic proficiency test described in subsection (1)(a) as 1 means to obtain a state-endorsed diploma in 1994, 1995, or 1996 may submit the school district's own basic proficiency test to the department for approval to be used by the district to assess proficiency.

(4) A pupil who does not achieve at least 1 of the requirements listed in subsection (1) or the requirements of subsection (2), as applicable, may be reevaluated each school year until the pupil achieves an applicable requirement for a state-endorsed diploma. In addition, the board of the school district in which the pupil is enrolled shall provide that there be at least 1 meeting attended by at least the pupil and a member of the school district's staff or a local or intermediate district consultant who is proficient in the measurement and evaluation of pupils. The school district may provide the meeting as a group meeting for pupils in similar circumstances. If the pupil is a minor, the school district shall invite and encourage the pupil's parent, legal guardian, or person in loco parentis to attend the meeting and shall mail a notice of the meeting to the pupil's parent, legal guardian, or person in loco parentis. The purpose of this meeting and any subsequent meeting under this subsection shall be to determine an educational program for the pupil designed to have the pupil reach proficiency in each subject or skill area in which he or she was assessed by the testing as not proficient. In addition, a school district may provide for subsequent meetings with the pupil conducted by a high school counselor or teacher designated by the pupil's high school principal, and shall invite and encourage the pupil's parent, legal guardian, or person in loco parentis to attend the subsequent meetings. The school board shall provide special programs for the pupil or develop a program using the educational programs regularly provided by the district unless the board decides otherwise and publishes and explains its decision in a public justification report. A pupil may be reevaluated at any time the school district administers an applicable assessment instrument.

(5) For a state-endorsed diploma, a pupil must achieve at least 1 of the requirements listed in subsection (1) or the requirements of subsection (2), as applicable, in addition to any other requirements established by law or by the board of the school district for a high school diploma. If the board of a school district determines that a pupil qualifies for a state-endorsed diploma, the board shall indicate on the pupil's high school diploma and transcript that the pupil achieved the proficiency necessary for receipt of a state-endorsed diploma.

(6) An individual may repeat any of the tests or assessment instruments specified in subsection (1) or subsection (2), as applicable, at any time the school district regularly offers the test or assessment or, for the MEAP tests described in subsection (1)(c), during the month of April or first 2 weeks of May, and, upon achieving at least 1 of the requirements listed in subsection (1) or the requirements of subsection (2), as applicable, and completing all other applicable requirements for a high school diploma, shall be awarded a state-endorsed diploma.

(7) A school district shall provide accommodations to a pupil with disabilities for the proficiency testing or assessment required under this section, as provided under section 504 of title V of the rehabilitation act of 1973, Public Law 93-112, 29 U.S.C. 794; subtitle A of title II of the Americans with disabilities act of 1990, Public Law 101-336, 42 U.S.C. 12131 to 12134; and the implementing regulations for those statutes. A special education pupil scheduled to graduate in 1994, 1995, or 1996 who has passed an alternative form of assessment permitted under section 104a of the state school aid act of 1979, being section 388.1604a of the Michigan Compiled Laws, as that section was in effect for the 1992-93 state fiscal year, shall receive the applicable endorsement under this section.

(8) Not later than July 31, 1993, for the purposes of this section, the state board shall develop or select and approve assessment instruments to determine pupil proficiency in communications skills, mathematics, and science and not later than July 31, 1995 shall develop or select and approve assessment instruments to determine pupil proficiency in social studies. The assessment instruments shall be based on the state board model core academic curriculum outcomes.

(9) Not later than July 31, 1995, the state board shall develop or select and approve assessment instruments for the purpose of awarding state endorsements of advanced mastery in specified subject areas.

(10) The state board shall establish a novice level score for each state-endorsed diploma assessment developed or selected and approved under subsection (8). If a graduate achieves a novice level score in a subject area on an assessment, the transcript shall include a notation to that effect but shall not be considered to be a state-endorsed diploma for that subject area.

(11) All assessment instruments developed or selected and approved by the state under any statute or rule for a purpose related to K to 12 education shall be outcomes-based and consistent with the state board model core academic curriculum.

(12) Beginning in 1995, upon payment of a reasonable fee any person may take the state-endorsed diploma test and, upon achieving the initial mastery level in a subject area, have his or her high school diploma state-endorsed for that subject area.

Sec. 1279a. (1) The board of a school district shall ensure that the normal method for assessment of pupils is accomplished by utilizing a variety of criteria-based strategies including at least written and oral examination, including the use of alternative questions; demonstrations; writing exercises; individual and group projects; performances; and portfolios and samples of best work.

(2) A grade given to a pupil for a course shall not be based or otherwise determined in a manner unrelated to the achievement of relevant objective criteria.

(3) Pupil portfolios shall contain only material entered by or with the express consent of the pupil.

Sec. 1279b. The board of a school district shall grant high school credit in any course to a pupil enrolled in high school, but who is not enrolled in the course, who has exhibited a reasonable level of mastery of the subject matter of the course by attaining a grade of not less than C+ in a final exam in the course, or, if there is no final exam, by exhibiting that mastery through the basic assessment used in the course which may consist of a portfolio, performance, paper, project, or presentation. For the purpose of earning credit under this section, any high school pupil may take the final examination in any course. Credit earned under this section shall be based on a "pass" grade and shall not be included in a computation of grade point average for any purpose. Credit earned under this section may or may not be counted toward graduation, as the board of the school district may determine, but the board's determination shall apply equally to all such credit for all pupils and credit earned under this section shall be counted toward fulfillment of a requirement for a subject area course and shall be counted toward fulfillment of a requirement as to course sequence. Once credit is earned under this section, a pupil may not receive credit thereafter for a course lower in course sequence concerning the same subject area.

Sec. 1279c. The state board and the board of each school district shall ensure that the Michigan educational assessment program (MEAP) tests are not used to measure pupils' values or attitudes.

Sec. 1279d. (1) A district shall provide and maintain until the pupil leaves high school a student portfolio. The portfolio shall be maintained for each pupil who began high school at the start of the 1992-93 school year and each pupil beginning ninth grade at the start of the 1993-94 school year, and shall be extended beginning in 1994-95 to include each pupil who begins the eighth grade at the start of the school year. The portfolio, which may be reviewed by the pupil's parents, guardian, or person in loco parentis, shall be given to the pupil upon or before graduation or upon leaving the district, and shall include at least all of the following categories of records:

(a) A record of the pupil's annual academic and nonacademic plans that the pupil intends to follow.

(b) A record of academic achievement that includes at least academic transcripts and the results of any statewide subject matter assessment test and nationally or locally normed achievement test that the pupil has taken.

(c) A record of career preparation that includes at least records of vocational-technical training under school auspices that may help prepare the pupil for a job or career, career exploration, postsecondary education exploration, job-seeking preparation, job experience, problem solving experience, and lifelong learning preparation.

(d) A record of recognitions and accomplishments that includes at least nonacademic competencies, awards, and certificates.

(2) Each pupil is responsible for submitting records of activities outside the regular school day for inclusion in the portfolio.

(3) A school district shall not release the information contained in a portfolio described in subsection (1) without the written consent of the pupil's parent, guardian, or person in loco parentis or, if the pupil is 18 years of age or older, without the written consent of the pupil.

Sec. 1279e. The board of a school district shall grant high school credit in a foreign language to a pupil enrolled in high school who has demonstrated proficiency in a foreign language outside of a public or private high school curriculum. Proficiency may be demonstrated by a competency test or other criteria established by the board.

Sec. 1280. (1) The board of a school district that does not want to be subject to the measures described in this section shall ensure that each public school within the school district is accredited.

(2) As used in subsection (1), and subject to subsection (5), "accredited" means certified by the state board as having met or exceeded state board-approved standards established for 6 areas of school operation: administration and school organization, curricula, staff, school plant and facilities, school and community relations, and school improvement plans and student outcomes. The building-level evaluation used in the accreditation process shall include, but is not limited to, school data collection, self-study, visitation and validation, determination of outcomes data to be used, and the development of a school improvement plan.

(3) The department shall develop and distribute to all public schools proposed accreditation standards. Upon distribution of the proposed standards, the department shall hold statewide public hearings for the purpose of receiving

testimony concerning the standards. After a review of the testimony, the department shall revise and submit the proposed standards to the state board. After a review and revision, if appropriate, of the proposed standards, the state board shall submit the proposed standards to the senate and house committees that have the responsibility for education legislation. Upon approval by these committees, the department shall distribute to all public schools the standards to be applied to each school for accreditation purposes.

(4) The department shall develop and distribute to all public schools standards for determining that a school is eligible for summary accreditation under subsection (5). The standards shall be developed, reviewed, approved, and distributed using the same process as prescribed in subsection (3) for accreditation standards, and shall be finally distributed and implemented not later than December 31, 1994.

(5) If the department determines that a public school has met the standards established under subsection (4) for summary accreditation, the school is considered to be accredited without the necessity for a full building-level evaluation under subsection (2).

(6) If the department determines that a school has not met the standards established under subsection (4) for summary accreditation but that the school is making progress toward meeting those standards, or if, based on a full building-level evaluation under subsection (2), the department determines that a school has not met the standards for accreditation but is making progress toward meeting those standards, the school is in interim status and is subject to a full building-level evaluation as provided in this section.

(7) If a school has not met the standards established under subsection (4) for summary accreditation and is not eligible for interim status under subsection (6), the school is unaccredited and subject to the measures provided in this section.

(8) The department shall annually review and evaluate for accreditation purposes the performance of each school that is unaccredited and as many of the schools that are in interim status as permitted by the department's resources.

(9) The department shall, and the intermediate school district to which a school district is constituent, a consortium of intermediate school districts, or any combination thereof may, provide technical assistance, as appropriate, to a school that is unaccredited or that is in interim status upon request of the board of the school district in which the school is located. If requests to the department for technical assistance exceed the capacity, priority shall be given to unaccredited schools.

(10) A school that has been unaccredited for 3 consecutive years is subject to 1 or more of the following measures, as determined by the superintendent of public instruction:

(a) The superintendent of public instruction or his or her designee shall appoint at the expense of the affected school district an administrator of the school until the school becomes accredited.

(b) A parent, legal guardian, or person in loco parentis of a child who attends the school may send his or her child to any accredited public school with an appropriate grade level within the school district.

(c) The school, with the approval of the superintendent of public instruction, shall align itself with an existing research-based school improvement model or establish an affiliation for providing assistance to the school with a college or university located in this state.

(d) The school shall be closed.

(11) The department shall evaluate the school accreditation program and the status of schools under this section and shall submit an annual report based upon the evaluation to the senate and house committees that have the responsibility for education legislation. The report shall address the reasons each unaccredited school is not accredited and shall recommend legislative action that will result in the accreditation of all public schools in this state.

Sec. 1280a. The board of a school district or intermediate school district that operates or participates in a consortium that operates an alternative educational program pursuant to section 1301, a vocational-technical skills center or other separate vocational education program, or any other type of specialized or alternative school or program shall ensure that the requirements of sections 1204a, 1277a, 1278, and 1280 are met for each of those schools or programs.

Sec. 1282. (1) The board of a school district shall establish and carry on the grades, schools, and departments it considers necessary or desirable for the maintenance and improvement of its schools and determine the courses of study to be pursued.

(2) The board of a school district shall provide a core academic curriculum, learning processes, special assistance, and sufficient access to each of these so that all pupils have a fair opportunity to achieve a state-endorsed diploma.

Sec. 1284. (1) The board of a school district shall determine the length of the school term. However, if the board does not want the school district's state school aid payments to be withheld as described in section 101 of the state school aid act of 1979, being section 388.1701 of the Michigan Compiled Laws, the board shall ensure that the minimum number of days of pupil instruction in a school year is 180 and that the minimum number of hours of pupil instruction in a school year is 900 for the 1994-95 school year, 990 for the 1995-96 and 1996-97 school years, 1,035 for the 1997-98 and 1998-99

school years, and 1,080 for the 1999-2000 school year and each succeeding school year. Not later than August 1, the board of each district shall certify to the state board the number of days of pupil instruction in the previous school year. Days lost because of strikes or teachers' conferences shall not be counted as days of pupil instruction. Beginning in the 1994-95 school year, it is the intent of the legislature that the board of each school district shall consider extending the number of days of pupil instruction in a school year by 2 days each school year so that by the 2009-2010 school year the number of days of pupil instruction is at least 210.

(2) The state board shall promulgate rules for the implementation of this section.

Sec. 1284a. Beginning with the 1994-1995 school year, or with the first year after the expiration of a collective bargaining agreement existing as of the effective date of this section that is inconsistent with this section, an intermediate school board may develop in cooperation with its constituent school districts a common calendar for the school year for the public schools within that intermediate school district.

Sec. 1291. Not later than June 30, 1995, the department of management and budget shall prepare a state plan for creation of a Michigan information network linking each local and intermediate school district, community college, independent nonprofit college or university located in this state, and state public university and each state, local, or regional library on an equal basis by fiber optic or coaxial cable or other comparable system allowing a world-class statewide interactive video and data access and exchange system.

Sec. 1300. The board of a school district shall make reasonable regulations relative to anything necessary for the proper establishment, maintenance, management, and carrying on of the public schools of the district, including regulations relative to the conduct of pupils while in attendance at school or en route to and from school. The regulations made under this section may include a dress code for pupils.

Sec. 1300a. Not later than January 1, 1995, the board of each school district shall adopt and implement a written sexual harassment policy. At a minimum, the policy shall prohibit sexual harassment by school district employees, board members and pupils directed toward other employees or pupils and shall specify penalties for violation of the policy.

Sec. 1311. The board, or a school building principal if designated by the board, may authorize or order the suspension or expulsion from school of a pupil guilty of gross misdemeanor or persistent disobedience if, in the judgment of the board or principal, as applicable, the interest of the school is served by the authorization or order. If there is reasonable cause to believe that the pupil is handicapped, and the school district has not evaluated the pupil in accordance with rules of the state board, the pupil shall be evaluated immediately by the intermediate school district of which the school district is constituent in accordance with section 1711.

Sec. 1502. (1) Health and physical education for pupils of both sexes shall be established and provided in all public schools of this state. Subject to subsection (2), each pupil attending public school in this state who is physically fit and capable of doing so shall take the course in physical education.

(2) A school district may credit a pupil's participation in extracurricular athletics or other extracurricular activities involving physical activity as meeting the physical education requirement for the pupil under subsection (1).

Sec. 1507. (1) The board of a school district may engage qualified instructors and provide facilities and equipment for instruction in sex education, including family planning, human sexuality, and the emotional, physical, psychological, hygienic, economic, and social aspects of family life. Instruction may also include the subjects of reproductive health and the recognition, prevention, and treatment of sexually transmitted disease. Subject to subsection (6), the instruction described in this subsection shall include the teaching of abstinence from sex as a responsible method of preventing unwanted pregnancy and sexually transmitted disease and as a positive lifestyle for unmarried young people.

(2) The class described in subsection (1) shall be elective and not a requirement for graduation.

(3) A pupil shall not be enrolled in a class in which the subjects of family planning or reproductive health are discussed unless the pupil's parent or guardian is notified in advance of the course and the content of the course, is given a prior opportunity to review the materials to be used in the course, and is notified in advance of his or her right to have the pupil excused from the class. The state board shall determine the form and content of the notice required in this subsection.

(4) Upon the written request of a pupil or the pupil's parent or legal guardian, a pupil shall be excused, without penalty or loss of academic credit, from attending the class described in subsection (1).

(5) A school district that provides a class as permitted by subsection (1) shall offer the instruction by teachers qualified to teach health education. A school district shall not offer this instruction unless an advisory board is established by the district board to periodically review the materials and methods of instruction used, and to make recommendations to the district regarding changes in the materials or methods. The advisory board shall consist of

parents having children attending the district's schools, pupils in the district's schools, educators, local clergy, and community health professionals.

(6) Before adopting any revisions in the materials or methods used in instruction under this section, including, but not limited to, revisions to provide for the teaching of abstinence from sex as a method of preventing unwanted pregnancy and sexually transmitted disease, the board of a school district shall hold at least 2 public hearings on the proposed revisions. The hearings shall be held at least 1 week apart and public notice of the hearings shall be given in the manner required under section 1201 for board meetings. A public hearing held pursuant to this section may be held in conjunction with a public hearing held pursuant to section 1169.

(7) A person shall not dispense or otherwise distribute in a public school a family planning drug or device.

(8) As used in this section and section 1508, "family planning" means the use of a range of methods of fertility regulation to help individuals or couples avoid unwanted pregnancies; bring about wanted births; regulate the intervals between pregnancies; and plan the time at which births occur in relation to the age of parents. It may include the study of fetology. It may include marital and genetic information. Clinical abortion shall not be considered a method of family planning, nor shall abortion be taught as a method of reproductive health.

(9) As used in this section:

(a) "Class" means an instructional period of limited duration, not to exceed 2 hours, within a course of instruction.

(b) "Course" means a series of classes linked by a common subject matter.

Sec. 1508. The state board shall:

(a) Aid in the establishment of educational programs designed to provide pupils in elementary and secondary schools, institutions of higher education, and adult education programs wholesome and comprehensive education and instruction in sex education.

(b) Establish a library of motion pictures, tapes, literature, and other education materials concerning sex education available to school districts authorized to receive the materials under rules of the state board.

(c) Aid in the establishment of educational programs within colleges and universities of the state and in-service programs for instruction of teachers and related personnel to enable them to conduct effective classes in sex education.

(d) Recommend and provide leadership for sex education instruction established by school districts including guidelines for family planning information.

(e) Establish guidelines and may review and recommend materials to be used in teaching family planning, reproductive health, and the recognition, prevention, and treatment of sexually transmitted disease. The guidelines shall provide for teaching abstinence from sex as a responsible method of preventing unwanted pregnancy and sexually transmitted disease and as a positive lifestyle for unmarried young people. The guidelines established pursuant to this subdivision shall be formulated in cooperation with the departments of public health and mental health, and the state department of social services. A school district that provides instruction as permitted by section 1507 may adopt the guidelines established by the state board or shall establish its own guidelines in cooperation with its intermediate school district and its county or district department of public health. Family planning shall not be taught in a school district until the guidelines as required by this subdivision have been established by the state board or the local school district.

PART 21A

PROFESSIONAL DEVELOPMENT

Sec. 1525. (1) Funds appropriated by the legislature to support professional development and education shall be allocated substantially as follows:

(a) Twenty percent to the department.

(b) Fifteen percent to intermediate school districts on an equal amount per pupil basis based on the memberships of constituent districts.

(c) Sixty-five percent to school districts on an equal amount per pupil basis.

(2) The funds described in subsection (1) may be used for the following:

(a) Professional development programs for administrators and teachers. These programs shall emphasize the improvement of teaching and pupils' learning of academic core curricular outcomes, as measured by Michigan educational assessment program and other criterion - reference assessments; collaborative decision making; site-based management; the process of school improvement; instructional leadership; and the use of data and assessment instruments to improve teaching and learning for all pupils.

(b) A biennial education policy leadership institute. The state board shall organize and convene a biennial education policy leadership institute for the governor, the lieutenant governor, the state board, the state superintendent, the legislature, and the presidents of the state board approved teacher education institutions, and the staff of each as may

be considered appropriate, to examine the most current public education policy issues and initiatives and the appropriate role of policy leaders.

(c) A statewide academy for school leadership established by the state board.

(d) Community leadership development. The state board, in conjunction with intermediate school districts, shall conduct a leadership development training program in each school district for members of the community.

(e) Promotion of high educational standards. The state board, in collaboration with the business community and educators, shall coordinate and assist in the promotion of a statewide public education and information program concerning the need to achieve world class educational standards in the public schools of this state.

(f) Sabbatical leaves. School districts shall provide sabbatical leaves for up to 1 academic year for selected master teachers who aid in professional development.

(3) In order to receive professional development funding described in subsection (1), each school district and intermediate school district shall prepare and submit to the state board for approval an annual professional development plan.

(4) The state board may disapprove for state funding proposed professional development that the state board finds to be 1 or more of the following:

(a) Not in furtherance of core academic curriculum needs.

(b) Not constituting serious, informed innovation.

(c) Of generally inferior overall quality or depth regardless of who sponsors or conducts the education or training.

(d) Not complying with the requirements of section 1526.

Sec. 1526. For the first 3 years of his or her employment in classroom teaching, a teacher shall be assigned by the school in which he or she teaches to 1 or more master teachers, or college professors or retired master teachers, who shall act as a mentor or mentors to the teacher. During the 3-year period, the teacher shall also receive intensive professional development induction into teaching, based on a professional development plan that is consistent with the requirements of section 3a of article II of Act No. 4 of the Public Acts of the Extra Session of 1937, being section 38.83a of the Michigan Compiled Laws, including classroom management and instructional delivery. The intensive professional development induction into teaching shall consist of at least 15 days of professional development, the experiencing of effective practices in university-linked professional development schools, and regional seminars conducted by master teachers and other mentors.

Sec. 1531. (1) Except as provided in this section, the state board shall determine the requirements for and issue all licenses and certificates for teachers, including preprimary teachers, and the requirements for an endorsement of teachers as qualified counselors and an endorsement of teachers for teaching a foreign language in an elementary grade in the public schools of the state.

(2) Beginning July 1, 1992 and subject to subsection (12), the state board shall only issue a teaching certificate to a person who has passed appropriate examinations as follows:

(a) For a secondary level teaching certificate, has passed both the basic skills examination and the appropriate available subject area examination for each subject area in which he or she applies to be certified.

(b) For an elementary level teaching certificate, has passed the basic skills examination and, if it is available, the elementary certification examination, and has passed the appropriate available subject area examination for each subject area, if any, in which he or she applies to be certified.

(3) Beginning July 1, 1992, a person holding a certificate from another state or a teaching degree from an out-of-state teacher preparation institution who applies for a Michigan teaching certificate shall be required to pass appropriate examinations as follows:

(a) For a secondary level teaching certificate, pass both the basic skills examination and the appropriate available subject area examination for each subject area in which he or she applies to be certified. The state board may accept passage of an equivalent examination approved by the state board to meet 1 or both of these requirements.

(b) For an elementary level teaching certificate, pass the basic skills examination and, if it is available, the elementary certification examination, and pass the appropriate available subject area examination for each subject area, if any, in which he or she applies to be certified. The state board may accept passage of an equivalent examination approved by the state board to meet 1 or more of these requirements.

(4) Not later than June 1, 1988, the department, based upon criteria recommended pursuant to subsection (6), shall provide to state board approved teacher education institutions state board approved guidelines and criteria for use in the development or selection of a basic skills examination, and not later than June 1, 1989, approved guidelines and criteria for use in the development or selection of subject area examinations.

(5) For the purposes of this section, not later than January 1, 1989, the state board, based upon criteria recommended pursuant to subsection (6), shall develop, select, or develop and select 1 or more basic skills examinations, and not later than January 1, 1990, subject area examinations. In addition, the state board, based upon criteria recommended pursuant to subsection (6), shall approve an elementary certification examination not later than October 1, 1992 and a reading subject area examination not later than October 1, 1993.

(6) Not later than January 18, 1987, the state board shall appoint an 11-member teacher examination advisory committee comprised of representatives of approved teacher education institutions and Michigan education organizations and associations. Not more than 1/2 of the members comprising this committee shall be certified teachers. Not later than January 1, 1988, this committee shall recommend criteria to be used by the state board in the development, selection, or development and selection of 1 or more basic skills examinations, and not later than January 1, 1989, criteria to be used by the state board in the development, selection, or development and selection of subject area examinations. In addition, by those dates, the committee shall recommend guidelines for the use and administration of those examinations. The basic skills examinations referred to in this subsection may be developed by the state board or selected by the state board from commercially or university developed examinations. In addition, an approved teacher education institution, pursuant to guidelines and criteria described in subsection (4), may develop an examination at its own expense for approval by the state board. An approved teacher education institution that develops its own examination is liable for any litigation that results from the use of its examination.

(7) Not later than January 18, 1987, the state board shall appoint a 7-member standing technical advisory council comprised of persons who are experts in measurement and assessment. This council shall advise the state board and the teacher examination committee on the validity, reliability, and other technical standards of the examinations that will be used or are being used and of the administration and use of those examinations.

(8) Not later than November 30, 1992 and each year thereafter, the state board shall submit in writing a report on the development or selection and use of the basic skills examination, the elementary certification examination, and the subject area examinations to the house and senate education committees. The report shall also contain a financial statement regarding revenue received from the assessment of fees levied pursuant to subsection (10) and the amount of and any purposes for which that revenue was expended.

(9) The basic skills examination, the elementary certification examination, and the subject area examinations required by this section may be taken at different times during an approved teacher preparation program, but, subject to subsection (11), the basic skills examination must be passed before a person is enrolled for student teaching and the elementary certification examination and the subject area examinations, as applicable, must be passed before a person is recommended for certification.

(10) The department, or if approved by the state board, a private testing service, may assess fees for taking the basic skills examination, elementary certification examination, and the subject area examinations. The fees, which shall be set by the state board, shall not exceed \$50.00 for a basic skills examination or \$75.00 for an elementary certification examination or a subject area examination. However, if a subject area examination for vocational education includes a performance examination, an additional fee may be assessed for taking the performance examination, not to exceed the actual cost of administering the performance examination. Fees received by the department shall be expended solely for administrative expenses that it incurs in implementing subsections (2) to (15).

(11) For persons who took an examination administered under this section in February 1992 or April 1992, the department shall make available not later than June 30, 1992 the results of the examination indicating both the person's score on the examination and whether the person has passed or failed the examination. If a person failed a basic skills examination administered in February 1992 or 1 or more subject area examinations administered in April 1992, the department shall allow the person to retake the failed examination once without charge to the person. Subsequent reexaminations shall be subject to the fees described in subsection (10). A person who failed a basic skills examination administered in February 1992 or April 1992 may be enrolled for student teaching before passing the basic skills examination but must pass the basic skills examination before he or she may be recommended for certification.

(12) Until September 1, 1993, a person holding a teaching certificate that was in effect on January 1, 1992 who applies for an elementary level teaching certificate or for certification in a subject area, and who meets the other applicable requirements, is not required to pass the elementary certification examination or appropriate subject area examination, as applicable, in order to receive the elementary level teaching certificate or to be certified in the subject area.

(13) As used in this section:

(a) "Basic skills examination" means an examination developed or selected by the state board or developed pursuant to subsection (6) by an approved teacher education institution for the purpose of demonstrating the applicant's knowledge and understanding of basic language and mathematical skills and other skills necessary for the certificate sought, and for determining whether or not an applicant is eligible for a provisional Michigan teaching certificate. Not later than June 30, 1987, the department shall advise the state board and the legislature whether or not the department recommends that the basic skills examination include an examination of a person's knowledge and understanding of 1 or more of the following: brain function, learning styles, and learning processes.

(b) "Elementary certification examination" means a comprehensive examination for elementary certification that has been developed or selected by the state board for demonstrating the applicant's knowledge and understanding of the core subjects normally taught in elementary classrooms and for determining whether or not an applicant is eligible for an elementary level teaching certificate.

(c) "Subject area examination" means an examination related to a specific area of certification, which examination has been developed or selected by the state board for the purpose of demonstrating the applicant's knowledge and understanding of the subject matter and determining whether or not an applicant is eligible for a Michigan teaching certificate.

(14) The state board shall certify as qualified the supervisors required in section 1506. The state board shall certify teachers as qualified to teach the class described in section 1507(1), based upon the recommendation of a teacher training institution, upon an evaluation of the teacher's educational qualifications and experience, and upon any additional requirements the state board considers necessary.

(15) The state board shall promulgate rules for the implementation of this section.

(16) Notwithstanding any rule promulgated by the state board to the contrary, the state board shall continue to issue state elementary or secondary continuing education certificates pursuant to R 390.1132(1) of the Michigan administrative code to persons who completed the requirements of that rule by December 31, 1992 and who apply for that certificate not later than March 15, 1994. If the state board has issued a state elementary or secondary professional education certificate to a person described in this section, the state board shall consider the person to have a state elementary or secondary, as applicable, continuing education certificate.

Sec. 1531b. Beginning July 1, 1995, before an individual may engage in student teaching in a school in this state, the individual or the college or university in which the individual is or was enrolled for teacher preparation shall demonstrate to the satisfaction of the school or school district that the teacher preparation program requires of individuals who student teach at least all of the following:

(a) High academic achievement.

(b) Demonstration of successful group work with children as a condition for admission to the teacher preparation curriculum.

(c) Knowledge of research-based teaching.

(d) Working knowledge of modern technology and use of computers.

Sec. 1531c. The state board shall develop and approve, and advocate to state universities that they adopt, an expedited "fast-track" teacher preparation program to be available to individuals who have outstanding academic credentials, who are exceptionally gifted performers or artists, or who are outstanding professionals expert in their fields of endeavor.

Sec. 1536. (1) The state board shall develop a school administrator's certificate which may be issued to all school district and intermediate school district superintendents, principals, assistant principals, and other persons whose primary responsibility is administering instructional programs and to school district and intermediate school district chief business officials. Subject to section 1536a, an individual is not required to have a school administrator's certificate under this section or an endorsement under subsection (2) to be employed as a school administrator by a school district, public school academy, intermediate school district, or nonpublic school.

(2) The state board also shall develop appropriate certificate endorsements for school district and intermediate school district superintendents; chief business officials; building administrators, by elementary school, middle school, and high school level; and for persons who are employed by the department of education, the department of mental health, the department of social services, and the department of corrections in a position the state board determines to be equivalent to a position specified in this subsection or whose primary responsibility is administering instructional programs for K to 12 pupils. The state board shall determine the educational and professional experience requirements for and issue all certificates for these administrators and shall determine how these administrators may obtain renewal units for periodic recertification.

(3) In addition to other requirements established under this section by the state board, to be eligible for an initial school administrator's certificate for administering instructional programs and for an initial endorsement as a building administrator, or, if the requirements of this subsection were not met for the individual's initial certificate or endorsement, for renewal of such a certificate or endorsement after September 1, 1995, an individual shall provide evidence satisfactory to the department that he or she has successfully completed postgraduate coursework or training in budgeting and financial management, curriculum, and personnel evaluation, as specified by state board rule.

(4) The state board shall promulgate rules to implement this section.

Section 2. Section 1157a of Act No. 451 of the Public Acts of 1976, being section 380.1157a of the Michigan Compiled Laws, is repealed.

Section 3. This amendatory act shall not take effect unless all of the following bills of the 87th Legislature are enacted into law:

- (a) House Bill No. 4672.
- (b) House Bill No. 4674.
- (c) House Bill No. 5190.

This act is ordered to take immediate effect.

Co-Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.