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BILL ANALYSIS

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Senate Bill 1427 (as enrolled)
Sponsor: Senator Wayne Kuipers
Senate Committee: Education
House Committee: Education

PUBLIC ACT 623 of 2006

Date Completed: 1-18-07

CONTENT

The bill amended the Revised School Code to do the following:

- **Specify that a personal curriculum approved for a pupil must incorporate as much of the subject area content expectations for the credits required under the Michigan Merit Standard as practicable "for the pupil".**
- **Provide that if a pupil receives special education services, a school psychologist should be included in the group developing a personal curriculum for the pupil, and in the group developing his or her educational development plan.**
- **Permit additional modifications of the graduation requirements to the extent necessary because of a pupil's disability, if the modifications are consistent with the pupil's educational development plan and his or her individualized education program.**

The bill took effect on January 3, 2007, and is described in detail below.

Under the Code, beginning with pupils who entered 8th grade in 2006, the board of a school district or board of directors of a public school academy (PSA) may not award a high school diploma to a pupil unless he or she completes certain credit requirements of the Michigan Merit Standard, including specific credits in math, science, English, social sciences, and other subject areas. The credits must be aligned with subject

area content expectations or guidelines developed by the Department of Education.

The Code allows an exception to this provision if the parent or legal guardian of a pupil requests a personal curriculum for the pupil that modifies some of the requirements. If the personal curriculum meets certain conditions, and if the pupil successfully completes it, he or she may be awarded a high school diploma even if the curriculum does not meet all of the requirements of the Michigan Merit Standard.

Among other conditions, the Code requires the personal curriculum to incorporate as much of the subject area content expectations of the Michigan Merit Standard as is practicable. The bill states, "as is practicable for the pupil".

Under the Code, the personal curriculum must be developed by a group that includes the pupil, at least one of his or her parents or his or her legal guardian, and his or her high school counselor or other designee qualified under Section 1233 or 1233a of the Code. (Those sections establish eligibility qualifications for teachers, counselors, and counseling or guidance staff who provide employment counseling and placement services.) The bill refers to a designee qualified to act in a counseling role under those sections. In addition, the bill indicates that if the pupil receives special education services, the group should include a school psychologist.

Under the bill, if a parent or legal guardian requests as part of a personal curriculum a modification of the Michigan Merit Standard requirements that otherwise would not be allowed under the Code and demonstrates that the modification is necessary because the pupil is a child with a disability, the school district or PSA may allow that modification to the extent necessary because of the pupil's disability, if the group developing the personal curriculum determines that the modification is consistent with the pupil's educational development plan and with his or her individualized education program.

If the Superintendent of Public Instruction has reason to believe that a school district or PSA is allowing modifications that are inconsistent with these requirements, the bill requires him or her to monitor that district or PSA to ensure that its policies, procedures, and practices are in compliance with these requirements for making additional modifications.

"Child with a disability" under the bill means that term as defined in Federal statute 20 USC 1401, i.e., a child with mental retardation, hearing impairments, speech or language impairments, visual impairments, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, or other health impairments or learning disabilities, who therefore needs special education and related services. In addition, the term includes a child between the ages of three and nine who is experiencing developmental delays in physical, cognitive, communication, social, emotional, or adaptive development, and who therefore needs special education and related services.

The Code requires the board of a school district or PSA to ensure that each pupil in 7th grade is given the opportunity to develop an educational development plan, and that each pupil has developed such a plan before beginning high school. An educational development plan must be developed by the pupil under the supervision of his or her school counselor or another designee qualified under Section 1233 of 1233a selected by the high school principal. The bill refers to a designee qualified to act in a counseling role. In addition, if the pupil receives special education services, the bill specifies that a school psychologist also

should participate in developing the pupil's educational development plan.

MCL 380.1278b

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: Kirk Sanderson

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.