

**SUBSTITUTE FOR
SENATE BILL NO. 403**

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1278b (MCL 380.1278b), as amended by 2006 PA
623.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1278b. (1) Except as otherwise provided in this section
2 or section 1278a, beginning with pupils entering grade 8 in 2006,
3 as part of the requirements under section 1278a the board of a
4 school district or board of directors of a public school academy
5 shall not award a high school diploma to a pupil unless the pupil
6 has successfully completed all of the following credit requirements
7 of the Michigan merit standard before graduating from high school:
8 (a) At least 4 credits in English language arts that are
9 aligned with subject area content expectations developed by the
10 department and approved by the state board under this section.

1 (b) At least 3 credits in science that are aligned with
2 subject area content expectations developed by the department and
3 approved by the state board under this section, including
4 completion of at least biology and either chemistry or physics. The
5 legislature strongly encourages pupils to complete a fourth credit
6 in science, such as forensics, astronomy, Earth science,
7 agricultural science, environmental science, geology, physics or
8 chemistry, physiology, or microbiology.

9 (c) The credit requirements specified in section 1278a(1) (a) (i)
10 to (iv).

11 (2) If a pupil successfully completes 1 or more of the high
12 school credits required under subsection (1) or under section
13 1278a(1) before entering high school, the pupil shall be given high
14 school credit for that credit.

15 (3) For the purposes of this section and section 1278a, the
16 department shall do all of the following:

17 (a) Develop subject area content expectations that apply to
18 the credit requirements of the Michigan merit standard that are
19 required under subsection (1) (a) and (b) and section 1278a(1) (a) (i)
20 and (ii) and develop guidelines for the remaining credit
21 requirements of the Michigan merit standard that are required under
22 this section and section 1278a(1) (a), for the online course or
23 learning experience required under section 1278a(1) (b), and for the
24 requirements for a language other than English under section
25 1278a(2). All of the following apply to these subject area content
26 expectations and guidelines:

27 (i) All subject area content expectations shall be consistent

1 with the state board recommended model core academic curriculum
2 content standards under section 1278. Subject area content
3 expectations or guidelines shall not include attitudes, beliefs, or
4 value systems that are not essential in the legal, economic, and
5 social structure of our society and to the personal and social
6 responsibility of citizens of our society. The subject area content
7 expectations shall require pupils to demonstrate critical thinking
8 skills.

9 (ii) The subject area content expectations and the guidelines
10 must be approved by the state board under subsection (4).

11 (iii) The subject area content expectations shall state in clear
12 and measurable terms what pupils are expected to know upon
13 completion of each credit.

14 (iv) The department shall complete the development of the
15 subject area content expectations that apply to algebra I and the
16 guidelines for the online course or learning experience under
17 section 1278a(1)(b) not later than August 1, 2006.

18 (v) The department shall complete development of the subject
19 area content expectations or guidelines that apply to each of the
20 other credits required in the Michigan merit standard under
21 subsection (1) and section 1278a(1)(a) not later than 1 year before
22 the beginning of the school year in which a pupil entering high
23 school in 2007 would normally be expected to complete the credit.

24 (vi) If the department has not completed development of the
25 subject area content expectations that apply to a particular credit
26 required in the Michigan merit standard under subsection (1) or
27 section 1278a(1)(a) by the date required under this subdivision, a

1 school district or public school academy may align the content of
2 the credit with locally adopted standards.

3 (vii) Until all of the subject area content expectations and
4 guidelines have been developed by the department and approved by
5 the state board, the department shall submit a report at least
6 every 6 months to the senate and house standing committees
7 responsible for education legislation on the status of the
8 development of the subject area content expectations and
9 guidelines. The report shall detail any failure by the department
10 to meet a deadline established under subparagraph (iv) or (v) and
11 the reasons for that failure.

12 (b) Develop and implement a process for developing the subject
13 area content expectations and guidelines required under this
14 section. This process shall provide for all of the following:

15 (i) Soliciting input from all of the following groups:

16 (A) Recognized experts in the relevant subject areas.

17 (B) Representatives from 4-year colleges or universities,
18 community colleges, and other postsecondary institutions.

19 (C) Teachers, administrators, and school personnel who have
20 specialized knowledge of the subject area.

21 (D) Representatives from the business community.

22 (E) Representatives from vocational and career and technical
23 education providers.

24 (F) Government officials, including officials from the
25 legislature.

26 (G) Parents of public school pupils.

27 (ii) A review of the subject area content expectations or

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1 guidelines by national experts.

2 (iii) An opportunity for the public to review and provide input
3 on the proposed subject area content expectations or guidelines
4 before they are submitted to the state board for approval. The time
5 period allowed for this review and input shall be at least 15
6 business days.

7 (c) Determine the basic level of technology and internet
8 access required for pupils to complete the online course or
9 learning experience requirement of section 1278a(1)(b), and submit
10 that determination to the state board for approval.

11 ~~<<(d) Not later than 3 years after the effective date of this~~
12 ~~section, develop or select and approve assessments that may be used~~
13 ~~by school districts and public school academies to determine~~
14 ~~whether a pupil has successfully completed a credit required under~~
15 ~~the Michigan merit standard under subsection (1) or section~~
16 ~~1278a(1)(a). The assessments for each credit shall measure a~~
17 ~~pupil's understanding of the subject area content expectations or~~
18 ~~guidelines that apply to the credit. The department shall develop~~
19 ~~or select and approve assessments for at least each of the~~
20 ~~following credits: algebra I, geometry, algebra II, Earth science,~~
21 ~~biology, physics, chemistry, grade 9 English, grade 10 English,~~
22 ~~grade 11 English, grade 12 English, world history, United States~~
23 ~~history, economics, and civics.~~

24 (D) ~~(e)>>~~ Develop and make available material to assist school
25 districts and public school academies in implementing the
26 requirements of this section and section 1278a. This shall include
27 developing guidelines for alternative instructional delivery

1 methods as described in subsection (7).

2 (4) The state board shall approve subject area content
3 expectations and guidelines developed by the department under
4 subsection (3) before those subject area content expectations and
5 guidelines may take effect. The state board also shall approve the
6 basic level of technology and internet access required for pupils
7 to complete the online course or learning experience requirement of
8 section 1278a(1)(b).

9 (5) The parent or legal guardian of a pupil may request a
10 personal curriculum **UNDER THIS SUBSECTION** for the pupil that
11 modifies certain of the Michigan merit standard requirements under
12 subsection (1) or section 1278a(1)(a). If all of the requirements
13 under this subsection for a personal curriculum are met, then the
14 board of a school district or board of directors of a public school
15 academy may award a high school diploma to a pupil who successfully
16 completes his or her personal curriculum even if it does not meet
17 the requirements of the Michigan merit standard required under
18 subsection (1) and section 1278a(1)(a). All of the following apply
19 to a personal curriculum:

20 (a) The personal curriculum shall be developed by a group that
21 includes at least the pupil, at least 1 of the pupil's parents or
22 the pupil's legal guardian, and the pupil's high school counselor
23 or another designee qualified to act in a counseling role under
24 section 1233 or 1233a selected by the high school principal. In
25 addition, for a pupil who receives special education services, a
26 school psychologist should also be included in this group.

27 (b) The personal curriculum shall incorporate as much of the

1 subject area content expectations of the Michigan merit standard
2 required under subsection (1) and section 1278a(1)(a) as is
3 practicable for the pupil; shall establish measurable goals that
4 the pupil must achieve while enrolled in high school and shall
5 provide a method to evaluate whether the pupil achieved these
6 goals; and shall be aligned with the pupil's educational
7 development plan developed under subsection (11).

8 (c) Before it takes effect, the personal curriculum must be
9 agreed to by the pupil's parent or legal guardian and by the
10 superintendent of the school district or chief executive of the
11 public school academy or his or her designee.

12 (d) The pupil's parent or legal guardian shall be in
13 communication with each of the pupil's teachers at least once each
14 calendar quarter to monitor the pupil's progress toward the goals
15 contained in the pupil's personal curriculum.

16 (e) Revisions may be made in the personal curriculum if the
17 revisions are developed and agreed to in the same manner as the
18 original personal curriculum.

19 (f) The English language arts credit requirements of
20 subsection (1)(a) and the science credit requirements of subsection
21 (1)(b) are not subject to modification as part of a personal
22 curriculum under this subsection.

23 (g) Except as otherwise provided in this subdivision, the
24 mathematics credit requirements of section 1278a(1)(a)(i) may be
25 modified as part of a personal curriculum only after the pupil has
26 successfully completed at least 2-1/2 credits of the mathematics
27 credits required under that section and only if the pupil

1 successfully completes at least 3-1/2 total credits of the
2 mathematics credits required under that section before completing
3 high school. The requirement under that section that a pupil must
4 successfully complete at least 1 mathematics course during his or
5 her final year of high school enrollment is not subject to
6 modification as part of a personal curriculum under this
7 subsection. The algebra II credit required under that section may
8 be modified as part of a personal curriculum under this subsection
9 only if the pupil has successfully completed at least 2 credits of
10 the mathematics credits required under section 1278a(1)(a)(i) and
11 meets 1 or more of the following:

12 (i) Has successfully completed the same content as 1 semester
13 of algebra II, as determined by the department.

14 (ii) Elects to complete the same content as algebra II over 2
15 years, with a credit awarded for each of those 2 years, and
16 successfully completes that content.

17 (iii) Enrolls in a formal career and technical education program
18 or curriculum and in that program or curriculum successfully
19 completes the same content as 1 semester of algebra II, as
20 determined by the department.

21 (h) The social science credit requirements of section
22 1278a(1)(a)(ii) may be modified as part of a personal curriculum
23 only if all of the following are met:

24 (i) The pupil has successfully completed 2 credits of the
25 social science credits required under section 1278a(1), including
26 the civics course described in section 1166(2).

27 (ii) The modification requires the pupil to complete 1

1 additional credit in English language arts, mathematics, or science
2 or 1 additional credit in a language other than English. This
3 additional credit must be in addition to the number of those
4 credits otherwise required under subsection (1) and section
5 1278a(1) or under section 1278a(2).

6 (i) The health and physical education credit requirement under
7 section 1278a(1)(a)(iii) may be modified as part of a personal
8 curriculum only if the modification requires the pupil to complete
9 1 additional credit in English language arts, mathematics, or
10 science or 1 additional credit in a language other than English.
11 This additional credit must be in addition to the number of those
12 credits otherwise required under subsection (1) and section
13 1278a(1) or under section 1278a(2).

14 (j) The visual arts, performing arts, or applied arts credit
15 requirement under section 1278a(1)(a)(iv) may be modified as part of
16 a personal curriculum only if the modification requires the pupil
17 to complete 1 additional credit in English language arts,
18 mathematics, or science or 1 additional credit in a language other
19 than English. This additional credit must be in addition to the
20 number of those credits otherwise required under subsection (1) and
21 section 1278a(1) or under section 1278a(2).

22 (k) If the parent or legal guardian of a pupil requests as
23 part of the pupil's personal curriculum a modification of the
24 Michigan merit standard requirements that would not otherwise be
25 allowed under this section and demonstrates that the modification
26 is necessary because the pupil is a child with a disability, the
27 school district or public school academy may allow that additional

1 modification to the extent necessary because of the pupil's
2 disability if the group under subdivision (a) determines that the
3 modification is consistent with both the pupil's educational
4 development plan under subsection (11) and the pupil's
5 individualized education program. If the superintendent of public
6 instruction has reason to believe that a school district or a
7 public school academy is allowing modifications inconsistent with
8 the requirements of this subdivision, the superintendent of public
9 instruction shall monitor the school district or public school
10 academy to ensure that the school district's or public school
11 academy's policies, procedures, and practices are in compliance
12 with the requirements for additional modifications under this
13 subdivision. As used in this subdivision, "child with a disability"
14 means that term as defined in 20 USC 1401.

15 (l) IF A PUPIL TRANSFERS TO A SCHOOL DISTRICT OR PUBLIC SCHOOL
16 ACADEMY FROM OUT OF STATE OR FROM A NONPUBLIC SCHOOL, THE PUPIL'S
17 PARENT OR LEGAL GUARDIAN MAY REQUEST, AS PART OF THE PUPIL'S
18 PERSONAL CURRICULUM, A MODIFICATION OF THE MICHIGAN MERIT STANDARD
19 REQUIREMENTS THAT WOULD NOT OTHERWISE BE ALLOWED UNDER THIS
20 SECTION. THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY MAY ALLOW
21 THIS ADDITIONAL MODIFICATION FOR A TRANSFER PUPIL IF ALL OF THE
22 FOLLOWING ARE MET:

23 (i) THE TRANSFER PUPIL HAS SUCCESSFULLY COMPLETED AT LEAST THE
24 EQUIVALENT OF 2 YEARS OF HIGH SCHOOL CREDIT OUT OF STATE OR AT A
25 NONPUBLIC SCHOOL. THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY MAY
26 USE APPROPRIATE ASSESSMENT EXAMINATIONS TO DETERMINE WHAT CREDITS,
27 IF ANY, THE PUPIL HAS EARNED OUT OF STATE OR AT A NONPUBLIC SCHOOL

1 THAT MAY BE USED TO SATISFY THE CURRICULAR REQUIREMENTS OF THE
2 MICHIGAN MERIT STANDARD AND THIS SUBDIVISION.

3 (ii) THE TRANSFER PUPIL'S PERSONAL CURRICULUM INCORPORATES AS
4 MUCH OF THE SUBJECT AREA CONTENT EXPECTATIONS OF THE MICHIGAN MERIT
5 STANDARD AS IS PRACTICABLE FOR THE PUPIL.

6 (iii) THE TRANSFER PUPIL'S PERSONAL CURRICULUM REQUIRES THE
7 PUPIL TO SUCCESSFULLY COMPLETE AT LEAST 1 MATHEMATICS COURSE DURING
8 HIS OR HER FINAL YEAR OF HIGH SCHOOL ENROLLMENT. IN ADDITION, IF
9 THE TRANSFER PUPIL IS ENROLLED IN THE SCHOOL DISTRICT OR PUBLIC
10 SCHOOL ACADEMY FOR AT LEAST 1 FULL SCHOOL YEAR, BOTH OF THE
11 FOLLOWING APPLY:

12 (A) THE TRANSFER PUPIL'S PERSONAL CURRICULUM SHALL REQUIRE
13 THAT THIS MATHEMATICS COURSE IS AT LEAST ALGEBRA I.

14 (B) IF THE TRANSFER PUPIL DEMONSTRATES THAT HE OR SHE HAS
15 MASTERED THE CONTENT OF ALGEBRA I, THE TRANSFER PUPIL'S PERSONAL
16 CURRICULUM SHALL REQUIRE THAT THIS MATHEMATICS COURSE IS A COURSE
17 NORMALLY TAKEN AFTER COMPLETING ALGEBRA I.

18 (iv) THE TRANSFER PUPIL'S PERSONAL CURRICULUM INCLUDES THE
19 CIVICS COURSE DESCRIBED IN SECTION 1166(2).

20 (M) ~~(I)~~—If a pupil is at least age 18 or is an emancipated
21 minor, the pupil may act on his or her own behalf under this
22 subsection.

23 (N) ~~(m)~~—This subsection does not apply to a pupil enrolled in
24 a high school that is designated as a specialty school under
25 section 1278a(5) and that is exempt under that section from the
26 English language arts requirement under subsection (1)(a) and the
27 social science credit requirement under section 1278a(1)(a)(ii).

1 (6) If a pupil receives special education services, the
2 pupil's individualized education program, in accordance with the
3 individuals with disabilities education act, title VI of Public Law
4 91-230, shall identify the appropriate course or courses of study
5 and identify the supports, accommodations, and modifications
6 necessary to allow the pupil to progress in the curricular
7 requirements of this section and section 1278a, or in a personal
8 curriculum as provided under subsection (5), and meet the
9 requirements for a high school diploma.

10 (7) The board of a school district or board of directors of a
11 public school academy that operates a high school shall ensure that
12 each pupil is offered the curriculum necessary for the pupil to
13 meet the curricular requirements of this section and section 1278a.
14 The board or board of directors may provide this curriculum by
15 providing the credits specified in this section and section 1278a,
16 by using alternative instructional delivery methods such as
17 alternative course work, humanities course sequences, career and
18 technical education, industrial technology courses, or vocational
19 education, or by a combination of these. School districts and
20 public school academies that operate career and technical education
21 programs are encouraged to integrate the credit requirements of
22 this section and section 1278a into those programs.

23 (8) If the board of a school district or board of directors of
24 a public school academy wants its high school to be accredited
25 under section 1280, the board or board of directors shall ensure
26 that all elements of the curriculum required under this section and
27 section 1278a are made available to all affected pupils. If a

1 school district or public school academy does not offer all of the
2 required credits, the board of the school district or board of
3 directors of the public school academy shall ensure that the pupil
4 has access to the required credits by another means, such as
5 enrollment in a postsecondary course under the postsecondary
6 enrollment options act, 1996 PA 160, MCL 388.511 to 388.524;
7 enrollment in an online course; a cooperative arrangement with a
8 neighboring school district or with a public school academy; or
9 granting approval under section 6(6) of the state school aid act of
10 1979, MCL 388.1606, for the pupil to be counted in membership in
11 another school district.

12 (9) If a pupil is not successfully completing a credit
13 required for graduation under this section and section 1278a, or is
14 identified as being at risk of withdrawing from high school, then
15 the pupil's school district or public school academy shall notify
16 the pupil's parent or legal guardian or, if the pupil is at least
17 age 18 or is an emancipated minor, the pupil, of the availability
18 of tutoring or other supplemental educational support and
19 counseling services that may be available to the pupil under
20 existing state or federal programs, such as those programs or
21 services available under section 31a of the state school aid act of
22 1979, MCL 388.1631a, or under the no child left behind act of 2001,
23 Public Law 107-110.

24 (10) To the extent required by the no child left behind act of
25 2001, Public Law 107-110, the board of a school district or public
26 school academy shall ensure that all components of the curricular
27 requirements under this section and section 1278a are taught by

1 highly qualified teachers. If a school district or public school
2 academy demonstrates to the department that the school district or
3 public school academy is unable to meet the requirements of this
4 section because the school district or public school academy is
5 unable to hire enough highly qualified teachers, the department
6 shall work with the school district or public school academy to
7 develop a plan to allow the school district or public school
8 academy to hire enough highly qualified teachers to meet the
9 requirements of this section.

10 (11) The board of a school district or board of directors of a
11 public school academy shall ensure that each pupil in grade 7 is
12 provided with the opportunity to develop an educational development
13 plan, and that each pupil has developed an educational development
14 plan before he or she begins high school. An educational
15 development plan shall be developed by the pupil under the
16 supervision of the pupil's school counselor or another designee
17 qualified to act in a counseling role under section 1233 or 1233a
18 selected by the high school principal and shall be based on a
19 career pathways program or similar career exploration program. In
20 addition, if the pupil receives special education services, a
21 school psychologist should also participate in developing the
22 pupil's educational development plan.

23 (12) Except as otherwise provided in this subsection, if a
24 school district or public school academy is unable to implement all
25 of the curricular requirements of this section and section 1278a
26 for pupils entering grade 9 in 2007 or is unable to implement
27 another requirement of this section or section 1278a, the school

1 district or public school academy may apply to the department for
2 permission to phase in 1 or more of the requirements of this
3 section or section 1278a. To apply, the school district or public
4 school academy shall submit a proposed phase-in plan to the
5 department. The department shall approve a phase-in plan if the
6 department determines that the plan will result in the school
7 district or public school academy making satisfactory progress
8 toward full implementation of the requirements of this section and
9 section 1278a. If the department disapproves a proposed phase-in
10 plan, the department shall work with the school district or public
11 school academy to develop a satisfactory plan that may be approved.
12 However, if legislation is enacted that adds section 1290 to allow
13 school districts and public school academies to apply for a
14 contract that waives certain state or federal requirements, then
15 this subsection does not apply but a school district or public
16 school academy may take action as described in subsection (13).
17 This subsection does not apply to a high school that is designated
18 as a specialty school under section 1278a(5) and that is exempt
19 under that section from the English language arts requirement under
20 subsection (1)(a) and the social science credit requirement under
21 section 1278a(1)(a)(ii).

22 (13) If a school district or public school academy does not
23 offer all of the required credits or provide options to have access
24 to the required credits as provided under subsection (8) and if
25 legislation is enacted that adds section 1290 to allow school
26 districts and public school academies to apply for a contract that
27 waives certain state or federal requirements, then the school

1 district or public school academy is encouraged to apply for a
2 contract under section 1290. The purpose of a contract described in
3 this subsection is to improve pupil performance.

4 (14) This section and section 1278a do not prohibit a pupil
5 from satisfying or exceeding the credit requirements of the
6 Michigan merit standard under this section and section 1278a
7 through advanced studies such as accelerated course placement,
8 advanced placement, dual enrollment in a postsecondary institution,
9 or participation in the international baccalaureate program or an
10 early college/middle college program.

11 (15) Not later than April 1 of each year, the department shall
12 submit an annual report to the legislature that evaluates the
13 overall success of the curriculum required under this section and
14 section 1278a, the rigor and relevance of the course work required
15 by the curriculum, the ability of public schools to implement the
16 curriculum and the required course work, and the impact of the
17 curriculum on pupil success, and that details any activities the
18 department has undertaken to implement this section and section
19 1278a or to assist public schools in implementing the requirements
20 of this section and section 1278a.