

SENATE BILL No. 403

April 18, 2007, Introduced by Senator KUIPERS and referred to the Committee on Education.

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

1 department and approved by the state board under this section.

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

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

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

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

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

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

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

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

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

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

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

1 section 1278a(1)(a) by the date required under this subdivision, a
2 school district or public school academy may align the content of
3 the credit with locally adopted standards.

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

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

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

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

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

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

22 (D) Representatives from the business community.

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

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

27 (G) Parents of public school pupils.

1 (ii) A review of the subject area content expectations or
2 guidelines by national experts.

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

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

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

25 (e) Develop and make available material to assist school
26 districts and public school academies in implementing the
27 requirements of this section and section 1278a. This shall include

1 developing guidelines for alternative instructional delivery
2 methods as described in subsection (7).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (ii) The modification requires the pupil to complete 1
2 additional credit in English language arts, mathematics, or science
3 or 1 additional credit in a language other than English. This
4 additional credit must be in addition to the number of those
5 credits otherwise required under subsection (1) and section
6 1278a(1) or under section 1278a(2).

7 (i) The health and physical education credit requirement under
8 section 1278a(1) (a) (iii) may be modified as part of a personal
9 curriculum only if the modification requires the pupil to complete
10 1 additional credit in English language arts, mathematics, or
11 science or 1 additional credit in a language other than English.
12 This additional credit must be in addition to the number of those
13 credits otherwise required under subsection (1) and section
14 1278a(1) or under section 1278a(2).

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

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

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

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

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

1 IF ANY, THE PUPIL HAS EARNED OUT OF STATE OR AT A NONPUBLIC SCHOOL
2 THAT MAY BE USED TO SATISFY THE CURRICULAR REQUIREMENTS OF THE
3 MICHIGAN MERIT STANDARD AND THIS SUBDIVISION.

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

7 (iii) THE TRANSFER PUPIL'S PERSONAL CURRICULUM REQUIRES THE
8 PUPIL TO SUCCESSFULLY COMPLETE AT LEAST 1 MATHEMATICS COURSE DURING
9 HIS OR HER FINAL YEAR OF HIGH SCHOOL ENROLLMENT. IN ADDITION, IF
10 THE TRANSFER PUPIL IS ENROLLED IN THE SCHOOL DISTRICT OR PUBLIC
11 SCHOOL ACADEMY FOR AT LEAST 1 FULL SCHOOL YEAR, THE TRANSFER
12 PUPIL'S PERSONAL CURRICULUM SHALL REQUIRE THAT THIS MATHEMATICS
13 COURSE IS AT LEAST ALGEBRA I.

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

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

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

24 (6) If a pupil receives special education services, the
25 pupil's individualized education program, in accordance with the
26 individuals with disabilities education act, title VI of Public Law
27 91-230, shall identify the appropriate course or courses of study

1 and identify the supports, accommodations, and modifications
2 necessary to allow the pupil to progress in the curricular
3 requirements of this section and section 1278a, or in a personal
4 curriculum as provided under subsection (5), and meet the
5 requirements for a high school diploma.

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

19 (8) If the board of a school district or board of directors of
20 a public school academy wants its high school to be accredited
21 under section 1280, the board or board of directors shall ensure
22 that all elements of the curriculum required under this section and
23 section 1278a are made available to all affected pupils. If a
24 school district or public school academy does not offer all of the
25 required credits, the board of the school district or board of
26 directors of the public school academy shall ensure that the pupil
27 has access to the required credits by another means, such as

1 enrollment in a postsecondary course under the postsecondary
2 enrollment options act, 1996 PA 160, MCL 388.511 to 388.524;
3 enrollment in an online course; a cooperative arrangement with a
4 neighboring school district or with a public school academy; or
5 granting approval under section 6(6) of the state school aid act of
6 1979, MCL 388.1606, for the pupil to be counted in membership in
7 another school district.

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

20 (10) To the extent required by the no child left behind act of
21 2001, Public Law 107-110, the board of a school district or public
22 school academy shall ensure that all components of the curricular
23 requirements under this section and section 1278a are taught by
24 highly qualified teachers. If a school district or public school
25 academy demonstrates to the department that the school district or
26 public school academy is unable to meet the requirements of this
27 section because the school district or public school academy is

1 unable to hire enough highly qualified teachers, the department
2 shall work with the school district or public school academy to
3 develop a plan to allow the school district or public school
4 academy to hire enough highly qualified teachers to meet the
5 requirements of this section.

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

19 (12) Except as otherwise provided in this subsection, if a
20 school district or public school academy is unable to implement all
21 of the curricular requirements of this section and section 1278a
22 for pupils entering grade 9 in 2007 or is unable to implement
23 another requirement of this section or section 1278a, the school
24 district or public school academy may apply to the department for
25 permission to phase in 1 or more of the requirements of this
26 section or section 1278a. To apply, the school district or public
27 school academy shall submit a proposed phase-in plan to the

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

18 (13) If a school district or public school academy does not
19 offer all of the required credits or provide options to have access
20 to the required credits as provided under subsection (8) and if
21 legislation is enacted that adds section 1290 to allow school
22 districts and public school academies to apply for a contract that
23 waives certain state or federal requirements, then the school
24 district or public school academy is encouraged to apply for a
25 contract under section 1290. The purpose of a contract described in
26 this subsection is to improve pupil performance.

27 (14) This section and section 1278a do not prohibit a pupil

1 from satisfying or exceeding the credit requirements of the
2 Michigan merit standard under this section and section 1278a
3 through advanced studies such as accelerated course placement,
4 advanced placement, dual enrollment in a postsecondary institution,
5 or participation in the international baccalaureate program or an
6 early college/middle college program.

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