

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4410

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 1249, 1278a, and 1278b (MCL 380.1249,
380.1278a, and 380.1278b), section 1249 as added and section 1278a
as amended by 2009 PA 205 and section 1278b as amended by 2010 PA
80.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1249. (1) With the involvement of teachers and school
2 administrators, the board of a school district or intermediate
3 school district or board of directors of a public school academy
4 shall adopt and implement for all teachers and school
5 administrators a rigorous, transparent, and fair performance
6 ~~evaluation~~ **EFFECTIVENESS ASSESSMENT** system that does all of the

1 following:

2 (a) Evaluates the teacher's or school administrator's job
3 performance at least annually while providing timely and
4 constructive feedback.

5 (b) Establishes clear approaches to measuring student growth
6 and provides teachers and school administrators with relevant data
7 on student growth.

8 (c) Evaluates a teacher's or school administrator's job
9 performance ~~, using multiple rating categories that take into~~
10 ~~account data on student growth as a significant factor. For these~~
11 ~~purposes, student growth shall be measured by national, state, or~~
12 ~~local assessments and other objective criteria.~~ **AND ASSIGNS AN**
13 **ANNUAL EVALUATION CATEGORY THAT RATES THE TEACHER OR SCHOOL**
14 **ADMINISTRATOR AS "HIGHLY EFFECTIVE", "EFFECTIVE", OR "INEFFECTIVE".**
15 **ALL OF THE FOLLOWING APPLY TO THIS EVALUATION AND RATING:**

16 (i) IN ASSIGNING AN ANNUAL EVALUATION CATEGORY FOR AN
17 INDIVIDUAL EDUCATOR, AT LEAST 45% OF THE TOTAL VALUE OF THE ANNUAL
18 EVALUATION METRIC SHALL BE BASED ON STUDENT GROWTH IN ACADEMIC
19 ACHIEVEMENT.

20 (ii) IF STATE MEASURES OF STUDENT GROWTH IN ACADEMIC
21 ACHIEVEMENT ARE AVAILABLE, STUDENT GROWTH IN ACADEMIC ACHIEVEMENT
22 SHALL BE MEASURED BY THESE STATE MEASURES AND MAY ALSO BE MEASURED
23 BY LOCAL MEASURES OF STUDENT GROWTH IN ACADEMIC ACHIEVEMENT.
24 FURTHER, IF STATE MEASURES OF STUDENT GROWTH IN ACADEMIC
25 ACHIEVEMENT ARE AVAILABLE IN THE CONTENT AREA OR AREAS FOR WHICH AN
26 INDIVIDUAL EDUCATOR IS RESPONSIBLE FOR STUDENT LEARNING, AS
27 DETERMINED LOCALLY, THOSE STATE MEASURES OF STUDENT GROWTH IN

1 ACADEMIC ACHIEVEMENT SHALL ACCOUNT FOR AT LEAST 30% OF THE TOTAL
2 VALUE OF THE ANNUAL EVALUATION METRIC.

3 (iii) IF STATE MEASURES OF STUDENT GROWTH IN ACADEMIC
4 ACHIEVEMENT ARE NOT AVAILABLE FOR A GRADE OR SUBJECT AREA THAT IS
5 APPLICABLE FOR AN INDIVIDUAL EDUCATOR, STUDENT GROWTH IN ACADEMIC
6 ACHIEVEMENT MAY BE BASED SOLELY ON LOCAL MEASURES OF STUDENT GROWTH
7 IN ACADEMIC ACHIEVEMENT.

8 (d) Uses the evaluations, at a minimum, to inform decisions
9 regarding all of the following:

10 (i) The effectiveness of teachers and school administrators,
11 ensuring that they are given ample opportunities for improvement.

12 (ii) Promotion, retention, and development of teachers and
13 school administrators, including providing relevant coaching,
14 instruction support, or professional development.

15 (iii) Whether to grant tenure or full certification, or both, to
16 teachers and school administrators using rigorous standards and
17 streamlined, transparent, and fair procedures. **THE EVALUATIONS**
18 **SHALL BE USED FOR DECISIONS REGARDING TEACHER TENURE AS PROVIDED IN**
19 **1937 (EX SESS) PA 4, MCL 38.71 TO 38.191.**

20 (iv) Removing ineffective tenured and untenured teachers and
21 school administrators after they have had ample opportunities to
22 improve, and ensuring that these decisions are made using rigorous
23 standards and streamlined, transparent, and fair procedures **AND,**
24 **FOR TENURED TEACHERS, IN ACCORDANCE WITH 1937 (EX SESS) PA 4, MCL**
25 **38.71 TO 38.191.**

26 (2) **FOR AN EVALUATION OF A TEACHER, THE EFFECTIVENESS**
27 **ASSESSMENT SYSTEM UNDER SUBSECTION (1) SHALL PROVIDE FOR AN APPEAL**

1 PROCESS THAT ALLOWS THE EFFECTIVENESS ASSESSMENT TO BE APPEALED TO
2 THE SUPERINTENDENT OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
3 DISTRICT, OR HIS OR HER DESIGNEE, OR TO THE CHIEF ADMINISTRATOR OF
4 A PUBLIC SCHOOL ACADEMY.

5 (3) FOR THE PURPOSES OF THE PORTION OF THE EFFECTIVENESS
6 ASSESSMENT SYSTEM UNDER SUBSECTION (1) THAT IS NOT BASED ON STUDENT
7 GROWTH, THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
8 DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL
9 DEVELOP AND ADOPT A LOCAL STANDARD OF PROFESSIONAL EFFECTIVENESS.
10 ONCE A LOCAL STANDARD OF PROFESSIONAL EFFECTIVENESS IS ADOPTED BY A
11 BOARD OR BOARD OF DIRECTORS, THE BOARD OR BOARD OF DIRECTORS SHALL
12 NOT CHANGE THE FACTORS USED IN THE LOCAL STANDARD FOR AT LEAST 5
13 YEARS. THE LOCAL STANDARD OF PROFESSIONAL EFFECTIVENESS MAY
14 INCLUDE, BUT IS NOT LIMITED TO, ANY OR ALL OF THE FOLLOWING
15 FACTORS:

- 16 (A) EFFECTIVENESS IN IMPLEMENTING TEACHING METHODS.
17 (B) EFFECTIVENESS IN CLASSROOM MANAGEMENT.
18 (C) PUPIL ATTENDANCE.
19 (D) WILLINGNESS TO GROW PROFESSIONALLY.
20 (E) ABILITY TO RELATE TO PUPILS, PARENTS, STAFF, AND
21 ADMINISTRATORS.

22 (4) AS USED IN THIS SECTION:

- 23 (A) "ANNUAL EVALUATION METRIC" MEANS THE OVERALL MEASURE USED
24 TO EVALUATE THE EFFECTIVENESS OF AN INDIVIDUAL EDUCATOR, WITHIN
25 WHICH EACH TYPE OF EVIDENCE OR COMPONENT INCLUDED IN THE ANNUAL
26 EVALUATION METRIC IS SCORED AND IS COMBINED WITH THE OTHER TYPES OF
27 EVIDENCE OR COMPONENTS TO GIVE A SINGLE TOTAL SCORE FOR THE

1 INDIVIDUAL EDUCATOR'S ANNUAL EVALUATION METRIC.

2 (B) "LOCAL ASSESSMENT OF ACADEMIC ACHIEVEMENT" MEANS AN
3 ASSESSMENT OF STUDENT ACADEMIC ACHIEVEMENT ADOPTED BY A SCHOOL
4 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY.

5 (C) "LOCAL MEASURE OF STUDENT GROWTH IN ACADEMIC ACHIEVEMENT"
6 MEANS A MEASURE OF STUDENT GROWTH IN ACADEMIC ACHIEVEMENT THAT IS
7 CALCULATED LOCALLY AND IS BASED ON 1 OR MORE LOCAL ASSESSMENTS OF
8 ACADEMIC ACHIEVEMENT.

9 (D) "MEASURE OF STUDENT GROWTH IN ACADEMIC ACHIEVEMENT" MEANS
10 A MEASURE OF THE DEGREE TO WHICH A PUPIL OF A PARTICULAR EDUCATOR
11 ACHIEVED 1 YEAR OF GROWTH FOR 1 YEAR OF INSTRUCTION.

12 (E) "ONE YEAR OF GROWTH FOR 1 YEAR OF INSTRUCTION" MEANS AS
13 FOLLOWS:

14 (i) FOR A PUPIL WHO WAS AT LEAST PROFICIENT IN THE PREVIOUS
15 YEAR, THAT THE PUPIL HAS NOT REDUCED HIS OR HER DISTANCE ABOVE
16 PROFICIENCY FROM THE PREVIOUS YEAR.

17 (ii) FOR A PUPIL WHO WAS NOT PROFICIENT IN THE PREVIOUS YEAR,
18 THAT THE PUPIL HAS BECOME PROFICIENT OR THAT THE DEGREE TO WHICH
19 THE PUPIL IS BELOW PROFICIENT HAS BEEN REDUCED AT LEAST TO THE
20 EXTENT THAT IF THE SAME DEGREE OF IMPROVEMENT WERE OBSERVED
21 CONSECUTIVELY OVER 3 TO 6 YEARS, THE PUPIL WOULD BECOME PROFICIENT.

22 (F) "PROFICIENT" MEANS, FOR STATE ASSESSMENTS OF ACADEMIC
23 ACHIEVEMENT, THE CUT SCORE IDENTIFIED BY THE DEPARTMENT AS
24 PROFICIENT ON THAT STATE ASSESSMENT. FOR A LOCAL ASSESSMENT OF
25 ACADEMIC ACHIEVEMENT, PROFICIENT MEANS THE CUT SCORE IDENTIFIED
26 LOCALLY AS PROFICIENT ON THE LOCAL ASSESSMENT.

27 (G) "STATE ASSESSMENT OF ACADEMIC ACHIEVEMENT" MEANS AN

1 ASSESSMENT OF ACADEMIC ACHIEVEMENT ADOPTED BY THE DEPARTMENT.

2 (H) "STATE MEASURE OF STUDENT GROWTH IN ACADEMIC ACHIEVEMENT"
3 MEANS A MEASURE OF STUDENT GROWTH IN ACADEMIC ACHIEVEMENT
4 CALCULATED BY THE DEPARTMENT BASED ON 1 OR MORE STATE ASSESSMENTS
5 OF ACADEMIC ACHIEVEMENT.

6 (I) "TOTAL VALUE OF THE EVALUATION METRIC" MEANS THE TOTAL
7 RANGE OF POINTS AN INDIVIDUAL EDUCATOR CAN ACHIEVE ON HIS OR HER
8 ANNUAL EVALUATION METRIC.

9 Sec. 1278a. (1) Except as otherwise provided in this section
10 or section 1278b, beginning with pupils entering grade 8 in 2006,
11 the board of a school district or board of directors of a public
12 school academy shall not award a high school diploma to a pupil
13 unless the pupil meets all of the following:

14 (a) Has successfully completed all of the following credit
15 requirements of the Michigan merit standard before graduating from
16 high school:

17 (i) At least 4 credits in mathematics that are aligned with
18 subject area content expectations developed by the department and
19 approved by the state board under section 1278b, including
20 completion of at least algebra I, geometry, and algebra II, or an
21 integrated sequence of this course content that consists of 3
22 credits, and an additional mathematics credit, such as
23 trigonometry, statistics, precalculus, calculus, applied math,
24 accounting, business math, a retake of algebra II, **OR** a course in
25 financial literacy as described in section 1165. A pupil may
26 complete algebra II over 2 years with 2 credits awarded or over 1.5
27 years with 1.5 credits awarded for the purposes of this section and

1 section 1278b. A pupil also may partially or fully fulfill the
2 algebra II requirement by completing a department-approved formal
3 career and technical education program or curriculum that has
4 appropriate embedded mathematics content, such as a program or
5 curriculum in electronics, machining, construction, welding,
6 engineering, or renewable energy. Not later than 30 days after the
7 effective date of the amendatory act that added the immediately
8 preceding sentence, the department shall post on its website and
9 submit to the senate and house standing committees on education
10 guidelines for implementation of the immediately preceding
11 sentence. Each pupil must successfully complete at least 1
12 mathematics course during his or her final year of high school
13 enrollment. This subparagraph does not require completion of
14 mathematics courses in any particular sequence.

15 (ii) At least 3 credits in social science that are aligned with
16 subject area content expectations developed by the department and
17 approved by the state board under section 1278b, including
18 completion of at least 1 credit in United States history and
19 geography, 1 credit in world history and geography, 1/2 credit in
20 economics, and the civics course described in section 1166(2).

21 (iii) At least 1 credit in subject matter that includes both
22 health and physical education aligned with guidelines developed by
23 the department and approved by the state board under section 1278b.

24 (iv) At least 1 credit in visual arts, performing arts, or
25 applied arts, as defined by the department, that is aligned with
26 guidelines developed by the department and approved by the state
27 board under section 1278b.

1 (v) The credit requirements specified in section 1278b(1).

2 (b) Meets the online course or learning experience requirement
3 of this subsection. A school district or public school academy
4 shall provide the basic level of technology and internet access
5 required by the state board to complete the online course or
6 learning experience. For a pupil to meet this requirement, the
7 pupil shall meet either of the following, as determined by the
8 school district or public school academy:

9 (i) Has successfully completed at least 1 course or learning
10 experience that is presented online, as defined by the department.

11 (ii) The pupil's school district or public school academy has
12 integrated an online experience throughout the high school
13 curriculum by ensuring that each teacher of each course that
14 provides the required credits of the Michigan merit curriculum has
15 integrated an online experience into the course.

16 (2) In addition to the requirements under subsection (1),
17 beginning with pupils entering grade 3 in 2006, the board of a
18 school district or board of directors of a public school academy
19 shall not award a high school diploma to a pupil unless the pupil
20 has successfully completed during grades 9 to 12 at least 2
21 credits, as determined by the department, in a language other than
22 English, or the pupil has successfully completed at any time during
23 grades K to 12 course work or other learning experiences that are
24 substantially equivalent to 2 credits in a language other than
25 English, based on guidelines developed by the department. For the
26 purposes of this subsection, all of the following apply:

27 (a) American sign language is considered to be a language

1 other than English.

2 (b) The pupil may meet all or part of this requirement with
3 online course work.

4 (3) The requirements under this section and section 1278b for
5 a high school diploma are in addition to any local requirements
6 imposed by the board of a school district or board of directors of
7 a public school academy. The board of a school district or board of
8 directors of a public school academy, as a local requirement for a
9 high school diploma, may require a pupil to complete the Michigan
10 merit examination under section 1279g or may require a pupil to
11 participate in the MIAccess assessments if appropriate for the
12 pupil.

13 (4) For the purposes of this section and section 1278b, all of
14 the following apply:

15 (a) A pupil is considered to have completed a credit if the
16 pupil successfully completes the subject area content expectations
17 or guidelines developed by the department that apply to the credit.

18 (b) A school district or public school academy shall base its
19 determination of whether a pupil has successfully completed the
20 subject area content expectations or guidelines developed by the
21 department that apply to a credit at least in part on the pupil's
22 performance on the assessments developed or selected by the
23 department under section 1278b or on 1 or more assessments
24 developed or selected by the school district or public school
25 academy that measure a pupil's understanding of the subject area
26 content expectations or guidelines that apply to the credit.

27 (c) A school district or public school academy shall also

1 grant a pupil a credit if the pupil earns a qualifying score, as
2 determined by the department, on the assessments developed or
3 selected for the subject area by the department under section 1278b
4 or the pupil earns a qualifying score, as determined by the school
5 district or public school academy, on 1 or more assessments
6 developed or selected by the school district or public school
7 academy that measure a pupil's understanding of the subject area
8 content expectations or guidelines that apply to the credit.

9 (5) If a high school is designated by the superintendent of
10 public instruction as a specialty school and the high school meets
11 the requirements of subsection (6), then the pupils of the high
12 school are not required to successfully complete the 4 credits in
13 English language arts required under section 1278b(1)(a) or the 3
14 credits in social science required under subsection (1)(a)(ii) and
15 the school district or public school academy is not required to
16 ensure that each pupil is offered the curriculum necessary for
17 meeting those English language arts or social science credit
18 requirements. The superintendent of public instruction may
19 designate up to 15 high schools that meet the requirements of this
20 subsection as specialty schools. Subject to this maximum number,
21 the superintendent of public instruction shall designate a high
22 school as a specialty school if the superintendent of public
23 instruction finds that the high school meets all of the following
24 criteria:

25 (a) The high school incorporates a significant reading and
26 writing component throughout its curriculum.

27 (b) The high school uses a specialized, innovative, and

1 rigorous curriculum in such areas as performing arts, foreign
2 language, extensive use of internships, or other learning
3 innovations that conform to pioneering innovations among other
4 leading national or international high schools.

5 (6) A high school that is designated by the superintendent of
6 public instruction as a specialty school under subsection (5) is
7 only exempt from requirements as described under subsection (5) as
8 long as the superintendent of public instruction finds that the
9 high school continues to meet all of the following requirements:

10 (a) The high school clearly states to prospective pupils and
11 their parents that it does not meet the requirements of the
12 Michigan merit standard under this section and section 1278b but is
13 a designated specialty school that is exempt from some of those
14 requirements and that a pupil who enrolls in the high school and
15 subsequently transfers to a high school that is not a specialty
16 school meeting the requirements of this subsection will be required
17 to comply with the requirements of the Michigan merit standard
18 under this section and section 1278b.

19 (b) For the most recent year for which the data are available,
20 the mean scores on both the mathematics and science portions of the
21 ACT examination for the pupils of the high school exceed by at
22 least 10% the mean scores on the mathematics and science portions
23 of the ACT examination for the pupils of the school district in
24 which the greatest number of the pupils of the high school reside.

25 (c) For the most recent year for which the data are available,
26 the high school had a graduation rate of at least 85%, as
27 determined by the department.

1 (d) For the most recent year for which the data are available,
2 at least 75% of the pupils who graduated from the high school the
3 preceding year are enrolled in a postsecondary institution.

4 (e) All pupils of the high school are required to meet the
5 mathematics credit requirements of subsection (1)(a)(i), with no
6 modification of these requirements under section 1278b(5), and each
7 pupil is offered the curriculum necessary to meet this requirement.

8 (f) All pupils of the high school are required to meet the
9 science credit requirements of section 1278b(1)(b) and are also
10 required to successfully complete at least 1 additional science
11 credit, for a total of at least 4 science credits, with no
12 modification of these requirements under section 1278b(5), and each
13 pupil is offered the curriculum necessary to meet this requirement.

14 Sec. 1278b. (1) Except as otherwise provided in this section
15 or section 1278a, beginning with pupils entering grade 8 in 2006,
16 as part of the requirements under section 1278a the board of a
17 school district or board of directors of a public school academy
18 shall not award a high school diploma to a pupil unless the pupil
19 has successfully completed all of the following credit requirements
20 of the Michigan merit standard before graduating from high school:

21 (a) At least 4 credits in English language arts that are
22 aligned with subject area content expectations developed by the
23 department and approved by the state board under this section.

24 (b) At least 3 credits in science that are aligned with
25 subject area content expectations developed by the department and
26 approved by the state board under this section, including
27 completion of at least biology and either chemistry or physics. The

1 legislature strongly encourages pupils to complete a fourth credit
2 in science, such as forensics, astronomy, Earth science,
3 agricultural science, environmental science, geology, physics or
4 chemistry, physiology, or microbiology.

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

7 (2) If a pupil successfully completes 1 or more of the high
8 school credits required under subsection (1) or under section
9 1278a(1) before entering high school, the pupil shall be given high
10 school credit for that credit.

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

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

23 (i) All subject area content expectations shall be consistent
24 with the state board recommended model core academic curriculum
25 content standards under section 1278. Subject area content
26 expectations or guidelines shall not include attitudes, beliefs, or
27 value systems that are not essential in the legal, economic, and

1 social structure of our society and to the personal and social
2 responsibility of citizens of our society. The subject area content
3 expectations shall require pupils to demonstrate critical thinking
4 skills.

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

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

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

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

20 (v) ~~(vi)~~—If the department has not completed development of the
21 subject area content expectations that apply to a particular credit
22 required in the Michigan merit standard under subsection (1) or
23 section 1278a(1)(a) by the date required under this subdivision, a
24 school district or public school academy may align the content of
25 the credit with locally adopted standards.

26 (vi) ~~(vii)~~—Until all of the subject area content expectations
27 and guidelines have been developed by the department and approved

1 by the state board, the department shall submit a report at least
2 every 6 months to the senate and house standing committees
3 responsible for education legislation on the status of the
4 development of the subject area content expectations and
5 guidelines. The report shall detail any failure by the department
6 to meet a deadline established under ~~subparagraph (iv) or (v)~~ **THIS**
7 **SUBDIVISION** and the reasons for that failure.

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

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

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

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

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

17 (D) Representatives from the business community.

18 (E) Representatives from vocational and career and technical
19 education providers.

20 (F) Government officials, including officials from the
21 legislature.

22 (G) Parents of public school pupils.

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

25 (iii) An opportunity for the public to review and provide input
26 on the proposed subject area content expectations or guidelines
27 before they are submitted to the state board for approval. The time

1 period allowed for this review and input shall be at least 15
2 business days.

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

7 (d) Develop and make available material to assist school
8 districts and public school academies in implementing the
9 requirements of this section and section 1278a. This shall include
10 developing guidelines for alternative instructional delivery
11 methods as described in subsection (7).

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

19 (5) The parent or legal guardian of a pupil who has completed
20 grade 9, a teacher who is currently teaching the pupil, who
21 currently teaches in or whose expertise is in a subject area
22 proposed to be modified by the personal curriculum, or who is
23 determined by the principal to have qualifications otherwise
24 relevant to developing a personal curriculum, or a school counselor
25 or school employee qualified to act in a counseling role under
26 section 1233 or 1233a may request a personal curriculum under this
27 subsection for the pupil that modifies certain of the Michigan

1 merit standard requirements under subsection (1) or section
2 1278a(1)(a). A teacher, school counselor, or school employee
3 qualified to act in a counseling role under section 1233 or 1233a
4 may contact a pupil's parent or legal guardian to discuss the
5 possibility and potential benefits of a personal curriculum under
6 this subsection for the pupil. If all of the requirements under
7 this subsection for a personal curriculum are met, then the board
8 of a school district or board of directors of a public school
9 academy may award a high school diploma to a pupil who successfully
10 completes his or her personal curriculum even if it does not meet
11 the requirements of the Michigan merit standard required under
12 subsection (1) and section 1278a(1)(a). All of the following apply
13 to a personal curriculum:

14 (a) The personal curriculum shall be developed by a group that
15 includes at least the pupil, at least 1 of the pupil's parents or
16 the pupil's legal guardian, a teacher described in this
17 subdivision, and the pupil's high school counselor or another
18 designee qualified to act in a counseling role under section 1233
19 or 1233a selected by the high school principal. In addition, for a
20 pupil who receives special education services, a school
21 psychologist should also be included in this group. The teacher
22 included in the group developing the personal curriculum shall be a
23 teacher who is currently teaching the pupil, who currently teaches
24 in or whose expertise is in a subject area being modified by the
25 personal curriculum, or who is determined by the principal to have
26 qualifications otherwise relevant to the 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) The mathematics credit requirements of section
24 1278a(1)(a)(i) may be modified as part of a personal curriculum if
25 the pupil successfully completes at least 3-1/2 total credits of
26 the mathematics credits required under that section before
27 completing high school, including algebra I and geometry, and

1 successfully completes at least 1 mathematics course during his or
2 her final year of high school. The algebra II credit required under
3 that section may be modified as part of a personal curriculum under
4 this subsection if the pupil meets 1 or more of the following:

5 (i) Successfully completes the same content as 1 semester of
6 algebra II, as determined by the department.

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

10 (iii) Enrolls in a formal career and technical education program
11 or curriculum and in that program or curriculum successfully
12 completes the same content as 1 semester of algebra II, as
13 determined by the department.

14 (iv) Successfully completes 1 semester of statistics or
15 functions and data analysis.

16 (h) The social science credit requirements of section
17 1278a(1)(a)(ii) may be modified as part of a personal curriculum
18 only if all of the following are met:

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

22 (ii) The modification requires the pupil to complete 1
23 additional credit in English language arts, mathematics, or science
24 or 1 additional credit in a language other than English. This
25 additional credit must be in addition to the number of those
26 credits otherwise required under subsection (1) and section
27 1278a(1) or under section 1278a(2).

1 (i) The health and physical education credit requirement under
2 section 1278a(1) (a) (iii) may be modified as part of a personal
3 curriculum only if the modification requires the pupil to complete
4 1 additional credit in English language arts, mathematics, or
5 science or 1 additional credit in a language other than English.
6 This additional credit must be in addition to the number of those
7 credits otherwise required under subsection (1) and section
8 1278a(1) or under section 1278a(2).

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

17 (k) If the parent or legal guardian of a pupil requests as
18 part of the pupil's personal curriculum a modification of the
19 Michigan merit standard requirements that would not otherwise be
20 allowed under this section and demonstrates that the modification
21 is necessary because the pupil is a child with a disability, the
22 school district or public school academy may allow that additional
23 modification to the extent necessary because of the pupil's
24 disability if the group under subdivision (a) determines that the
25 modification is consistent with both the pupil's educational
26 development plan under subsection (11) and the pupil's
27 individualized education program. If the superintendent of public

1 instruction has reason to believe that a school district or a
2 public school academy is allowing modifications inconsistent with
3 the requirements of this subdivision, the superintendent of public
4 instruction shall monitor the school district or public school
5 academy to ensure that the school district's or public school
6 academy's policies, procedures, and practices are in compliance
7 with the requirements for additional modifications under this
8 subdivision. As used in this subdivision, "child with a disability"
9 means that term as defined in 20 USC 1401.

10 (l) If a pupil transfers to a school district or public school
11 academy from out of state or from a nonpublic school, the pupil's
12 parent or legal guardian may request, as part of the pupil's
13 personal curriculum, a modification of the Michigan merit standard
14 requirements that would not otherwise be allowed under this
15 section. The school district or public school academy may allow
16 this additional modification for a transfer pupil if all of the
17 following are met:

18 (i) The transfer pupil has successfully completed at least the
19 equivalent of 2 years of high school credit out of state or at a
20 nonpublic school. The school district or public school academy may
21 use appropriate assessment examinations to determine what credits,
22 if any, the pupil has earned out of state or at a nonpublic school
23 that may be used to satisfy the curricular requirements of the
24 Michigan merit standard and this subdivision.

25 (ii) The transfer pupil's personal curriculum incorporates as
26 much of the subject area content expectations of the Michigan merit
27 standard as is practicable for the pupil.

1 (iii) The transfer pupil's personal curriculum requires the
2 pupil to successfully complete at least 1 mathematics course during
3 his or her final year of high school enrollment. In addition, if
4 the transfer pupil is enrolled in the school district or public
5 school academy for at least 1 full school year, both of the
6 following apply:

7 (A) The transfer pupil's personal curriculum shall require
8 that this mathematics course is at least algebra I.

9 (B) If the transfer pupil demonstrates that he or she has
10 mastered the content of algebra I, the transfer pupil's personal
11 curriculum shall require that this mathematics course is a course
12 normally taken after completing algebra I.

13 (iv) The transfer pupil's personal curriculum includes the
14 civics course described in section 1166(2).

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

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

22 (6) If a pupil receives special education services, the
23 pupil's individualized education program, in accordance with the
24 individuals with disabilities education act, title VI of Public Law
25 91-230, shall identify the appropriate course or courses of study
26 and identify the supports, accommodations, and modifications
27 necessary to allow the pupil to progress in the curricular

1 requirements of this section and section 1278a, or in a personal
2 curriculum as provided under subsection (5), and meet the
3 requirements for a high school diploma.

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

17 (8) If the board of a school district or board of directors of
18 a public school academy wants its high school to be accredited
19 under section 1280, the board or board of directors shall ensure
20 that all elements of the curriculum required under this section and
21 section 1278a are made available to all affected pupils. If a
22 school district or public school academy does not offer all of the
23 required credits, the board of the school district or board of
24 directors of the public school academy shall ensure that the pupil
25 has access to the required credits by another means, such as
26 enrollment in a postsecondary course under the postsecondary
27 enrollment options act, 1996 PA 160, MCL 388.511 to 388.524;

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

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

18 (10) To the extent required by the no child left behind act of
19 2001, Public Law 107-110, the board of a school district or public
20 school academy shall ensure that all components of the curricular
21 requirements under this section and section 1278a are taught by
22 highly qualified teachers. If a school district or public school
23 academy demonstrates to the department that the school district or
24 public school academy is unable to meet the requirements of this
25 section because the school district or public school academy is
26 unable to hire enough highly qualified teachers, the department
27 shall work with the school district or public school academy to

1 develop a plan to allow the school district or public school
2 academy to hire enough highly qualified teachers to meet the
3 requirements of this section.

4 (11) The board of a school district or board of directors of a
5 public school academy shall provide the opportunity for each pupil
6 to develop an educational development plan during grade 7, and
7 shall ensure that each pupil reviews his or her educational
8 development plan during grade 8 and revises it as appropriate
9 before he or she begins high school. An educational development
10 plan shall be developed, reviewed, and revised by the pupil under
11 the supervision of the pupil's school counselor or another designee
12 qualified to act in a counseling role under section 1233 or 1233a
13 selected by the school principal and shall be based on high school
14 readiness scores and a career pathways program or similar career
15 exploration program. An educational development plan shall be
16 designed to assist pupils to identify career development goals as
17 they relate to academic requirements.

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

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

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

26 (14) This section and section 1278a do not prohibit a pupil
27 from satisfying or exceeding the credit requirements of the

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

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

16 Enacting section 1. Section 1278b of the revised school code,
17 1976 PA 451, MCL 380.1278b, as amended by this amendatory act,
18 takes effect July 1, 2011.

19 Enacting section 2. This amendatory act does not take effect
20 unless Senate Bill No. 638 of the 95th Legislature is enacted into
21 law.