

HOUSE BILL No. 4511

March 4, 2009, Introduced by Reps. Geiss, LeBlanc, Sheltroun, Durhal, Stanley, Bledsoe, Tlaib, Leland, Gregory, Constan, Bauer and Valentine 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 2007 PA 141.

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:

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

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

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

14 (2) If a pupil successfully completes 1 or more of the high
15 school credits required under subsection (1) or under section
16 1278a(1) before entering high school, the pupil shall be given high
17 school credit for that credit.

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

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

1 1278a(2). All of the following apply to these subject area content
2 expectations and guidelines:

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

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

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

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

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

27 (vi) If the department has not completed development of the

1 subject area content expectations that apply to a particular credit
2 required in the Michigan merit standard under subsection (1) or
3 section 1278a(1)(a) by the date required under this subdivision, a
4 school district or public school academy may align the content of
5 the credit with locally adopted standards.

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

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

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

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

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

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

24 (D) Representatives from the business community.

25 (E) Representatives from vocational and career and technical
26 education providers.

27 (F) Government officials, including officials from the

1 legislature.

2 (G) Parents of public school pupils.

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

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

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

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

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

26 (5) The parent or legal guardian of a pupil **WHO HAS COMPLETED**
27 **GRADE 9, A TEACHER WHO IS CURRENTLY TEACHING THE PUPIL, WHO**

1 CURRENTLY TEACHES IN OR WHOSE EXPERTISE IS IN A SUBJECT AREA
2 PROPOSED TO BE MODIFIED BY THE PERSONAL CURRICULUM, OR WHO IS
3 DETERMINED BY THE PRINCIPAL TO HAVE QUALIFICATIONS OTHERWISE
4 RELEVANT TO DEVELOPING A PERSONAL CURRICULUM, OR A SCHOOL COUNSELOR
5 OR SCHOOL EMPLOYEE QUALIFIED TO ACT IN A COUNSELING ROLE UNDER
6 SECTION 1233 OR 1233A may request a personal curriculum under this
7 subsection for the pupil that modifies certain of the Michigan
8 merit standard requirements under subsection (1) or section
9 1278a(1)(a). **A TEACHER, SCHOOL COUNSELOR, OR SCHOOL EMPLOYEE**
10 **QUALIFIED TO ACT IN A COUNSELING ROLE UNDER SECTION 1233 OR 1233A**
11 **MAY CONTACT A PUPIL'S PARENT OR LEGAL GUARDIAN TO DISCUSS THE**
12 **POSSIBILITY AND POTENTIAL BENEFITS OF A PERSONAL CURRICULUM UNDER**
13 **THIS SUBSECTION FOR THE PUPIL.** If all of the requirements under
14 this subsection for a personal curriculum are met, then the board
15 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, **A TEACHER DESCRIBED IN THIS**
24 **SUBDIVISION**, and the pupil's high school counselor or another
25 designee qualified to act in a counseling role under section 1233
26 or 1233a selected by the high school principal. In addition, for a
27 pupil who receives special education services, a school

1 psychologist should also be included in this group. **THE TEACHER**
2 **INCLUDED IN THE GROUP DEVELOPING THE PERSONAL CURRICULUM SHALL BE A**
3 **TEACHER WHO IS CURRENTLY TEACHING THE PUPIL, WHO CURRENTLY TEACHES**
4 **IN OR WHOSE EXPERTISE IS IN A SUBJECT AREA BEING MODIFIED BY THE**
5 **PERSONAL CURRICULUM, OR WHO IS DETERMINED BY THE PRINCIPAL TO HAVE**
6 **QUALIFICATIONS OTHERWISE RELEVANT TO THE GROUP.**

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

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

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

23 (e) Revisions may be made in the personal curriculum if the
24 revisions are developed and agreed to in the same manner as the
25 original personal curriculum.

26 (f) The English language arts credit requirements of
27 subsection (1)(a) and the science credit requirements of subsection

(1)(b) are not subject to modification as part of a personal curriculum under this subsection.

(g) Except as otherwise provided in this subdivision, the mathematics credit requirements of section 1278a(1)(a)(i) may be modified as part of a personal curriculum only after the pupil has ~~successfully completed~~, **WITHOUT NECESSARILY HAVING ATTAINED A PASSING GRADE IN**, at least ~~2-1/2~~ **1-1/2** credits of the mathematics credits required under that section and only if the pupil successfully completes at least 3-1/2 total credits of the mathematics credits required under that section before completing high school. The requirement under ~~that~~ section **1278A(1)** that a pupil must successfully complete at least 1 mathematics course during his or her final year of high school enrollment is not subject to modification as part of a personal curriculum under this subsection. The algebra II credit required under that section may be modified as part of a personal curriculum under this subsection only if the pupil ~~has successfully completed at least 2 credits of the mathematics credits required under section 1278a(1)(a)(i) and~~ meets 1 or more of the following:

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

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

(iii) Enrolls in a formal career and technical education program or curriculum and in that program or curriculum successfully completes the same content as 1 semester of algebra II, as

1 determined by the department.

2 (h) The social science credit requirements of section
3 1278a(1)(a)(ii) may be modified as part of a personal curriculum
4 only if all of the following are met:

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

8 (ii) The modification requires the pupil to complete 1
9 additional credit in English language arts, mathematics, or science
10 or 1 additional credit in a language other than English. This
11 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 (i) The health and physical education credit requirement under
15 section 1278a(1)(a)(iii) may be modified as part of a personal
16 curriculum only if the modification requires the pupil to complete
17 1 additional credit in English language arts, mathematics, or
18 science or 1 additional credit in a language other than English.
19 This additional credit must be in addition to the number of those
20 credits otherwise required under subsection (1) and section
21 1278a(1) or under section 1278a(2).

22 (j) The visual arts, performing arts, or applied arts credit
23 requirement under section 1278a(1)(a)(iv) may be modified as part of
24 a personal curriculum only if the modification requires the pupil
25 to complete 1 additional credit in English language arts,
26 mathematics, or science or 1 additional credit in a language other
27 than English. This additional credit must be in addition to the

1 number of those credits otherwise required under subsection (1) and
2 section 1278a(1) or under section 1278a(2).

3 (k) If the parent or legal guardian of a pupil requests as
4 part of the pupil's personal curriculum a modification of the
5 Michigan merit standard requirements that would not otherwise be
6 allowed under this section and demonstrates that the modification
7 is necessary because the pupil is a child with a disability, the
8 school district or public school academy may allow that additional
9 modification to the extent necessary because of the pupil's
10 disability if the group under subdivision (a) determines that the
11 modification is consistent with both the pupil's educational
12 development plan under subsection (11) and the pupil's
13 individualized education program. If the superintendent of public
14 instruction has reason to believe that a school district or a
15 public school academy is allowing modifications inconsistent with
16 the requirements of this subdivision, the superintendent of public
17 instruction shall monitor the school district or public school
18 academy to ensure that the school district's or public school
19 academy's policies, procedures, and practices are in compliance
20 with the requirements for additional modifications under this
21 subdivision. As used in this subdivision, "child with a disability"
22 means that term as defined in 20 USC 1401.

23 (l) If a pupil transfers to a school district or public school
24 academy from out of state or from a nonpublic school, the pupil's
25 parent or legal guardian may request, as part of the pupil's
26 personal curriculum, a modification of the Michigan merit standard
27 requirements that would not otherwise be allowed under this

1 section. The school district or public school academy may allow
2 this additional modification for a transfer pupil if all of the
3 following are met:

4 (i) The transfer pupil has successfully completed at least the
5 equivalent of 2 years of high school credit out of state or at a
6 nonpublic school. The school district or public school academy may
7 use appropriate assessment examinations to determine what credits,
8 if any, the pupil has earned out of state or at a nonpublic school
9 that may be used to satisfy the curricular requirements of the
10 Michigan merit standard and this subdivision.

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

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

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

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

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

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

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

8 (6) If a pupil receives special education services, the
9 pupil's individualized education program, in accordance with the
10 individuals with disabilities education act, title VI of Public Law
11 91-230, shall identify the appropriate course or courses of study
12 and identify the supports, accommodations, and modifications
13 necessary to allow the pupil to progress in the curricular
14 requirements of this section and section 1278a, or in a personal
15 curriculum as provided under subsection (5), and meet the
16 requirements for a high school diploma.

17 (7) The board of a school district or board of directors of a
18 public school academy that operates a high school shall ensure that
19 each pupil is offered the curriculum necessary for the pupil to
20 meet the curricular requirements of this section and section 1278a.
21 The board or board of directors may provide this curriculum by
22 providing the credits specified in this section and section 1278a,
23 by using alternative instructional delivery methods such as
24 alternative course work, humanities course sequences, career and
25 technical education, industrial technology courses, or vocational
26 education, or by a combination of these. School districts and
27 public school academies that operate career and technical education

1 programs are encouraged to integrate the credit requirements of
2 this section and section 1278a into those programs. A SCHOOL
3 DISTRICT OR PUBLIC SCHOOL ACADEMY THAT INTENDS TO PROVIDE SOME OR
4 ALL OF THE CURRICULAR REQUIREMENTS OF THIS SECTION AND SECTION
5 1278A THROUGH CAREER AND TECHNICAL EDUCATION, INDUSTRIAL TECHNOLOGY
6 COURSES, OR VOCATIONAL EDUCATION SHALL SUBMIT TO ITS INTERMEDIATE
7 SCHOOL DISTRICT A PLAN FOR PROVIDING THE CURRICULAR REQUIREMENTS OF
8 THIS SECTION AND SECTION 1278A THROUGH CAREER AND TECHNICAL
9 EDUCATION, INDUSTRIAL TECHNOLOGY COURSES, OR VOCATIONAL EDUCATION,
10 OR A COMBINATION OF THESE. THE INTERMEDIATE SCHOOL DISTRICT SHALL
11 COMPILE AND SUBMIT ALL OF THESE PLANS TO THE DEPARTMENT NOT LATER
12 THAN FEBRUARY 1 OF EACH YEAR. THE DEPARTMENT SHALL REVIEW AND
13 RESPOND TO EACH PLAN NOT LATER THAN THE NEXT JUNE 1. IF THE
14 DEPARTMENT DOES NOT ACT TO DISAPPROVE A PLAN BY THAT JUNE 1, THE
15 PLAN IS CONSIDERED APPROVED AND THE SCHOOL DISTRICT OR PUBLIC
16 SCHOOL ACADEMY MAY PROCEED ACCORDING TO THE PLAN.

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

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

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

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

25 (14) This section and section 1278a do not prohibit a pupil
26 from satisfying or exceeding the credit requirements of the
27 Michigan merit standard under this section and section 1278a

1 through advanced studies such as accelerated course placement,
2 advanced placement, dual enrollment in a postsecondary institution,
3 or participation in the international baccalaureate program or an
4 early college/middle college program.

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