

**SUBSTITUTE FOR
HOUSE BILL NO. 5659**

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 523, 1204a, 1277, 1277a, 1278, 1278b, 1280a,
1280b, and 1280e (MCL 380.523, 380.1204a, 380.1277, 380.1277a,
380.1278, 380.1278b, 380.1280a, 380.1280b, and 380.1280e), section
523 as amended and section 1280e as added by 2011 PA 277, section
1204a as amended by 1996 PA 159, section 1277 as amended by 1997 PA
179, sections 1277a and 1280a as added by 1993 PA 335, section 1278
as amended by 2004 PA 596, section 1278b as amended by 2010 PA 80,
and section 1280b as added by 2000 PA 230.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 523. (1) An authorizing body is not required to issue a
2 contract to any entity. Urban high school academy contracts shall
3 be issued on a competitive basis taking into consideration the

resources available for the proposed urban high school academy, the population to be served by the proposed urban high school academy, and the educational goals to be achieved by the proposed urban high school academy. In evaluating if an applicant is qualified, the authorizing body shall examine the proposed performance standards, proposed academic program, financial viability of the applicant, and the ability of the proposed board of directors to meet the contract goals and objectives. An authorizing body shall give priority to applicants that demonstrate all of the following:

(a) The proposed school will operate at least all of grades 9 through 12 within 5 years after beginning operation.

(b) The proposed school will occupy a building or buildings that are newly constructed or renovated after January 1, 2003.

(c) The proposed school has a stated goal of increasing high school graduation rates.

(d) The proposed school has received commitments for financial and educational support from the entity applying for the contract.

(e) The entity that submits the application for a contract has net assets of at least \$50,000,000.00.

(2) A contract issued to organize and administer an urban high school academy shall contain at least all of the following:

(a) The educational goals the urban high school academy is to achieve and the methods by which it will be held accountable. The educational goals shall include demonstrated improved pupil academic achievement for all groups of pupils. To the extent applicable, the pupil performance of an urban high school academy shall be assessed using at least a Michigan education assessment

1 program (MEAP) test or the Michigan merit examination developed
2 under section 1279g, as applicable.

3 (b) A description of the method to be used to monitor the
4 urban high school academy's compliance with applicable law and its
5 performance in meeting its targeted educational objectives.

6 (c) A description of the process for amending the contract
7 during the term of the contract. An authorizing body may approve
8 amendment of the contract with respect to any provision contained
9 in the contract.

10 (d) A certification, signed by an authorized member of the
11 urban high school academy board of directors, that the urban high
12 school academy will comply with the contract and all applicable
13 law.

14 (e) Procedures for revoking the contract and grounds for
15 revoking the contract.

16 (f) A description of and address for the proposed building or
17 buildings in which the urban high school academy will be located.

18 (g) Requirements and procedures for financial audits. The
19 financial audits shall be conducted at least annually by an
20 independent certified public accountant in accordance with
21 generally accepted governmental auditing principles.

22 (h) A requirement that the board of directors shall ensure
23 compliance with the requirements of 1968 PA 317, MCL 15.321 to
24 15.330.

25 (i) A requirement that the board of directors shall prohibit
26 specifically identified family relationships between members of the
27 board of directors, individuals who have an ownership interest in

1 or who are officers or employees of an educational management
2 company involved in the operation of the urban high school academy,
3 and employees of the urban high school academy. The contract shall
4 identify the specific prohibited relationships consistent with
5 applicable law.

6 (j) A requirement that the board of directors of the urban
7 high school academy shall make information concerning its operation
8 and management available to the public and to the authorizing body
9 in the same manner as is required by state law for school
10 districts.

11 (k) A requirement that the board of directors of the urban
12 high school academy shall collect, maintain, and make available to
13 the public and the authorizing body, in accordance with applicable
14 law and the contract, at least all of the following information
15 concerning the operation and management of the urban high school
16 academy:

17 (i) A copy of the contract issued by the authorizing body for
18 the urban high school academy.

19 (ii) A list of currently serving members of the board of
20 directors of the urban high school academy, including name,
21 address, and term of office; copies of policies approved by the
22 board of directors; board meeting agendas and minutes; copy of the
23 budget approved by the board of directors and of any amendments to
24 the budget; and copies of bills paid for amounts of \$10,000.00 or
25 more as they were submitted to the board of directors.

26 (iii) Quarterly financial reports submitted to the authorizing
27 body.

1 (iv) A current list of teachers working at the urban high
2 school academy that includes their individual salaries as submitted
3 to the registry of educational personnel; copies of the teaching
4 certificates or permits of current teaching staff; and evidence of
5 compliance with the criminal background and records checks and
6 unprofessional conduct check required under sections 1230, 1230a,
7 and 1230b for all teachers and administrators working at the urban
8 high school academy.

9 (v) Curriculum documents and materials given to the
10 authorizing body.

11 (vi) Proof of insurance as required by the contract.

12 (vii) Copies of facility leases or deeds, or both, and of any
13 equipment leases.

14 (viii) Copies of any management contracts or services contracts
15 approved by the board of directors.

16 (ix) All health and safety reports and certificates, including
17 those relating to fire safety, environmental matters, asbestos
18 inspection, boiler inspection, and food service.

19 (x) Any management letters issued as part of the annual
20 financial audit under subdivision (g).

21 (xi) Any other information specifically required under this
22 act.

23 (l) A requirement that the authorizing body must review and may
24 disapprove any agreement between the board of directors and an
25 educational management company before the agreement is final and
26 valid. An authorizing body may disapprove an agreement described in
27 this subdivision only if the agreement is contrary to the contract

1 or applicable law.

2 (m) A requirement that the board of directors shall
3 demonstrate all of the following to the satisfaction of the
4 authorizing body with regard to its pupil admission process:

5 (i) That the urban high school academy has made a reasonable
6 effort to advertise its enrollment openings.

7 (ii) That the urban high school academy has made the following
8 additional efforts to recruit pupils who are eligible for special
9 education programs and services to apply for admission:

10 (A) Reasonable efforts to advertise all enrollment openings to
11 organizations and media that regularly serve and advocate for
12 individuals with disabilities within the boundaries of the
13 intermediate school district in which the urban high school academy
14 is located.

15 (B) Inclusion in all pupil recruitment materials of a
16 statement that appropriate special education services will be made
17 available to pupils attending the school as required by law.

18 (iii) That the open enrollment period for the urban high school
19 academy is for a duration of at least 2 weeks and that the
20 enrollment times include some evening and weekend times.

21 (n) A requirement that the board of directors shall prohibit
22 any individual from being employed by the urban high school academy
23 in more than 1 full-time position and simultaneously being
24 compensated at a full-time rate for each of those positions.

25 (o) A requirement that, if requested, the board of directors
26 shall report to the authorizing body the total compensation for
27 each individual working at the urban high school academy.

1 (p) The term of the contract and a description of the process
2 and standards for renewal of the contract at the end of the term.
3 The standards for renewal shall include increases in academic
4 achievement for all groups of pupils as measured by assessments and
5 other objective criteria as the most important factor in the
6 decision of whether or not to renew the contract.

7 (3) An urban high school academy shall comply with all
8 applicable law, including all of the following:

9 (a) The open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

10 (b) The freedom of information act, 1976 PA 442, MCL 15.231 to
11 15.246.

12 (c) 1947 PA 336, MCL 423.201 to 423.217.

13 (d) 1965 PA 166, MCL 408.551 to 408.558.

14 (e) 1978 PA 566, MCL 15.181 to 15.185.

15 (f) 1968 PA 317, MCL 15.321 to 15.330.

16 (g) The uniform budgeting and accounting act, 1968 PA 2, MCL
17 141.421 to 141.440a.

18 (h) The revised municipal finance act, 2001 PA 34, MCL
19 141.2101 to 141.2821.

20 (i) The federal no child left behind act of 2001, Public Law
21 107-110. ~~7-115 Stat. 1425.~~

22 (j) Sections 1134, 1135, 1146, 1153, 1263(3), 1267, **AND** 1274.
23 ~~7-and-1280.~~

24 (k) Laws concerning participation in state assessments, data
25 collection systems, state level student growth models, state
26 accountability and accreditation systems, and other public
27 comparative data collection required for public schools.

1 (4) An urban high school academy and its incorporators, board
2 members, officers, employees, and volunteers have governmental
3 immunity as provided in section 7 of 1964 PA 170, MCL 691.1407. An
4 authorizing body and its board members, officers, and employees are
5 immune from civil liability, both personally and professionally,
6 for any acts or omissions in authorizing or oversight of an urban
7 high school academy if the authorizing body or the person acted or
8 reasonably believed he or she acted within the authorizing body's
9 or the person's scope of authority.

10 (5) An urban high school academy is exempt from all taxation
11 on its earnings and property. Unless the property is already fully
12 exempt from real and personal property taxes under the general
13 property tax act, 1893 PA 206, MCL 211.1 to 211.155, property
14 occupied by an urban high school academy and used exclusively for
15 educational purposes is exempt from real and personal property
16 taxes levied for school operating purposes under section 1211, to
17 the extent exempted under that section, and from real and personal
18 property taxes levied under the state education tax act, 1993 PA
19 331, MCL 211.901 to 211.906. Instruments of conveyance to or from
20 an urban high school academy are exempt from all taxation,
21 including taxes imposed by 1966 PA 134, MCL 207.501 to 207.513. An
22 urban high school academy may not levy ad valorem property taxes or
23 any other tax for any purpose.

24 (6) An urban high school academy may acquire by purchase,
25 gift, devise, lease, sublease, installment purchase agreement, land
26 contract, option, or any other means, hold, and own in its own name
27 buildings and other property for school purposes, and interests

1 therein, and other real and personal property, including, but not
2 limited to, interests in property subject to mortgages, security
3 interests, or other liens, necessary or convenient to fulfill its
4 purposes. For the purposes of condemnation, an urban high school
5 academy may proceed under the uniform condemnation procedures act,
6 1980 PA 87, MCL 213.51 to 213.75, excluding sections 6 to 9 of that
7 act, MCL 213.56 to 213.59, or other applicable statutes, but only
8 with the express, written permission of the authorizing body in
9 each instance of condemnation and only after just compensation has
10 been determined and paid.

11 Sec. 1204a. (1) ~~In addition to the requirements specified in~~
12 ~~section 1280 for accreditation under that section, if the board of~~
13 ~~a school district wants all of its schools to be accredited under~~
14 ~~section 1280, the board~~ **THE BOARD OF A SCHOOL DISTRICT** shall
15 prepare and submit to the state board not later than September 1
16 each year, and shall provide that each school in the school
17 district distributes to the public at an open meeting not later
18 than October 15 each year, an annual educational report. The annual
19 educational report shall include, but is not limited to, all of the
20 following information for each public school in the school
21 district:

22 (a) The accreditation status of each school within the school
23 district, the process by which pupils are assigned to particular
24 schools, and a description of each specialized school.

25 (b) The status of the 3- to 5-year school improvement plan as
26 described in section 1277 for each school within the school
27 district.

1 (c) A copy of the core academic curriculum and a description
2 of its implementation, including how pupils are ensured enrollment
3 in those courses or subjects necessary for them to receive adequate
4 instruction in all of the core academic curriculum, and the
5 variances and explanation for the variances from the model core
6 academic curriculum developed by the state board pursuant to
7 section 1278(2).

8 (d) A report for each school of aggregate student achievement
9 based upon the results of any locally-administered student
10 competency tests, statewide assessment tests, or nationally normed
11 achievement tests that were given to pupils attending school in the
12 school district.

13 (e) For the year in which the report is filed and the previous
14 school year, the district pupil retention report as defined in
15 section 6 of the state school aid act of 1979, ~~being section~~
16 ~~388.1606 of the Michigan Compiled Laws.~~ **MCL 388.1606.**

17 (f) The number and percentage of parents, legal guardians, or
18 persons in loco parentis with pupils enrolled in the school
19 district who participate in parent-teacher conferences for pupils
20 at the elementary, middle, and secondary school level, as
21 appropriate.

22 (g) Beginning in the 1996-97 school year, if the school is a
23 high school, all of the following:

24 (i) The number and percentage of pupils enrolled in the school
25 who enrolled during the immediately preceding school year in 1 or
26 more postsecondary courses under the postsecondary enrollment
27 options act, **1996 PA 160, MCL 388.511 TO 388.524, OR UNDER THE**

1 CAREER AND TECHNICAL PREPARATION ACT, 2000 PA 258, MCL 388.1901 TO
2 388.1913, or under section 21b of the state school aid act of 1979,
3 ~~being section 388.1621b of the Michigan Compiled Laws.~~MCL
4 388.1621B.

5 (ii) The number of college level equivalent courses offered to
6 pupils enrolled in the school, in the school district, and in
7 consortia or cooperative programs available to pupils of the school
8 district.

9 (iii) The number and percentage of pupils enrolled in the school
10 who were enrolled in at least 1 college level equivalent course
11 during the immediately preceding school year, disaggregated by
12 grade level.

13 (iv) The number and percentage of pupils described in
14 subparagraph (iii) who took a college level equivalent credit
15 examination.

16 (v) The number and percentage of pupils described in
17 subparagraph (iv) who achieved a score on a college level equivalent
18 credit examination that is at or above the level recommended by the
19 testing service for college credit.

20 (h) A comparison with the immediately preceding school year of
21 the information required by subdivisions (a) through (g).

22 (2) At least annually, the department shall prepare and submit
23 to the legislature a report of the information described in
24 subsection (1)(g), aggregated for statewide and intermediate school
25 district totals, using the information submitted by school
26 districts.

27 (3) The state board shall prepare and make available to school

1 districts suggestions for accumulating the information listed in
2 subsection (1) and a model annual educational report for school
3 districts to consider in the implementation of this section.

4 (4) As used in this section, "college level equivalent course"
5 and "college level equivalent credit examination" mean those terms
6 as defined in part ~~14a.~~ **20A.**

7 Sec. 1277. (1) Considering criteria established by the state
8 board, ~~in addition to the requirements specified in section 1280~~
9 ~~for accreditation under that section, if the board of a school~~
10 ~~district wants all of the schools of the school district to be~~
11 ~~accredited under section 1280,~~ the board **OF A SCHOOL DISTRICT** shall
12 adopt and implement and, not later than September 1 each year,
13 shall make available to the department a copy of a 3- to 5-year
14 school improvement plan and continuing school improvement process
15 for each school within the school district. The school improvement
16 plans shall include, but are not limited to, a mission statement,
17 goals based on student academic objectives for all students,
18 curriculum alignment corresponding with those goals, evaluation
19 processes, staff development, development and utilization of
20 community resources and volunteers, the role of adult and community
21 education, libraries and community colleges in the learning
22 community, and building level decision making. School board
23 members, school building administrators, teachers and other school
24 employees, pupils, parents of pupils attending that school, and
25 other residents of the school district shall be invited and allowed
26 to voluntarily participate in the development, review, and
27 evaluation of the district's school improvement plans. Upon request

1 of the board of a school district, the department and the
2 intermediate school district shall assist the school district in
3 the development and implementation of district school improvement
4 plans. Educational organizations may also provide assistance for
5 these purposes. School improvement plans described in this section
6 shall be updated annually by each school and by the board of the
7 school district.

8 (2) School improvement plans shall include at least all of the
9 following additional matters:

10 (a) Goals centered on student academic learning.

11 (b) Strategies to accomplish the goals.

12 (c) Evaluation of the plan.

13 (d) Development of alternative measures of assessment that
14 will provide authentic assessment of pupils' achievements, skills,
15 and competencies.

16 (e) Methods for effective use of technology as a way of
17 improving learning and delivery of services and for integration of
18 evolving technology in the curriculum.

19 (f) Ways to make available in as many fields as practicable
20 opportunities for structured on-the-job learning, such as
21 apprenticeships and internships, combined with classroom
22 instruction.

23 (3) Each intermediate school board shall adopt and implement
24 and, not later than September 1 each year, shall make available to
25 the department a copy of a 3- to 5-year intermediate school
26 district school improvement plan and continuing school improvement
27 process for the intermediate school district. Constituent and

1 intermediate school board members, school building administrators,
2 teachers and other school employees, pupils, parents of pupils, and
3 residents of the intermediate school district shall be invited and
4 allowed to voluntarily participate in the development, review, and
5 evaluation of the intermediate school district's school improvement
6 plan. Upon request of the intermediate school board, the department
7 shall assist the intermediate school district in the development
8 and implementation of an intermediate school district school
9 improvement plan. An intermediate school district school
10 improvement plan described in this section shall be updated
11 annually by the intermediate school board. An intermediate school
12 district school improvement plan shall include at least all of the
13 following:

14 (a) Methods to assist districts in improving pupils' academic
15 learning.

16 (b) Assurance that all pupils have reasonable access to all
17 programs offered by the intermediate school district, including,
18 but not limited to, transportation if necessary.

19 (c) A plan for professional development that supports academic
20 learning.

21 (d) Methods to assist school districts in integrating applied
22 academics and career and employability skills into all curricular
23 areas.

24 (e) Ways to make available in as many fields as practicable
25 opportunities for structured on-the-job learning, such as
26 apprenticeships and internships, combined with classroom
27 instruction.

1 (f) Collaborative efforts with supporting agencies that
2 enhance academic learning.

3 (g) Long-range cost containment measures, including additional
4 services that might be provided at reduced costs by the
5 intermediate school district or through cooperative programs, and
6 cost reduction programs such as interdistrict cooperation in
7 special education and other programs and services.

8 (h) To the extent that it would improve school effectiveness,
9 specific recommendations on consolidation or enhanced interdistrict
10 cooperation, or both, along with possible sources of revenue.

11 (i) Evaluation of the plan.

12 (4) The state board shall annually review a random sampling of
13 school improvement plans. Based on its review, the state board
14 shall annually submit a report on school improvement activities
15 planned and accomplished by each of the school districts and
16 intermediate school districts that were part of the sampling to the
17 senate and house committees that have the responsibility for
18 education legislation.

19 Sec. 1277a. (1) Beginning in the 1994-95 school year, ~~in~~
20 ~~addition to the requirements specified in section 1280 for~~
21 ~~accreditation under that section, if the board of a school district~~
22 ~~wants all of the schools in the school district to be accredited~~
23 ~~under section 1280,~~ the board **OF A SCHOOL DISTRICT** shall ensure all
24 of the following:

25 (a) That all information assembled regarding each school
26 building within the school district to prepare the school's annual
27 educational report, as described in section 1204a, is disaggregated

1 by gender and is provided to the individuals participating in the
2 development of the district's school improvement plan under section
3 1277.

4 (b) That all gender equity issues raised by the disaggregated
5 information described in subdivision (a) are addressed as part of
6 the planning, development, implementation, evaluation, and updating
7 of the school improvement plan of each school within the school
8 district under section 1277 or, if such an issue is not addressed,
9 that an explanation is made to the community of the reason or
10 reasons why the issue is not addressed. An explanation for not
11 addressing a gender equity issue may be included in the school's
12 annual educational report under section 1204a.

13 (2) Upon request by a school district, intermediate school
14 district, or school, the department shall provide advice and
15 technical assistance to the district or school on meeting the
16 requirements of this section.

17 Sec. 1278. (1) ~~In addition to the requirements for~~
18 ~~accreditation under section 1280 specified in that section, if the~~
19 ~~board of a school district wants all of the schools of the school~~
20 ~~district to be accredited under section 1280, the board~~ **THE BOARD**
21 **OF A SCHOOL DISTRICT** shall provide to all pupils attending public
22 school in the district a core academic curriculum in compliance
23 with subsection (3) in each of the curricular areas specified in
24 the state board recommended model core academic curriculum content
25 standards developed under subsection (2). The state board model
26 core academic curriculum content standards shall encompass academic
27 and cognitive instruction only. For purposes of this section, the

1 state board model core academic curriculum content standards shall
2 not include attitudes, beliefs, or value systems that are not
3 essential in the legal, economic, and social structure of our
4 society and to the personal and social responsibility of citizens
5 of our society.

6 (2) Recommended model core academic curriculum content
7 standards shall be developed and periodically updated by the state
8 board, shall be in the form of knowledge and skill content
9 standards that are recommended as state standards for adoption by
10 public schools in local curriculum formulation and adoption, and
11 shall be distributed to each school district in the state. The
12 recommended model core academic curriculum content standards shall
13 set forth desired learning objectives in math, science, reading,
14 history, geography, economics, American government, and writing for
15 all children at each stage of schooling and be based upon the
16 "Michigan K-12 program standards of quality" to ensure that high
17 academic standards, academic skills, and academic subject matters
18 are built into the instructional goals of all school districts for
19 all children. The state board also shall ensure that the Michigan
20 educational assessment program and the Michigan merit examination
21 are based on the state recommended model core curriculum content
22 standards, are testing only for proficiency in basic and advanced
23 academic skills and academic subject matter, and are not used to
24 measure pupils' values or attitudes.

25 (3) The board of each school district, considering academic
26 curricular objectives defined and recommended pursuant to
27 subsection (2), shall do both of the following:

1 (a) Establish a core academic curriculum for its pupils at the
2 elementary, middle, and secondary school levels. The core academic
3 curriculum shall define academic objectives to be achieved by all
4 pupils and shall be based upon the school district's educational
5 mission, long-range pupil goals, and pupil performance objectives.
6 The core academic curriculum may vary from the model core academic
7 curriculum content standards recommended by the state board
8 pursuant to subsection (2).

9 (b) After consulting with teachers and school building
10 administrators, determine the aligned instructional program for
11 delivering the core academic curriculum and identify the courses
12 and programs in which the core academic curriculum will be taught.

13 (4) The board may supplement the core academic curriculum by
14 providing instruction through additional classes and programs.

15 (5) For all pupils, the subjects or courses, and the delivery
16 of those including special assistance, that constitute the
17 curriculum the pupils engage in shall assure the pupils have a
18 realistic opportunity to learn all subjects and courses required by
19 the district's core academic curriculum. A subject or course
20 required by the core academic curriculum pursuant to subsection (3)
21 shall be provided to all pupils in the school district by a school
22 district, a consortium of school districts, or a consortium of 1 or
23 more school districts and 1 or more intermediate school districts.

24 (6) To the extent practicable, the state board may adopt or
25 develop academic objective-oriented high standards for knowledge
26 and life skills, and a recommended core academic curriculum, for
27 special education pupils for whom it may not be realistic or

1 desirable to expect achievement of initial mastery of the state
2 board recommended model core academic content standards objectives
3 or of a high school diploma.

4 (7) The state board shall make available to all nonpublic
5 schools in this state, as a resource for their consideration, the
6 model core academic curriculum content standards developed for
7 public schools pursuant to subsection (2) for the purpose of
8 assisting the governing body of a nonpublic school in developing
9 its core academic curriculum.

10 (8) Excluding special education pupils, pupils having a
11 learning disability, and pupils with extenuating circumstances as
12 determined by school officials, a pupil who does not score
13 satisfactorily on the 4th or 7th grade Michigan educational
14 assessment program reading test shall be provided special
15 assistance reasonably expected to enable the pupil to bring his or
16 her reading skills to grade level within 12 months.

17 (9) Any course that would have been considered a nonessential
18 elective course under Snyder v Charlotte School Dist, 421 Mich 517
19 (1984), on April 13, 1990 shall continue to be offered to resident
20 pupils of nonpublic schools on a shared time basis.

21 Sec. 1278b. (1) Except as otherwise provided in this section
22 or section 1278a, beginning with pupils entering grade 8 in 2006,
23 as part of the requirements under section 1278a the board of a
24 school district or board of directors of a public school academy
25 shall not award a high school diploma to a pupil unless the pupil
26 has successfully completed all of the following credit requirements
27 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) The mathematics credit requirements of section 1278a(1)(a)(i) may be modified as part of a personal curriculum if the pupil successfully completes at least 3-1/2 total credits of the mathematics credits required under that section before completing high school, including algebra I and geometry, and successfully completes at least 1 mathematics course during his or her final year of high school. The algebra II credit required under that section may be modified as part of a personal curriculum under this subsection if the pupil meets 1 or more of the following:

(i) Successfully completes 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 determined by the department.

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

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

(i) The pupil has successfully completed 2 credits of the social science credits required under section 1278a(1), including

1 the civics course described in section 1166(2).

2 (ii) The modification requires the pupil to complete 1
3 additional credit in English language arts, mathematics, or science
4 or 1 additional credit in a language other than English. This
5 additional credit must be in addition to the number of those
6 credits otherwise required under subsection (1) and section
7 1278a(1) or under section 1278a(2).

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

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

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

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

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

25 (i) The transfer pupil has successfully completed at least the
26 equivalent of 2 years of high school credit out of state or at a
27 nonpublic school. The school district or public school academy may

1 use appropriate assessment examinations to determine what credits,
2 if any, the pupil has earned out of state or at a nonpublic school
3 that may be used to satisfy the curricular requirements of the
4 Michigan merit standard and this subdivision.

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

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

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

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

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

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

24 (n) This subsection does not apply to a pupil enrolled in a
25 high school that is designated as a specialty school under section
26 1278a(5) and that is exempt under that section from the English
27 language arts requirement under subsection (1)(a) and the social

1 science credit requirement under section 1278a(1)(a)(ii).

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

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

24 ~~(8) If the board of a school district or board of directors of~~
25 ~~a public school academy wants its high school to be accredited~~
26 ~~under section 1280, the board or board of directors~~ **THE BOARD OF A**
27 **SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY**

1 shall ensure that all elements of the curriculum required under
2 this section and section 1278a are made available to all affected
3 pupils. If a school district or public school academy does not
4 offer all of the required credits, the board of the school district
5 or board of directors of the public school academy shall ensure
6 that the pupil has access to the required credits by another means,
7 such as enrollment in a postsecondary course under the
8 postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to
9 388.524; enrollment in an online course; a cooperative arrangement
10 with a neighboring school district or with a public school academy;
11 or granting approval under section 6(6) of the state school aid act
12 of 1979, MCL 388.1606, for the pupil to be counted in membership in
13 another school district.

14 (9) If a pupil is not successfully completing a credit
15 required for graduation under this section and section 1278a, or is
16 identified as being at risk of withdrawing from high school, then
17 the pupil's school district or public school academy shall notify
18 the pupil's parent or legal guardian or, if the pupil is at least
19 age 18 or is an emancipated minor, the pupil, of the availability
20 of tutoring or other supplemental educational support and
21 counseling services that may be available to the pupil under
22 existing state or federal programs, such as those programs or
23 services available under section 31a of the state school aid act of
24 1979, MCL 388.1631a, or under the no child left behind act of 2001,
25 Public Law 107-110.

26 (10) To the extent required by the no child left behind act of
27 2001, Public Law 107-110, the board of a school district or public

1 school academy shall ensure that all components of the curricular
2 requirements under this section and section 1278a are taught by
3 highly qualified teachers. If a school district or public school
4 academy demonstrates to the department that the school district or
5 public school academy is unable to meet the requirements of this
6 section because the school district or public school academy is
7 unable to hire enough highly qualified teachers, the department
8 shall work with the school district or public school academy to
9 develop a plan to allow the school district or public school
10 academy to hire enough highly qualified teachers to meet the
11 requirements of this section.

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

26 (12) Except as otherwise provided in this subsection, if a
27 school district or public school academy is unable to implement all

1 of the curricular requirements of this section and section 1278a
2 for pupils entering grade 9 in 2007 or is unable to implement
3 another requirement of this section or section 1278a, the school
4 district or public school academy may apply to the department for
5 permission to phase in 1 or more of the requirements of this
6 section or section 1278a. To apply, the school district or public
7 school academy shall submit a proposed phase-in plan to the
8 department. The department shall approve a phase-in plan if the
9 department determines that the plan will result in the school
10 district or public school academy making satisfactory progress
11 toward full implementation of the requirements of this section and
12 section 1278a. If the department disapproves a proposed phase-in
13 plan, the department shall work with the school district or public
14 school academy to develop a satisfactory plan that may be approved.
15 However, if legislation is enacted that adds section 1290 to allow
16 school districts and public school academies to apply for a
17 contract that waives certain state or federal requirements, then
18 this subsection does not apply but a school district or public
19 school academy may take action as described in subsection (13).
20 This subsection does not apply to a high school that is designated
21 as a specialty school under section 1278a(5) and that is exempt
22 under that section from the English language arts requirement under
23 subsection (1)(a) and the social science credit requirement under
24 section 1278a(1)(a)(ii).

25 (13) If a school district or public school academy does not
26 offer all of the required credits or provide options to have access
27 to the required credits as provided under subsection (8) and if

1 legislation is enacted that adds section 1290 to allow school
2 districts and public school academies to apply for a contract that
3 waives certain state or federal requirements, then the school
4 district or public school academy is encouraged to apply for a
5 contract under section 1290. The purpose of a contract described in
6 this subsection is to improve pupil performance.

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

14 (15) Not later than April 1 of each year, the department shall
15 submit an annual report to the legislature that evaluates the
16 overall success of the curriculum required under this section and
17 section 1278a, the rigor and relevance of the course work required
18 by the curriculum, the ability of public schools to implement the
19 curriculum and the required course work, and the impact of the
20 curriculum on pupil success, and that details any activities the
21 department has undertaken to implement this section and section
22 1278a or to assist public schools in implementing the requirements
23 of this section and section 1278a.

24 Sec. 1280a. The board of a school district or intermediate
25 school district that operates or participates in a consortium that
26 operates an alternative educational program pursuant to section
27 1301, a vocational-technical skills center or other separate

1 vocational education program, or any other type of specialized or
2 alternative school or program shall ensure that the requirements of
3 sections 1204a, 1277a, **AND** 1278 ~~, and 1280~~ are met for each of
4 those schools or programs.

5 Sec. 1280b. (1) Subject to subsection (2), the board of a
6 school district, or board of directors of a public school academy
7 that operates any of grades 1 to 5, shall administer each school
8 year to all pupils in grades 1 to 5 a nationally-recognized norm-
9 referenced test or another assessment, which may include a locally-
10 adopted assessment, approved by the superintendent of public
11 instruction at the request of the school district or public school
12 academy.

13 (2) A school district or public school academy may use the
14 Michigan literacy progress profile to assess literacy in grades 1
15 to 3 as part of its compliance with subsection (1).

16 (3) If a school is designated for participation in the
17 national assessment of education progress program, the school shall
18 participate as designated.

19 ~~(4) An elementary school that is not in compliance with~~
20 ~~subsection (1) or a school that does not comply with subsection (3)~~
21 ~~shall not be accredited under section 1280.~~

22 Sec. 1280e. ~~The~~ **WITHIN 20 DAYS AFTER THE BOARD OR BOARD OF**
23 **DIRECTORS IS INFORMED BY THE APPROPRIATE AUTHORITY OF THE ADEQUATE**
24 **YEARLY PROGRESS STATUS OF ITS SCHOOLS FOR THE PURPOSES OF THE NO**
25 **CHILD LEFT BEHIND ACT OF 2001, PUBLIC LAW 107-110, FOR THE MOST**
26 **RECENT SCHOOL YEAR FOR WHICH IT IS AVAILABLE, THE** board of a school
27 district or intermediate school district or board of directors of a

1 public school academy shall ~~do both of the following:~~

2 ~~—— (a) Within 20 days after the board or board of directors is~~
3 ~~informed by the appropriate authority of the adequate yearly~~
4 ~~progress status of its schools for the purposes of the no child~~
5 ~~left behind act of 2001, Public Law 107-110, for the most recent~~
6 ~~school year for which it is available, post a notice of the~~
7 adequate yearly progress status of each school it operates on the
8 homepage of its website.

9 ~~—— (b) Within 20 days after the board or board of directors is~~
10 ~~informed by the department of the accreditation status of its~~
11 ~~schools for the purposes of section 1280 for the most recent school~~
12 ~~year for which it is available, post a notice of the accreditation~~
13 ~~status of each school it operates on the homepage of its website.~~

14 Enacting section 1. Section 1280 of the revised school code,
15 1976 PA 451, MCL 380.1280, is repealed.