

HOUSE BILL No. 4466

March 14, 2013, Introduced by Reps. Johnson, McBroom, Nesbitt, Pettalia, Foster, Kivela, Dianda, Lyons, Walsh, Lauwers, Cotter, LaFontaine, Jenkins, Lori, Rendon, Jacobsen, Pagel, Denby, Schmidt, Bumstead, VerHeulen, Goike, Leonard, Franz, Callton, Rogers, Muxlow, Zorn, Potvin, Heise, Haugh, Kurtz and Graves 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 2010 PA
80.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

8 (a) At least 4 credits in English language arts that are

1 aligned with subject area content expectations developed by the
2 department and approved by the state board under this section.

3 (b) At least 3 credits in science that are aligned with
4 subject area content expectations developed by the department and
5 approved by the state board under this section, including
6 completion of at least biology and either chemistry, ~~or~~ physics, ~~or~~
7 **OR AGRICULTURAL SCIENCE**. The legislature strongly encourages pupils
8 to complete a fourth credit in science, such as forensics,
9 astronomy, Earth science, agricultural science, environmental
10 science, geology, physics, ~~or~~ chemistry, physiology, or
11 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 (1) (b) are not subject to modification as part of a personal
2 curriculum under this subsection.

3 (g) The mathematics credit requirements of section
4 1278a(1) (a) (i) may be modified as part of a personal curriculum if
5 the pupil successfully completes at least ~~3-1/2-3~~ total credits of
6 the mathematics credits required under that section before
7 completing high school, including algebra I and geometry, and
8 successfully completes at least 1 mathematics course during his or
9 her final year of high school. The algebra II credit required under
10 that section may be modified as part of a personal curriculum under
11 this subsection if the pupil meets 1 or more of the following:

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

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

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

21 (iv) **APPROVED TECHNICAL MATHEMATICS.**

22 (v) ~~(iv)~~—Successfully completes 1 semester of statistics or
23 functions and data analysis.

24 (h) The social science credit requirements of section
25 1278a(1) (a) (ii) may be modified as part of a personal curriculum
26 only if all of the following are met:

27 (i) The pupil has successfully completed 2 credits of the

1 social science credits required under section 1278a(1), including
2 the civics course described in section 1166(2).

3 (ii) The modification requires the pupil to complete 1
4 additional credit in English language arts, mathematics, or science
5 or 1 additional credit in a language other than English. This
6 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 (i) The health and physical education credit requirement under
10 section 1278a(1) (a) (iii) may be modified as part of a personal
11 curriculum only if the modification requires the pupil to complete
12 1 additional credit in English language arts, mathematics, or
13 science or 1 additional credit in a language other than English.
14 This additional credit must be in addition to the number of those
15 credits otherwise required under subsection (1) and section
16 1278a(1) or under section 1278a(2).

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

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

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

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

26 (i) The transfer pupil has successfully completed at least the
27 equivalent of 2 years of high school credit out of state or at a

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

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

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

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

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

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

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

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

1 language arts requirement under subsection (1) (a) and the social
2 science credit requirement under section 1278a(1) (a) (ii) .

3 (O) A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SHALL NOT LIMIT
4 THE NUMBER OF PUPILS WITH A PERSONAL CURRICULUM ON ANY BASIS OTHER
5 THAN THE BEST INTERESTS OF EACH INDIVIDUAL PUPIL.

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

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

1 (8) If the board of a school district or board of directors of
2 a public school academy wants its high school to be accredited
3 under section 1280, the board or board of directors shall ensure
4 that all elements of the curriculum required under this section and
5 section 1278a are made available to all affected pupils. If a
6 school district or public school academy does not offer all of the
7 required credits, the board of the school district or board of
8 directors of the public school academy shall ensure that the pupil
9 has access to the required credits by another means, such as
10 enrollment in a postsecondary course under the postsecondary
11 enrollment options act, 1996 PA 160, MCL 388.511 to 388.524;
12 enrollment in an online course; a cooperative arrangement with a
13 neighboring school district or with a public school academy; or
14 granting approval under section 6(6) of the state school aid act of
15 1979, MCL 388.1606, for the pupil to be counted in membership in
16 another school district.

17 (9) If a pupil is not successfully completing a credit
18 required for graduation under this section and section 1278a, or is
19 identified as being at risk of withdrawing from high school, then
20 the pupil's school district or public school academy shall notify
21 the pupil's parent or legal guardian or, if the pupil is at least
22 age 18 or is an emancipated minor, the pupil, of the availability
23 of tutoring or other supplemental educational support and
24 counseling services that may be available to the pupil under
25 existing state or federal programs, such as those programs or
26 services available under section 31a of the state school aid act of
27 1979, MCL 388.1631a, or under the no child left behind act of 2001,

1 Public Law 107-110.

2 (10) To the extent required by the no child left behind act of
3 2001, Public Law 107-110, the board of a school district or public
4 school academy shall ensure that all components of the curricular
5 requirements under this section and section 1278a are taught by
6 highly qualified teachers. If a school district or public school
7 academy demonstrates to the department that the school district or
8 public school academy is unable to meet the requirements of this
9 section because the school district or public school academy is
10 unable to hire enough highly qualified teachers, the department
11 shall work with the school district or public school academy to
12 develop a plan to allow the school district or public school
13 academy to hire enough highly qualified teachers to meet the
14 requirements of this section.

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

1 they relate to academic requirements.

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

1 (13) If a school district or public school academy does not
2 offer all of the required credits or provide options to have access
3 to the required credits as provided under subsection (8) and if
4 legislation is enacted that adds section 1290 to allow school
5 districts and public school academies to apply for a contract that
6 waives certain state or federal requirements, then the school
7 district or public school academy is encouraged to apply for a
8 contract under section 1290. The purpose of a contract described in
9 this subsection is to improve pupil performance.

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

17 (15) Not later than April 1 of each year, the department shall
18 submit an annual report to the legislature that evaluates the
19 overall success of the curriculum required under this section and
20 section 1278a, the rigor and relevance of the course work required
21 by the curriculum, the ability of public schools to implement the
22 curriculum and the required course work, and the impact of the
23 curriculum on pupil success, and that details any activities the
24 department has undertaken to implement this section and section
25 1278a or to assist public schools in implementing the requirements
26 of this section and section 1278a.

27 Enacting section 1. This amendatory act does not take effect

1 unless Senate Bill No. ____ or House Bill No. 4465 (request no.
2 01851'13) of the 97th Legislature is enacted into law.