

HOUSE BILL No. 5255

November 9, 2017, Introduced by Reps. Howrylak, Runestad, Green and Gay-Dagnogo and referred to the Committee on Education Reform.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 1168, 1278, and 1279g (MCL 380.1168, 380.1278, and 380.1279g), section 1168 as added and sections 1278 and 1279g as amended by 2016 PA 170.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1168. (1) Beginning in the 2016-2017 school year, the
2 board of a school district or board of directors of a public school
3 academy shall ensure that the school district's or public school
4 academy's social studies curriculum for grades 8 to 12 includes
5 age- and grade-appropriate instruction about genocide, including,
6 but not limited to, the Holocaust, ~~and the Armenian Genocide.~~ **THE**
7 **ARMENIAN GENOCIDE, AND THE UKRAINIAN HOLODOMOR.** The legislature
8 recommends a combined total of 6 hours of this instruction during

1 grades 8 to 12.

2 (2) Subsection (1) does not preclude a school district or
3 public school academy from including instruction described in
4 subsection (1) in other subject areas.

5 (3) The governor's council on genocide and Holocaust education
6 is created as a temporary commission described in section 4 of
7 article V of the state constitution of 1963.

8 (4) The governor's council on genocide and Holocaust education
9 shall consist of 15 members appointed by the governor. **BEGINNING**
10 **JANUARY 1, 2018, THE COUNCIL SHALL CONSIST OF 17 MEMBERS APPOINTED**
11 **BY THE GOVERNOR.** Members shall be individuals who have a particular
12 interest or expertise in genocide education or Holocaust education,
13 or both.

14 (5) If the governor determines that sufficient private funding
15 is available for the operations of the governor's council on
16 genocide and Holocaust education, the governor shall appoint the
17 **INITIAL 15** members of the governor's council on genocide and
18 Holocaust education ~~within 60 days after the effective date of this~~
19 ~~section.~~ **NO LATER THAN AUGUST 13, 2016. THE GOVERNOR SHALL APPOINT**
20 **THE 2 ADDITIONAL MEMBERS DESCRIBED IN SUBSECTION (4) NO LATER THAN**
21 **MARCH 1, 2018.**

22 (6) If a vacancy occurs on the governor's council on genocide
23 and Holocaust education, the governor shall make an appointment for
24 the unexpired term in the same manner as the original appointment.

25 (7) The governor may remove a member of the governor's council
26 on genocide and Holocaust education for incompetence, dereliction
27 of duty, malfeasance, misfeasance, or nonfeasance in office, or any

1 other good cause.

2 (8) The first meeting of the governor's council on genocide
3 and Holocaust education shall be called by the governor. At the
4 first meeting, the governor's council on genocide and Holocaust
5 education shall elect from among its members a chairperson and
6 other officers as it considers necessary or appropriate. After the
7 first meeting, the governor's council on genocide and Holocaust
8 education shall meet at least quarterly, or more frequently at the
9 call of the chairperson or if requested by 8 or more members.

10 (9) A majority of the members of the governor's council on
11 genocide and Holocaust education appointed and serving constitute a
12 quorum for the transaction of business at a meeting of the council.
13 A majority of the members present and serving are required for
14 official action of the council. A member may not vote by proxy.

15 (10) The business that the governor's council on genocide and
16 Holocaust education may perform shall be conducted at a public
17 meeting of the council held in compliance with the open meetings
18 act, 1976 PA 267, MCL 15.261 to 15.275.

19 (11) A writing prepared, owned, used, in the possession of, or
20 retained by the governor's council on genocide and Holocaust
21 education in the performance of an official function is subject to
22 the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

23 (12) Members of the governor's council on genocide and
24 Holocaust education shall serve without compensation. However, if
25 funding is available for this purpose from private sources, members
26 of the council may be reimbursed for their actual and necessary
27 expenses incurred in the performance of their official duties as

1 members of the council.

2 (13) State funds shall not be used for the operations of the
3 governor's council on genocide and Holocaust education.

4 (14) The governor's council on genocide and Holocaust
5 education shall do all of the following:

6 (a) Identify, to the extent possible, all sources of
7 strategies and content for providing and enhancing genocide
8 education to students.

9 (b) Advise the superintendent of public instruction, school
10 districts, public school academies, and nonpublic schools in this
11 state on strategies and content for providing and enhancing
12 genocide education to students.

13 (c) Identify, to the extent possible, all programs and
14 resources to train teachers in providing genocide education to
15 students and share these programs and resources with the
16 superintendent of public instruction, school districts, public
17 school academies, and nonpublic schools in this state.

18 (d) Promote, within the schools and general population of this
19 state, implementation of genocide education. This duty includes,
20 but is not limited to, all of the following:

21 (i) In accordance with 2004 PA 10, **MCL 435.311 TO 435.312**,
22 engendering and coordinating events, activities, and education that
23 will appropriately memorialize the victims of the Holocaust, such
24 as observance of Holocaust Remembrance Day and the Days of
25 Remembrance.

26 (ii) In accordance with 2002 PA 558, **MCL 435.281**, engendering
27 and coordinating events, activities, and education that will

1 appropriately memorialize the victims of the Armenian Genocide,
2 such as observance of the Michigan Days of Remembrance of the
3 Armenian Genocide.

4 **(iii) ENGENDERING AND COORDINATING EVENTS, ACTIVITIES, AND**
5 **EDUCATION THAT WILL APPROPRIATELY MEMORIALIZE THE VICTIMS OF THE**
6 **UKRAINIAN HOLODOMOR, SUCH AS OBSERVANCE OF HOLODOMOR REMEMBRANCE**
7 **DAY.**

8 **(iv)** ~~(iii)~~—Engendering and coordinating events, activities,
9 and education that will appropriately memorialize the victims of
10 other genocides.

11 (e) Secure private funding for the governor's council on
12 genocide and Holocaust education. The governor's council on
13 genocide and Holocaust education may also apply for and accept
14 grants and receive gifts, donations, and other financial support
15 from private sources, in accordance with state law, for the purpose
16 of carrying out its duties under this section.

17 (f) Carry out any other tasks that it considers to be
18 advisable to support the ability of this state to meet its goals in
19 providing genocide education.

20 (g) Submit an annual report to the legislature on the progress
21 and status of the council.

22 (15) With respect to its duties, the governor's council on
23 genocide and Holocaust education is an advisory body only. There is
24 no right or obligation on the part of this state or its
25 subdivisions, officials, or employees to implement the findings or
26 recommendations of the governor's council on genocide and Holocaust
27 education unless further legislation is enacted that specifically

1 authorizes implementation of those findings or recommendations.

2 (16) As used in this section:

3 (a) "Armenian Genocide" means the systematic, bureaucratic,
4 state-sponsored persecution and murder of approximately 1,500,000
5 Armenians by the Ottoman Turkish Empire and its collaborators.

6 (b) "Genocide" means any of the following acts committed with
7 intent to destroy, in whole or in part, a national, ethnical,
8 racial, or religious group, as such: killing members of the group;
9 causing serious bodily or mental harm to members of the group;
10 deliberately inflicting on the group conditions of life calculated
11 to bring about its physical destruction in whole or in part;
12 imposing measures intended to prevent births within the group; or
13 forcibly transferring children of the group to another group.

14 (c) "Holocaust" means the systematic, bureaucratic, state-
15 sponsored persecution and murder of approximately 6,000,000 Jews
16 and 5,000,000 other individuals by the Nazi regime and its
17 collaborators.

18 **(D) "UKRAINIAN HOLODOMOR" MEANS THE BRUTAL, ARTIFICIAL FAMINE**
19 **IMPOSED BY STALIN'S REGIME ON SOVIET UKRAINE AND PRIMARILY**
20 **ETHNICALLY UKRAINIAN AREAS IN THE NORTHERN CAUCASUS FROM 1932 TO**
21 **1933 THAT KILLED AN ESTIMATED 7,000,000 TO 10,000,000 PEOPLE.**

22 Sec. 1278. (1) In addition to the requirements for
23 accreditation under section 1280 specified in that section, if the
24 board of a school district wants all of the schools of the school
25 district to be accredited under section 1280, the board shall
26 provide to all pupils attending public school in the district a
27 core academic curriculum in compliance with subsection (3) in each

1 of the curricular areas specified in the state board recommended
2 model core academic curriculum content standards developed under
3 subsection (2). The state board model core academic curriculum
4 content standards shall encompass academic and cognitive
5 instruction only. For purposes of this section, the state board
6 model core academic curriculum content standards shall not include
7 attitudes, beliefs, or value systems that are not essential in the
8 legal, economic, and social structure of our society and to the
9 personal and social responsibility of citizens of our society.

10 (2) Recommended model core academic curriculum content
11 standards shall be developed and periodically updated by the state
12 board, shall be in the form of knowledge and skill content
13 standards that are recommended as state standards for adoption by
14 public schools in local curriculum formulation and adoption, and
15 shall be distributed to each school district in the state. The
16 recommended model core academic curriculum content standards shall
17 set forth desired learning objectives in math, science, reading,
18 history, geography, economics, American government, and writing for
19 all children at each stage of schooling and be based upon the
20 "Michigan K-12 Program Standards of Quality" to ensure that high
21 academic standards, academic skills, and academic subject matters
22 are built into the instructional goals of all school districts for
23 all children. The state board shall ensure that the recommended
24 model core academic curriculum content standards for history for
25 grades 8 to 12 include learning objectives concerning genocide,
26 including, but not limited to, the Holocaust, ~~and the Armenian~~
27 ~~Genocide.~~ **THE ARMENIAN GENOCIDE, AND THE UKRAINIAN HOLODOMOR.** The

1 state board also shall ensure that the state assessment program and
2 the Michigan merit examination are based on the state recommended
3 model core curriculum content standards, are testing only for
4 proficiency in basic and advanced academic skills and academic
5 subject matter, and are not used to measure pupils' values or
6 attitudes.

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

10 (a) Establish a core academic curriculum for its pupils at the
11 elementary, middle, and secondary school levels. The core academic
12 curriculum shall define academic objectives to be achieved by all
13 pupils and shall be based upon the school district's educational
14 mission, long-range pupil goals, and pupil performance objectives.
15 The core academic curriculum may vary from the model core academic
16 curriculum content standards recommended by the state board
17 pursuant to subsection (2).

18 (b) After consulting with teachers and school building
19 administrators, determine the aligned instructional program for
20 delivering the core academic curriculum and identify the courses
21 and programs in which the core academic curriculum will be taught.

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

24 (5) For all pupils, the subjects or courses, and the delivery
25 of those including special assistance, that constitute the
26 curriculum the pupils engage in shall assure the pupils have a
27 realistic opportunity to learn all subjects and courses required by

1 the district's core academic curriculum. A subject or course
2 required by the core academic curriculum pursuant to subsection (3)
3 shall be provided to all pupils in the school district by a school
4 district, a consortium of school districts, or a consortium of 1 or
5 more school districts and 1 or more intermediate school districts.

6 (6) To the extent practicable, the state board may adopt or
7 develop academic objective-oriented high standards for knowledge
8 and life skills, and a recommended core academic curriculum, for
9 special education pupils for whom it may not be realistic or
10 desirable to expect achievement of initial mastery of the state
11 board recommended model core academic content standards objectives
12 or of a high school diploma.

13 (7) The state board shall make available to all nonpublic
14 schools in this state, as a resource for their consideration, the
15 model core academic curriculum content standards developed for
16 public schools pursuant to subsection (2) for the purpose of
17 assisting the governing body of a nonpublic school in developing
18 its core academic curriculum.

19 (8) Excluding special education pupils, pupils having a
20 learning disability, and pupils with extenuating circumstances as
21 determined by school officials, a pupil who does not score
22 satisfactorily on the fourth or seventh grade state assessment
23 program reading test shall be provided special assistance
24 reasonably expected to enable the pupil to bring his or her reading
25 skills to grade level within 12 months.

26 (9) Any course that would have been considered a nonessential
27 elective course under Snyder v Charlotte School Dist, 421 Mich 517

1 (1984), on April 13, 1990 shall continue to be offered to resident
2 pupils of nonpublic schools on a shared time basis.

3 (10) As used in this section, "Armenian Genocide", "genocide",
4 ~~and "Holocaust"~~, **AND "UKRAINIAN HOLODOMOR"** mean those terms as
5 defined in section 1168.

6 Sec. 1279g. (1) The board of a school district or board of
7 directors of a public school academy shall comply with this section
8 and shall administer the Michigan merit examination to pupils in
9 grade 11, and to pupils in grade 12 who did not take the complete
10 Michigan merit examination in grade 11, as provided in this
11 section.

12 (2) For the purposes of this section, the department of
13 technology, management, and budget shall contract with 1 or more
14 providers to develop, supply, and score the Michigan merit
15 examination. The Michigan merit examination shall consist of all of
16 the following:

17 (a) Assessment instruments that measure English language arts,
18 mathematics, reading, and science and are used by colleges and
19 universities in this state for entrance or placement purposes. This
20 shall include a writing component in which the pupil produces an
21 extended writing sample. The Michigan merit examination shall not
22 require any other extended writing sample.

23 (b) One or more tests from 1 or more test developers that
24 assess a pupil's ability to apply at least reading and mathematics
25 skills in a manner that is intended to allow employers to use the
26 results in making employment decisions. The department of
27 technology, management, and budget and the superintendent of public

1 instruction shall ensure that any test or tests selected under this
2 subdivision have all the components necessary to allow a pupil to
3 be eligible to receive the results of a nationally recognized
4 evaluation of workforce readiness if the pupil's test performance
5 is adequate.

6 (c) A social studies component.

7 (d) Any other component that is necessary to obtain the
8 approval of the United States Department of Education to use the
9 Michigan merit examination for the purposes of the no child left
10 behind act of 2001, Public Law 107-110, or the every student
11 succeeds act, Public Law 114-95.

12 (3) In addition to all other requirements of this section, all
13 of the following apply to the Michigan merit examination:

14 (a) The department of technology, management, and budget and
15 the superintendent of public instruction shall ensure that any
16 contractor used for scoring the Michigan merit examination supplies
17 an individual report for each pupil that will identify for the
18 pupil's parents and teachers whether the pupil met expectations or
19 failed to meet expectations for each standard, to allow the pupil's
20 parents and teachers to assess and remedy problems before the pupil
21 moves to the next grade.

22 (b) The department of technology, management, and budget and
23 the superintendent of public instruction shall ensure that any
24 contractor used for scoring, developing, or processing the Michigan
25 merit examination meets quality management standards commonly used
26 in the assessment industry, including at least meeting level 2 of
27 the capability maturity model developed by the Software Engineering

1 Institute of Carnegie Mellon University for the first year the
2 Michigan merit examination is offered to all grade 11 pupils and at
3 least meeting level 3 of the capability maturity model for
4 subsequent years.

5 (c) The department of technology, management, and budget and
6 the superintendent of public instruction shall ensure that any
7 contract for scoring, administering, or developing the Michigan
8 merit examination includes specific deadlines for all steps of the
9 assessment process, including, but not limited to, deadlines for
10 the correct testing materials to be supplied to schools and for the
11 correct results to be returned to schools, and includes penalties
12 for noncompliance with these deadlines.

13 (d) The superintendent of public instruction shall ensure that
14 the Michigan merit examination meets all of the following:

15 (i) Is designed to test pupils on grade level content
16 expectations or course content expectations, as appropriate, in all
17 subjects tested.

18 (ii) Complies with requirements of the no child left behind
19 act of 2001, Public Law 107-110, or the every student succeeds act,
20 Public Law 114-95, as applicable.

21 (iii) Is consistent with the code of fair testing practices in
22 education prepared by the ~~joint committee on testing practices~~
23 **JOINT COMMITTEE ON TESTING PRACTICES** of the American Psychological
24 Association.

25 (iv) Is factually accurate. If the superintendent of public
26 instruction determines that a question is not factually accurate
27 and should be excluded from scoring, the state board and the

1 superintendent of public instruction shall ensure that the question
2 is excluded from scoring.

3 (4) A school district or public school academy that operates a
4 high school shall include on each pupil's high school transcript
5 all of the following:

6 (a) For each high school graduate who has completed the
7 Michigan merit examination under this section, the pupil's scaled
8 score on each subject area component of the Michigan merit
9 examination.

10 (b) The number of school days the pupil was in attendance at
11 school each school year during high school and the total number of
12 school days in session for each of those school years.

13 (5) The superintendent of public instruction shall work with
14 the provider or providers of the Michigan merit examination to
15 produce Michigan merit examination subject area scores for each
16 pupil participating in the Michigan merit examination, including
17 scaling and merging of test items for the different subject area
18 components. The superintendent of public instruction shall design
19 and distribute to school districts, public school academies,
20 intermediate school districts, and nonpublic schools a simple and
21 concise document that describes the scoring for each subject area
22 and indicates the scaled score ranges for each subject area.

23 (6) The Michigan merit examination shall be administered each
24 year after March 1 and before June 1 to pupils in grade 11. The
25 superintendent of public instruction shall ensure that the Michigan
26 merit examination is scored and the scores are returned to pupils,
27 their parents or legal guardians, and schools not later than the

1 beginning of the pupil's first semester of grade 12. The returned
2 scores shall indicate at least the pupil's scaled score for each
3 subject area component and the range of scaled scores for each
4 subject area. In reporting the scores to pupils, parents, and
5 schools, the superintendent of public instruction shall provide
6 standards-specific, meaningful, and timely feedback on the pupil's
7 performance on the Michigan merit examination.

8 (7) A school district or public school academy shall
9 administer the complete Michigan merit examination to a pupil only
10 once and shall not administer the complete Michigan merit
11 examination to the same pupil more than once. If a pupil does not
12 take the complete Michigan merit examination in grade 11, the
13 school district or public school academy shall administer the
14 complete Michigan merit examination to the pupil in grade 12. If a
15 pupil chooses to retake the college entrance examination component
16 of the Michigan merit examination, as described in subsection
17 (2)(a), the pupil may do so through the provider of the college
18 entrance examination component and the cost of the retake is the
19 responsibility of the pupil unless all of the following are met:

20 (a) The pupil has taken the complete Michigan merit
21 examination.

22 (b) The pupil meets the income eligibility criteria for free
23 breakfast, lunch, or milk, as determined under the Richard B.
24 Russell national school lunch act, 42 USC 1751 to 1769j.

25 (c) The pupil has applied to the provider of the college
26 entrance examination component for a scholarship or fee waiver to
27 cover the cost of the retake and that application has been denied.

1 (d) After taking the complete Michigan merit examination, the
2 pupil has not already received a free retake of the college
3 entrance examination component paid for either by this state or
4 through a scholarship or fee waiver by the provider.

5 (8) The superintendent of public instruction shall ensure that
6 the length of the Michigan merit examination and the combined total
7 time necessary to administer all of the components of the Michigan
8 merit examination are the shortest possible that will still
9 maintain the degree of reliability and validity of the Michigan
10 merit examination results determined necessary by the
11 superintendent of public instruction. The superintendent of public
12 instruction shall ensure that the maximum total combined length of
13 time that schools are required to set aside for pupils to answer
14 all test questions on the Michigan merit examination does not
15 exceed 8 hours if the superintendent of public instruction
16 determines that sufficient alignment to applicable Michigan merit
17 curriculum content standards can be achieved within that time
18 limit.

19 (9) A school district or public school academy shall provide
20 accommodations to a pupil with disabilities for the Michigan merit
21 examination, as provided under section 504 of title V of the
22 rehabilitation act of 1973, 29 USC 794; subtitle A of title II of
23 the Americans with disabilities act of 1990, 42 USC 12131 to 12134;
24 the individuals with disabilities education act amendments of 1997,
25 Public Law 105-17; and the implementing regulations for those
26 statutes. The provider or providers of the Michigan merit
27 examination and the superintendent of public instruction shall

1 mutually agree upon the accommodations to be provided under this
2 subsection.

3 (10) To the greatest extent possible, the Michigan merit
4 examination shall be based on grade level content expectations or
5 course content expectations, as appropriate. Not later than July 1,
6 2008, the department shall identify specific grade level content
7 expectations to be taught before and after the middle of grade 11,
8 so that teachers will know what content will be covered within the
9 Michigan merit examination.

10 (11) A child who is a student in a nonpublic school or home
11 school may take the Michigan merit examination under this section.
12 To take the Michigan merit examination, a child who is a student in
13 a home school shall contact the school district in which the child
14 resides, and that school district shall administer the Michigan
15 merit examination, or the child may take the Michigan merit
16 examination at a nonpublic school if allowed by the nonpublic
17 school. Upon request from a nonpublic school, the superintendent of
18 public instruction shall direct the provider or providers to supply
19 the Michigan merit examination to the nonpublic school and the
20 nonpublic school may administer the Michigan merit examination. If
21 a school district administers the Michigan merit examination under
22 this subsection to a child who is not enrolled in the school
23 district, the scores for that child are not considered for any
24 purpose to be scores of a pupil of the school district.

25 (12) In contracting under subsection (2), the department of
26 technology, management, and budget shall consider a contractor that
27 provides electronically-scored essays with the ability to score

constructed response feedback in multiple languages and provide ongoing instruction and feedback.

(13) The purpose of the Michigan merit examination is to assess pupil performance in mathematics, science, social studies, and English language arts for the purpose of improving academic achievement and establishing a statewide standard of competency. The assessment under this section provides a common measure of data that will contribute to the improvement of Michigan schools' curriculum and instruction by encouraging alignment with Michigan's curriculum framework standards and promotes pupil participation in higher level mathematics, science, social studies, and English language arts courses. These standards are based upon the expectations of what pupils should learn through high school and are aligned with national standards.

(14) In addition to the other requirements of this section and the requirements of 1970 PA 38, MCL 388.1081 to 388.1086, beginning with assessments conducted during the 2016-2017 school year, the superintendent of public instruction shall ensure that the Michigan merit examination social studies component and the M-STEP and any successor state assessment for social studies, as appropriate, include questions related to the learning objectives in the state board recommended model core academic curriculum standards concerning genocide, including, but not limited to, the Holocaust, ~~and the Armenian Genocide.~~ **THE ARMENIAN GENOCIDE, AND THE UKRAINIAN HOLODOMOR.**

(15) As used in this section:

(a) "Armenian Genocide", "genocide", ~~and~~ "Holocaust", **AND**

1 **"UKRAINIAN HOLODOMOR"** mean those terms as defined in section 1168.

2 (b) "English language arts" means reading and writing.

3 (c) "Social studies" means United States history, world
4 history, world geography, economics, and American government.

5 Enacting section 1. This amendatory act takes effect 90 days
6 after the date it is enacted into law.