

# SENATE BILL No. 81

January 31, 2017, Introduced by Senators PAVLOV, KOWALL, COLBECK, GREEN, CASPERSON, HILDENBRAND, NOFS, MEEKHOF, EMMONS, SHIRKEY, KNOLLENBERG, ROBERTSON, MARLEAU, JONES, HORN, O'BRIEN and PROOS and referred to the Committee on Government Operations.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending section 1278 (MCL 380.1278), as amended by 2016 PA 170,  
and by adding sections 1278e, 1278f, and 1278g.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1278. (1) In addition to the requirements for  
2 accreditation under section 1280 specified in that section, if the  
3 board of a school district wants all of the schools of the school  
4 district to be accredited under section 1280, the board shall  
5 provide to all pupils attending public school in the district a  
6 core academic curriculum in compliance with subsection (3) in each  
7 of the curricular areas specified in the state board recommended  
8 model core academic curriculum content standards developed under  
9 subsection (2). The state board model core academic curriculum  
10 content standards shall encompass academic and cognitive

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

6 (2) ~~Recommended~~ **SUBJECT TO SECTIONS 1278E TO 1278G, THE STATE**  
7 **BOARD SHALL DEVELOP AND PERIODICALLY UPDATE** model core academic  
8 curriculum content standards. ~~shall be developed and periodically~~  
9 ~~updated by the state board,~~ **THESE STANDARDS** shall be in the form of  
10 knowledge and skill content standards that are recommended as state  
11 standards for adoption by public schools in local curriculum  
12 formulation and adoption, and shall be distributed to each school  
13 district in the state. The recommended model core academic  
14 curriculum content standards shall set forth desired learning  
15 objectives in math, science, reading, history, geography,  
16 economics, American government, and writing for all children at  
17 each stage of schooling and be based upon the "Michigan K-12  
18 Program Standards of Quality" to ensure that high academic  
19 standards, academic skills, and academic subject matters are built  
20 into the instructional goals of all school districts for all  
21 children. The state board shall ensure that the recommended model  
22 core academic curriculum content standards for history for grades 8  
23 to 12 include learning objectives concerning genocide, including,  
24 but not limited to, the Holocaust and the Armenian Genocide. The  
25 state board also shall ensure that the state assessment program and  
26 the Michigan merit examination are based on the state recommended  
27 model core curriculum content standards, are testing only for

1 proficiency in basic and advanced academic skills and academic  
2 subject matter, and are not used to measure pupils' values or  
3 attitudes.

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

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

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

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

21 (5) For all pupils, the subjects or courses, and the delivery  
22 of those including special assistance, that constitute the  
23 curriculum the pupils engage in shall assure the pupils have a  
24 realistic opportunity to learn all subjects and courses required by  
25 the district's core academic curriculum. A subject or course  
26 required by the core academic curriculum pursuant to subsection (3)  
27 shall be provided to all pupils in the school district by a school

1 district, a consortium of school districts, or a consortium of 1 or  
2 more school districts and 1 or more intermediate school districts.

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

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

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

23 (9) Any course that would have been considered a nonessential  
24 elective course under Snyder v Charlotte School Dist, 421 Mich 517  
25 (1984), on April 13, 1990 shall continue to be offered to resident  
26 pupils of nonpublic schools on a shared time basis.

27 (10) As used in this section, "Armenian Genocide", "genocide",

1 and "Holocaust" mean those terms as defined in section 1168.

2 SEC. 1278E. (1) TO THE EXTENT PERMITTED UNDER LAW OR UNDER  
3 CONTRACT, BY ENACTING THIS SECTION, THIS STATE TERMINATES ALL  
4 PLANS, PROGRAMS, ACTIVITIES, EFFORTS, AND EXPENDITURES RELATING TO  
5 THE IMPLEMENTATION OF THE EDUCATIONAL INITIATIVE COMMONLY REFERRED  
6 TO AS THE COMMON CORE STANDARDS, OR ANY DERIVATIVE OF THAT  
7 EDUCATIONAL INITIATIVE ADOPTED BY THE NATIONAL OR MULTISTATE  
8 CONSORTIUM THAT DEVELOPED THAT EDUCATIONAL INITIATIVE INCLUDING,  
9 BUT NOT LIMITED TO, THE MICHIGAN COLLEGE AND CAREER READY STANDARDS  
10 THAT HAVE BEEN ADOPTED BY THE STATE BOARD OR THE DEPARTMENT AND  
11 INCLUDING, BUT NOT LIMITED TO, ALL OF THE FOLLOWING:

12 (A) ASSESSMENTS OR ASSESSMENT ITEMS BASED ON OR INVOLVING THAT  
13 EDUCATIONAL INITIATIVE.

14 (B) DATA COLLECTION BASED ON OR INVOLVING THAT EDUCATIONAL  
15 INITIATIVE.

16 (2) TO FURTHER PROTECT STATE AND LOCAL CONTROL OF PUBLIC  
17 EDUCATION, THE STATE BOARD AND THE DEPARTMENT ARE PROHIBITED FROM  
18 ADOPTING, ALIGNING TO, OR IMPLEMENTING ANY OTHER NATIONAL OR  
19 MULTISTATE CONSORTIUM STANDARDS FROM ANY SOURCE. AS PART OF THE  
20 PROCESS OF CONVERSION AWAY FROM THE COMMON CORE STANDARDS, THE  
21 SUPERINTENDENT OF PUBLIC INSTRUCTION, THE STATE BOARD, THE  
22 DEPARTMENT, AND ANY OTHER STATE PUBLIC EMPLOYEE OR AUTHORITY SHALL  
23 TAKE ALL STEPS NECESSARY TO TERMINATE AREAS OF FEDERAL CONTROL OF  
24 THE MICHIGAN EDUCATIONAL PROCESS THAT ARE NOT CONSIDERED TO BE IN  
25 THE BEST INTERESTS OF PUPILS IN THIS STATE. THE SUPERINTENDENT OF  
26 PUBLIC INSTRUCTION, THE STATE BOARD, THE DEPARTMENT, OR ANY OTHER  
27 STATE PUBLIC EMPLOYEE OR AUTHORITY SHALL NOT ADOPT OR IMPLEMENT ANY

1 NATIONAL OR MULTISTATE CONSORTIUM STANDARD THAT CEDES CONTROL OF  
2 MICHIGAN EDUCATIONAL STANDARDS. THIS STATE SHALL RETAIN FINAL  
3 CONTROL OVER THE DEVELOPMENT, ESTABLISHMENT, AND REVISION OF STATE  
4 ACADEMIC CONTENT STANDARDS FOR GRADES KINDERGARTEN TO 12. THE  
5 SUPERINTENDENT OF PUBLIC INSTRUCTION, THE STATE BOARD, THE  
6 DEPARTMENT, OR ANY OTHER STATE PUBLIC EMPLOYEE OR AUTHORITY SHALL  
7 NOT JOIN ANY CONSORTIUM OR ANY OTHER ORGANIZATION IF PARTICIPATION  
8 IN THAT CONSORTIUM OR ORGANIZATION WOULD CEDE CONTROL OVER ANY  
9 ASPECT OF MICHIGAN PUBLIC EDUCATION TO THAT CONSORTIUM OR  
10 ORGANIZATION.

11 (3) WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY  
12 ACT THAT ADDED THIS SECTION, THE STATE BOARD AND THE DEPARTMENT  
13 SHALL ADOPT AND IMPLEMENT STATE ACADEMIC CONTENT STANDARDS FOR EACH  
14 OF GRADES KINDERGARTEN TO 12 IN ENGLISH LANGUAGE ARTS, MATHEMATICS,  
15 SCIENCE, AND SOCIAL STUDIES. THE STATE ACADEMIC CONTENT STANDARDS  
16 SHALL BE THE SAME AS THE ACADEMIC STANDARDS IN EFFECT IN  
17 MASSACHUSETTS DURING THE 2008-2009 SCHOOL YEAR, EXCEPT AS FOLLOWS:

18 (A) ANY REFERENCE IN THOSE STANDARDS TO "MASSACHUSETTS" SHALL  
19 BE CHANGED IN ALL APPROPRIATE INSTANCES TO A REFERENCE TO  
20 "MICHIGAN" AND ANY STATE HISTORY OR GOVERNMENT CONTENT STANDARDS  
21 SHALL BE CHANGED TO REFLECT THE HISTORY AND GOVERNMENT OF THIS  
22 STATE.

23 (B) THE SOCIAL STUDIES CONTENT STANDARDS MAY BE UPDATED AS  
24 APPROPRIATE TO REFLECT MORE RECENT DEVELOPMENTS IN THE WORLD, THE  
25 COUNTRY, AND THIS STATE.

26 (C) THE SCIENCE CONTENT STANDARDS MAY BE UPDATED AS  
27 APPROPRIATE TO ACCOMMODATE MORE RECENT DISCOVERIES THAT ARE

1 EVIDENCE-BASED.

2 (D) THE CONTENT STANDARDS MAY BE MODIFIED AS NECESSARY TO  
3 ALIGN WITH STATUTORY REQUIREMENTS IN THIS STATE THAT AFFECT  
4 CURRICULUM.

5 (4) WITHIN 10 DAYS AFTER THE STATE ACADEMIC CONTENT STANDARDS  
6 UNDER SUBSECTION (3) ARE ADOPTED, THE DEPARTMENT SHALL DISTRIBUTE  
7 THE STANDARDS TO ALL PUBLIC SCHOOLS IN THIS STATE AND MAKE THE  
8 STANDARDS AVAILABLE TO THE PUBLIC ON THE DEPARTMENT WEBSITE. A  
9 SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY IS NOT REQUIRED TO DEVELOP  
10 A CURRICULUM OR INSTRUCTIONAL STRATEGIES BASED ON THESE STANDARDS.

11 (5) NOT EARLIER THAN 5 YEARS AFTER THE ADOPTION OF THE STATE  
12 ACADEMIC CONTENT STANDARDS UNDER SUBSECTION (3), THE STATE BOARD  
13 AND THE DEPARTMENT MAY ADOPT NEW STATEWIDE ACADEMIC CONTENT  
14 STANDARDS FOR EACH OF GRADES KINDERGARTEN TO 12 IN ENGLISH LANGUAGE  
15 ARTS, MATHEMATICS, SCIENCE, AND SOCIAL STUDIES THAT ARE INDEPENDENT  
16 OF THE COMMON CORE STANDARDS THAT WERE PREVIOUSLY ADOPTED BY THE  
17 STATE BOARD. THE NEW STATEWIDE ACADEMIC CONTENT STANDARDS SHALL BE  
18 SUPPORTED BY EVIDENCE THAT DEMONSTRATES IMPROVED ACADEMIC  
19 ACHIEVEMENT.

20 (6) WHEN THE STATE BOARD ADOPTS OR REVISES ACADEMIC CONTENT  
21 STANDARDS UNDER THIS SECTION, THE STATE BOARD SHALL DEVELOP THOSE  
22 STANDARDS INDEPENDENTLY AND NOT AS PART OF A MULTISTATE CONSORTIUM.

23 (7) BEFORE FINAL ADOPTION OF AN INSTRUCTIONAL PROGRAM THAT IS  
24 ALIGNED TO STATE ACADEMIC CONTENT STANDARDS, THE BOARD OF EACH  
25 SCHOOL DISTRICT AND BOARD OF DIRECTORS OF EACH PUBLIC SCHOOL  
26 ACADEMY SHALL CONSIDER THE STATE ACADEMIC CONTENT STANDARDS ADOPTED  
27 UNDER THIS SECTION AND SHALL HOLD AT LEAST 2 PUBLIC HEARINGS FOR

1 PUBLIC REVIEW AND COMMENT ON THE INSTRUCTIONAL PROGRAMS.

2 (8) THIS SECTION SHALL NOT BE CONSTRUED TO PROMOTE ANY  
3 RELIGIOUS OR NONRELIGIOUS DOCTRINE, PROMOTE DISCRIMINATION FOR OR  
4 AGAINST A PARTICULAR SET OF RELIGIOUS BELIEFS OR NONBELIEFS, OR  
5 PROMOTE DISCRIMINATION FOR OR AGAINST RELIGION OR NONRELIGION.

6 (9) THIS SECTION DOES NOT REQUIRE ANY SCHOOL DISTRICT OR  
7 PUBLIC SCHOOL ACADEMY TO UTILIZE ALL OR ANY PART OF THE STATE  
8 ACADEMIC CONTENT STANDARDS ADOPTED UNDER THIS SECTION. THE STATE  
9 BOARD AND THE DEPARTMENT SHALL NOT IMPOSE ANY FINANCIAL CONSEQUENCE  
10 ON A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY THAT ADOPTS ACADEMIC  
11 CONTENT STANDARDS DIFFERING FROM THOSE ADOPTED BY THIS STATE UNDER  
12 THIS SECTION.

13 SEC. 1278F. (1) THE DEPARTMENT SHALL ADOPT VALIDATED STATE  
14 ASSESSMENTS OF PUPIL ACHIEVEMENT BASED ON ANY OF THE ASSESSMENTS  
15 USED IN MASSACHUSETTS DURING THE PERIOD FROM THE 1997-1998 SCHOOL  
16 YEAR TO THE 2006-2007 SCHOOL YEAR AND ALIGNED TO THE ACADEMIC  
17 STANDARDS IN EFFECT IN MASSACHUSETTS DURING THE 2008-2009 SCHOOL  
18 YEAR. THESE ASSESSMENTS SHALL BE READY FOR USE BY THE FIRST SPRING  
19 AFTER NEW STATEWIDE ACADEMIC CONTENT STANDARDS ARE ADOPTED UNDER  
20 SECTION 1278E(3). THE DEPARTMENT SHALL ALIGN THE ASSESSMENTS UNDER  
21 THIS SECTION WITH THE ACADEMIC STANDARDS IN EFFECT IN MASSACHUSETTS  
22 DURING THE 2008-2009 SCHOOL YEAR UNTIL NEW ACADEMIC CONTENT  
23 STANDARDS FOR THIS STATE ARE ADOPTED UNDER SECTION 1278E. WHEN THE  
24 DEPARTMENT INITIALLY ADOPTS NEW STATE ASSESSMENTS UNDER THIS  
25 SECTION OR SUBSEQUENTLY ADOPTS ANY SUCCESSOR ASSESSMENTS UNDER THIS  
26 SECTION, THE DEPARTMENT SHALL NOT USE AN ASSESSMENT OR ASSESSMENT  
27 ITEMS THAT ARE ALIGNED WITH A NATIONAL OR MULTISTATE CONSORTIUM



1 STANDARD IF BY DOING SO IT WOULD CEDE CONTROL OF MICHIGAN  
2 EDUCATIONAL STANDARDS. THIS STATE SHALL RETAIN COMPLETE CONTROL  
3 OVER THE CONTENTS OF THE ASSESSMENT. THE NEW ASSESSMENTS ADOPTED  
4 UNDER THIS SECTION AND ALL FUTURE ASSESSMENTS ADOPTED BY THE  
5 DEPARTMENT SHALL MEET ALL OF THE FOLLOWING:

6 (A) SHALL NOT REQUIRE, BUT MAY USE, COMPUTER TECHNOLOGY.

7 (B) EACH YEAR, WITHIN 60 DAYS AFTER THE ASSESSMENT IS  
8 ADMINISTERED, SHALL BE AVAILABLE ON THE DEPARTMENT WEBSITE FOR ALL  
9 SCHOOL ADMINISTRATORS, TEACHERS, AND PARENTS TO REVIEW.

10 (C) SHALL NOT COLLECT ANY OF THE FOLLOWING:

11 (i) DATA ABOUT THE VALUES, ATTITUDES, BELIEFS, AND PERSONALITY  
12 TRAITS OF A PUPIL OR A PUPIL'S FAMILY.

13 (ii) MEDICAL, BEHAVIORAL, BIOMETRIC, OR PSYCHOMETRIC DATA OF A  
14 PUPIL OR A PUPIL'S FAMILY.

15 (2) THE STATE BOARD AND THE DEPARTMENT SHALL RESPECT THE  
16 ULTIMATE RIGHT OF A PARENT TO OPT HIS OR HER CHILD OUT OF ANY STATE  
17 ASSESSMENT THAT THE PARENT FINDS UNACCEPTABLE, WITH NO NEGATIVE  
18 REPERCUSSIONS TO THE CHILD OR PARENT AND WITH NO INTERFERENCE FROM  
19 THIS STATE.

20 SEC. 1278G. IT IS THE INTENT OF THE LEGISLATURE THAT, IF  
21 ADDITIONAL FUNDING IS NECESSARY FOR THE DEPARTMENT TO IMPLEMENT  
22 SECTIONS 1278E AND 1278F, STATE SCHOOL AID FUND MONEY SHALL NOT BE  
23 USED FOR THOSE PURPOSES.