

**SUBSTITUTE FOR
HOUSE BILL NO. 4466**

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
9 aligned with subject area content expectations developed by the

1 department and approved by the state board under this section.

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

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

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

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

19 (a) Develop subject area content expectations that apply to
20 the credit requirements of the Michigan merit standard that are
21 required under subsection (1)(a) and (b) and section 1278a(1)(a)(i)
22 and (ii) and develop guidelines for the remaining credit
23 requirements of the Michigan merit standard that are required under
24 this section and section 1278a(1)(a), for the online course or
25 learning experience required under section 1278a(1)(b), and for the
26 requirements for a language other than English under section
27 1278a(2). All of the following apply to these subject area content

1 expectations and guidelines:

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

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

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

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

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

26 (vi) If the department has not completed development of the
27 subject area content expectations that apply to a particular credit

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

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

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

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

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

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

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

23 (D) Representatives from the business community.

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

26 (F) Government officials, including officials from the
27 legislature.

1 (G) Parents of public school pupils.

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

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

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

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

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

25 (5) The parent or legal guardian of a pupil who has completed
26 grade 9, a teacher who is currently teaching the pupil, who
27 currently teaches in or whose expertise is in a subject area

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1 proposed to be modified by the personal curriculum, or who is
 2 determined by the principal to have qualifications otherwise
 3 relevant to developing a personal curriculum, or a school counselor
 4 or school employee qualified to act in a counseling role under
 5 section 1233 or 1233a may request a personal curriculum under this
 6 subsection for the pupil that modifies certain of the Michigan
 7 merit standard requirements under subsection (1) or section
 8 1278a(1) (a). **IF THE REQUEST FOR A PERSONAL CURRICULUM IS MADE BY**
 9 **THE PUPIL'S PARENT OR LEGAL GUARDIAN OR, IF THE PUPIL IS AT LEAST**
 10 **AGE 18 OR IS AN EMANCIPATED MINOR, BY THE PUPIL, THE SCHOOL**
 11 **DISTRICT OR PUBLIC SCHOOL ACADEMY SHALL DEVELOP [] A**
 12 **PERSONAL CURRICULUM FOR THE PUPIL.** A teacher, school counselor, or
 13 school employee qualified to act in a counseling role under section
 14 1233 or 1233a may contact a pupil's parent or legal guardian to
 15 discuss the possibility and potential benefits of a personal
 16 curriculum under this subsection for the pupil. If all of the
 17 requirements under this subsection for **COMPLETING** a personal
 18 curriculum are met, then the board of a school district or board of
 19 directors of a public school academy may award a high school
 20 diploma to a pupil who successfully completes his or her personal
 21 curriculum even if it does not meet the requirements of the
 22 Michigan merit standard required under subsection (1) and section
 23 1278a(1) (a). All of the following apply to a personal curriculum:
 24 (a) The personal curriculum shall be developed by a group that
 25 includes at least the pupil, at least 1 of the pupil's parents or
 26 the pupil's legal guardian, **AND** a teacher described in this
 27 subdivision ~~, and~~ **OR** the pupil's high school counselor or another

1 designee qualified to act in a counseling role under section 1233
2 or 1233a selected by the high school principal. In addition, for a
3 pupil who receives special education services, a school
4 psychologist should also be included in this group. The teacher
5 included in the group developing the personal curriculum shall be a
6 teacher who is currently teaching the pupil, who currently teaches
7 in or whose expertise is in a subject area being modified by the
8 personal curriculum, or who is determined by the principal to have
9 qualifications otherwise relevant to the group. **THIS SUBDIVISION**
10 **DOES NOT REQUIRE AN IN-PERSON MEETING OF THE GROUP.**

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

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

23 (d) The pupil's parent or legal guardian shall be in
24 communication with each of the pupil's teachers ~~at least once each~~
25 ~~calendar quarter~~ to monitor the pupil's progress toward the goals
26 contained in the pupil's personal curriculum.

27 (e) Revisions may be made in the personal curriculum if the

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1 revisions are developed and agreed to in the same manner as the
2 original personal curriculum.

3 (f) The English language arts credit requirements of
4 subsection (1)(a) and the science credit requirements of subsection
5 (1)(b) are not subject to modification as part of a personal
6 curriculum under this subsection.

7 (g) The mathematics credit requirements of section
8 1278a(1)(a)(i) may be modified as part of a personal curriculum if
9 the pupil successfully completes at least ~~3-1/2~~3 total credits of
10 the mathematics credits required under that section before
11 completing high school, including algebra I and geometry, and
12 successfully completes at least 1 mathematics [~~course~~CREDIT] during his
13 or
14 her final [~~year~~2 YEARS] of high school. The algebra II credit required
15 under

16 that section may be modified as part of a personal curriculum under
17 this subsection if the pupil meets 1 or more of the following:

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

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

23 (iii) Enrolls in a formal career and technical education program
24 or curriculum and in that program or curriculum successfully
25 completes the same content as ~~1 semester of~~THE algebra II
26 **BENCHMARKS ASSESSED ON THE DEPARTMENT-PRESCRIBED STATE HIGH SCHOOL**
27 **ASSESSMENT**, as determined by the department.

(iv) Successfully completes 1 semester of statistics, ~~or~~
functions and data analysis, **OR TECHNICAL MATHEMATICS**.

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

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

7 (ii) The modification requires the pupil to complete 1
8 additional credit in English language arts, mathematics, or science
9 or 1 additional credit in a language other than English, **OR**
10 **REQUIRES THE PUPIL TO COMPLETE A FORMAL CAREER AND TECHNICAL**
11 **EDUCATION PROGRAM.** This additional credit must be in addition to
12 the number of those credits otherwise required under subsection (1)
13 and section 1278a(1) or under section 1278a(2).

14 (i) The health and physical education credit requirement under
15 section 1278a(1) (a) (iii) may be modified as part of a personal
16 curriculum only if the modification requires the pupil to complete
17 1 additional credit in English language arts, mathematics, or
18 science or 1 additional credit in a language other than English, **OR**
19 **REQUIRES THE PUPIL TO COMPLETE A FORMAL CAREER AND TECHNICAL**
20 **EDUCATION PROGRAM.** This additional credit must be in addition to
21 the number of those credits otherwise required under subsection (1)
22 and section 1278a(1) or under section 1278a(2).

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

1 than English, **OR REQUIRES THE PUPIL TO COMPLETE A FORMAL CAREER AND**
2 **TECHNICAL EDUCATION PROGRAM.** This additional credit must be in
3 addition to the number of those credits otherwise required under
4 subsection (1) and section 1278a(1) or under section 1278a(2).

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

25 (l) If a pupil transfers to a school district or public school
26 academy from out of state or from a nonpublic school, the pupil's
27 parent or legal guardian may request, as part of the pupil's

1 personal curriculum, a modification of the Michigan merit standard
2 requirements that would not otherwise be allowed under this
3 section. The school district or public school academy may allow
4 this additional modification for a transfer pupil if all of the
5 following are met:

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

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

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

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

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

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

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

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

10 (O) THE DEPARTMENT OR A SCHOOL DISTRICT OR PUBLIC SCHOOL
11 ACADEMY SHALL NOT LIMIT OR DISCOURAGE THE NUMBER OF PUPILS WITH A
12 PERSONAL CURRICULUM ON ANY BASIS OTHER THAN THE BEST INTERESTS OF
13 EACH INDIVIDUAL PUPIL.

[(P) A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY ANNUALLY SHALL NOTIFY EACH OF ITS PUPILS AND A PARENT OR LEGAL GUARDIAN OF EACH OF ITS PUPILS THAT ALL PUPILS ARE ENTITLED TO A PERSONAL CURRICULUM UNDER THIS SUBSECTION. THE ANNUAL NOTICE SHALL INCLUDE AN EXPLANATION OF WHAT A PERSONAL CURRICULUM IS AND STATE THAT IF A PERSONAL CURRICULUM IS REQUESTED, THE PUBLIC SCHOOL OR PUBLIC SCHOOL ACADEMY WILL GRANT THAT REQUEST. THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SHALL PROVIDE THIS ANNUAL NOTICE TO PARENTS AND LEGAL GUARDIANS BY SENDING A WRITTEN NOTICE TO EACH PUPIL'S HOME OR BY INCLUDING THE NOTICE IN A NEWSLETTER, STUDENT HANDBOOK, OR SIMILAR COMMUNICATION THAT IS SENT TO A PUPIL'S HOME, AND ALSO SHALL POST THE NOTICE ON THE SCHOOL DISTRICT'S OR PUBLIC SCHOOL ACADEMY'S WEBSITE.]

14 (6) If a pupil receives special education services, the
15 pupil's individualized education program, in accordance with the
16 individuals with disabilities education act, title VI of Public Law
17 91-230, shall identify the appropriate course or courses of study
18 and identify the supports, accommodations, and modifications
19 necessary to allow the pupil to progress in the curricular
20 requirements of this section and section 1278a, or in a personal
21 curriculum as provided under subsection (5), and meet the
22 requirements for a high school diploma.

23 (7) The board of a school district or board of directors of a
24 public school academy that operates a high school shall ensure that
25 each pupil is offered the curriculum necessary for the pupil to
26 meet the curricular requirements of this section and section 1278a.
27 The board or board of directors may provide this curriculum by

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1 providing the credits specified in this section and section 1278a,
2 by using alternative instructional delivery methods such as
3 alternative course work, humanities course sequences, career and
4 technical education, [industrial technology courses, or vocational
5 education,] or by a combination of these. School districts and
6 public school academies that operate career and technical education
7 programs are encouraged to integrate the credit requirements of
8 this section and section 1278a into those programs.

9 (8) If the board of a school district or board of directors of
10 a public school academy wants its high school to be accredited
11 under section 1280, the board or board of directors shall ensure
12 that all elements of the curriculum required under this section and
13 section 1278a are made available to all affected pupils. If a
14 school district or public school academy does not offer all of the
15 required credits, the board of the school district or board of
16 directors of the public school academy shall ensure that the pupil
17 has access to the required credits by another means, such as
18 enrollment in a postsecondary course under the postsecondary
19 enrollment options act, 1996 PA 160, MCL 388.511 to 388.524;
20 enrollment in an online course; a cooperative arrangement with a
21 neighboring school district or with a public school academy; or
22 granting approval under section 6(6) of the state school aid act of
23 1979, MCL 388.1606, for the pupil to be counted in membership in
24 another school district.

25 (9) If a pupil is not successfully completing a credit
26 required for graduation under this section and section 1278a, or is
27 identified as being at risk of withdrawing from high school, then

1 the pupil's school district or public school academy shall notify
2 the pupil's parent or legal guardian or, if the pupil is at least
3 age 18 or is an emancipated minor, the pupil, of the availability
4 of tutoring or other supplemental educational support and
5 counseling services that may be available to the pupil under
6 existing state or federal programs, such as those programs or
7 services available under section 31a of the state school aid act of
8 1979, MCL 388.1631a, or under the no child left behind act of 2001,
9 Public Law 107-110.

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

23 (11) The board of a school district or board of directors of a
24 public school academy shall provide the opportunity for each pupil
25 to develop an educational development plan during grade 7, and
26 shall ensure that each pupil reviews his or her educational
27 development plan during grade 8 and revises it as appropriate

1 before he or she begins high school. An educational development
2 plan shall be developed, reviewed, and revised by the pupil under
3 the supervision of the pupil's school counselor or another designee
4 qualified to act in a counseling role under section 1233 or 1233a
5 selected by the school principal and shall be based on high school
6 readiness scores and a career pathways program or similar career
7 exploration program. An educational development plan shall be
8 designed to assist pupils to identify career development goals as
9 they relate to academic requirements. **DURING THE PROCESS OF**
10 **DEVELOPING AND REVIEWING A PUPIL'S EDUCATIONAL DEVELOPMENT PLAN,**
11 **THE PUPIL SHALL BE ADVISED THAT MANY OF THE CURRICULAR REQUIREMENTS**
12 **OF THIS SECTION AND SECTION 1278A MAY BE FULFILLED THROUGH CAREER**
13 **AND TECHNICAL EDUCATION.**

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

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

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

22 (14) This section and section 1278a do not prohibit a pupil
23 from satisfying or exceeding the credit requirements of the
24 Michigan merit standard under this section and section 1278a
25 through advanced studies such as accelerated course placement,
26 advanced placement, dual enrollment in a postsecondary institution,
27 or participation in the international baccalaureate program or an

1 early college/middle college program.

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

12 Enacting section 1. This amendatory act does not take effect
13 unless House Bill No. 4465 of the 97th Legislature is enacted into
14 law.