

# HOUSE BILL No. 5778

September 9, 2014, Introduced by Reps. Kesto, Howrylak, Foster, Schor, Singh, Callton, Lori, Kandreas, Barnett, Segal, Clemente, Muxlow, VerHeulen, Graves, Kurtz, Rendon, Robinson, Pscholka, Cavanagh, Crawford, McCready, Somerville, Haines, Haveman, LaFontaine, Santana, Hobbs, Dillon, Durhal, Greimel, Zemke, Lyons, Knezek and Kowall and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1278 and 1279g (MCL 380.1278 and 380.1279g), section 1278 as amended by 2004 PA 596 and section 1279g as amended by 2008 PA 349, and by adding section 1168.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **SEC. 1168. (1) THE BOARD OF A SCHOOL DISTRICT OR BOARD OF**  
2           **DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT THE SCHOOL**  
3           **DISTRICT'S OR PUBLIC SCHOOL ACADEMY'S SOCIAL STUDIES CURRICULUM FOR**  
4           **GRADES 8 TO 12 INCLUDES AT LEAST 6 HOURS EACH SCHOOL YEAR OF AGE-**  
5           **AND GRADE-APPROPRIATE INSTRUCTION ABOUT GENOCIDES, INCLUDING, BUT**  
6           **NOT LIMITED TO, THE HOLOCAUST.**

7           **(2) SUBSECTION (1) DOES NOT PRECLUDE A SCHOOL DISTRICT OR**  
8           **PUBLIC SCHOOL ACADEMY FROM INCLUDING INSTRUCTION DESCRIBED IN**

1 SUBSECTION (1) IN OTHER SUBJECT AREAS. IF A SCHOOL DISTRICT OR  
2 PUBLIC SCHOOL ACADEMY INCLUDES INSTRUCTION DESCRIBED IN SUBSECTION  
3 (1) IN 1 OR MORE OTHER SUBJECT AREAS, THE SCHOOL DISTRICT OR PUBLIC  
4 SCHOOL ACADEMY MAY COUNT THAT INSTRUCTION TOWARD MEETING THE 6-HOUR  
5 REQUIREMENT OF SUBSECTION (1).

6 Sec. 1278. (1) In addition to the requirements for  
7 accreditation under section 1280 specified in that section, if the  
8 board of a school district wants all of the schools of the school  
9 district to be accredited under section 1280, the board shall  
10 provide to all pupils attending public school in the district a  
11 core academic curriculum in compliance with subsection (3) in each  
12 of the curricular areas specified in the state board recommended  
13 model core academic curriculum content standards developed under  
14 subsection (2). The state board model core academic curriculum  
15 content standards shall encompass academic and cognitive  
16 instruction only. For purposes of this section, the state board  
17 model core academic curriculum content standards shall not include  
18 attitudes, beliefs, or value systems that are not essential in the  
19 legal, economic, and social structure of our society and to the  
20 personal and social responsibility of citizens of our society.

21 (2) Recommended model core academic curriculum content  
22 standards shall be developed and periodically updated by the state  
23 board, shall be in the form of knowledge and skill content  
24 standards that are recommended as state standards for adoption by  
25 public schools in local curriculum formulation and adoption, and  
26 shall be distributed to each school district in the state. The  
27 recommended model core academic curriculum content standards shall

1 set forth desired learning objectives in math, science, reading,  
2 history, geography, economics, American government, and writing for  
3 all children at each stage of schooling and be based upon the  
4 "Michigan K-12 program standards of quality" to ensure that high  
5 academic standards, academic skills, and academic subject matters  
6 are built into the instructional goals of all school districts for  
7 all children. **THE STATE BOARD SHALL ENSURE THAT THE RECOMMENDED**  
8 **MODEL CORE ACADEMIC CURRICULUM CONTENT STANDARDS FOR HISTORY FOR**  
9 **GRADES 8 TO 12 INCLUDE LEARNING OBJECTIVES CONCERNING GENOCIDES,**  
10 **INCLUDING, BUT NOT LIMITED TO, THE HOLOCAUST.** The state board also  
11 shall ensure that the Michigan educational assessment program and  
12 the Michigan merit examination are based on the state recommended  
13 model core curriculum content standards, are testing only for  
14 proficiency in basic and advanced academic skills and academic  
15 subject matter, and are not used to measure pupils' values or  
16 attitudes.

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

20 (a) Establish a core academic curriculum for its pupils at the  
21 elementary, middle, and secondary school levels. The core academic  
22 curriculum shall define academic objectives to be achieved by all  
23 pupils and shall be based upon the school district's educational  
24 mission, long-range pupil goals, and pupil performance objectives.  
25 The core academic curriculum may vary from the model core academic  
26 curriculum content standards recommended by the state board  
27 pursuant to subsection (2).

1 (b) After consulting with teachers and school building  
2 administrators, determine the aligned instructional program for  
3 delivering the core academic curriculum and identify the courses  
4 and programs in which the core academic curriculum will be taught.

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

7 (5) For all pupils, the subjects or courses, and the delivery  
8 of those including special assistance, that constitute the  
9 curriculum the pupils engage in shall assure the pupils have a  
10 realistic opportunity to learn all subjects and courses required by  
11 the district's core academic curriculum. A subject or course  
12 required by the core academic curriculum pursuant to subsection (3)  
13 shall be provided to all pupils in the school district by a school  
14 district, a consortium of school districts, or a consortium of 1 or  
15 more school districts and 1 or more intermediate school districts.

16 (6) To the extent practicable, the state board may adopt or  
17 develop academic objective-oriented high standards for knowledge  
18 and life skills, and a recommended core academic curriculum, for  
19 special education pupils for whom it may not be realistic or  
20 desirable to expect achievement of initial mastery of the state  
21 board recommended model core academic content standards objectives  
22 or of a high school diploma.

23 (7) The state board shall make available to all nonpublic  
24 schools in this state, as a resource for their consideration, the  
25 model core academic curriculum content standards developed for  
26 public schools pursuant to subsection (2) for the purpose of  
27 assisting the governing body of a nonpublic school in developing

1 its core academic curriculum.

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

9 (9) Any course that would have been considered a nonessential  
10 elective course under Snyder v Charlotte School Dist, 421 Mich 517  
11 (1984), on April 13, 1990 shall continue to be offered to resident  
12 pupils of nonpublic schools on a shared time basis.

13 Sec. 1279g. (1) The board of a school district or board of  
14 directors of a public school academy shall comply with this section  
15 and shall administer the Michigan merit examination to pupils in  
16 grade 11, and to pupils in grade 12 who did not take the complete  
17 Michigan merit examination in grade 11, as provided in this  
18 section.

19 (2) For the purposes of this section, the department of  
20 **TECHNOLOGY**, management, and budget shall contract with 1 or more  
21 providers to develop, supply, and score the Michigan merit  
22 examination. The Michigan merit examination shall consist of all of  
23 the following:

24 (a) Assessment instruments that measure English language arts,  
25 mathematics, reading, and science and are used by colleges and  
26 universities in this state for entrance or placement purposes. This  
27 shall include a writing component in which the pupil produces an

1 extended writing sample. The Michigan merit examination shall not  
2 require any other extended writing sample.

3 (b) One or more tests from 1 or more test developers that  
4 assess a pupil's ability to apply at least reading and mathematics  
5 skills in a manner that is intended to allow employers to use the  
6 results in making employment decisions. The department of  
7 **TECHNOLOGY**, management, and budget and the superintendent of public  
8 instruction shall ensure that any test or tests selected under this  
9 subdivision have all the components necessary to allow a pupil to  
10 be eligible to receive the results of a nationally recognized  
11 evaluation of workforce readiness if the pupil's test performance  
12 is adequate.

13 (c) A social studies component.

14 (d) Any other component that is necessary to obtain the  
15 approval of the United States department of education to use the  
16 Michigan merit examination for the purposes of the no child left  
17 behind act of 2001, Public Law 107-110.

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

20 (a) The department of **TECHNOLOGY**, management, and budget and  
21 the superintendent of public instruction shall ensure that any  
22 contractor used for scoring the Michigan merit examination supplies  
23 an individual report for each pupil that will identify for the  
24 pupil's parents and teachers whether the pupil met expectations or  
25 failed to meet expectations for each standard, to allow the pupil's  
26 parents and teachers to assess and remedy problems before the pupil  
27 moves to the next grade.

1           (b) The department of **TECHNOLOGY**, management, and budget and  
2 the superintendent of public instruction shall ensure that any  
3 contractor used for scoring, developing, or processing the Michigan  
4 merit examination meets quality management standards commonly used  
5 in the assessment industry, including at least meeting level 2 of  
6 the capability maturity model developed by the software engineering  
7 institute of Carnegie Mellon university for the first year the  
8 Michigan merit examination is offered to all grade 11 pupils and at  
9 least meeting level 3 of the capability maturity model for  
10 subsequent years.

11           (c) The department of **TECHNOLOGY**, management, and budget and  
12 the superintendent of public instruction shall ensure that any  
13 contract for scoring, administering, or developing the Michigan  
14 merit examination includes specific deadlines for all steps of the  
15 assessment process, including, but not limited to, deadlines for  
16 the correct testing materials to be supplied to schools and for the  
17 correct results to be returned to schools, and includes penalties  
18 for noncompliance with these deadlines.

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

21           (i) Is designed to test pupils on grade level content  
22 expectations or course content expectations, as appropriate, in all  
23 subjects tested.

24           (ii) Complies with requirements of the no child left behind act  
25 of 2001, Public Law 107-110.

26           (iii) Is consistent with the code of fair testing practices in  
27 education prepared by the joint committee on testing practices of

1 the American psychological association.

2 (iv) Is factually accurate. If the superintendent of public  
3 instruction determines that a question is not factually accurate  
4 and should be excluded from scoring, the state board and the  
5 superintendent of public instruction shall ensure that the question  
6 is excluded from scoring.

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

10 (a) For each high school graduate who has completed the  
11 Michigan merit examination under this section, the pupil's scaled  
12 score on each subject area component of the Michigan merit  
13 examination.

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

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

27 (6) The Michigan merit examination shall be administered each

1 year after March 1 and before June 1 to pupils in grade 11. The  
2 superintendent of public instruction shall ensure that the Michigan  
3 merit examination is scored and the scores are returned to pupils,  
4 their parents or legal guardians, and schools not later than the  
5 beginning of the pupil's first semester of grade 12. The returned  
6 scores shall indicate at least the pupil's scaled score for each  
7 subject area component and the range of scaled scores for each  
8 subject area. In reporting the scores to pupils, parents, and  
9 schools, the superintendent of public instruction shall provide  
10 standards-specific, meaningful, and timely feedback on the pupil's  
11 performance on the Michigan merit examination.

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

24 (a) The pupil has taken the complete Michigan merit  
25 examination.

26 (b) The pupil did not qualify for a Michigan promise grant  
27 under section 6 of the Michigan promise grant act, 2006 PA 479, MCL

1 390.1626, based on the pupil's performance on the complete Michigan  
2 merit examination.

3 (c) The pupil meets the income eligibility criteria for free  
4 breakfast, lunch, or milk, as determined under the Richard B.  
5 Russell national school lunch act, 42 USC 1751 to ~~1769i~~-**1769J**.

6 (d) The pupil has applied to the provider of the college  
7 entrance examination component for a scholarship or fee waiver to  
8 cover the cost of the retake and that application has been denied.

9 (e) After taking the complete Michigan merit examination, the  
10 pupil has not already received a free retake of the college  
11 entrance examination component paid for either by this state or  
12 through a scholarship or fee waiver by the provider.

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

27 (9) A school district or public school academy shall provide

1 accommodations to a pupil with disabilities for the Michigan merit  
2 examination, as provided under section 504 of title V of the  
3 rehabilitation act of 1973, 29 USC 794; subtitle A of title II of  
4 the Americans with disabilities act of 1990, 42 USC 12131 to 12134;  
5 the individuals with disabilities education act amendments of 1997,  
6 Public Law 105-17; and the implementing regulations for those  
7 statutes. The provider or providers of the Michigan merit  
8 examination and the superintendent of public instruction shall  
9 mutually agree upon the accommodations to be provided under this  
10 subsection.

11 (10) To the greatest extent possible, the Michigan merit  
12 examination shall be based on grade level content expectations or  
13 course content expectations, as appropriate. Not later than July 1,  
14 2008, the department shall identify specific grade level content  
15 expectations to be taught before and after the middle of grade 11,  
16 so that teachers will know what content will be covered within the  
17 Michigan merit examination.

18 (11) A child who is a student in a nonpublic school or home  
19 school may take the Michigan merit examination under this section.  
20 To take the Michigan merit examination, a child who is a student in  
21 a home school shall contact the school district in which the child  
22 resides, and that school district shall administer the Michigan  
23 merit examination, or the child may take the Michigan merit  
24 examination at a nonpublic school if allowed by the nonpublic  
25 school. Upon request from a nonpublic school, the superintendent of  
26 public instruction shall direct the provider or providers to supply  
27 the Michigan merit examination to the nonpublic school and the

1 nonpublic school may administer the Michigan merit examination. If  
2 a school district administers the Michigan merit examination under  
3 this subsection to a child who is not enrolled in the school  
4 district, the scores for that child are not considered for any  
5 purpose to be scores of a pupil of the school district.

6 (12) In contracting under subsection (2), the department of  
7 **TECHNOLOGY**, management, and budget shall consider a contractor that  
8 provides electronically-scored essays with the ability to score  
9 constructed response feedback in multiple languages and provide  
10 ongoing instruction and feedback.

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

23 (14) **IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION AND**  
24 **THE REQUIREMENTS OF 1970 PA 38, MCL 388.1081 TO 388.1086, BEGINNING**  
25 **WITH ASSESSMENTS CONDUCTED DURING THE 2015-2016 SCHOOL YEAR, THE**  
26 **SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ENSURE THAT THE MICHIGAN**  
27 **MERIT EXAMINATION SOCIAL STUDIES COMPONENT AND THE MICHIGAN**

1 EDUCATION ASSESSMENT PROGRAM ASSESSMENTS FOR SOCIAL STUDIES INCLUDE  
2 QUESTIONS RELATED TO THE LEARNING OBJECTIVES IN THE STATE BOARD  
3 RECOMMENDED MODEL CORE ACADEMIC CURRICULUM STANDARDS CONCERNING  
4 GENOCIDES, INCLUDING, BUT NOT LIMITED TO, THE HOLOCAUST.

5 (15) ~~(14)~~—As used in this section:

6 (a) "English language arts" means reading and writing.

7 (b) "Social studies" means United States history, world  
8 history, world geography, economics, and American government.