

# SENATE BILL No. 826

March 1, 2016, Introduced by Senators COLBECK, JONES, HORN, SCHUITMAKER, SHIRKEY and ZORN and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
(MCL 380.1 to 380.1852) by adding sections 1278e and 1278f.

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

1           SEC. 1278E. (1) BY ENACTING THIS SECTION, THIS STATE  
2   TERMINATES ALL PLANS, PROGRAMS, ACTIVITIES, EFFORTS, AND  
3   EXPENDITURES RELATING TO THE IMPLEMENTATION OF THE EDUCATIONAL  
4   INITIATIVE COMMONLY REFERRED TO AS THE COMMON CORE STANDARDS, OR  
5   ANY DERIVATIVE OR PERMUTATION OF THAT EDUCATIONAL INITIATIVE  
6   INCLUDING, BUT NOT LIMITED TO, THE MICHIGAN COLLEGE AND CAREER  
7   READY STANDARDS THAT HAVE BEEN ADOPTED BY THE LEGISLATURE, THE  
8   STATE BOARD, OR THE DEPARTMENT AND INCLUDING, BUT NOT LIMITED TO,  
9   ANY ASSESSMENTS, DATA COLLECTION, AND INSTRUCTIONS BASED ON OR  
10  INVOLVING THAT EDUCATIONAL INITIATIVE. TO FURTHER PROTECT STATE AND

1 LOCAL CONTROL OF PUBLIC EDUCATION, THE STATE BOARD AND THE  
2 DEPARTMENT ARE PROHIBITED FROM ADOPTING, ALIGNING TO, OR  
3 IMPLEMENTING ANY OTHER NATIONAL OR MULTISTATE CONSORTIUM STANDARDS  
4 FROM ANY SOURCE OR REQUIRING THE USE OF ANY ASSESSMENTS ALIGNED  
5 WITH ANY OTHER NATIONAL OR MULTISTATE CONSORTIUM STANDARDS FROM ANY  
6 SOURCE, AND, SUBJECT TO SECTION 1278F, THE STATE BOARD AND THE  
7 DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

8 (A) RESPECT AND SUPPORT THE ULTIMATE RIGHT OF A PARENT TO OPT  
9 HIS OR HER CHILD OUT OF PUBLIC SCHOOL, AND OUT OF ANY PUBLIC SCHOOL  
10 ACTIVITY, PRACTICE, OR TESTING THAT THE PARENT FINDS UNACCEPTABLE,  
11 WITH NO NEGATIVE REPERCUSSIONS TO, OR FINANCIAL IMPACT ON, THE  
12 CHILD, PARENT, OR SCHOOL AND WITH NO INTERFERENCE FROM THIS STATE.  
13 THIS SUBDIVISION DOES NOT PROHIBIT THIS STATE FROM FUNDING PUBLIC  
14 EDUCATION ON A PER-PUPIL BASIS.

15 (B) WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION,  
16 ADOPT AND IMPLEMENT STATE ACADEMIC CONTENT STANDARDS FOR EACH OF  
17 GRADES KINDERGARTEN TO 12 IN ENGLISH LANGUAGE ARTS, MATHEMATICS,  
18 SCIENCE, AND SOCIAL STUDIES. THE STATE ACADEMIC CONTENT STANDARDS  
19 SHALL BE THE SAME AS THE ACADEMIC STANDARDS IN EFFECT IN  
20 MASSACHUSETTS DURING THE 2008-2009 SCHOOL YEAR, EXCEPT THAT ANY  
21 REFERENCE IN THOSE STANDARDS TO "MASSACHUSETTS" SHALL BE CHANGED IN  
22 ALL APPROPRIATE INSTANCES TO A REFERENCE TO "MICHIGAN" AND ANY  
23 STATE HISTORY OR GOVERNMENT CONTENT STANDARDS SHALL BE CHANGED TO  
24 REFLECT THE HISTORY AND GOVERNMENT OF THIS STATE. WITHIN 10 DAYS  
25 AFTER THE STATE ACADEMIC CONTENT STANDARDS ARE ADOPTED, THE  
26 DEPARTMENT SHALL DISTRIBUTE THE STANDARDS TO ALL PUBLIC SCHOOLS IN  
27 THIS STATE AND MAKE THE STANDARDS AVAILABLE TO THE PUBLIC ON THE

1 DEPARTMENT WEBSITE.

2 (C) AS PART OF THE PROCESS OF CONVERSION AWAY FROM THE COMMON  
3 CORE STANDARDS, THE SUPERINTENDENT OF PUBLIC INSTRUCTION, THE STATE  
4 BOARD, THE DEPARTMENT, AND ANY OTHER STATE PUBLIC EMPLOYEE OR  
5 AUTHORITY SHALL TAKE ALL STEPS NECESSARY TO TERMINATE AREAS OF  
6 FEDERAL CONTROL OF THE MICHIGAN EDUCATIONAL PROCESS. THE  
7 SUPERINTENDENT OF PUBLIC INSTRUCTION, THE STATE BOARD, THE  
8 DEPARTMENT, OR ANY OTHER STATE PUBLIC EMPLOYEE OR AUTHORITY SHALL  
9 NOT ADOPT OR IMPLEMENT ANY NATIONAL OR MULTISTATE CONSORTIUM  
10 STANDARD FROM ANY SOURCE, OR THE USE OF ANY ASSESSMENTS ALIGNED  
11 WITH A NATIONAL OR MULTISTATE CONSORTIUM STANDARD, THAT CEDES  
12 CONTROL OF MICHIGAN EDUCATIONAL STANDARDS IN ANY MANNER, INCLUDING,  
13 BUT NOT LIMITED TO, MATHEMATICS STANDARDS, ENGLISH LANGUAGE ARTS  
14 STANDARDS, THE NEXT GENERATION SCIENCE STANDARDS, HISTORY  
15 STANDARDS, SOCIAL STUDIES STANDARDS, OR SEXUALITY STANDARDS. THIS  
16 STATE SHALL RETAIN SOLE CONTROL OVER THE DEVELOPMENT,  
17 ESTABLISHMENT, AND REVISION OF COURSE OF STUDY STANDARDS FOR GRADES  
18 K TO 12. THE SUPERINTENDENT OF PUBLIC INSTRUCTION, THE STATE BOARD,  
19 THE DEPARTMENT, OR ANY OTHER STATE PUBLIC EMPLOYEE OR AUTHORITY  
20 SHALL NOT JOIN ANY CONSORTIUM OR ANY OTHER ORGANIZATION IF  
21 PARTICIPATION IN THAT CONSORTIUM OR ORGANIZATION WOULD CEDE ANY  
22 MEASURE OF CONTROL OVER ANY ASPECT OF MICHIGAN PUBLIC EDUCATION TO  
23 THAT CONSORTIUM OR ORGANIZATION.

24 (D) NOT EARLIER THAN 5 YEARS AFTER THE ADOPTION OF THE  
25 STANDARDS UNDER SUBDIVISION (B), ADOPT NEW STATEWIDE ACADEMIC  
26 CONTENT STANDARDS FOR EACH OF GRADES KINDERGARTEN TO 12 IN ENGLISH  
27 LANGUAGE ARTS, MATHEMATICS, SCIENCE, AND SOCIAL STUDIES THAT ARE

1   DISTINCT FROM AND NOT DIRECTLY ALIGNED TO THE COMMON CORE STANDARDS  
2   THAT WERE PREVIOUSLY ADOPTED BY THE STATE BOARD. THE NEW STATEWIDE  
3   ACADEMIC CONTENT STANDARDS SHALL EMPHASIZE COHERENCE, FOCUS, AND  
4   ESSENTIAL KNOWLEDGE AND SHALL HAVE EVIDENCE OF SUCCESSFUL  
5   APPLICATION. THE DEPARTMENT SHALL NOT IMPLEMENT NEW STATEWIDE  
6   ACADEMIC CONTENT STANDARDS UNDER THIS SUBDIVISION UNTIL THE  
7   PROPOSED STANDARDS ARE APPROVED BY BOTH HOUSES OF THE LEGISLATURE  
8   BY CONCURRENT RESOLUTION. THE STANDING COMMITTEE HAVING  
9   JURISDICTION OVER EDUCATION LEGISLATION IN EACH HOUSE SHALL CONDUCT  
10  AT LEAST 1 PUBLIC HEARING ON THE PROPOSED STANDARDS AND SHALL POST  
11  NOTICE OF EACH PUBLIC HEARING AT LEAST 2 WEEKS BEFORE HOLDING THE  
12  PUBLIC HEARING.

13       (2) WHEN THE STATE BOARD ADOPTS OR REVISES ACADEMIC CONTENT  
14  STANDARDS UNDER THIS SECTION, THE STATE BOARD SHALL DEVELOP THOSE  
15  STANDARDS INDEPENDENTLY AND NOT AS PART OF A MULTISTATE CONSORTIUM.

16       (3) THE BOARD OF EACH SCHOOL DISTRICT AND BOARD OF DIRECTORS  
17  OF EACH PUBLIC SCHOOL ACADEMY, CONSIDERING THE ACADEMIC CONTENT  
18  STANDARDS ADOPTED UNDER THIS SECTION, SHALL DO ALL OF THE  
19  FOLLOWING:

20       (A) ESTABLISH A FUNDAMENTAL ACADEMIC CURRICULUM FOR ITS PUPILS  
21  AT THE ELEMENTARY, MIDDLE, AND SECONDARY SCHOOL LEVELS. THE  
22  FUNDAMENTAL ACADEMIC CURRICULUM SHALL DEFINE ACADEMIC OBJECTIVES TO  
23  BE ACHIEVED BY ALL PUPILS AND SHALL BE BASED UPON THE SCHOOL  
24  DISTRICT'S EDUCATIONAL MISSION, LONG-RANGE PUPIL GOALS, AND PUPIL  
25  PERFORMANCE OBJECTIVES. THE FUNDAMENTAL ACADEMIC CURRICULUM MAY  
26  VARY FROM THE STATE ACADEMIC CONTENT STANDARDS ADOPTED UNDER THIS  
27  SECTION.

1 (B) AFTER CONSULTING WITH TEACHERS AND SCHOOL BUILDING  
2 ADMINISTRATORS, DETERMINE THE ALIGNED INSTRUCTIONAL PROGRAM FOR  
3 DELIVERING THE SCHOOL DISTRICT'S OR PUBLIC SCHOOL ACADEMY'S  
4 FUNDAMENTAL ACADEMIC CURRICULUM AND IDENTIFY THE COURSES AND  
5 PROGRAMS IN WHICH THE FUNDAMENTAL ACADEMIC CURRICULUM WILL BE  
6 TAUGHT.

7 (C) PROVIDE ADEQUATE TIME AND TRANSPARENCY FOR PUBLIC REVIEW  
8 AND COMMENT ON THE ALIGNED INSTRUCTIONAL PROGRAMS BY ALL INTERESTED  
9 MEMBERS OF THE COMMUNITY BEFORE FINAL ADOPTION.

10 (4) THIS SECTION SHALL NOT BE CONSTRUED TO PROMOTE ANY  
11 RELIGIOUS OR NONRELIGIOUS DOCTRINE, PROMOTE DISCRIMINATION FOR OR  
12 AGAINST A PARTICULAR SET OF RELIGIOUS BELIEFS OR NONBELIEFS, OR  
13 PROMOTE DISCRIMINATION FOR OR AGAINST RELIGION OR NONRELIGION.

14 (5) THIS SECTION DOES NOT REQUIRE ANY SCHOOL DISTRICT OR  
15 PUBLIC SCHOOL ACADEMY TO UTILIZE ALL OR ANY PART OF THE ACADEMIC  
16 CONTENT STANDARDS ADOPTED UNDER THIS SECTION. THE STATE BOARD AND  
17 THE DEPARTMENT SHALL NOT IMPOSE ANY FINANCIAL CONSEQUENCE ON A  
18 SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY THAT ADOPTS ACADEMIC  
19 CONTENT STANDARDS DIFFERING FROM THOSE ADOPTED BY THIS STATE UNDER  
20 THIS SECTION.

21 SEC. 1278F. (1) THE DEPARTMENT SHALL ADOPT VALIDATED STATE  
22 ASSESSMENTS OF PUPIL ACHIEVEMENT BASED ON THE ASSESSMENT USED IN  
23 MASSACHUSETTS DURING THE 2008-2009 SCHOOL YEAR AND ALIGNED TO THE  
24 ACADEMIC STANDARDS IN EFFECT IN MASSACHUSETTS DURING THE 2008-2009  
25 SCHOOL YEAR. THESE ASSESSMENTS SHALL BE READY FOR USE BY THE FIRST  
26 SPRING AFTER NEW STATEWIDE ACADEMIC CONTENT STANDARDS ARE ADOPTED  
27 UNDER SECTION 1278E(1)(B). THE DEPARTMENT SHALL NOT REVISE THE

1 ASSESSMENTS UNDER THIS SUBSECTION AGAIN FOR A PERIOD OF AT LEAST 5  
2 YEARS. THE NEW ASSESSMENTS ADOPTED UNDER THIS SUBSECTION AND ALL  
3 FUTURE ASSESSMENTS ADOPTED BY THE DEPARTMENT SHALL MEET ALL OF THE  
4 FOLLOWING:

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

6 (B) EACH YEAR, WITHIN 30 DAYS AFTER THE ASSESSMENT IS  
7 ADMINISTERED, SHALL BE AVAILABLE ON THE DEPARTMENT WEBSITE FOR ALL  
8 SCHOOL ADMINISTRATORS, TEACHERS, AND PARENTS TO REVIEW.

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

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

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

14 (2) THE DEPARTMENT SHALL NOT IMPLEMENT AN ASSESSMENT DEVELOPED  
15 UNDER THIS SECTION UNTIL THE PROPOSED ASSESSMENT IS APPROVED BY  
16 BOTH HOUSES OF THE LEGISLATURE BY CONCURRENT RESOLUTION. THE  
17 STANDING COMMITTEE HAVING JURISDICTION OVER EDUCATION LEGISLATION  
18 IN EACH HOUSE SHALL CONDUCT AT LEAST 1 PUBLIC HEARING ON THE  
19 PROPOSED ASSESSMENT AND SHALL POST NOTICE OF EACH PUBLIC HEARING AT  
20 LEAST 2 WEEKS BEFORE HOLDING THE PUBLIC HEARING.