

HOUSE BILL No. 5444

March 9, 2016, Introduced by Reps. Glenn, Kosowski, Lucido, Pettalia, Chatfield, Howrylak, Somerville, Hooker, Johnson, Cole, Lauwers, Rendon, Potvin, Tedder, Theis, Goike, Runestad, Santana, Sheppard, Barrett, Aaron Miller, Callton, Leutheuser, Franz, Bumstead, Kesto, Vaupel, Webber, Canfield, Heise, Jenkins, McBroom and Forlini 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.