STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2009

Introduced by Reps. Melton and Johnson

ENROLLED HOUSE BILL No. 4787

AN ACT to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending sections 1278b, 1561, and 1596 (MCL 380.1278b, 380.1561, and 380.1596), section 1278b as amended by 2007 PA 141 and section 1561 as amended by 1996 PA 339, and by adding section 1280c.

The People of the State of Michigan enact:

Sec. 1278b. (1) Except as otherwise provided in this section or section 1278a, beginning with pupils entering grade 8 in 2006, as part of the requirements under section 1278a the board of a school district or board of directors of a public school academy shall not award a high school diploma to a pupil unless the pupil has successfully completed all of the following credit requirements of the Michigan merit standard before graduating from high school:

(a) At least 4 credits in English language arts that are aligned with subject area content expectations developed by the department and approved by the state board under this section.

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

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

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

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

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

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

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

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

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

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

(*vi*) If the department has not completed development of the subject area content expectations that apply to a particular credit required in the Michigan merit standard under subsection (1) or section 1278a(1)(a) by the date required under this subdivision, a school district or public school academy may align the content of the credit with locally adopted standards.

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

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

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

(A) Recognized experts in the relevant subject areas.

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

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

(D) Representatives from the business community.

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

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

(G) Parents of public school pupils.

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

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

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

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

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

(5) The parent or legal guardian of a pupil who has completed grade 9, a teacher who is currently teaching the pupil, who currently teaches in or whose expertise is in a subject area proposed to be modified by the personal curriculum, or who is determined by the principal to have qualifications otherwise relevant to developing a personal curriculum, or a school counselor or school employee qualified to act in a counseling role under section 1233 or 1233a may request a personal curriculum under this subsection for the pupil that modifies certain of the Michigan merit standard requirements under subsection (1) or section 1278a(1)(a). A teacher, school counselor, or school employee qualified to act in a counseling role under section 1233 or 1233a may contact a pupil's parent or legal guardian to discuss the possibility and potential benefits of a personal curriculum under this subsection for the pupil. If all of the requirements under this subsection for a personal curriculum are met, then the board of a school district or board of directors of a public school academy may award a high school diploma to a pupil who successfully completes his or her personal curriculum even if it does not meet the requirements of the Michigan merit standard required under subsection (1) and section 1278a(1)(a). All of the following apply to a personal curriculum:

(a) The personal curriculum shall be developed by a group that includes at least the pupil, at least 1 of the pupil's parents or the pupil's legal guardian, a teacher described in this subdivision, and the pupil's high school counselor or another designee qualified to act in a counseling role under section 1233 or 1233a selected by the high school principal. In addition, for a pupil who receives special education services, a school psychologist should also be included in this group. The teacher included in the group developing the personal curriculum shall be a teacher who is currently teaching the pupil, who currently teaches in or whose expertise is in a subject area being modified by the personal curriculum, or who is determined by the principal to have qualifications otherwise relevant to the group.

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

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

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

(e) Revisions may be made in the personal curriculum if the revisions are developed and agreed to in the same manner as the original personal curriculum.

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

(g) Except as otherwise provided in this subdivision, the mathematics credit requirements of section 1278a(1)(a)(*i*) may be modified as part of a personal curriculum only after the pupil has completed, without necessarily having attained a passing grade in, at least 1-1/2 credits of the mathematics credits required under that section and only if the pupil successfully completes at least 3-1/2 total credits of the mathematics credits required under that section before completing high school. The requirement under section 1278a(1) that a pupil must successfully complete at least 1 mathematics course during his or her final year of high school enrollment is not subject to modification as part of a personal curriculum under this subsection. The algebra II credit required under that section may be modified as part of a personal curriculum under this subsection only if the pupil meets 1 or more of the following:

(*i*) Has successfully completed the same content as 1 semester of algebra II, as determined by the department.

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

(*iii*) Enrolls in a formal career and technical education program or curriculum and in that program or curriculum successfully completes the same content as 1 semester of algebra II, as determined by the department.

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

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

(*ii*) The modification requires the pupil to complete 1 additional credit in English language arts, mathematics, or science or 1 additional credit in a language other than English. This additional credit must be in addition to the number of those credits otherwise required under subsection (1) and section 1278a(1) or under section 1278a(2).

(i) The health and physical education credit requirement under section 1278a(1)(a)(*iii*) may be modified as part of a personal curriculum only if the modification requires the pupil to complete 1 additional credit in English language arts, mathematics, or science or 1 additional credit in a language other than English. This additional credit must be in addition to the number of those credits otherwise required under subsection (1) and section 1278a(1) or under section 1278a(2).

(j) The visual arts, performing arts, or applied arts credit requirement under section 1278a(1)(a)(*iv*) may be modified as part of a personal curriculum only if the modification requires the pupil to complete 1 additional credit in English language arts, mathematics, or science or 1 additional credit in a language other than English. This additional credit must be in addition to the number of those credits otherwise required under subsection (1) and section 1278a(1) or under section 1278a(2).

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

(*l*) If a pupil transfers to a school district or public school academy from out of state or from a nonpublic school, the pupil's parent or legal guardian may request, as part of the pupil's personal curriculum, a modification of the Michigan merit standard requirements that would not otherwise be allowed under this section. The school district or public school academy may allow this additional modification for a transfer pupil if all of the following are met:

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

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

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

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

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

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

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

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

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

(7) The board of a school district or board of directors of a public school academy that operates a high school shall ensure that each pupil is offered the curriculum necessary for the pupil to meet the curricular requirements of this section and section 1278a. The board or board of directors may provide this curriculum by providing the credits specified in this section and section 1278a, by using alternative instructional delivery methods such as alternative course work, humanities course sequences, career and technical education, industrial technology courses, or vocational education, or by a combination of these. School districts and public school academies that operate career and technical education programs are encouraged to integrate the credit requirements of this section and section 1278a into those programs.

(8) If the board of a school district or board of directors of a public school academy wants its high school to be accredited under section 1280, the board or board of directors shall ensure that all elements of the curriculum required under this section and section 1278a are made available to all affected pupils. If a school district or public school academy does not offer all of the required credits, the board of the school district or board of directors of the public school academy shall ensure that the pupil has access to the required credits by another means, such as enrollment in a postsecondary course under the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524; enrollment in an online course; a cooperative arrangement with a neighboring school district or with a public school academy; or

granting approval under section 6(6) of the state school aid act of 1979, MCL 388.1606, for the pupil to be counted in membership in another school district.

(9) If a pupil is not successfully completing a credit required for graduation under this section and section 1278a, or is identified as being at risk of withdrawing from high school, then the pupil's school district or public school academy shall notify the pupil's parent or legal guardian or, if the pupil is at least age 18 or is an emancipated minor, the pupil, of the availability of tutoring or other supplemental educational support and counseling services that may be available to the pupil under existing state or federal programs, such as those programs or services available under section 31a of the state school aid act of 1979, MCL 388.1631a, or under the no child left behind act of 2001, Public Law 107-110.

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

(11) The board of a school district or board of directors of a public school academy shall ensure that each pupil in grade 7 is provided with the opportunity to develop an educational development plan, and that each pupil has developed an educational development plan before he or she begins high school. An educational development plan shall be developed by the pupil under the supervision of the pupil's school counselor or another designee qualified to act in a counseling role under section 1233 or 1233a selected by the high school principal and shall be based on a career pathways program or similar career exploration program. In addition, if the pupil receives special education services, a school psychologist should also participate in developing the pupil's educational development plan.

(12) Except as otherwise provided in this subsection, if a school district or public school academy is unable to implement all of the curricular requirements of this section and section 1278a for pupils entering grade 9 in 2007 or is unable to implement another requirement of this section or section 1278a, the school district or public school academy may apply to the department for permission to phase in 1 or more of the requirements of this section or section 1278a. To apply, the school district or public school academy shall submit a proposed phase-in plan to the department. The department shall approve a phase-in plan if the department determines that the plan will result in the school district or public school academy making satisfactory progress toward full implementation of the requirements of this section and section 1278a. If the department disapproves a proposed phase-in plan, the department shall work with the school district or public school academy to develop a satisfactory plan that may be approved. However, if legislation is enacted that adds section 1290 to allow school districts and public school academies to apply for a contract that waives certain state or federal requirements, then this subsection does not apply but a school district or public school academy may take action as described in subsection (13). This subsection does not apply to a high school that is designated as a specialty school under section 1278a(5) and that is exempt under that section from the English language arts requirement under subsection (1)(a) and the social science credit requirement under section 1278a(1)(a)(*ii*).

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

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

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

Sec. 1280c. (1) Beginning in 2010, not later than September 1 of each year, the superintendent of public instruction shall publish a list identifying the public schools in this state that the department has determined to be among the lowest achieving 5% of all public schools in this state, as defined for the purposes of the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American recovery and reinvestment act of 2009, Public Law 111-5.

(2) The superintendent of public instruction shall issue an order placing each public school that is included on the list under subsection (1) under the supervision of the state school reform/redesign officer described in subsection (9). Within

90 days after a public school is placed under the supervision of the state school reform/redesign officer under this section, the school board or board of directors operating the public school shall submit a redesign plan to the state school reform/redesign officer. For a public school operated by a school board, the redesign plan shall be developed with input from the local teacher bargaining unit and the local superintendent or, if an emergency financial manager is in place under the local government fiscal responsibility act, 1990 PA 72, MCL 141.1201 to 141.1291, the emergency financial manager. The redesign plan shall require implementation of 1 of the 4 school intervention models that are provided for the lowest achieving schools under the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American recovery and reinvestment act of 2009, Public Law 111-5, known as the "race to the top" grant program. These models are the turnaround model, restart model, school closure, and transformation model. The redesign plan shall include an executed addendum to each applicable collective bargaining agreement in effect for the public school that meets the requirements of subsection (8).

(3) Within 30 days after receipt of a redesign plan for a public school under subsection (2), the state school reform/redesign officer shall issue an order approving, disapproving, or making changes to the redesign plan. If the order makes changes to the redesign plan, the school board or board of directors has 30 days after the order to change the redesign plan to incorporate those changes into the redesign plan and resubmit it to the state school reform/redesign officer for approval or disapproval.

(4) The state school reform/redesign officer shall not disapprove a redesign plan that includes all of the elements required under federal law for the school intervention model included in the redesign plan. A school board or board of directors may appeal disapproval of a redesign plan on this basis to the superintendent of public instruction. The decision of the superintendent of public instruction on the appeal is final.

(5) If the state school reform/redesign officer approves a redesign plan under this section, the school board or board of directors shall implement the redesign plan for the public school beginning with the beginning of the next school year that begins after the approval. The school board or board of directors shall regularly submit monitoring reports to the state school reform/redesign officer on the implementation and results of the plan in the form and manner, and according to a schedule, as determined by the state school reform/redesign officer.

(6) The state school reform/redesign school district is created. The state school reform/redesign school district is a school district for the purposes of section 11 of article IX of the state constitution of 1963 and for receiving state school aid under the state school aid act of 1979 and is subject to the leadership and general supervision of the state board over all public education under section 3 of article VIII of the state constitution of 1963. The state school reform/redesign school district is a body corporate and is a governmental agency. Except as otherwise provided in subsection (7), if the state school reform/redesign officer does not approve the redesign plan, or if the state school reform/redesign officer determines that the redesign plan is not achieving satisfactory results, the state school reform/redesign officer shall issue an order placing the public school in the state school reform/redesign school district, imposing for the public school implementation of 1 of the 4 school intervention models described in subsection (2) beginning with the beginning of the next school year, and imposing an addendum to each applicable collective bargaining agreement in effect for the public school as necessary to implement the school intervention model and that meets the requirements of subsection (8). All of the following apply to the state school reform/redesign school district:

(a) The state school reform/redesign school district shall consist of schools that are placed in the state school reform/redesign school district.

(b) The state school reform/redesign officer shall act as the superintendent of the state school reform/redesign school district. With respect to schools placed in the state school reform/redesign school district, the state school reform/redesign officer has all of the powers and duties described in this section; all of the provisions of this act that would otherwise apply to the school board that previously operated a school placed in the state school reform/redesign school district apply to the state school reform/redesign officer with respect to that school, except those relating to taxation or borrowing; except as otherwise provided in this section, the state school reform/redesign officer may exercise all the powers and duties otherwise vested by law in the school board that previously operated a school placed in the state school reform/redesign school district and in its officers, except those relating to taxation or borrowing, and may exercise all additional powers and duties provided under this section; and, except as otherwise provided in this section, the state school reform/redesign officer accedes to all the rights, duties, and obligations of the school board with respect to that school. These powers, rights, duties, and obligations include, but are not limited to, all of the following:

(*i*) Authority over the expenditure of all funds attributable to pupils at that school, including that portion of proceeds from bonded indebtedness and other funds dedicated to capital projects that would otherwise be apportioned to that school by the school board that previously operated the school according to the terms of the bond issue or financing documents.

(*ii*) Subject to subsection (8), rights and obligations under collective bargaining agreements and employment contracts entered into by the school board for employees at the school.

(*iii*) Rights to prosecute and defend litigation.

(*iv*) Rights and obligations under statute, rule, and common law.

(*v*) Authority to delegate any of the state school reform/redesign officer's powers and duties to 1 or more designees, with proper supervision by the state school reform/redesign officer.

(*vi*) Power to terminate any contract or portion of a contract entered into by the school board that applies to that school. However, this subsection does not allow any termination or diminishment of obligations to pay debt service on legally authorized bonds and does not allow a collective bargaining agreement to be affected except as provided under subsection (8). A contract terminated by the state school reform/redesign officer under this subsection is void.

(7) If the state school reform/redesign officer determines that better educational results are likely to be achieved by appointing a chief executive officer to take control of multiple public schools, the state school reform/redesign officer may make a recommendation to the superintendent of public instruction for appointment of a chief executive officer to take control over those multiple schools. If the superintendent of public instruction appoints a chief executive officer to take control of multiple public schools under this subsection, the chief executive officer shall impose for those public schools implementation of 1 of the 4 school intervention models described in subsection (2) and impose an addendum to each applicable collective bargaining agreement in effect for those public schools as necessary to implement the school intervention model and that meets the requirements of subsection (8). With respect to those public schools, the chief executive officer has all of the same powers and duties that the state school reform/redesign officer has for public schools placed in the state school reform/redesign school district under subsection (6). The chief executive officer shall regularly submit monitoring reports to the state school reform/redesign officer on the implementation and results of the intervention model in the form and manner, and according to a schedule, as determined by the state school reform/redesign officer. The chief executive officer shall exercise any other powers or duties over the public schools as may be directed by the superintendent of public instruction.

(8) An addendum to a collective bargaining agreement under this section shall provide for any of the following that are necessary for the applicable school intervention model to be implemented at each affected public school:

(a) That any contractual or other seniority system that would otherwise be applicable shall not apply at the public school. This subdivision does not allow unilateral changes in pay scales or benefits.

(b) That any contractual or other work rules that are impediments to implementing the redesign plan shall not apply at the public school. This subdivision does not allow unilateral changes in pay scales or benefits.

(c) That the state school reform/redesign officer shall direct the expenditure of all funds attributable to pupils at the public school and the principal or other school leader designated by the state school reform/redesign officer shall have full autonomy and control over curriculum and discretionary spending at the public school.

(9) The superintendent of public instruction shall hire a state school reform/redesign officer to carry out the functions under this section and as otherwise prescribed by law. The state school reform/redesign officer shall be chosen solely on the basis of his or her competence and experience in educational reform and redesign. The state school reform/redesign officer is exempt from civil service. The state school reform/redesign officer is responsible directly to the superintendent of public instruction to ensure that the purposes of this section are carried out, and accordingly the position of state school reform/redesign officer should be a position within the department that is exempt from the classified state civil service. The department shall request that the civil service commission establish the position of state school reform/redesign officer as a position that is exempt from the classified state civil service.

(10) If the state school reform/redesign officer imposes the restart model for a public school in the state school reform/redesign school district, or a chief executive officer under subsection (7) imposes the restart model for multiple public schools under that subsection, all of the following apply:

(a) The state school reform/redesign officer or chief executive officer shall enter into an agreement with an educational management organization to manage and operate the public school or schools. The state school reform/redesign officer or chief executive officer shall provide sufficient oversight to ensure that the public school or schools will be operated according to all of the requirements for a restart model.

(b) There shall be considered to be no collective bargaining agreement in effect that applies to employees working at the public school or schools under this model at the time of imposition of the model.

(11) If the state school reform/redesign officer imposes the turnaround model for a public school in the state school reform/redesign school district, or a chief executive officer under subsection (7) imposes the turnaround model for multiple public schools under that subsection, all of the following apply:

(a) A collective bargaining agreement that applies to employees working at the public school or schools under this model at the time of imposition of the model, and any successor collective bargaining agreement, continues to apply with respect to pay scales and benefits.

(b) Subject to any addendum to the collective bargaining agreement that applies to the public school or schools, an employee who is working at the public school or schools and who was previously employed in the same school district that previously operated that school shall continue to retain and accrue seniority rights in that school district according to the collective bargaining agreement that applies to employees of that school district.

(12) If more than 9 public schools operated by a school district are on the list under subsection (1), the transformation model may not be implemented for more than 50% of those schools.

(13) If the state school reform/redesign officer determines that a public school that is subject to the measures under subsection (6) or (7) has made significant improvement in pupil achievement and should be released from the measures that have been imposed under subsection (6) or (7), the state school reform/redesign officer may recommend this to the superintendent of public instruction. If the superintendent of public instruction agrees with the determination and recommendation, the superintendent of public instruction may release the public school from the measures that have been imposed under subsection (6) or (7).

(14) At least annually, the state school reform/redesign officer shall submit a report to the standing committees of the senate and house of representatives having jurisdiction over education legislation on the progress being made in improving pupil proficiency due to the measures under this section.

(15) As soon as practicable after the federal department of education has adopted the final work rules and formula for identifying the lowest achieving 5% of all public schools in this state for the purposes of the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American recovery and reinvestment act of 2009, Public Law 111-5, known as the "race to the top" grant program, the department shall post all of the following on its website:

(a) The federal work rules and formula.

(b) A list of the public schools in this state that have been identified for these purposes as being among the lowest achieving 5% of all public schools in this state. The department shall update this list as it considers appropriate.

Sec. 1561. (1) Except as otherwise provided in this section, for a child who turned age 11 before December 1, 2009 or who entered grade 6 before 2009, the child's parent, guardian, or other person in this state having control and charge of the child shall send that child to a public school during the entire school year from the age of 6 to the child's sixteenth birthday. Except as otherwise provided in this section, for a child who turns age 11 on or after December 1, 2009 or a child who was age 11 before that date and enters grade 6 in 2009 or later, the child's parent, guardian, or other person in this state having control and charge of the child shall send the child to a public school during the entire school year from the age of 6 to the child's eighteenth birthday. The child's attendance shall be continuous and consecutive for the school year fixed by the school district in which the child is enrolled. In a school district that maintains school during the entire calendar year and in which the school year is divided into quarters, a child is not required to attend the public school more than 3 quarters in 1 calendar year, but a child shall not be absent for 2 or more consecutive quarters.

(2) A child becoming 6 years of age before December 1 shall be enrolled on the first school day of the school year in which the child's sixth birthday occurs, and a child becoming 6 years of age on or after December 1 shall be enrolled on the first school day of the school year following the school year in which the child's sixth birthday occurs.

(3) A child is not required to attend a public school in any of the following cases:

(a) The child is attending regularly and is being taught in a state approved nonpublic school, which teaches subjects comparable to those taught in the public schools to children of corresponding age and grade, as determined by the course of study for the public schools of the district within which the nonpublic school is located.

(b) The child is less than 9 years of age and does not reside within 2-1/2 miles by the nearest traveled road of a public school. If transportation is furnished for pupils in the school district of the child's residence, this subdivision does not apply.

(c) The child is age 12 or 13 and is in attendance at confirmation classes conducted for a period of 5 months or less.

(d) The child is regularly enrolled in a public school while in attendance at religious instruction classes for not more than 2 class hours per week, off public school property during public school hours, upon written request of the parent, guardian, or person in loco parentis under rules promulgated by the state board.

(e) The child has graduated from high school or has fulfilled all requirements for high school graduation.

(f) The child is being educated at the child's home by his or her parent or legal guardian in an organized educational program in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar.

(4) For a child being educated at the child's home by his or her parent or legal guardian, exemption from the requirement to attend public school may exist under either subsection (3)(a) or (3)(f), or both.

(5) For a child who turns age 11 on or after December 1, 2009 or who was age 11 before that date and enters grade 6 in 2009 or later, this section does not apply to the child if the child is at least age 16 and the child's parent or legal guardian has provided to school officials of the school district in which the child resides a written notice that the child has the permission of the parent or legal guardian to stop attending school.

Sec. 1596. (1) The board of a school district other than a primary school district may establish 1 or more ungraded schools for the instruction of certain pupils classified in subsection (2). The board may require the pupils to attend an ungraded school or a department of the school as the board directs.

(2) A child aged 7 to his or her sixteenth birthday, or his or her eighteenth birthday if the child turns age 11 on or after December 1, 2009 or is age 11 before that date and enters grade 6 in 2009 or later, who resides in the school district and who meets 1 or more of the following is considered a juvenile disorderly person and in the judgment of the proper school authorities may be assigned to the ungraded school or department:

(a) Except for a child described in section 1561(5), a child who is habitually truant from the school in which he or she is enrolled as a pupil.

(b) A child who, while attending school, is incorrigibly turbulent, disobedient, and insubordinate, or who is immoral in conduct.

(c) A child who is not attending school and who habitually frequents streets and other public places, having no lawful business, employment, or occupation.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 95th Legislature are enacted into law:

(a) Senate Bill No. 926.

(b) Senate Bill No. 981.

(c) House Bill No. 4788.

(d) House Bill No. 5596.

This act is ordered to take immediate effect.

Richard J. Brown

Clerk of the House of Representatives

Carol Morey Viventi

Secretary of the Senate

Approved .....

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Governor