

Act No. 25
Public Acts of 1990
Approved by the Governor
March 13, 1990
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STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1990

Introduced by Reps. O'Neill, Jondahl, Gilmer, Barns, Trim, DeBeaussaert, Martin, Kosteva, Munsell,
Keith and Jonker

ENROLLED HOUSE BILL No. 4009

AN ACT to amend sections 627, 1204a, and 1233 of Act No. 451 of the Public Acts of 1976, entitled as amended "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and classify the laws relating to elementary and secondary education; to provide for the classification, organization, regulation, and maintenance of schools, school districts, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, and intermediate school districts; 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 certain acts and parts of acts," section 1204a as added by Act No. 159 of the Public Acts of 1989 and section 1233 as amended by Act No. 56 of the Public Acts of 1987, being sections 380.627, 380.1204a, and 380.1233 of the Michigan Compiled Laws; to add sections 1233b, 1277, 1278, and 1280; and to repeal certain parts of the act.

The People of the State of Michigan enact:

Section 1. Sections 627, 1204a, and 1233 of Act No. 451 of the Public Acts of 1976, section 1204a as added by Act No. 159 of the Public Acts of 1989 and section 1233 as amended by Act No. 56 of the Public Acts of 1987, being sections 380.627, 380.1204a, and 380.1233 of the Michigan Compiled Laws, are amended and sections 1233b, 1277, 1278, and 1280 are added to read as follows:

Sec. 627. (1) An intermediate school board shall do all of the following:

(a) Upon request of the board of a constituent district, furnish services on a management, consultant, or supervisory basis to the district. The intermediate school board may charge a constituent district for the costs of services furnished under this subdivision.

(b) Upon request of the board of a constituent district, direct, supervise, and conduct cooperative educational programs on behalf of the district. The intermediate school board may utilize available funds not otherwise obligated by law and accept contributions from other sources for the purpose of financing the programs. The funds shall be deposited with the treasurer in a cooperative education fund and shall be disbursed as the intermediate school board directs. The intermediate school board may employ personnel and take other action necessary to direct, supervise, and conduct cooperative educational programs.

(c) Conduct cooperative programs mutually agreed upon by 2 or more intermediate school boards.

(2) Upon request of the board of a constituent school district, an intermediate school board may provide, either solely or as part of a consortium of intermediate school districts, comprehensive school improvement support services to the district. These services may include, but are not limited to, all of the following:

- (a) The development of a core curriculum.
- (b) The evaluation of a core curriculum.
- (c) The preparation of 1 or more school improvement plans.
- (d) The dissemination of information concerning 1 or more school improvement plans.
- (e) The preparation of an annual educational report.
- (f) Professional development.
- (g) Educational research.
- (h) The compilation of instructional objectives, instructional resources, pupil demographics, and pupil academic achievement.
- (i) Assistance in obtaining school accreditation.
- (j) The provision of general technical assistance.

Sec. 1204a. (1) The board of a school district that does not want to forfeit a percentage of the school district's state school aid as described in section 19 of the state school aid act of 1979, Act No. 94 of the Public Acts of 1979, being section 388.1619 of the Michigan Compiled Laws, or that wants to receive and is eligible for additional state school aid for quality programs as provided in sections 21(1) and 21a of the state school aid act of 1979, being sections 388.1621 and 388.1621a of the Michigan Compiled Laws, shall prepare, make available to the state board and the public, and provide that each school in the school district distributes to the public at an open meeting an annual educational report. The annual educational report shall include, but is not limited to, all of the following information for each public school in the school district:

(a) The accreditation status of each school within the school district, the process by which pupils are assigned to particular schools, and a description of each specialized school.

(b) The status of the 3- to 5-year school improvement plan as described in section 1277 for each school within the school district.

(c) A copy of the core curriculum and a description of its implementation and the variances from the model core curriculum developed by the state board pursuant to section 1278(2).

(d) A report for each school of aggregate student achievement based upon the results of any locally-administered student competency tests, statewide assessment tests, or nationally normed achievement tests that were given to pupils attending school in the school district.

(e) For the year in which the report is filed and the previous school year, the district membership retention report as defined in section 6 of the state school aid act of 1979, Act No. 94 of the Public Acts of 1979, being section 388.1606 of the Michigan Compiled Laws.

(f) The number and percentage of parents, legal guardians, or persons in loco parentis with pupils enrolled in the school district who participate in parent-teacher conferences for pupils at the elementary, middle, and secondary school level, as appropriate.

(g) A comparison with the immediately preceding school year of the information required by subdivisions (a) through (f).

(2) Within 90 days after the effective date of the amendatory act that added this section, the state board shall prepare and make available to school districts suggestions for accumulating the information listed in subsection (1) and a model educational report for school districts to consider in the implementation of this section.

Sec. 1233. (1) Except as provided in subsection (3) and section 1233b, the board of a school district or intermediate school district shall not permit a teacher who does not hold a valid teaching certificate to teach in a grade or department of the school, or a teacher without an endorsement by the state board to serve in a counseling role as the role is defined by the state board.

(2) The intermediate superintendent shall notify immediately the state board of the names of noncertificated teachers and the names of nonendorsed teachers serving in counseling roles, the employing district, and the amount of time the noncertificated and nonendorsed teachers were employed.

(3) The board of a school district or intermediate school district may renew through June 30, 1995 an annual vocational authorization of a noncertificated vocational teacher who is employed by the district or intermediate school district on June 1, 1987, even if a certificated teacher is available for hire, if both of the following conditions are met:

(a) The noncertificated teacher is annually and continually enrolled and completing credit in an approved vocational teacher preparation program leading to vocational certification.

(b) The noncertificated teacher has a planned vocational teacher preparation program leading to vocational certification on file with the employing school district or intermediate school district, his or her teacher preparation institution, and the department of education.

(4) A vocational teacher preparation institution shall utilize the employment experience of an annually authorized teacher for the purpose of waiving student teaching as a requirement for vocational certification if the annually authorized teacher is supervised by the teacher preparation institution.

(5) All vocational education teachers certified after June 1, 1995 shall pass a competency test.

Sec. 1233b. (1) Except as provided in subsection (3), the board of a local or intermediate school district may engage a full-time or part-time noncertificated, nonendorsed teacher to teach a course in computer science, a foreign language, mathematics, biology, chemistry, engineering, physics, robotics, or any combination of these subject areas in grades 9 through 12.

(2) Subject to subsection (3), a noncertificated, nonendorsed teacher is qualified to teach pursuant to this section if he or she meets all of the following minimum requirements:

(a) Possesses an earned bachelor's degree from an accredited postsecondary institution.

(b) Has a major or a graduate degree in the field of specialization in which he or she will teach.

(c) If the teacher desires to teach for more than 1 year, has passed both a basic skills examination and a subject area examination, if a subject area examination exists, in the field of specialization in which he or she will teach.

(d) Except in the case of persons engaged to teach a foreign language, has not less than 2 years of occupational experience in the field of specialization in which he or she will teach.

(3) The requirements listed in subsection (2) for a teacher engaged to teach pursuant to this section shall be in addition to any other requirements established by the board of a local or intermediate school district, as applicable.

(4) Except as provided in subsection (5), the board of a local or intermediate school district shall not engage a full-time or part-time noncertificated, nonendorsed teacher to teach a course identified in subsection (1) if the district is able to engage a certificated, endorsed teacher.

(5) If the board of a local or intermediate school district is able to engage a certificated, endorsed teacher to teach a course identified in subsection (1), the local or intermediate school board may continue to employ a noncertificated, nonendorsed teacher to teach the course if both of the following conditions are met:

(a) The noncertificated, nonendorsed teacher is annually and continually enrolled and completing credit in an approved teacher preparation program leading to a provisional teaching certificate.

(b) The noncertificated, nonendorsed teacher has a planned program leading to teacher certification on file with the employing school district or intermediate school district, his or her teacher preparation institution, and the department of education.

(6) If the board of a local or intermediate school district is not able to engage a certificated, endorsed teacher to teach a course identified in subsection (1), the department of education and a teacher preparation institution shall utilize the teaching experience of a noncertificated, nonendorsed teacher for the purpose of waiving student teaching as a condition for receiving a continued employment authorization in the school district and a provisional teaching certificate.

Sec. 1277. (1) Considering criteria established by the state board, the board of a school district that wants to receive and is eligible for additional state school aid for quality programs as provided in sections 21(1) and 21a of the state school aid act of 1979, Act No. 94 of the Public Acts of 1979, being sections 388.1621 and 388.1621a of the Michigan Compiled Laws, shall adopt and implement a 3- to 5-year school improvement plan and continuing school improvement process for each school within the school district. The school improvement plan shall include, but is not limited to, a mission statement, goals based on student outcomes for all students, curriculum alignment corresponding with those goals, evaluation processes, staff development, and building level decision making. School board members, school building administrators, teachers and other school employees, pupils, parents of pupils attending that school, and other residents of the school district shall participate in the planning, development, implementation, and evaluation of the district's school improvement plan. Upon request of the board of a school district, the department shall assist the school district in the development and implementation of a district school improvement plan. Intermediate school districts and educational organizations may also provide assistance for these purposes. A school improvement plan described in this section shall be updated annually by the board of the school district.

(2) The school improvement plan of a school district shall be maintained on file with the intermediate school district to which the school district is constituent.

(3) The state board shall annually review a random sampling of school improvement plans. Based on its review, the state board shall annually submit a report on school improvement activities planned and accomplished by each of the school districts that were part of the sampling to the senate and house committees that have the responsibility for education legislation.

Sec. 1278. (1) The board of each school district that wants to receive and is eligible for additional state school aid for quality programs as provided in sections 21(1) and 21a of the state school aid act of 1979, Act No. 94 of the Public Acts of 1979, being sections 388.1621 and 388.1621a of the Michigan Compiled Laws, shall make available to all pupils attending public school in the district a core curriculum in compliance with subsection (3).

(2) A recommended model core curriculum shall be developed by the state board and distributed to each school district in the state. The recommended core curriculum shall define the outcomes to be achieved by all pupils and be based upon the "Michigan K-12 program standards of quality" published by the state board.

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

(a) Establish a core curriculum for its pupils at the elementary, middle, and secondary school levels. The core curriculum shall define outcomes to be achieved by all pupils and be based upon the school district's educational mission, long-range student goals, and student performance objectives. The core curriculum may vary from the model core curriculum recommended by the state board pursuant to subsection (2).

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

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

(5) A subject or course required by the core curriculum pursuant to subsection (3) shall be made available to all pupils in the school district by a school district, a consortium of school districts, or a consortium of 1 or more school districts and 1 or more intermediate school districts.

(6) The state board shall make available to all nonpublic schools in this state, as a resource for their consideration, the model core curriculum developed for public schools pursuant to subsection (2) for the purpose of assisting the governing body of a nonpublic school in developing its own core curriculum.

(7) Any course that would have been considered a nonessential elective course under Snyder v Charlotte Schools, 421 Mich 517 (1984) on the effective date of the amendatory act that added this section shall continue to be offered to resident pupils of nonpublic schools on a shared time basis.

Sec. 1280. (1) The board of a school district that wants to receive and is eligible for additional state school aid for quality programs as provided in sections 21(1) and 21a of the state school aid act of 1979, Act No. 94 of the Public Acts of 1979, being sections 388.1621 and 388.1621a of the Michigan Compiled Laws, and that does not want to be subject to the measures described in subsection (6) shall ensure that each public school within the school district is accredited.

(2) As used in subsection (1), "accredited" means certified by the state board as having met or exceeded state board-approved standards established for 6 areas of school operation: administration and school organization, curricula, staff, school plant and facilities, school and community relations, and school improvement plans and student outcomes. The building-level evaluation used in the accreditation process shall include, but is not limited to, school data collection, self-study, visitation and validation, determination of outcomes data to be used, and the development of a school improvement plan.

(3) The department shall develop and distribute to all public schools proposed accreditation standards. Upon distribution of the proposed standards, the department shall hold statewide public hearings for the purpose of receiving testimony concerning the standards. After a review of the testimony, the department shall revise and submit the proposed standards to the state board. After a review and revision, if appropriate, of the proposed standards, the state board shall submit the proposed standards to the senate and house committees that have the responsibility for education legislation. Upon approval by these committees, the department shall distribute to all public schools the standards to be applied to each school for accreditation purposes.

(4) The department shall annually review and evaluate for accreditation purposes the performance of a portion of the public schools in the state, including, but not limited to, each school that did not meet accreditation standards the immediately preceding school year.

(5) The department shall, and the intermediate school district to which a school district is constituent, a consortium of intermediate school districts, or any combination thereof may, provide technical assistance, as appropriate, to a school that is not accredited upon request of the board of the unaccredited school.

(6) A school that has not met accreditation standards for 3 consecutive years is subject to 1 or more of the following measures, as determined by the state board:

(a) The superintendent of public instruction or his or her designee shall appoint at the expense of the affected school district an administrator of the school until the school meets accreditation standards.

(b) A parent, legal guardian, or person in loco parentis of a child who attends the school shall have the right to send his or her child to any accredited public school with an appropriate grade level within the school district.

(c) The school shall be closed.

(7) The department shall evaluate the school accreditation program and the status of schools accredited and shall submit an annual report based upon the evaluation to the senate and house committees that have the responsibility for education legislation. The report shall address the reasons each unaccredited school is not accredited and shall recommend legislative action that will result in the accreditation of all public schools in this state.

Section 2. Section 1204b of Act No. 451 of the Public Acts of 1976, being section 380.1204b of the Michigan Compiled Laws, is repealed.

Section 3. This amendatory act shall take effect upon the expiration of 30 days after the date of its enactment.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.