

SENATE BILL NO. 1079

June 09, 2022, Introduced by Senators RUNESTAD, WOJNO, CHANG and WOZNIAK and referred to the Committee on Education and Career Readiness.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1168, 1278, and 1279g (MCL 380.1168, 380.1278, and 380.1279g), section 1168 as added and sections 1278 and 1279g as amended by 2016 PA 170.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1168. (1) ~~Beginning in the 2016-2017 school year, the~~ **The**
2 board of a school district or board of directors of a public school
3 academy shall ensure that the school district's or public school
4 academy's social studies curriculum for grades 8 to 12 includes

1 age- and grade-appropriate instruction about genocide, including,
2 but not limited to, the Holocaust and the Armenian Genocide, **and**
3 **beginning with the 2022-2023 school year, the Holodomor Genocide.**

4 The legislature recommends a combined total of 6 hours of this
5 instruction during grades 8 to 12.

6 (2) Subsection (1) does not preclude a school district or
7 public school academy from including instruction described in
8 subsection (1) in other subject areas.

9 ~~(3) The governor's council on genocide and Holocaust education~~
10 ~~is created as a temporary commission described in section 4 of~~
11 ~~article V of the state constitution of 1963.~~

12 ~~(4) The governor's council on genocide and Holocaust education~~
13 ~~shall consist of 15 members appointed by the governor. Members~~
14 ~~shall be individuals who have a particular interest or expertise in~~
15 ~~genocide education or Holocaust education, or both.~~

16 ~~(5) If the governor determines that sufficient private funding~~
17 ~~is available for the operations of the governor's council on~~
18 ~~genocide and Holocaust education, the governor shall appoint the~~
19 ~~members of the governor's council on genocide and Holocaust~~
20 ~~education within 60 days after the effective date of this section.~~

21 ~~(6) If a vacancy occurs on the governor's council on genocide~~
22 ~~and Holocaust education, the governor shall make an appointment for~~
23 ~~the unexpired term in the same manner as the original appointment.~~

24 ~~(7) The governor may remove a member of the governor's council~~
25 ~~on genocide and Holocaust education for incompetence, dereliction~~
26 ~~of duty, malfeasance, misfeasance, or nonfeasance in office, or any~~
27 ~~other good cause.~~

28 ~~(8) The first meeting of the governor's council on genocide~~
29 ~~and Holocaust education shall be called by the governor. At the~~

1 ~~first meeting, the governor's council on genocide and Holocaust~~
2 ~~education shall elect from among its members a chairperson and~~
3 ~~other officers as it considers necessary or appropriate. After the~~
4 ~~first meeting, the governor's council on genocide and Holocaust~~
5 ~~education shall meet at least quarterly, or more frequently at the~~
6 ~~call of the chairperson or if requested by 8 or more members.~~

7 ~~(9) A majority of the members of the governor's council on~~
8 ~~genocide and Holocaust education appointed and serving constitute a~~
9 ~~quorum for the transaction of business at a meeting of the council.~~
10 ~~A majority of the members present and serving are required for~~
11 ~~official action of the council. A member may not vote by proxy.~~

12 ~~(10) The business that the governor's council on genocide and~~
13 ~~Holocaust education may perform shall be conducted at a public~~
14 ~~meeting of the council held in compliance with the open meetings~~
15 ~~act, 1976 PA 267, MCL 15.261 to 15.275.~~

16 ~~(11) A writing prepared, owned, used, in the possession of, or~~
17 ~~retained by the governor's council on genocide and Holocaust~~
18 ~~education in the performance of an official function is subject to~~
19 ~~the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.~~

20 ~~(12) Members of the governor's council on genocide and~~
21 ~~Holocaust education shall serve without compensation. However, if~~
22 ~~funding is available for this purpose from private sources, members~~
23 ~~of the council may be reimbursed for their actual and necessary~~
24 ~~expenses incurred in the performance of their official duties as~~
25 ~~members of the council.~~

26 ~~(13) State funds shall not be used for the operations of the~~
27 ~~governor's council on genocide and Holocaust education.~~

28 ~~(14) The governor's council on genocide and Holocaust~~
29 ~~education shall do all of the following:~~

1 ~~(a) Identify, to the extent possible, all sources of~~
2 ~~strategies and content for providing and enhancing genocide~~
3 ~~education to students.~~

4 ~~(b) Advise the superintendent of public instruction, school~~
5 ~~districts, public school academies, and nonpublic schools in this~~
6 ~~state on strategies and content for providing and enhancing~~
7 ~~genocide education to students.~~

8 ~~(c) Identify, to the extent possible, all programs and~~
9 ~~resources to train teachers in providing genocide education to~~
10 ~~students and share these programs and resources with the~~
11 ~~superintendent of public instruction, school districts, public~~
12 ~~school academies, and nonpublic schools in this state.~~

13 ~~(d) Promote, within the schools and general population of this~~
14 ~~state, implementation of genocide education. This duty includes,~~
15 ~~but is not limited to, all of the following:~~

16 ~~(i) In accordance with 2004 PA 10, engendering and coordinating~~
17 ~~events, activities, and education that will appropriately~~
18 ~~memorialize the victims of the Holocaust, such as observance of~~
19 ~~Holocaust Remembrance Day and the Days of Remembrance.~~

20 ~~(ii) In accordance with 2002 PA 558, engendering and~~
21 ~~coordinating events, activities, and education that will~~
22 ~~appropriately memorialize the victims of the Armenian Genocide,~~
23 ~~such as observance of the Michigan Days of Remembrance of the~~
24 ~~Armenian Genocide.~~

25 ~~(iii) Engendering and coordinating events, activities, and~~
26 ~~education that will appropriately memorialize the victims of other~~
27 ~~genocides.~~

28 ~~(e) Secure private funding for the governor's council on~~
29 ~~genocide and Holocaust education. The governor's council on~~

1 ~~genocide and Holocaust education may also apply for and accept~~
 2 ~~grants and receive gifts, donations, and other financial support~~
 3 ~~from private sources, in accordance with state law, for the purpose~~
 4 ~~of carrying out its duties under this section.~~

5 ~~(f) Carry out any other tasks that it considers to be~~
 6 ~~advisable to support the ability of this state to meet its goals in~~
 7 ~~providing genocide education.~~

8 ~~(g) Submit an annual report to the legislature on the progress~~
 9 ~~and status of the council.~~

10 ~~(15) With respect to its duties, the governor's council on~~
 11 ~~genocide and Holocaust education is an advisory body only. There is~~
 12 ~~no right or obligation on the part of this state or its~~
 13 ~~subdivisions, officials, or employees to implement the findings or~~
 14 ~~recommendations of the governor's council on genocide and Holocaust~~
 15 ~~education unless further legislation is enacted that specifically~~
 16 ~~authorizes implementation of those findings or recommendations.~~

17 **(3)** ~~(16)~~ As used in this section:

18 (a) "Armenian Genocide" means the systematic, bureaucratic,
 19 state-sponsored persecution and murder of approximately 1,500,000
 20 Armenians by the Ottoman Turkish Empire and its collaborators.

21 (b) "Genocide" means any of the following acts committed with
 22 intent to destroy, in whole or in part, a national, ethnical,
 23 racial, or religious group, ~~as such: killing~~ **including, but not**
 24 **limited to, destroying the group through any of the following**
 25 **means:**

26 **(i) Killing** members of the group. ~~;~~ ~~causing~~

27 **(ii) Causing** serious bodily or mental harm to members of the
 28 group. ~~;~~ ~~deliberately~~

29 **(iii) Deliberately** inflicting on the group conditions of life

1 calculated to bring about its physical destruction in whole or in
2 part. ~~;~~ ~~imposing~~

3 (iv) **Imposing** measures intended to prevent births within the
4 group. ~~;~~ ~~or forcibly~~

5 (v) **Forcibly** transferring children of the group to another
6 group.

7 (c) "Holocaust" means the systematic, bureaucratic, state-
8 sponsored persecution and murder of approximately 6,000,000 Jews
9 and 5,000,000 other individuals by the Nazi regime and its
10 collaborators.

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

26 (2) Recommended model core academic curriculum content
27 standards ~~shall~~ **must** be developed and periodically updated by the
28 state board, ~~shall~~ **must** be in the form of knowledge and skill
29 content standards that are recommended as state standards for

1 adoption by public schools in local curriculum formulation and
2 adoption, and ~~shall~~**must** be distributed to each school district in
3 the state. The recommended model core academic curriculum content
4 standards ~~shall~~**must** set forth desired learning objectives in math,
5 science, reading, history, geography, economics, American
6 government, and writing for all children at each stage of schooling
7 and be based upon the "Michigan K-12 Program Standards of Quality"
8 to ensure that high academic standards, academic skills, and
9 academic subject matters are built into the instructional goals of
10 all school districts for all children. The state board shall ensure
11 that the recommended model core academic curriculum content
12 standards for history for grades 8 to 12 include learning
13 objectives concerning genocide, including, but not limited to, the
14 Holocaust and the Armenian Genocide, **and beginning with the 2022-**
15 **2023 school year, the Holodomor Genocide.** The state board also
16 shall ensure that the state assessment program and the Michigan
17 merit examination are based on the state recommended model core
18 curriculum content standards, are testing only for proficiency in
19 basic and advanced academic skills and academic subject matter, and
20 are not used to measure pupils' values or attitudes.

21 (3) The board of each school district, considering academic
22 curricular objectives defined and recommended ~~pursuant to~~**under**
23 subsection (2), shall do both of the following:

24 (a) Establish a core academic curriculum for its pupils at the
25 elementary, middle, and secondary school levels. The core academic
26 curriculum ~~shall~~**must** define academic objectives to be achieved by
27 all pupils and ~~shall~~**must** be based upon the school district's
28 educational mission, long-range pupil goals, and pupil performance
29 objectives. The core academic curriculum may vary from the model

1 core academic curriculum content standards recommended by the state
2 board ~~pursuant to~~ **under** subsection (2).

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

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

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

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

26 (7) The state board shall make available to all nonpublic
27 schools in this state, as a resource for their consideration, the
28 model core academic curriculum content standards developed for
29 public schools ~~pursuant to~~ **under** subsection (2) for the purpose of

1 assisting the governing body of a nonpublic school in developing
2 its core academic curriculum.

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

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

15 (10) As used in this section, "Armenian Genocide", "genocide",
16 and "Holocaust" -mean those terms as defined in section 1168.

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

23 (2) For the purposes of this section, the department of
24 technology, management, and budget shall contract with 1 or more
25 providers to develop, supply, and score the Michigan merit
26 examination. The Michigan merit examination ~~shall~~**must** consist of
27 all of the following:

28 (a) Assessment instruments that measure English language arts,
29 mathematics, reading, and science and are used by colleges and

1 universities in this state for entrance or placement purposes. This
 2 ~~shall~~**must** include a writing component in which the pupil produces
 3 an extended writing sample. The Michigan merit examination ~~shall~~
 4 **must** not require any other extended writing sample.

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

15 (c) A social studies component.

16 (d) Any other component that is necessary to obtain the
 17 approval of the United States Department of Education to use the
 18 Michigan merit examination for the purposes of the no child left
 19 behind act of 2001, Public Law 107-110, or the every student
 20 succeeds act, Public Law 114-95.

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

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

1 moves to the next grade.

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

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

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

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

25 (ii) Complies with requirements of the no child left behind act
26 of 2001, Public Law 107-110, or the every student succeeds act,
27 Public Law 114-95, as applicable.

28 (iii) Is consistent with the code of fair testing practices in
29 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~~**both** 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~~**must** be administered
28 each year after March 1 and before June 1 to pupils in grade 11.
29 The superintendent of public instruction shall ensure that the

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

10 (7) A school district or public school academy shall
11 administer the complete Michigan merit examination to a pupil only
12 once and shall not administer the complete Michigan merit
13 examination to the same pupil more than once. If a pupil does not
14 take the complete Michigan merit examination in grade 11, the
15 school district or public school academy shall administer the
16 complete Michigan merit examination to the pupil in grade 12. If a
17 pupil chooses to retake the college entrance examination component
18 of the Michigan merit examination, as described in subsection

19 (2)(a), the pupil may do so through the provider of the college
20 entrance examination component and the cost of the retake is the
21 responsibility of the pupil unless all of the following are met:

22 (a) The pupil has taken the complete Michigan merit
23 examination.

24 (b) The pupil meets the income eligibility criteria for free
25 breakfast, lunch, or milk, as determined under the Richard B.
26 Russell national school lunch act, 42 USC 1751 to 1769j.

27 (c) The pupil has applied to the provider of the college
28 entrance examination component for a scholarship or fee waiver to
29 cover the cost of the retake and that application has been denied.

1 (d) After taking the complete Michigan merit examination, the
2 pupil has not already received a free retake of the college
3 entrance examination component paid for either by this state or
4 through a scholarship or fee waiver by the provider.

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

19 (9) A school district or public school academy shall provide
20 accommodations to a pupil with disabilities for the Michigan merit
21 examination, as provided under section 504 of title V of the
22 rehabilitation act of 1973, 29 USC 794; ~~subtitle~~**part** A of ~~title~~
23 **subchapter** II of the Americans with disabilities act of 1990, 42
24 USC 12131 to 12134; the individuals with disabilities education act
25 amendments of 1997, Public Law 105-17; and the implementing
26 regulations for those statutes. The provider or providers of the
27 Michigan merit examination and the superintendent of public
28 instruction shall mutually agree upon the accommodations to be
29 provided under this subsection.

1 (10) To the greatest extent possible, the Michigan merit
2 examination ~~shall~~**must** be based on grade level content expectations
3 or course content expectations, as appropriate. Not later than July
4 1, 2008, the department shall identify specific grade level content
5 expectations to be taught before and after the middle of grade 11,
6 so that teachers will know what content will be covered within the
7 Michigan merit examination.

8 (11) A child who is a student in a nonpublic school or home
9 school may take the Michigan merit examination under this section.
10 To take the Michigan merit examination, a child who is a student in
11 a home school shall contact the school district in which the child
12 resides, and that school district shall administer the Michigan
13 merit examination, or the child may take the Michigan merit
14 examination at a nonpublic school if allowed by the nonpublic
15 school. Upon request from a nonpublic school, the superintendent of
16 public instruction shall direct the provider or providers to supply
17 the Michigan merit examination to the nonpublic school and the
18 nonpublic school may administer the Michigan merit examination. If
19 a school district administers the Michigan merit examination under
20 this subsection to a child who is not enrolled in the school
21 district, the scores for that child are not considered for any
22 purpose to be scores of a pupil of the school district.

23 (12) In contracting under subsection (2), the department of
24 technology, management, and budget shall consider a contractor that
25 provides ~~electronically-scored~~**electronically scored** essays with
26 the ability to score constructed response feedback in multiple
27 languages and provide ongoing instruction and feedback.

28 (13) The purpose of the Michigan merit examination is to
29 assess pupil performance in mathematics, science, social studies,

1 and English language arts for the purpose of improving academic
2 achievement and establishing a statewide standard of competency.
3 The assessment under this section provides a common measure of data
4 that will contribute to the improvement of Michigan schools'
5 curriculum and instruction by encouraging alignment with Michigan's
6 curriculum framework standards and promotes pupil participation in
7 higher level mathematics, science, social studies, and English
8 language arts courses. These standards are based upon the
9 expectations of what pupils should learn through high school and
10 are aligned with national standards.

11 (14) In addition to the other requirements of this section and
12 the requirements of 1970 PA 38, MCL 388.1081 to 388.1086, ~~beginning~~
13 ~~with assessments conducted during the 2016-2017 school year,~~ the
14 superintendent of public instruction shall ensure that the Michigan
15 merit examination social studies component and the M-STEP and any
16 successor state assessment for social studies, as appropriate,
17 include questions related to the learning objectives in the state
18 board recommended model core academic curriculum standards
19 concerning genocide, including, but not limited to, the Holocaust
20 and the Armenian Genocide, **and beginning with the 2022-2023 school**
21 **year, the Holodomor Genocide.**

22 (15) As used in this section:

23 (a) "Armenian Genocide", "genocide", and "Holocaust" mean
24 those terms as defined in section 1168.

25 (b) "English language arts" means reading and writing.

26 (c) "Social studies" means United States history, world
27 history, world geography, economics, and American government.