



## MMC, the PERSONAL CURRICULUM, and STUDENTS WITH DISABILITIES

The new statutory provisions relative to personal curriculum and modification of the MMC requirements for students with disabilities will need to be implemented as school starts this fall. This article is provided as a resource to be shared with district counselors, teachers and principals as they begin to implement these requirements.

### Overview

In April 2006, the Michigan Legislature enacted Public Acts 123 and 124 which set forth comprehensive high school graduation requirements applicable to all Michigan students. Although as originally enacted the Michigan Merit Curriculum provided for a "personal curriculum," the statute essentially required students with disabilities to meet the same curricular requirements as non-disabled students. On January 3, 2007, Governor Granholm signed into law Public Act 623, an amendment which expanded the personal curriculum options for a student with a disability. This amendment permits modification of aspects of the Michigan Merit Curriculum (MMC) not otherwise permitted, so long as the modifications are consistent with the student's educational development plan (EDP) and individualized education plan (IEP).

### The MMC Curricular Requirements.

As an overview, the MMC was a

move toward a standards-based education. The statute sets forth curricular requirements, in addition to any local school board requirements, which must be met by students in order to receive a high school diploma.

Beginning with pupils entering 8th grade in the 2006-2007 school year, in order to receive a high school diploma the student must complete:

4 credits in English language arts;

3 credits in science, including at least biology, and either chemistry or physics;

4 credits of mathematics aligned with the content expectations of the department, including at least algebra I, geometry, and algebra II, or, an integrated sequence of the course content which includes 3 credits, and an additional math credit such as trigonometry, pre-calculus, applied math, business math, etc;

3 credits in social science, including at least one credit in U.S. history and geography, one credit in world history or geography, 1/2 credit in economics and 1/2 credit in civics;

1 credit in health and physical education;

1 credit in the visual, performing or applied arts; and

an online course or learning ex-

perience.

Additionally, students entering 3rd grade in 2006 will need 2 credits in a language other than English in order to receive a high school diploma.

### Additional Procedures - the EDP.

The MMC also imposes additional procedural requirements. Among these is a requirement that students must be given the opportunity to create an educational development plan (EDP) in the 7<sup>th</sup> grade, and the EDP must be completed by the end of 8th grade and prior to entering high school. The EDP is developed by the student, under the supervision of the school counselor, and is to be based on a career pathways program or similar career exploration program. While parent involvement is not required under the statute, input and support of the parent will be important.

Some students may have career goals which may not be aligned with the requirements of the MMC. Therefore, the parent of a student may request a personal curriculum (PC) which modifies certain aspects of the MMC, and a student may receive a high school diploma if he or she completes the personal curriculum. The personal curriculum is devised by at least one of the student's parents, the student, and the high school counselor or designee.

*(Continued on page 2)*

### **The Personal Curriculum.**

The extent of modification of the MMC under the personal curriculum available to students without disabilities is limited. Mathematics may be modified only after the student completes 2 1/2 credits of math, and must still complete 3 1/2 credits of math during high school, including 1 credit during the student's final year. The social science credit may be modified if the student completes 2 credits of social science (including civics), and an additional credit in English, math, science or foreign language. The P.E. and visual or performing arts credits may be modified if the student takes an additional credit in English, math, science or foreign language. The credit requirements for English and science cannot be modified.

The personal curriculum must establish measurable goals, a method of evaluating the goals and must be agreed to by the student's parents and the superintendent. Further, the parent(s) must be in communication with each of the student's teachers each quarter to monitor progress.

### **The PC for Students with Disabilities.**

The statute permits a student with a disability to seek a personal curriculum to modify curricular requirements which are beyond those permitted in the "typical" personal curriculum. The process is similar to that for students without disabilities. First, as noted above, all students (including those with disabilities) are required to have an EDP prior to entering high school. Next, as with non-disabled students, the parent or legal guardian of a student with a disability may request a personal curriculum. If the parent of a student with a disability

wants a modification of a curricular requirement that would not otherwise be allowed, the parent must demonstrate that the "modification is necessary because the pupil is a child with a disability." The statute defines a "child with a disability" as set forth in IDEA, meaning only IDEA eligible students, and not students with disabilities pursuant to a §504 plan, may seek additional modifications to the personal curriculum.

### **Students with Disabilities - the PC Process.**

Once the parent requests the PC, the district would convene a meeting to discuss the PC. This meeting is made up of a group of persons that includes at least the student, the student's parent or legal guardian, and the student's counselor or other designee qualified to act in a counseling role (just like the group for a non-disabled student), and in addition, for a student receiving special education services, a school psychologist should also be included.

The personal curriculum is required to incorporate as much subject area content expectations of the MMC as is practicable for the student. However, if the parent can show that modifications are necessary because the student is a "child with a disability," the school district may permit further modification of the MMC requirements "to the extent necessary because of the pupil's disability." Any modifications to the MMC standards must be consistent with the student's IEP and the EDP. The IEP must identify the appropriate "course or courses of study and identify the supports, accommodations, and modifications necessary to

allow the student to progress" in meeting the MMC standards or the student's personal curriculum. The "course or courses of study" is not intended to be the actual list of general education classes a student takes, but rather a general description of the various educational experiences a student will follow through high school, e.g., regular high school diploma, alternative education programs, career and technical education programs, vocational programs, certificate of completion, etc.

Once completed, the parent or legal guardian and the superintendent (designee) must agree to the personal curriculum before it can take effect and any revisions must be made and agreed to in the same manner as the original personal curriculum.

It is critical to keep in mind that the MMC and the personal curriculum are creatures of general education. While an IEP is used to identify the course or courses of study a student will pursue, and to identify supports and accommodations necessary to enable the student with a disability to meet the requirements of the MMC, the IEP does not create the personal curriculum. Nor does it set forth the modifications of the MMC requirements; that is the purpose of the PC. Also remember that the PC should not be overused, or modifications abused. The statute includes a provision requiring the Superintendent of Public Instruction to monitor a district for compliance, and to intervene if there is reason to believe that a district is allowing modifications too broadly.

### **Special Education Implications.**

While it is paramount to approach

the MMC and personal curriculum from the perspective of general education, one must be mindful of the special education issues that may be implicated. Transition is an area that may need to be given additional consideration, as the IDEA requires that transition services be in place when the student turns 16. Under prior law, transition planning began at age 14 with the identification of the student's course of study. Michigan will likely continue a state rule requiring transition planning earlier than the federal statute. Since state and federal law does not prohibit transition planning from beginning earlier than 16, such planning may (and likely should) begin at least by the 7<sup>th</sup> grade. Since all students, including students with disabilities, must have an EDP in place before entering high school, transition planning/services will need to be coordinated to work with the EDP and any personal curriculum.

#### Summary of Key Points regarding MMC and PCs

1. The Michigan Merit Curriculum (MMC) is the minimum requirements established by statute which a local board of education or board of directors of a public school academy must include in its requirements for awarding a high school diploma.
2. The statute provides for a personal curriculum which may modify certain requirements of the MMC.
3. The PC is available to all students. It is a general education matter, which may also apply to students with disabilities. It is NOT a special education issue, though special education will be involved in certain respects.
4. The PC is a documented process through which the MMC is modified

by agreement of the parent and the superintendent of the local school district or public school academy.

5. The MMC and PC do not apply to private schools.
6. All students must complete an Educational Development Plan (EDP). A student must have the opportunity to complete an EDP in 7<sup>th</sup> grade, and must be completed no later than the end of 8<sup>th</sup> grade.
7. The EDP is devised from a career and employment/vocational exploration questionnaires, assessments, computer based career exploration tools, etc.
8. The parent/legal guardian of a student (or the student if they are over 18) may request modification of the MMC requirements through a PC. A school district is not identified as an entity which may request a PC, thus the school district may not impose a PC or devise a PC without there first being a parent request.
9. If a parent requests a PC, a district may agree to modify certain requirements of the MMC through the PC. The PC is devised by a group of persons, including at least:
  - The student,
  - At least one of the student's parents/legal guardian,
  - The student's high school counselor (or designee)

If the student is receiving special education services (under the IDEA), a school psychologist should be included in the PC group.

10. The PC must include:
  - As much of the content area of

the MMC as is practicable for the student,

- Measurable goals,
  - A method of evaluation
11. The PC must:
    - Be aligned with the student's EDP, and the IEP if the student is a student with a disability receiving special education services,
    - Be agreed to by the parent and superintendent (or CEO of PSA) before taking effect.
  12. If the student completes the PC, the school district may award a high school diploma.
  13. The student's parent(s) or legal guardian are required to be in communication with each of the pupil's teachers at least once each calendar quarter to monitor the student's progress toward PC goals.
  14. Modifications to the PC are made in the same manner as the original PC.

#### FAQ on the Personal Curriculum

##### Requesting the PC:

Q 1: Who may request a PC?

Answer: The parent/guardian of a student (or the student, if they have reached the age of majority) may request a PC.

Q 2: At what point can the Personnel Curriculum Committee be requested by the parent, i.e. what must be documented as attempted or accomplished prior to considering the PC.?

*(Continued on page 4)*

Answer: The state Board of Education and the Department recommended to the legislature that it include a requirement that a PC could not be applied for until a student, including a SWD, had completed two years of high school. The legislature did not adopt this recommendation. The statute is silent regarding when a parent may request a PC. Since the EDP may be created as early as 7<sup>th</sup> grade in some situations, a parent may request a PC for high school earlier than 9<sup>th</sup> grade. Essentially, a PC may be requested anytime following the creation of the student's EDP.

**Q 3:** If a parent of a student does not request a PC, may the district initiate the process on behalf of the student?

Answer: NO. The statutory language is specifically indicates who is able to request a PC; namely requests may be made only by the parent, legal guardian or the age of majority student. A district has no right to request a PC on behalf of the student. A parent/guardian/adult student, however, can only request a PC if the parent/guardian/student knows about the availability of a PC. While the statutory language does not impose any duty on a school district to inform parents of the personal curriculum, most school districts and/or ISDs have begun preparing informational packets/brochures for distribution to parents. If a district believes a student needs a PC, it may attempt to educate the parent/guardian/adult student about the process and the availability of a PC. For students with disabilities, the IEPT meeting and transition planning is an excellent time to begin this education process, and to discuss whether

graduation is an anticipated outcome. For those district's that have not created informational packets, examples are available, and MDE's web-site has some information available.

If a student is in jeopardy of failing a course which is required for graduation, the statute requires that district notify the parent/legal guardian/adult student of tutoring or other supplemental educational support and counseling services available under existing state and federal programs. This may also be an opportunity to provide information regarding the MMC and PC options.

#### **Educational Development Plan.**

**Q 4:** What needs to be in the EDP?

Answer: An EDP should include various components, including the personal information of the student, the student's career and employment/vocational goals, the student's educational and training goals, results of assessments (e.g., career pathways, career cruising, educational or other relevant assessments), a plan of action to enable the student to pursue/achieve his or her goals, and should include consultation and support of the student's parent (if under 18).

The EDP is created by the student, under the supervision of his/her counselor. The parent is not necessarily involved in the preparation of the EDP, but best practice would include parental involvement. While MDE indicated that a model form will be available in July 2007, it is not yet on the web-site.

#### **The Personal Curriculum.**

**Q 5:** Can you have a personal cur-

riculum if you are entering the 9th grade and have a completed EDP?

Answer: Yes, as noted above. The MDE is not encouraging this but the statutory language does not forbid it. The unofficial position of MDE is that parents of students entering 9th grade in the fall who have requested a PC in order to have their students exempted from, for example, Physical Education and Health so that their students can use the exemption in order to take additional classes in ELA, Math, Science, or Foreign Language, that the student include in his/her EDP a four-year plan for high school that shows the additional classes a student intends to take in place of the waived PE/Health. Because the school must monitor the PC to make sure it is fulfilled, if the student eventually does not fulfill the PC and does not take the additional classes, the student would be required to go back and fulfill the PE/Health credit requirement.

**Q 6:** What specific information/components are required to be included in the PC?

Answer: The PC will include the area to be modified, including the various content expectations and how they will be addressed. There will need to be goals set forth with a method of evaluating the student's progress in meeting the PC requirements, and the parent will need to be in touch with the teacher to monitor the progress. What the PC looks like will depend on the extent of modification and the each student's needs, but they all will need to set forth the areas of modification, the goals to be achieved and the method by which progress

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will be measured. The PC will also need a spot for the parent and the superintendent to indicate their agreement.

**Q 7:** Does a school psychologist have to be involved in every PC group involving a SWD?

**Answer:**No. The statutory language recommends a school psychologist, but does not require one. The intent behind including the school psychologist is to assure that someone with knowledge of the student's disability and how it affects the student's progress in the general curriculum, the student's abilities and the various student needs participates in devising the student's PC. This role may be served by including another person, so long as the person can provide the needed input.

**Q 8:** What is meant by "modification?"

**Answer:** There appear to be two types of MMC modifications contemplated by the statute; content modification and credit modification/substitution. Parents of all students may seek a PC to modify the content expectations under the MMC, although the PC must include as much of the MMC content expectations as is "practicable." Parents may also request a PC to modify certain credit requirements by substituting some courses for others (as limited by the statute). Parents of students with disabilities may request that certain credit requirements be waived completely. This is permissible only to the extent necessary because of the student's disability, and must be consistent with the student's IEP and EDP.

**Q 9:** What is meant by modified

further?

**Answer:** It means that the limitations on the PC stated in the law (e.g. no waiving of ELA or Science) may be modified further for a SWD. This essentially leaves everything open to modification. However, it is not permissible to create an alternative pathway to graduation. Modifications that erect barriers to progress along the student's career pathway or to the achievement of postsecondary goals need to be carefully considered. Ultimately, the decision regarding how much of the MMC content expectations equal credit in a subject area is a local board decision.

While it is conceivable under the language of the statute that the content of the PC may be modified to a grade level much lower than the high school expectations, this was not the intent or expectation of the Department. Rather, the expectation is that the PC will include as much of the grade level expectations in the particular subject matter as possible, though possibly presented in a modified manner (e.g., multiple classes, extended time, through CTE, etc.). The law permits a school district to modify instructional strategies or approaches to help the student achieve the content expectations, and you do not need a personal curriculum to modify these instructional strategies or approaches (e.g., multiple classes, extended time, through CTE, universal design, etc.).

**Q 10:** The MMC does not allow modification of ELA and Science for general ed students. Does the statute allow modification of ELA and Science for special education students?

**Answer:** Yes, as just stated above (for students with disabilities). The basic rule set forth in the statute is that the PC for an SWD should include as much of the MMC "as practicable." What this means (let's use the example of Science) is that an SWD shouldn't just be permitted to waive Biology but should be instructed in some program of science that includes as much of the Biology HSCE's as possible. What this alternate program of science would look like could vary with each SWD's approved PC.

**Q 11:** What additional types of modifications in Mathematics are allowed?

**Answer:** For a SWD, the statute requires that the PC include as much of the typical MMC as practicable given the student's disability. However, since no limitation is imposed, all of the math requirements in the Merit Curriculum would be subject to modification, with the caveat that a student should not just be blank-exempted from even attempting Algebra I, II, or Geometry but should be engaged in an instructional program in math that covers as many of the content expectations as is practicable/possible, given the student's disability.

### **The PC and the IEP.**

**Q 12:** When determining modifications to the graduation content expectations, what is meant by "because of the student's disability"? Does this limit the modification to those aspects in which a student is eligible, or may the PC modify content of graduation requirements beyond the student's identified disability, e.g., math for an

*(Continued on page 6)*

LD student with a disability in reading?

Answer: The parent must show that the student needs the PC because the student is a student with a disability, and this anticipates that the disability will impair the student's ability to meet the content expectations in the typical fashion. The PC team determines whether the modification is necessary because of the disability, and there may be times when the team determines, for example, that an LD student may not be able to achieve the math expectations because of the LD. If so, the team may modify the math expectations through the PC, keeping in mind that the PC must include as much of the typical MMC as is practical.

Q 13: Does the IEP override the Personal Curriculum?

Answer: No, the IEP does not override the PC but rather contributes to it. The amendment to the law still has a committee of parent/guardian, school principal or designee, school counselor, and, in the case of students with disabilities (SWD), strongly encourages a school psychologist also to serve on this committee. It is this committee that decides whether to grant the request for a PC. The statute provides that this committee consider the IEP and EDP, and requires the PC to be consistent with them. However, the IEP does not determine the graduation requirements for a SWD; the PC committee does.

Q 14: What should the IEP include?

Answer: The PC group described above, and ultimately the superintendent, determines whether the PC request will be granted. The IEP is re-

quired to set forth the "course or courses of study" and the accommodations, modifications and supports necessary for the student to participate in the general curriculum. A student's PC will be "general curriculum" and therefore the IEP will identify those supports needed for the student to progress in his/her PC and other general curricular courses. Information in the IEP, such as goals, objectives, present levels of performance, diagnostic and achievement information, etc., will assist the PC group in determining what aspects of the MMC may be "practicable" for a particular student.

Q 15: Do we include the PC in the IEP?

Answer: The IEP does NOT determine the PC. Nor should the IEP team create the PC or unilaterally determine its content. Definitely DO NOT include the general education classes or the PC in the IEP document.

The IEP does not set forth the general education classes the student is to take, but rather sets forth the "course or courses of study" and the accommodations or modifications needed by the student in the general education setting. The PC must be consistent with the IEP.

Q 16: What types of modifications to the academic requirements might be appropriate for a student with an emotional impairment, where the disability itself would not impair the student's ability to perform academically, but rather impacts the student's behavior?

Answer: It depends on what the PC team decides. If the student is unable

to complete the typical MMC expectations because of the disability, the team may modify the expectations through the PC. This could even include waiving certain requirements. For example, if a student has already completed 4 years of high school and yet has not completed the last credit in math, and the team decides that continuing for another year is just not possible because the student will not be able to handle it emotionally, the PC team, with the agreement of the superintendent, may agree to have the student earn the credit in another way, such as a CTE program or online independent study at home or eliminate the requirement for this student if the student has met EDP and IEP goals.

Q 17: If you have a personal curriculum and because of your disability you are not able to achieve many of the content expectations, are you still able to receive a high school diploma after 4 years of high school?

Answer: Yes. The statute provides that any student, SWD or not, who successfully completes a PC approved by the school is eligible for a regular high school diploma.

Again, as noted above, the expectation is that the SWD will complete the same content level, although modified. It is conceivable that a student may have a PC which lowers the content expectations due to the student's disability, and if he/she completes the PC, a regular high school diploma may be granted. It is up to local control (e.g., superintendents, school boards, etc.) to determine whether there is an agreement to the PC. It is expected that most school

*(Continued on page 7)*

districts will not agree to a PC which substantially reduces the content expectations (say to a third or fourth grade level for a student with a cognitive impairment). Also, the State Superintendent will monitor those districts which appear to be over-using or abusing the PC.

**Q 18:** Is there an appeal or review of the decision of a PC group?

**Answer:**The statute is silent relative to any review process. It is likely that the decision of the PC committee to grant or deny a PC may be reviewed through the district's typical review process if permitted by board policy, e.g., review by the superintendent/board of education if the requested PC is denied. Otherwise, if there is no agreement, the statute does not provide for a formal review process.

This lack of formal administrative review process is one reason to assure that the PC and IEP are created in the manner anticipated by the statute. A PC which is referenced, incorporated or otherwise "included" in a student's IEP may subject the PC to the due process hearing procedures under IDEA. This expensive process was not intended to be used to address general education matters, such as the PC. Therefore, it is important to maintain the integrity of each process to ensure that there is no inadvertent granting of administrative remedies.

Of course, a parent may always attempt to seek review of an administrative decision by filing a lawsuit in a court of competent jurisdiction. These claims may be brought under various state or federal civil rights or discrimination claims. So long as the district has consistently implemented the appropriate process in a non-discriminatory, arbitrary or capricious manner, these suits should be able to be defended.

### **Transfer Students.**

**Q 19:** What happens when a student with a PC enrolls in a new district?

**Answer:**The statute does not address the question of "transfer" students, either from another public school in the state of Michigan or from a private/parochial/home school. As noted, the MMC does not apply to private/parochial/home schools. When a student transfers to a public school, if the student has already completed an EDP in a prior public school, the same EDP would continue in the new district. If the student has not created an EDP, the student's counselor would work with the student and oversee the completion of the EDP.

If a student transfers from another public school district and does not have a PC, the parent may request a PC and begin the process. Since PC's are creations and agreements made between local districts and the parents, the process will likely require some time for the new district to "get to know" the student. However, a district may rely upon information from the prior district to expedite the process, e.g., non-disabled students, prior grade reports, EDP, etc., and for SWD a prior IEP, diagnostics, transition plan, etc.

If the student already has a PC, and the district agrees with the PC, the district may adopt the PC from the other district. This would require the receiving district superintendent and the parent to "agree" and document such agreement in writing. On the other hand, the district is not required to adopt another district's PC. The

district may convene a new PC meeting to devise a PC, and if agreement is reached, sign the new PC, or it may not agree to a PC.

### **CTE/Vocational Education Programs.**

**Q 20:** (For all students, with and without disabilities) For students earning credits through CTE or other classes which may be math-related courses (such as accounting), does the teacher assigning the grade need to be "highly qualified" under NCLB, and if so, how can districts address this where the CTE or other teacher is not highly qualified in math?

**Answer:**The teacher assigning the grade must be "highly qualified" in math in order for the credit to be granted in math. The department issued guidance on May 30, 2007, which includes guidelines for the "Collaborative Teaching" model. For In the example, the CTE teacher would meet with a teacher who is highly qualified in math to align the content expectations between the two courses and collaborate on how the content expectation will be addressed through the CTE class. By having the teachers collaborate in the content and method of delivering instruction, the student may receive a credit in a math related subject and the district will meet the highly qualified requirements. This model can be used for all core content areas, and would require meetings throughout the school year between the CTE teacher and the HQ core content area teacher, professional development activities, an annual review and the submission of an annual report to administration. The guidance document is available on the MDE web-site.



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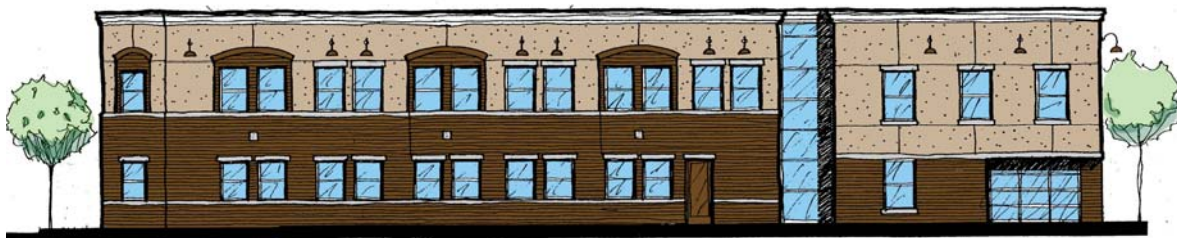
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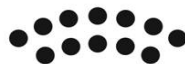
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