

REPEAL SCHOOL ACCREDITATION PROGRAM

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5659 (Substitute H-1)

Sponsor: Rep. Ken Yonker

Committee: Education

First Analysis (6-12-12)

BRIEF SUMMARY: The bill would repeal the Michigan Department of Education's school accreditation program, and remove references to that school accreditation program found in nine additional sections of the law.

FISCAL IMPACT: The Department of Education could see a reduction in workload relative to the review of materials submitted by districts as part of the accreditation process. However, the department would continue to implement the school accountability requirements required under federal and state law, including determining whether districts meet adequate yearly progress (AYP), identifying the persistently lowest achieving (PLA) schools, and implementing school reform/redesign activities under Section 1280c of the Revised School Code. Districts would also be required to file fewer reports with the Department of Education, including the self-assessment and school process rubrics in support of its application for accreditation. Other reports and data required separately but also as part of the accreditation process, such as the annual education report and school improvement plans, would continue to be required under the Revised School Code.

The Revised School Code imposes a number of consequences should a school be unaccredited for three consecutive years, which have financial implications, including the appointment of an administrator, permitting parents to send their children to accredited schools within the district, the implementation of school improvement activities, and the closure of the school. However, to date, no school has been unaccredited by the department as part of the Education YES accreditation system.

THE APPARENT PROBLEM:

Michigan's school accreditation program is administered by the Michigan Department of Education. Under the Revised School Code, the State Superintendent of Public Instruction accredits all of the nearly 4,000 schools in the state, and if they fall short, they can be sanctioned. To be accredited means the school has met or exceeded standards for six components of school operation: administration and organization; curricula; staff; school facilities; school and community relations; and school improvement plans using student performance. The building-level evaluation utilized during the accreditation process encompasses school data collection, self-study, visitation and validation, a review of performance data, and the school improvement planning process.

School accreditation is a Michigan tradition, having originated in the state more than 140 years ago, in 1871. Then, the University of Michigan began accrediting high schools in order to know which high school graduates were prepared for university work, absent an entrance examination. That high school accreditation program was the first of its kind in the country, an early accountability initiative with a sharp focus on academic achievement. High school graduates from accredited schools (judged by university faculty to be of high quality) were eligible for university admission based on their diplomas alone. In 1895, the University of Michigan program of accreditation (known as the Michigan Plan) led to the founding of the North Central Association Commission on Accreditation and School Improvement. By 1899, students in some 187 high schools in 15 different states were eligible, by diploma alone, for admission to the university in Ann Arbor. North Central-CASI today accredits schools and districts in 19 states, the Navajo Nation, and the Department of Defense Dependents Schools, worldwide. Thousands of Michigan schools used North Central accreditation to improve their schools, as North Central operated under the auspices of the university until 1992.

North Central was the forerunner of both the Michigan Accreditation Program (MAP I) established by the Michigan Department of Education in 1988, the updated program called MAP II established in 1995, and Michigan's present state accountability program, EducationYes! established in 2002. (A court suit brought against the state by the Middle Cities Education Association has halted the most recent accreditation program update. See ***Background Information*** below.) A comprehensive overview of Michigan's central role in school accreditation can be found in the book Education Reform and the Limits of Policy: Lessons from Michigan, authored by Mike Addonizio and C. Philip Kearney, and published by the Upjohn Institute for Employment Research in 2012, some of which is summarized here.

Michigan's early school accountability efforts were based upon the MEAP. In 1969, the State Board of Education instructed then State Superintendent Ira Polley "to prepare and submit appropriate legislation for the periodic assessment of educational progress in public elementary and secondary schools in Michigan," and the MEAP—formally, the Michigan Educational Assessment Program—was born, one of the nation's first (if not the first) of many statewide assessment programs that came after. The MEAP legislation was followed in 1970 by "The Common Goals of Michigan Education," fathered by State Superintendent John Porter, a system of goals and instructional objectives that served as an early vision of today's teaching and learning standards embedded in the common core curriculum, measured by assessments to ascertain student achievement. By the early 1980's, the North Central Accreditation program had begun to incorporate student performance and student outcomes.

In the mid-1980's the federal government turned its attention to accountability when U.S. secretary of Education Terrel Bell created the National Commission on Excellence in Education, which issued the report *A Nation at Risk*. That report (with its vivid and provocative language warning that "...the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people...") launched subsequent waves of educational reform and

accountability that continue today. The Michigan State Board of Education's response to *A Nation at Risk* was its 1984 report "Blueprint for Action," calling for high school graduation requirements, school improvement plans, and a new state school accreditation system--the Michigan Accreditation Program (MAP I) which began in 1988.

By the late 1980s, educational accountability captured the attention of more state policymakers both in state legislatures, and through the National Governors' Association ambitious Goals 2000 Initiative. The Michigan legislature passed Public Act 25 of 1990, requiring the creation of a new accountability framework for all of Michigan's public schools. The new statutory framework had four components: (1) school improvement; (2) a core curriculum; (3) accreditation; and (4) an annual public education report about achievement in each school. In response, the Michigan Department of Education established a model core curriculum, disseminated it through the Educational Extension Service (based at MSU) to ISDs throughout Michigan, and proposed, but did not mandate, specific learning outcomes for all students in mathematics, science, English language arts (including writing), and social studies. New MEAP tests were developed to align with the model core curriculum. And the State Board of Education and the Michigan Department of Education updated the state's accreditation program, introducing MAP II. By 1995, the legislature required that MAP II include information on student MEAP performance. That amendment to the school code placed the MEAP at the heart of standards-based accountability in Michigan.

The MEAP, central to the state's accreditation program, is not a value-added test. And *that* is the central problem from the perspective of some policymakers who envision end-of-course exams having formative assessment steps. Instead of measuring incremental knowledge gains (aligned to a teacher's instructional effectiveness) that allow for AYP statistical measurement (a yet immature statistical science), the MEAP is designed, together with the high school Merit Exam, to evaluate a student's disciplinary knowledge, and its questions are aligned to the core curricular standards embedded in the learning and teaching disciplines: English language arts (including writing), mathematics, science, and social science.

Within the context of the federal law known as No Child Left Behind of 2002, federal and state policymakers have moved increasingly toward assessments that seek to accurately measure Average Yearly Progress in a particular course of study; these are sometimes referred to as Individual Outcomes, as opposed to Systemic Inputs, which evaluate overall systemic capacity. The state's accreditation program, and the MEAP upon which it rests, do not conform to this trend in educational reform.

However, legislation has now been introduced to eliminate the state accreditation program in its entirety.

THE CONTENT OF THE BILL:

House Bill 5659 (H-1) would amend the Revised School Code (MCL 380.523 et al), to repeal Section 380.1280, which embodies the Michigan Department of Education's

school accreditation program, and to remove references to that school accreditation program in nine additional sections of the law.

A more detailed description of the legislation follows.

Repealed Provisions

State of Michigan School Accreditation. Currently the Michigan Department of Education accredits the more than 3,500 schools in Michigan. The department's accreditation program has evolved over the past 18 years. The broad outlines of the accreditation program are described in Section 1280 of the Revised School Code. House Bill 5659 (H-1) would repeal this section of the law in its entirety.

The section that would be repealed specifies that all schools in Michigan must seek accreditation by the department or receive sanctions. Under the law "accredited" means certified by the Superintendent of Public Instruction as having met or exceeded standards established for six areas of school operation: administration and school organization, curricula, staff, school plant and facilities, school and community relations, and school improvement plans and student performance." The building-level evaluation used in the accreditation process must include, but is not limited to, school data collection, self-study, visitation and validation, determination of performance data to be used, and the development of a school improvement plan.

The section that would be repealed requires that the State School Superintendent develop and distribute to all public schools proposed accreditation standards. Then the department is required to hold statewide public hearings on the standards, and if appropriate, revise them. The State Superintendent must then submit the standards to the Senate and House committees having responsibility for education legislation for their approval. At least annually, the State School Superintendent must review and update the standards, using the same process for approval.

The standards determine whether a school is eligible for *accreditation, summary accreditation, or interim accreditation*. Under the law, the standards for accreditation or summary accreditation must include as criteria student performance on MEAP tests, and on the Michigan Merit (high school) examination, but cannot be based solely on student performance on these exams. The standards must also include among their criteria multiple year change in student performance on the MEAP and Merit exams.

If a school has met the standards for summary accreditation, then the school is considered accredited without needing a full building-level evaluation. If not, but the school is making process toward meeting those standards, the school is in interim status and is subject to a full-building-level evaluation. If the school is unaccredited, the State School Superintendent must annually review and evaluate the performance of the school, and also as many of the schools in interim status as permitted by the department's resources.

The law provides that the State School Superintendent, and the intermediate school district, or a consortium of intermediate school districts, may provide technical assistance to an unaccredited school, or to a school that is in interim status, upon request of the school district board. If requests to the State School Superintendent for technical assistance exceed capacity to provide it, then priority is given to unaccredited schools.

A school that has been unaccredited for three consecutive years is subject to one or more of the following sanctions, determined by the State School Superintendent: a new school administrator can be appointed by the State Superintendent; a parent can send a child to another accredited public school; the school (with the State Superintendent's approval) may align with a research-based school improvement model or establish an affiliation with a state college or university; or the school can be closed.

The law requires that the State School Superintendent evaluate the school accreditation program and the status of schools each year, and submit an annual report based upon that evaluation to the Senate and House committees having responsibility for education legislation. That report must address the reasons each unaccredited school is not accredited, and must recommend legislative action that will result in the accreditation of all public schools in the state.

Finally, the section of the law that would be repealed specifies that the department cannot accredit a high school unless it provides all students access to all elements of the model core curriculum standards and the Michigan Merit curriculum.

(This section proposed for repeal also contains a once-used provision that ensures a school's accreditation and adequate yearly progress (AYP) status will not be jeopardized if its MEAP exam answer sheets are lost by a state contractor having responsibility for scoring the tests.) House Bill 5659 would eliminate all of these provisions.

House Bill 5659 (H-1) also eliminates references to state accreditation found elsewhere in the Revised School Code. The proposed changes to those sections follow.

Amended Provisions

Annual Public Educational Report. Now under the law, a school district must prepare and submit to the State Board of Education, not later than September 1 of each year, an annual educational report, if it wishes to have each of its schools accredited by the State of Michigan. That report must also be distributed to the public at an open meeting not later than October 15 of each year. The law specifies the information the report must contain for each school, including the accreditation status of each school in the district; each school's three- to five-year school improvement plan; a copy of the core academic curriculum and a description of its implementation; a report for each school of aggregate student achievement based upon the results of locally-administered student competency tests, statewide assessment tests, or nationally normed achievement tests; the district's student retention report; the number of parents who participate in parent-teacher conferences; the number and percentage of its former students enrolled in postsecondary

courses; and a comparison with the immediately preceding school year of all of the information, noted above. House Bill 5659 (H-1) would retain these requirements for an annual public educational report, but modify them in two ways: (1) delete the reference that the report is necessary in order to have every school in the district accredited by the State of Michigan; and (2), in the requirement that the report list the number and percentage of former students enrolled in postsecondary education, include those former students who are enrolled under the Career and Technical Preparation Act, 2000 PA 258.

Annual School Improvement Plan. Now the law also describes the content of the three-to five-year school improvement plan, a component of the Annual Public Educational Report, noted above. This provision of the law applies to both school districts, and intermediate school districts. The law describes, in considerable detail, what the school improvement plan must entail, including a school's mission statement; academic goals; curricular alignment; evaluation processes; staff development; use of community resources and volunteers; the role of adult education; libraries and community colleges in the learning community; and building level decision-making protocols. The annual school improvement plan must be submitted by local and intermediate school districts to the Michigan Department of Education by September 1, and meet the requirements of the State of Michigan Accreditation Program, if the school district wants all of the schools of the school district to be accredited. House Bill 5659 (H-1) would retain the requirement that a school improvement plan be submitted to the department each year (including all of the provisions and more noted above), but would delete the reference that the school improvement plan is necessary in order to have every school in a school district accredited by the State of Michigan.

School building disaggregated data by gender. Now, to ensure gender equity, and ensure eligibility for school accreditation by the State of Michigan, the law specifies that all the information assembled for each school's annual educational report be disaggregated by gender, and provided to the people who develop the district's school improvement plan so that gender equity issues are addressed as part of the planning, development, implementation, evaluation, and updating of the plan. House Bill 5659 (H-1) would retain this requirement, but delete the reference that the gender equity provision is necessary in order to have the district's schools accredited by the State of Michigan.

Model core curriculum standards. Currently, school districts are required to provide all students a core academic curriculum in each of the curricular areas that meet standards specified in the model recommended by the State Board of Education. (These standards are periodically updated by statewide committees of educators in the respective learning disciplines, including English language arts (and writing), mathematics, social science, science, and special education, to name a few, and the law requires that they be shared with educators in non-public schools.) Then, in consultation with teachers and school building administrators, the core curricular standards are aligned with an instructional program at the school that identifies the courses and programs to be offered. House Bill 5659 (H-1) would retain these provisions, but delete the reference that adoption of the core curriculum standards is necessary in order to have the districts' schools accredited by the State of Michigan.

Michigan high school merit curriculum. Currently the law specifies the disciplinary structure of the high school curriculum, which all students must successfully complete in order to earn a diploma. In sum, the Michigan Merit Curriculum requires that students earn 4 credits in English language arts; 4 credits in mathematics (including algebra, geometry, algebra II, and another math credit during year four of enrollment); 3 credits in social science; 3 credits in science (including biology, and either chemistry or physics); 1 credit in health and physical education; 1 credit in the arts; and 2 credits of foreign language (which includes American Sign Language, and can be earned at any time during a student's K-12 career, either in a classroom or on-line). Further, a student must have at least one online learning experience during high school. The law also specifies that a school district or charter school must ensure that all elements of this curriculum are made available to all students, if the district or charter school board wants its high schools accredited by the State of Michigan. House Bill 5659(H-1) would retain all of these provisions, but delete the reference that the high school merit curriculum is necessary in order to have the districts' high schools accredited by the State of Michigan.

Alternative education, voc-tech skills center consortia. The law now requires that a local or intermediate school district that operates or participates in a consortium to offer an alternative education program, a vocational-technical skills center, or any other type of specialized or alternative school must meet certain requirements for each of its schools or programs. Among those requirements are those in the state school accreditation section of the Revised School Code. House Bill 5659(H-1) would retain this subsection of the law, but delete the reference to the state school accreditation program requirements.

Testing in Grades 1 through 5. Under the law, each school district and charter school that operates any of Grades 1 to 5 must administer, annually and to all students, a nationally recognized norm-referenced test (which may include a locally-adopted assessment, approved by the State School Superintendent). Further, and under the law, a school that is designated to participate in the National Assessment of Educational Progress (NAEP) must do so. If elementary schools do not comply with these requirements, they cannot be accredited by the State of Michigan. House Bill 5659(H-1) would retain these requirements for elementary schools, but delete the reference to the state accreditation program.

Accreditation notice on website. Currently, the law requires that a school district or charter school post on its website the adequate yearly progress (AYP) of its schools (for the purposes of the federal No Child Left Behind Act) within 20 days after receiving the information each year; and also to post its accreditation status within 20 days after being informed by the Michigan Department of Education. House Bill 5659 (H-1) would retain the requirement that the AYP status of each school be posted electronically, but delete the requirement that a school's state accreditation status be posted.

BACKGROUND INFORMATION:

EducationYes! To learn more about the Michigan Accreditation Program, EducationYes!, visit the Michigan Department of Education website at:

Court case to stop MI-SAAS. On February 7, 2011, a court suit was filed to halt the implementation of new standards for the Michigan Accreditation Program. In *Middle Cities Education Association, et al. v. Michigan Department of Education*, the Middle Cities Education Association (representing 33 urban Michigan school districts) and additionally the school districts of Ferndale, Kalamazoo, and Lansing, filed an injunction against the state to block enforcement of new requirements under the Michigan Accountability and Accreditation System, scheduled for full implementation in the 2011-2012 school year. The suit maintained the new accreditation system was illegal because it was not approved by the Senate or the House, nor were proper hearings held, as required under state law, to give school districts a chance for input. The suit was in response to the State Board of Education-approved accreditation system known as MI-SAAS, which was designed to bring more transparency and accountability to schools in Michigan.

Plaintiffs in the suit said they favored accountability and accreditation for schools, but not when it is based almost exclusively on students' test performance. They argued that 600 school districts across the state would lose accreditation. This would result in parents removing their children from those schools, and a loss of funds for those schools amounting to more than \$7,000 per student. Plaintiffs in the suit noted that while the EducationYes! Accreditation system is outdated, the proposed replacement would be "confusing, complicated, and superficial."

A month after the suit was filed, Ingham County Circuit Judge Paula Manderfield issue an injunction against the state, stopping implementation of the new accreditation system for the 2011-2012 school year. After more than a year of court filings and continuances, a trial date is now expected during the summer of 2012.

Responding to the injunction, state education officials said the changes proposed for the accreditation system would help identify which of Michigan's 4,000 schools are failing; and need support. They noted that the EducationYes! Accreditation system gave nearly all schools a passing grade, even if their students were not making measurable progress on student achievement tests. The EducationYes! Program accredits schools in six areas, related mostly to administration and school organization. Schools, themselves, report data to the state about staff certification, state curriculum compliance, and school improvement plans. In contrast, the new system would rely mainly on standardized test scores.

Plaintiffs in the suit said there was a difference between accreditation and accountability. They argued that an accreditation system ought to assist schools and districts to improve how they serve children, something the new system failed to do.

Some educators, responding to the suit, noted that students have varied abilities, and come early and late to realizing their school potential. Some test poorly, but go on to become useful and productive--indeed, highly successful--citizens.

ARGUMENTS:

For:

Some proponents of the bill to repeal the state school accreditation program draw a distinction between the federal accountability movement and traditional state accreditation, distinguishing accountability from accreditation. Doing so, they describe three essentially different characteristics. First, they say accreditation reviews are customarily internal in a profession or institution, and not known externally by the public. Second, they say accreditation places its emphasis on continuous improvement, rather than focusing on short-term efforts to modify performance (in the case of schools, to lift student achievement as measured in student test scores using Average Yearly Progress statistical algorithms which are, as yet, scientifically unreliable). Third, they say accreditation directs school officials to focus on systemic inputs and opportunities for future investment, not individual student outcomes. Because of these key differences, they argue a state accreditation system should not focus on student achievement alone, as the Michigan Department of Education has proposed.

Further, these differences, say the proponents of accreditation repeal, come into relief as the United States joins many of its international competitors to design a federal system of education based on the common core curriculum now adopted by 44 states (including Michigan), and eventually on the more uniform tests that will measure student achievement in key learning disciplines (most especially science, technology, engineering, and mathematics courses, known as STEM classes).

Proponents of repeal argue that accreditation and accountability cannot be successfully reconciled, although the state's accreditation program has been modified in an attempt to do so. They note that the public results from the two approaches to measure school success are confusing to parents who attempt to make informed choices as consumers of educational services for their children. For example, a school can fall short on accountability measures such as AYP, yet remain accredited. Consequently, they argue the current school accreditation program should be scrapped.

In addition, some proponents of the bill to repeal the state's accreditation process note that traditional accreditation is costly. They point out that while the Michigan Department of Education has assigned letter grades (A, B, D, D, or F) to all of Michigan's 4,000 schools, there has never been a comprehensive program of technical assistance to help struggling school districts. Because there is no plan to do so, and no funds set aside to pay for consultants and learning coaches system-wide, the accreditation program is no longer relevant to school improvement.

Further, some proponents argue the current state accreditation system is based on the MEAP, which is not a value-added test of courses in the common core curriculum. Those who favor tests that measure students' AYP (and also more easily identify teachers' instructional strengths and weaknesses) say that Michigan must adopt a new system of assessments that measure incremental outcomes several times each year in each course taken. As the state moves toward these new assessments, it makes sense to jettison the

state accreditation program because it is MEAP-centered, which is designed to evaluate disciplinary knowledge.

Proponents note that Michigan is being sued by a consortium of school districts including Middle Cities (and its 33 constituent urban school districts), to halt the latest iteration of its state accreditation program, known as MI-SAAS. The plaintiffs in that suit have claimed that the new accreditation system, if implemented, would result in hundreds of Michigan schools losing their accreditation, and the loss of students and funding would hit the hardest those schools that are struggling most.

Finally, proponents of the bill argue that school accreditation will likely continue, even if Michigan repeals its state accreditation program, because it will be undertaken by private membership organizations such as North Central. As is the case with other service institutions (such as hospitals, universities, pharmacies, private for-profit and nonprofit corporations), accreditation results and efforts will not be public information, but nonetheless yield important data and information that enables steady improvement.

Against:

Opponents of the bill note accreditation and modern accountability are two necessary and complementary components of school reform: one short-term and focused on individual outcomes, the other long-term and focused on systemic inputs and continual investments. Neither should be aborted. Opponents of the bill observe that accreditation directs the focus of policymakers and practitioners toward opportunities to learn, and to matters such as inequities in the system; toward necessary longer term investment that ensures continuous improvement; toward comprehensive overviews that measure six components (only one of which is student achievement); and toward adequate financial resources necessary for a coherent system of public education, in a way that AYP and student achievement, alone, cannot.

Opponents of repeal also note that accreditation emphasizes continuous school improvement by enhancing practitioner capacity and professional development via self-study in collegial learning communities of adults and students, in ways that AYP measures, alone, cannot.

Opponents of the bill say that accountability through accreditation is a viable approach to school improvement. They say that proponents of this legislation are drawing a distinction without a difference and further argue that information and results should be public knowledge, and that Michigan's accreditation program should be regularly updated to reflect current best practices.

Opponents of repeal also argue that the State of Michigan has led the nation's accreditation efforts for over 140 years. That historical contribution to school reform should not be jettisoned in the effort to deflect our attention from inadequate student achievement in struggling public schools.

Finally, some opponents of the bill observe that the international accrediting agency AdvancED and its affiliates (including North Central) have worked in the states of Kentucky and Wyoming to eliminate the redundancies in those states' accountability and accreditation systems. They argue that Michigan can, and should, do the same, because key components of accreditation will likely be required of school districts as they undertake school improvement when the federal Elementary and Secondary Education Act (ESEA) is renewed. In particular, they observe that Diagnostic Review is already included in the key principles of next generation accountability proposed by the Council of Chief State School Officers, and it is part of the ESEA reauthorization bill passed by the U.S. Senate Education Committee in October 2011.

POSITIONS:

Middle Cities Education Association supports the bill. (5-23-12)

Calhoun Intermediate School District supports the bill. (5-23-12)

Wayne Regional Educational Services Agency supports the bill. (5-23-12)

Macomb Intermediate School District supports the bill. (5-23-12)

The Michigan Association of School Boards supports the bill. (5-30-12)

The State Board of Education opposes the bill as written. (5-30-12)

Legislative Analyst: J. Hunault
Fiscal Analyst: Bethany Wicksall
Mark Wolf

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.