

HOUSE BILL NO. 5050

June 16, 2021, Introduced by Reps. Brenda Carter, Weiss, Stone, O'Neal, Sowerby, Cavanagh, Kuppa, Hope, Manoogian, Young, Pohutsky, Tyrone Carter, Steckloff, Brabec, Shannon, Aiyash, Hood, Neeley, Thanedar, Breen and Whitsett and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1280g (MCL 380.1280g), as added by 2018 PA 601,
and by adding section 1280h.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1280g. (1) Not later than August 1, 2019, the department
2 shall develop a statewide system of accountability measurements to
3 improve the national educational ranking of this state. All of the
4 following apply to the statewide system of accountability

1 measurements:

2 (a) ~~Not~~ **Subject to section 1280h, not** later than September 1,
3 2019, and not later than September 1 of each subsequent year, the
4 department shall assign a letter grade of A, B, C, D, or F for each
5 of the following indicators for each public school:

6 (i) Pupil proficiency in mathematics and English language arts,
7 as measured by the percentage of all pupils who achieve proficiency
8 on the applicable state assessment, as determined by the
9 department.

10 (ii) Pupils who achieve adequate growth in mathematics and
11 English language arts on the applicable state assessment. The
12 measure of adequate growth under this subdivision may incorporate
13 reporting of pupil growth measures, as reported by the model value-
14 added growth and projection analytics system implemented by the
15 department, and ~~shall~~ **must** be based on any of the following, as
16 determined by the department:

17 (A) Pupil growth measured from fall to spring of the same
18 school year or from the spring of ~~one~~ **1** school year to the spring
19 of the next school year, as appropriate based on the timing of
20 applicable state assessments.

21 (B) Pupils who scored proficient on the immediately preceding
22 applicable state assessment and who at least maintained a score of
23 proficient on the most recent applicable state assessment.

24 (C) Pupils who scored less than proficient on the immediately
25 preceding applicable state assessment and who demonstrate growth
26 sufficient to reach proficiency in 3 school years.

27 (iii) Pupils who are English language learners and who achieve
28 adequate growth toward proficiency in the English language, as
29 determined by the department and as required under the every

1 student succeeds act, Public Law 114-95.

2 (iv) The graduation rate of pupils enrolled in high school, as
3 applicable and as defined by and reported to CEPI.

4 (v) The academic performance of the public school's pupils on
5 the applicable state assessment compared to pupil performance on
6 the applicable state assessment for all public schools serving a
7 similar pupil population. The department shall determine similar
8 pupil population using demographic factors that the ~~commission~~
9 **department** considers to have a strong correlation to academic
10 achievement.

11 (b) ~~Not~~ **Subject to section 1280h, not** later than September 1,
12 2019, and not later than September 1 of each subsequent year, the
13 department shall assign a ranking of significantly above average,
14 above average, average, below average, or significantly below
15 average to each public school for each of the following indicators:

16 (i) The rate of pupils who are chronically absent as defined by
17 and reported to CEPI.

18 (ii) The participation rate for each applicable state
19 assessment, based on pupils who are assigned to take each
20 applicable state assessment. For purposes of this subparagraph, the
21 department shall not consider a pupil who meets both of the
22 following:

23 (A) Is eligible for special education programs and services
24 according to statute or rule or is a child with disabilities, as
25 defined under the individuals with disabilities education act,
26 Public Law 108-446.

27 (B) Is not required to participate in a state assessment.

28 (iii) Pupil subgroup performance compared to pupils in the same
29 subgroup statewide, as required under the every student succeeds

1 act, Public Law 114-95.

2 (c) Letter grades and rankings under subdivisions (a) and (b)
3 ~~shall~~**must** be reported in a form and manner prescribed by the
4 department.

5 (d) The department shall develop standards for identifying
6 public schools as falling into categories of performance and
7 adequate achievement. The standards developed under this
8 subdivision must meet all of the following:

9 (i) The department shall develop standards for identifying the
10 lowest achieving public schools as comprehensive support and
11 improvement schools, as required under the every student succeeds
12 act, Public Law 114-95. Subject to subdivision (ii), a public school
13 that meets any of the following ~~shall~~**must** be identified as a
14 comprehensive support and improvement school:

15 (A) Is a high school that graduates less than 2/3 of its
16 pupils.

17 (B) Receives the lowest grade on all of the indicators under
18 subdivision (a) (i), (ii), and (v).

19 (C) Meets any other criteria for a comprehensive support and
20 improvement school under the every student succeeds act, Public Law
21 114-95, as determined by the department.

22 (ii) The number of public schools in this state identified as
23 comprehensive support and improvement schools ~~shall~~**must** not exceed
24 a number equal to 5% of all public schools in this state.

25 (iii) The department shall develop standards for identifying
26 high achieving public schools as reward schools. A public school
27 that meets any of the following ~~shall~~**must** be identified as a
28 reward school:

29 (A) Is a high school that graduates at least 99% of its

1 pupils.

2 (B) Receives the highest grade on any of the indicators under
3 subdivision (a) (i), (ii), or (v).

4 (C) Meets any other criteria for identification as a reward
5 school, as determined by the department.

6 (iv) The department shall also develop standards for all of the
7 following:

8 (A) Identifying public schools in which 1 or more groups of
9 pupils are consistently underperforming as targeted support and
10 improvement schools, as described in the every student succeeds
11 act, Public Law 114-95.

12 (B) Identifying public schools in which the performance of 1
13 or more groups of pupils would place those ~~pupils~~**schools** in the
14 bottom 5% of Title I schools, as described in the every student
15 succeeds act, Public Law 114-95.

16 (C) Identifying public schools in any other categorization
17 required under the every student succeeds act, Public Law 114-95,
18 as determined by the department.

19 (e) The department shall monitor the effectiveness of the
20 statewide system of accountability measurements developed under
21 this subsection and shall make changes to the system as the
22 department determines necessary to make the system more effective
23 and to ensure compliance with the requirements under this section.
24 As part of this monitoring process, the department shall develop
25 and implement processes for receiving and considering input from
26 the public and the educational community.

27 (f) Not later than December 1, 2019, the department shall
28 develop accountability measures to impose on public schools that
29 have been identified as comprehensive support and improvement

1 schools under this section. For the purposes of the accountability
2 measures developed under this section, a public school that was
3 included on the list of the lowest achieving 5% of public schools
4 in this state under **former** section 1280c(1) is considered to have
5 been identified as a comprehensive support and improvement school
6 for that school year.

7 (g) Not later than July 1, 2020, the department shall
8 implement the accountability measures developed under subdivision
9 (f).

10 (2) Beginning in the 2019-2020 school year, the department
11 shall implement and administer the statewide system of
12 accountability measurements under subsection (1).

13 (3) Not later than September 1, 2019, and not later than
14 September 1 every 3 years thereafter, the superintendent of public
15 instruction shall publish a list of the public schools in this
16 state that the department has identified as comprehensive support
17 and improvement schools under this section for that school year,
18 and a list of the public schools that the department has identified
19 as reward schools under this section for that school year. A public
20 school identified as a comprehensive support and improvement school
21 under this section is considered to be among the lowest achieving
22 public schools in this state.

23 (4) The department shall designate a public school as an
24 alternative education campus and shall not assign grades or
25 rankings under subsection (1) for the public school if the public
26 school meets at least 1 of the following:

27 (a) Is a center program.

28 (b) Is a strict discipline academy established under sections
29 1311b to 1311m.

1 (c) Is a program for adjudicated youth.

2 (d) Serves any other specialized pupil population with special
3 needs, as determined by the department.

4 (5) Beginning September 1, 2019, and not later than September
5 1 of each subsequent year, the department shall issue a summary
6 status for each public school designated as an alternative
7 education campus under subsection (4). The summary status ~~shall~~
8 **must** indicate whether the public school is in compliance with
9 applicable law and whether pupils enrolled in the public school are
10 making meaningful, measurable academic progress toward educational
11 goals established by the governing body of the public school and
12 approved by the superintendent of public instruction.

13 (6) The accountability system developed under this section
14 replaces the accountability system under **former** section 390.

15 (7) Not later than August 1, 2019, the department shall submit
16 its proposed standards for determining letter grades and rankings
17 under this section to a peer review panel consisting of 5
18 individuals with expertise in school accountability systems. Not
19 later than August 15, 2019, the peer review panel shall submit its
20 findings to the department and to the standing committees of the
21 senate and house of representatives having jurisdiction over
22 education legislation. The peer review panel must consist of the
23 following 5 members:

24 (a) Three members appointed by the governor.

25 (b) One member appointed by the senate majority leader.

26 (c) One member appointed by the speaker of the house of
27 representatives.

28 (8) At least annually, the department shall present to the
29 standing committees of the senate and house of representatives

1 having jurisdiction over education legislation, in the form and
2 manner prescribed by those committees, a status update on the
3 statewide system of accountability measurements under this section.

4 (9) As used in this section:

5 (a) "Center program" means that term as defined in section 6
6 of the state school aid act of 1979, MCL 388.1606.

7 (b) "CEPI" means the center for educational performance and
8 information created in section 94a of the state school aid act of
9 1979, MCL 388.1694a.

10 **Sec. 1280h. (1) In 2020, 2021, and 2022, the department shall**
11 **not assign a letter grade for each of the indicators under section**
12 **1280g(1) (a) for each public school and the department shall not**
13 **assign a ranking for each of the indicators under section**
14 **1280g(1) (b) for each public school.**

15 (2) It is the intent of the legislature that the amendatory
16 act that added this section is retroactive and that it apply
17 retroactively beginning August 1, 2020.