

SENATE BILL NO. 1039

July 23, 2020, Introduced by Senators BAYER, POLEHANKI, WOJNO, BRINKS, ALEXANDER, MCCANN, MCMORROW, GEISS, CHANG, BULLOCK, IRWIN, HERTEL, MOSS, MCBROOM, ANANICH and SANTANA and referred to the Committee on Education and Career Readiness.

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

following apply to the statewide system of accountability measurements:

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

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

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

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

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

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

(iii) Pupils who are English language learners and who achieve adequate growth toward proficiency in the English language, as

determined by the department and as required under the every student succeeds act, Public Law 114-95.

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

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

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

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

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

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

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

(iii) Pupil subgroup performance compared to pupils in the same

1 subgroup statewide, as required under the every student succeeds
2 act, Public Law 114-95.

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

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

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

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

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

20 (C) Meets any other criteria for a comprehensive support and
21 improvement school under the every student succeeds act, Public Law
22 114-95, as determined by the department.

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

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

1 (A) Is a high school that graduates at least 99% of its
2 pupils.

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

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

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

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

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

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

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

28 (f) Not later than December 1, 2019, the department shall
29 develop accountability measures to impose on public schools that

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

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

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

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

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

28 (a) Is a center program.

29 (b) Is a strict discipline academy established under sections

1 1311b to 1311m.

2 (c) Is a program for adjudicated youth.

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

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

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

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

25 (a) Three members appointed by the governor.

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

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

29 (8) At least annually, the department shall present to the

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

5 (9) As used in this section:

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

8 (b) "CEPI" means the center for educational performance and
9 information created in section 94a of the state school aid act of
10 1979, MCL 388.1694a.

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