

# SENATE BILL NO. 202

March 04, 2021, Introduced by Senators WOJNO, POLEHANKI, BRINKS, IRWIN, BAYER, HERTEL, GEISS, CHANG, ANANICH, ALEXANDER, BULLOCK, MOSS and HOLLIER 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  
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 **that term is** defined under the individuals with disabilities  
26 education act, 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. In 2021, the department shall not assign a letter**  
11 **grade for each of the indicators under section 1280g(1) (a) for each**  
12 **public school and the department shall not assign a ranking for**  
13 **each of the indicators under section 1280g(1) (b) for each public**  
14 **school.**