

HOUSE BILL No. 5112

October 29, 2013, Introduced by Rep. Lyons and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1280c (MCL 380.1280c), as amended by 2011 PA 8,
and by adding section 1280f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1280c. (1) ~~Beginning in 2010, EXCEPT AS OTHERWISE~~
2 **PROVIDED IN THIS SUBSECTION,** not later than September 1 of each
3 year, the superintendent of public instruction shall publish a list
4 identifying the public schools in this state that the department
5 has determined to be among the lowest achieving 5% of all public
6 schools in this state, as defined for the purposes of the federal
7 incentive grant program created under sections 14005 and 14006 of
8 title XIV of the American recovery and reinvestment act of 2009,

1 Public Law 111-5. BEGINNING IN 2016, NOT LATER THAN SEPTEMBER 1 OF
2 EACH YEAR, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL PUBLISH A
3 LIST OF THE PUBLIC SCHOOLS IN THIS STATE THAT HAVE BEEN ASSIGNED A
4 LETTER GRADE OF F UNDER SECTION 1280F FOR THAT SCHOOL YEAR. AS
5 PROVIDED UNDER SECTION 1280F, A LETTER GRADE OF F INDICATES THAT A
6 PUBLIC SCHOOL IS AMONG THE LOWEST ACHIEVING PUBLIC SCHOOLS IN THIS
7 STATE.

8 (2) Except as otherwise provided in subsection (16), the
9 superintendent of public instruction shall issue an order placing
10 each public school that is included on the list under subsection
11 (1) under the supervision of the state school reform/redesign
12 officer described in subsection (9). **IN ADDITION, A PUBLIC SCHOOL**
13 **MAY BE PLACED UNDER THE SUPERVISION OF THE STATE SCHOOL**
14 **REFORM/REDESIGN OFFICER PURSUANT TO AN ORDER ISSUED BY THE**
15 **SUPERINTENDENT OF PUBLIC INSTRUCTION UNDER SECTION 1280F.** Within 90
16 days after a public school is placed under the supervision of the
17 state school reform/redesign officer under this section, the school
18 board or board of directors operating the public school shall
19 submit a redesign plan to the state school reform/redesign officer.
20 For a public school operated by a school board, the redesign plan
21 shall be developed with input from the local teacher bargaining
22 unit and the local superintendent. The redesign plan shall require
23 implementation of 1 of the 4 school intervention models that are
24 provided for the lowest achieving schools under the federal
25 incentive grant program created under sections 14005 and 14006 of
26 title XIV of the American recovery and reinvestment act of 2009,
27 Public Law 111-5, known as the "race to the top" grant program.

1 These models are the turnaround model, restart model, school
2 closure, and transformation model. The redesign plan shall include
3 an executed addendum to each applicable collective bargaining
4 agreement in effect for the public school that meets the
5 requirements of subsection (8).

6 (3) Within 30 days after receipt of a redesign plan for a
7 public school under subsection (2), the state school
8 reform/redesign officer shall issue an order approving,
9 disapproving, or making changes to the redesign plan. If the order
10 makes changes to the redesign plan, the school board or board of
11 directors has 30 days after the order to change the redesign plan
12 to incorporate those changes into the redesign plan and resubmit it
13 to the state school reform/redesign officer for approval or
14 disapproval.

15 (4) The state school reform/redesign officer shall not
16 disapprove a redesign plan that includes all of the elements
17 required under federal law for the school intervention model
18 included in the redesign plan. A school board or board of directors
19 may appeal disapproval of a redesign plan on this basis to the
20 superintendent of public instruction. The decision of the
21 superintendent of public instruction on the appeal is final.

22 (5) If the state school reform/redesign officer approves a
23 redesign plan under this section, the school board or board of
24 directors shall implement the redesign plan for the public school
25 beginning with the beginning of the next school year that begins
26 after the approval. The school board or board of directors shall
27 regularly submit monitoring reports to the state school

1 reform/redesign officer on the implementation and results of the
2 plan in the form and manner, and according to a schedule, as
3 determined by the state school reform/redesign officer.

4 (6) The state school reform/redesign school district is
5 created. The state school reform/redesign school district is a
6 school district for the purposes of section 11 of article IX of the
7 state constitution of 1963 and for receiving state school aid under
8 the state school aid act of 1979 and is subject to the leadership
9 and general supervision of the state board over all public
10 education under section 3 of article VIII of the state constitution
11 of 1963. The state school reform/redesign school district is a body
12 corporate and is a governmental agency. Except as otherwise
13 provided in subsection (7), if the state school reform/redesign
14 officer does not approve the redesign plan, or if the state school
15 reform/redesign officer determines that the redesign plan is not
16 achieving satisfactory results, the state school reform/redesign
17 officer shall issue an order placing the public school in the state
18 school reform/redesign school district, imposing for the public
19 school implementation of 1 of the 4 school intervention models
20 described in subsection (2) beginning with the beginning of the
21 next school year, and imposing an addendum to each applicable
22 collective bargaining agreement in effect for the public school as
23 necessary to implement the school intervention model and that meets
24 the requirements of subsection (8). All of the following apply to
25 the state school reform/redesign school district:

26 (a) The state school reform/redesign school district shall
27 consist of schools that are placed in the state school

1 reform/redesign school district.

2 (b) The state school reform/redesign officer shall act as the
3 superintendent of the state school reform/redesign school district.
4 With respect to schools placed in the state school reform/redesign
5 school district, the state school reform/redesign officer has all
6 of the powers and duties described in this section; all of the
7 provisions of this act that would otherwise apply to the school
8 board that previously operated a school placed in the state school
9 reform/redesign school district apply to the state school
10 reform/redesign officer with respect to that school, except those
11 relating to taxation or borrowing; except as otherwise provided in
12 this section, the state school reform/redesign officer may exercise
13 all the powers and duties otherwise vested by law in the school
14 board that previously operated a school placed in the state school
15 reform/redesign school district and in its officers, except those
16 relating to taxation or borrowing, and may exercise all additional
17 powers and duties provided under this section; and, except as
18 otherwise provided in this section, the state school
19 reform/redesign officer accedes to all the rights, duties, and
20 obligations of the school board with respect to that school. These
21 powers, rights, duties, and obligations include, but are not
22 limited to, all of the following:

23 (i) Authority over the expenditure of all funds attributable to
24 pupils at that school, including that portion of proceeds from
25 bonded indebtedness and other funds dedicated to capital projects
26 that would otherwise be apportioned to that school by the school
27 board that previously operated the school according to the terms of

1 the bond issue or financing documents.

2 (ii) Subject to subsection (8), rights and obligations under
3 collective bargaining agreements and employment contracts entered
4 into by the school board for employees at the school.

5 (iii) Rights to prosecute and defend litigation.

6 (iv) Rights and obligations under statute, rule, and common
7 law.

8 (v) Authority to delegate any of the state school
9 reform/redesign officer's powers and duties to 1 or more designees,
10 with proper supervision by the state school reform/redesign
11 officer.

12 (vi) Power to terminate any contract or portion of a contract
13 entered into by the school board that applies to that school.

14 However, this subsection does not allow any termination or
15 diminishment of obligations to pay debt service on legally
16 authorized bonds and does not allow a collective bargaining
17 agreement to be affected except as provided under subsection (8). A
18 contract terminated by the state school reform/redesign officer
19 under this subsection is void.

20 (7) If the state school reform/redesign officer determines
21 that better educational results are likely to be achieved by
22 appointing a chief executive officer to take control of multiple
23 public schools, the state school reform/redesign officer may make a
24 recommendation to the superintendent of public instruction for
25 appointment of a chief executive officer to take control over those
26 multiple schools. If the superintendent of public instruction
27 appoints a chief executive officer to take control of multiple

1 public schools under this subsection, the chief executive officer
2 shall impose for those public schools implementation of 1 of the 4
3 school intervention models described in subsection (2) and impose
4 an addendum to each applicable collective bargaining agreement in
5 effect for those public schools as necessary to implement the
6 school intervention model and that meets the requirements of
7 subsection (8). With respect to those public schools, the chief
8 executive officer has all of the same powers and duties that the
9 state school reform/redesign officer has for public schools placed
10 in the state school reform/redesign school district under
11 subsection (6). The chief executive officer shall regularly submit
12 monitoring reports to the state school reform/redesign officer on
13 the implementation and results of the intervention model in the
14 form and manner, and according to a schedule, as determined by the
15 state school reform/redesign officer. The chief executive officer
16 shall exercise any other powers or duties over the public schools
17 as may be directed by the superintendent of public instruction.

18 (8) An addendum to a collective bargaining agreement under
19 this section shall provide for any of the following that are
20 necessary for the applicable school intervention model to be
21 implemented at each affected public school:

22 (a) That any contractual or other seniority system that would
23 otherwise be applicable shall not apply at the public school. This
24 subdivision does not allow unilateral changes in pay scales or
25 benefits.

26 (b) That any contractual or other work rules that are
27 impediments to implementing the redesign plan shall not apply at

1 the public school. This subdivision does not allow unilateral
2 changes in pay scales or benefits.

3 (c) That the state school reform/redesign officer shall direct
4 the expenditure of all funds attributable to pupils at the public
5 school and the principal or other school leader designated by the
6 state school reform/redesign officer shall have full autonomy and
7 control over curriculum and discretionary spending at the public
8 school.

9 (9) The superintendent of public instruction shall hire a
10 state school reform/redesign officer to carry out the functions
11 under this section and as otherwise prescribed by law. The state
12 school reform/redesign officer shall be chosen solely on the basis
13 of his or her competence and experience in educational reform and
14 redesign. The state school reform/redesign officer is exempt from
15 civil service. The state school reform/redesign officer is
16 responsible directly to the superintendent of public instruction to
17 ensure that the purposes of this section are carried out, and
18 accordingly the position of state school reform/redesign officer
19 should be a position within the department that is exempt from the
20 classified state civil service. The department shall request that
21 the civil service commission establish the position of state school
22 reform/redesign officer as a position that is exempt from the
23 classified state civil service.

24 (10) If the state school reform/redesign officer imposes the
25 restart model for a public school in the state school
26 reform/redesign school district, or a chief executive officer under
27 subsection (7) imposes the restart model for multiple public

1 schools under that subsection, all of the following apply:

2 (a) The state school reform/redesign officer or chief
3 executive officer shall enter into an agreement with an educational
4 management organization to manage and operate the public school or
5 schools. The state school reform/redesign officer or chief
6 executive officer shall provide sufficient oversight to ensure that
7 the public school or schools will be operated according to all of
8 the requirements for a restart model.

9 (b) There shall be considered to be no collective bargaining
10 agreement in effect that applies to employees working at the public
11 school or schools under this model at the time of imposition of the
12 model.

13 (11) If the state school reform/redesign officer imposes the
14 turnaround model for a public school in the state school
15 reform/redesign school district, or a chief executive officer under
16 subsection (7) imposes the turnaround model for multiple public
17 schools under that subsection, all of the following apply:

18 (a) A collective bargaining agreement that applies to
19 employees working at the public school or schools under this model
20 at the time of imposition of the model, and any successor
21 collective bargaining agreement, continues to apply with respect to
22 pay scales and benefits.

23 (b) Subject to any addendum to the collective bargaining
24 agreement that applies to the public school or schools, an employee
25 who is working at the public school or schools and who was
26 previously employed in the same school district that previously
27 operated that school shall continue to retain and accrue seniority

1 rights in that school district according to the collective
2 bargaining agreement that applies to employees of that school
3 district.

4 (12) If more than 9 public schools operated by a school
5 district are on the list under subsection (1), the transformation
6 model may not be implemented for more than 50% of those schools.

7 (13) If the state school reform/redesign officer determines
8 that a public school that is subject to the measures under
9 subsection (6) or (7) has made significant improvement in pupil
10 achievement and should be released from the measures that have been
11 imposed under subsection (6) or (7), the state school
12 reform/redesign officer may recommend this to the superintendent of
13 public instruction. If the superintendent of public instruction
14 agrees with the determination and recommendation, the
15 superintendent of public instruction may release the public school
16 from the measures that have been imposed under subsection (6) or
17 (7).

18 (14) At least annually, the state school reform/redesign
19 officer shall submit a report to the standing committees of the
20 senate and house of representatives having jurisdiction over
21 education legislation on the progress being made in improving pupil
22 proficiency due to the measures under this section.

23 (15) As soon as practicable after the federal department of
24 education has adopted the final work rules and formula for
25 identifying the lowest achieving 5% of all public schools in this
26 state for the purposes of the federal incentive grant program
27 created under sections 14005 and 14006 of title XIV of the American

1 recovery and reinvestment act of 2009, Public Law 111-5, known as
2 the "race to the top" grant program, the department shall post all
3 of the following on its website:

4 (a) The federal work rules and formula.

5 (b) A list of the public schools in this state that have been
6 identified for these purposes as being among the lowest achieving
7 5% of all public schools in this state. The department shall update
8 this list as it considers appropriate.

9 (16) If a school that is included on the list under subsection
10 (1) is operated by a school district in which an emergency manager
11 is in place under the local government and school district fiscal
12 accountability act, then the superintendent of public instruction
13 shall not issue an order placing the school under the supervision
14 of the state school reform/redesign officer.

15 **SEC. 1280F. (1) NOT LATER THAN JULY 1, 2016, THE DEPARTMENT**
16 **SHALL DEVELOP AND IMPLEMENT A SYSTEM OF ASSIGNING LETTER GRADES TO**
17 **EACH PUBLIC SCHOOL BASED ON THE PUBLIC SCHOOL'S PERFORMANCE AND**
18 **STUDENT GROWTH.**

19 **(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE**
20 **DEPARTMENT SHALL DETERMINE THE GRADE FOR EACH PUBLIC SCHOOL THAT**
21 **INCLUDES ANY OF GRADES K TO 8 AS FOLLOWS:**

22 **(A) FIRST, ASSIGN POINTS FOR THE PUBLIC SCHOOL AS FOLLOWS FOR**
23 **EACH OF THE FOLLOWING PERFORMANCE AND STUDENT GROWTH FACTORS, AS**
24 **DETERMINED BY THE DEPARTMENT:**

25 **(i) ONE POINT FOR EACH 1% OF INCLUDED PUPILS OF THE PUBLIC**
26 **SCHOOL WHO SCORE AT OR ABOVE PROFICIENT ON STATE ASSESSMENTS IN**
27 **READING.**

1 (ii) ONE POINT FOR EACH 1% OF INCLUDED PUPILS OF THE PUBLIC
2 SCHOOL WHO SCORE AT OR ABOVE PROFICIENT ON STATE ASSESSMENTS IN
3 MATHEMATICS.

4 (iii) ONE POINT FOR EACH 1% OF INCLUDED PUPILS OF THE PUBLIC
5 SCHOOL WHO SCORE AT OR ABOVE PROFICIENT ON STATE ASSESSMENTS IN
6 WRITING, AS APPLICABLE.

7 (iv) ONE POINT FOR EACH 1% OF INCLUDED PUPILS OF THE PUBLIC
8 SCHOOL WHO SCORE AT OR ABOVE PROFICIENT ON STATE ASSESSMENTS IN
9 SCIENCE, AS APPLICABLE.

10 (v) ONE POINT FOR EACH 1% OF INCLUDED PUPILS OF THE PUBLIC
11 SCHOOL WHO SCORE AT OR ABOVE PROFICIENT ON STATE ASSESSMENTS IN
12 SOCIAL STUDIES, AS APPLICABLE.

13 (vi) ONE POINT FOR EACH 1% OF INCLUDED PUPILS OF THE PUBLIC
14 SCHOOL WHO MAKE ANNUAL LEARNING GAINS IN READING.

15 (vii) ONE POINT FOR EACH 1% OF INCLUDED PUPILS OF THE PUBLIC
16 SCHOOL WHO MAKE ANNUAL LEARNING GAINS IN MATHEMATICS.

17 (viii) ONE POINT FOR EACH 1% OF INCLUDED PUPILS WHO ARE IN THE
18 LOWEST 30% OF INCLUDED PUPILS IN READING IN THE PUBLIC SCHOOL AND
19 MAKE ANNUAL LEARNING GAINS IN READING.

20 (ix) ONE POINT FOR EACH 1% OF INCLUDED PUPILS WHO ARE IN THE
21 LOWEST 30% OF INCLUDED PUPILS IN MATHEMATICS IN THE PUBLIC SCHOOL
22 AND MAKE ANNUAL LEARNING GAINS IN MATHEMATICS.

23 (B) SECOND, ADD TOGETHER ALL OF THE POINTS ASSIGNED FOR THE
24 PUBLIC SCHOOL UNDER SUBDIVISION (A).

25 (C) THIRD, ASSIGN A GRADE TO THE PUBLIC SCHOOL ACCORDING TO
26 THE SCALE DESCRIBED IN SUBSECTION (4).

27 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE

1 DEPARTMENT SHALL DETERMINE THE GRADE FOR EACH PUBLIC SCHOOL THAT
2 INCLUDES ANY OF GRADES 9 TO 12 AS FOLLOWS:

3 (A) FIRST, ASSIGN POINTS FOR THE PUBLIC SCHOOL USING A POINT
4 SYSTEM DETERMINED BY THE DEPARTMENT TO BE APPROPRIATE FOR ASSIGNING
5 A LETTER GRADE TO A HIGH SCHOOL. THE POINT SYSTEM SHALL MEET ALL OF
6 THE FOLLOWING:

7 (i) SHALL ASSIGN AT LEAST 50% OF THE POINTS BASED ON PUPIL
8 PROFICIENCY OF INCLUDED PUPILS, AS DETERMINED BY STATE ASSESSMENTS
9 AND OTHER MEASURES CONSIDERED APPROPRIATE BY THE DEPARTMENT.

10 (ii) SHALL ASSIGN THE BALANCE OF THE POINTS BASED ON GRADUATION
11 RATE, MEASURES OF COLLEGE AND CAREER READINESS, AND MEASURES OF
12 LEARNING GAINS FOR INCLUDED PUPILS.

13 (B) SECOND, ADD TOGETHER ALL OF THE POINTS ASSIGNED FOR THE
14 PUBLIC SCHOOL UNDER SUBDIVISION (A).

15 (C) THIRD, ASSIGN A GRADE TO THE PUBLIC SCHOOL ACCORDING TO
16 THE SCALE DESCRIBED IN SUBSECTION (4).

17 (4) AFTER THE DEPARTMENT ASSIGNS POINTS TO EACH PUBLIC SCHOOL
18 IN THIS STATE UNDER SUBSECTIONS (2) AND (3), THE DEPARTMENT SHALL
19 ESTABLISH A GRADING SCALE FOR THE GRADES TO BE ASSIGNED FOR THAT
20 YEAR ACCORDING TO THE NUMBER OF POINTS ASSIGNED TO EACH PUBLIC
21 SCHOOL UNDER SUBSECTION (2) OR (3) AND SHALL ASSIGN GRADES
22 ACCORDING TO THAT SCALE. THE DEPARTMENT SHALL DEVELOP A SEPARATE
23 GRADING SCALE FOR PUBLIC SCHOOLS THAT OPERATE ANY OF GRADES K TO 8
24 AND A SEPARATE GRADING SCALE FOR PUBLIC SCHOOLS THAT OPERATE ANY OF
25 GRADES 9 TO 12. ALL OF THE FOLLOWING APPLY TO THESE GRADING SCALES:

26 (A) FOR THE FIRST SCHOOL YEAR FOR WHICH GRADES ARE ASSIGNED,
27 FOR EACH OF THE 2 SEPARATE GRADING SCALES, THE DEPARTMENT SHALL

1 ENSURE THAT NO MORE THAN 10% OF PUBLIC SCHOOLS ARE ASSIGNED A GRADE
2 OF A, APPROXIMATELY 28% OF PUBLIC SCHOOLS ARE ASSIGNED A GRADE OF
3 B, APPROXIMATELY 31% OF PUBLIC SCHOOLS ARE ASSIGNED A GRADE OF C,
4 APPROXIMATELY 28% OF PUBLIC SCHOOLS ARE ASSIGNED A GRADE OF D, AND
5 AT LEAST 5% OF PUBLIC SCHOOLS ARE ASSIGNED A GRADE OF F. THE
6 DEPARTMENT'S DEVIATIONS FROM THE SPECIFIED PERCENTAGES SHALL BE
7 BASED ON ANY OBSERVED NATURAL CUT POINTS IN THE DISTRIBUTION OF
8 SCHOOL SCORES.

9 (B) EXCEPT AS PROVIDED IN THIS SUBDIVISION, FOR SUBSEQUENT
10 SCHOOL YEARS FOR WHICH GRADES ARE ASSIGNED, FOR EACH OF THE 2
11 SEPARATE GRADING SCALES, THE NUMBER OF POINTS REQUIRED FOR EACH
12 GRADE ON A GRADING SCALE ESTABLISHED UNDER SUBDIVISION (A) SHALL
13 REMAIN THE SAME AS WHEN IT WAS ESTABLISHED UNDER SUBDIVISION (A).
14 HOWEVER, THE DEPARTMENT SHALL ADJUST THE NUMBER OF POINTS REQUIRED
15 TO ACHIEVE A GRADE ON THE GRADING SCALE IF EITHER OF THE FOLLOWING
16 CONDITIONS EXISTS BY INCREASING THE NUMBER OF POINTS REQUIRED TO
17 ACHIEVE EACH GRADE ON THE SCALE BY 5% OR BY A GREATER AMOUNT IF THE
18 DEPARTMENT PROJECTS THAT A GREATER ADJUSTMENT IS LIKELY TO BE
19 NEEDED TO ENSURE THAT THE CONDITIONS REQUIRING THE ADJUSTMENT WILL
20 NOT OCCUR AGAIN IN THE NEXT YEAR:

21 (i) THE USE OF THAT POINT SCALE RESULTED IN MORE THAN 74% OF
22 THE PUBLIC SCHOOLS GRADED ON THAT SCALE BEING ASSIGNED A GRADE OF A
23 OR B FOR THE IMMEDIATELY PRECEDING SCHOOL YEAR.

24 (ii) IF AT THE TIME OF THE PROJECTION A FEDERAL LAW REQUIRES
25 THE DEPARTMENT TO IDENTIFY THE LOWEST ACHIEVING 5% OF ALL PUBLIC
26 SCHOOLS IN THIS STATE, THE DEPARTMENT PROJECTS THAT IT IS PROBABLE
27 THAT THE USE OF THAT POINT SCALE WILL RESULT IN LESS THAN 5% OF THE

1 PUBLIC SCHOOLS GRADED ON THAT SCALE BEING ASSIGNED A GRADE OF F FOR
2 THE NEXT SCHOOL YEAR.

3 (C) FOR A PUBLIC SCHOOL THAT DOES NOT OPERATE ALL OF GRADES K
4 TO 8 OR ALL OF GRADES 9 TO 12 AND SO IS UNABLE TO ACHIEVE THE FULL
5 ALLOTMENT OF POINTS UNDER SUBSECTION (2) OR (3), THE DEPARTMENT
6 SHALL MODIFY THE GRADING SCALE TO REFLECT THE TOTAL POSSIBLE POINTS
7 THAT MAY BE ACHIEVED WITH THE GRADE CONFIGURATION AT THE PUBLIC
8 SCHOOL. THE MODIFICATION SHALL BE DESIGNED TO GRADE ALL PUBLIC
9 SCHOOLS ON AN EQUITABLE BASIS WITHOUT REGARD TO GRADE CONFIGURATION
10 AT THE PUBLIC SCHOOL.

11 (5) AFTER THE IMPLEMENTATION OF THE LETTER GRADE SYSTEM UNDER
12 SUBSECTION (1), ALL OF THE FOLLOWING APPLY:

13 (A) BEFORE AUGUST 1 OF EACH YEAR, THE DEPARTMENT SHALL NOTIFY
14 EACH PUBLIC SCHOOL AND SCHOOL DISTRICT OF ALL OF THE FOLLOWING AND
15 PROVIDE AN APPEAL PROCESS THAT IS CONCLUDED BY THAT AUGUST 1:

16 (i) FOR EACH PUBLIC SCHOOL IT OPERATES, THE PUBLIC SCHOOL'S
17 LETTER GRADE FOR THAT YEAR AND, IF AVAILABLE, THE PUBLIC SCHOOL'S
18 LETTER GRADE FROM THE IMMEDIATELY PRECEDING 2 YEARS.

19 (ii) THE DETAILED FORMULA AND METRICS FOR THE LETTER GRADE
20 SYSTEM.

21 (iii) THE BUILDING-LEVEL DATA USED TO GENERATE THE LETTER GRADE.

22 (iv) THE NUMBER OF TEACHERS TEACHING IN THE PUBLIC SCHOOL FOR
23 THE CORRESPONDING SCHOOL YEAR WHO WERE RATED AS EFFECTIVE OR HIGHLY
24 EFFECTIVE UNDER THE PERFORMANCE EVALUATION SYSTEM UNDER SECTION
25 1249 AND THE TOTAL NUMBER OF TEACHERS TEACHING IN THAT PUBLIC
26 SCHOOL FOR THAT SCHOOL YEAR.

27 (v) THE NUMBER OF SCHOOL ADMINISTRATORS SERVING IN THE PUBLIC

1 SCHOOL FOR THE CORRESPONDING SCHOOL YEAR WHO WERE RATED AS
2 EFFECTIVE OR HIGHLY EFFECTIVE UNDER THE PERFORMANCE EVALUATION
3 SYSTEM UNDER SECTION 1249 AND THE TOTAL NUMBER OF SCHOOL
4 ADMINISTRATORS SERVING IN THAT PUBLIC SCHOOL FOR THAT SCHOOL YEAR.

5 (B) ON AUGUST 1 OF EACH YEAR, OR ON THE NEXT BUSINESS DAY IF
6 THAT AUGUST 1 IS NOT A BUSINESS DAY, THE DEPARTMENT SHALL POST ON
7 ITS WEBSITE, WITH A LINK FROM THE HOMEPAGE, AND SHALL REPORT TO THE
8 LEGISLATURE ALL OF THE INFORMATION UNDER SUBDIVISION (A).

9 (C) THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SHALL DO BOTH
10 OF THE FOLLOWING FOR EACH PUBLIC SCHOOL IT OPERATES:

11 (i) INCLUDE THE INFORMATION UNDER SUBDIVISION (A) IN THE
12 POSTING OF INFORMATION UNDER SECTION 18(2) OF THE STATE SCHOOL AID
13 ACT OF 1979, MCL 388.1618.

14 (ii) PUBLISH THE INFORMATION UNDER SUBDIVISION (A) ON ITS
15 WEBSITE, WITH A LINK ON ITS HOMEPAGE AND, IF THE SCHOOL DISTRICT OR
16 PUBLIC SCHOOL ACADEMY MAINTAINS A HOMEPAGE FOR A PARTICULAR PUBLIC
17 SCHOOL, A LINK ON THAT SCHOOL'S HOMEPAGE TO THE INFORMATION FOR
18 THAT PUBLIC SCHOOL.

19 (D) IF THE DEPARTMENT CHANGES ANY ASPECT OF THE LETTER GRADE
20 SYSTEM, BEFORE IMPLEMENTING THE CHANGE, THE DEPARTMENT SHALL
21 PROVIDE WRITTEN NOTICE OF THE CHANGE TO THE SENATE AND HOUSE
22 STANDING COMMITTEES ON EDUCATION AND SHALL MAKE DEPARTMENT
23 PERSONNEL AVAILABLE TO THOSE COMMITTEES TO DISCUSS THE CHANGE AS
24 REQUESTED BY THE COMMITTEES.

25 (6) IF A PUBLIC SCHOOL OPERATES BOTH 1 OR MORE OF GRADES K TO
26 8 AND 1 OR MORE OF GRADES 9 TO 12, THE DEPARTMENT SHALL CALCULATE
27 AND ASSIGN A SEPARATE GRADE FOR THE SCHOOL FOR EACH OF THOSE

1 SEPARATE GRADE CONFIGURATIONS. THE DEPARTMENT SHALL TREAT EACH OF
2 THE SEPARATE GRADE CONFIGURATIONS AS A SEPARATE PUBLIC SCHOOL FOR
3 THE PURPOSES OF THIS SECTION.

4 (7) IF THE DEPARTMENT DETERMINES THAT A PUBLIC SCHOOL THAT HAS
5 BEEN IN OPERATION FOR AT LEAST 3 SCHOOL YEARS, OR A SEPARATE
6 CONFIGURATION OF GRADES AT A PUBLIC SCHOOL AS DESCRIBED IN
7 SUBSECTION (6), MEETS BOTH OF THE FOLLOWING, THE SUPERINTENDENT OF
8 PUBLIC INSTRUCTION SHALL ISSUE AN ORDER EITHER CLOSING THE PUBLIC
9 SCHOOL, OR THE SEPARATE GRADE CONFIGURATION, OR PLACING THE PUBLIC
10 SCHOOL, OR THE SEPARATE GRADE CONFIGURATION, UNDER THE SUPERVISION
11 OF THE STATE SCHOOL REFORM/REDESIGN OFFICER AS DESCRIBED IN SECTION
12 1280C:

13 (A) HAS BEEN ASSIGNED A GRADE OF F UNDER THIS SECTION FOR 2 OR
14 MORE YEARS IN A PERIOD OF 4 CONSECUTIVE YEARS.

15 (B) HAS BEEN DETERMINED BY THE DEPARTMENT TO HAVE PERFORMED IN
16 THE LOWEST 5% OF ALL PUBLIC SCHOOLS IN THIS STATE IN LEARNING GAINS
17 FOR 2 OR MORE YEARS DURING THE SAME PERIOD OF 4 CONSECUTIVE YEARS
18 AS CONSIDERED FOR SUBDIVISION (A).

19 (8) WITH THE APPROVAL OF THE INTERMEDIATE SCHOOL DISTRICT OF
20 WHICH IT IS A CONSTITUENT DISTRICT OR OF ITS AUTHORIZING BODY, AS
21 APPLICABLE, A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY MAY APPLY TO
22 THE SUPERINTENDENT OF PUBLIC INSTRUCTION IN A FORM AND MANNER
23 PRESCRIBED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR
24 DESIGNATION OF 1 OR MORE OF THE PUBLIC SCHOOLS THAT IT OPERATES AS
25 AN ALTERNATIVE EDUCATION CAMPUS. THE SUPERINTENDENT OF PUBLIC
26 INSTRUCTION SHALL DESIGNATE A PUBLIC SCHOOL AS AN ALTERNATIVE
27 EDUCATION CAMPUS IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION

1 DETERMINES THAT THE PUBLIC SCHOOL MEETS 1 OR MORE OF THE FOLLOWING:

2 (A) THE PUBLIC SCHOOL SERVES A PUPIL POPULATION IN WHICH MORE
3 THAN 95% OF THE PUPILS HAVE AN INDIVIDUALIZED EDUCATION PLAN.

4 (B) THE PUBLIC SCHOOL SERVES A PUPIL POPULATION IN WHICH A
5 MAJORITY OF THE PUPILS MEET 1 OR MORE OF THE FOLLOWING:

6 (i) ARE HOMELESS.

7 (ii) HAVE A DOCUMENTED HISTORY OF 1 OR MORE SERIOUS
8 PSYCHOLOGICAL BEHAVIORAL DISORDERS, INCLUDING, BUT NOT LIMITED TO,
9 SUICIDAL BEHAVIORS.

10 (iii) FOR A HIGH SCHOOL, ARE OVER THE TRADITIONAL AGE FOR THE
11 PUPIL'S GRADE LEVEL AND LACK ADEQUATE CREDIT HOURS TO BE ON TRACK
12 TO GRADUATE IN 4 YEARS.

13 (C) THE PUBLIC SCHOOL IS A STRICT DISCIPLINE ACADEMY
14 ESTABLISHED UNDER SECTIONS 1311B TO 1311M.

15 (9) IF A PUBLIC SCHOOL IS DESIGNATED AS AN ALTERNATIVE
16 EDUCATION CAMPUS UNDER SUBSECTION (8), THEN THE DEPARTMENT SHALL
17 NOT ASSIGN A LETTER GRADE TO THAT PUBLIC SCHOOL AND SHALL INSTEAD
18 ISSUE A SUMMARY STATUS OF "MAINTAINING" OR "FAILING" FOR THAT
19 PUBLIC SCHOOL. THE INFORMATION REPORTED UNDER SUBSECTION (5) SHALL
20 BE BASED ON THIS SUMMARY STATUS. THE DEPARTMENT SHALL ISSUE A
21 SUMMARY STATUS OF "MAINTAINING" IF THE DEPARTMENT DETERMINES THAT
22 THE PUBLIC SCHOOL DESIGNATED AS AN ALTERNATIVE EDUCATION CAMPUS IS
23 IN COMPLIANCE WITH SECTIONS 1204A, 1277, 1278, 1278A, AND 1278B, AS
24 APPLICABLE, AND INCLUDED PUPILS ENROLLED AT THAT PUBLIC SCHOOL ARE
25 MAKING MEANINGFUL, MEASURABLE ACADEMIC PROGRESS TOWARD EDUCATIONAL
26 GOALS THAT HAVE BEEN ESTABLISHED BY THE BOARD OR BOARD OF DIRECTORS
27 OPERATING THAT PUBLIC SCHOOL AND APPROVED BY THE SUPERINTENDENT OF

1 PUBLIC INSTRUCTION.

2 (10) THE STATE BOARD OR THE DEPARTMENT SHALL NOT ESTABLISH ANY
3 EVALUATION OR RANKING SYSTEM FOR PUBLIC SCHOOLS OR SCHOOL DISTRICTS
4 OTHER THAN THE LETTER GRADE SYSTEM UNDER THIS SECTION.

5 (11) NOT LATER THAN JULY 1, 2016, THE DEPARTMENT SHALL
6 ESTABLISH AND IMPLEMENT A WAIVER SYSTEM FOR WAIVING REGULATORY OR
7 STATUTORY REPORTS AND REQUIREMENTS FOR A PUBLIC SCHOOL THAT
8 CONSISTENTLY MAINTAINS A GRADE OF A OR B UNDER THIS SECTION. IF THE
9 DEPARTMENT DETERMINES THAT A PUBLIC SCHOOL QUALIFIES FOR A WAIVER
10 UNDER THIS SECTION, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL
11 GRANT THE WAIVER, EFFECTIVE FOR AS LONG AS THE PUBLIC SCHOOL
12 MAINTAINS A GRADE OF A OR B, AND THE REGULATORY OR STATUTORY
13 REQUIREMENT THAT IS WAIVED DOES NOT APPLY TO THAT PUBLIC SCHOOL FOR
14 THE DURATION OF THE WAIVER. BEFORE IMPLEMENTING THIS WAIVER SYSTEM,
15 THE DEPARTMENT SHALL SUBMIT TO THE SENATE AND HOUSE STANDING
16 COMMITTEES ON EDUCATION A LIST OF THE REGULATORY AND STATUTORY
17 REPORTS AND REQUIREMENTS THAT ARE PROPOSED TO BE SUBJECT TO THE
18 WAIVER.

19 (12) AS USED IN THIS SECTION, "INCLUDED PUPIL" MEANS A PUPIL
20 WHO HAS BEEN ENROLLED IN THE PUBLIC SCHOOL FOR AT LEAST 1 FULL
21 SCHOOL YEAR.

22 Enacting section 1. This amendatory act does not take effect
23 unless House Bill No. 4154 of the 97th Legislature is enacted into
24 law.