

# HOUSE BILL No. 6705

November 19, 2008, Introduced by Rep. Melton and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending section 1280 (MCL 380.1280), as amended by 2006 PA 123.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 1280. (1) The board of a school district that does not  
2 want to be subject to the measures described in this section shall  
3 ensure that each public school within the school district is  
4 accredited.

5           (2) As used in subsection (1), and subject to subsection (6),  
6 "accredited" means certified by the superintendent of public  
7 instruction as having met or exceeded standards established under  
8 this section for 6 areas of school operation: administration and  
9 school organization, curricula, staff, school plant and facilities,  
10 school and community relations, and school improvement plans and  
11 student performance. The building-level evaluation used in the

1 accreditation process shall include, but is not limited to, school  
2 data collection, self-study, visitation and validation,  
3 determination of performance data to be used, and the development  
4 of a school improvement plan.

5 (3) The department shall develop and distribute to all public  
6 schools proposed accreditation standards. Upon distribution of the  
7 proposed standards, the department shall hold statewide public  
8 hearings for the purpose of receiving testimony concerning the  
9 standards. After a review of the testimony, the department shall  
10 revise and submit the proposed standards to the superintendent of  
11 public instruction. After a review and revision, if appropriate, of  
12 the proposed standards, the superintendent of public instruction  
13 shall submit the proposed standards to the senate and house  
14 committees that have the responsibility for education legislation.  
15 Upon approval by these committees, the department shall distribute  
16 to all public schools the standards to be applied to each school  
17 for accreditation purposes. The superintendent of public  
18 instruction shall review and update the accreditation standards  
19 annually using the process prescribed under this subsection.

20 (4) The superintendent of public instruction shall develop and  
21 distribute to all public schools standards for determining that a  
22 school is eligible for summary accreditation under subsection (6).  
23 The standards shall be developed, reviewed, approved, and  
24 distributed using the same process as prescribed in subsection (3)  
25 for accreditation standards, and shall be finally distributed and  
26 implemented not later than December 31, 1994.

27 (5) The standards for accreditation or summary accreditation

1 under this section shall include as criteria pupil performance on  
2 Michigan education assessment program (MEAP) tests and on the  
3 Michigan merit examination under section 1279g, ~~and, until the~~  
4 ~~Michigan merit examination has been fully implemented, the~~  
5 ~~percentage of pupils achieving state endorsement under section~~  
6 ~~1279,~~ but shall not be based solely on pupil performance on MEAP  
7 tests or the Michigan merit examination. ~~or on the percentage of~~  
8 ~~pupils achieving state endorsement under section 1279.~~ The  
9 standards shall also include as criteria multiple year change in  
10 pupil performance on MEAP tests and the Michigan merit examination.  
11 ~~and, until after the Michigan merit examination is fully~~  
12 ~~implemented, multiple year change in the percentage of pupils~~  
13 ~~achieving state endorsement under section 1279.~~ If it is necessary  
14 for the superintendent of public instruction to revise  
15 accreditation or summary accreditation standards established under  
16 subsection (3) or (4) to comply with this subsection, the revised  
17 standards shall be developed, reviewed, approved, and distributed  
18 using the same process as prescribed in subsection (3).

19 (6) If the superintendent of public instruction determines  
20 that a public school has met the standards established under  
21 subsection (4) or (5) for summary accreditation, the school is  
22 considered to be accredited without the necessity for a full  
23 building-level evaluation under subsection (2).

24 (7) If the superintendent of public instruction determines  
25 that a school has not met the standards established under  
26 subsection (4) or (5) for summary accreditation but that the school  
27 is making progress toward meeting those standards, or if, based on

1 a full building-level evaluation under subsection (2), the  
2 superintendent of public instruction determines that a school has  
3 not met the standards for accreditation but is making progress  
4 toward meeting those standards, the school is in interim status and  
5 is subject to a full building-level evaluation as provided in this  
6 section.

7 (8) If a school has not met the standards established under  
8 subsection (4) or (5) for summary accreditation and is not eligible  
9 for interim status under subsection (7), the school is unaccredited  
10 and subject to the measures provided in this section.

11 (9) ~~Beginning with the 2002-2003 school year, if~~ **IF** at least  
12 5% of a public school's answer sheets from the administration of  
13 the Michigan educational assessment program (MEAP) tests are lost  
14 by the department or by a state contractor and if the public school  
15 can verify that the answer sheets were collected from pupils and  
16 forwarded to the department or the contractor, the department shall  
17 not assign an accreditation score or school report card grade to  
18 the public school for that subject area for the corresponding year  
19 for the purposes of determining state accreditation under this  
20 section. The department shall not assign an accreditation score or  
21 school report card grade to the public school for that subject area  
22 until the results of all tests for the next year are available.

23 (10) Subsection (9) does not preclude the department from  
24 determining whether a public school or a school district has  
25 achieved adequate yearly progress for the school year in which the  
26 answer sheets were lost for the purposes of the no child left  
27 behind act of 2001, Public Law 107-110. However, the department

1 shall ensure that a public school or the school district is not  
2 penalized when determining adequate yearly progress status due to  
3 the fact that the public school's MEAP answer sheets were lost by  
4 the department or by a state contractor, but shall not require a  
5 public school or school district to retest pupils or produce scores  
6 from another test for this purpose.

7 (11) The superintendent of public instruction shall annually  
8 review and evaluate for accreditation purposes the performance of  
9 each school that is unaccredited and as many of the schools that  
10 are in interim status as permitted by the department's resources.

11 (12) The superintendent of public instruction shall, and the  
12 intermediate school district to which a school district is  
13 constituent, a consortium of intermediate school districts, or any  
14 combination thereof may, provide technical assistance, as  
15 appropriate, to a school that is unaccredited or that is in interim  
16 status upon request of the board of the school district in which  
17 the school is located. If requests to the superintendent of public  
18 instruction for technical assistance exceed the capacity, priority  
19 shall be given to unaccredited schools.

20 (13) A school that has been unaccredited for 3 consecutive  
21 years **OR THAT HAS FAILED TO ACHIEVE THE FEDERAL PUPIL PERFORMANCE**  
22 **STANDARD, AS DETERMINED BY THE DEPARTMENT, FOR 4 OR MORE**  
23 **CONSECUTIVE YEARS** is subject to 1 or more of the following  
24 measures, as determined by the superintendent of public  
25 instruction:

26 ~~—— (a) The superintendent of public instruction or his or her~~  
27 ~~designee shall appoint at the expense of the affected school~~

1 ~~district an administrator of the school until the school becomes~~  
2 ~~accredited.~~

3 (A) THE BOARD OR BOARD OF DIRECTORS THAT OPERATES THE SCHOOL  
4 MAY, WITH THE APPROVAL OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION,  
5 ENTER INTO A CONTRACT WITH AN ORGANIZATION TO SERVE AS THE  
6 ADMINISTRATOR FOR THE SCHOOL. UNLESS THE SUPERINTENDENT OF PUBLIC  
7 INSTRUCTION APPROVES ANOTHER ORGANIZATION TO SERVE AS THE  
8 ADMINISTRATOR, THE ORGANIZATION SHALL BE 1 OF THOSE INCLUDED ON THE  
9 LIST COMPILED BY THE DEPARTMENT UNDER SUBSECTION (15). THE CONTRACT  
10 SHALL BE FOR A PERIOD OF 5 YEARS AND SHALL CONTAIN SPECIFIC  
11 PERFORMANCE BENCHMARKS THAT THE ORGANIZATION ADMINISTERING THE  
12 SCHOOL IS TO ACHIEVE. THE BOARD OR BOARD OF DIRECTORS SHALL MONITOR  
13 THE ORGANIZATION'S ADMINISTRATION OF THE SCHOOL TO ENSURE THAT IT  
14 IS ACHIEVING THE BENCHMARKS CONTAINED IN THE CONTRACT, AND THE  
15 BOARD OR BOARD OF DIRECTORS, WITH THE APPROVAL OF THE  
16 SUPERINTENDENT OF PUBLIC INSTRUCTION, MAY TERMINATE THE CONTRACT IF  
17 IT DETERMINES THAT THE ORGANIZATION IS NOT ACHIEVING THOSE  
18 BENCHMARKS. THE CONTRACT ALSO SHALL PROVIDE THAT THE ORGANIZATION  
19 WILL HAVE FULL CONTROL OVER EXPENDITURE OF ALL STATE SCHOOL AID  
20 PAID TO THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY FOR EACH  
21 FISCAL YEAR IN WHICH THE CONTRACT IS IN PLACE THAT IS ATTRIBUTABLE  
22 TO PUPILS ENROLLED IN THE SCHOOL AND THAT THE ORGANIZATION WILL USE  
23 THIS MONEY SOLELY FOR THE OPERATION OF THE SCHOOL, EXCEPT THAT THE  
24 BOARD OF THE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF THE PUBLIC  
25 SCHOOL ACADEMY MAY RETAIN AN AMOUNT NOT TO EXCEED 3% OF THIS MONEY  
26 FOR CENTRAL ADMINISTRATION AND OVERSIGHT EXPENSES AND THE  
27 ORGANIZATION MAY RETAIN AN AMOUNT NOT TO EXCEED 3% OF THIS MONEY AS

1 ITS FEE FOR SERVING AS ADMINISTRATOR OF THE SCHOOL.

2 (b) A parent, legal guardian, or person in loco parentis of a  
3 child who attends the school may send his or her child to any  
4 ~~accredited~~ public school with an appropriate grade level within the  
5 school district **THAT IS EITHER ACCREDITED OR HAS ACHIEVED THE**  
6 **FEDERAL PUPIL PERFORMANCE STANDARD, AS DETERMINED BY THE**  
7 **DEPARTMENT, FOR THE MOST RECENT YEAR FOR WHICH A DETERMINATION HAS**  
8 **BEEN MADE.**

9 (c) The school, with the approval of the superintendent of  
10 public instruction, shall align itself with an existing research-  
11 based school improvement model or establish an affiliation for  
12 providing assistance to the school with a college or university  
13 located in this state.

14 (d) The school shall be closed.

15 (14) IF THE DEPARTMENT DETERMINES THAT A SCHOOL HAS FAILED TO  
16 ACHIEVE THE FEDERAL PUPIL PERFORMANCE STANDARD FOR 5 OR MORE  
17 CONSECUTIVE YEARS, AND THE BOARD OR BOARD OF DIRECTORS THAT  
18 OPERATES THE SCHOOL HAS NOT ENTERED INTO A CONTRACT DESCRIBED IN  
19 SUBSECTION (13) (A), THEN THE SUPERINTENDENT OF PUBLIC INSTRUCTION  
20 SHALL ENTER INTO A CONTRACT WITH AN ORGANIZATION QUALIFIED UNDER  
21 SUBSECTION (15) TO SERVE AS THE ADMINISTRATOR FOR THE SCHOOL. THE  
22 CONTRACT SHALL BE FOR A PERIOD OF 5 YEARS AND SHALL CONTAIN  
23 SPECIFIC PERFORMANCE BENCHMARKS ESTABLISHED BY THE DEPARTMENT THAT  
24 THE ORGANIZATION ADMINISTERING THE SCHOOL IS TO ACHIEVE. THE  
25 SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL MONITOR THE  
26 ORGANIZATION'S ADMINISTRATION OF THE SCHOOL TO ENSURE THAT IT IS  
27 ACHIEVING THE BENCHMARKS CONTAINED IN THE CONTRACT. IF THE

1 SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES THAT THE  
2 ORGANIZATION IS NOT ACHIEVING THOSE BENCHMARKS, HE OR SHE MAY  
3 TERMINATE THE CONTRACT AND ENTER INTO A CONTRACT WITH A DIFFERENT  
4 ORGANIZATION FOR THE BALANCE OF THE 5-YEAR PERIOD. THE BOARD OR  
5 BOARD OF DIRECTORS THAT OPERATES THE SCHOOL SHALL ALLOW THE  
6 ORGANIZATION CONTRACTED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION  
7 TO SERVE AS THE ADMINISTRATOR OF THE SCHOOL FOR THE 5-YEAR PERIOD.  
8 THE CONTRACT ALSO SHALL PROVIDE THAT THE ORGANIZATION WILL HAVE  
9 FULL CONTROL OVER EXPENDITURE OF ALL STATE SCHOOL AID PAID TO THE  
10 SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY FOR EACH FISCAL YEAR IN  
11 WHICH THE CONTRACT IS IN PLACE THAT IS ATTRIBUTABLE TO PUPILS  
12 ENROLLED IN THE SCHOOL AND THAT THE ORGANIZATION WILL USE THIS  
13 MONEY SOLELY FOR THE OPERATION OF THE SCHOOL, EXCEPT THAT THE  
14 DEPARTMENT MAY RETAIN AN AMOUNT NOT TO EXCEED 3% OF THIS MONEY FOR  
15 ITS OVERSIGHT EXPENSES AND THE ORGANIZATION MAY RETAIN AN AMOUNT  
16 NOT TO EXCEED 3% OF THIS MONEY AS ITS FEE FOR SERVING AS  
17 ADMINISTRATOR OF THE SCHOOL.

18 (15) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL DEVELOP A  
19 PROCESS AND STANDARDS FOR DESIGNATING AN ORGANIZATION AS QUALIFIED  
20 TO SERVE AS AN ADMINISTRATOR OF A SCHOOL UNDER SUBSECTION (13) (A)  
21 OR (14). THE PROCESS SHALL REQUIRE AN ORGANIZATION TO PRESENT A  
22 DESCRIPTION OF THE TURNAROUND MODEL OR MODELS THAT IT USES TO  
23 ACHIEVE IMPROVEMENT IN PUPIL PERFORMANCE. THE STANDARDS SHALL BE  
24 BASED ON AN ORGANIZATION'S DEMONSTRATED RECORD IN ACHIEVING  
25 IMPROVEMENT IN PUPIL PERFORMANCE AS MEASURED BY BENCHMARKS SUCH AS  
26 GRADUATION RATES, STANDARDIZED TEST SCORES, AND POSTSECONDARY  
27 ACADEMIC ACHIEVEMENT OF GRADUATES. THE SUPERINTENDENT OF PUBLIC

1 INSTRUCTION MAY LIMIT THE DESIGNATED ORGANIZATIONS TO NONPROFIT  
2 ORGANIZATIONS. THE DEPARTMENT SHALL DEVELOP AND MAINTAIN A LIST OF  
3 ORGANIZATIONS QUALIFIED TO ACT AS ADMINISTRATORS OF SCHOOLS UNDER  
4 SUBSECTION (13) (A) OR (14). THE LIST SHALL INCLUDE A DESCRIPTION OF  
5 THE TURNAROUND MODEL OR MODELS THAT EACH ORGANIZATION USES TO  
6 ACHIEVE IMPROVEMENT IN PUPIL PERFORMANCE. IF THE SUPERINTENDENT OF  
7 PUBLIC INSTRUCTION DETERMINES THAT AN ORGANIZATION HAS CEASED TO  
8 MEET THE STANDARDS UNDER THIS SUBSECTION, THE SUPERINTENDENT OF  
9 PUBLIC INSTRUCTION SHALL CAUSE THE ORGANIZATION TO BE REMOVED FROM  
10 THE LIST.

11 (16) THE DEPARTMENT SHALL DEVELOP AND MAKE AVAILABLE A MODEL  
12 CONTRACT THAT MAY BE USED BY A BOARD OR BOARD OF DIRECTORS FOR THE  
13 PURPOSES OF SUBSECTION (13) (A).

14 (17) IF A BOARD OR BOARD OF DIRECTORS ENTERS INTO A CONTRACT  
15 UNDER SUBSECTION (13) (A), THE BOARD OR BOARD OF DIRECTORS SHALL  
16 PUBLISH ALL OF THE FOLLOWING INFORMATION ON ITS WEBSITE:

17 (A) THE TEXT OF THE CONTRACT.

18 (B) A DESCRIPTION OF THE TURNAROUND MODEL OR MODELS THAT THE  
19 ORGANIZATION NORMALLY USES TO ACHIEVE IMPROVEMENT IN PUPIL  
20 PERFORMANCE.

21 (C) A DESCRIPTION OF THE SPECIFIC TURNAROUND MODEL OR MODELS  
22 THAT THE ORGANIZATION WILL BE USING TO ACHIEVE IMPROVEMENT IN PUPIL  
23 PERFORMANCE AT THE SCHOOL.

24 (D) A SPECIFIC DESCRIPTION OF HOW THE MONEY THAT THE  
25 ORGANIZATION WILL CONTROL UNDER THE CONTRACT WILL BE USED TO  
26 ACHIEVE IMPROVEMENT IN PUPIL PERFORMANCE AT THE SCHOOL.

27 (18) IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION ENTERS INTO A

1 CONTRACT UNDER SUBSECTION (14), THE DEPARTMENT SHALL PUBLISH ALL OF  
2 THE FOLLOWING INFORMATION ON ITS WEBSITE:

3 (A) THE TEXT OF THE CONTRACT.

4 (B) A DESCRIPTION OF THE TURNAROUND MODEL OR MODELS THAT THE  
5 ORGANIZATION NORMALLY USES TO ACHIEVE IMPROVEMENT IN PUPIL  
6 PERFORMANCE.

7 (C) A DESCRIPTION OF THE SPECIFIC TURNAROUND MODEL OR MODELS  
8 THAT THE ORGANIZATION WILL BE USING TO ACHIEVE IMPROVEMENT IN PUPIL  
9 PERFORMANCE AT THE SCHOOL.

10 (D) A SPECIFIC DESCRIPTION OF HOW THE MONEY THAT THE  
11 ORGANIZATION WILL CONTROL UNDER THE CONTRACT WILL BE USED TO  
12 ACHIEVE IMPROVEMENT IN PUPIL PERFORMANCE AT THE SCHOOL.

13 (19) ~~(14)~~—The superintendent of public instruction shall  
14 evaluate the school accreditation program and the status of schools  
15 under this section and shall submit an annual report based upon the  
16 evaluation to the senate and house committees that have the  
17 responsibility for education legislation. The report shall address  
18 the reasons each unaccredited school is not accredited and shall  
19 recommend legislative action that will result in the accreditation  
20 of all public schools in this state.

21 (20) ~~(15)~~—Beginning with the 2008-2009 school year, a high  
22 school shall not be accredited by the department unless the  
23 department determines that the high school is providing or has  
24 otherwise ensured that all pupils have access to all of the  
25 elements of the curriculum required under sections 1278a and 1278b.  
26 If it is necessary for the superintendent of public instruction to  
27 revise accreditation or summary accreditation standards established

1 under subsection (3) or (4) to comply with the changes made to this  
2 section by the amendatory act that added this subsection, the  
3 revised standards shall be developed, reviewed, approved, and  
4 distributed using the same process as prescribed in subsection (3).

5 (21) AS USED IN THIS SECTION:

6 (A) "ACHIEVED THE FEDERAL PUPIL PERFORMANCE STANDARD" MEANS  
7 THAT THE DEPARTMENT HAS DETERMINED THAT THE SCHOOL HAS ACHIEVED  
8 ADEQUATE YEARLY PROGRESS UNDER THE NO CHILD LEFT BEHIND ACT OF  
9 2001, PUBLIC LAW 107-110, OR HAS MET A SUCCESSOR FEDERAL STANDARD  
10 THAT THE SUPERINTENDENT OF PUBLIC INSTRUCTION HAS IDENTIFIED AS  
11 BEING A STANDARD ESTABLISHED BY THE FEDERAL GOVERNMENT THAT IS  
12 BASED ON PUPIL PERFORMANCE AND IS REQUIRED TO BE MET IN ORDER TO  
13 RECEIVE FULL FEDERAL FUNDING.

14 (B) "FAILED TO ACHIEVE THE FEDERAL PUPIL PERFORMANCE STANDARD"  
15 MEANS THAT THE DEPARTMENT HAS DETERMINED THAT THE SCHOOL HAS FAILED  
16 TO ACHIEVE ADEQUATE YEARLY PROGRESS UNDER THE NO CHILD LEFT BEHIND  
17 ACT OF 2001, PUBLIC LAW 107-110, OR HAS FAILED TO MEET A SUCCESSOR  
18 FEDERAL STANDARD THAT THE SUPERINTENDENT OF PUBLIC INSTRUCTION HAS  
19 IDENTIFIED AS BEING A STANDARD ESTABLISHED BY THE FEDERAL  
20 GOVERNMENT THAT IS BASED ON PUPIL PERFORMANCE AND IS REQUIRED TO BE  
21 MET IN ORDER TO RECEIVE FULL FEDERAL FUNDING.