March 18, 2021, Introduced by Rep. Camilleri and referred to the Committee on Education.

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979,"
by amending section 104 (MCL 388.1704), as amended by 2020 PA 165, and by adding section 11b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 11b. (1) The student postsecondary preparedness fund is created as a separate account within the state school aid fund.

(2) The state treasurer may credit to the SPP fund money allocated in section 104 but not expended as the result of changes
enacted by an amendatory act that added subsection (17) to section 104b. The state treasurer shall direct the investment of the SPP fund. The state treasurer shall credit to the SPP fund interest and earnings from SPP fund investments.

(3) Money in the SPP fund at the close of the fiscal year remains in the SPP fund and does not lapse to the state school aid fund or to the general fund. The department of treasury must be the administrator of the SPP fund for auditing purposes.

(4) For the fiscal year ending September 30, 2021, the department shall make payments from the SPP fund to eligible districts and eligible intermediate districts as described in subsection (7). The department shall make payments under this subsection to each eligible district or eligible intermediate district in an amount equal to either of the following, whichever is less:

(a) The total actual costs submitted in the eligible district's or eligible intermediate district's application as described in subsection (7)(b), but payments under this subdivision must not equal an amount totaling more than $100.00 per pupil for each pupil for whom the actual costs described in this subsection are associated.

(b) $100.00 per pupil for each pupil for whom the actual costs described in subdivision (a) are associated.

(5) By not later than September 30, 2021, the department shall issue a list of qualifying assessments. In developing its list under this subsection, the department shall consult with organizations representing trade unions, high school principals, school administrators, career and technical education program administrators, school counselors, high school teachers, and any
other group as appropriate, as determined by the department.

(6) To receive payments from the department under subsection (4), a district or intermediate district must apply for the payments in a form and manner prescribed by the department.

(7) A district or intermediate district to which both of the following apply, is an eligible district or eligible intermediate district under this section:

(a) In its application for the receipt of payments as described in subsection (6), the district or intermediate district pledges that it will use payments received under this section to only provide pupils enrolled in any of grades 9 to 12 in the district or intermediate district with opportunities to participate in qualifying assessments while in any of those grades by covering a part or all of the costs of those assessments.

(b) In its application for the receipt of payments as described in subsection (6), the district or intermediate district includes the actual costs per pupil associated with providing pupils with opportunities to participate in qualifying assessments as described in subdivision (a). Actual costs per pupil, as described in this subdivision, may be associated with a pupil's participation in more than 1 qualifying assessment.

(8) If funds in the SPP fund are insufficient to fully fund calculations for payments under subsection (4), the department shall prorate payments under subsection (4) in equal proportion to the amount an eligible district or eligible intermediate district would have received under subsection (4) but for the application of proration under this subsection.

(9) As used in this section:

(a) "Qualifying assessments" mean assessments that are
included on the department's list under subsection (5) and that are
capable of generating postsecondary credentials or credits,
including, but are not limited to, any of the following
assessments:

(i) Assessments required by this state as a prerequisite for
obtaining a professional certification or locally and state
recognized industry certifications.

(ii) Career and technical education technical skills
assessments necessary to achieve completer status in a career and
technical education program.

(iii) Assessments that enable students to earn credit for
introductory level courses that count toward completion of a
postsecondary credential by achieving satisfactory scores.

(iv) Any other assessments determined by the department to be
capable of generating postsecondary credentials for high school
students.

(b) "SPP fund" means the student postsecondary preparedness
fund created in subsection (1).

Sec. 104. (1) In Except as otherwise provided in this
subsection, in order to receive state aid under this article, a
district shall comply with sections 1249, 1278a, 1278b, 1279g, and
1280b of the revised school code, MCL 380.1249, 380.1278a,
380.1278b, 380.1279g, and 380.1280b, and 1970 PA 38, MCL 388.1081
to 388.1086. Subject to subsection (2), from the state school aid
fund money appropriated in section 11, there is allocated for 2020-
2021 an amount not to exceed $31,009,400.00 for payments on behalf
of districts for costs associated with complying with those
provisions of law. In addition, from the federal funds appropriated
in section 11, there is allocated for 2020-2021 an amount estimated
at $6,250,000.00 funded from DED-OESE, title VI, state assessment funds, and from DED-OSERS, section 504 of part B of the individuals with disabilities education act, Public Law 94-142, plus any carryover federal funds from previous year appropriations, for the purposes of complying with the every student succeeds act, Public Law 114-95. If any amount of the state school aid fund money allocated under this subsection is not expended as the result of changes enacted by an amendatory act that added subsection (17) to section 104b, as determined by the department, those unexpended funds must be deposited into the student postsecondary preparedness fund created in section 11b for disbursement to eligible districts and eligible intermediate districts as provided for under section 11b.

(2) The results of each test administered as part of the Michigan student test of educational progress (M-STEP), including tests administered to high school students, must include an item analysis that lists all items that are counted for individual pupil scores and the percentage of pupils choosing each possible response. The department shall work with the center to identify the number of students enrolled at the time assessments are given by each district. In calculating the percentage of pupils assessed for a district's scorecard, the department shall use only the number of pupils enrolled in the district at the time the district administers the assessments and shall exclude pupils who enroll in the district after the district administers the assessments.

(3) The department shall distribute federal funds allocated under this section in accordance with federal law and with flexibility provisions outlined in Public Law 107-116, and in the education flexibility partnership act of 1999, Public Law 106-25.
(4) From the funds allocated in subsection (1), there is allocated an amount not to exceed $1,500,000.00 to an intermediate district described in this subsection for, except as otherwise provided in this subsection, statewide implementation of the Michigan kindergarten entry observation tool (MKEO), utilizing the Maryland-Ohio observational tool, also referred to as the Kindergarten Readiness Assessment, as piloted under this subsection in 2017-2018 and implemented in 2018-2019 and 2019-2020. The funding in this subsection is allocated to an intermediate district in prosperity region 9 with at least 3,000 kindergarten pupils enrolled in its constituent districts. An intermediate district described in this subsection is not required to carry out the statewide implementation of the Michigan kindergarten entry observation tool (MKEO), as described in this subsection, for the fall of 2020. It is the intent of the legislature to account for health, safety, and welfare concerns related to the COVID-19 pandemic by temporarily suspending the requirement for statewide implementation of the Michigan kindergarten entry observation tool (MKEO) under this subsection for the fall of 2020. All of the following apply to the implementation of the kindergarten entry observation tool under this subsection:

(a) The department, in collaboration with all intermediate districts, shall ensure that the Michigan kindergarten entry observation tool is administered in each kindergarten classroom to either the full census of kindergarten pupils enrolled in the classroom or to a representative sample of not less than 35% of the total kindergarten pupils enrolled in each classroom. If a district elects to administer the Michigan kindergarten entry observation tool to a random sample of pupils within each classroom, the
district's intermediate district shall select the pupils who will receive the assessment based on the same random method. Beginning in 2021, the observation tool must be administered within 45 days after the start of the school year.

(b) The intermediate district that receives funding under this subsection, in collaboration with all other intermediate districts, shall implement a "train the trainer" professional development model on the usage of the Michigan kindergarten entry observation tool. This training model must provide training to intermediate district staff so that they may provide similar training for staff of their constituent districts. This training model must also ensure that the tool produces reliable data and that there are a sufficient number of trainers to train all kindergarten teachers statewide.

(c) By March 1, 2022, and each year thereafter, the department and the intermediate district that receives funding under this subsection shall report to the house and senate appropriations subcommittees on state school aid, the house and senate fiscal agencies, and the state budget director on the results of the statewide implementation, including, but not limited to, an evaluation of the demonstrated readiness of kindergarten pupils statewide and the effectiveness of state and federal early childhood programs that are designed for school readiness under this state's authority, including the great start readiness program and the great start readiness/Head Start blended program, as referenced under section 32d. By September 1, 2022, and each year thereafter, the department and the center shall provide a method for districts and public school academies with kindergarten enrollment to look up and verify their student enrollment data for
pupils who were enrolled in a publicly funded early childhood program in the year before kindergarten, including the individual great start readiness program, individual great start readiness/Head Start blended program, individual title I preschool program, individual section 31a preschool program, individual early childhood special education program, or individual developmental kindergarten or program for young 5-year-olds in which each tested child was enrolled. A participating district shall analyze the data to determine whether high-performing children were enrolled in any specific early childhood program and, if so, report that finding to the department and to the intermediate district that receives funding under this subsection.

(d) The department shall approve the language and literacy domain within the Kindergarten Readiness Assessment for use by districts as an initial assessment that may be delivered to all kindergarten pupils to assist with identifying any possible area of concern for a pupil in English language arts.

(e) As used in this subsection:

(i) "Kindergarten" includes a classroom for young 5-year-olds, commonly referred to as "young 5s" or "developmental kindergarten".

(ii) "Representative sample" means a sample capable of producing valid and reliable assessment information on all or major subgroups of kindergarten pupils in a district.

(5) The department may recommend, but may not require, districts to allow pupils to use an external keyboard with tablet devices for online M-STEP testing, including, but not limited to, open-ended test items such as constructed response or equation builder items.

(6) Notwithstanding section 17b, the department shall make
payments on behalf of districts, intermediate districts, and other
eligible entities under this section on a schedule determined by
the department.

(7) From the allocation in subsection (1), there is allocated
an amount not to exceed $500,000.00 for 2020-2021 for the operation
of an online reporting tool to provide student-level assessment
data in a secure environment to educators, parents, and pupils
immediately after assessments are scored. The department and the
center shall ensure that any data collected by the online reporting
tool do not provide individually identifiable student data to the
federal government.

(8) In order to receive state aid under this article for 2020-
2021, a district shall meet both of the following requirements:

(a) Within the first 9 weeks of the 2020-2021 school year, the
district shall administer 1 or more benchmark assessments provided
by a provider approved under subsection (9), benchmark assessments
described in subsection (10), or local benchmark assessments, or
any combination thereof, to all pupils in grades K to 8 to measure
proficiency in reading and mathematics.

(b) In addition to the benchmark assessment or benchmark
assessments administered under subdivision (a), by not later than
the last day of the 2020-2021 school year, the district shall
administer 1 or more benchmark assessments provided by a provider
approved under subsection (9), benchmark assessments described in
subsection (10), or local benchmark assessments, or any combination
thereof, to all pupils in grades K to 8 to measure proficiency in
reading and mathematics.

(9) The department shall approve at least 4 but not more than
5 providers of benchmark assessments for the purposes of subsection
(8). The department shall inform districts of all of the providers approved under this subsection in an equitable manner. The benchmark assessments provided for the purposes of subsection (8) by approved providers under this subsection, with the exclusion of the benchmark assessment described in subsection (14), must meet all of the following:

(a) Be one of the most commonly administered benchmark assessments in this state.

(b) Be aligned to the content standards of this state.

(c) Complement the state's summative assessment system.

(d) Be internet-delivered and include a standards-based remote, in-person, or both remote and in-person assessment using a computer-adaptive model to target the instructional level of each pupil.

(e) Provide information on pupil achievement with regard to learning content required in a given year or grade span.

(f) Provide immediate feedback to pupils and teachers.

(g) Be nationally normed.

(h) Provide multiple measures of growth and provide for multiple testing opportunities.

(10) A district may administer one or more of the following benchmark assessments toward meeting the requirement under subsection (8):

(a) A benchmark assessment in reading for students in grades K to 9 that contains progress monitoring tools and enhanced diagnostic assessments.

(b) A benchmark assessment in math for students in grades K to 8 that contains progress monitoring tools.

(11) To the extent practicable, if a district administers a
benchmark assessment or benchmark assessments under this section, the district shall administer the same benchmark assessment or benchmark assessments provided by a provider approved under subsection (9), benchmark assessment or benchmark assessments described in subsection (10), or local benchmark assessment or local benchmark assessments that it administered to pupils in previous school years, as applicable.

(12) By not later than June 30, 2021, a district shall send the aggregate district-level data from a benchmark assessment or benchmark assessments, excluding data from a local benchmark assessment or local benchmark assessments, administered under this section to a regional data hub that is part of the Michigan data hub network that shall compile the data and send it to the center. Not later than September 1, 2021, the department and the center shall provide a report to the governor and the senate and house standing committees responsible for education legislation identifying the number and percentage of pupils in this state who are significantly behind grade level as determined by the department and the center based on the data provided to the center under this subsection. The benchmark assessment data under this subsection may also be used to measure pupils' growth based on their performance on state summative assessments to identify districts and schools where pupil achievement has increased or decreased. However, the benchmark assessment data under this subsection must not be utilized for the state accountability system. It is the intent of the legislature that the benchmark assessment data under this subsection be primarily utilized to determine the loss of learning, if any, resulting from the COVID-19 pandemic. After the administration of statewide assessments
resumes, the department shall also provide a report to the governor and the senate and house standing committees responsible for education legislation identifying the specific pupil groups whose expected trajectory toward grade-level proficiency were most impacted by school closures that occurred pursuant to the COVID-19 pandemic.

(13) If a district administers a benchmark assessment or benchmark assessments under this section, the district shall provide each pupil's data from the benchmark assessment or benchmark assessments, as available, to the pupil's parent or legal guardian within 30 days of administering the benchmark assessment or benchmark assessments.

(14) The department shall make 1 of the benchmark assessments provided by a provider approved under subsection (9) available to districts at no cost to the districts. The benchmark assessment described in this subsection must meet all of the following:

(a) Be aligned to the content standards of this state.
(b) Complement the state's summative assessment system.
(c) Be internet-delivered and include a standards-based assessment.
(d) Provide information on pupil achievement with regard to learning content required in a given year or grade span.
(e) Provide timely feedback to pupils and teachers.
(f) Be nationally normed.
(g) Provide information to educators about student growth and allow for multiple testing opportunities.

(15) If a local benchmark assessment or local benchmark assessments are administered under subsection (8), the district shall report to the department and the center, in a form and manner
prescribed by the center, the local benchmark assessment or local
benchmark assessments that were administered and how that
assessment or those assessments measure changes, including any
losses, as applicable, in learning, and the district's plan for
addressing any losses in learning.

(16) From the general fund money appropriated in section 11,
there is allocated for 2020-2021 an amount not to exceed
$150,000.00 to a higher education institution or other entity that
is not a state governmental entity that has expertise in conducting
a study described in this subsection to conduct a study that, at a
minimum, accomplishes all of the following:

(a) Provides for an assessment of the distance-learning
programs utilized in this state that were effective at meeting
educational goals and attainment.

(b) Provides for an assessment of how the programs described
in subdivision (a) operated.

(c) Provides for an assessment of the best practices
implemented by the programs described in subdivision (a) that
should be replicated by schools engaged in distance learning.

(d) Notes distance-learning models that were ineffective in
achieving educational goals.

(17) As used in this section:

(a) "DED" means the United States Department of Education.

(b) "DED-OESE" means the DED Office of Elementary and
Secondary Education.

(c) "DED-OSERS" means the DED Office of Special Education and
Rehabilitative Services.

Enacting section 1. This amendatory act does not take effect
unless House Bill No. 4037 of the 101st Legislature is enacted into
law.