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House Bill 4166 (Substitute H-1 as passed by the House)  
Sponsor: Representative Matt Koleszar  
House Committee: Education  
Senate Committee: Education

Date Completed: 4-11-23

### **INTRODUCTION**

The bill would amend the Revised School Code to remove references to Section 1280c of the Code, which was repealed by Public Act 601 of 2018 and concerned the identification of the lowest achieving schools in the State. Public Act 601 of 2018 also added Section 1280g to the Code, which required the Michigan Department of Education (MDE) to develop a Statewide system of accountability requirements. The bill would repeal these State accountability requirements, subjecting public schools solely to the Federal accountability requirements provided by the Every Student Succeeds Act (ESSA).

### **FISCAL IMPACT**

The bill would have a fiscal impact for the MDE and Center for Educational Performance and Information (CEPI) and no fiscal impact on local intermediate school districts (ISDs), school districts, and public school academies (PSAs). The Department would experience decreased administrative cost by no longer being required to administer the statewide A-to-F school grading system. This would reduce personnel and information technology costs related to creating and publishing the A-to-F school grading system.

Savings from MDE personnel costs would be minimal since staff already does many of tasks required by the A-to-F grading system for the School Index Score, which is required by the ESSA. The CEPI would experience minor information technology savings by no longer being required to track the A-to-F grade for each school in Michigan.

MCL 380.392 et al.

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## **CONTENT**

### **House Bill 4166 (H-1) would amend the Revised School Code to do the following:**

- Delete references to repealed Section 1280c of the Revised School Code.**
- Repeal Section 1280g of the Revised School Code, which requires the Department of Education (MDE) to identify and rank public schools using a Statewide system of accountability measurements.**
- Replace provisions elsewhere in the Revised School Code pertaining to State school accountability measurements with references to the Federal accountability requirements as provided by the Every Student Succeeds Act (ESSA).**

The bill would amend the Revised School Code to delete references to Section 1280c of the Revised School Code, which pertained to the identification of the lowest achieving schools in the State and the placing of those schools under supervision. Additionally, the bill would delete a provision restricting the number of PSA contracts that all State public universities could issue between December 31, 2012, and December 31, 2014.

#### **Section 1280g**

Under Section 1280g of the Revised School Code, the MDE developed a Statewide system of accountability measurements. The MDE gives a letter grade of A, B, C, D, or F and a ranking of significantly above average, above average, average, below average, or significantly below average to a variety of indicators, such as pupil State assessment participation rates and scores, graduation rates, and the rate of pupil chronic absenteeism. These grades and rankings are used to identify schools as high-achieving reward schools or low-achieving comprehensive support and improvement schools. The number of the latter cannot exceed a number equal to 5% of all public schools in the State. The MDE must impose accountability measures on public schools that have been identified as comprehensive support and improvement schools and publish, on September 1 every three years after September 1, 2019, a list of the Michigan public schools identified as reward schools and a list of the schools identified as comprehensive support and improvement schools. The bill would repeal Section 1280g.

#### **Low achieving schools**

The Code prohibits the board of a community district from opening a new school if the following circumstances exist:

- The proposed school would operate at the same location as a public school determined to be among the lowest achieving public schools in the State or has, during the immediately preceding three-year period, been identified as such.
- The proposed school would have substantially the same leadership and curriculum offerings as the school that previously operated at that location.

Additionally, an authorizing body cannot issue a contract for a new urban high school academy or school of excellence to be located in a community district or for a PSA if the above circumstances are met. In deciding whether to issue a contract for a proposed PSA, an authorizing body must consider the number of schools in the proximity of the proposed location that have been identified and ranked as low achieving schools.

If the MDE determines that an urban high school academy site, school of excellence site, or PSA site, except one that serves as an alternative school for a special student population, has

been operating for at least four years as a low achieving school for the immediately preceding three school years, the MDE must notify the school's authorizing body. The authorizing body will notify the urban high school academy, school of excellence, or PSA and revoke or amend its contract to eliminate the school's authority to operate the existing age and grade levels at the site, which must cease operation of the existing age and grade levels at the end of the current school year.

These provisions use the grades and rankings determined under Section 1280g to identify low-achieving schools. Under the bill, references to Section 1280g would be deleted. Instead, these provisions would reference and apply to the lowest achieving 5% of Michigan public schools identified by Federal accountability requirements, as provided by the ESSA.

(The Code defines "authorizing body" as any of the following that issue a contract for a PSA: 1) the Board of a school district; 2) an intermediate school board; 3) the board of a community college; 4) the governing board of a State public university; or 5) two or more boards of a school district or boards of a State university exercising power under certain circumstances.)

## **BACKGROUND**

In 2015, the U.S. Congress passed the ESSA, which replaced the No Child Left Behind Act of 2002. The ESSA promotes educational opportunities for children across the United States. Michigan's ESSA plan was approved in 2017 and consists of two parts: the Parent Dashboard for School Transparency and the School Index System. Every Michigan public school is evaluated based on six indicators, such as graduation rate and student proficiency on State assessments, and given a School Index Score. Schools with low scores are identified as low-performing and schools with high scores as high-performing.

In December 2018, Michigan lawmakers passed Public Act 601, which amended the Revised School Code to repeal Section 1280c and to include an additional accountability system under Section 1280g that does not conform to Federal requirements. Accordingly, Michigan K to 12 schools are subject to two separate accountability systems, one State and one Federal.