STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

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July 29, 2009

TO: State Board of Education

FROM: Michael P. Flanagan, Chairperson

SUBJECT: Michigan School Accreditation System (MI-SAS) Update

At the June 9, 2009 meeting of the State Board of Education, the State Board voted to approve the new Michigan School Accreditation System (MI-SAS). This was based on staff work, public input, recommendations from a stakeholder group, and changes requested by State Board members. The Michigan Department of Education (MDE) staff then met with the chairs of the Education Policy Committees in the House and Senate (Representative Tim Melton and Senator Wayne Kuipers, respectively). Following those meetings, staff presented the MI-SAS to the full House Education Committee to begin the Legislative process as defined by MCL 380.1280 (see attachment). The presentation before Senate Education has not occurred yet due to the summer recess, but will be scheduled as soon as practicable.

In the meetings with the Committee Chairs and at the House Education Committee meeting on MI-SAS, several concerns were raised, and the committee indicated they were unlikely to vote to approve this system without the following concerns being addressed.

- The largest concern raised was about the inclusion of Adequate Yearly Progress (AYP) in the MI-SAS. At the committee meeting, several members raised concerns and questioned why the state's accreditation system would be tied to federal AYP status. There were several reasons for this, including: a) the federal law and definitions may be changed under any reauthorization, b) AYP is already a faulty system; for example, with the N-size set so low (30), some schools are unfairly penalized, and c) if AYP was included, the terminology used (Interim Status-AYP) would be unclear to the public and would imply the schools were not accredited and were failing.

- There was a concern raised that if Melton's reform legislation passes, over time, the MI-SAS would become inconsistent with the law.

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His bill ratchets up the level of proficiency required of schools. The MI-SAS system is static and set at 35 percent. Unfortunately, until (and if) the reform legislation is enacted, MDE staff cannot be sure at what level the law may be set. This will need to be addressed in the future once the legislation is enacted.

- Three of the concerns raised are related to staffing and funding resources from MDE's perspective and thus, are in the hands of the Legislature to remedy. MDE wishes to accommodate the requests of the Legislature, but can only do so if funding is provided.
    1. Committee members requested there be parental notification of the accreditation status of schools. This raises a Headlee issue as, if the State requires schools to notify parents of the schools' status, then the State must pay the schools to provide the notification.
    2. Chairman Melton, along with some of the committee members, also suggested that MDE should verify that the schools meet the eight statutory requirements for accreditation; otherwise, they argued this new MI-SAS is still a partially "self-reported" system. That was an issue raised with the current Ed-YES accreditation system. How does the state know that schools actually have done what they say they have done? This is a staffing issue for the Department. A random sample model could be used to provide accountability and that would be less expensive than verifying each school individually, but it would still require additional funding/staff for MDE.
    3. Committee members also raised the issue of the reporting requirements in the law: MDE is to report to the Legislature on unaccredited schools. MDE fulfills that requirement with the Annual Report Cards; however, the Chairman and other Committee members want more information to be included in the report provided to the Legislature. Again, that raises funding/staffing issues.

- On a side note – an issue raised that is only peripherally related to the MI-SAS, but related to the issues around AYP, is the N-size of subgroups. The State Board has supported MDE staff to request a waiver of the N-size of the subgroups in an Accountability Workbook amendment. That waiver was requested and denied by the U.S. Department of Education on more than one occasion. MDE staff informed the Committee members that the State Board agrees with them on this issue. It was further suggested that as reauthorization of the Elementary and Secondary Education Act (ESEA) begins in the next couple years, the state legislators contact their congresspersons to push for a change in the N-size.

In summary, the inclusion of the AYP status as a factor in the MI-SAS as it stands will likely result in the House Education Committee not approving the MI-SAS, thus leaving the state with the Ed-YES system. MDE staff will continue to update the State Board on the reform legislation and its impact on MI-SAS, should it be enacted. MDE staff believes that the Legislative members understand the funding and staffing issues and that if they wish to address those concerns, the Legislature will need to appropriate funding/staff. And finally, MDE staff will work with the State Board members and legislators to advocate for a change in the N-size in the reauthorization of the ESEA. The State Board members will have the opportunity to discuss options at the August 11, 2009 State Board of Education meeting.

ATTACHMENT

THE REVISED SCHOOL CODE (EXCERPT)
Act 451 of 1976

380.1280 Accreditation.

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

(2) As used in subsection (1), and subject to subsection (6), "accredited" means certified by the superintendent of public instruction as having met or exceeded standards established under this section for 6 areas of school operation: administration and school organization, curricula, staff, school plant and facilities, school and community relations, and school improvement plans and student performance. The building-level evaluation used in the accreditation process shall include, but is not limited to, school data collection, self-study, visitation and validation, determination of performance data to be used, and the development of a school improvement plan.

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

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

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

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

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

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

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

(10) Subsection (9) does not preclude the department from determining whether a public school or a school district has achieved adequate yearly progress for the school year in which the answer sheets were lost for the purposes of the no child left behind act of 2001, Public Law 107-110. However, the department shall ensure that a public school or the school district is not penalized when determining adequate yearly progress status due to the fact that the public school's MEAP answer sheets were lost by the department or by a state contractor, but shall not require a public school or school district to retest pupils or produce scores from another test for this purpose.

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

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

(13) A school that has been unaccredited for 3 consecutive years is subject to 1 or more of the following measures, as determined by the superintendent of public instruction:

(a) The superintendent of public instruction or his or her designee shall appoint at the expense of the affected school district an administrator of the school until the school becomes accredited.

(b) A parent, legal guardian, or person in loco parentis of a child who attends the school may send his or her child to any accredited public school with an appropriate grade level within the school district.

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

(d) The school shall be closed.

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

(15) Beginning with the 2008-2009 school year, a high school shall not be accredited by the department unless the department determines that the high school is providing or has otherwise ensured that all pupils have access to all of the elements of the curriculum required under sections 1278a and 1278b. If it is necessary for the superintendent of public instruction to revise accreditation or summary accreditation standards established under subsection (3) or (4) to comply with the changes made to this section by the amendatory act that added this subsection, the revised standards shall be developed, reviewed, approved, and distributed using the same process as prescribed in subsection (3).

History: Add. 1990, Act 25, Eff. Apr. 13, 1990; Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993; Am. 1995, Act 289, Eff. July 1, 1996; Am. 1997, Act 180, Imd. Eff. Dec. 30, 1997; Am. 2003, Act 275, Imd. Eff. Jan. 8, 2004; Am. 2006, Act 123, Imd. Eff. Apr. 20, 2006.

Popular name: Act 451