

HOUSE BILL NO. 4538

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:

- 1 **Sec. 11b. (1) The student postsecondary preparedness fund is**
2 **created as a separate account within the state school aid fund.**
3 **(2) The state treasurer may credit to the SPP fund money**
4 **allocated in section 104 but not expended as the result of changes**

1 enacted by an amendatory act that added subsection (17) to section
2 104b. The state treasurer shall direct the investment of the SPP
3 fund. The state treasurer shall credit to the SPP fund interest and
4 earnings from SPP fund investments.

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

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

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

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

24 (5) By not later than September 30, 2021, the department shall
25 issue a list of qualifying assessments. In developing its list
26 under this subsection, the department shall consult with
27 organizations representing trade unions, high school principals,
28 school administrators, career and technical education program
29 administrators, school counselors, high school teachers, and any

1 other group as appropriate, as determined by the department.

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

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

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

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

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

28 (9) As used in this section:

29 (a) "Qualifying assessments" mean assessments that are

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

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

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

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

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

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

19 Sec. 104. (1) ~~In~~ Except as otherwise provided in this
 20 subsection, in order to receive state aid under this article, a
 21 district shall comply with sections 1249, 1278a, 1278b, 1279g, and
 22 1280b of the revised school code, MCL 380.1249, 380.1278a,
 23 380.1278b, 380.1279g, and 380.1280b, and 1970 PA 38, MCL 388.1081
 24 to 388.1086. Subject to subsection (2), from the state school aid
 25 fund money appropriated in section 11, there is allocated for 2020-
 26 2021 an amount not to exceed \$31,009,400.00 for payments on behalf
 27 of districts for costs associated with complying with those
 28 provisions of law. In addition, from the federal funds appropriated
 29 in section 11, there is allocated for 2020-2021 an amount estimated

1 at \$6,250,000.00 funded from DED-OESE, title VI, state assessment
2 funds, and from DED-OSERS, section 504 of part B of the individuals
3 with disabilities education act, Public Law 94-142, plus any
4 carryover federal funds from previous year appropriations, for the
5 purposes of complying with the every student succeeds act, Public
6 Law 114-95. **If any amount of the state school aid fund money**
7 **allocated under this subsection is not expended as the result of**
8 **changes enacted by an amendatory act that added subsection (17) to**
9 **section 104b, as determined by the department, those unexpended**
10 **funds must be deposited into the student postsecondary preparedness**
11 **fund created in section 11b for disbursement to eligible districts**
12 **and eligible intermediate districts as provided for under section**
13 **11b.**

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

26 (3) The department shall distribute federal funds allocated
27 under this section in accordance with federal law and with
28 flexibility provisions outlined in Public Law 107-116, and in the
29 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

1 district's intermediate district shall select the pupils who will
2 receive the assessment based on the same random method. Beginning
3 in 2021, the observation tool must be administered within 45 days
4 after the start of the school year.

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

15 (c) By March 1, 2022, and each year thereafter, the department
16 and the intermediate district that receives funding under this
17 subsection shall report to the house and senate appropriations
18 subcommittees on state school aid, the house and senate fiscal
19 agencies, and the state budget director on the results of the
20 statewide implementation, including, but not limited to, an
21 evaluation of the demonstrated readiness of kindergarten pupils
22 statewide and the effectiveness of state and federal early
23 childhood programs that are designed for school readiness under
24 this state's authority, including the great start readiness program
25 and the great start readiness/Head Start blended program, as
26 referenced under section 32d. By September 1, 2022, and each year
27 thereafter, the department and the center shall provide a method
28 for districts and public school academies with kindergarten
29 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

1 payments on behalf of districts, intermediate districts, and other
2 eligible entities under this section on a schedule determined by
3 the department.

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

12 (8) In order to receive state aid under this article for 2020-
13 2021, a district shall meet both of the following requirements:

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

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

28 (9) The department shall approve at least 4 but not more than
29 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 1 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 1 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

1 benchmark assessment or benchmark assessments under this section,
2 the district shall administer the same benchmark assessment or
3 benchmark assessments provided by a provider approved under
4 subsection (9), benchmark assessment or benchmark assessments
5 described in subsection (10), or local benchmark assessment or
6 local benchmark assessments that it administered to pupils in
7 previous school years, as applicable.

8 (12) By not later than June 30, 2021, a district shall send
9 the aggregate district-level data from a benchmark assessment or
10 benchmark assessments, excluding data from a local benchmark
11 assessment or local benchmark assessments, administered under this
12 section to a regional data hub that is part of the Michigan data
13 hub network that shall compile the data and send it to the center.
14 Not later than September 1, 2021, the department and the center
15 shall provide a report to the governor and the senate and house
16 standing committees responsible for education legislation
17 identifying the number and percentage of pupils in this state who
18 are significantly behind grade level as determined by the
19 department and the center based on the data provided to the center
20 under this subsection. The benchmark assessment data under this
21 subsection may also be used to measure pupils' growth based on
22 their performance on state summative assessments to identify
23 districts and schools where pupil achievement has increased or
24 decreased. However, the benchmark assessment data under this
25 subsection must not be utilized for the state accountability
26 system. It is the intent of the legislature that the benchmark
27 assessment data under this subsection be primarily utilized to
28 determine the loss of learning, if any, resulting from the COVID-19
29 pandemic. After the administration of statewide assessments

1 resumes, the department shall also provide a report to the governor
2 and the senate and house standing committees responsible for
3 education legislation identifying the specific pupil groups whose
4 expected trajectory toward grade-level proficiency were most
5 impacted by school closures that occurred pursuant to the COVID-19
6 pandemic.

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

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

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

18 (b) Complement the state's summative assessment system.

19 (c) Be internet-delivered and include a standards-based
20 assessment.

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

23 (e) Provide timely feedback to pupils and teachers.

24 (f) Be nationally normed.

25 (g) Provide information to educators about student growth and
26 allow for multiple testing opportunities.

27 (15) If a local benchmark assessment or local benchmark
28 assessments are administered under subsection (8), the district
29 shall report to the department and the center, in a form and manner

1 prescribed by the center, the local benchmark assessment or local
2 benchmark assessments that were administered and how that
3 assessment or those assessments measure changes, including any
4 losses, as applicable, in learning, and the district's plan for
5 addressing any losses in learning.

6 (16) From the general fund money appropriated in section 11,
7 there is allocated for 2020-2021 an amount not to exceed
8 \$150,000.00 to a higher education institution or other entity that
9 is not a state governmental entity that has expertise in conducting
10 a study described in this subsection to conduct a study that, at a
11 minimum, accomplishes all of the following:

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

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

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

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

22 (17) As used in this section:

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

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

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

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

1 law.