

Senate Fiscal Agency  
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**SFA**



**BILL ANALYSIS**

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House Bill 5228 (as enrolled)  
House Bill 5229 (as enrolled)  
House Bill 5230 (as enrolled)  
House Bill 5232 (as enrolled)  
House Bill 5233 (as enrolled)  
House Bill 5234 (as enrolled)  
House Bill 5235 (as enrolled)

Sponsor: Representative Sharon Gire (H.B. 5228)  
Representative Mark Schauer (H.B. 5229)  
Representative Ron Jelinek (H.B. 5230)  
Representative Jessie Dalman (H.B. 5232)  
Representative James Agee (H.B. 5233)  
Representative Clyde LeTarte (H.B. 5234)  
Representative Kwame Kilpatrick (H.B. 5235)

House Committee: Education  
Senate Committee: Education  
Senate Committee: Appropriations (H.B. 5233)

Date Completed: 1-2-98

### **RATIONALE**

The State first required the assessment of graduating high school students by means of proficiency tests in the fiscal year (FY) 1991-92 State School Aid Act. Under the Act, school districts were required to award a State-endorsed high school diploma to a pupil scheduled to graduate in 1994, 1995, or 1996, only if the pupil achieved one of three measurements, including a passing score on a locally developed and State-approved basic proficiency test. The State School Aid Act for FY 1993-94 continued this requirement, but required the tests to measure proficiency in communication skills, mathematics, and science. In addition, the Act required the State Board of Education, by July 31, 1995, to develop, select, and approve assessment instruments to determine a student's proficiency in the specific areas. Subsequently, Public Act 335 of 1993 added the proficiency testing requirements to the School Code. The first high school proficiency test was administered in February of 1996, to 100,000 high school juniors across the State who were tested in the three areas for which they could earn an endorsement--mathematics, science, and communication arts. Based on these test results, students were ranked as "proficient", "novice", or "not-yet-novice". Only a proficient ranking qualified

**PUBLIC ACT 175 of 1997**  
**PUBLIC ACT 176 of 1997**  
**PUBLIC ACT 177 of 1997**  
**PUBLIC ACT 178 of 1997**  
**PUBLIC ACT 179 of 1997**  
**PUBLIC ACT 180 of 1997**  
**PUBLIC ACT 181 of 1997**

a student to receive an endorsed diploma, but students who earned a novice score had this rank indicated on their transcripts. After the initial administration of the test, questions were raised about its purpose and suitability. A number of students, parents, and educators criticized the test as being too complex and lengthy to administer, and claimed that it was too difficult to interpret the significance of the scores. Since few colleges and employers apparently have used the scores in their admissions and hiring decisions, some people contended that the test offered no benefit to students, who gained little by scoring well but could be stigmatized by a poor performance. Consequently, some parents have exercised their option under a State Board of Education policy to seek for their children an exemption from taking the test. In response to the criticisms of the test and the growing number of students opting out of taking it, some people believed that revisions were needed in the administration of the high school proficiency test.

### **CONTENT**

**House Bills 5228 and 5229 amended the Revised School Code and the State School Aid**

Act, respectively, to delete the previous requirement that a school board award State-endorsed high school diplomas to eligible high school graduates, and to do the following:

- Require a school board or public school academy to administer to high school students State assessments in communication skills, mathematics, science, and beginning with students scheduled to graduate in 2000, social studies.
- Require a school board to include on a pupil's high school transcript his or her scaled score on the assessment; an indication that the pupil achieved State endorsement for a subject area, if the pupil's scaled score falls within the required range; and, the number of days the pupil attended school each year during high school and the total number of days school was in session each year.
- Require the Department of Education to develop scaled scores for reporting subject area assessment results, subject to State Board of Education approval.
- Require the Superintendent of Public Instruction to establish three categories for each subject area indicating basic competency, above average, and outstanding.
- Require that the State assessments be administered to pupils during the last 30 school days of grade 11, and require the scores to be returned no later than the beginning of a pupil's first semester of grade 12.
- Require that assessment scores indicate a pupil's scaled score for each subject area, the range of scaled scores needed for each subject area, and the range of scaled scores required for each category of competency.
- Require the Department of Education to ensure that the length of the assessments and the time needed to administer them are the shortest possible, and that the maximum time needed to complete all assessments not exceed eight hours.
- Permit a pupil who wants to repeat an assessment to do so without charge in the next school year or after graduation.
- Require the Department to arrange for repeat assessments for pupils who wants to repeat an assessment.
- Require the Department to submit to the

Legislature annually until 2000 a comprehensive report on the status of the assessment program.

- Permit pupils scheduled to graduate in 1998 who took the assessments during the 1996-97 school year to repeat an assessment during the 1997-98 school year and before graduation.
- Permit a person who has graduated from high school after 1996 and who previously has not taken any assessments to take the tests at no cost.
- Permit a nonpublic school student and a home school student to take an assessment, and require a school district to administer an assessment for a home school student.
- State the purpose of the assessments as the improvement of academic achievement and the establishment of a statewide standard of competency.
- Require the State Board of Education, within 90 days after the bill's effective date, to appoint an 11-member assessment administration advisory committee.

House Bills 5230, 5232, 5233, 5234, and 5235 amended the Revised School Code and other statutes to make changes pertaining to students' qualifying for postsecondary enrollment options; school improvement plans; school accreditation; and special assistance.

House Bills 5228, 5229, 5230, 5232, and 5235 are tie-barred to each other. A more detailed description of the bills follows.

#### House Bills 5228 and 5229

##### Purpose of Assessment

The bills state that the "purpose of the assessments is to assess pupil performance in mathematics, science, social studies, and communication arts for the purpose of improving academic achievement and establishing a statewide standard of competency". The bills also state that an assessment "provides a common measure of data that will contribute to the improvement of Michigan schools' curriculum and instruction by encouraging alignment with Michigan's curriculum framework standards. These standards are based upon the expectations of what pupils should know and be able to do by the end of grade 11."

## State Endorsement

Previously, the Revised School Code required the board of a school district or public school academy to award a State-endorsed high school diploma to an eligible high school graduate. The State School Aid Act required a school district or a public school academy to award an endorsed high school diploma in order to receive State aid. Under the Revised School Code and the State School Aid Act, if a pupil achieved the objectives required by the State Board of Education, as measured by an assessment instrument, for a State-endorsed high school diploma in one or more specified subject areas, the pupil's school district or public school academy had to award a State endorsement on the pupil's diploma in each of the subject areas in which the pupil demonstrated the required proficiency. The bills deleted these provisions and require a school district or a public school academy to administer State assessments to high school pupils in the subject areas of communications skills, mathematics, science, and, beginning with pupils scheduled to graduate in 2000, social studies. A board must include on the pupil's high school transcript all of the following:

- The pupil's scaled score on the assessment, for each high school graduate who completes a subject area assessment.
- An indication that the pupil achieved State endorsement for a subject area, if the pupil's scaled score on a subject area assessment falls within the required range for a category of competency established under the bills.
- The number of school days the pupil was in attendance at school each school year during high school and the total number of school days in session for each of those school years.

The Department of Education must develop scaled scores for reporting subject area assessment results for each of the subject areas, subject to State Board approval. In addition, the Superintendent of Public Instruction must develop three categories for each subject area indicating basic competency, above average, and outstanding. The State Superintendent must establish the scaled score range required for each category. The Department must design and distribute to school districts, intermediate school districts, public school academies, and nonpublic schools a simple and concise document that describes these categories in each subject area and indicates the scaled score ranges for each category in each subject area.

The bills define "communication skills" as reading and writing; and define "social studies" as geography, history, economics, and American government.

## Assessment Administration

The bills require that the assessments be administered to pupils during the last 30 school days of grade 11. The Department of Education must ensure that the assessments are scored and the scores are returned to pupils, their parents or legal guardians, and school districts or public school academies no later than the beginning of the pupils' first semester of grade 12. By fall 1999, the Department will have to arrange for those portions of a pupil's assessment that cannot be scored mechanically to be scored in Michigan by persons who are Michigan teachers, retired Michigan teachers, or Michigan school administrators and who have been trained in scoring assessments. The returned scores must indicate the pupil's scaled score for each subject area assessment, the range of scaled scores for each subject area, and the range of scaled scores required for each category of competency. In reporting scores to pupils, parents, and schools, the Department must provide specific, meaningful, and timely feedback on the pupils' performance on the assessment.

## Repeat Assessments

Previously under the Revised School Code and the State School Aid Act, a pupil who did not achieve the requirements for a State-endorsed high school diploma could be reevaluated each school year until he or she achieved an applicable requirement for a State-endorsed diploma. Under the bills, for each pupil who does not achieve State-endorsement in one or more subject areas, the board of a school district or public school academy will have to provide for a meeting, as previously required, to determine an educational program for the student designed to have him or her achieve State endorsement in each subject in which he or she did not achieve State endorsement.

A pupil who wants to repeat an assessment may do so, without charge, in the next school year or after graduation. In addition, a person may repeat any of the assessment instruments at any time established by the Department as a retesting period, as well as at any time a school district or public school academy administers an applicable assessment, (as the Code previously provided). The bills require the Department to establish,

schedule, and arrange periodic retesting periods throughout the year for individuals who desire to repeat an assessment. The Department also must coordinate the arrangements for administering the repeat assessments and must ensure that the retesting is made available at least within each intermediate school district and, to the extent possible, within each school district.

(The bills deleted provisions concerning a pupil's qualifying for a State-endorsed diploma and an individual's repeating a test and qualifying for an endorsed diploma.)

The State School Aid Act had permitted a pupil, who was in at least grade 10, to take a test or an assessment when a district regularly administered it in order to qualify for a postsecondary enrollment option. House Bill 5229 retained this provision but permits a pupil to take an assessment during a retesting period established by the Department or when the district regularly administers the assessment. Previously, a district was not required to include a pupil's test results in grade 10 or lower as part of an annual education report or any other report submitted for accreditation purposes. The bill provides instead that results of tests taken in grade 11 or lower do not have to be reported until the results for a pupil's graduating class are otherwise reported.

Upon payment of a reasonable fee any person previously could have taken the State-endorsed diploma test and upon demonstrating the required proficiency in a subject area, have his or her high school diploma endorsed for that subject area. The bills deleted this provision and specify, instead, that a person who has graduated from high school after 1996 and who has not previously taken an assessment may take the assessments, without cost to the person, at the school district from which he or she graduated from high school at any time that school administers the assessment or during a retesting period established by the Department, and have his or her scaled score included on his or her high school transcript. If the person's scaled score on a subject area assessment falls within the required range for a category of competency established under the Code, the school district also must indicate on the person's high school transcript that he or she achieved State endorsement for that subject area.

Pupils scheduled to graduate in 1998 who took the assessments during the 1996-97 school year may repeat one or more of the assessments during the 1997-98 school year. The Department, in

cooperation with school districts and public school academies, must make arrangements for repeat assessments to be available for these pupils in each school district that operates a high school during the 1997-98 school year in time for these pupils to repeat the assessments before graduation. The repeat assessments may be administered at times other than regular school hours.

#### Assessment Length

The bills require the Department to ensure that the length of the assessments and the combined total time necessary to administer all of them, including social studies, be the shortest possible that still maintains the degree of reliability and validity of the assessment results determined necessary by the Department. The Department also must ensure that the maximum total combined length of time schools are required to set aside for administration of all of the assessments, including social studies, does not exceed eight hours. The bills specify that this does not limit the amount of time that individuals may have to complete the assessments.

#### Nonpublic School Students

A child who is a student in a nonpublic school or home school may take an assessment under the bills. To take an assessment, a child who is a student in a home school must contact the school district in which the child resides, and that school district is required to administer the assessment, or the child may take the assessment at a nonpublic school if allowed by the nonpublic school. Upon request from a nonpublic school, the Department is required to supply assessments and the nonpublic school may administer them to its students.

#### Report to Legislature

By July 1 of each year until 2000, the Department will have to submit a comprehensive report to the Legislature on the status of the assessment program. The report must include at least all of the following: the annual pupil assessment data; a description of the feedback provided to pupils, parents, and schools; a description of any significant alterations made in the program by the Department or State Board during the period covered by the report; any recommendations by the Department or State Board for legislative changes to the program; and, an update of the reports of the State Board's assessment advisory committees.

### Advisory Committee

Under House Bill 5228, within 90 days after the bill's effective date, the State Board must appoint an 11-member assessment administration advisory committee to advise the State Board on Michigan Education Assessment Program (MEAP) tests and on the assessments used for State endorsements. The advisory committee must be composed of representatives of school districts, intermediate school districts (ISDs), school administrators, teachers, and parents, with the appointments reflecting the geographic and population diversity of school districts in the State. The representatives of school districts and ISDs must be persons who are expert in testing or test administration. The advisory committee is required to evaluate the tests and assessments and make recommendations to the State Board and Department on issues related to the administration, scoring, and reporting and use of results of these tests and assessments, including, but not limited to, length of the tests and assessments; the time of the testing period during the school year; feedback provided to pupils, parents, and schools; accurate and relevant reporting of results to the general public; the selection of a retesting period and procedures and arrangements for repeating tests or assessments; local scoring and other general issues regarding scoring of tests and assessments; categories of scoring on the MEAP tests and categories of State endorsement; and professional development for teachers to assist in preparing pupils to have the necessary skills and knowledge to succeed on the tests and assessments.

### House Bill 5230

The Revised School Code had provided that, upon the written request of a pupil's parent or legal guardian stating that the request was for the purpose of giving the pupil the opportunity to take one or more postsecondary courses, the board of a school district had to allow a pupil who was in at least grade 10 to take a test or assessment at any time the district regularly administered the test or assessment or administered a retest for the test or assessment. The bill amended this provision to require the school district to allow the pupil to take an assessment at any time the district regularly administers the test or assessment or during a retesting period established by the Department.

A school district previously was not required to include in an annual education report, or any other report submitted to the Department for accreditation purposes, results of tests or

assessments taken under this provision by a pupil in grade 10. The bill does not require the reporting of tests or assessments taken by a pupil in grade 11 or lower until the results of that pupil's graduating class are otherwise reported.

### House Bill 5232

The bill amended the Postsecondary Enrollment Options Act to limit the eligibility for dual enrollment of a pupil in either grade 11 or grade 12 if the pupil has not successfully achieved State endorsement in all subject areas.

Previously, "eligible student" meant a student enrolled in at least one high school class in at least grade 11 who had successfully completed the requirements for a State endorsement in all subject areas under the Revised School Code. For a student who was enrolled in grade 12 but who had not successfully completed the requirements for a State endorsement in all subject areas, the student was eligible but only for the limited purpose of enrolling in a subject area for which he or she had earned an endorsement, in computer science or foreign language not offered by the school district, or in fine arts. Under the bill, this limitation applies to a student in either grade 11 or grade 12 who has not achieved State endorsement in all subject areas.

The bill also revises the definition of an "eligible course" to specify that for an eligible student who has not achieved State endorsement in all subject areas under the Revised School Code, an eligible course is limited to a course in a subject area for which the student has achieved State endorsement, as well as a course in computer science or foreign language not offered by a district, or fine arts. Previously, this limitation applied to an eligible student who had not successfully completed the requirements for a State endorsement.

### House Bill 5233

The bill amended the Revised School Code to revise criteria that must be included in school improvement plans for school districts and intermediate school districts.

Under the bill, a school district's school improvement plan must include goals centered on student academic learning, strategies to accomplish the goals, and evaluation of the plan. The bill also requires that an ISD school improvement plan include methods to assist

districts in improving pupils' academic learning, a plan for professional development that supports academic learning, collaborative efforts with supporting agencies that enhance academic learning, and evaluation of the plan.

The bill deleted the following criteria that had to be included in a school district school improvement plan: identification of the adult roles for which graduates needed to be prepared; identification of the education and skills that were needed to allow graduates to fulfill those adult roles; a determination of whether the existing school curriculum was providing pupils with the education and skills needed to fulfill those adult roles; and, identification of changes that had to be made in order to provide graduates with the necessary education and skills and specific recommendations for implementing those changes. The bill also deleted the following criteria that had to be included in an ISD school improvement plan: a plan for addressing classroom needs and improvements throughout the territory of the ISD without regard to school district boundaries; a plan for delivery of effective and relevant professional development for teachers within the ISD that would lead to improved teaching and learning; coordination of services and service delivery with other existing State and local human services agencies; and, identification of the ISD's role in providing services or assistance to local school districts.

#### **House Bill 5234**

The bill amended the Revised School Code to require that standards for school accreditation or summary accreditation include the percentage of pupils achieving State endorsement on State assessments under the Revised School Code and the multiple year change in the percentage of pupils achieving State endorsement. The bill also retains the requirement that these standards include pupil performance on the MEAP tests and the multiple year change in pupil performance on these tests.

#### **House Bill 5235**

The bill amended the Revised School Code to require a school board to use MEAP test results as an indicator of which pupils need special assistance to have a fair opportunity to achieve State endorsement under the Code and of whether the school district's curriculum is adequately aligned to prepare pupils to achieve State endorsement.

Previously, a school board had to provide a core

academic curriculum, learning processes, special assistance, and sufficient access to each of these so that all pupils had a fair opportunity to achieve a State-endorsed diploma. The bill deletes reference to achieving a State-endorsed diploma and refers, instead, to a fair opportunity to achieve State endorsement under the Code. In addition, the bill requires that special assistance be included particularly for students with reading disorders or who have demonstrated marked difficulty in achieving success on standardized tests.

Under the bill, the special assistance may include at least one meeting attended by at least the pupil and a member of the school district's staff or a local or ISD consultant who is knowledgeable in the measurement and evaluation of pupils. The school district may provide the meeting as a group meeting for pupils in similar circumstances. If the pupil is a minor, the school district must invite and encourage the pupil's parent, legal guardian, or person in loco parentis to attend the meeting and must mail a notice of the meeting to that person.

The bill specifies that the purpose of the meeting and any subsequent meeting should be to determine an educational program for the pupil designed to assist the pupil to be prepared to achieve State endorsement under the Code. The school district also may provide for subsequent meetings with the pupil conducted by a counselor or teacher designated by the pupil's principal, and must invite and encourage the pupil's parent, legal guardian, or person in local parentis to attend the subsequent meetings. The school district may provide special programs for the pupil or develop a program using the educational programs regularly provided by the school district.

MCL 380.1279 (H.B. 5228)  
388.1704a (H.B. 5229)  
380.1279f (H.B. 5230)  
388.513 (H.B. 5232)  
380.1277 (H.B. 5233)  
380.1280 (H.B. 5234)  
380.1282 (H.B. 5235)

#### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

The high school proficiency test and endorsed high school diplomas have been valuable instruments for evaluating students and bringing about school

improvement, but there have been problems with the administration of the test and the use of an endorsed diploma that must be addressed. House Bills 5228 and 5229 deleted the requirement that the board of a school district or a public school academy award a State-endorsed high school diploma. Instead, a school board or a public school academy must include on high school graduates' transcripts certain information, including the scaled scores that they received on a subject area assessment test. The Department of Education is required to develop scaled scores for reporting assessment results, and the State Superintendent must develop three categories for each subject area indicating basic competency, above average, and outstanding. This will help provide a better accounting of the various levels of student achievement on the tests. The bills also require that assessments be administered during the last 30 days of grade 11. This addresses the criticism that the test, which had been administered in the middle of the 11th grade, was given too early, which limited the flexibility of students to enroll in elective courses that were enriching but whose subject matter was not on the tests. In addition, the bills require that test scores be returned to students early in the 12th grade, which will allow opportunities for remediation and retesting. Thus, students will receive meaningful and timely feedback about their scores. This may help students who are not successful on an assessment to make improvements to achieve an endorsement in a subject area. In addition, House Bill 5235 requires a school board to use MEAP test results as an indicator of which pupils need special assistance to have an opportunity to achieve State endorsement. As a result, there may be early intervention to provide special assistance to students, and school districts may be helped in revising their curricula to prepare students for the assessments.

**Response:** Although the bills require that test scores be returned to students, test scores alone do not provide enough information to help teachers understand a student's deficiencies. The entire test should be returned so teachers can review a student's performance and how it was evaluated.

### **Supporting Argument**

House Bills 5228 and 5229 address concerns raised by students and their parents about the purpose of the proficiency test and by educators about the length of the test. The bills state that the purpose of the assessments is to assess pupil performance in order to improve academic achievement and establish a statewide standard of competency. In addition, the bills require the

Department of Education to ensure that the length of the assessments and the time needed to administer them are the shortest possible. The maximum time needed to complete all assessments cannot exceed eight hours. By establishing a limit on the length of the assessments, the bills respond to complaints by teachers and students that the tests, which in some districts reportedly took up to 11-1/2 hours to administer, used valuable class instructional time. Although parents still can opt to have their children excused from the proficiency test, as provided in State Board policy, the bills' revisions of the test may help reduce suspicion and criticism of the test.

### **Opposing Argument**

Some critics of the proficiency test argued that it required school districts to align their curricula with a statewide test and required teachers to teach to the test, instead of allowing local school districts to develop curricula that met their districts' needs. Others contended that a goal of the proficiency test was to align local curricula with a mandatory State curriculum in order to bring about school improvement in all districts. Michigan, however, does not have a mandatory core curriculum, and local curricula are aligned only with State standards. Since assessment is not tied to a mandated curriculum, some educators question how the State's high school proficiency assessments may result in school improvement. Given the diverse views of the proficiency test and an additional concern that testing is geared to college-bound students, while ignoring the needs of students who will not attend a four-year college or university, the test should be eliminated. If a school district wants to assess the performance of its high school students, it can use nationally recognized tests such as the SAT or ACT exams.

Legislative Analyst: L. Arasim

### **FISCAL IMPACT**

Changes in the assessment process may result in an indeterminate increase in costs at the State and local levels. At the State level, there may be increased costs associated with the following requirements: the Department's development of a scaled scoring system, a faster turn-around time of the scores, ensuring that the length of the tests does not exceed eight hours, establishing and arranging the retesting periods (particularly for those students who took the test in 1996-97 and choose to retake the test in 1997-98), the submission of a comprehensive report to the Legislature detailing the status of the State

assessment program, and a possible increase in participation in dual enrollment programs. The costs of these increased requirements are indeterminable because it is unknown whether the current funding of more than \$1,300,000 will be sufficient to cover these costs.

Local districts also may incur a cost for re-evaluating students to determine if they are ready to take the assessment tests. There may also be increased costs associated with the additional information that is required to be placed on a student's transcripts. This cost will have to be paid from a school's general operating fund, which may or may not be sufficient depending on the school district.

Fiscal Analyst: J. Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.