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SFA



BILL ANALYSIS

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House Bill 5228 (Substitute S-3 as reported)
House Bill 5229 (Substitute S-3 as reported)
House Bill 5230 (Substitute S-1 as reported)
House Bill 5232 (Substitute S-1 as reported)
House Bill 5234 (as reported with amendments)
House Bill 5235 (Substitute S-1 as reported)
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 Clyde LeTarte (H.B. 5234)
Representative Kwame Kilpatrick (H.B. 5235)
House Committee: Education
Senate Committee: Education

Date Completed: 12-10-97

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 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 the spring of 1996, to 100,000 high school juniors across the State who were tested in 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 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 use the scores in their admissions and hiring decisions, some people contend that the test offers no benefit to students, who gain little by scoring well but can be stigmatized by a poor performance. Consequently, some parents have exercised their option under the law 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 believe that revisions are needed in the administration of the high school proficiency test.

CONTENT

House Bills 5228 (S-3) and 5229 (S-3) would amend the Revised School Code and the State School Aid Act, respectively, to delete the current 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 or public school academy, for each high school graduate who had completed a subject area assessment, to include on a pupil's transcript his or her scaled score on the assessment.
- Require the Department of Education to develop scaled scores for reporting subject area assessment results.
- 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 and the range of scaled scores needed for each subject area.
- Require a school board or public school academy to designate a score that indicated successful achievement in a subject area.
- Require the Department of Education to ensure that the length of the assessments and the time needed to administer them were the shortest possible, and that the maximum time needed to complete all assessments not exceed eight hours.
- Require the Department to arrange for repeat assessments for pupils who wanted 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 graduated from high school after 1996 and who previously had 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.

House Bills 5230 (S-1), 5232 (S-1), 5234, and 5235 (S-1) would amend the Revised School Code and other statutes to make changes pertaining to students' qualifying for postsecondary enrollment options; school accreditation; and special assistance.

The bills all are tie-barred to each other. A more detailed description of the bills follows.

House Bills 5228 (S-3) and 5229 (S-3)

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."

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

State Endorsement

Currently, the Revised School Code requires 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 requires 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 achieves 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 must award a State endorsement on the pupil's diploma in each of the subject areas in

which the pupil demonstrated the required proficiency. The bill would delete 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. For each high school graduate who had completed a subject area assessment, a board would have to include on the pupil's high school transcript the pupil's scaled score on the assessment.

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

Assessment Administration

The assessments would have to be administered to pupils during the last 30 school days of grade 11. The Department of Education would have to ensure that the assessments were scored and the scores were 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 would have to arrange for those portions of a pupil's assessment that could not be scored mechanically to be scored in Michigan by Michigan teachers trained in scoring assessments. The returned scores would have to indicate the pupil's scaled score for each subject area assessment and the range of scaled scores for each subject area. In reporting scores to pupils, parents, and schools, the Department would have to provide specific, meaningful, and timely feedback on the pupils' performance on the assessment.

Repeat Assessments

Currently under the Revised School Code and the State School Aid Act, a pupil who does not achieve the requirements for a State-endorsed high school diploma may be reevaluated each school year until he or she achieves an applicable requirement for a State-endorsed diploma. Under the bills, for each subject area assessment, the board of each school district or public school academy would have to designate a particular score that the board considered to indicate successful achievement in that subject area. For each pupil who did not achieve the score in one or more subject areas, the board of a school district or public school academy would have to provide for a meeting, as is currently required, to determine an educational program for the student designed to have him or her reach successful achievement in each subject in which he or she did not achieve the score established by the board. A pupil who wanted to repeat an assessment could do so, without charge, later in the school year or after graduation. In addition, a person could repeat any of the assessment instruments at any time established by the Department as a retesting period. The Department would have to establish, schedule, and arrange periodic retesting periods throughout the year for individuals who desired to repeat an assessment. The Department would have to coordinate the arrangements for administering the repeat assessments and would have to ensure that the retesting was made available at least within each intermediate school district and, to the extent possible, within each school district.

(The bills would delete current 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 permits a pupil, who is in at least grade 10, to take a test or an assessment when a district regularly administers it in order to qualify for a postsecondary enrollment option. A district is 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. House Bill 5229 (S-3) would permit a pupil to take an assessment during a retesting period established by the Department or when the district regularly administered the assessment. The bill provides that results of tests taken in grade 11 or lower would not have to be reported until the results for a pupil's graduating class were otherwise reported.

Upon payment of a reasonable fee any person

currently may take 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 would delete this provision and provide, instead, that a person who had graduated from high school after 1996 and who had not previously taken an assessment could 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 administered 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.

Pupils scheduled to graduate in 1998 who took the assessments during the 1996-97 school year could repeat one or more of the assessments during the 1997-98 school year. The Department, in cooperation with school districts and public school academies, would have to make arrangements for repeat assessments to be available for these pupils in each school district that operated a high school during the 1997-98 school year in time for these pupils to repeat the assessments before graduation. The repeat assessments could be administered at times other than regular school hours.

Assessment Length

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

Nonpublic School Students

A child who was a student in a nonpublic school or home school could take an assessment under the bills. To take an assessment, a child who was a student in a home school would have to contact the school district in which the child resided, and that school district would have to administer the assessment, or the child could take the assessment at a nonpublic school if allowed by the nonpublic school. Upon request from a nonpublic school, the Department would have to supply

assessments and the nonpublic school could administer them to its students.

Report to Legislature

By July 1 of each year until 2000, the Department would have to submit a comprehensive report to the Legislature on the status of the assessment program. The report would have to 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.

House Bill 5230 (S-1)

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

A school district currently is 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 would 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 were otherwise reported.

House Bill 5232 (S-1)

The bill would amend the Postsecondary Options Enrollment Act to require the Superintendent of Public Instruction to establish and publish a minimum score on each assessment administered under the Revised School Code's high school proficiency testing provisions for a student to qualify as an eligible student for all courses under the Act.

Under the bill, the minimum score for each assessment would have to be a score that the

Superintendent determined to be indicative of a likelihood of success in a postsecondary course in the subject area tested on the assessment. If a student did not achieve the minimum score on an assessment, the student's participation in the postsecondary courses would be limited, as provided in the Act.

In addition, the bill would delete from the definition of "eligible student" reference to a student enrolled in grade 12 in a school district. Currently, "eligible student" means a student enrolled in at least one high school class in at least grade 11 who has successfully completed the requirements for a State endorsement in all subject areas under the Revised School Code. For a student who is enrolled in grade 12 but who has not successfully completed the requirements for a State endorsement in all subject areas, the student is eligible but only for the limited purpose of dual enrollment in a subject area for which he or she has earned an endorsement, in computer science or foreign language not offered by the school district, or in fine arts. Under the bill, this limitation would apply to a student in either grade 11 or grade 12 who had not achieved the minimum score established by the Superintendent of Public Instruction.

The bill also would revise the definition of an "eligible course" to specify that for an eligible student who had not achieved the minimum score established by the State Superintendent in all subject areas in the assessments, an eligible course would be limited to a course in a subject area for which the student had successfully achieved the minimum score established by the State Superintendent, as well as a course in computer science or foreign language not offered by a district, or a course in fine arts. Currently, this limitation applies to an eligible student who has not successfully completed the requirements for a State endorsement.

House Bill 5234

The bill would amend the Revised School Code to require that standards for school accreditation or summary accreditation include student performance on State assessments and the multiple year change in pupil performance on those assessments. The bill would retain the current requirement that these standards include pupil performance on the Michigan Education Assessment Program (MEAP) tests.

House Bill 5235 (S-1)

The bill would amend the Revised School Code to require a school board to use MEAP tests results as an indicator of which pupils needed special assistance to have a fair opportunity to be successful on assessments administered under the Code and of whether the school district's curriculum was adequately aligned to prepare pupils to be successful on assessments.

Currently, a school board must provide a core academic curriculum, learning processes, special assistance, and sufficient access to each of these so that all pupils have a fair opportunity to achieve a State-endorsed diploma. The bill would delete reference to achieving a State-endorsed diploma and refer, instead, to a fair opportunity to be successful on assessments administered under the School Code. In addition, the bill would require that special assistance be included particularly for students with reading disorders.

Under the bill, the special assistance could 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 was knowledgeable in the measurement and evaluation of pupils. The school district could provide the meeting as a group meeting for pupils in similar circumstances. If the pupil were a minor, the school district would have to invite and encourage the pupil's parent, legal guardian, or person in loco parentis to attend the meeting and would have to mail a notice of the meeting to that person.

The bill specifies that the purpose of the meeting and any subsequent meeting would be to determine an educational program for the pupil designed to assist the pupil to be successful on the assessment. The school district also could provide for subsequent meetings with the pupil conducted by a counselor or teacher designated by the pupil's principal, and would have to invite and encourage the pupil's parent, legal guardian, or person in loco parentis to attend the subsequent meetings. The school district could 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)
380.1280 (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 are valuable instruments for evaluating students and bringing about school improvement, but there are problems with the administration of the test and the use of an endorsed diploma that must be addressed. House Bills 5228 (S-3) and 5229 (S-3) would delete the current 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 would have to include on high school graduates' transcripts the scaled scores that they received on a subject area assessment test. The Department of Education would have to develop scaled scores for reporting assessment results, and the State Superintendent would have to develop three categories for each subject area indicating basic competency, above average, and outstanding. This would help provide a better accounting of the various levels of student achievement on the tests. The bills also would require that assessments be administered during the last 30 days of grade 11. This would address the criticism that the test, which currently is administered in the middle of the 11th grade, is given too early, which limits the flexibility of students to enroll in elective courses that are enriching but whose subject matter is not on the tests. In addition, the bills would require that test scores be returned to students early in the 12th grade, which would provide opportunities for remediation and retesting. Thus, students would receive meaningful and timely feedback about their scores. This could help students who were not successful on an assessment to make improvements to achieve an endorsement in a subject area. In addition, House Bill 5235 (S-1) would require a school board to use MEAP test results as an indicator of which pupils needed special assistance to have an opportunity to be successful on the assessments. As a result, there could be early intervention to provide special assistance to students, and school districts could be helped in revising their curriculum to prepare students for the assessments.

Response: Although the bills would 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 could review a student's performance and how it was evaluated.

Supporting Argument

House Bills 5228 (S-3) and 5229 (S-3) would

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 would be to assess pupil performance in order to improve academic achievement and establish a statewide standard of competency. In addition, the bills would require the Department of Education to ensure that the length of the assessments and the time needed to administer them were the shortest possible. The maximum time needed to complete all assessments could not exceed eight hours. By establishing a limit on the length of the assessments, the bills would respond to complaints by teachers and students that tests, which in some districts reportedly took up to 11-1/2 hours to administer, used valuable class instructional time.

Opposing Argument

Some critics of the proficiency test argue that it requires school districts to align their curricula with a statewide test and requires teachers to teach to the test, instead of allowing local school districts to develop curricula that meet their districts' needs. Others contend that a goal of the proficiency test is 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 could result in school improvement. Given the diverse views of the proficiency test and an additional concern that it 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 wanted to assess the performance of its high school students, it could use nationally recognized tests such as the SAT or ACT exams.

Legislative Analyst: L. Arasim

FISCAL IMPACT

Changes in the assessment process could result in an indeterminate increase in costs at the State and local levels. At the State level, there could 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 did not exceed eight hours, establishing and arranging the retesting periods (particularly for those students who took the test in 1996-97 and chose 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 would be sufficient to cover these costs.

Local districts also could incur a cost for re-evaluating students to determine if they were ready to take the assessment tests. This cost would 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.