

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5229

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
by amending section 104a (MCL 388.1704a), as amended by 1997 PA
24.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 104a. (1) In order to receive state aid under this
2 act, a district shall comply with this section and shall ~~award a~~
3 ~~state-endorsed high school diploma to an eligible graduate as~~
4 ~~provided in this section~~ ADMINISTER STATE ASSESSMENTS TO HIGH
5 SCHOOL PUPILS IN THE SUBJECT AREAS OF COMMUNICATIONS SKILLS,
6 MATHEMATICS, SCIENCE, AND, BEGINNING WITH PUPILS SCHEDULED TO
7 GRADUATE IN 2000, SOCIAL STUDIES. THE DISTRICT SHALL INCLUDE ON
8 THE PUPIL'S HIGH SCHOOL TRANSCRIPT ALL OF THE FOLLOWING:

HB 5229, As Passed Senate, December 4, 1997

House Bill No. 5229

2

1 (A) FOR EACH HIGH SCHOOL GRADUATE WHO HAS COMPLETED A
2 SUBJECT AREA ASSESSMENT UNDER THIS SECTION, THE PUPIL'S SCALED
3 SCORE ON THE ASSESSMENT.

4 (B) IF THE PUPIL'S SCALED SCORE ON A SUBJECT AREA ASSESSMENT
5 FALLS WITHIN THE RANGE REQUIRED UNDER SUBSECTION (2) FOR A CATE-
6 GORY ESTABLISHED UNDER SUBSECTION (2), AN INDICATION THAT THE
7 PUPIL HAS ACHIEVED STATE ENDORSEMENT FOR THAT SUBJECT AREA.

8 (C) THE NUMBER OF SCHOOL DAYS THE PUPIL WAS IN ATTENDANCE AT
9 SCHOOL EACH SCHOOL YEAR DURING HIGH SCHOOL AND THE TOTAL NUMBER
10 OF SCHOOL DAYS IN SESSION FOR EACH OF THOSE SCHOOL YEARS.

11 ~~(2) For pupils scheduled to graduate in 1997, if a pupil~~
12 ~~achieves the outcomes required by the state board, as measured by~~
13 ~~an assessment developed under subsection (7), for a~~
14 ~~state-endorsed high school diploma, or meets the requirements~~
15 ~~described in former subsection (1)(c) for a state-endorsed high~~
16 ~~school diploma, in 1 or more of the subject areas of communica-~~
17 ~~tions skills, mathematics, and science, the pupil's district~~
18 ~~shall award a state endorsement on the pupil's diploma in each of~~
19 ~~the subject areas in which the pupil demonstrated the required~~
20 ~~proficiency. Beginning with pupils scheduled to graduate in~~
21 ~~1998, if a pupil achieves the objectives required by the state~~
22 ~~board, as measured by an assessment instrument developed under~~
23 ~~subsection (7), for a state-endorsed high school diploma in 1 or~~
24 ~~more of the subject areas of communications skills, mathematics,~~
25 ~~science, and, beginning with pupils scheduled to graduate in~~
26 ~~2000, social studies, the pupil's district shall award a state~~
27 ~~endorsement on the pupil's diploma in each of the subject areas~~

HB 5229, As Passed Senate, December 4, 1997

HB 5229 as amended December 3, 1997

3

1 ~~in which the pupil demonstrated the required proficiency. A~~
2 ~~district shall not award a state endorsement to a pupil unless~~
3 ~~the pupil meets the applicable requirements for the endorsement,~~
4 ~~as described in this subsection.~~ THE DEPARTMENT SHALL DEVELOP
5 SCALED SCORES FOR REPORTING SUBJECT AREA ASSESSMENT RESULTS FOR
6 EACH OF THE SUBJECT AREAS UNDER THIS SECTION. SUBJECT TO APPROVAL
7 BY THE STATE BOARD, THE SUPERINTENDENT
8 OF PUBLIC INSTRUCTION SHALL ESTABLISH 3 CATEGORIES FOR EACH
9 SUBJECT AREA INDICATING BASIC COMPETENCY, ABOVE AVERAGE, AND OUT-
10 STANDING, AND SHALL ESTABLISH THE SCALED SCORE RANGE REQUIRED FOR
11 EACH CATEGORY. THE DEPARTMENT SHALL DESIGN AND DISTRIBUTE TO
12 DISTRICTS, INTERMEDIATE DISTRICTS, AND NONPUBLIC SCHOOLS A SIMPLE
13 AND CONCISE DOCUMENT THAT DESCRIBES THESE CATEGORIES IN EACH
14 SUBJECT AREA AND INDICATES THE SCALED SCORE RANGES FOR EACH CATE-
15 GORY IN EACH SUBJECT AREA. A ~~school~~ district may award a high
16 school diploma to a pupil who successfully completes local dis-
17 trict requirements established in accordance with state law for
18 ble for any state endorsement.

19 (3) THE ASSESSMENTS ADMINISTERED FOR THE PURPOSES OF THIS
20 SECTION SHALL BE ADMINISTERED TO PUPILS DURING THE LAST 30 SCHOOL
21 DAYS OF GRADE 11. THE DEPARTMENT SHALL ENSURE THAT THE ASSESS-
22 MENTS ARE SCORED AND THE SCORES ARE RETURNED TO PUPILS, THEIR
23 PARENTS OR LEGAL GUARDIANS, AND DISTRICTS NOT LATER THAN THE
24 BEGINNING OF THE PUPIL'S FIRST SEMESTER OF GRADE 12. NOT LATER
25 THAN FALL 1999, THE DEPARTMENT SHALL ARRANGE FOR THOSE PORTIONS
26 OF A PUPIL'S ASSESSMENT THAT CANNOT BE SCORED MECHANICALLY TO BE
27 SCORED IN MICHIGAN BY PERSONS WHO ARE MICHIGAN TEACHERS, RETIRED

HB 5229, As Passed Senate, December 4, 1997

House Bill No. 5229

4

1 MICHIGAN TEACHERS, OR MICHIGAN SCHOOL ADMINISTRATORS AND WHO HAVE
2 BEEN TRAINED IN SCORING THE ASSESSMENTS. THE RETURNED SCORES
3 SHALL INDICATE THE PUPIL'S SCALED SCORE FOR EACH SUBJECT AREA
4 ASSESSMENT, THE RANGE OF SCALED SCORES FOR EACH SUBJECT AREA, AND
5 THE RANGE OF SCALED SCORES REQUIRED FOR EACH CATEGORY ESTABLISHED
6 UNDER SUBSECTION (2). IN REPORTING THE SCORES TO PUPILS, PAR-
7 ENTS, AND SCHOOLS, THE DEPARTMENT SHALL PROVIDE SPECIFIC, MEAN-
8 INGFUL, AND TIMELY FEEDBACK ON THE PUPIL'S PERFORMANCE ON THE
9 ASSESSMENT.

10 (4) ~~(3) A pupil who does not achieve the requirements of~~
11 ~~subsection (2) may be reevaluated each school year until the~~
12 ~~pupil achieves an applicable requirement for a state-endorsed~~
13 ~~diploma. In addition~~ FOR EACH PUPIL WHO DOES NOT ACHIEVE STATE
14 ENDORSEMENT IN 1 OR MORE SUBJECT AREAS, the board of the district
15 in which the pupil is enrolled shall provide that there be at
16 least 1 meeting attended by at least the pupil and a member of
17 the district's staff or a local or intermediate district consul-
18 tant who is proficient in the measurement and evaluation of
19 pupils. The district may provide the meeting as a group meeting
20 for pupils in similar circumstances. If the pupil is a minor,
21 the district shall invite and encourage the pupil's parent, legal
22 guardian, or person in loco parentis to attend the meeting and
23 shall mail a notice of the meeting to the pupil's parent, legal
24 guardian, or person in loco parentis. The purpose of this meet-
25 ing and any subsequent meeting under this subsection shall be to
26 determine an educational program for the pupil designed to have
27 the pupil ~~reach proficiency~~ ACHIEVE STATE ENDORSEMENT in each

HB 5229, As Passed Senate, December 4, 1997

House Bill No. 5229

5

1 subject ~~or skill~~ area in which he or she ~~was assessed by the~~
2 ~~testing as not proficient~~ DID NOT ACHIEVE STATE ENDORSEMENT. In
3 addition, a district may provide for subsequent meetings with the
4 pupil conducted by a high school counselor or teacher designated
5 by the pupil's high school principal, and shall invite and
6 encourage the pupil's parent, legal guardian, or person in loco
7 parentis to attend the subsequent meetings. The district shall
8 provide special programs for the pupil or develop a program using
9 the educational programs regularly provided by the district
10 unless the board of the district decides otherwise and publishes
11 and explains its decision in a public justification report.

12 (5) A pupil ~~may be reevaluated~~ WHO WANTS TO REPEAT AN
13 ASSESSMENT ADMINISTERED UNDER THIS SECTION MAY REPEAT THE ASSESS-
14 MENT, WITHOUT CHARGE TO THE PUPIL, IN THE NEXT SCHOOL YEAR OR
15 AFTER GRADUATION. AN INDIVIDUAL MAY REPEAT AN ASSESSMENT at any
16 time the district administers an applicable assessment instrument
17 OR DURING A RETESTING PERIOD UNDER SUBSECTION (7).

18 ~~-(4) For a state-endorsed diploma, a pupil must achieve the~~
19 ~~requirements of subsection (2) in addition to any other require-~~
20 ~~ments established by law or by the board of a district for a high~~
21 ~~school diploma. If the board of a district determines that a~~
22 ~~pupil qualifies for a state-endorsed diploma, the board shall~~
23 ~~indicate on the pupil's high school diploma and transcript that~~
24 ~~the pupil achieved the proficiency necessary for receipt of a~~
25 ~~state-endorsed diploma.~~

26 (6) ~~-(5) An individual may repeat any of the tests or~~
27 ~~assessment instruments specified in subsection (2) at any time~~

HB 5229, As Passed Senate, December 4, 1997

House Bill No. 5229

6

1 ~~the district regularly offers the test or assessment. If an~~
2 ~~individual described in this subsection achieves the requirements~~
3 ~~of subsection (2) and completes all other applicable requirements~~
4 ~~for a high school diploma, the individual shall be awarded a~~
5 ~~state-endorsed diploma as otherwise provided in this section.~~
6 THE DEPARTMENT SHALL ENSURE THAT THE LENGTH OF THE ASSESSMENTS
7 USED FOR THE PURPOSES OF THIS SECTION AND THE COMBINED TOTAL TIME
8 NECESSARY TO ADMINISTER ALL OF THE ASSESSMENTS, INCLUDING SOCIAL
9 STUDIES, ARE THE SHORTEST POSSIBLE THAT WILL STILL MAINTAIN THE
10 DEGREE OF RELIABILITY AND VALIDITY OF THE ASSESSMENT RESULTS
11 DETERMINED NECESSARY BY THE DEPARTMENT. THE DEPARTMENT SHALL
12 ENSURE THAT THE MAXIMUM TOTAL COMBINED LENGTH OF TIME THAT
13 SCHOOLS ARE REQUIRED TO SET ASIDE FOR ADMINISTRATION OF ALL OF
14 THE ASSESSMENTS USED FOR THE PURPOSES OF THIS SECTION, INCLUDING
15 SOCIAL STUDIES, DOES NOT EXCEED 8 HOURS. HOWEVER, THIS SUBSEC-
16 TION DOES NOT LIMIT THE AMOUNT OF TIME THAT INDIVIDUALS MAY HAVE
17 TO COMPLETE THE ASSESSMENTS.

18 (7) THE DEPARTMENT SHALL ESTABLISH, SCHEDULE, AND ARRANGE
19 PERIODIC RETESTING PERIODS THROUGHOUT THE YEAR FOR INDIVIDUALS
20 WHO DESIRE TO REPEAT AN ASSESSMENT UNDER THIS SECTION. THE
21 DEPARTMENT SHALL COORDINATE THE ARRANGEMENTS FOR ADMINISTERING
22 THE REPEAT ASSESSMENTS AND SHALL ENSURE THAT THE RETESTING IS
23 MADE AVAILABLE AT LEAST WITHIN EACH INTERMEDIATE DISTRICT AND, TO
24 THE EXTENT POSSIBLE, WITHIN EACH DISTRICT.

25 (8) ~~(6)~~ A district shall provide accommodations to a pupil
26 with disabilities for the ~~proficiency testing or assessment~~
27 ASSESSMENTS required under this section, as provided under

HB 5229, As Passed Senate, December 4, 1997

House Bill No. 5229

7

1 section 504 of title V of the rehabilitation act of 1973, Public
2 Law 93-112, 29 U.S.C. 794; subtitle A of title II of the
3 Americans with disabilities act of 1990, Public Law 101-336, 42
4 U.S.C. 12131 to 12134; and the implementing regulations for those
5 statutes.

6 (9) ~~(7)~~ For the purposes of this section, the state board
7 shall develop or select and approve assessment instruments to
8 ~~determine pupil proficiency~~ MEASURE PUPIL PERFORMANCE in commu-
9 nications skills, mathematics, social studies, and science. The
10 assessment instruments shall be based on the state board model
11 core academic content standards objectives.

12 (10) ~~(8)~~ Upon written request by the pupil's parent or
13 legal guardian stating that the request is being made for the
14 purpose of providing the pupil with an opportunity to qualify to
15 take 1 or more postsecondary courses as an eligible student under
16 the postsecondary enrollment options act, 1996 PA 160, MCL
17 388.511 to 388.524, the board of a district shall allow a pupil
18 who is in at least grade 10 to take ~~a test or~~ AN assessment
19 ~~described in subsection (2)~~ ADMINISTERED UNDER THIS SECTION
20 without charge at any time the district regularly administers the
21 ~~test or~~ assessment or ~~administers a retest of the test or~~
22 ~~assessment~~ DURING A RETESTING PERIOD ESTABLISHED UNDER SUBSEC-
23 TION (7). A district is not required to include in an annual
24 education report, or in any other report submitted to the depart-
25 ment for accreditation purposes, results of ~~tests or~~ assess-
26 ments taken under this subsection by a pupil in grade ~~10~~ 11 or

HB 5229, As Passed Senate, December 4, 1997

House Bill No. 5229

8

1 lower UNTIL THE RESULTS OF THAT PUPIL'S GRADUATING CLASS ARE
2 OTHERWISE REPORTED.

3 (11) ~~(9)~~ All assessment instruments developed or selected
4 and approved by the state under any statute or rule for a purpose
5 related to K to 12 education shall be objective-oriented and con-
6 sistent with the state board model core academic content stan-
7 dards objectives.

8 (12) ~~(10)~~ Upon payment of a reasonable fee any person may,
9 after graduation from high school, retake the state-endorsed
10 diploma test and, upon demonstrating the required proficiency in
11 a subject area, have his or her high school diploma
12 state-endorsed for that subject area. A PERSON WHO HAS GRADUATED
13 FROM HIGH SCHOOL AFTER 1996 AND WHO HAS NOT PREVIOUSLY TAKEN AN
14 ASSESSMENT UNDER THIS SECTION MAY TAKE AN ASSESSMENT USED FOR THE
15 PURPOSES OF THIS SECTION, WITHOUT CHARGE TO THE PERSON, AT THE
16 DISTRICT FROM WHICH HE OR SHE GRADUATED FROM HIGH SCHOOL AT ANY
17 TIME THAT DISTRICT ADMINISTERS THE ASSESSMENT OR DURING A RETEST-
18 ING PERIOD SCHEDULED UNDER SUBSECTION (7) AND HAVE HIS OR HER
19 SCALED SCORE ON THE ASSESSMENT INCLUDED ON HIS OR HER HIGH SCHOOL
20 TRANSCRIPT. IF THE PERSON'S SCALED SCORE ON A SUBJECT AREA
21 ASSESSMENT FALLS WITHIN THE RANGE REQUIRED UNDER SUBSECTION (2)
22 FOR A CATEGORY ESTABLISHED UNDER SUBSECTION (2), THE DISTRICT
23 SHALL ALSO INDICATE ON THE PERSON'S HIGH SCHOOL TRANSCRIPT THAT
24 THE PERSON HAS ACHIEVED STATE ENDORSEMENT FOR THAT SUBJECT AREA.
25 (13) NOT LATER THAN JULY 1 OF EACH YEAR UNTIL 2000, THE
26 DEPARTMENT SHALL SUBMIT A COMPREHENSIVE REPORT TO THE LEGISLATURE

HB 5229, As Passed Senate, December 4, 1997

House Bill No. 5229

9

1 ON THE STATUS OF THE ASSESSMENT PROGRAM UNDER THIS SECTION. THE
2 REPORT SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING:

3 (A) THE ANNUAL PUPIL ASSESSMENT DATA.

4 (B) A DESCRIPTION OF THE FEEDBACK PROVIDED TO PUPILS, PAR-
5 ENTS, AND SCHOOLS.

6 (C) A DESCRIPTION OF ANY SIGNIFICANT ALTERATIONS MADE IN THE
7 PROGRAM BY THE DEPARTMENT OR STATE BOARD DURING THE PERIOD COV-
8 ERED BY THE REPORT.

9 (D) ANY RECOMMENDATIONS BY THE DEPARTMENT OR STATE BOARD FOR
10 LEGISLATIVE CHANGES TO THE PROGRAM.

11 (E) AN UPDATE OF THE REPORTS OF THE ASSESSMENT ADVISORY COM-
12 MITTEES OF THE STATE BOARD.

13 (14) PUPILS SCHEDULED TO GRADUATE IN 1998 WHO TOOK THE
14 ASSESSMENTS USED FOR THE PURPOSES OF THIS SECTION DURING THE
15 1996-97 SCHOOL YEAR MAY REPEAT 1 OR MORE OF THE ASSESSMENTS
16 DURING THE 1997-98 SCHOOL YEAR. THE DEPARTMENT, IN COOPERATION
17 WITH DISTRICTS, SHALL MAKE ARRANGEMENTS FOR REPEAT ASSESSMENTS TO
18 BE AVAILABLE FOR THESE PUPILS IN EACH DISTRICT THAT OPERATES A
19 HIGH SCHOOL DURING THE 1997-98 SCHOOL YEAR IN TIME FOR THESE
20 PUPILS TO REPEAT THE ASSESSMENTS BEFORE GRADUATION. THE REPEAT
21 ASSESSMENTS MAY BE ADMINISTERED AT TIMES OTHER THAN REGULAR
22 SCHOOL HOURS.

23 (15) A CHILD WHO IS A STUDENT IN A NONPUBLIC SCHOOL OR HOME
24 SCHOOL MAY TAKE AN ASSESSMENT UNDER THIS SECTION. TO TAKE AN
25 ASSESSMENT, A CHILD WHO IS A STUDENT IN A HOME SCHOOL SHALL CON-
26 TACT THE DISTRICT IN WHICH THE CHILD RESIDES, AND THAT DISTRICT
27 SHALL ADMINISTER THE ASSESSMENT, OR THE CHILD MAY TAKE THE

HB 5229, As Passed Senate, December 4, 1997

House Bill No. 5229

10

1 ASSESSMENT AT A NONPUBLIC SCHOOL IF ALLOWED BY THE NONPUBLIC
2 SCHOOL. UPON REQUEST FROM A NONPUBLIC SCHOOL, THE DEPARTMENT
3 SHALL SUPPLY ASSESSMENTS AND THE NONPUBLIC SCHOOL MAY ADMINISTER
4 THE ASSESSMENT.

5 (16) THE PURPOSE OF THE ASSESSMENT UNDER THIS SECTION IS TO
6 ASSESS PUPIL PERFORMANCE IN MATHEMATICS, SCIENCE, SOCIAL STUDIES,
7 AND COMMUNICATION ARTS FOR THE PURPOSE OF IMPROVING ACADEMIC
8 ACHIEVEMENT AND ESTABLISHING A STATEWIDE STANDARD OF COMPETENCY.
9 THE ASSESSMENT UNDER THIS SECTION PROVIDES A COMMON MEASURE OF
10 DATA THAT WILL CONTRIBUTE TO THE IMPROVEMENT OF MICHIGAN SCHOOLS'
11 CURRICULUM AND INSTRUCTION BY ENCOURAGING ALIGNMENT WITH
12 MICHIGAN'S CURRICULUM FRAMEWORK STANDARDS. THESE STANDARDS ARE
13 BASED UPON THE EXPECTATIONS OF WHAT PUPILS SHOULD KNOW AND BE
14 ABLE TO DO BY THE END OF GRADE 11.

15 (17) AS USED IN THIS SECTION:

16 (A) "COMMUNICATIONS SKILLS" MEANS READING AND WRITING.

17 (B) "SOCIAL STUDIES" MEANS GEOGRAPHY, HISTORY, ECONOMICS,
18 AND AMERICAN GOVERNMENT.

19 Enacting section 1. This amendatory act does not take
20 effect unless all of the following bills of the 89th Legislature
21 are enacted into law:

22 (a) House Bill No. 5228.

23 (b) House Bill No. 5230.

24 (c) House Bill No. 5232.

25 (d) House Bill No. 5234.

26 (e) House Bill No. 5235.