

SUBSTITUTE FOR
HOUSE BILL NO. 5880

A bill to amend 1999 PA 94, entitled
"Michigan merit award scholarship act,"
by amending sections 2, 6, and 7 (MCL 390.1452, 390.1456, and
390.1457); and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Approved postsecondary educational institution" means
3 any of the following:

4 (i) A degree or certificate granting public or private col-
5 lege or university, junior college, or community college.

6 (ii) An educational institution, other than an educational
7 institution described in subparagraph (i), granting degrees, cer-
8 tificates, or other recognized credentials and designated by the
9 board as an approved postsecondary educational institution.

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1 (iii) A program of an educational institution, other than an
2 educational institution described in subparagraph (i), that
3 grants degrees, certificates, or other recognized credentials and
4 is designated by the board as an approved postsecondary educa-
5 tional institution.

6 (b) "Assessment test" means the Michigan education assess-
7 ment program (MEAP) subject area assessments or any successor
8 assessment test designated by the board.

9 (c) "Board" means the Michigan ~~merit award~~ ASSESSMENT
10 GOVERNING board established in ~~this act~~ SECTION 1493 OF THE
11 REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1493.

12 ~~(d) "Department of career development" means the department~~
13 ~~of career development created in Executive Order No. 1999-1.~~

14 (D) ~~(e)~~ "Eligible costs" means tuition and fees charged by
15 an approved postsecondary educational institution; related costs
16 for room, board, books, supplies, transportation, or day care;
17 and other costs determined by the board.

18 (E) ~~(f)~~ "Fiscal year" means the fiscal year of this
19 state.

20 (F) ~~(g)~~ "Michigan merit award scholarship" means a schol-
21 arship awarded by the board under section 7.

22 (G) ~~(h)~~ "Qualifying results" means assessment test
23 results, scores, or ranges of scores determined by the board that
24 qualify a student for a Michigan merit award scholarship under
25 section 7.

26 (H) ~~(i)~~ "State board" means the state board of education.

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1 (I) ~~-(j)-~~ "Superintendent" means the superintendent of
2 public instruction.

3 (J) ~~-(k)-~~ "Tobacco settlement revenue" means money received
4 by this state that is attributable to the master settlement
5 agreement incorporated into a consent decree and final judgment
6 entered on December 7, 1998 in Kelley Ex Rel. Michigan v Philip
7 Morris Incorporated, et al., Ingham county circuit court, docket
8 no. 96-84281CZ.

9 (K) ~~-(l)-~~ "Trust fund" means the Michigan merit award trust
10 fund established in section 3.

11 Sec. 6. ~~-(1) The board's business shall be conducted in~~
12 ~~compliance with the open meetings act, 1976 PA 267, MCL 15.261 to~~
13 ~~15.275. Public notice of the time, date, and place of meetings~~
14 ~~of the board shall be given in the manner required by the open~~
15 ~~meetings act, 1976 PA 267, MCL 15.261 to 15.275.~~

16 ~~-(2) The board shall meet not less than annually and shall~~
17 ~~keep a record of its proceedings. A writing prepared, owned,~~
18 ~~used, in the possession of, or retained by the board in the per-~~
19 ~~formance of an official function shall be made available to the~~
20 ~~public in compliance with the freedom of information act, 1976~~
21 ~~PA 442, MCL 15.231 to 15.246.~~

22 (1) ~~-(3)-~~ Except as provided in subsection ~~-(4)-~~ (2), the
23 board shall obtain and make available to the public all of the
24 qualifying questions and answers, along with the corresponding
25 answer key, to assessment tests administered during the spring of
26 the preceding school year not later than September 1.

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1 (2) ~~-(4)-~~ Select questions which will be used for validity
2 purposes in subsequent assessment tests may be held back from
3 release UNDER SUBSECTION (1). However, all questions shall be
4 made available no later than 2 years after the assessment test is
5 administered.

6 (3) ~~-(5)-~~ By December 1 of each year, the board shall submit
7 a report on its activities UNDER THIS ACT to the governor and to
8 the legislature. The report shall contain all of the following
9 information:

10 (a) A list of approved postsecondary educational institu-
11 tions for the current and immediately preceding fiscal years.

12 (b) The number of Michigan merit award scholarships awarded
13 and the total amount of Michigan merit award scholarship money
14 paid in the immediately preceding fiscal year.

15 (c) A projection of revenues and expenditures from the trust
16 fund for the current fiscal year and the next 10 fiscal years.

17 (d) The dollar amount of the Michigan merit award scholar-
18 ships available under section 7(2) and (3) in the current fiscal
19 year, the amount of any adjustments to the dollar amount under
20 section 7(5) from the beginning of the immediately preceding
21 fiscal year, and any adjustments to the dollar amount projected
22 for the remainder of the current fiscal year or for the next
23 fiscal year.

24 (e) All of the following results, scores, or ranges of
25 scores:

26 (i) Used as qualifying results in the immediately preceding
27 fiscal year.

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1 (ii) Determined by the board as qualifying results in the
2 current fiscal year.

3 (iii) Projected by the board as qualifying results for the
4 next fiscal year.

5 (f) For the immediately preceding fiscal year, the number of
6 students who took the assessment tests, the number of students by
7 subject area who received qualifying results, and the number of
8 students who met the requirements for a Michigan merit award
9 scholarship.

10 (g) The number of persons participating in and the amount
11 awarded in the immediately preceding fiscal year under the
12 tuition incentive program described in section 310 of ~~1998~~
13 ~~PA 271~~ 2002 PA 144 or a successor to that program.

14 (4) ~~-(6)-~~ At least 60 days before changing the results,
15 scores, or ranges of scores used as qualifying results, the board
16 shall provide written notice of its intent to change the results,
17 scores, or ranges of scores used as qualifying results, and a
18 report explaining the board's decision to change the results,
19 scores, or ranges of scores used as qualifying results, to the
20 standing committees of the senate and the house of representa-
21 tives that have primary jurisdiction over legislation pertaining
22 to education. The standing committees shall review the board's
23 report and may hold hearings on the board's decision.

24 Sec. 7. (1) The Michigan merit award scholarship program is
25 established. The board shall administer the Michigan merit award
26 scholarship program.

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1 (2) Subject to subsection (6), each student enrolled in
2 grade 11 in or after the 1998-1999 school year who meets the
3 requirements of subsection (4), and subject to adjustment under
4 subsection (5), is eligible for the award of a \$2,500.00 Michigan
5 merit award scholarship if the student is enrolled in an approved
6 postsecondary educational institution in this state or the award
7 of a \$1,000.00 Michigan merit award scholarship if the student is
8 enrolled in an approved postsecondary educational institution
9 outside this state if the board finds that the student while in
10 high school has taken the assessment test in the subject areas of
11 reading, writing, mathematics, and science, OR BEGINNING WITH
12 ASSESSMENT TESTS TAKEN BY STUDENTS AFTER THE 2003-2004 SCHOOL
13 YEAR, READING, WRITING, MATHEMATICS, SCIENCE, AND SOCIAL STUDIES,
14 and meets 1 of the following:

15 (a) Has received qualifying results in each of the subject
16 areas of reading, writing, mathematics, and science, OR BEGINNING
17 WITH ASSESSMENT TESTS TAKEN BY STUDENTS AFTER THE 2003-2004
18 SCHOOL YEAR, READING, WRITING, MATHEMATICS, SCIENCE, AND SOCIAL
19 STUDIES.

20 (b) Did not receive qualifying results in 1 or 2 of the
21 subject areas of reading, writing, mathematics, and science, OR
22 BEGINNING WITH ASSESSMENT TESTS TAKEN BY STUDENTS AFTER THE
23 2003-2004 SCHOOL YEAR, READING, WRITING, MATHEMATICS, SCIENCE,
24 AND SOCIAL STUDIES, but received an overall score in the top 25%
25 of a nationally recognized college admission examination.

26 (c) Did not receive qualifying results in 1 or 2 of the
27 subject areas of reading, writing, mathematics, and science, OR

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1 BEGINNING WITH ASSESSMENT TESTS TAKEN BY STUDENTS AFTER THE
2 2003-2004 SCHOOL YEAR, READING, WRITING, MATHEMATICS, SCIENCE,
3 AND SOCIAL STUDIES, but received a qualifying score or scores as
4 determined by the board on a nationally recognized job skills
5 assessment test designated by the board.

6 (3) Subject to subsection (6) and to adjustment under sub-
7 section (5), a student who was enrolled in grade 7 in or after
8 the 1999-2000 school year and who the board finds has taken the
9 assessment test in each of the subject areas while in grades 7
10 and 8 is eligible for 1 of the following additional Michigan
11 merit award scholarships:

12 (A) IN SCHOOL YEARS BEFORE THE 2004-2005 SCHOOL YEAR, 1 OF
13 THE FOLLOWING:

14 (i) ~~-(a)-~~ If the board finds that the student while in
15 grades 7 and 8 received qualifying results in 2 of the subject
16 areas of reading, writing, mathematics, and science, an addi-
17 tional Michigan merit award scholarship of \$250.00.

18 (ii) ~~-(b)-~~ If the board finds that the student while in
19 grades 7 and 8 received qualifying results in 3 of the subject
20 areas of reading, writing, mathematics, and science, an addi-
21 tional Michigan merit award scholarship of \$375.00.

22 (iii) ~~-(c)-~~ If the board finds that the student while in
23 grades 7 and 8 received qualifying results in all of the subject
24 areas of reading, writing, mathematics, and science, an addi-
25 tional Michigan merit award scholarship of \$500.00.

26 (B) BEGINNING WITH ASSESSMENT TESTS TAKEN BY STUDENTS AFTER
27 THE 2003-2004 SCHOOL YEAR, 1 OF THE FOLLOWING:

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1 (i) IF THE BOARD FINDS THAT THE STUDENT WHILE IN GRADES 7
2 AND 8 RECEIVED QUALIFYING RESULTS IN 2 OF THE SUBJECT AREAS OF
3 READING, WRITING, MATHEMATICS, SCIENCE, AND SOCIAL STUDIES, AN
4 ADDITIONAL MICHIGAN MERIT AWARD SCHOLARSHIP OF \$200.00.

5 (ii) IF THE BOARD FINDS THAT THE STUDENT WHILE IN GRADES 7
6 AND 8 RECEIVED QUALIFYING RESULTS IN 3 OF THE SUBJECT AREAS OF
7 READING, WRITING, MATHEMATICS, SCIENCE, AND SOCIAL STUDIES, AN
8 ADDITIONAL MICHIGAN MERIT AWARD SCHOLARSHIP OF \$300.00.

9 (iii) IF THE BOARD FINDS THAT THE STUDENT WHILE IN GRADES 7
10 AND 8 RECEIVED QUALIFYING RESULTS IN 4 OF THE SUBJECT AREAS OF
11 READING, WRITING, MATHEMATICS, SCIENCE, AND SOCIAL STUDIES, AN
12 ADDITIONAL MICHIGAN MERIT AWARD SCHOLARSHIP OF \$400.00.

13 (iv) IF THE BOARD FINDS THAT THE STUDENT WHILE IN GRADES 7
14 AND 8 RECEIVED QUALIFYING RESULTS IN ALL OF THE SUBJECT AREAS OF
15 READING, WRITING, MATHEMATICS, SCIENCE, AND SOCIAL STUDIES, AN
16 ADDITIONAL MICHIGAN MERIT AWARD SCHOLARSHIP OF \$500.00.

17 (4) In addition to the requirements set forth in
18 subsections (2) and (3), to be eligible for the award of 1 or
19 both Michigan merit award scholarships under this section, the
20 board must find that a student satisfies all of the following:

21 (a) The student has graduated from high school or passed the
22 general educational development (GED) test or other graduate
23 equivalency examination approved by the state board.

24 (b) The student graduated from high school or passed the
25 general educational development (GED) test or other graduate
26 equivalency examination approved by the state board within the

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1 7-year period preceding the student's application to receive his
2 or her Michigan merit award scholarship money.

3 (c) The student is enrolled in an approved postsecondary
4 educational institution. For students who qualify under subsec-
5 tion (2)(c), the student is enrolled in a vocational or technical
6 education program at an approved postsecondary educational
7 institution.

8 (d) The student has not been convicted of a felony involving
9 an assault, physical injury, or death.

10 (e) The student satisfies any additional eligibility
11 requirements established by the board.

12 (5) In any fiscal year, the board may adjust the amount of a
13 Michigan merit award scholarship available to students eligible
14 under 1 or more of subsections (2), (3), and (9), based upon its
15 determination of available resources and amounts appropriated,
16 but the board shall not increase an amount by more than 5% in any
17 fiscal year. The board shall notify the governor, the speaker of
18 the house of representatives, and the majority leader of the
19 senate in writing at least 30 days before an adjustment under
20 this subsection.

21 (6) For assessment tests administered after January 1, 2000,
22 the board shall not use the assessment test to determine eligi-
23 bility for a Michigan merit award scholarship under this section
24 for a particular year unless the board has reviewed and approved
25 the assessment test before it was administered for that year.

26 (7) The board shall provide each student written notice of
27 whether or not the student is eligible for the award of 1 or more

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1 Michigan merit award scholarships described in this section. If
2 the student is eligible, the written notice shall also contain
3 the Michigan merit award scholarship amount for which the student
4 is eligible, how the student applies for payment of Michigan
5 merit award scholarship, and any other information the board con-
6 siderers necessary regarding qualification requirements or condi-
7 tions relating to the use of the Michigan merit award
8 scholarship.

9 (8) It is the intent of the legislature that the level of
10 student performance required to achieve qualifying results in a
11 subject area of an assessment test remains approximately the
12 same, and that the board not reduce the required level of student
13 performance as a means of increasing the number of Michigan merit
14 award scholarships awarded.

15 (9) If a student who has previously received a \$1,000.00
16 Michigan merit award scholarship as a student enrolled in an
17 approved postsecondary educational institution outside of this
18 state enrolls in an approved postsecondary educational institu-
19 tion in this state and meets the requirements of subsection (4),
20 and subject to adjustment under subsection (5), the student is
21 eligible for the award of an additional \$1,500.00 Michigan merit
22 award scholarship.

23 (10) A pupil who does not initially receive qualifying
24 results shall be extended an opportunity to achieve the requisite
25 qualifying results by taking a subsequent assessment test.

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1 (11) A nonpublic school student or home school student may
2 take, and the board shall administer if requested, an assessment
3 test at a site designated by the board.

4 (12) AS USED IN THIS SECTION, "SOCIAL STUDIES" MEANS THAT
5 TERM AS DEFINED IN SECTION 1279 OF THE REVISED SCHOOL CODE, 1976
6 PA 451, MCL 380.1279.

7 Enacting section 1. Section 4 of the Michigan merit and
8 scholarship act, 1999 PA 94, MCL 390.1454, is repealed.

9 Enacting section 2. This amendatory act does not take
10 effect unless House Bill No. 5879 of the 91st Legislature is
11 enacted into law.