

HOUSE BILL No. 6052

May 9, 2002, Introduced by Reps. Gielegem, Bogardus, Hansen, Zelenko, McConico, Clark, Dennis, Bernero, Jacobs, Williams, Thomas and Lemmons and referred to the Committee on Education.

A bill to amend 1999 PA 94, entitled
"Michigan merit award scholarship act,"
by amending the title and sections 2, 4, 6, 7, and 9
(MCL 390.1452, 390.1454, 390.1456, 390.1457, and 390.1459).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to create the Michigan merit award ~~scholarship~~

3

trust fund; to create the Michigan merit award ~~scholarship~~

4

board and prescribe the powers and duties of the board AND

5

DEPARTMENT OF EDUCATION; and to provide for the Michigan merit

6

award scholarship program.

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Sec. 2. As used in this act:

8

(a) "Approved postsecondary educational institution" means

9

any of the following:

(i) A degree or certificate granting public or private college or university, junior college, or community college.

(ii) An educational institution, other than an educational institution described in subparagraph (i), granting degrees, certificates, or other recognized credentials and designated by the board as an approved postsecondary educational institution.

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

(b) "Assessment test" means the Michigan education assessment program (MEAP) subject area assessments or any successor assessment test designated by the board.

(c) "Board" means the Michigan merit award board established in this act.

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

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

(f) "Fiscal year" means the fiscal year of this state.

(g) "Michigan merit award scholarship" means a scholarship awarded by the board under section 7.

(h) "QUALIFYING IMPROVEMENT" MEANS A PATTERN OF ASSESSMENT TEST RESULTS, SCORES, OR RANGES OF SCORES, DETERMINED BY THE

1 BOARD TO DEMONSTRATE A STUDENT'S CONSISTENT ACADEMIC IMPROVEMENT
2 PRIOR TO GRADE 12, THAT QUALIFY THE STUDENT FOR A MICHIGAN MERIT
3 AWARD SCHOLARSHIP.

4 (I) ~~(h)~~ "Qualifying ~~results~~ SCORES" means GRADE 8 OR
5 GRADE 11 assessment test results, scores, or ranges of scores
6 determined by the board that qualify a student for a Michigan
7 merit award scholarship. ~~under section 7.~~

8 (J) ~~(i)~~ "State board" means the state board of education.

9 (K) ~~(j)~~ "Superintendent" means the superintendent of
10 public instruction.

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

17 (M) ~~(l)~~ "Trust fund" means the Michigan merit award trust
18 fund established in section 3.

19 Sec. 4. (1) The Michigan merit award board is established
20 within the department of ~~treasury~~ EDUCATION. The goal of the
21 board is to increase access to postsecondary education and reward
22 Michigan high school graduates who have demonstrated academic
23 achievement.

24 (2) The board shall exercise its authority, powers, duties,
25 and responsibilities independent of the state ~~treasurer~~ BOARD.
26 ~~However, all~~ ALL administrative functions, including budgeting,
27 procurement, and personnel functions, shall be performed under

1 the direction and supervision of the ~~state treasurer~~
2 SUPERINTENDENT.

3 (3) The board shall consist of 7 members. The members shall
4 include the state treasurer or his or her designee, the superin-
5 tendent or his or her designee, the director of the department of
6 career development or his or her designee, and 4 members
7 appointed by the governor with the advice and consent of the
8 senate. The ~~state treasurer~~ SUPERINTENDENT or his or her des-
9 ignee shall serve as the chairperson of the board.

10 (4) The term of a member appointed by the governor shall be
11 4 years. Of the members first appointed by the governor, 2 shall
12 be appointed for 2-year terms and 2 shall be appointed for 4-year
13 terms.

14 (5) A member appointed by the governor may be removed by the
15 governor for neglect of duty or malfeasance in office.

16 (6) A vacancy on the board shall be filled for the balance
17 of the unexpired term in the same manner as the original
18 appointment.

19 (7) The board may incur expenses necessary to carry out its
20 powers and duties under this act and shall compensate its members
21 for reasonable expenses incurred in carrying out their official
22 duties.

23 (8) The board shall establish a statewide toll-free tele-
24 phone line and internet access to receive questions, comments,
25 and complaints concerning the assessment test, including, but not
26 limited to, complaints of student cheating on the assessment
27 test, complaints or comments about specific assessment test

1 questions or testing conditions, or other questions, comments, or
2 complaints relating to the development, preparation, distribu-
3 tion, scoring, or dissemination of results of the assessment
4 test.

5 Sec. 6. (1) The board's business shall be conducted in com-
6 pliance with the open meetings act, 1976 PA 267, MCL 15.261 to
7 15.275. Public notice of the time, date, and place of meetings
8 of the board shall be given in the manner required by the open
9 meetings act, 1976 PA 267, MCL 15.261 to 15.275.

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

16 (3) Except as provided in subsection (4), the board shall
17 obtain and make available to the public all of the qualifying
18 questions and answers, along with the corresponding answer key,
19 to assessment tests administered during the spring of the preced-
20 ing school year not later than September 1.

21 (4) Select questions which will be used for validity pur-
22 poses in subsequent assessment tests may be held back from
23 release. However, all questions shall be made available no later
24 than 2 years after the assessment test is administered.

25 (5) By December 1 of each year, the board shall submit a
26 report on its activities to the governor and to the legislature.
27 The report shall contain all of the following information:

1 (a) A list of approved postsecondary educational
2 institutions for the current and immediately preceding fiscal
3 years.

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

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

9 (d) The dollar amount of the Michigan merit award scholar-
10 ships available under section 7(2) and (3) in the current fiscal
11 year, the amount of any adjustments to the dollar amount under
12 section 7(5) from the beginning of the immediately preceding
13 fiscal year, and any adjustments to the dollar amount projected
14 for the remainder of the current fiscal year or for the next
15 fiscal year.

16 (e) All of the following results, scores, or ranges of
17 scores:

18 (i) Used as qualifying results OR TO ESTABLISH QUALIFYING
19 IMPROVEMENT in the immediately preceding fiscal year.

20 (ii) Determined by the board as qualifying results OR QUALI-
21 FYING IMPROVEMENT in the current fiscal year.

22 (iii) Projected by the board as qualifying results OR QUALI-
23 FYING IMPROVEMENT for the next fiscal year.

24 (f) For the immediately preceding fiscal year, the number of
25 students who took the assessment tests, the number of students by
26 subject area who received qualifying results, THE NUMBER OF
27 STUDENTS WHO DEMONSTRATED QUALIFYING IMPROVEMENT, and the number

1 of students who met the requirements for a Michigan merit award
2 scholarship.

3 (g) The number of persons participating in and the amount
4 awarded in the immediately preceding fiscal year under the
5 tuition incentive program described in section 310 of 1998 PA 271
6 or a successor to that program.

7 (6) At least 60 days before changing the results, scores, or
8 ranges of scores used as qualifying results OR CHANGING THE
9 REQUIREMENTS TO DEMONSTRATE QUALIFYING IMPROVEMENT, the board
10 shall provide written notice of its intent to change the results,
11 scores, or ranges of scores used as qualifying results OR CHANGE
12 THE REQUIREMENTS TO DEMONSTRATE QUALIFYING IMPROVEMENT, and a
13 report explaining the board's decision to change the results,
14 scores, or ranges of scores used as qualifying results OR CHANGE
15 THE REQUIREMENTS TO DEMONSTRATE QUALIFYING IMPROVEMENT, to the
16 standing committees of the senate and the house of representa-
17 tives that have primary jurisdiction over legislation pertaining
18 to education. The standing committees shall review the board's
19 report and may hold hearings on the board's decision.

20 Sec. 7. (1) The Michigan merit award scholarship program is
21 established. The board shall administer the Michigan merit award
22 scholarship program.

23 (2) Subject to subsection (6), each student enrolled in
24 grade 11 in or after the 1998-1999 school year who meets the
25 requirements of subsection (4), and subject to adjustment under
26 subsection (5), is eligible for the award of a \$2,500.00 Michigan
27 merit award scholarship if the student is enrolled in an approved

1 postsecondary educational institution in this state or the award
2 of a \$1,000.00 Michigan merit award scholarship if the student is
3 enrolled in an approved postsecondary educational institution
4 outside this state if the board finds that the student while in
5 ~~high school~~ GRADE 11 has taken the assessment test in the
6 subject areas of reading, writing, mathematics, and science and
7 DEMONSTRATED QUALIFYING IMPROVEMENT OR meets 1 of the following:

8 (a) Has received qualifying results in each of the subject
9 areas of reading, writing, mathematics, and science.

10 (b) Did not receive qualifying results in 1 or 2 of the
11 subject areas of reading, writing, mathematics, and science, but
12 received an overall score in the top 25% of a nationally recog-
13 nized college admission examination.

14 (c) Did not receive qualifying results in 1 or 2 of the
15 subject areas of reading, writing, mathematics, and science, but
16 received a qualifying score or scores as determined by the board
17 on a nationally recognized job skills assessment test designated
18 by the board.

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

25 (a) If the board finds that the student while in ~~grades 7~~
26 ~~and~~ GRADE 8 received qualifying results in 2 of the subject

1 areas of reading, writing, mathematics, and science, an
2 additional Michigan merit award scholarship of \$250.00.

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

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

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

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

18 (b) The student graduated from high school or passed the
19 general educational development (GED) test or other graduate
20 equivalency examination approved by the state board within the
21 7-year period preceding the student's application to receive his
22 or her Michigan merit award scholarship money.

23 (c) The student is enrolled in an approved postsecondary
24 educational institution. For students who qualify under subsec-
25 tion (2)(c), the student is enrolled in a vocational or technical
26 education program at an approved postsecondary educational
27 institution.

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

3 (e) The student satisfies any additional eligibility
4 requirements established by the board.

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

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

19 (7) The board shall provide each student written notice of
20 whether or not the student is eligible for the award of 1 or more
21 Michigan merit award scholarships described in this section. If
22 the student is eligible, the written notice shall also contain
23 the Michigan merit award scholarship amount for which the student
24 is eligible, how the student applies for payment of Michigan
25 merit award scholarship, and any other information the board con-
26 siderers necessary regarding qualification requirements or

1 conditions relating to the use of the Michigan merit award
2 scholarship.

3 (8) It is the intent of the legislature that the level of
4 student performance required to achieve qualifying results in a
5 subject area of an assessment test remains approximately the
6 same, and that the board not reduce the required level of student
7 performance as a means of increasing the number of Michigan merit
8 award scholarships awarded.

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

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

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

23 Sec. 9. The ~~board~~ DEPARTMENT OF EDUCATION may promulgate
24 rules pursuant to the administrative procedures act of 1969, 1969
25 PA 306, MCL 24.201 to 24.328, to implement and administer this
26 act, including, but not limited to, 1 or more of the following:

1 (a) Rules establishing the board's administrative
2 procedures.

3 (b) Rules governing the qualification requirements for or
4 the award of Michigan merit award scholarships under this act.

5 (c) Rules establishing an appeals process from a determina-
6 tion of ineligibility for a Michigan merit award scholarship.

7 (d) Rules establishing what information or reports a student
8 or postsecondary educational institution must provide to estab-
9 lish eligibility and when that information or those reports must
10 be provided.

11 (e) Rules prescribing the reports to be made by a student
12 awarded 1 or more Michigan merit award scholarships and by a
13 postsecondary educational institution to which the Michigan merit
14 award scholarship is paid.

15 (f) Rules governing assessment test administration and
16 addressing cheating on an assessment test.

17 Enacting section 1. This amendatory act does not take
18 effect unless Senate Bill No. _____ or House Bill No. 6050
19 (request no. 06376'01) of the 91st Legislature is enacted into
20 law.