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## BILL ANALYSIS

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Senate Bill 787 (Substitute S-5 as passed by the Senate)  
Sponsor: Senator Bill Hardiman  
Committee: Education

Date Completed: 11-26-03

**RATIONALE**

Measurement Inc., a North Carolina-based company responsible for grading the Michigan Educational Assessment Performance (MEAP) tests, is unable to account for about 3,400 answer documents from the winter 2002 testing session. Approximately 1,000 answer sheets are missing from the Grand Rapids school district, and a significant percentage are missing from the Kalamazoo and Pinckney districts. Two new evaluation systems, the State's Education YES! and the Federal government's determination of adequate yearly progress (AYP) under the No Child Left Behind Act, heavily rely on MEAP scores to grade a school's performance. It has been suggested that schools with missing answer sheets be granted certain allowances.

**CONTENT**

**The bill would amend the Revised School Code to prohibit the Michigan Department of Education (MDE) from assigning an accreditation score or school report card grade for a subject area to a public school if all or some of the school's MEAP answer sheets had been lost by the MDE or a State contractor.**

Specifically, if all or some of a public school's MEAP answer sheets had been lost by the Department or by a State contractor, and if the school could verify that the answer sheets were collected from pupils and forwarded to the MDE or the contractor, then the MDE could not assign an accreditation score or school report card grade to the public school for that subject area for the corresponding year for the purposes of determining State accreditation. The MDE could not assign an accreditation score or school report card grade for that subject area until the results of all tests for the next year were available.

The bill states that these provisions would not preclude the MDE from determining whether a public school or school district had achieved adequate yearly progress under the Federal No Child Left Behind Act; however, the Department would have to make every effort possible to work with the U.S. Department of Education to ensure that a public school or the school district was not penalized when AYP status was determined.

MCL 380.1280

**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 bills would protect the nine districts with missing answer sheets from errors for which they were not responsible. If a school is missing answer sheets from a particular subject, then that subject could not be assigned a letter grade (A-F) under the Michigan Department of Education's Education YES! accreditation program. Because some parents may decide where to live or where to send their child based in part on the grade a school receives from the State, it is important that the Education YES! grade accurately reflects a school's ability to educate its students. Some schools are missing more than 25% of their answer sheets; grading the school on 75% of its students would be inaccurate.

Further, the bill would require the MDE to make every effort possible to work with the U.S. Department of Education to ensure that

a school and its district were not penalized when AYP status was determined. Serious consequences can result from failure to make AYP for even two years; for example, a district must offer to pay for tutoring for its pupils, or absorb the cost of transporting them to another, higher-performing public school. Districts must not be financially punished or publically embarrassed for errors on the part of the State and its contractors.

Legislative Analyst: Claire Layman

### **FISCAL IMPACT**

State: The bill would have no fiscal impact on State government.

Local: Since districts that fail to meet AYP under the No Child Left Behind Act must provide certain activities or alternatives (e.g., tutoring, vouchers), a district that otherwise would be labeled as failing to meet AYP due to the misplacement of exams could see savings from this legislation. However, it is impracticable to determine potential cost savings due to the unknown factors of actual future misplacement of exams by the State, how such lost exams would affect the determination of AYP, and the costs of activities a district labeled as failing to meet AYP would be required to provide.

Fiscal Analyst: Kathryn Summers-Coty

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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.