

SENATE BILL No. 1155

April 21, 2004, Introduced by Senators JELINEK, SWITALSKI, KUIPERS, VAN
WOERKOM, GARCIA, McMANUS and THOMAS and referred to the Committee on
Education.

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
by amending sections 31a, 98b, and 104a (MCL 388.1631a,
388.1698b, and 388.1704a), sections 31a and 104a as amended and
section 98b as added by 2003 PA 158, and by adding section 104b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 31a. (1) From the state school aid fund money
2 appropriated in section 11, there is allocated for 2003-2004 an
3 amount not to exceed \$314,200,000.00 for payments to eligible
4 districts and eligible public school academies under this
5 section. Subject to subsection (12), the amount of the
6 additional allowance under this section shall be based on the
7 number of actual pupils in membership in the district or public
8 school academy who met the income eligibility criteria for free
9 breakfast, lunch, or milk in the immediately preceding state

1 fiscal year, as determined under the Richard B. Russell national
2 school lunch act, ~~chapter 281, 60 Stat. 230, 42 U.S.C. 1751 to~~
3 ~~1753, 1755 to 1761, 1762a, 1765 to 1766a, 1769, 1769b to 1769e,~~
4 ~~and 1769f~~ **42 USC 1751** to 1769h, and reported to the department
5 by October 31 of the immediately preceding fiscal year and
6 adjusted not later than December 31 of the immediately preceding
7 fiscal year. However, for a public school academy that began
8 operations as a public school academy after the pupil membership
9 count day of the immediately preceding school year, the basis for
10 the additional allowance under this section shall be the number
11 of actual pupils in membership in the public school academy who
12 met the income eligibility criteria for free breakfast, lunch, or
13 milk in the current state fiscal year, as determined under the
14 Richard B. Russell national school lunch act.

15 (2) To be eligible to receive funding under this section,
16 other than funding under subsection (6), a district or public
17 school academy that has not been previously determined to be
18 eligible shall apply to the department, in a form and manner
19 prescribed by the department, and a district or public school
20 academy must meet all of the following:

21 (a) The sum of the district's or public school academy's
22 combined state and local revenue per membership pupil in the
23 current state fiscal year, as calculated under section 20, plus
24 the amount of the district's per pupil allocation under section
25 20j(2), is less than or equal to \$6,500.00 adjusted by the dollar
26 amount of the difference between the basic foundation allowance
27 under section 20 for the current state fiscal year and \$5,000.00,

1 minus \$200.00.

2 (b) The district or public school academy agrees to use the
3 funding only for purposes allowed under this section and to
4 comply with the program and accountability requirements under
5 this section.

6 (3) Except as otherwise provided in this subsection, an
7 eligible district or eligible public school academy shall receive
8 under this section for each membership pupil in the district or
9 public school academy who met the income eligibility criteria for
10 free breakfast, lunch, or milk, as determined under the Richard
11 B. Russell national school lunch act and as reported to the
12 department by October 31 of the immediately preceding fiscal year
13 and adjusted not later than December 31 of the immediately
14 preceding fiscal year, an amount per pupil equal to 11.5% of the
15 sum of the district's foundation allowance or public school
16 academy's per pupil amount calculated under section 20, plus the
17 amount of the district's per pupil allocation under section
18 20j(2), not to exceed \$6,500.00 adjusted by the dollar amount of
19 the difference between the basic foundation allowance under
20 section 20 for the current state fiscal year and \$5,000.00, minus
21 \$200.00, or of the public school academy's per membership pupil
22 amount calculated under section 20 for the current state fiscal
23 year. A public school academy that began operations as a public
24 school academy after the pupil membership count day of the
25 immediately preceding school year shall receive under this
26 section for each membership pupil in the public school academy
27 who met the income eligibility criteria for free breakfast,

1 lunch, or milk, as determined under the Richard B. Russell
2 national school lunch act and as reported to the department by
3 October 31 of the current fiscal year and adjusted not later than
4 December 31 of the current fiscal year, an amount per pupil equal
5 to 11.5% of the public school academy's per membership pupil
6 amount calculated under section 20 for the current state fiscal
7 year.

8 (4) Except as otherwise provided in this section, a district
9 or public school academy receiving funding under this section
10 shall use that money only to provide instructional programs and
11 direct noninstructional services, including, but not limited to,
12 medical or counseling services, for at-risk pupils; for school
13 health clinics; and for the purposes of subsection (5) or (6). A
14 district or public school academy shall not use any of that money
15 for administrative costs or to supplant another program or other
16 funds, except for funds allocated to the district or public
17 school academy under this section in the immediately preceding
18 year and already being used by the district or public school
19 academy for at-risk pupils. The instruction or direct
20 noninstructional services provided under this section may be
21 conducted before or after regular school hours or by adding extra
22 school days to the school year and may include, but are not
23 limited to, tutorial services, early childhood programs to serve
24 children age 0 to 5, and reading programs as described in former
25 section 32f as in effect for 2001-2002. A tutorial method may be
26 conducted with paraprofessionals working under the supervision of
27 a certificated teacher. The ratio of pupils to paraprofessionals

1 shall be between 10:1 and 15:1. Only 1 certificated teacher is
2 required to supervise instruction using a tutorial method. As
3 used in this subsection, "to supplant another program" means to
4 take the place of a previously existing instructional program or
5 direct noninstructional services funded from a funding source
6 other than funding under this section.

7 (5) Except as otherwise provided in subsection (11), a
8 district or public school academy that receives funds under this
9 section and that operates a school breakfast program under
10 section 1272a of the revised school code, MCL 380.1272a, shall
11 use from the funds received under this section an amount, not to
12 exceed \$10.00 per pupil for whom the district or public school
13 academy receives funds under this section, necessary to operate
14 the school breakfast program.

15 (6) From the funds allocated under subsection (1), there is
16 allocated beginning with 2003-2004 an amount not to exceed
17 \$3,743,000.00 to support teen health centers. These grants shall
18 be awarded for 3 consecutive years beginning with 2003-2004 in a
19 form and manner approved jointly by the department and the
20 department of community health. Each grant recipient shall
21 remain in compliance with the terms of the grant award or shall
22 forfeit the grant award for the duration of the 3-year period
23 after the noncompliance. If any funds allocated under this
24 subsection are not used for the purposes of this subsection for
25 the fiscal year in which they are allocated, those unused funds
26 shall be used that fiscal year to avoid or minimize any proration
27 that would otherwise be required under subsection (12) for that

1 fiscal year.

2 (7) Each district or public school academy receiving funds
3 under this section shall submit to the department by July 15 of
4 each fiscal year a report, not to exceed 10 pages, on the usage
5 by the district or public school academy of funds under this
6 section, which report shall include at least a brief description
7 of each program conducted by the district or public school
8 academy using funds under this section, the amount of funds under
9 this section allocated to each of those programs, the number of
10 at-risk pupils eligible for free or reduced price school lunch
11 who were served by each of those programs, and the total number
12 of at-risk pupils served by each of those programs. If a
13 district or public school academy does not comply with this
14 subsection, the department shall withhold an amount equal to the
15 August payment due under this section until the district or
16 public school academy complies with this subsection. If the
17 district or public school academy does not comply with this
18 subsection by the end of the state fiscal year, the withheld
19 funds shall be forfeited to the school aid fund.

20 (8) In order to receive funds under this section, a district
21 or public school academy shall allow access for the department or
22 the department's designee to audit all records related to the
23 program for which it receives those funds. The district or
24 public school academy shall reimburse the state for all
25 disallowances found in the audit.

26 (9) Subject to subsections (5), (6), and (11), any district
27 may use up to 100% of the funds it receives under this section to

1 reduce the ratio of pupils to teachers in grades K-6, or any
2 combination of those grades, in school buildings in which the
3 percentage of pupils described in subsection (1) exceeds the
4 district's aggregate percentage of those pupils. Subject to
5 subsections (5), (6), and (11), if a district obtains a waiver
6 from the department, the district may use up to 100% of the funds
7 it receives under this section to reduce the ratio of pupils to
8 teachers in grades K-6, or any combination of those grades, in
9 school buildings in which the percentage of pupils described in
10 subsection (1) is at least 60% of the district's aggregate
11 percentage of those pupils and at least 30% of the total number
12 of pupils enrolled in the school building. To obtain a waiver, a
13 district must apply to the department and demonstrate to the
14 satisfaction of the department that the class size reductions
15 would be in the best interests of the district's at-risk pupils.

16 (10) A district or public school academy may use funds
17 received under this section for adult high school completion,
18 general ~~education~~ **educational** development (G.E.D.) test
19 preparation, adult English as a second language, or adult basic
20 education programs described in section 107.

21 (11) For an individual school or schools operated by a
22 district or public school academy receiving funds under this
23 section that have been determined by the department to meet the
24 adequate yearly progress standards of the federal no child left
25 behind act of 2001, Public Law 107-110, ~~115 Stat. 1425,~~ in both
26 mathematics and English language arts at all applicable grade
27 levels for all applicable subgroups, the district or public

1 school academy may submit to the department an application for
2 flexibility in using the funds received under this section that
3 are attributable to the pupils in the school or schools. The
4 application shall identify the affected school or schools and the
5 affected funds and shall contain a plan for using the funds for
6 specific purposes identified by the district that are designed to
7 benefit at-risk pupils in the school, but that may be different
8 from the purposes otherwise allowable under this section. The
9 department shall approve the application if the department
10 determines that the purposes identified in the plan are
11 reasonably designed to benefit at-risk pupils in the school. If
12 the department does not act to approve or disapprove an
13 application within 30 days after it is submitted to the
14 department, the application is considered to be approved. If an
15 application for flexibility in using the funds is approved, the
16 district may use the funds identified in the application for any
17 purpose identified in the plan.

18 (12) If necessary, and before any proration required under
19 section 11, the department shall prorate payments under this
20 section by reducing the amount of the per pupil payment under
21 this section by a dollar amount calculated by determining the
22 amount by which the amount necessary to fully fund the
23 requirements of this section exceeds the maximum amount allocated
24 under this section and then dividing that amount by the total
25 statewide number of pupils who met the income eligibility
26 criteria for free breakfast, lunch, or milk in the immediately
27 preceding fiscal year, as described in subsection (1).

1 (13) If a district is formed by consolidation after June 1,
2 1995, and if 1 or more of the original districts was not eligible
3 before the consolidation for an additional allowance under this
4 section, the amount of the additional allowance under this
5 section for the consolidated district shall be based on the
6 number of pupils described in subsection (1) enrolled in the
7 consolidated district who reside in the territory of an original
8 district that was eligible before the consolidation for an
9 additional allowance under this section.

10 (14) A district or public school academy that does not meet
11 the eligibility requirement under subsection (2)(a) is eligible
12 for funding under this section if at least 1/4 of the pupils in
13 membership in the district or public school academy met the
14 income eligibility criteria for free breakfast, lunch, or milk in
15 the immediately preceding state fiscal year, as determined and
16 reported as described in subsection (1), and at least 4,500 of
17 the pupils in membership in the district or public school academy
18 met the income eligibility criteria for free breakfast, lunch, or
19 milk in the immediately preceding state fiscal year, as
20 determined and reported as described in subsection (1). A
21 district or public school academy that is eligible for funding
22 under this section because the district meets the requirements of
23 this subsection shall receive under this section for each
24 membership pupil in the district or public school academy who met
25 the income eligibility criteria for free breakfast, lunch, or
26 milk in the immediately preceding fiscal year, as determined and
27 reported as described in subsection (1), an amount per pupil

1 equal to 11.5% of the sum of the district's foundation allowance
2 or public school academy's per pupil allocation under section 20,
3 plus the amount of the district's per pupil allocation under
4 section 20j(2), not to exceed \$6,500.00 adjusted by the dollar
5 amount of the difference between the basic foundation allowance
6 under section 20 for the current state fiscal year and \$5,000.00,
7 minus \$200.00.

8 (15) As used in this section, "at-risk pupil" means a pupil
9 for whom the district has documentation that the pupil meets at
10 least 2 of the following criteria: is a victim of child abuse or
11 neglect; is below grade level in English language and
12 communication skills or mathematics; is a pregnant teenager or
13 teenage parent; is eligible for a federal free or reduced-price
14 lunch subsidy; has atypical behavior or attendance patterns; or
15 has a family history of school failure, incarceration, or
16 substance abuse. For pupils for whom the results of at least the
17 applicable Michigan education assessment program (MEAP) test have
18 been received, at-risk pupil also includes a pupil who does not
19 meet the other criteria under this subsection but who did not
20 achieve at least a score of moderate on the most recent MEAP
21 reading test for which results for the pupil have been received,
22 did not achieve at least a score of moderate on the most recent
23 MEAP mathematics test for which results for the pupil have been
24 received, or did not achieve at least a score of novice on the
25 most recent MEAP science test for which results for the pupil
26 have been received. **For pupils for whom the results of the**
27 **Michigan merit examination have been received, at-risk pupil also**

1 includes a pupil who does not meet the other criteria under this
2 subsection but who did not achieve proficiency on the reading
3 component of the most recent Michigan merit examination for which
4 results for the pupil have been received, did not achieve
5 proficiency on the mathematics component of the most recent
6 Michigan merit examination for which results for the pupil have
7 been received, or did not achieve basic competency on the science
8 component of the most recent Michigan merit examination for which
9 results for the pupil have been received. For pupils in grades
10 K-3, at-risk pupil also includes a pupil who is at risk of not
11 meeting the district's core academic curricular objectives in
12 English language, communication skills, or mathematics.

13 Sec. 98b. (1) From the school aid stabilization fund
14 created in section 11a, there is appropriated and allocated for
15 2003-2004 an amount not to exceed \$22,000,000.00 for the freedom
16 to learn program described in this section. In addition, there
17 is allocated for 2003-2004 the following federal funds:

18 (a) From the federal funds appropriated in section 11, an
19 amount estimated at \$10,343,200.00 from the competitive grants of
20 DED-OESE, title II, educational technology grants funds.

21 (b) An amount estimated at \$7,000,000.00 from funds carried
22 forward from 2002-2003 from unexpended DED-OESE, title II,
23 educational technology grants funds.

24 (2) The allocations in subsection (1) shall be used to
25 develop, implement, and operate the freedom to learn program and
26 make program grants. The goal of the program is to achieve
27 one-to-one access to wireless technology for K-12 pupils through

1 statewide and local public-private partnerships. To implement
2 the program, the state education agency shall sign a memorandum
3 of understanding with the Michigan virtual university that
4 provides for joint administration of program grants under this
5 subsection. By December 1, 2003, the Michigan virtual university
6 and the state education agency shall make grants to districts as
7 described in this section. In awarding the grants, the Michigan
8 virtual university and the state education agency shall give
9 priority to applications that demonstrate that the district's
10 program will meet all of the following:

11 (a) Will be ready for implementation by January 1, 2004 and
12 will have begun professional development on technology
13 integration in the classroom before January 1, 2004.

14 (b) Will utilize state structure and resources for
15 professional development, as coordinated by the Michigan virtual
16 university.

17 (c) Will opt to participate in the statewide partnership
18 described in subsection (6).

19 (3) The amount of program grants to districts is estimated at
20 \$250.00 per pupil in membership in grade 6 in 2003-2004, or in
21 another grade allowed in this section. The state education
22 agency and the Michigan virtual university shall establish grant
23 criteria that maximize the distribution of federal funds to
24 achieve the \$250.00 per pupil in districts that qualify for
25 federal funds. To qualify for a grant under this section, a
26 district shall submit an application to the state education
27 agency and the Michigan virtual university and complete the

1 application process established by the state education agency and
2 the Michigan virtual university. The application shall include
3 at least all of the following:

4 (a) If the district is applying for federal funds, how the
5 district will meet the requirements of the competitive grants
6 under DED-OESE, title II, part D.

7 (b) How the district will provide the opportunity for each
8 pupil in membership in grade 6 to receive a wireless computing
9 device. If the district has already achieved one-to-one wireless
10 access in grade 6 or if the district's school building grade
11 configuration makes implementation of the program for grade 6
12 impractical, the district may apply for a grant for the next
13 highest grade. If the district does not have a grade 6 or
14 higher, the district may apply for funding for the next lowest
15 grade level. If the district operates 1 or more schools that are
16 not meeting adequate yearly progress, as determined by the
17 department, and that contain grade 6, the district may apply for
18 funding for a school building-wide program for 1 or more of those
19 schools. A public school academy that does not offer a grade
20 higher than grade 5 may apply to receive a grant under this
21 section for pupils in the highest grade offered by the public
22 school academy.

23 (c) The district shall submit a plan describing the uses of
24 the grant funds. The plan shall describe a plan for professional
25 development on technology integration, content and curriculum,
26 and local partnerships with the other districts and
27 representatives from businesses, industry, and higher education.

1 The plan shall include at least the following:

2 (i) The academic achievement goals, which may include, but
3 are not limited to, goals related to mathematics, science, and
4 language arts.

5 (ii) The engagement goals, which may include, but are not
6 limited to, goals related to retention rates, dropout rates,
7 detentions, and suspensions.

8 (iii) A commitment that at least 25% of the total local
9 budget for the program will be used on professional development
10 on technology integration in the classroom.

11 (d) A 3- to 5-year plan or funding model for increasing the
12 share that is borne locally of the expenditures for one-to-one
13 wireless access. The Michigan virtual university shall provide
14 districts with sample local plans and funding models for the
15 purposes of this subdivision and with information on available
16 federal and private resources.

17 (e) How the district will amend its local technology plan as
18 required under state and federal law to reflect the program under
19 this section.

20 (4) A district that receives a grant under this section shall
21 provide at least a \$25.00 per pupil match for grant money
22 received under this section from local public or private
23 resources.

24 (5) A district that received money under section 98 in
25 2002-2003 for a wireless technology grant is eligible to receive
26 a grant under this section. The funding under subsection (1)(b)
27 shall be used first to provide the grants under this subsection.

1 A district described in this subsection shall apply to the
2 Michigan virtual university and the state education agency for a
3 grant in the form and manner prescribed by the department. An
4 application under this section is not subject to the requirements
5 of subsection (3) if the application demonstrates that the
6 program will meet all of the following:

7 (a) Will continue as a demonstration program.

8 (b) Will provide regional assistance to schools that are not
9 meeting adequate yearly progress, as determined by the
10 department, and to new grant recipients, as directed by the state
11 education agency and the Michigan virtual university.

12 (c) Will seek to expand its existing wireless technology
13 initiatives.

14 (6) By October 15, 2003, the department of management and
15 budget shall establish a statewide public-private partnership to
16 implement the program. The department of management and budget
17 shall select a program partner through a request for proposals
18 process for a total learning technology package that includes,
19 but is not limited to, a wireless laptop, software, professional
20 development, service, and support, and for management by a single
21 point of contact individual responsible for the overall
22 implementation. The proposal selected shall achieve significant
23 efficiencies and economies of scale and be interoperable with
24 existing technologies. The private partner selected in the
25 request for proposals process to partner with the state must
26 possess all of the following:

27 (a) Experience in the development and successful

1 implementation of large-scale, school-based wireless technology
2 projects.

3 (b) Proven technical ability to deliver a total solutions
4 package of learning technology for elementary and secondary
5 students and teachers.

6 (c) Results-based education solutions to increase student
7 achievement and advance professional development for teachers.

8 (d) Ability to coordinate, utilize, and expand existing
9 technology infrastructures and professional development delivery
10 systems within school districts and regions.

11 (e) Ability to provide a wireless computing device that is
12 able to be connected to the wireless network and is able to
13 access a school's preexisting local network and the internet both
14 wirelessly in the school and through dial-up or other remote
15 connection from the home or elsewhere outside school.

16 (7) A district may elect to purchase or lease wireless
17 computing devices from a vendor other than the statewide
18 partnership described in subsection (6) if the Michigan virtual
19 university determines that the vendor meets the requirements of
20 subdivisions (a) to (d) of subsection (6) and the vendor is
21 identified in the district's grant application.

22 (8) The state education agency shall sign a memorandum of
23 understanding with the Michigan virtual university regarding
24 DED-OESE, title II, educational technology grants, as provided
25 under this subsection. The Michigan virtual university shall
26 coordinate activities described in this subsection with the
27 freedom to learn grants described under this section. The

1 memorandum of understanding shall require that the Michigan
2 virtual university coordinate the following state activities
3 related to DED-OESE, title II, educational technology grants in
4 accordance with federal law:

5 (a) Assist in the development of innovative strategies for
6 the delivery of specialized or rigorous academic courses and
7 curricula through the use of technology, including distance
8 learning technologies.

9 (b) Establish and support public-private initiatives for the
10 acquisition of educational technology for students in high-need
11 districts.

12 (9) Funds allocated under this section that are not expended
13 in the state fiscal year for which they were allocated may be
14 carried forward to a subsequent state fiscal year.

15 (10) The state education agency and the Michigan virtual
16 university shall complete the memoranda of understanding required
17 under this section within 60 days after the effective date of the
18 amendatory act that added this subsection. It is the intent of
19 the legislature that all plans or applications submitted by the
20 state education agency to the United States department of
21 education relating to the distribution of federal funds under
22 this section are for the purposes described in this section.

23 (11) The state education agency shall ensure that the program
24 goals and plans for the freedom to learn program are contained in
25 the state technology plan required by federal law.

26 (12) From the funds allocated under this section, an amount
27 not to exceed \$4,000,000.00 is allocated to the Michigan virtual

1 university to be used for statewide activities, as follows:

2 (a) An amount estimated at \$2,700,000.00 to develop a
3 professional development network in partnership with other
4 statewide entities for professional development on technology
5 integration in the classroom.

6 (b) An amount estimated at \$250,000.00 for development of a
7 content resource package that will include on-line coursework
8 content.

9 (c) An amount estimated at \$250,000.00 to develop or purchase
10 an on-line assessment system to supplement the Michigan education
11 assessment program tests **and the Michigan merit examination** and
12 provide immediate feedback on pupil achievement. The assessment
13 system shall include high-quality tests aligned to the state
14 curriculum framework and tests that can be customized by teachers
15 and integrated with on-line instructional resources. The
16 Michigan virtual university and the state education agency shall
17 work in partnership with the department of treasury to implement
18 the assessment program. The state education agency shall give
19 first priority in implementing the assessment systems to
20 districts not meeting adequately yearly progress requirements as
21 established by the federal no child left behind act and to
22 schools participating in grant programs under this section.

23 (d) An amount not to exceed \$800,000.00 for comprehensive
24 statewide evaluation of current and future projects under this
25 section and for statewide administration of the freedom to learn
26 program.

27 (13) The Michigan virtual university is encouraged to work in

1 partnership with Ferris state university in performing the
2 functions under subsection (12).

3 (14) Notwithstanding section 17b, payments under this section
4 may be made pursuant to an agreement with the department.

5 (15) It is the intent of the legislature that this state will
6 seek to raise private funds for the current and future funding of
7 the freedom to learn program under this section and all of the
8 program components.

9 (16) As used in this section:

10 (a) "DED-OESE" means the United States department of
11 education office of elementary and secondary education.

12 (b) "State education agency" means the department.

13 Sec. 104a. (1) ~~In~~ **Until the end of the 2005 calendar**
14 **year, in** order to receive state aid under this act, a district
15 shall comply with this section and shall administer state
16 assessments to high school pupils in the subject areas of
17 communications skills, mathematics, science, and social studies.
18 If the ~~department of treasury or the Michigan assessment~~
19 ~~governing board, as applicable,~~ **superintendent** determines that
20 it would be consistent with the purposes of this section, the
21 ~~department of treasury or the Michigan assessment governing~~
22 ~~board, as applicable,~~ **superintendent** may designate the grade 11
23 Michigan education assessment program tests or the ACT/ACT work
24 keys tests as the assessments to be used for the purposes of this
25 section. The district shall include on the pupil's high school
26 transcript all of the following:

27 (a) For each high school graduate who has completed a subject

1 area assessment under this section, the pupil's scaled score on
2 the assessment.

3 (b) If the pupil's scaled score on a subject area assessment
4 falls within the range required under subsection (2) for a
5 category established under subsection (2), an indication that the
6 pupil has achieved state endorsement for that subject area.

7 (c) The number of school days the pupil was in attendance at
8 school each school year during high school and the total number
9 of school days in session for each of those school years.

10 (2) The ~~department of treasury~~ **superintendent** shall develop
11 scaled scores for reporting subject area assessment results for
12 each of the subject areas under this section. The ~~department of~~
13 ~~treasury~~ **superintendent** shall establish 3 categories for each
14 subject area indicating basic competency, above average, and
15 outstanding, and shall establish the scaled score range required
16 for each category. The ~~department of treasury~~ **superintendent**
17 shall design and distribute to districts, intermediate districts,
18 and nonpublic schools a simple and concise document that
19 describes these categories in each subject area and indicates the
20 scaled score ranges for each category in each subject area. A
21 district may award a high school diploma to a pupil who
22 successfully completes local district requirements established in
23 accordance with state law for high school graduation, regardless
24 of whether the pupil is eligible for any state endorsement.

25 (3) The assessments administered for the purposes of this
26 section shall be administered to pupils during the last 30 school
27 days of grade 11. The ~~department of treasury~~ **superintendent**

1 shall ensure that the assessments are scored and the scores are
2 returned to pupils, their parents or legal guardians, and
3 districts not later than the beginning of the pupil's first
4 semester of grade 12. The ~~department of treasury~~
5 **superintendent** shall arrange for those portions of a pupil's
6 assessment that cannot be scored mechanically to be scored in
7 Michigan by persons who are Michigan teachers, retired Michigan
8 teachers, or Michigan school administrators and who have been
9 trained in scoring the assessments. The returned scores shall
10 indicate the pupil's scaled score for each subject area
11 assessment, the range of scaled scores for each subject area, and
12 the range of scaled scores required for each category established
13 under subsection (2). In reporting the scores to pupils,
14 parents, and schools, the ~~department of treasury~~ **superintendent**
15 shall provide specific, meaningful, and timely feedback on the
16 pupil's performance on the assessment.

17 (4) For each pupil who does not achieve state endorsement in
18 1 or more subject areas, the board of the district in which the
19 pupil is enrolled shall provide that there be at least 1 meeting
20 attended by at least the pupil and a member of the district's
21 staff or a local or intermediate district consultant who is
22 proficient in the measurement and evaluation of pupils. The
23 district may provide the meeting as a group meeting for pupils in
24 similar circumstances. If the pupil is a minor, the district
25 shall invite and encourage the pupil's parent, legal guardian, or
26 person in loco parentis to attend the meeting and shall mail a
27 notice of the meeting to the pupil's parent, legal guardian, or

1 person in loco parentis. The purpose of this meeting and any
2 subsequent meeting under this subsection shall be to determine an
3 educational program for the pupil designed to have the pupil
4 achieve state endorsement in each subject area in which he or she
5 did not achieve state endorsement. In addition, a district may
6 provide for subsequent meetings with the pupil conducted by a
7 high school counselor or teacher designated by the pupil's high
8 school principal, and shall invite and encourage the pupil's
9 parent, legal guardian, or person in loco parentis to attend the
10 subsequent meetings. The district shall provide special programs
11 for the pupil or develop a program using the educational programs
12 regularly provided by the district unless the board of the
13 district decides otherwise and publishes and explains its
14 decision in a public justification report.

15 (5) A pupil who wants to repeat an assessment administered
16 under this section may repeat the assessment, without charge to
17 the pupil, in the next school year or after graduation. An
18 individual may repeat an assessment at any time the district
19 administers an applicable assessment instrument or during a
20 retesting period under subsection (7).

21 (6) The ~~department of treasury~~ **superintendent** shall ensure
22 that the length of the assessments used for the purposes of this
23 section and the combined total time necessary to administer all
24 of the assessments are the shortest possible that will still
25 maintain the degree of reliability and validity of the assessment
26 results determined necessary by the ~~department of treasury~~
27 **superintendent**. The ~~department of treasury~~ **superintendent**

1 shall ensure that the maximum total combined length of time that
2 schools are required to set aside for administration of all of
3 the assessments used for the purposes of this section does not
4 exceed 8 hours. However, this subsection does not limit the
5 amount of time that individuals may have to complete the
6 assessments.

7 (7) The ~~department of treasury~~ **superintendent** shall
8 establish, schedule, and arrange periodic retesting periods
9 throughout the year for individuals who desire to repeat an
10 assessment under this section. The ~~department of treasury~~
11 **superintendent** shall coordinate the arrangements for
12 administering the repeat assessments and shall ensure that the
13 retesting is made available at least within each intermediate
14 district and, to the extent possible, within each district.

15 (8) A district shall provide accommodations to a pupil with
16 disabilities for the assessments required under this section, as
17 provided under section 504 of title V of the rehabilitation act
18 of 1973, ~~Public Law 93-112,~~ 29 ~~U.S.C.~~ **USC** 794; subtitle A of
19 title II of the Americans with disabilities act of 1990, ~~Public~~
20 ~~Law 101-336,~~ 42 ~~U.S.C.~~ **USC** 12131 to 12134; and the
21 implementing regulations for those statutes.

22 (9) For the purposes of this section, the ~~department of~~
23 ~~treasury~~ **superintendent** shall develop or select and approve
24 assessment instruments to measure pupil performance in
25 communications skills, mathematics, social studies, and science.
26 Unless the ~~department of treasury~~ **superintendent** selects and
27 approves the ACT/ACT work keys tests, the assessment instruments

1 shall be based on the model core academic content standards
2 objectives under section 1278 of the revised school code,
3 MCL 380.1278.

4 (10) Upon written request by the pupil's parent or legal
5 guardian stating that the request is being made for the purpose
6 of providing the pupil with an opportunity to qualify to take 1
7 or more postsecondary courses as an eligible student under the
8 postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to
9 388.524, **or under the career and technical preparation act, 2000**
10 **PA 258, MCL 388.1901 to 388.1913**, the board of a district shall
11 allow a pupil who is in at least grade 10 to take an assessment
12 administered under this section without charge at any time the
13 district regularly administers the assessment or during a
14 retesting period established under subsection (7). A district is
15 not required to include in an annual education report, or in any
16 other report submitted to the ~~department of treasury~~
17 **superintendent** for accreditation purposes, results of assessments
18 taken under this subsection by a pupil in grade 11 or lower until
19 the results of that pupil's graduating class are otherwise
20 reported.

21 (11) All assessment instruments developed or selected and
22 approved by the state under any statute or rule for a purpose
23 related to K to 12 education shall be objective-oriented and
24 consistent with the model core academic content standards
25 objectives under section 1278 of the revised school code,
26 MCL 380.1278.

27 (12) ~~A~~ **Until the end of the 2005 calendar year, a person**

1 who has graduated from high school after 1996 and who has not
2 previously taken an assessment under this section may take an
3 assessment used for the purposes of this section, without charge
4 to the person, at the district from which he or she graduated
5 from high school at any time that district administers the
6 assessment or during a retesting period scheduled under
7 subsection (7) and have his or her scaled score on the assessment
8 included on his or her high school transcript. If the person's
9 scaled score on a subject area assessment falls within the range
10 required under subsection (2) for a category established under
11 subsection (2), the district shall also indicate on the person's
12 high school transcript that the person has achieved state
13 endorsement for that subject area.

14 (13) A child who is a student in a nonpublic school or home
15 school may take an assessment under this section. To take an
16 assessment, a child who is a student in a home school shall
17 contact the district in which the child resides, and that
18 district shall administer the assessment, or the child may take
19 the assessment at a nonpublic school if allowed by the nonpublic
20 school. Upon request from a nonpublic school, the ~~department of~~
21 ~~treasury~~ **superintendent** shall supply assessments and the
22 nonpublic school may administer the assessment.

23 (14) The purpose of the assessment under this section is to
24 assess pupil performance in mathematics, science, social studies,
25 and communication arts for the purpose of improving academic
26 achievement and establishing a statewide standard of competency.
27 The assessment under this section provides a common measure of

1 data that will contribute to the improvement of Michigan schools'
2 curriculum and instruction by encouraging alignment with
3 Michigan's curriculum framework standards. These standards are
4 based upon the expectations of what pupils should know and be
5 able to do by the end of grade 11.

6 ~~(15) If the Michigan assessment governing board is~~
7 ~~established by law, the Michigan assessment governing board shall~~
8 ~~administer this section and shall have all of the powers and~~
9 ~~duties as otherwise provided under this section for the~~
10 ~~department of treasury.~~

11 (15) ~~—(16)—~~ As used in this section:

12 (a) "Communications skills" means reading and writing.

13 (b) "Social studies" means geography, history, economics, and
14 American government.

15 **Sec. 104b. (1) Beginning in the 2006 calendar year, in**
16 **order to receive state aid under this act, a district shall**
17 **comply with this section and shall administer the Michigan merit**
18 **examination to pupils in grade 11 as provided in this section.**

19 (2) For the purposes of this section, the department of
20 management and budget shall contract with 1 or more providers to
21 develop, supply, and score the Michigan merit examination. The
22 Michigan merit examination shall consist of all of the
23 following:

24 (a) A curriculum-based achievement test that measures
25 English, mathematics, reading, and science and is used by
26 colleges and universities in this state for entrance and
27 placement purposes.

1 (b) One or more tests that assess a pupil's ability to apply
2 reading and mathematics skills in a manner that is intended to
3 allow employers to use the results in making employment
4 decisions.

5 (c) A social studies component.

6 (3) Beginning with pupils completing grade 11 in 2006, a
7 district shall include on each pupil's high school transcript all
8 of the following:

9 (a) For each high school graduate who has completed the
10 Michigan merit examination under this section, the pupil's scaled
11 score on each subject area component of the Michigan merit
12 examination.

13 (b) The number of school days the pupil was in attendance at
14 school each school year during high school and the total number
15 of school days in session for each of those school years.

16 (4) The superintendent shall work with the provider or
17 providers of the Michigan merit examination to produce Michigan
18 merit examination subject area scores for each pupil
19 participating in the Michigan merit examination, including
20 scaling and merging of test items for the different subject area
21 components. The superintendent shall design and distribute to
22 districts, intermediate districts, and nonpublic schools a simple
23 and concise document that describes the scoring for each subject
24 area and indicates the scaled score ranges for each subject
25 area.

26 (5) The Michigan merit examination shall be administered each
27 year after March 1 and before June 1 to pupils in grade 11. The

1 superintendent shall ensure that the Michigan merit examination
2 is scored and the scores are returned to pupils, their parents or
3 legal guardians, and districts not later than the beginning of
4 the pupil's first semester of grade 12. The returned scores
5 shall indicate at least the pupil's scaled score for each subject
6 area component and the range of scaled scores for each subject
7 area. In reporting the scores to pupils, parents, and schools,
8 the superintendent shall provide specific, meaningful, and timely
9 feedback on the pupil's performance on the Michigan merit
10 examination.

11 (6) A pupil who does not qualify for a Michigan merit award
12 scholarship under the Michigan merit award scholarship act, 1999
13 PA 94, MCL 390.1451 to 390.1459, and who wants to repeat the
14 Michigan merit examination may repeat the Michigan merit
15 examination, without charge to the pupil, in the next school year
16 on a designated testing date.

17 (7) The superintendent shall ensure that the length of the
18 Michigan merit examination and the combined total time necessary
19 to administer all of the components of the Michigan merit
20 examination are the shortest possible that will still maintain
21 the degree of reliability and validity of the Michigan merit
22 examination results determined necessary by the superintendent.
23 The superintendent shall ensure that the maximum total combined
24 length of time that schools are required to set aside for
25 administration of all of the components of the Michigan merit
26 examination does not exceed 8 hours.

27 (8) A district shall provide accommodations approved by the

1 provider or providers of the Michigan merit examination to a
2 pupil with disabilities for the Michigan merit examination, as
3 provided under section 504 of title V of the rehabilitation act
4 of 1973, 29 USC 794; subtitle A of title II of the Americans with
5 disabilities act of 1990, 42 USC 12131 to 12134; and the
6 implementing regulations for those statutes.

7 (9) To the greatest extent possible, the Michigan merit
8 examination shall be based on the model core academic content
9 standards objectives under section 1278 of the revised school
10 code, MCL 380.1278.

11 (10) A child who is a student in a nonpublic school or home
12 school may take the Michigan merit examination under this
13 section. To take the Michigan merit examination, a child who is
14 a student in a home school shall contact the district in which
15 the child resides, and that district shall administer the
16 Michigan merit examination, or the child may take the Michigan
17 merit examination at a nonpublic school if allowed by the
18 nonpublic school. Upon request from a nonpublic school, the
19 superintendent shall direct the provider or providers to supply
20 the Michigan merit examination to the nonpublic school and the
21 nonpublic school may administer the Michigan merit examination.

22 (11) The purpose of the Michigan merit examination is to
23 assess pupil performance in mathematics, science, social studies,
24 and communication skills for the purpose of improving academic
25 achievement and establishing a statewide standard of competency.
26 The assessment under this section provides a common measure of
27 data that will contribute to the improvement of Michigan schools'

1 curriculum and instruction by encouraging alignment with
2 Michigan's curriculum framework standards and promotes pupil
3 participation in higher level mathematics, science, social
4 studies, and language arts courses. These standards are based
5 upon the expectations of what pupils should learn through high
6 school and are aligned with national standards. As used in this
7 subsection:

8 (a) "Communication skills" means reading and writing.

9 (b) "Social studies" means geography, history, economics, and
10 American government.

11 Enacting section 1. This amendatory act does not take
12 effect unless all of the following bills of the 92nd Legislature
13 are enacted into law:

14 (a) Senate Bill No. 1153.

15

16 (b) Senate Bill No. 1154.

17

18 (c) Senate Bill No. 1156.

19

20 (d) Senate Bill No. 1157.

21