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BILL ANALYSIS

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House Bill 4142 (Substitute H-1 as passed by the House)
Sponsor: Representative Brian Palmer
House Committee: Education
Senate Committee: Education

Date Completed: 5-11-05

CONTENT

The bill would amend Public Act 38 of 1970, which provides for the Michigan Educational Assessment Program (MEAP), to do the following:

- Establish requirements for notifying parents and teachers of test results, and meeting quality management standards, that would apply to contractors used for scoring, developing, or processing a test.**
- Require a contract to include specific deadlines and penalties for noncompliance.**
- Establish test criteria regarding grade level content, compliance with the No Child Left Behind Act, consistency with a code of fair testing practices, and factual accuracy.**
- Require schools to identify students who demonstrated extraordinary competence in multiple subject areas.**
- Require testing at additional grade levels, if mandated by the Federal government.**

The Act established a "statewide program of assessment of educational progress and remedial assistance in the basic skills of students in reading, mathematics, language arts and/or other general subject areas", now known as MEAP.

Presently, the program must cover all students annually at two grade levels in public schools. The bill, instead, would require the program to cover all students annually in at least two elementary and middle school grade levels in public schools. If the Federal government required assessments at additional grade levels under the No Child Left Behind Act, the Superintendent of Public Instruction (the State Superintendent) would have to comply with that requirement. (Students currently are tested in the 4th, 5th, 7th, and 8th grades, as well as in 10th or 11th grade, with an opportunity for retesting in 12th grade.)

Under the bill, the State Superintendent would have to ensure that any contractor used for scoring an assessment instrument (a test) supplied an individual report for each student that would identify for the student's parents and teachers whether he or she met or failed to meet expectations for each standard, in order to enable the parents and teachers to assess and remedy problems before the student moved to the next grade.

The State Superintendent also would have to ensure that any contractor used for scoring, developing, or processing a test met quality management standards commonly used in the assessment industry, including at least meeting level 2 of the capability maturity model

developed by the Software Engineering Institute of Carnegie Mellon University for the 2005-2006 school year assessments, and at least meeting level 3 of the capability maturity model for subsequent assessments.

In addition, the State Superintendent would have to ensure that any contract entered into for scoring, administering, or developing a test included specific deadlines for all steps of the assessment process, including deadlines for the correct testing materials to be supplied to schools and for the correct results to be returned to schools. The contract also would have to include penalties for noncompliance with the deadlines.

The State Superintendent would have to ensure that the tests met all of the following:

- Were designed to test students on grade level content expectations in all subjects tested for each grade level tested.
- Complied with requirements of the No Child Left Behind Act.
- Were consistent with the code of fair testing practices in education prepared by the Joint Committee on Testing Practices of the American Psychological Association.
- Were factually accurate.

If the State Superintendent determined that a question was not factually accurate and should be removed from a test, the State Board of Education and the Superintendent would have to ensure that the question was removed.

Presently, based on information from the program, students who have extraordinary need for assistance to improve their competence in the basic skills must be identified. The bill would require public schools to identify those students as well as students who demonstrated extraordinary competence in multiple subject areas who should be recommended for advancement.

MCL 388.1082

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

There are no estimated costs at the present time associated with this legislation, since the new MEAP administration coordinator meets the Level 3 of the Capability Maturity Model requirement. However, in the future, if this contractor remains the only Level 3 provider (as is currently the case), there could be an indirect impact on costs to the extent that competition to provide MEAP administration would be limited.

The bill would have no fiscal impact on local government.

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.