

# HOUSE BILL No. 6412

September 9, 2008, Introduced by Rep. Gillard and referred to the Committee on Appropriations.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending section 1279g (MCL 380.1279g), as added by 2004 PA 596.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1279g. (1) ~~Beginning in the 2006 calendar year, the~~ **THE**  
2 board of a school district or board of directors of a public school  
3 academy shall comply with this section and shall administer ~~the~~  
4 ~~state assessments under section 1279 or the~~ Michigan merit  
5 examination to pupils in grade 11, **AND TO PUPILS IN GRADE 12 WHO**  
6 **DID NOT TAKE THE COMPLETE MICHIGAN MERIT EXAMINATION IN GRADE 11,**  
7 as provided in this section. ~~, as follows:~~

8       ~~— (a) For pupils in grade 11 in the 2005-2006 school year, the~~  
9 ~~provisions concerning state assessments under section 1279 apply to~~  
10 ~~all pupils in grade 11 and the Michigan merit examination shall be~~

~~administered to a sample of pupils in grade 11 statewide, as identified by the department. The pupils to be included in this sample shall be determined by the department as the department determines necessary to seek the approval of the United States department of education to use the Michigan merit examination for the purposes of the federal no child left behind act of 2001, Public Law 107-110.~~

~~—— (b) Subject to subdivision (c), for pupils in grade 11 in the 2006-2007 school year and subsequent school years, the Michigan merit examination shall be offered to all pupils in grade 11.~~

~~—— (c) If the United States department of education has not approved the use of the Michigan merit examination for the purposes of the federal no child left behind act of 2001, Public Law 107-110, by December 31, 2006, all of the following apply:~~

~~—— (i) The provisions concerning state assessments under section 1279 shall continue to apply to all pupils in grade 11 until the next calendar year that begins after that approval occurs.~~

~~—— (ii) The Michigan merit examination shall be offered to all pupils in grade 11 beginning in the next calendar year that begins after that approval occurs.~~

~~—— (iii) If it is necessary as part of the process of continuing to seek the approval of the United States department of education to use the Michigan merit examination for the purposes of the federal no child left behind act of 2001, Public Law 107-110, the department may again provide for the administration of both the state assessments under section 1279 and the Michigan merit examination to a sample of pupils in grade 11 statewide as~~

1 ~~described in subdivision (a).~~

2 ~~—— (2) The department shall take all steps necessary, including,~~  
3 ~~but not limited to, conducting a content alignment study and~~  
4 ~~statistical analyses, to obtain the approval of the United States~~  
5 ~~department of education to use the Michigan merit examination for~~  
6 ~~the purposes of the federal no child left behind act of 2001,~~  
7 ~~Public Law 107-110, by not later than December 31, 2006 or as soon~~  
8 ~~thereafter as possible.~~

9 (2) ~~(3)~~ For the purposes of this section, the department of  
10 management and budget shall contract with 1 or more providers to  
11 develop, supply, and score the Michigan merit examination. The  
12 Michigan merit examination shall consist of all of the following:

13 (a) Assessment instruments that measure English language arts,  
14 mathematics, reading, and science and are used by colleges and  
15 universities in this state for entrance or placement purposes. **THIS**  
16 **SHALL INCLUDE A WRITING COMPONENT IN WHICH THE PUPIL PRODUCES AN**  
17 **EXTENDED WRITING SAMPLE. THE MICHIGAN MERIT EXAMINATION SHALL NOT**  
18 **REQUIRE ANY OTHER EXTENDED WRITING SAMPLE.**

19 (b) One or more tests from 1 or more test developers that  
20 assess a pupil's ability to apply **AT LEAST** reading and mathematics  
21 skills in a manner that is intended to allow employers to use the  
22 results in making employment decisions. **THE DEPARTMENT OF**  
23 **MANAGEMENT AND BUDGET AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
24 **SHALL ENSURE THAT ANY TEST OR TESTS SELECTED UNDER THIS SUBDIVISION**  
25 **HAVE ALL THE COMPONENTS NECESSARY TO ALLOW A PUPIL TO BE ELIGIBLE**  
26 **TO RECEIVE THE RESULTS OF A NATIONALLY RECOGNIZED EVALUATION OF**  
27 **WORKFORCE READINESS IF THE PUPIL'S TEST PERFORMANCE IS ADEQUATE.**

1 (c) A social studies component.

2 (d) Any other component that is necessary to obtain the  
3 approval of the United States department of education to use the  
4 Michigan merit examination for the purposes of the ~~federal~~-no child  
5 left behind act of 2001, Public Law 107-110.

6 (3) ~~(4)~~—In addition to all other requirements of this section,  
7 all of the following apply to the Michigan merit examination:

8 (a) The department of management and budget and the  
9 superintendent of public instruction shall ensure that any  
10 contractor used for scoring the Michigan merit examination supplies  
11 an individual report for each pupil that will identify for the  
12 pupil's parents and teachers whether the pupil met expectations or  
13 failed to meet expectations for each standard, to allow the pupil's  
14 parents and teachers to assess and remedy problems before the pupil  
15 moves to the next grade.

16 (b) The department of management and budget and the  
17 superintendent of public instruction shall ensure that any  
18 contractor used for scoring, developing, or processing the Michigan  
19 merit examination meets quality management standards commonly used  
20 in the assessment industry, including at least meeting level 2 of  
21 the capability maturity model developed by the software engineering  
22 institute of Carnegie Mellon university for the first year the  
23 Michigan merit examination is offered to all grade 11 pupils and at  
24 least meeting level 3 of the capability maturity model for  
25 subsequent years.

26 (c) The department of management and budget and the  
27 superintendent of public instruction shall ensure that any contract

1 for scoring, administering, or developing the Michigan merit  
 2 examination includes specific deadlines for all steps of the  
 3 assessment process, including, but not limited to, deadlines for  
 4 the correct testing materials to be supplied to schools and for the  
 5 correct results to be returned to schools, and includes penalties  
 6 for noncompliance with these deadlines.

7 (d) The superintendent of public instruction shall ensure that  
 8 the Michigan merit examination meets all of the following:

9 (i) Is designed to test pupils on grade level content  
 10 expectations or course content expectations, as appropriate, in all  
 11 subjects tested.

12 (ii) Complies with requirements of the no child left behind act  
 13 of 2001, Public Law 107-110.

14 (iii) Is consistent with the code of fair testing practices in  
 15 education prepared by the joint committee on testing practices of  
 16 the American psychological association.

17 (iv) Is factually accurate. If the superintendent of public  
 18 instruction determines that a question is not factually accurate  
 19 and should be ~~removed~~ **EXCLUDED** from ~~an assessment instrument~~  
 20 **SCORING**, the state board and the superintendent of public  
 21 instruction shall ensure that the question is ~~removed~~ **EXCLUDED** from  
 22 ~~the assessment instrument~~ **SCORING**.

23 ~~(4) (5) Beginning with pupils completing grade 11 in 2006, a~~ **A**  
 24 school district or public school academy that operates a high  
 25 school shall include on each pupil's high school transcript all of  
 26 the following:

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

1 Michigan merit examination under this section, the pupil's scaled  
2 score on each subject area component of the Michigan merit  
3 examination.

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

7 (5) ~~(6)~~—The superintendent of public instruction shall work  
8 with the provider or providers of the Michigan merit examination to  
9 produce Michigan merit examination subject area scores for each  
10 pupil participating in the Michigan merit examination, including  
11 scaling and merging of test items for the different subject area  
12 components. The superintendent of public instruction shall design  
13 and distribute to school districts, public school academies,  
14 intermediate school districts, and nonpublic schools a simple and  
15 concise document that describes the scoring for each subject area  
16 and indicates the scaled score ranges for each subject area.

17 (6) ~~(7)~~—The Michigan merit examination shall be administered  
18 each year after March 1 and before June 1 to pupils in grade 11.  
19 The superintendent of public instruction shall ensure that the  
20 Michigan merit examination is scored and the scores are returned to  
21 pupils, their parents or legal guardians, and schools not later  
22 than the beginning of the pupil's first semester of grade 12. The  
23 returned scores shall indicate at least the pupil's scaled score  
24 for each subject area component and the range of scaled scores for  
25 each subject area. In reporting the scores to pupils, parents, and  
26 schools, the superintendent of public instruction shall provide  
27 standards-specific, meaningful, and timely feedback on the pupil's

1 performance on the Michigan merit examination.

2 ~~—— (8) A pupil who does not qualify for a Michigan merit award~~  
3 ~~scholarship under the Michigan merit award scholarship act, 1999 PA~~  
4 ~~94, MCL 390.1451 to 390.1459, and who wants to repeat the Michigan~~  
5 ~~merit examination may repeat the Michigan merit examination in the~~  
6 ~~next school year on a designated testing date. The first time a~~  
7 ~~pupil repeats the Michigan merit examination under this subsection~~  
8 ~~shall be without charge to the pupil, but the pupil is responsible~~  
9 ~~for paying the cost of any subsequent repeat.~~

10 (7) A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SHALL  
11 ADMINISTER THE COMPLETE MICHIGAN MERIT EXAMINATION TO A PUPIL ONLY  
12 ONCE AND SHALL NOT ADMINISTER THE COMPLETE MICHIGAN MERIT  
13 EXAMINATION TO THE SAME PUPIL MORE THAN ONCE. IF A PUPIL DOES NOT  
14 TAKE THE COMPLETE MICHIGAN MERIT EXAMINATION IN GRADE 11, THE  
15 SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SHALL ADMINISTER THE  
16 COMPLETE MICHIGAN MERIT EXAMINATION TO THE PUPIL IN GRADE 12. IF A  
17 PUPIL CHOOSES TO RETAKE THE COLLEGE ENTRANCE EXAMINATION COMPONENT  
18 OF THE MICHIGAN MERIT EXAMINATION, AS DESCRIBED IN SUBSECTION  
19 (2) (A), THE PUPIL MAY DO SO THROUGH THE PROVIDER OF THE COLLEGE  
20 ENTRANCE EXAMINATION COMPONENT AND THE COST OF THE RETAKE IS THE  
21 RESPONSIBILITY OF THE PUPIL UNLESS ALL OF THE FOLLOWING ARE MET:

22 (A) THE PUPIL HAS TAKEN THE COMPLETE MICHIGAN MERIT  
23 EXAMINATION.

24 (B) THE PUPIL DID NOT QUALIFY FOR A MICHIGAN PROMISE GRANT  
25 UNDER SECTION 6 OF THE MICHIGAN PROMISE GRANT ACT, 2006 PA 479, MCL  
26 390.1626, BASED ON THE PUPIL'S PERFORMANCE ON THE COMPLETE MICHIGAN  
27 MERIT EXAMINATION.

1 (C) THE PUPIL MEETS THE INCOME ELIGIBILITY CRITERIA FOR FREE  
2 BREAKFAST, LUNCH, OR MILK, AS DETERMINED UNDER THE RICHARD B.  
3 RUSSELL NATIONAL SCHOOL LUNCH ACT, 42 USC 1751 TO 1769I.

4 (D) THE PUPIL HAS APPLIED TO THE PROVIDER OF THE COLLEGE  
5 ENTRANCE EXAMINATION COMPONENT FOR A SCHOLARSHIP OR FEE WAIVER TO  
6 COVER THE COST OF THE RETAKE AND THAT APPLICATION HAS BEEN DENIED.

7 (E) AFTER TAKING THE COMPLETE MICHIGAN MERIT EXAMINATION, THE  
8 PUPIL HAS NOT ALREADY RECEIVED A FREE RETAKE OF THE COLLEGE  
9 ENTRANCE EXAMINATION COMPONENT PAID FOR EITHER BY THIS STATE OR  
10 THROUGH A SCHOLARSHIP OR FEE WAIVER BY THE PROVIDER.

11 (8) ~~(9)~~—The superintendent of public instruction shall ensure  
12 that the length of the Michigan merit examination and the combined  
13 total time necessary to administer all of the components of the  
14 Michigan merit examination are the shortest possible that will  
15 still maintain the degree of reliability and validity of the  
16 Michigan merit examination results determined necessary by the  
17 superintendent of public instruction. The superintendent of public  
18 instruction shall ensure that the maximum total combined length of  
19 time that schools are required to set aside for ~~administration of~~  
20 ~~all of the components of~~ **PUPILS TO ANSWER ALL TEST QUESTIONS ON** the  
21 Michigan merit examination does not exceed 8 hours **IF THE**  
22 **SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES THAT SUFFICIENT**  
23 **ALIGNMENT TO APPLICABLE MICHIGAN MERIT CURRICULUM CONTENT STANDARDS**  
24 **CAN BE ACHIEVED WITHIN THAT TIME LIMIT.**

25 (9) ~~(10)~~—A school district or public school academy shall  
26 provide accommodations to a pupil with disabilities for the  
27 Michigan merit examination, as provided under section 504 of title



1 V of the rehabilitation act of 1973, 29 USC 794; subtitle A of  
2 title II of the Americans with disabilities act of 1990, 42 USC  
3 12131 to 12134; the individuals with disabilities education act  
4 amendments of 1997, Public Law 105-17; and the implementing  
5 regulations for those statutes. The provider or providers of the  
6 Michigan merit examination and the superintendent of public  
7 instruction shall mutually agree upon the accommodations to be  
8 provided under this subsection.

9 (10) ~~(11)~~—To the greatest extent possible, the Michigan merit  
10 examination shall be based on grade level content expectations or  
11 course content expectations, as appropriate. **NOT LATER THAN JULY 1,**  
12 **2008, THE DEPARTMENT SHALL IDENTIFY SPECIFIC GRADE LEVEL CONTENT**  
13 **EXPECTATIONS TO BE TAUGHT BEFORE AND AFTER THE MIDDLE OF GRADE 11,**  
14 **SO THAT TEACHERS WILL KNOW WHAT CONTENT WILL BE COVERED WITHIN THE**  
15 **MICHIGAN MERIT EXAMINATION.**

16 (11) ~~(12)~~—A child who is a student in a nonpublic school or  
17 home school may take the Michigan merit examination under this  
18 section. To take the Michigan merit examination, a child who is a  
19 student in a home school shall contact the school district in which  
20 the child resides, and that school district shall administer the  
21 Michigan merit examination, or the child may take the Michigan  
22 merit examination at a nonpublic school if allowed by the nonpublic  
23 school. Upon request from a nonpublic school, the superintendent of  
24 public instruction shall direct the provider or providers to supply  
25 the Michigan merit examination to the nonpublic school and the  
26 nonpublic school may administer the Michigan merit examination. If  
27 a school district administers the Michigan merit examination under

1 this subsection to a child who is not enrolled in the school  
2 district, the scores for that child are not considered for any  
3 purpose to be scores of a pupil of the school district.

4 (12) ~~(13)~~—In contracting under subsection ~~(3)~~ (2), the  
5 department of management and budget shall consider a contractor  
6 that provides electronically-scored essays with the ability to  
7 score constructed response feedback in multiple languages and  
8 provide ongoing instruction and feedback.

9 (13) ~~(14)~~—The purpose of the Michigan merit examination is to  
10 assess pupil performance in mathematics, science, social studies,  
11 and English language arts for the purpose of improving academic  
12 achievement and establishing a statewide standard of competency.  
13 The assessment under this section provides a common measure of data  
14 that will contribute to the improvement of Michigan schools'  
15 curriculum and instruction by encouraging alignment with Michigan's  
16 curriculum framework standards and promotes pupil participation in  
17 higher level mathematics, science, social studies, and English  
18 language arts courses. These standards are based upon the  
19 expectations of what pupils should learn through high school and  
20 are aligned with national standards.

21 (14) ~~(15)~~—As used in this section:

22 (a) "English language arts" means reading and writing.

23 (b) "Social studies" means United States history, world  
24 history, world geography, economics, and American government.