

HOUSE BILL NO. 4037

January 27, 2021, Introduced by Reps. Hornberger, Reilly, Yaroch and Allor and referred to the Committee on Education.

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
by amending section 104b (MCL 388.1704b), as amended by 2018 PA
265.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 104b. (1) In order to receive state aid under this
2 article, a district ~~shall~~**must** comply with this section and ~~shall~~
3 **must** administer the Michigan merit examination to pupils in grade
4 11, and to pupils in grade 12 who did not take the complete

1 Michigan merit examination in grade 11, as provided in this
2 section. The Michigan merit examination consists of a college
3 entrance test ~~, work skills test,~~ and the summative assessment
4 known as the Michigan student test of educational progress (M-
5 STEP).

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

11 (a) Assessment instruments that measure English language arts,
12 mathematics, reading, and science, and are used by the majority of
13 colleges and universities in this state for entrance purposes. This
14 may include 1 or more writing components. In selecting assessment
15 instruments to fulfill the requirements of this subdivision, the
16 department may consider the degree to which those assessment
17 instruments are aligned to this state's content standards.

18 ~~(b) One or more tests from 1 or more test developers that~~
19 ~~assess a pupil's ability to apply at least reading and mathematics~~
20 ~~skills in a manner that is intended to allow employers to use the~~
21 ~~results in making employment decisions. The department of~~
22 ~~technology, management, and budget and the superintendent shall~~
23 ~~ensure that any test or tests selected under this subdivision have~~
24 ~~all the components necessary to allow a pupil to be eligible to~~
25 ~~receive the results of a nationally recognized evaluation of~~
26 ~~workforce readiness if the pupil's test performance is adequate.~~

27 (b) ~~(e)~~ A social studies component.

28 (c) ~~(d)~~ Any other component that is necessary to obtain the
29 approval of the United States Department of Education to use the

1 Michigan merit examination for the purposes of the no child left
2 behind act of 2001, Public Law 107-110, or the every student
3 succeeds act, Public Law 114-95.

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

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

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

23 (c) The department of technology, management, and budget and
24 the superintendent shall ensure that any contract for scoring,
25 administering, or developing the Michigan merit examination
26 includes specific deadlines for all steps of the assessment
27 process, including, but not limited to, deadlines for the correct
28 testing materials to be supplied to schools and for the correct
29 results to be returned to schools, and includes penalties for

1 noncompliance with these deadlines.

2 (d) The superintendent shall ensure that the Michigan merit
3 examination meets all of the following:

4 (i) Is designed to test pupils on this state's content
5 standards in all subjects tested.

6 (ii) Complies with requirements of the no child left behind act
7 of 2001, Public Law 107-110 or the every student succeeds act,
8 Public Law 114-95.

9 (iii) Is consistent with the code of fair testing practices in
10 education prepared by the Joint Committee on Testing Practices of
11 the American Psychological Association.

12 (iv) Is factually accurate. If the superintendent determines
13 that a question is not factually accurate and should be excluded
14 from scoring, the state board and the superintendent shall ensure
15 that the question is excluded from scoring.

16 (4) A district shall include on each pupil's high school
17 transcript ~~all~~**both** of the following:

18 (a) For each high school graduate who has completed the
19 Michigan merit examination under this section, the pupil's scaled
20 score on each subject area component of the Michigan merit
21 examination.

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

25 (5) The superintendent shall work with the provider or
26 providers of the Michigan merit examination to produce Michigan
27 merit examination subject area scores for each pupil participating
28 in the Michigan merit examination. To the extent that the
29 department determines that additional test items beyond those

1 included in the college entrance component of the Michigan merit
2 examination are required in a particular subject area, the
3 department shall ensure that all test items in that subject area
4 are scaled and merged for the purposes of producing a Michigan
5 merit examination subject area score. The superintendent shall
6 design and distribute to districts, intermediate districts, and
7 nonpublic schools a simple and concise document that describes the
8 scoring for each subject area and indicates the scaled score ranges
9 for each subject area.

10 (6) The Michigan merit examination ~~shall~~**must** be administered
11 in each district during the last 12 weeks of the district's school
12 year. The superintendent shall ensure that the Michigan merit
13 examination is scored and the scores are returned to pupils, their
14 parents or legal guardians, and districts not later than the
15 beginning of the pupil's first semester of grade 12. The returned
16 scores ~~shall~~**must** indicate at least the pupil's scaled score for
17 each subject area component and the range of scaled scores for each
18 subject area. In reporting the scores to pupils, parents, and
19 schools, the superintendent shall provide standards-specific,
20 meaningful, and timely feedback on the pupil's performance on the
21 Michigan merit examination.

22 (7) A district shall administer the complete Michigan merit
23 examination to a pupil only once and shall not administer the
24 complete Michigan merit examination to the same pupil more than
25 once. If a pupil does not take the complete Michigan merit
26 examination in grade 11, the district shall administer the complete
27 Michigan merit examination to the pupil in grade 12. If a pupil
28 chooses to retake the college entrance examination component of the
29 Michigan merit examination, as described in subsection (2)(a), the

1 pupil may do so through the provider of the college entrance
2 examination component and the cost of the retake is the
3 responsibility of the pupil unless all of the following are met:

4 (a) The pupil has taken the complete Michigan merit
5 examination.

6 (b) The pupil meets the income eligibility criteria for free
7 breakfast, lunch, or milk, as determined under the Richard B.
8 Russell national school lunch act, 42 USC 1751 to ~~1769i~~-**1769j**.

9 (c) The pupil has applied to the provider of the college
10 entrance examination component for a scholarship or fee waiver to
11 cover the cost of the retake and that application has been denied.

12 (d) After taking the complete Michigan merit examination, the
13 pupil has not already received a free retake of the college
14 entrance examination component paid for either by this state or
15 through a scholarship or fee waiver by the provider.

16 (8) The superintendent shall ensure that the length of the
17 Michigan merit examination and the combined total time necessary to
18 administer all of the components of the Michigan merit examination
19 are the shortest possible that will still maintain the degree of
20 reliability and validity of the Michigan merit examination results
21 determined necessary by the superintendent. The superintendent
22 shall ensure that the maximum total combined length of time that
23 schools are required to set aside for pupils to answer all test
24 questions on the Michigan merit examination does not exceed 8 hours
25 if the superintendent determines that sufficient alignment to
26 applicable Michigan merit curriculum content standards can be
27 achieved within that time limit.

28 (9) A district shall provide accommodations to a pupil with
29 disabilities for the Michigan merit examination, as provided under

1 section 504 of title V of the rehabilitation act of 1973, 29 USC
2 794; ~~subtitle~~**part** A of ~~title~~**subchapter** II of the Americans with
3 disabilities act of 1990, 42 USC 12131 to 12134; the individuals
4 with disabilities education act amendments of 1997, Public Law 105-
5 17; and the implementing regulations for those statutes. The
6 provider or providers of the Michigan merit examination and the
7 superintendent shall mutually agree upon the accommodations to be
8 provided under this subsection.

9 (10) To the greatest extent possible, the Michigan merit
10 examination ~~shall~~**must** be based on this state's content standards,
11 as appropriate. Annually, after each administration of the Michigan
12 merit examination, the department shall provide a report of the
13 points per standard so that teachers will know what content will be
14 covered within the Michigan merit examination. The department may
15 augment the college entrance ~~and work skills components~~**component**
16 of the Michigan merit examination to develop the assessment,
17 depending on the alignment of those components to this state's
18 content standards. If these components do not align to these
19 standards, the department shall produce additional components as
20 required by law, while minimizing the amount of time needed for
21 assessments.

22 (11) A child who is a student in a nonpublic school or home
23 school may take the Michigan merit examination under this section.
24 To take the Michigan merit examination, a child who is a student in
25 a home school shall contact the district in which the child
26 resides, and that district shall administer the Michigan merit
27 examination, or the child may take the Michigan merit examination
28 at a nonpublic school if allowed by the nonpublic school. Upon
29 request from a nonpublic school, the superintendent shall direct

1 the provider or providers to supply the Michigan merit examination
2 to the nonpublic school and the nonpublic school may administer the
3 Michigan merit examination. If a district administers the Michigan
4 merit examination under this subsection to a child who is not
5 enrolled in the district, the scores for that child are not
6 considered for any purpose to be scores of a pupil of the district.

7 (12) In contracting under subsection (2), the department of
8 technology, management, and budget shall consider a contractor that
9 provides electronically-scored essays with the ability to score
10 constructed response feedback in multiple languages and provide
11 ongoing instruction and feedback.

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

25 (14) For a pupil enrolled in a middle college program, other
26 than a middle college operated as a shared educational entity or a
27 specialized shared educational entity, if the pupil receives at
28 least 50% of his or her instruction at the high school while in
29 grade 11, the Michigan merit examination ~~shall~~ **must** be administered

1 to the pupil at the high school at which the pupil receives high
2 school instruction, and the department shall include the pupil's
3 scores on the Michigan merit examination in the scores for that
4 high school for all purposes for which a school's or district's
5 results are reported. The department shall allow the middle college
6 program to use a 5-year graduation rate for determining adequate
7 yearly progress. As used in this subsection, "middle college" means
8 a program consisting of a series of courses and other requirements
9 and conditions, including an early college or other program created
10 under a memorandum of understanding, that allows a pupil to
11 graduate from high school with both a high school diploma and a
12 certificate or degree from a community college or state public
13 university.

14 (15) As used in this section:

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

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

18 (16) For each report made by the department that includes the
19 statewide assessment results for a school building, the department
20 shall include the scores for the statewide assessment and the
21 graduation rate for consortium pupils with the scores for the
22 school building in the participating district in which the
23 consortium pupil is enrolled or would otherwise attend. The
24 statewide assessment for a consortium pupil may be administered
25 either at the consortium location or at the school building in the
26 participating district in which the consortium pupil is enrolled or
27 would otherwise attend. For the purposes of this subsection, a
28 consortium pupil is a pupil who is enrolled or participating in a
29 participating district in a school or program operated as a

1 consortium or under a cooperative arrangement formed by 2 or more
2 districts or intermediate districts, including, but not limited to,
3 a consortium or cooperative arrangement operated as a program, a
4 shared educational entity, a specialized educational entity, or a
5 special education center program.

6 **(17) The department shall not require, as a condition of the**
7 **receipt of state aid under this article by a district, the**
8 **administration by a district of an assessment described in section**
9 **1279i(1) of the revised school code, MCL 380.1279i.**

10 **(18) The board of a district may provide pupils with an**
11 **opportunity to take an assessment described in section 1279i(1) of**
12 **the revised school code, MCL 380.1279i.**

13 Enacting section 1 This amendatory act takes effect 90 days
14 after the date it is enacted into law.

15 Enacting section 2. This amendatory act does not take effect
16 unless Senate Bill No.____ or House Bill No. 4038 (request no.
17 00201'21) of the 101st Legislature is enacted into law.