

# HOUSE BILL NO. 4042

January 27, 2021, Introduced by Reps. Stone, Koleszar, Brenda Carter, Kuppa, Weiss, Liberati, Rogers, Puri, Hope, Hood, Breen, Brann, Clemente, Brabec, Shannon, Aiyash, Tyrone Carter, Witwer, Sneller, Sabo, Haadsma, Manoogian, Hertel, Brixie, Garza, Scott, Lasinski, O'Neal, Thanedar, Sowerby, Hammoud, Cavanagh, Anthony, LaGrand, Yancey, Morse, Young, Cherry, Peterson, Cambensy and Tate 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 104c (MCL 388.1704c), as amended by 2019 PA 58,  
and by adding section 104h.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 104c. (1) ~~In~~**Except as otherwise provided in this**  
2 **subsection, in** order to receive state aid under this article, a  
3 district ~~shall~~**must** administer the state assessments described in  
4 this section. **However, subject to federal law, a district is not**

1 required to administer the state assessments described in this  
2 section in the 2020-2021 school year to receive state aid under  
3 this article.

4 (2) For the purposes of this section, the department shall  
5 develop and administer the Michigan student test of educational  
6 progress (M-STEP) assessments in English language arts and  
7 mathematics. These assessments ~~shall~~**must** be aligned to state  
8 standards.

9 (3) For the purposes of this section, the department shall  
10 implement a summative assessment system that is proven to be valid  
11 and reliable for administration to pupils as provided under this  
12 subsection. The summative assessment system must meet all of the  
13 following requirements:

14 (a) The summative assessment system must measure student  
15 proficiency on the current state standards, must measure student  
16 growth for consecutive grade levels in which students are assessed  
17 in the same subject area in both grade levels, and must be capable  
18 of measuring individual student performance.

19 (b) The summative assessments for English language arts and  
20 mathematics must be administered to all public school pupils in  
21 grades 3 to 11, including those pupils as required by the ~~federal~~  
22 individuals with disabilities education act, Public Law 108-446,  
23 and by title I of the ~~federal~~ every student succeeds act (ESSA),  
24 Public Law 114-95.

25 (c) The summative assessments for science must be administered  
26 to all public school pupils in at least grades 5 and 8, including  
27 those pupils as required by the ~~federal~~ individuals with  
28 disabilities education act, Public Law 108-446, and by title I of  
29 the ~~federal~~ every student succeeds act (ESSA), Public Law 114-95.

1 (d) The summative assessments for social studies must be  
2 administered to all public school pupils in at least grades 5 and  
3 8, including those pupils as required by the ~~federal~~ individuals  
4 with disabilities education act, Public Law 108-446, and by title I  
5 of the ~~federal~~ every student succeeds act (ESSA), Public Law 114-  
6 95.

7 (e) The content of the summative assessments must be aligned  
8 to state standards.

9 (f) The pool of questions for the summative assessments must  
10 be subject to a transparent review process for quality, bias, and  
11 sensitive issues involving educator review and comment. The  
12 department shall post samples from tests or retired tests featuring  
13 questions from this pool for review by the public.

14 (g) The summative assessment system must ensure that students,  
15 parents, and teachers are provided with reports that convey  
16 individual student proficiency and growth on the assessment and  
17 that convey individual student domain-level performance in each  
18 subject area, including representative questions, and individual  
19 student performance in meeting state standards.

20 (h) The summative assessment system must be capable of  
21 providing, and the department shall ensure that students, parents,  
22 teachers, administrators, and community members are provided with,  
23 reports that convey aggregate student proficiency and growth data  
24 by teacher, grade, school, and district.

25 (i) The summative assessment system must ensure the capability  
26 of reporting the available data to support educator evaluations.

27 (j) The summative assessment system must ensure that the  
28 reports provided to districts containing individual student data  
29 are available within 60 days after completion of the assessments.

1 (k) The summative assessment system must ensure that access to  
2 individually identifiable student data meets all of the following:

3 (i) Is in compliance with 20 USC 1232g, commonly referred to as  
4 the family educational rights and privacy act of 1974.

5 (ii) Except as may be provided for in an agreement with a  
6 vendor to provide assessment services, as necessary to support  
7 educator evaluations ~~pursuant to~~ **under** subdivision (i), or for  
8 research or program evaluation purposes, is available only to the  
9 student; to the student's parent or legal guardian; and to a school  
10 administrator or teacher, to the extent that he or she has a  
11 legitimate educational interest.

12 (l) The summative assessment system must ensure that the  
13 assessments are pilot tested before statewide implementation.

14 (m) The summative assessment system must ensure that  
15 assessments are designed so that the maximum total combined length  
16 of time that schools are required to set aside for a pupil to  
17 answer all test questions on all assessments that are part of the  
18 system for the pupil's grade level does not exceed that maximum  
19 total combined length of time for the previous statewide assessment  
20 system or 9 hours, whichever is less. This subdivision does not  
21 limit the amount of time a district may allow a pupil to complete a  
22 test.

23 (n) The total cost of executing the summative assessment  
24 system statewide each year, including, but not limited to, the cost  
25 of contracts for administration, scoring, and reporting, must not  
26 exceed an amount equal to 2 times the cost of executing the  
27 previous statewide assessment after adjustment for inflation.

28 (o) ~~Beginning with the 2017-2018 school year, the~~ **The**  
29 summative assessment system must not require more than 3 hours in

1 duration, on average, for an individual pupil to complete the  
2 combined administration of the math and English language arts  
3 portions of the assessment for any 1 grade level.

4 (p) The summative assessments for English language arts and  
5 mathematics for pupils in grades 8 to 10 must be aligned to the  
6 college entrance test portion of the Michigan merit examination  
7 required under section 104b.

8 (4) The department shall offer benchmark assessments in the  
9 fall and spring of each school year to measure English language  
10 arts and mathematics in each of grades K to 2. Full implementation  
11 must occur not later than the 2019-2020 school year. These  
12 assessments are necessary to determine a pupil's proficiency level  
13 before grade 3 and must meet the requirements under section  
14 104d(4).

15 (5) This section does not prohibit districts from adopting  
16 interim assessments.

17 (6) As used in this section, "English language arts" means  
18 that term as defined in section 104b.

19 **Sec. 104h. Subject to federal law, the department shall not**  
20 **require that a district administer the preliminary SAT (PSAT) to**  
21 **pupils in grade 8, 9, or 10 in the 2020-2021 school year and,**  
22 **subject to other requirements under this article for receipt of**  
23 **state aid under this article, a district remains eligible to**  
24 **receive state aid under this article if it does not administer the**  
25 **preliminary SAT (PSAT) to pupils in grade 8, 9, or 10 in the 2020-**  
26 **2021 school year.**