

# HOUSE BILL NO. 4811

May 06, 2021, Introduced by Reps. Paquette, Martin and Frederick 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 comply with this section and shall  
3 administer the Michigan merit examination to pupils in grade 11,  
4 and to pupils in grade 12 who did not take the complete Michigan

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

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

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

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

26 (c) A social studies component.

27 (d) Any other component that is necessary to obtain the  
28 approval of the United States Department of Education to use the  
29 Michigan merit examination for the purposes of the no child left

1 behind act of 2001, Public Law 107-110, or the every student  
2 succeeds act, Public Law 114-95.

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

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

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

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

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

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

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

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

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

15 (4) A district shall include **the number of school days a pupil**  
16 **was in attendance at school each school year during high school and**  
17 **the total number of school days in session for each of those school**  
18 **years** on ~~each~~ ~~the~~ pupil's high school transcript. ~~all of the~~  
19 ~~following:~~

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

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

27 (5) The superintendent shall work with the provider or  
28 providers of the Michigan merit examination to produce Michigan  
29 merit examination subject area scores for each pupil participating

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

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

24 (7) A district shall administer the complete Michigan merit  
25 examination to a pupil only once and shall not administer the  
26 complete Michigan merit examination to the same pupil more than  
27 once. If a pupil does not take the complete Michigan merit  
28 examination in grade 11, the district shall administer the complete  
29 Michigan merit examination to the pupil in grade 12. If a pupil

1 chooses to retake the college entrance examination component of the  
2 Michigan merit examination, as described in subsection (2)(a), the  
3 pupil may do so through the provider of the college entrance  
4 examination component and the cost of the retake is the  
5 responsibility of the pupil unless all of the following are met:

6 (a) The pupil has taken the complete Michigan merit  
7 examination.

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

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

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

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

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

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

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

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

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

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