

# SENATE BILL No. 806

September 24, 2007, Introduced by Senators SWITALSKI, PAPPAGEORGE and KAHN and referred to the Committee on Appropriations.

A bill to amend 1979 PA 94, entitled  
 "The state school aid act of 1979,"  
 by amending section 104b (MCL 388.1704b), as added by 2004 PA 593.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 104b. (1) ~~Beginning in the 2006 calendar year, in~~ **IN**  
 2 order to receive state aid under this act, a district shall comply  
 3 with this section and shall administer the ~~state assessments under~~  
 4 ~~section 1279 or the~~ Michigan merit examination to pupils in grade  
 5 11 as provided in this section. ~~, as follows:~~

6       ~~(a) For pupils in grade 11 in the 2005-2006 school year, the~~  
 7 ~~provisions concerning state assessments under section 104a apply to~~  
 8 ~~all pupils in grade 11 and the Michigan merit examination shall be~~  
 9 ~~administered to a sample of pupils in grade 11 statewide, as~~

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

7 ~~—— (b) Subject to subdivision (c), for pupils in grade 11 in the~~  
8 ~~2006-2007 school year and subsequent school years, the Michigan~~  
9 ~~merit examination shall be offered to all pupils in grade 11.~~

10 ~~—— (c) If the United States department of education has not~~  
11 ~~approved the use of the Michigan merit examination for the purposes~~  
12 ~~of the federal no child left behind act of 2001, Public Law 107-~~  
13 ~~110, by December 31, 2006, all of the following apply:~~

14 ~~—— (i) The provisions concerning state assessments under section~~  
15 ~~104a shall continue to apply to all pupils in grade 11 until the~~  
16 ~~next calendar year that begins after that approval occurs.~~

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

20 ~~—— (iii) If it is necessary as part of the process of continuing to~~  
21 ~~seek the approval of the United States department of education to~~  
22 ~~use the Michigan merit examination for the purposes of the federal~~  
23 ~~no child left behind act of 2001, Public Law 107-110, the~~  
24 ~~department may again provide for the administration of both the~~  
25 ~~state assessments under section 104a and the Michigan merit~~  
26 ~~examination to a sample of pupils in grade 11 statewide as~~  
27 ~~described in subdivision (a).~~

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

8 (2) ~~(3)~~ For the purposes of this section, the department of  
9 management and budget shall contract with 1 or more providers to  
10 develop, supply, and score the Michigan merit examination. The  
11 Michigan merit examination shall consist of ~~all~~ **BOTH** of the  
12 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.

16 ~~—— (b) One or more tests from 1 or more test developers that~~  
17 ~~assess a pupil's ability to apply reading and mathematics skills in~~  
18 ~~a manner that is intended to allow employers to use the results in~~  
19 ~~making employment decisions.~~

20 ~~—— (c) A social studies component.~~

21 **(B)** ~~(d)~~ Any other component that is necessary to obtain the  
22 approval of the United States department of education to use the  
23 Michigan merit examination for the purposes of the ~~federal~~ no child  
24 left behind act of 2001, Public Law 107-110.

25 (3) ~~(4)~~ In addition to all other requirements of this section,  
26 all of the following apply to the Michigan merit examination:

27 (a) The department of management and budget and the

1 superintendent shall ensure that any contractor used for scoring  
2 the Michigan merit examination supplies an individual report for  
3 each pupil that will identify for the pupil's parents and teachers  
4 whether the pupil met expectations or failed to meet expectations  
5 for each standard, to allow the pupil's parents and teachers to  
6 assess and remedy problems before the pupil moves to the next  
7 grade.

8 (b) The department of management and budget and the  
9 superintendent shall ensure that any contractor used for scoring,  
10 developing, or processing the Michigan merit examination meets  
11 quality management standards commonly used in the assessment  
12 industry, including at least meeting level 2 of the capability  
13 maturity model developed by the software engineering institute of  
14 Carnegie Mellon university for the first year the Michigan merit  
15 examination is offered to all grade 11 pupils and at least meeting  
16 level 3 of the capability maturity model for subsequent years.

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

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

27 (i) Is designed to test pupils on grade level content

1 expectations or course content expectations, as appropriate, in all  
2 subjects tested.

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

5 (iii) Is consistent with the code of fair testing practices in  
6 education prepared by the joint committee on testing practices of  
7 the American psychological association.

8 (iv) Is factually accurate. If the superintendent determines  
9 that a question is not factually accurate and should be removed  
10 from an assessment instrument, the state board and the  
11 superintendent shall ensure that the question is removed from the  
12 assessment instrument.

13 (4) ~~(5) Beginning with pupils completing grade 11 in 2006, a A~~  
14 district shall include on each pupil's high school transcript all  
15 of the following:

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

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

23 (5) ~~(6)~~ The superintendent shall work with the provider or  
24 providers of the Michigan merit examination to produce Michigan  
25 merit examination subject area scores for each pupil participating  
26 in the Michigan merit examination, including scaling and merging of  
27 test items for the different subject area components. The

1 superintendent shall design and distribute to districts,  
2 intermediate districts, and nonpublic schools a simple and concise  
3 document that describes the scoring for each subject area and  
4 indicates the scaled score ranges for each subject area.

5 (6) ~~(7)~~—The Michigan merit examination shall be administered  
6 each year after March 1 and before June 1 to pupils in grade 11.  
7 The superintendent shall ensure that the Michigan merit examination  
8 is scored and the scores are returned to pupils, their parents or  
9 legal guardians, and districts not later than the beginning of the  
10 pupil's first semester of grade 12. The returned scores shall  
11 indicate at least the pupil's scaled score for each subject area  
12 component and the range of scaled scores for each subject area. In  
13 reporting the scores to pupils, parents, and schools, the  
14 superintendent shall provide standards-specific, meaningful, and  
15 timely feedback on the pupil's performance on the Michigan merit  
16 examination.

17 (7) ~~(8)~~—A pupil who does not qualify for a Michigan merit  
18 award scholarship under the Michigan merit award scholarship act,  
19 1999 PA 94, MCL 390.1451 to 390.1459, **OR WHO DOES NOT QUALIFY FOR A**  
20 **MICHIGAN PROMISE GRANT UNDER SECTION 6 OF THE MICHIGAN PROMISE**  
21 **GRANT ACT, 2006 PA 479, MCL 390.1626,** and who wants to repeat the  
22 Michigan merit examination may repeat the Michigan merit  
23 examination in the next school year on a designated testing date.  
24 The first time a pupil repeats the Michigan merit examination under  
25 this subsection shall be without charge to the pupil, but the pupil  
26 is responsible for paying the cost of any subsequent repeat.

27 (8) ~~(9)~~—The superintendent shall ensure that the length of the

1 Michigan merit examination and the combined total time necessary to  
2 administer all of the components of the Michigan merit examination  
3 are the shortest possible that will still maintain the degree of  
4 reliability and validity of the Michigan merit examination results  
5 determined necessary by the superintendent. The superintendent  
6 shall ensure that the maximum total combined length of time that  
7 schools are required to set aside for administration of all of the  
8 components of the Michigan merit examination does not exceed 8  
9 hours.

10 (9) ~~(10)~~—A district shall provide accommodations to a pupil  
11 with disabilities for the Michigan merit examination, as provided  
12 under section 504 of title V of the rehabilitation act of 1973, 29  
13 USC 794; subtitle A of title II of the Americans with disabilities  
14 act of 1990, 42 USC 12131 to 12134; the individuals with  
15 disabilities education act amendments of 1997, Public Law 105-17;  
16 and the implementing regulations for those statutes. The provider  
17 or providers of the Michigan merit examination and the  
18 superintendent shall mutually agree upon the accommodations to be  
19 provided under this subsection.

20 (10) ~~(11)~~—To the greatest extent possible, the Michigan merit  
21 examination shall be based on grade level content expectations or  
22 course content expectations, as appropriate.

23 (11) ~~(12)~~—A child who is a student in a nonpublic school or  
24 home school may take the Michigan merit examination under this  
25 section. To take the Michigan merit examination, a child who is a  
26 student in a home school shall contact the district in which the  
27 child resides, and that district shall administer the Michigan

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

11 (12) ~~(13)~~—In contracting under subsection ~~(3)~~—(2), the  
12 department of management and budget shall consider a contractor  
13 that provides electronically-scored essays with the ability to  
14 score constructed response feedback in multiple languages and  
15 provide ongoing instruction and feedback.

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



1           (14) ~~(15)~~As used in this section, +  
2       ~~—(a)—~~"English language arts" means reading and writing.  
3       ~~—(b)—~~"Social studies" means ~~United States history, world~~  
4 ~~history, world geography, economics, and American government.~~

5           Enacting section 1. This amendatory act does not take effect  
6 unless Senate Bill No. 805

7                       of the 94th Legislature is enacted into law.