

HOUSE BILL No. 4501

April 20, 2017, Introduced by Reps. Reilly, Lucido, Howell, Vaupel and Crawford and referred to the Committee on Education Reform.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1279g (MCL 380.1279g), as amended by 2016 PA 170, and by adding section 1279h.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1279g. (1) The board of a school district or board of
2 directors of a public school academy shall comply with this section
3 and shall administer the Michigan merit examination to pupils in
4 grade 11, and to pupils in grade 12 who did not take the complete
5 Michigan merit examination in grade 11, as provided in this
6 section.

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

1 the following:

2 (a) Assessment instruments that measure English language arts,
3 mathematics, reading, and science and are used by colleges and
4 universities in this state for entrance or placement purposes. This
5 shall include a writing component in which the pupil produces an
6 extended writing sample. The Michigan merit examination shall not
7 require any other extended writing sample.

8 ~~—— (b) One or more tests from 1 or more test developers that~~
9 ~~assess a pupil's ability to apply at least reading and mathematics~~
10 ~~skills in a manner that is intended to allow employers to use the~~
11 ~~results in making employment decisions. The department of~~
12 ~~technology, management, and budget and the superintendent of public~~
13 ~~instruction shall ensure that any test or tests selected under this~~
14 ~~subdivision have all the components necessary to allow a pupil to~~
15 ~~be eligible to receive the results of a nationally recognized~~
16 ~~evaluation of workforce readiness if the pupil's test performance~~
17 ~~is adequate.~~

18 (B) ~~(e)~~ A social studies component.

19 (C) ~~(d)~~ Any other component that is necessary to obtain the
20 approval of the United States Department of Education to use the
21 Michigan merit examination for the purposes of the no child left
22 behind act of 2001, Public Law 107-110, or the every student
23 succeeds act, Public Law 114-95.

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

26 (a) The department of technology, management, and budget and
27 the superintendent of public instruction shall ensure that any

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

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

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

25 (d) The superintendent of public instruction shall ensure that
26 the Michigan merit 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
4 act of 2001, Public Law 107-110, or the every student succeeds act,
5 Public Law 114-95, as applicable.

6 (iii) Is consistent with the code of fair testing practices in
7 education prepared by the joint committee on testing practices of
8 the American Psychological Association.

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

14 (4) A school district or public school academy that operates a
15 high school shall include on each pupil's high school transcript
16 all of the following:

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

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

24 (5) The superintendent of public instruction shall work with
25 the provider or providers of the Michigan merit examination to
26 produce Michigan merit examination subject area scores for each
27 pupil participating in the Michigan merit examination, including

1 scaling and merging of test items for the different subject area
2 components. The superintendent of public instruction shall design
3 and distribute to school districts, public school academies,
4 intermediate school districts, and nonpublic schools a simple and
5 concise document that describes the scoring for each subject area
6 and indicates the scaled score ranges for each subject area.

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

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

1 (2) (a), the pupil may do so through the provider of the college
2 entrance 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 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 of public instruction shall ensure that
17 the length of the Michigan merit examination and the combined total
18 time necessary to administer all of the components of the Michigan
19 merit examination are the shortest possible that will still
20 maintain the degree of reliability and validity of the Michigan
21 merit examination results determined necessary by the
22 superintendent of public instruction. The superintendent of public
23 instruction shall ensure that the maximum total combined length of
24 time that schools are required to set aside for pupils to answer
25 all test questions on the Michigan merit examination does not
26 exceed 8 hours if the superintendent of public instruction
27 determines that sufficient alignment to applicable Michigan merit

1 curriculum content standards can be achieved within that time
2 limit.

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

14 (10) To the greatest extent possible, the Michigan merit
15 examination shall be based on grade level content expectations or
16 course content expectations, as appropriate. Not later than July 1,
17 2008, the department shall identify specific grade level content
18 expectations to be taught before and after the middle of grade 11,
19 so that teachers will know what content will be covered within the
20 Michigan merit examination.

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

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

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

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

26 (14) In addition to the other requirements of this section and
27 the requirements of 1970 PA 38, MCL 388.1081 to 388.1086, beginning

1 with assessments conducted during the 2016-2017 school year, the
2 superintendent of public instruction shall ensure that the Michigan
3 merit examination social studies component and the M-STEP and any
4 successor state assessment for social studies, as appropriate,
5 include questions related to the learning objectives in the state
6 board recommended model core academic curriculum standards
7 concerning genocide, including, but not limited to, the Holocaust
8 and the Armenian Genocide.

9 (15) As used in this section:

10 (a) "Armenian Genocide", "genocide", and "Holocaust" mean
11 those terms as defined in section 1168.

12 (b) "English language arts" means reading and writing.

13 (c) "Social studies" means United States history, world
14 history, world geography, economics, and American government.

15 **SEC. 1279H. THE DEPARTMENT SHALL NOT REQUIRE THE**
16 **ADMINISTRATION OF AN ASSESSMENT THAT ASSESSES A PUPIL'S ABILITY TO**
17 **APPLY READING AND MATHEMATICS SKILLS IN A MANNER THAT IS INTENDED**
18 **TO ALLOW EMPLOYERS TO USE THE RESULTS IN MAKING EMPLOYMENT**
19 **DECISIONS. THIS SECTION DOES NOT PROHIBIT A SCHOOL DISTRICT OR**
20 **PUBLIC SCHOOL ACADEMY FROM ADMINISTERING AN ASSESSMENT DESCRIBED IN**
21 **THIS SECTION.**

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