

SUBSTITUTE FOR
HOUSE BILL NO. 4810

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.

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. **The Michigan merit examination consists of a college**
7 **entrance test, work skills test, and the summative assessment known**
8 **as the Michigan student test of educational progress (M-STEP).**

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

6 (a) Assessment instruments that measure English language arts,
7 mathematics, reading, and science and are used by colleges and
8 universities in this state for entrance or placement purposes. ~~This~~
9 ~~shall include a writing component in which the pupil produces an~~
10 ~~extended writing sample. The Michigan merit examination shall not~~
11 ~~require any other extended writing sample.~~**In selecting assessment**
12 **instruments to fulfill the requirements of this subdivision, the**
13 **department may consider the degree to which those assessment**
14 **instruments are aligned to this state's content standards.**

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

25 (c) A social studies component.

26 (d) Any other component that is necessary to obtain the
27 approval of the United States Department of Education to use the
28 Michigan merit examination for the purposes of the no child left
29 behind act of 2001, Public Law 107-110, or the every student

1 succeeds act, Public Law 114-95.

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

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

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

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

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

3 (i) Is designed to test pupils on grade level content
4 expectations or course content expectations **and this state's**
5 **content standards**, as appropriate, 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, as applicable.

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

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

18 (4) A school district or public school academy that operates a
19 high school shall include **the number of school days a pupil was in**
20 **attendance at school each school year during high school and the**
21 **total number of school days in session for each of those school**
22 **years** on ~~each the~~ pupil's high school transcript. ~~all of the~~
23 ~~following:~~

24 ~~(a) For each high school graduate who has completed the~~
25 ~~Michigan merit examination under this section, the pupil's scaled~~
26 ~~score on each subject area component of the Michigan merit~~
27 ~~examination.~~

28 ~~(b) The number of school days the pupil was in attendance at~~
29 ~~school each school year during high school and the total number of~~

1 ~~school days in session for each of those school years.~~

2 (5) The superintendent of public instruction shall work with
 3 the provider or providers of the Michigan merit examination to
 4 produce Michigan merit examination subject area scores for each
 5 pupil participating in the Michigan merit examination. ~~, including~~
 6 ~~scaling and merging of test items for the different subject area~~
 7 ~~components.~~ **To the extent that the department determines that**
 8 **additional test items beyond those included in the college entrance**
 9 **component of the Michigan merit examination are required in a**
 10 **particular subject area, the department shall ensure that all test**
 11 **items in that subject area are scaled and merged for the purposes**
 12 **of producing a Michigan merit examination subject area score.** The
 13 superintendent of public instruction shall design and distribute to
 14 school districts, public school academies, intermediate school
 15 districts, and nonpublic schools a simple and concise document that
 16 describes the scoring for each subject area and indicates the
 17 scaled score ranges for each subject area.

18 (6) The Michigan merit examination ~~shall~~ **must** be administered
 19 ~~each year after March 1 and before June 1 to pupils in grade 11. in~~
 20 **each school district and public school academy during the last 12**
 21 **weeks of the school district's or public school academy's school**
 22 **year.** The superintendent of public instruction shall ensure that
 23 the Michigan merit examination is scored and the scores are
 24 returned to pupils, their parents or legal guardians, and schools
 25 not later than the beginning of the pupil's first semester of grade
 26 12. The returned scores ~~shall~~ **must** indicate at least the pupil's
 27 scaled score for each subject area component and the range of
 28 scaled scores for each subject area. In reporting the scores to
 29 pupils, parents, and schools, the superintendent of public

1 instruction shall provide standards-specific, meaningful, and
2 timely feedback on the pupil's performance on the Michigan merit
3 examination.

4 (7) A school district or public school academy shall
5 administer the complete Michigan merit examination to a pupil only
6 once and shall not administer the complete Michigan merit
7 examination to the same pupil more than once. If a pupil does not
8 take the complete Michigan merit examination in grade 11, the
9 school district or public school academy shall administer the
10 complete Michigan merit examination to the pupil in grade 12. If a
11 pupil chooses to retake the college entrance examination component
12 of the Michigan merit examination, as described in subsection
13 (2) (a), the pupil may do so through the provider of the college
14 entrance examination component and the cost of the retake is the
15 responsibility of the pupil unless all of the following are met:

16 (a) The pupil has taken the complete Michigan merit
17 examination.

18 (b) The pupil meets the income eligibility criteria for free
19 breakfast, lunch, or milk, as determined under the Richard B.
20 Russell national school lunch act, 42 USC 1751 to 1769j.

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

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

28 (8) The superintendent of public instruction shall ensure that
29 the length of the Michigan merit examination and the combined total

1 time necessary to administer all of the components of the Michigan
2 merit examination are the shortest possible that will still
3 maintain the degree of reliability and validity of the Michigan
4 merit examination results determined necessary by the
5 superintendent of public instruction. The superintendent of public
6 instruction shall ensure that the maximum total combined length of
7 time that schools are required to set aside for pupils to answer
8 all test questions on the Michigan merit examination does not
9 exceed 8 hours if the superintendent of public instruction
10 determines that sufficient alignment to applicable Michigan merit
11 curriculum content standards can be achieved within that time
12 limit.

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

24 (10) To the greatest extent possible, the Michigan merit
25 examination ~~shall~~ **must** be based on grade level content expectations
26 or course content expectations **and this state's content standards,**
27 as appropriate. ~~Not later than July 1, 2008, the department shall~~
28 ~~identify specific grade level content expectations to be taught~~
29 ~~before and after the middle of grade 11, so that teachers will know~~

1 ~~what content will be covered within the Michigan merit~~
2 ~~examination.~~ **Annually, after each administration of the Michigan**
3 **merit examination, the department shall provide a report of the**
4 **points per standard so that teachers will know what content will be**
5 **covered within the Michigan merit examination. The department may**
6 **augment the college entrance and work skills components of the**
7 **Michigan merit examination to develop the assessment, depending on**
8 **the alignment of those components to this state's content**
9 **standards. If these components do not align to these standards, the**
10 **department shall produce additional components as required by law,**
11 **while minimizing the amount of time needed for assessments.**

12 (11) A child who is a student in a nonpublic school or home
13 school may take the Michigan merit examination under this section.
14 To take the Michigan merit examination, a child who is a student in
15 a home school shall contact the school district in which the child
16 resides, and that school district shall administer the Michigan
17 merit examination, or the child may take the Michigan merit
18 examination at a nonpublic school if allowed by the nonpublic
19 school. Upon request from a nonpublic school, the superintendent of
20 public instruction shall direct the provider or providers to supply
21 the Michigan merit examination to the nonpublic school and the
22 nonpublic school may administer the Michigan merit examination. If
23 a school district administers the Michigan merit examination under
24 this subsection to a child who is not enrolled in the school
25 district, the scores for that child are not considered for any
26 purpose to be scores of a pupil of the school district.

27 ~~(12) In contracting under subsection (2), the department of~~
28 ~~technology, management, and budget shall consider a contractor that~~
29 ~~provides electronically scored essays with the ability to score~~

1 ~~constructed response feedback in multiple languages and provide~~
2 ~~ongoing instruction and feedback.~~

3 **(12)** ~~(13)~~—The purpose of the Michigan merit examination is to
4 assess pupil performance in mathematics, science, social studies,
5 and English language arts for the purpose of improving academic
6 achievement and establishing a statewide standard of competency.
7 The assessment under this section provides a common measure of data
8 that will contribute to the improvement of Michigan schools'
9 curriculum and instruction by encouraging alignment with Michigan's
10 curriculum framework standards and promotes pupil participation in
11 higher level mathematics, science, social studies, and English
12 language arts courses. These standards are based upon the
13 expectations of what pupils should learn through high school and
14 are aligned with national standards.

15 **(13)** ~~(14)~~—In addition to the other requirements of this
16 section and the requirements of 1970 PA 38, MCL 388.1081 to
17 388.1086, ~~beginning with assessments conducted during the 2016–2017~~
18 ~~school year,~~ the superintendent of public instruction shall ensure
19 that the Michigan merit examination social studies component and
20 the M-STEP and any successor state assessment for social studies,
21 as appropriate, include questions related to the learning
22 objectives in the state board recommended model core academic
23 curriculum standards concerning genocide, including, but not
24 limited to, the Holocaust and the Armenian Genocide.

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 must be administered to**

1 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) For each report made by the department that includes the
15 statewide assessment results for a school building, the department
16 shall include the scores for the statewide assessment and the
17 graduation rate for consortium pupils with the scores for the
18 school building in the participating district in which the
19 consortium pupil is enrolled or would otherwise attend. The
20 statewide assessment for a consortium pupil may be administered
21 either at the consortium location or at the school building in the
22 participating district in which the consortium pupil is enrolled or
23 would otherwise attend. For the purposes of this subsection, a
24 consortium pupil is a pupil who is enrolled or participating in a
25 participating district in a school or program operated as a
26 consortium or under a cooperative arrangement formed by 2 or more
27 districts or intermediate districts, including, but not limited to,
28 a consortium or cooperative arrangement operated as a program, a
29 shared educational entity, a specialized educational entity, or a

1 **special education center program.**

2 (16) ~~(15)~~—As used in this section:

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

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

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