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 article, a district shall comply with this section and shall administer the Michigan merit examination to pupils in grade 11, and to pupils in grade 12 who did not take the complete Michigan
merit examination in grade 11, as provided in this section. The
Michigan merit examination consists of a college entrance test,
work skills test, and the summative assessment known as the
Michigan student test of educational progress (M-STEP).

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

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

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

(c) A social studies component.

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

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

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

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

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

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

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

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

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

(4) A district shall include the number of school days a pupil was in attendance at school each school year during high school and the total number of school days in session for each of those school years on each pupil’s high school transcript. All of the following:

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

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

(5) The superintendent shall work with the provider or providers of the Michigan merit examination to produce Michigan merit examination subject area scores for each pupil participating
in the Michigan merit examination. To the extent that the
department determines that additional test items beyond those
included in the college entrance component of the Michigan merit
examination are required in a particular subject area, the
department shall ensure that all test items in that subject area
are scaled and merged for the purposes of producing a Michigan
merit examination subject area score. The superintendent shall
design and distribute to districts, intermediate districts, and
nonpublic schools a simple and concise document that describes the
scoring for each subject area and indicates the scaled score ranges
for each subject area.

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

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

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

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

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

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

(8) The superintendent shall ensure that the length of the Michigan merit examination and the combined total time necessary to administer all of the components of the Michigan merit examination are the shortest possible that will still maintain the degree of reliability and validity of the Michigan merit examination results determined necessary by the superintendent. The superintendent shall ensure that the maximum total combined length of time that schools are required to set aside for pupils to answer all test questions on the Michigan merit examination does not exceed 8 hours if the superintendent determines that sufficient alignment to applicable Michigan merit curriculum content standards can be achieved within that time limit.
(9) A district shall provide accommodations to a pupil with disabilities for the Michigan merit examination, as provided under section 504 of title V of the rehabilitation act of 1973, 29 USC 794; subtitle part A of title subchapter II of the Americans with disabilities act of 1990, 42 USC 12131 to 12134; the individuals with disabilities education act amendments of 1997, Public Law 105-17; and the implementing regulations for those statutes. The provider or providers of the Michigan merit examination and the superintendent shall mutually agree upon the accommodations to be provided under this subsection.

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

(11) A child who is a student in a nonpublic school or home school may take the Michigan merit examination under this section. To take the Michigan merit examination, a child who is a student in a home school shall contact the district in which the child resides, and that district shall administer the Michigan merit examination, or the child may take the Michigan merit examination at a nonpublic school if allowed by the nonpublic school. Upon
request from a nonpublic school, the superintendent shall direct
the provider or providers to supply the Michigan merit examination
to the nonpublic school and the nonpublic school may administer the
Michigan merit examination. If a district administers the Michigan
merit examination under this subsection to a child who is not
enrolled in the district, the scores for that child are not
considered for any purpose to be scores of a pupil of the district.

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

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

(14) For a pupil enrolled in a middle college program, other
than a middle college operated as a shared educational entity or a
specialized shared educational entity, if the pupil receives at
least 50% of his or her instruction at the high school while in
grade 11, the Michigan merit examination shall be administered
to the pupil at the high school at which the pupil receives high
school instruction, and the department shall include the pupil's
scores on the Michigan merit examination in the scores for that
high school for all purposes for which a school's or district's
results are reported. The department shall allow the middle college
program to use a 5-year graduation rate for determining adequate
yearly progress. As used in this subsection, "middle college" means
a program consisting of a series of courses and other requirements
and conditions, including an early college or other program created
under a memorandum of understanding, that allows a pupil to
graduate from high school with both a high school diploma and a
certificate or degree from a community college or state public
university.

(15) As used in this section:
(a) "English language arts" means reading and writing.
(b) "Social studies" means United States history, world
history, world geography, economics, and American government.

(16) For each report made by the department that includes the
statewide assessment results for a school building, the department
shall include the scores for the statewide assessment and the
graduation rate for consortium pupils with the scores for the
school building in the participating district in which the
consortium pupil is enrolled or would otherwise attend. The
statewide assessment for a consortium pupil may be administered
either at the consortium location or at the school building in the
participating district in which the consortium pupil is enrolled or
would otherwise attend. For the purposes of this subsection, a
consortium pupil is a pupil who is enrolled or participating in a
participating district in a school or program operated as a
consortium or under a cooperative arrangement formed by 2 or more districts or intermediate districts, including, but not limited to, a consortium or cooperative arrangement operated as a program, a shared educational entity, a specialized educational entity, or a special education center program.