

SENATE BILL NO. 262

March 18, 2021, Introduced by Senators LASATA and THEIS and referred to the Committee on Education and Career Readiness.

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
by amending sections 104b and 104c (MCL 388.1704b and 388.1704c),
section 104b as amended by 2018 PA 265 and section 104c as amended
by 2019 PA 58, and by adding sections 104h and 104i.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 104b. (1) ~~In~~ **Except as otherwise provided in this**

subsection, in order to receive state aid under this article, a district ~~shall~~**must** comply with this section and ~~shall~~**must** 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.

However, subject to federal law and subsection (15), a district is not required to administer the Michigan merit examination as described in this subsection in the 2020-2021 school year to receive state aid under this article. 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~~**must** 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

1 ensure that any test or tests selected under this subdivision have
2 all the components necessary to allow a pupil to be eligible to
3 receive the results of a nationally recognized evaluation of
4 workforce readiness if the pupil's test performance is adequate.

5 (c) A social studies component.

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

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

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

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

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

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

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

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

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

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

23 (4) A district shall include on each pupil's high school
24 transcript ~~all~~**both** of the following:

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

29 (b) The number of school days the pupil was in attendance at

1 school each school year during high school and the total number of
2 school days in session for each of those school years.

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

17 (6) ~~The~~ **Except in the 2020-2021 school year, the** Michigan
18 merit examination ~~shall~~ **must** be administered in each district
19 during the last 12 weeks of the district's school year. The
20 superintendent shall ensure that the Michigan merit examination is
21 scored and the scores are returned to pupils, their parents or
22 legal guardians, and districts not later than the beginning of the
23 pupil's first semester of grade 12. The returned scores ~~shall~~ **must**
24 indicate at least the pupil's scaled score for each subject area
25 component and the range of scaled scores for each subject area. In
26 reporting the scores to pupils, parents, and schools, the
27 superintendent shall provide standards-specific, meaningful, and
28 timely feedback on the pupil's performance on the Michigan merit
29 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~~ **Except in the 2020-2021 school year, 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

1 determined necessary by the superintendent. The superintendent
2 shall ensure that the maximum total combined length of time that
3 schools are required to set aside for pupils to answer all test
4 questions on the Michigan merit examination does not exceed 8 hours
5 if the superintendent determines that sufficient alignment to
6 applicable Michigan merit curriculum content standards can be
7 achieved within that time limit.

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

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

1 (11) A child who is a student in a nonpublic school or home
2 school may take the Michigan merit examination under this section.
3 ~~To~~**Except as otherwise provided in this subsection, to** take the
4 Michigan merit examination, a child who is a student in a home
5 school shall contact the district in which the child resides, and
6 that district shall administer the Michigan merit examination, or
7 the child may take the Michigan merit examination at a nonpublic
8 school if allowed by the nonpublic school. **If a district is**
9 **contacted by a child who is a student in a home school as described**
10 **in the immediately preceding sentence, the district is not required**
11 **to administer the Michigan merit examination to that child for the**
12 **2020-2021 school year if the district is not administering the**
13 **Michigan merit examination to pupils enrolled in the district for**
14 **the 2020-2021 school year.** Upon request from a nonpublic school,
15 the superintendent shall direct the provider or providers to supply
16 the Michigan merit examination to the nonpublic school and the
17 nonpublic school may administer the Michigan merit examination. If
18 a district administers the Michigan merit examination under this
19 subsection to a child who is not enrolled in the district, the
20 scores for that child are not considered for any purpose to be
21 scores of a pupil of the district.

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

27 (13) The purpose of the Michigan merit examination is to
28 assess pupil performance in mathematics, science, social studies,
29 and English language arts for the purpose of improving academic

1 achievement and establishing a statewide standard of competency.
2 The assessment under this section provides a common measure of data
3 that will contribute to the improvement of Michigan schools'
4 curriculum and instruction by encouraging alignment with Michigan's
5 curriculum framework standards and promotes pupil participation in
6 higher level mathematics, science, social studies, and English
7 language arts courses. These standards are based upon the
8 expectations of what pupils should learn through high school and
9 are aligned with national standards.

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

28 (15) **For the 2020-2021 school year, in order to receive state**
29 **aid under this article, the board or board of directors, as**

1 applicable, of a district shall offer the college entrance
2 examination component of the Michigan merit examination, as
3 described in subsection (2) (a), to all pupils in grade 11, and to
4 pupils in grade 12 who did not take the examination component
5 described in this subsection in grade 11, who are enrolled in the
6 district, and shall administer the examination component described
7 in this subsection, upon request by a pupil described in this
8 subsection, to the requesting pupil.

9 (16) ~~(15)~~—As used in this section:

10 (a) "English language arts" means reading and writing.

11 (b) "Social studies" means United States history, world
12 history, world geography, economics, and American government.

13 (17) ~~(16)~~—For each report made by the department that includes
14 the statewide assessment results for a school building, the
15 department shall include the scores for the statewide assessment
16 and the graduation rate for consortium pupils with the scores for
17 the school building in the participating district in which the
18 consortium pupil is enrolled or would otherwise attend. The
19 statewide assessment for a consortium pupil may be administered
20 either at the consortium location or at the school building in the
21 participating district in which the consortium pupil is enrolled or
22 would otherwise attend. For the purposes of this subsection, a
23 consortium pupil is a pupil who is enrolled or participating in a
24 participating district in a school or program operated as a
25 consortium or under a cooperative arrangement formed by 2 or more
26 districts or intermediate districts, including, but not limited to,
27 a consortium or cooperative arrangement operated as a program, a
28 shared educational entity, a specialized educational entity, or a
29 special education center program.

1 Sec. 104c. (1) ~~In~~ **Except as otherwise provided in this**
2 **subsection, in** order to receive state aid under this article, a
3 district ~~shall~~ **must** administer the state assessments described in
4 this section. **However, subject to federal law and subsection (6), a**
5 **district is not required to administer the state assessments**
6 **described in this section in the 2020-2021 school year to receive**
7 **state aid under this article.**

8 (2) For the purposes of this section, the department shall
9 develop and administer the Michigan student test of educational
10 progress (M-STEP) assessments in English language arts and
11 mathematics. These assessments ~~shall~~ **must** be aligned to state
12 standards.

13 (3) For the purposes of this section, the department shall
14 implement a summative assessment system that is proven to be valid
15 and reliable for administration to pupils as provided under this
16 subsection. The summative assessment system must meet all of the
17 following requirements:

18 (a) The summative assessment system must measure student
19 proficiency on the current state standards, must measure student
20 growth for consecutive grade levels in which students are assessed
21 in the same subject area in both grade levels, and must be capable
22 of measuring individual student performance.

23 (b) ~~The~~ **Except as otherwise provided in this section, the**
24 summative assessments for English language arts and mathematics
25 must be administered to all public school pupils in grades 3 to 11,
26 including those pupils as required by the ~~federal~~ individuals with
27 disabilities education act, Public Law 108-446, and by title I of
28 the ~~federal~~ every student succeeds act (ESSA), Public Law 114-95.

29 (c) ~~The~~ **Except as otherwise provided in this section, the**

1 summative assessments for science must be administered to all
2 public school pupils in at least grades 5 and 8, including those
3 pupils as required by the ~~federal~~ individuals with disabilities
4 education act, Public Law 108-446, and by title I of the ~~federal~~
5 every student succeeds act (ESSA), Public Law 114-95.

6 (d) ~~The~~ **Except as otherwise provided in this section, the**
7 summative assessments for social studies must be administered to
8 all public school pupils in at least grades 5 and 8, including
9 those pupils as required by the ~~federal~~ individuals with
10 disabilities education act, Public Law 108-446, and by title I of
11 the ~~federal~~ every student succeeds act (ESSA), Public Law 114-95.

12 (e) The content of the summative assessments must be aligned
13 to state standards.

14 (f) The pool of questions for the summative assessments must
15 be subject to a transparent review process for quality, bias, and
16 sensitive issues involving educator review and comment. The
17 department shall post samples from tests or retired tests featuring
18 questions from this pool for review by the public.

19 (g) The summative assessment system must ensure that students,
20 parents, and teachers are provided with reports that convey
21 individual student proficiency and growth on the assessment and
22 that convey individual student domain-level performance in each
23 subject area, including representative questions, and individual
24 student performance in meeting state standards.

25 (h) The summative assessment system must be capable of
26 providing, and the department shall ensure that students, parents,
27 teachers, administrators, and community members are provided with,
28 reports that convey aggregate student proficiency and growth data
29 by teacher, grade, school, and district.

1 (i) The summative assessment system must ensure the capability
2 of reporting the available data to support educator evaluations.

3 (j) The summative assessment system must ensure that the
4 reports provided to districts containing individual student data
5 are available within 60 days after completion of the assessments.

6 (k) The summative assessment system must ensure that access to
7 individually identifiable student data meets all of the following:

8 (i) Is in compliance with 20 USC 1232g, commonly referred to as
9 the family educational rights and privacy act of 1974.

10 (ii) Except as may be provided for in an agreement with a
11 vendor to provide assessment services, as necessary to support
12 educator evaluations ~~pursuant to~~ **under** subdivision (i), or for
13 research or program evaluation purposes, is available only to the
14 student; to the student's parent or legal guardian; and to a school
15 administrator or teacher, to the extent that he or she has a
16 legitimate educational interest.

17 (l) The summative assessment system must ensure that the
18 assessments are pilot tested before statewide implementation.

19 (m) The summative assessment system must ensure that
20 assessments are designed so that the maximum total combined length
21 of time that schools are required to set aside for a pupil to
22 answer all test questions on all assessments that are part of the
23 system for the pupil's grade level does not exceed that maximum
24 total combined length of time for the previous statewide assessment
25 system or 9 hours, whichever is less. This subdivision does not
26 limit the amount of time a district may allow a pupil to complete a
27 test.

28 (n) The total cost of executing the summative assessment
29 system statewide each year, including, but not limited to, the cost

1 of contracts for administration, scoring, and reporting, must not
2 exceed an amount equal to 2 times the cost of executing the
3 previous statewide assessment after adjustment for inflation.

4 (o) ~~Beginning with the 2017-2018 school year, the~~**The**
5 summative assessment system must not require more than 3 hours in
6 duration, on average, for an individual pupil to complete the
7 combined administration of the math and English language arts
8 portions of the assessment for any 1 grade level.

9 (p) The summative assessments for English language arts and
10 mathematics for pupils in grades 8 to 10 must be aligned to the
11 college entrance test portion of the Michigan merit examination
12 required under section 104b.

13 (4) The department shall offer benchmark assessments in the
14 fall and spring of each school year to measure English language
15 arts and mathematics in each of grades K to 2. Full implementation
16 must occur not later than the 2019-2020 school year. These
17 assessments are necessary to determine a pupil's proficiency level
18 before grade 3 and must meet the requirements under section
19 104d(4).

20 (5) This section does not prohibit districts from adopting
21 interim assessments.

22 **(6) For the 2020-2021 school year, in order to receive state**
23 **aid under this article, the board or board of directors, as**
24 **applicable, of a district shall offer the summative assessments, as**
25 **described in subsection (3)(p), to all pupils in grade 8, 9, and 10**
26 **who are enrolled in the district, and shall administer the**
27 **summative assessments described in this subsection, upon request by**
28 **a pupil described in this subsection, to the requesting pupil.**

29 (7) ~~(6)~~As used in this section, "English language arts" means

1 that term as defined in section 104b.

2 Sec. 104h. In order to receive state aid under this article, a
3 district must comply with section 1279j of the revised school code,
4 MCL 380.1279j.

5 Sec. 104i. (1) Notwithstanding any provision of this act to
6 the contrary, on or after January 1, 2022, any reference to the
7 Michigan student test of educational progress (M-STEP) for English
8 language arts and mathematics for pupils in grades 3 to 7 in this
9 act is replaced with the statewide summative assessment described
10 in section 1279l(2) of the revised school code, MCL 380.1279l,
11 selected to be provided by a provider described in section 1279l(2)
12 of the revised school code, MCL 380.1279l.

13 (2) The qualifying intermediate school district described in
14 1279l(1) of the revised school code, MCL 380.1279l, shall serve as
15 the fiduciary agent concerning funding received in this article
16 related to the statewide summative assessment described in 1279l(2)
17 of the revised school code, MCL 380.1279l.

18 (3) Notwithstanding any other provision of this act to the
19 contrary, and except as otherwise provided in this subsection,
20 beginning with the administration of the statewide summative
21 assessments for English language arts and mathematics for pupils in
22 grades 3 to 7 in the spring of 2022, as provided for under section
23 104c, the statewide summative assessment described in 1279l(2) of
24 the revised school code, MCL 380.1279l, provided by a selected
25 provider under 1279l(2) of the revised school code, MCL 380.1279l,
26 must replace usage of the Michigan student test of educational
27 progress (M-STEP) for testing English language arts and mathematics
28 for pupils in grades 3 to 7 and must be the new statewide summative
29 assessment utilized for English language arts and mathematics for

1 pupils in grades 3 to 7. For the 2021-2022 school year, a school
2 district, intermediate school district, or public school academy
3 may administer a benchmark assessment described in section 104
4 instead of the benchmark assessments included in the statewide
5 summative assessment described in 1279/(2) of the revised school
6 code, MCL 380.1279/.

7 Enacting section 1. This amendatory act does not take effect
8 unless all of the following bills of the 101st Legislature are
9 enacted into law:

10 (a) Senate Bill No.56.

11 (b) Senate Bill No.57.

12 (c) Senate Bill No. 260.

13
14 (d) Senate Bill No. 267.

15
16 (e) Senate Bill No. 268.

17
18 (f) Senate Bill No. 261.

19
20 (g) Senate Bill No. 263.

21
22 (h) Senate Bill No. 264.

23
24 (i) Senate Bill No. 266.

25
26 (j) Senate Bill No. 265.