

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4038**

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 1279i.

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 and the summative assessment known as the Michigan**
8 **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 colleges and universities in this state for entrance or placement purposes. ~~This shall include a writing component in which the pupil produces an extended writing sample. The Michigan merit examination shall not require any other extended writing sample.~~**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 of public instruction 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.~~

~~(b)~~ ~~(e)~~ A social studies component.

~~(c)~~ ~~(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



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.



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

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

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

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

(4) A school district or public school academy that operates a high school shall include on each pupil's high school transcript ~~all both~~ of the following, **as applicable**:

(a) For each high school graduate who has completed the Michigan merit examination under this section, **if the pupil elects to include the information described in this subdivision on his or her transcript**, 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 of public instruction shall work with



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

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



1 examination.

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

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

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

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

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

26 (8) The superintendent of public instruction shall ensure that
27 the length of the Michigan merit examination and the combined total
28 time necessary to administer all of the components of the Michigan
29 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 of public instruction. The superintendent of public instruction 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 of public instruction determines that sufficient alignment to applicable Michigan merit curriculum content standards can be achieved within that time limit.

(9) A school district or public school academy 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 of public instruction shall mutually agree upon the accommodations to be provided under this subsection.

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



1 merit examination, the department shall provide a report of the
2 questions per standard so that teachers will know what content will
3 be covered within the Michigan merit examination.

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

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

24 (12) ~~(13)~~ The purpose of the Michigan merit examination is to
25 assess pupil performance in mathematics, science, social studies,
26 and English language arts for the purpose of improving academic
27 achievement and establishing a statewide standard of competency.
28 The assessment under this section provides a common measure of data
29 that will contribute to the improvement of ~~Michigan schools.~~



curriculum and instruction **in the schools of this state** by encouraging alignment with ~~Michigan's~~ **this state'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.

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

(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 must 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



1 a program consisting of a series of courses and other requirements
2 and conditions, including an early college or other program created
3 under a memorandum of understanding, that allows a pupil to
4 graduate from high school with both a high school diploma and a
5 certificate or degree from a community college or state public
6 university.

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

24 (16) ~~(15)~~—As used in this section:

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

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

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



1 Sec. 1279i. (1) Subject to subsection (3), the department
2 shall not require the administration of an assessment by a school
3 district or public school academy that assesses a pupil's ability
4 to apply at least reading and mathematics skills in a manner that
5 is intended to allow employers to use the results in making
6 employment decisions.

7 (2) Subject to subsection (3), the board of a school district
8 or the board of directors of a public school academy may provide
9 pupils with an opportunity to take an assessment described in
10 subsection (1).

11 (3) If a pupil requests to take an assessment described in
12 subsection (1), the board of the school district or the board of
13 directors of the public school academy in which the pupil is
14 enrolled shall ensure that the pupil is provided with the
15 opportunity to take an assessment described in subsection (1).

16 (4) The legislature shall appropriate funds to the department
17 to reimburse school districts and public school academies that
18 offer pupils the opportunity to take an assessment described in
19 subsection (1). By June 1, 2023, and by June 1 of each year
20 thereafter, the department shall submit a report to the legislature
21 that includes both of the following:

22 (a) The number of school districts and public school academies
23 that offered pupils the opportunity to take an assessment described
24 in subsection (1) during the immediately preceding school year.

25 (b) The number of pupils who took an assessment described in
26 subsection (1) during the immediately preceding school year.

