SUBSTITUTE FOR HOUSE BILL NO. 4157

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979,"

by amending sections 11, 104, 104b, and 104c (MCL 388.1611, 388.1704, 388.1704b, and 388.1704c), section 11 as amended by 2024 PA 148, section 104 as amended by 2024 PA 120, section 104b as amended by 2018 PA 265, and section 104c as amended by 2021 PA 48, and by adding section 104d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- Sec. 11. (1) For the fiscal year ending September 30, 2025,
- 2 there is appropriated for the public schools of this state and
- 3 certain other state purposes relating to education the sum of
- 4 \$17,769,551,300.00 from the state school aid fund, the sum of
- 5 \$78,830,600.00 from the general fund, an amount not to exceed





- 1 \$41,000,000.00 from the community district education trust fund
- 2 created under section 12 of the Michigan trust fund act, 2000 PA
- 3 489, MCL 12.262, an amount not to exceed \$125,000,000.00 from the
- 4 school transportation fund created under section 22k, an amount not
- 5 to exceed \$71,000,000.00 from the enrollment stabilization fund
- 6 created under section 29, an amount not to exceed \$30,000,000.00
- 7 from the school meals reserve fund created under section 30e, an
- 8 amount not to exceed \$18,000,000.00 from the great start readiness
- 9 program reserve fund created under section 32e, an amount not to
- 10 exceed \$334,100,000.00 from the MPSERS retirement obligation reform
- 11 reserve fund created under section 147b, and an amount not to
- 12 exceed \$30,000,000.00 from the educator fellowship public provider
- 13 fund created in section 27d. In addition, all available federal
- 14 funds are only appropriated as allocated in this article for the
- 15 fiscal year ending September 30, 2025.
- 16 (2) The appropriations under this section are allocated as
- 17 provided in this article. Money appropriated under this section
- 18 from the general fund must be expended to fund the purposes of this
- 19 article before the expenditure of money appropriated under this
- 20 section from the state school aid fund.
- 21 (3) Any general fund allocations under this article that are
- 22 not expended by the end of the fiscal year are transferred to the
- 23 school aid stabilization fund created under section 11a.
- Sec. 104. (1) To receive state aid under this article, a
- 25 district shall comply with sections 1249, 1278a, 1278b, 1279g, and
- 26 1280b of the revised school code, MCL 380.1249, 380.1278a,
- 27 380.1278b, 380.1279g, and 380.1280b, and 1970 PA 38, MCL 388.1081
- 28 to 388.1086. Subject to subsection (2), from the state school aid
- 29 fund money appropriated in section 11, there is allocated for 2024-

- 2025 an amount not to exceed \$37,509,400.00 for payments on behalf 1
- 2 of districts for costs associated with complying with those
- provisions of law. In addition, from the federal funds appropriated 3
- in section 11, there is allocated for 2024-2025 an amount estimated 4
- 5 at \$8,000,000.00 funded from DED-OESE, title VI, state assessment
- 6 funds, and from DED-OSERS, part B subchapter II of the individuals
- 7 with disabilities education act, 20 USC 1411 to 1419, plus any
- 8 carryover federal funds from previous year appropriations, for the
- 9 purposes of complying with the every student succeeds act, Public
- 10 Law 114-95.
- 11 (2) The results of each test administered as part of the
- Michigan student test of educational progress (M-STEP) or a state-12
- 13 administered assessment system described in section 104d, including
- tests administered to high school students, must include an item 14
- 15 analysis, if an item analysis is available, that lists all items
- that are counted for individual pupil scores and the percentage of 16
- pupils choosing each possible response. The department shall work 17
- 18 with the center to identify the number of students enrolled at the
- 19 time assessments are given by each district. In calculating the
- 20 percentage of pupils assessed for a district's scorecard, the
- department shall use only the number of pupils enrolled in the 21
- district at the time the district administers the assessments and 22
- 23 shall exclude pupils who enroll in the district after the district
- 24 administers the assessments.
- 25 (3) The department shall distribute federal funds allocated
- under this section in accordance with federal law and with 26
- flexibility provisions outlined in Public Law 107-116, and in the 27
- education flexibility partnership act of 1999, Public Law 106-25. 28
- (4) The department may recommend, but may not require,

- 1 districts to allow pupils to use an external keyboard with tablet
- 2 devices for online M-STEP testing —or for online testing for a
- 3 state-administered assessment system described in section 104d,
- 4 including, but not limited to, open-ended test items such as
- 5 constructed response or equation builder items.
- 6 (5) Notwithstanding section 17b, the department shall make
- 7 payments on behalf of districts, intermediate districts, and other
- 8 eligible entities under this section on a schedule determined by
- 9 the department.
- 10 (6) From the allocation in subsection (1), there is allocated
- an amount not to exceed \$500,000.00 for 2024-2025 for the operation
- 12 of an online reporting tool to provide student-level assessment
- 13 data in a secure environment to educators, parents, and pupils
- 14 immediately after assessments are scored. The department and the
- 15 center shall ensure that any data collected by the online reporting
- 16 tool do not provide individually identifiable student data to the
- 17 federal government.
- 18 (7) As used in this section:
- 19 (a) "DED" means the United States Department of Education.
- 20 (b) "DED-OESE" means the DED Office of Elementary and
- 21 Secondary Education.
- 22 (c) "DED-OSERS" means the DED Office of Special Education and
- 23 Rehabilitative Services.
- Sec. 104b. (1) In order to To receive state aid under this
- 25 article, a district shall must comply with this section and shall
- 26 **must** administer the Michigan merit examination to pupils in grade
- 27 11, and to pupils in grade 12 who did not take the complete
- 28 Michigan merit examination in grade 11, as provided in this
- 29 section. The Michigan merit examination consists of a college

- 1 entrance test, work skills test, and the either of the following:
- **(a) The** summative assessment known as the Michigan student 3 test of educational progress (M-STEP)
 - (b) If a district is enrolled in a pilot program under section 104d, a state-administered assessment system described in section 104d.
 - (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 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

- 1 approval of the United States Department of Education to use the
- 2 Michigan merit examination for the purposes of the no child left
- 3 behind act of 2001, Public Law 107-110, or the every student
- 4 succeeds act, Public Law 114-95.
- 5 (3) In addition to all other requirements of this section, all 6 of the following apply to the Michigan merit examination:
- 7 (a) The department of technology, management, and budget and
 8 the superintendent shall ensure that any contractor used for
 9 scoring the Michigan merit examination supplies an individual
 10 report for each pupil that will identify for the pupil's parents
- 11 and teachers whether the pupil met expectations or failed to meet
- 12 expectations for each standard —to allow the pupil's parents and
- 13 teachers to assess and remedy problems before the pupil moves to
- 14 the next grade.
- 15 (b) The department of technology, management, and budget and
 16 the superintendent shall ensure that any contractor used for
 17 scoring, developing, or processing the Michigan merit examination
 18 meets quality management standards commonly used in the assessment
 19 industry, including at least meeting level 2 of the capability
 20 maturity model developed by the Software Engineering Institute of
 21 Carnegie Mellon University for the first year the Michigan merit
- 22 examination is offered to all grade 11 pupils and at least meeting
- 23 level 3 of the capability maturity model for subsequent years.
- (c) The department of technology, management, and budget and
- 25 the superintendent shall ensure that any contract for scoring,
- 26 administering, or developing the Michigan merit examination
- 27 includes specific deadlines for all steps of the assessment
- 28 process, including, but not limited to, deadlines for the correct
- 29 testing materials to be supplied to schools and for the correct

- 1 results to be returned to schools, and includes penalties for
- 2 noncompliance with these deadlines.
- 3 (d) The superintendent shall ensure that the Michigan merit 4 examination meets all of the following:
- 5 (i) Is designed to test pupils on this state's content 6 standards in all subjects tested.
- 7 (ii) Complies with requirements of the no child left behind act 8 of 2001, Public Law 107-110 or the every student succeeds act, 9 Public Law 114-95.
- 10 (iii) Is consistent with the code of fair testing practices in 11 education prepared by the Joint Committee on Testing Practices of 12 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.
- 17 (4) A district shall include on each pupil's high school 18 transcript all both 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.
- 23 (b) The number of school days the pupil was in attendance at 24 school each school year during high school and the total number of 25 school days in session for each of those school years.
- 26 (5) The superintendent shall work with the provider or 27 providers of the Michigan merit examination to produce Michigan 28 merit examination subject area scores for each pupil participating 29 in the Michigan merit examination. To the extent that the

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- 1 department determines that additional test items beyond those
- 2 included in the college entrance component of the Michigan merit
- 3 examination are required in a particular subject area, the
- 4 department shall ensure that all test items in that subject area
- 5 are scaled and merged for the purposes of producing a Michigan
- 6 merit examination subject area score. The superintendent shall
- 7 design and distribute to districts, intermediate districts, and
- 8 nonpublic schools a simple and concise document that describes the
- 9 scoring for each subject area and indicates the scaled score ranges
- 10 for each subject area.
- 11 (6) The Michigan merit examination shall must be administered
- 12 in each district during the last 12 weeks of the district's school
- 13 year. The superintendent shall ensure that the Michigan merit
- 14 examination is scored and the scores are returned to the pupils,
- 15 their the pupils' parents or legal guardians, and districts by not
- 16 later than the beginning of the pupil's first semester of grade 12.
- 17 The returned scores shall must indicate at least the pupil's scaled
- 18 score for each subject area component and the range of scaled
- 19 scores for each subject area. In reporting the scores to pupils,
- 20 parents or legal quardians, and schools, the superintendent shall
- 21 provide standards-specific, meaningful, and timely feedback on the
- 22 pupil's performance on the Michigan merit examination.
- 23 (7) A district shall administer the complete Michigan merit
- 24 examination to a pupil only once and shall not administer the
- 25 complete Michigan merit examination to the same pupil more than
- 26 once. If a pupil does not take the complete Michigan merit
- 27 examination in grade 11, the district shall administer the complete
- 28 Michigan merit examination to the pupil in grade 12. If a pupil
- 29 chooses to retake the college entrance examination component of the

- Michigan merit examination, as described in subsection (2)(a), the 1
- 2 pupil may do so through the provider of the college entrance
- examination component and the cost of the retake is the 3
- responsibility of the pupil unless all of the following are met: 4
- 5 (a) The pupil has taken the complete Michigan merit
- 6 examination.

- 7 (b) The pupil meets the income eligibility criteria for free
- 8 breakfast, lunch, or milk, as determined under the Richard B.
- 9 Russell national school lunch act, 42 USC 1751 to 1769i.1769j.
- 10 (c) The pupil has applied to the provider of the college 11 entrance examination component for a scholarship or fee waiver to
- cover the cost of the retake and that application has been denied. 12
- (d) After taking the complete Michigan merit examination, the 1.3 pupil has not already received a free retake of the college
- 15 entrance examination component paid for either by this state or
- through a scholarship or fee waiver by the provider. 16
- (8) The superintendent shall ensure that the length of the 17
- Michigan merit examination and the combined total time necessary to 18
- administer all of the components of the Michigan merit examination 19
- 20 are the shortest possible that will still maintain the degree of
- reliability and validity of the Michigan merit examination results 21
- 22 determined necessary by the superintendent. The superintendent
- shall ensure that the maximum total combined length of time that 23
- schools are required to set aside for pupils to answer all test 24
- 25 questions on the Michigan merit examination does not exceed 8 hours
- 26 if the superintendent determines that sufficient alignment to
- 27 applicable Michigan merit curriculum content standards can be
- achieved within that time limit. 28
 - (9) A district shall provide accommodations to a pupil with

- 1 disabilities for the Michigan merit examination, as provided under
- 2 section 504 of title V of the rehabilitation act of 1973, 29 USC
- 3 794; subtitle part A of title subchapter II of the Americans with
- 4 disabilities act of 1990, 42 USC 12131 to 12134; the individuals
- 5 with disabilities education act amendments of 1997, Public Law 105-
- 6 17; and the implementing regulations for those statutes. The
- 7 provider or providers of the Michigan merit examination and the
- 8 superintendent shall mutually agree upon on the accommodations to
- 9 be provided under this subsection.
- 10 (10) To the greatest extent possible, the Michigan merit
- 11 examination shall must be based on this state's content standards,
- 12 as appropriate. Annually, after each administration of the Michigan
- 13 merit examination, the department shall provide a report of the
- 14 points per standard so that teachers will know what content will be
- 15 covered within the Michigan merit examination. The department may
- 16 augment the college entrance and work skills components of the
- 17 Michigan merit examination to develop the assessment, depending on
- 18 the alignment of those components to this state's content
- 19 standards. If these components do not align to these standards, the
- 20 department shall produce additional components as required by law,
- 21 while minimizing the amount of time needed for assessments.
- 22 (11) A child who is a student in a nonpublic school or home
- 23 school may take the Michigan merit examination under this section.
- 24 To take the Michigan merit examination, a child who is a student in
- 25 a home school shall contact the district in which the child
- 26 resides, and that district shall administer the Michigan merit
- 27 examination, or the child may take the Michigan merit examination
- 28 at a nonpublic school if allowed by the nonpublic school. Upon
- 29 request from a nonpublic school, the superintendent shall direct

- 1 the provider or providers to supply the Michigan merit examination
- 2 to the nonpublic school and the nonpublic school may administer the
- 3 Michigan merit examination. If a district administers the Michigan
- 4 merit examination under this subsection to a child who is not
- 5 enrolled in the district, the scores for that child are not
- 6 considered for any purpose to be scores of a pupil of the district.
- 7 (12) In contracting under subsection (2), the department of
- 8 technology, management, and budget shall consider a contractor that
- 9 provides electronically-scored **electronically scored** essays with
- 10 the ability to score constructed response feedback in multiple
- 11 languages and provide ongoing instruction and feedback.
- 12 (13) The purpose of the Michigan merit examination is to
- 13 assess pupil performance in mathematics, science, social studies,
- 14 and English language arts for the purpose of improving academic
- 15 achievement and establishing a statewide standard of competency.
- 16 The assessment under this section provides a common measure of data
- 17 that will contribute to the improvement of Michigan schools'
- 18 curriculum and instruction by encouraging alignment with Michigan's
- 19 curriculum framework standards and promotes pupil participation in
- 20 higher level mathematics, science, social studies, and English
- 21 language arts courses. These standards are based upon on the
- 22 expectations of what pupils should learn through high school and
- 23 are aligned with national standards.
- 24 (14) For a pupil enrolled in a middle college program, other
- 25 than a middle college operated as a shared educational entity or a
- 26 specialized shared educational entity, if the pupil receives at
- 27 least 50% of his or her the pupil's instruction at the high school
- 28 while in grade 11, the Michigan merit examination shall must be
- 29 administered to the pupil at the high school at which the pupil

- 1 receives high school instruction, and the department shall include
- 2 the pupil's scores on the Michigan merit examination in the scores
- 3 for that high school for all purposes for which a school's or
- 4 district's results are reported. The department shall allow the
- 5 middle college program to use a 5-year graduation rate for
- 6 determining adequate yearly progress. As used in this subsection,
- 7 "middle college" means a program consisting of a series of courses
- 8 and other requirements and conditions, including an early college
- 9 or other program created under a memorandum of understanding, that
- 10 allows a pupil to graduate from high school with both a high school
- 11 diploma and a certificate or degree from a community college or
- 12 state public university.

- 13 (15) As used in this section:
 - (a) "English language arts" means reading and writing.
- 15 (b) "Social studies" means United States history, world
- 16 history, world geography, economics, and American government.
- 17 (16) For each report made by the department that includes the
- 18 statewide assessment results for a school building, the department
- 19 shall include the scores for the statewide assessment and the
- 20 graduation rate for consortium pupils with the scores for the
- 21 school building in the participating district in which the
- 22 consortium pupil is enrolled or would otherwise attend. The
- 23 statewide assessment for a consortium pupil may be administered
- 24 either at the consortium location or at the school building in the
- 25 participating district in which the consortium pupil is enrolled or
- 26 would otherwise attend. For the purposes of this subsection, a
- 27 consortium pupil is a pupil who is enrolled or participating in a
- 28 participating district in a school or program operated as a
- 29 consortium or under a cooperative arrangement formed by 2 or more

- 1 districts or intermediate districts, including, but not limited to,
- 2 a consortium or cooperative arrangement operated as a program, a
- 3 shared educational entity, a specialized educational entity, or a
- 4 special education center program.
- 5 Sec. 104c. (1) In order to To receive state aid under this
- 6 article, a district shall must administer the state assessments
- 7 described in this section.
- 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 or, if a district is enrolled in a pilot program under
- 12 section 104d, administer an assessment in English language arts and
- 13 mathematics through a state-administered assessment system
- 14 described in section 104d to that district. These assessments shall
- 15 **must** be aligned to state standards.
- 16 (3) For the purposes of this section, the department shall
- 17 implement a summative assessment system that is proven to be valid
- 18 and reliable for administration to pupils as provided under this
- 19 subsection. The summative assessment system must meet all of the
- 20 following requirements:
- 21 (a) The summative assessment system must measure student
- 22 proficiency on the current state standards, must measure student
- 23 growth for consecutive grade levels in which students are assessed
- 24 in the same subject area in both grade levels, and must be capable
- 25 of measuring individual student performance.
- 26 (b) The summative assessments for English language arts and
- 27 mathematics must be administered to all public school pupils in
- 28 grades 3 to 11, including those pupils as required by the federal
- 29 individuals with disabilities education act, Public Law 108-446,

- and by title I of the federal every student succeeds act, (ESSA),
 2 Public Law 114-95.
- 3 (c) The summative assessments for science must be administered 4 to all public school pupils in at least grades 5 and 8, including 5 those pupils as required by the federal-individuals with 6 disabilities education act, Public Law 108-446, and by title I of 7 the federal-every student succeeds act, (ESSA), Public Law 114-95.
 - (d) The summative assessments for social studies must be administered to all public school pupils in at least grades 5 and 8, including those pupils as required by the federal individuals with disabilities education act, Public Law 108-446, and by title I of the federal every student succeeds act, (ESSA), Public Law 114-95.
- 14 (e) The content of the summative assessments must be aligned 15 to state standards.
 - (f) The pool of questions for the summative assessments must be subject to a transparent review process for quality, bias, and sensitive issues involving educator review and comment. The department shall post samples from tests or retired tests featuring questions from this pool for review by the public.
 - (g) The summative assessment system must ensure that students, parents, and teachers are provided with reports that convey individual student proficiency and growth on the assessment and that convey individual student domain-level performance in each subject area, including representative questions, and individual student performance in meeting state standards.
- 27 (h) The summative assessment system must be capable of 28 providing, and the department shall ensure that students, parents, 29 teachers, administrators, and community members are provided with,

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- 1 reports that convey aggregate student proficiency and growth data 2 by teacher, grade, school, and district.
 - (i) The summative assessment system must ensure the capability of reporting the available data to support educator evaluations.
 - (j) The summative assessment system must ensure that the reports provided to districts containing individual student data are available within 60 days after completion of the assessments.
 - (k) The summative assessment system must ensure that access to individually identifiable student data meets all of the following:
 - (i) Is in compliance with 20 USC 1232g. $_{7}$ commonly referred to as the family educational rights and privacy act of 1974.
 - (ii) Except as may be provided for in an agreement with a vendor to provide assessment services, as necessary to support educator evaluations pursuant to under subdivision (i), or for research or program evaluation purposes, is available only to the student; to the student's parent or legal guardian; and to a school administrator or teacher, to the extent that he or she the school administrator or teacher has a legitimate educational interest.
 - $\left(l\right)$ The summative assessment system must ensure that the assessments are pilot tested before statewide implementation.
 - (m) The summative assessment system must ensure that assessments are designed so that the maximum total combined length of time that schools are required to set aside for a pupil to answer all test questions on all assessments that are part of the system for the pupil's grade level does not exceed that maximum total combined length of time for the previous statewide assessment system or 9 hours, whichever is less. This subdivision does not limit the amount of time a district may allow a pupil to complete a test.

- 1 (n) The total cost of executing the summative assessment
 2 system statewide each year, including, but not limited to, the cost
 3 of contracts for administration, scoring, and reporting, must not
 4 exceed an amount equal to 2 times the cost of executing the
 5 previous statewide assessment after adjustment for inflation.
 - (o) The summative assessment system must not require more than 3 hours in duration, on average, for an individual pupil to complete the combined administration of the math and English language arts portions of the assessment for any 1 grade level.
 - (p) The summative assessments for English language arts and mathematics for pupils in grades 8 to 10 must be aligned to the college entrance test portion of the Michigan merit examination required under section 104b.
 - (4) The department shall offer benchmark assessments in the fall and spring of each school year to measure English language arts and mathematics in each of grades K to 2. Full implementation must occur not later than the 2019-2020 school year. These assessments are necessary to determine a pupil's proficiency level before grade 3.
- 20 (5) This section does not prohibit districts from adopting 21 interim assessments.
- 22 (6) As used in this section, "English language arts" means 23 that term as defined in section 104b.
 - Sec. 104d. (1) The department shall do all of the following:
 - (a) Contract with 1 or more entities for the provision of a state-administered assessment system that meets the requirements described in subsection (3).
 - (b) Administer a pilot program for a state-administered assessment system that consists of 3 interim assessments that have



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- a cumulative, summative score and are used to track growth and progress toward state learning standards.
 - (c) Administer a pilot program for a state-administered assessment system that consists of 2 interim assessments that focus on growth and 1 summative assessment that is used to track growth and progress toward state learning standards.
 - (2) A district may apply to enroll in 1 of the pilot programs for a state-administered assessment system described in this section. However, the department shall not enroll more than 90 districts in the pilot programs described in subsection (1). The department shall ensure that, of the districts enrolled in the pilot programs described in subsection (1), 1/3 are located in a rural area, 1/3 are located in a suburban area, and 1/3 are located in an urban area, as determined by the department.
- 15 (3) All of the following apply to a state-administered 16 assessment system that is part of a pilot program described in 17 subsection (1):
 - (a) The state-administered assessment system must meet the requirements of federal law, including the every student succeeds act, Public Law 114-95.
 - (b) The state-administered assessment system must align to state standards.
 - (c) The state-administered assessment system must have a sample pool of questions that addresses the same subject areas and concepts as the test items. The sample pool of questions must be available for review by the public.
 - (d) The state-administered assessment system must ensure that students, parents, and teachers are provided with reports that convey individual student proficiency and growth on the assessment

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- and that convey individual student domain-level performance in each subject area, including representative questions, and individual student performance in meeting state standards.
 - (e) The state-administered assessment system must be capable of providing, and the department shall ensure that students, parents, teachers, administrators, and community members are provided with, reports that convey aggregate student proficiency and growth data by teacher, grade, school, and district.
 - (f) The state-administered assessment system must ensure the capability of reporting the available data to support educator evaluations.
- 12 (g) The state-administered assessment system must provide 13 reports containing individual student data to the districts within 14 days after completion of an assessment.
- 15 (h) Each of the interim assessments must not require more than 16 1 hour, on average, for an individual pupil to complete.
 - (i) A final summative assessment must not require more than 3 hours, on average, for an individual pupil to complete.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4158 (request no. H00057'25) of the 103rd Legislature is enacted into law.



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