

**SUBSTITUTE FOR
SENATE BILL NO. 349**

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.

7 (2) For the purposes of this section, the department of
8 technology, management, and budget shall contract with 1 or more



1 providers to develop, supply, and score the Michigan merit
2 examination. The Michigan merit examination shall consist of all of
3 the following:

4 (a) Assessment instruments that measure English language arts,
5 mathematics, reading, and science and are used by colleges and
6 universities in this state for entrance or placement purposes. This
7 shall include a writing component in which the pupil produces an
8 extended writing sample. The Michigan merit examination shall not
9 require any other extended writing sample.

10 (b) One or more tests from 1 or more test developers that
11 assess a pupil's ability to apply at least reading and mathematics
12 skills in a manner that is intended to allow employers to use the
13 results in making employment decisions. The department of
14 technology, management, and budget and the superintendent of public
15 instruction shall ensure that any test or tests selected under this
16 subdivision have all the components necessary to allow a pupil to
17 be eligible to receive the results of a nationally recognized
18 evaluation of workforce readiness if the pupil's test performance
19 is adequate. **Beginning with the 2025-2026 school year, a pupil may**
20 **elect not to take a test described in this subdivision through a**
21 **waiver that is developed by the department, made available on the**
22 **department's website, and both signed and submitted to the pupil's**
23 **school district, intermediate school district, or public school**
24 **academy by the pupil's parent or legal guardian by not later than**
25 **February 28 of the school year in which the test will be**
26 **administered. The department shall consult with an individual who**
27 **represents business in this state, an individual who represents**
28 **manufacturing in this state, and an individual who represents**
29 **skilled trades organizations in this state to develop an**



1 informational letter about the purpose and benefits of the
2 workforce readiness assessment. A school district, intermediate
3 school district, or public school academy shall ensure that the
4 informational letter is provided to all pupils described in
5 subsection (1) and the parents or legal guardians of those pupils
6 by not later than December 31 of the school year in which the test
7 will be administered.

8 (c) A social studies component.

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

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

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

25 (b) The department of technology, management, and budget and
26 the superintendent of public instruction shall ensure that any
27 contractor used for scoring, developing, or processing the Michigan
28 merit examination meets quality management standards commonly used
29 in the assessment industry, including at least meeting level 2 of



1 the capability maturity model developed by the Software Engineering
2 Institute of Carnegie Mellon University for the first year the
3 Michigan merit examination is offered to all grade 11 pupils and at
4 least meeting level 3 of the capability maturity model for
5 subsequent years.

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

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

16 (i) Is designed to test pupils on grade level content
17 expectations or course content expectations, as appropriate, in all
18 subjects tested.

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

22 (iii) Is consistent with the code of fair testing practices in
23 education prepared by the joint committee on testing practices of
24 the American Psychological Association.

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



1 (4) A school district or public school academy that operates a
2 high school shall include on each pupil's high school transcript
3 all of the following:

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

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

11 (5) The superintendent of public instruction shall work with
12 the provider or providers of the Michigan merit examination to
13 produce Michigan merit examination subject area scores for each
14 pupil participating in the Michigan merit examination, including
15 scaling and merging of test items for the different subject area
16 components. The superintendent of public instruction shall design
17 and distribute to school districts, public school academies,
18 intermediate school districts, and nonpublic schools a simple and
19 concise document that describes the scoring for each subject area
20 and indicates the scaled score ranges for each subject area.

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



1 **legal guardians**, and schools, the superintendent of public
2 instruction shall provide standards-specific, meaningful, and
3 timely feedback on the pupil's performance on the Michigan merit
4 examination.

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

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

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

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

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

29 (8) The superintendent of public instruction shall ensure that



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

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

25 (10) To the greatest extent possible, the Michigan merit
26 examination shall be based on grade level content expectations or
27 course content expectations, as appropriate. Not later than July 1,
28 2008, the department shall identify specific grade level content
29 expectations to be taught before and after the middle of grade 11,



1 so that teachers will know what content will be covered within the
2 Michigan merit examination.

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

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

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



1 curriculum framework standards and promotes pupil participation in
2 higher level mathematics, science, social studies, and English
3 language arts courses. These standards are based ~~upon~~ **on** the
4 expectations of what pupils should learn through high school and
5 are aligned with national standards.

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

16 (15) As used in this section:

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

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

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

