

SUBSTITUTE FOR
HOUSE BILL NO. 4142

A bill to amend 1970 PA 38, entitled
"An act to provide for assessment and remedial assistance programs
of students in reading, mathematics and vocational education,"
by amending section 2 (MCL 388.1082).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) The statewide assessment program of educational
2 progress shall cover all students annually ~~at two~~ **IN AT LEAST 2**
3 **ELEMENTARY AND MIDDLE SCHOOL** grade levels in public schools. **IF THE**
4 **FEDERAL GOVERNMENT REQUIRES ASSESSMENTS AT ADDITIONAL GRADE LEVELS**
5 **UNDER THE NO CHILD LEFT BEHIND ACT OF 2001, PUBLIC LAW 107-110, THE**
6 **SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ENSURE THAT THIS STATE**
7 **COMPLIES WITH THOSE REQUIREMENTS.**

1 (2) The ~~department of education, hereinafter referred to as~~
2 ~~the department,~~ **SUPERINTENDENT OF PUBLIC INSTRUCTION** shall develop
3 and conduct the **ASSESSMENT** program ~~—~~ and may utilize the
4 assistance of appropriate testing organizations ~~and/or~~ **OR** testing
5 ~~specialist~~ **SPECIALISTS**. ~~The program shall expand the current~~
6 ~~basic skills testing inventory in grades 4 and 7 coordinated by the~~
7 ~~department.~~ **BEGINNING WITH ASSESSMENTS CONDUCTED IN THE 2005-2006**
8 **SCHOOL YEAR, ALL OF THE FOLLOWING APPLY TO THE ASSESSMENT PROGRAM:**

9 (A) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ENSURE THAT
10 ANY CONTRACTOR USED FOR SCORING AN ASSESSMENT INSTRUMENT SUPPLIES
11 AN INDIVIDUAL REPORT FOR EACH STUDENT THAT WILL IDENTIFY FOR THE
12 STUDENT'S PARENTS AND TEACHERS WHETHER THE STUDENT MET EXPECTATIONS
13 OR FAILED TO MEET EXPECTATIONS FOR EACH STANDARD, TO ALLOW THE
14 STUDENT'S PARENTS AND TEACHERS TO ASSESS AND REMEDY PROBLEMS BEFORE
15 THE STUDENT MOVES TO THE NEXT GRADE.

16 (B) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ENSURE THAT
17 ANY CONTRACTOR USED FOR SCORING, DEVELOPING, OR PROCESSING AN
18 ASSESSMENT INSTRUMENT MEETS QUALITY MANAGEMENT STANDARDS COMMONLY
19 USED IN THE ASSESSMENT INDUSTRY, INCLUDING AT LEAST MEETING LEVEL 2
20 OF THE CAPABILITY MATURITY MODEL DEVELOPED BY THE SOFTWARE
21 ENGINEERING INSTITUTE OF CARNEGIE MELLON UNIVERSITY FOR THE 2005-
22 2006 SCHOOL YEAR ASSESSMENTS AND AT LEAST MEETING LEVEL 3 OF THE
23 CAPABILITY MATURITY MODEL FOR SUBSEQUENT ASSESSMENTS.

24 (C) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ENSURE THAT
25 ANY CONTRACT IT ENTERS INTO FOR SCORING, ADMINISTERING, OR
26 DEVELOPING AN ASSESSMENT INSTRUMENT INCLUDES SPECIFIC DEADLINES FOR
27 ALL STEPS OF THE ASSESSMENT PROCESS, INCLUDING, BUT NOT LIMITED TO,

1 DEADLINES FOR THE CORRECT TESTING MATERIALS TO BE SUPPLIED TO
2 SCHOOLS AND FOR THE CORRECT RESULTS TO BE RETURNED TO SCHOOLS, AND
3 INCLUDES PENALTIES FOR NONCOMPLIANCE WITH THESE DEADLINES.

4 (D) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ENSURE THAT
5 THE ASSESSMENT INSTRUMENTS MEET ALL OF THE FOLLOWING:

6 (i) ARE DESIGNED TO TEST STUDENTS ON GRADE LEVEL CONTENT
7 EXPECTATIONS IN ALL SUBJECTS TESTED FOR EACH GRADE LEVEL TESTED.

8 (ii) COMPLY WITH REQUIREMENTS OF THE NO CHILD LEFT BEHIND ACT
9 OF 2001, PUBLIC LAW 107-110.

10 (iii) ARE 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.

13 (iv) ARE FACTUALLY ACCURATE. IF THE SUPERINTENDENT OF PUBLIC
14 INSTRUCTION DETERMINES THAT A QUESTION IS NOT FACTUALLY ACCURATE
15 AND SHOULD BE REMOVED FROM AN ASSESSMENT INSTRUMENT, THE STATE
16 BOARD AND THE SUPERINTENDENT SHALL ENSURE THAT THE QUESTION IS
17 REMOVED FROM THE ASSESSMENT INSTRUMENT.

18 (3) The program shall assess competencies in the basic skills
19 and collect and utilize other relevant information essential to the
20 assessment program.

21 (4) Based on information from the program, **THE PUBLIC SCHOOLS**
22 **SHALL IDENTIFY** students ~~shall be identified~~ who have
23 extraordinary need for assistance to improve their competence in
24 the basic skills **AND SHALL IDENTIFY STUDENTS WHO HAVE DEMONSTRATED**
25 **EXTRAORDINARY COMPETENCE IN MULTIPLE SUBJECT AREAS WHO SHOULD BE**
26 **RECOMMENDED FOR ADVANCEMENT.**

27 (5) Information from the program shall be given to each school

1 as soon as possible to assist it in its efforts to improve the
2 achievement of students in the basic skills.