

Act No. 31
Public Acts of 2005
Approved by the Governor
June 2, 2005
Filed with the Secretary of State
June 2, 2005
EFFECTIVE DATE: June 2, 2005

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2005**

Introduced by Rep. Palmer

ENROLLED HOUSE BILL No. 4142

AN ACT 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:

Sec. 2. (1) The statewide assessment program of educational progress shall cover all students annually in at least 2 elementary and middle school grade levels in public schools. If the federal government requires assessments at additional grade levels under the no child left behind act of 2001, Public Law 107-110, the superintendent of public instruction shall ensure that this state complies with those requirements.

(2) The superintendent of public instruction shall develop and conduct the assessment program and may utilize the assistance of appropriate testing organizations or testing specialists. Beginning with assessments conducted in the 2005-2006 school year, all of the following apply to the assessment program:

(a) The superintendent of public instruction shall ensure that any contractor used for scoring an assessment instrument supplies an individual report for each student that will identify for the student's parents and teachers whether the student met expectations or failed to meet expectations for each standard, to allow the student's parents and teachers to assess and remedy problems before the student moves to the next grade.

(b) The superintendent of public instruction shall ensure that any contractor used for scoring, developing, or processing an assessment instrument meets quality management standards commonly used in the assessment industry, including at least meeting level 2 of the capability maturity model developed by the software engineering institute of Carnegie Mellon university for the 2005-2006 school year assessments and at least meeting level 3 of the capability maturity model for subsequent assessments.

(c) The superintendent of public instruction shall ensure that any contract it enters into for scoring, administering, or developing an assessment instrument includes specific deadlines for all steps of the assessment process, including, but not limited to, deadlines for the correct testing materials to be supplied to schools and for the correct results to be returned to schools, and includes penalties for noncompliance with these deadlines.

(d) The superintendent of public instruction shall ensure that the assessment instruments meet all of the following:

(i) Are designed to test students on grade level content expectations in all subjects tested for each grade level tested.

(ii) Comply with requirements of the no child left behind act of 2001, Public Law 107-110.

(iii) Are consistent with the code of fair testing practices in education prepared by the joint committee on testing practices of the American psychological association.

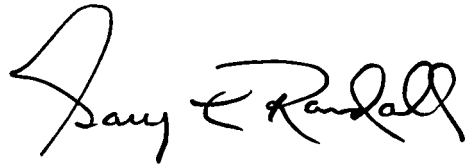
(iv) Are factually accurate. If the superintendent of public instruction determines that a question is not factually accurate and should be removed from an assessment instrument, the state board and the superintendent shall ensure that the question is removed from the assessment instrument.

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

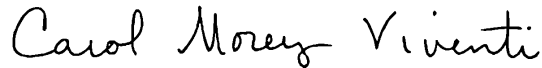
(4) Based on information from the program, the public schools shall identify students who have extraordinary need for assistance to improve their competence in the basic skills and shall identify students who have demonstrated extraordinary competence in multiple subject areas who should be recommended for advancement.

(5) Information from the program shall be given to each school as soon as possible to assist it in its efforts to improve the achievement of students in the basic skills.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor