

# SENATE BILL No. 807

September 24, 2007, Introduced by Senators JELINEK, SWITALSKI, PAPPAGEORGE, GARCIA and KAHN and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending section 1279g (MCL 380.1279g), as added by 2004 PA 596.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1279g. (1) ~~Beginning in the 2006 calendar year, the~~ **THE**  
2       board of a school district or board of directors of a public school  
3       academy shall comply with this section and shall administer the  
4       ~~state assessments under section 1279 or the~~ Michigan merit  
5       examination to pupils in grade 11 as provided in this section. ~~, as~~  
6       ~~follows:~~

7       ~~— (a) For pupils in grade 11 in the 2005-2006 school year, the~~  
8       ~~provisions concerning state assessments under section 1279 apply to~~  
9       ~~all pupils in grade 11 and the Michigan merit examination shall be~~

~~administered to a sample of pupils in grade 11 statewide, as identified by the department. The pupils to be included in this sample shall be determined by the department as the department determines necessary to seek the approval of the United States department of education to use the Michigan merit examination for the purposes of the federal no child left behind act of 2001, Public Law 107-110.~~

~~—— (b) Subject to subdivision (c), for pupils in grade 11 in the 2006-2007 school year and subsequent school years, the Michigan merit examination shall be offered to all pupils in grade 11.~~

~~—— (c) If the United States department of education has not approved the use of the Michigan merit examination for the purposes of the federal no child left behind act of 2001, Public Law 107-110, by December 31, 2006, all of the following apply:~~

~~—— (i) The provisions concerning state assessments under section 1279 shall continue to apply to all pupils in grade 11 until the next calendar year that begins after that approval occurs.~~

~~—— (ii) The Michigan merit examination shall be offered to all pupils in grade 11 beginning in the next calendar year that begins after that approval occurs.~~

~~—— (iii) If it is necessary as part of the process of continuing to seek the approval of the United States department of education to use the Michigan merit examination for the purposes of the federal no child left behind act of 2001, Public Law 107-110, the department may again provide for the administration of both the state assessments under section 1279 and the Michigan merit examination to a sample of pupils in grade 11 statewide as~~

1 ~~described in subdivision (a).~~

2 ~~—— (2) The department shall take all steps necessary, including,~~  
3 ~~but not limited to, conducting a content alignment study and~~  
4 ~~statistical analyses, to obtain the approval of the United States~~  
5 ~~department of education to use the Michigan merit examination for~~  
6 ~~the purposes of the federal no child left behind act of 2001,~~  
7 ~~Public Law 107-110, by not later than December 31, 2006 or as soon~~  
8 ~~thereafter as possible.~~

9 (2) ~~(3)~~ For the purposes of this section, the department of  
10 management and budget shall contract with 1 or more providers to  
11 develop, supply, and score the Michigan merit examination. ~~The~~  
12 **SUBJECT TO SUBSECTION (3) (E), THE** Michigan merit examination shall  
13 consist of all of the following:

14 (a) Assessment instruments that measure English language arts,  
15 mathematics, reading, and science and are used by colleges and  
16 universities in this state for entrance or placement purposes.

17 (b) One or more tests from 1 or more test developers that  
18 assess a pupil's ability to apply reading and mathematics skills in  
19 a manner that is intended to allow employers to use the results in  
20 making employment decisions.

21 (c) A social studies component.

22 (d) Any other component that is necessary to obtain the  
23 approval of the United States department of education to use the  
24 Michigan merit examination for the purposes of the federal no child  
25 left behind act of 2001, Public Law 107-110.

26 (3) ~~(4)~~ In addition to all other requirements of this section,  
27 all of the following apply to the Michigan merit examination:

1           (a) The department of management and budget and the  
2 superintendent of public instruction shall ensure that any  
3 contractor used for scoring the Michigan merit examination supplies  
4 an individual report for each pupil that will identify for the  
5 pupil's parents and teachers whether the pupil met expectations or  
6 failed to meet expectations for each standard, to allow the pupil's  
7 parents and teachers to assess and remedy problems before the pupil  
8 moves to the next grade.

9           (b) The department of management and budget and the  
10 superintendent of public instruction shall ensure that any  
11 contractor used for scoring, developing, or processing the Michigan  
12 merit examination meets quality management standards commonly used  
13 in the assessment industry, including at least meeting level 2 of  
14 the capability maturity model developed by the software engineering  
15 institute of Carnegie Mellon university for the first year the  
16 Michigan merit examination is offered to all grade 11 pupils and at  
17 least meeting level 3 of the capability maturity model for  
18 subsequent years.

19           (c) The department of management and budget and the  
20 superintendent of public instruction shall ensure that any contract  
21 for scoring, administering, or developing the Michigan merit  
22 examination includes specific deadlines for all steps of the  
23 assessment process, including, but not limited to, deadlines for  
24 the correct testing materials to be supplied to schools and for the  
25 correct results to be returned to schools, and includes penalties  
26 for noncompliance with these deadlines.

27           (d) The superintendent of public instruction shall ensure that

1 the Michigan merit examination meets all of the following:

2 (i) Is designed to test pupils on grade level content  
3 expectations or course content expectations, as appropriate, in all  
4 subjects tested.

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

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

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

15 **(E) IF THE MICHIGAN MERIT EXAMINATION INCLUDES THE ACT WRITING**  
16 **TEST, THEN ALL OF THE FOLLOWING APPLY:**

17 **(I) THE ACT WRITING TEST COMPONENT OF THE MICHIGAN MERIT**  
18 **EXAMINATION SHALL BE OPTIONAL FOR A PUPIL.**

19 **(II) A PUPIL WHO ELECTS TO TAKE THE ACT WRITING TEST COMPONENT**  
20 **OF THE MICHIGAN MERIT EXAMINATION IS RESPONSIBLE FOR PAYING THE**  
21 **COST OF THAT COMPONENT.**

22 ~~(4) (5) Beginning with pupils completing grade 11 in 2006, a A~~  
23 school district or public school academy that operates a high  
24 school shall include on each pupil's high school transcript all of  
25 the following:

26 (a) For each high school graduate who has completed the  
27 Michigan merit examination under this section, the pupil's scaled

1 score on each subject area component of the Michigan merit  
2 examination.

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

6 (5) ~~(6)~~—The superintendent of public instruction shall work  
7 with the provider or providers of the Michigan merit examination to  
8 produce Michigan merit examination subject area scores for each  
9 pupil participating in the Michigan merit examination, including  
10 scaling and merging of test items for the different subject area  
11 components. The superintendent of public instruction shall design  
12 and distribute to school districts, public school academies,  
13 intermediate school districts, and nonpublic schools a simple and  
14 concise document that describes the scoring for each subject area  
15 and indicates the scaled score ranges for each subject area.

16 (6) ~~(7)~~—The Michigan merit examination shall be administered  
17 each year after March 1 and before June 1 to pupils in grade 11.  
18 The superintendent of public instruction shall ensure that the  
19 Michigan merit examination is scored and the scores are returned to  
20 pupils, their parents or legal guardians, and schools not later  
21 than the beginning of the pupil's first semester of grade 12. The  
22 returned scores shall indicate at least the pupil's scaled score  
23 for each subject area component and the range of scaled scores for  
24 each subject area. In reporting the scores to pupils, parents, and  
25 schools, the superintendent of public instruction shall provide  
26 standards-specific, meaningful, and timely feedback on the pupil's  
27 performance on the Michigan merit examination.

1           (7) ~~(8)~~—A pupil who does not qualify for a Michigan merit  
2   award scholarship under the Michigan merit award scholarship act,  
3   1999 PA 94, MCL 390.1451 to 390.1459, **OR WHO DOES NOT QUALIFY FOR A**  
4   **MICHIGAN PROMISE GRANT UNDER SECTION 6 OF THE MICHIGAN PROMISE**  
5   **GRANT ACT, 2006 PA 479, MCL 490.1621 TO 390.1628,** and who wants to  
6   repeat the Michigan merit examination may repeat the Michigan merit  
7   examination in the next school year on a designated testing date.  
8   The first time a pupil repeats the Michigan merit examination under  
9   this subsection shall be without charge to the pupil, but the pupil  
10  is responsible for paying the cost of any subsequent repeat.

11          (8) ~~(9)~~—The superintendent of public instruction shall ensure  
12  that the length of the Michigan merit examination and the combined  
13  total time necessary to administer all of the components of the  
14  Michigan merit examination are the shortest possible that will  
15  still maintain the degree of reliability and validity of the  
16  Michigan merit examination results determined necessary by the  
17  superintendent of public instruction. The superintendent of public  
18  instruction shall ensure that the maximum total combined length of  
19  time that schools are required to set aside for administration of  
20  all of the components of the Michigan merit examination does not  
21  exceed 8 hours.

22          (9) ~~(10)~~—A school district or public school academy shall  
23  provide accommodations to a pupil with disabilities for the  
24  Michigan merit examination, as provided under section 504 of title  
25  V of the rehabilitation act of 1973, 29 USC 794; subtitle A of  
26  title II of the Americans with disabilities act of 1990, 42 USC  
27  12131 to 12134; the individuals with disabilities education act

1 amendments of 1997, Public Law 105-17; and the implementing  
2 regulations for those statutes. The provider or providers of the  
3 Michigan merit examination and the superintendent of public  
4 instruction shall mutually agree upon the accommodations to be  
5 provided under this subsection.

6       (10) ~~(11)~~—To the greatest extent possible, the Michigan merit  
7 examination shall be based on grade level content expectations or  
8 course content expectations, as appropriate.

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

24       (12) ~~(13)~~—In contracting under subsection ~~(3)~~—(2), the  
25 department of management and budget shall consider a contractor  
26 that provides electronically-scored essays with the ability to  
27 score constructed response feedback in multiple languages and



1 provide ongoing instruction and feedback.

2       (13) ~~(14)~~—The purpose of the Michigan merit examination is to  
3 assess pupil performance in mathematics, science, social studies,  
4 and English language arts for the purpose of improving academic  
5 achievement and establishing a statewide standard of competency.  
6 The assessment under this section provides a common measure of data  
7 that will contribute to the improvement of Michigan schools'  
8 curriculum and instruction by encouraging alignment with Michigan's  
9 curriculum framework standards and promotes pupil participation in  
10 higher level mathematics, science, social studies, and English  
11 language arts courses. These standards are based upon the  
12 expectations of what pupils should learn through high school and  
13 are aligned with national standards.

14       (14) ~~(15)~~—As used in this section:

15       (a) "English language arts" means reading and writing.

16       (b) "Social studies" means United States history, world  
17 history, world geography, economics, and American government.