

# SENATE BILL NO. 1042

July 23, 2020, Introduced by Senators IRWIN, BAYER, POLEHANKI, WOJNO, BRINKS, ALEXANDER, MCCANN, GEISS, MCMORROW, CHANG, BULLOCK, HERTEL, MOSS, MCBROOM, ANANICH and SANTANA and referred to the Committee on Education and Career Readiness.

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 and by adding section 1279i.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1279g. (1) ~~The~~ **Except as otherwise provided in this**  
2 **subsection, the** board of a school district or board of directors of  
3 a public school academy shall comply with this section and shall  
4 administer the Michigan merit examination to pupils in grade 11,  
5 and to pupils in grade 12 who did not take the complete Michigan

merit examination in grade 11, as provided in this section.  
**However, subject to federal law, the board of a school district or board of directors of a public school academy is not required to administer the Michigan merit examination as described in this subsection for the 2020-2021 school year.**

(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 colleges and universities in this state for entrance or placement purposes. This ~~shall~~**must** include a writing component in which the pupil produces an extended writing sample. The Michigan merit examination ~~shall~~**must** not require any other extended writing sample.

(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 of public instruction 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 approval of the United States Department of Education to use the

1 Michigan merit examination for the purposes of the no child left  
2 behind act of 2001, Public Law 107-110, or the every student  
3 succeeds act, Public Law 114-95.

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

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

14 (b) The department of technology, management, and budget and  
15 the superintendent of public instruction shall ensure that any  
16 contractor used for scoring, developing, or processing the Michigan  
17 merit examination meets quality management standards commonly used  
18 in the assessment industry, including at least meeting level 2 of  
19 the capability maturity model developed by the Software Engineering  
20 Institute of Carnegie Mellon University for the first year the  
21 Michigan merit examination is offered to all grade 11 pupils and at  
22 least meeting level 3 of the capability maturity model for  
23 subsequent years.

24 (c) The department of technology, management, and budget and  
25 the superintendent of public instruction shall ensure that any  
26 contract for scoring, administering, or developing the Michigan  
27 merit examination includes specific deadlines for all steps of the  
28 assessment process, including, but not limited to, deadlines for  
29 the correct testing materials to be supplied to schools and for the

1 correct results to be returned to schools, and includes penalties  
2 for noncompliance with these deadlines.

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

5 (i) Is designed to test pupils on grade level content  
6 expectations or course content expectations, as appropriate, in all  
7 subjects tested.

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

11 (iii) Is consistent with the code of fair testing practices in  
12 education prepared by the joint committee on testing practices of  
13 the American Psychological Association.

14 (iv) Is factually accurate. If the superintendent of public  
15 instruction determines that a question is not factually accurate  
16 and should be excluded from scoring, the state board and the  
17 superintendent of public instruction shall ensure that the question  
18 is excluded from scoring.

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

22 (a) For each high school graduate who has completed the  
23 Michigan merit examination under this section, the pupil's scaled  
24 score on each subject area component of the Michigan merit  
25 examination.

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

29 (5) The superintendent of public instruction shall work with

1 the provider or providers of the Michigan merit examination to  
2 produce Michigan merit examination subject area scores for each  
3 pupil participating in the Michigan merit examination, including  
4 scaling and merging of test items for the different subject area  
5 components. The superintendent of public instruction shall design  
6 and distribute to school districts, public school academies,  
7 intermediate school districts, and nonpublic schools a simple and  
8 concise document that describes the scoring for each subject area  
9 and indicates the scaled score ranges for each subject area.

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

23 (7) A school district or public school academy shall  
24 administer the complete Michigan merit examination to a pupil only  
25 once and shall not administer the complete Michigan merit  
26 examination to the same pupil more than once. ~~If~~ **Except as**  
27 **otherwise provided in this section, if** a pupil does not take the  
28 complete Michigan merit examination in grade 11, the school  
29 district or public school academy shall administer the complete

1 Michigan merit examination to the pupil in grade 12. If a pupil  
2 chooses to retake the college entrance examination component of the  
3 Michigan merit examination, as described in subsection (2)(a), the  
4 pupil may do so through the provider of the college entrance  
5 examination component and the cost of the retake is the  
6 responsibility of the pupil unless all of the following are met:

7 (a) The pupil has taken the complete Michigan merit  
8 examination.

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

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

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

19 (8) The superintendent of public instruction shall ensure that  
20 the length of the Michigan merit examination and the combined total  
21 time necessary to administer all of the components of the Michigan  
22 merit examination are the shortest possible that will still  
23 maintain the degree of reliability and validity of the Michigan  
24 merit examination results determined necessary by the  
25 superintendent of public instruction. The superintendent of public  
26 instruction shall ensure that the maximum total combined length of  
27 time that schools are required to set aside for pupils to answer  
28 all test questions on the Michigan merit examination does not  
29 exceed 8 hours if the superintendent of public instruction

determines that sufficient alignment to applicable Michigan merit curriculum content standards can be achieved within that time limit.

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

(10) To the greatest extent possible, the Michigan merit examination ~~shall~~**must** be based on grade level content expectations or course content expectations, as appropriate. Not later than July 1, 2008, the department shall identify specific grade level content expectations to be taught before and after the middle of grade 11, so that teachers will know what content will be covered within the Michigan merit examination.

(11) A child who is a student in a nonpublic school or home school may take the Michigan merit examination under this section.

~~To~~**Except as otherwise provided in this subsection, to** take the Michigan merit examination, a child who is a student in a home school shall contact the school district in which the child resides, and that school district shall administer the Michigan merit examination, or the child may take the Michigan merit examination at a nonpublic school if allowed by the nonpublic

1 school. If a school district is contacted by a child who is a  
2 student in a home school as described in the immediately preceding  
3 sentence, the school district is not required to administer the  
4 Michigan merit examination to that child for the 2020-2021 school  
5 year if the school district is not administering the Michigan merit  
6 examination to pupils enrolled in the school district for the 2020-  
7 2021 school year. Upon request from a nonpublic school, the  
8 superintendent of public instruction shall direct the provider or  
9 providers to supply the Michigan merit examination to the nonpublic  
10 school and the nonpublic school may administer the Michigan merit  
11 examination. If a school district administers the Michigan merit  
12 examination under this subsection to a child who is not enrolled in  
13 the school district, the scores for that child are not considered  
14 for any purpose to be scores of a pupil of the school district.

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

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



1 expectations of what pupils should learn through high school and  
2 are aligned with national standards.

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

13 (15) As used in this section:

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

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

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

19 **Sec. 1279i. Notwithstanding any provision of this act to the**  
20 **contrary, for the 2020-2021 school year, the progress of the pupils**  
21 **in a public school academy and the pupil performance of a public**  
22 **school academy is not required to be assessed using the Michigan**  
23 **student test of educational progress (M-STEP) or the Michigan merit**  
24 **examination under section 1279g.**