

**SUBSTITUTE FOR
HOUSE BILL NO. 4038**

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 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~~**must** consist of
3 all of 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~~**must** include a writing component in which the pupil produces
8 an extended writing sample. The Michigan merit examination ~~shall~~
9 **must** not 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.~~

20 (b) ~~(e)~~ A social studies component.

21 (c) ~~(d)~~ Any other component that is necessary to obtain the
22 approval of the United States Department of Education to use the
23 Michigan merit examination for the purposes of the no child left
24 behind act of 2001, Public Law 107-110, or the every student
25 succeeds act, Public Law 114-95.

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

28 (a) The department of technology, management, and budget and
29 the superintendent of public instruction shall ensure that any

1 contractor used for scoring the Michigan merit examination supplies
2 an individual report for each pupil that will identify for the
3 pupil's parents and teachers whether the pupil met expectations or
4 failed to meet expectations for each standard, to allow the pupil's
5 parents and teachers to assess and remedy problems before the pupil
6 moves to the next grade.

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

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

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

27 (i) Is designed to test pupils on grade level content
28 expectations or course content expectations, as appropriate, in all
29 subjects tested.

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

4 (iii) Is consistent with the code of fair testing practices in
5 education prepared by the joint committee on testing practices of
6 the American Psychological Association.

7 (iv) Is factually accurate. If the superintendent of public
8 instruction determines that a question is not factually accurate
9 and should be excluded from scoring, the state board and the
10 superintendent of public instruction shall ensure that the question
11 is excluded from scoring.

12 (4) A school district or public school academy that operates a
13 high school shall include on each pupil's high school transcript
14 ~~all~~**both** of the following:

15 (a) For each high school graduate who has completed the
16 Michigan merit examination under this section, the pupil's scaled
17 score on each subject area component of the Michigan merit
18 examination.

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

22 (5) The superintendent of public instruction shall work with
23 the provider or providers of the Michigan merit examination to
24 produce Michigan merit examination subject area scores for each
25 pupil participating in the Michigan merit examination, including
26 scaling and merging of test items for the different subject area
27 components. The superintendent of public instruction shall design
28 and distribute to school districts, public school academies,
29 intermediate school districts, and nonpublic schools a simple and

1 concise document that describes the scoring for each subject area
2 and indicates the scaled score ranges for each subject area.

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

15 (7) A school district or public school academy shall
16 administer the complete Michigan merit examination to a pupil only
17 once and shall not administer the complete Michigan merit
18 examination to the same pupil more than once. If a pupil does not
19 take the complete Michigan merit examination in grade 11, the
20 school district or public school academy shall administer the
21 complete Michigan merit examination to the pupil in grade 12. If a
22 pupil chooses to retake the college entrance examination component
23 of the Michigan merit examination, as described in subsection
24 (2)(a), the pupil may do so through the provider of the college
25 entrance examination component and the cost of the retake is the
26 responsibility of the pupil unless all of the following are met:

27 (a) The pupil has taken the complete Michigan merit
28 examination.

29 (b) The pupil meets the income eligibility criteria for free

1 breakfast, lunch, or milk, as determined under the Richard B.
2 Russell national school lunch act, 42 USC 1751 to 1769j.

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

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

10 (8) The superintendent of public instruction shall ensure that
11 the length of the Michigan merit examination and the combined total
12 time necessary to administer all of the components of the Michigan
13 merit examination are the shortest possible that will still
14 maintain the degree of reliability and validity of the Michigan
15 merit examination results determined necessary by the
16 superintendent of public instruction. The superintendent of public
17 instruction shall ensure that the maximum total combined length of
18 time that schools are required to set aside for pupils to answer
19 all test questions on the Michigan merit examination does not
20 exceed 8 hours if the superintendent of public instruction
21 determines that sufficient alignment to applicable Michigan merit
22 curriculum content standards can be achieved within that time
23 limit.

24 (9) A school district or public school academy shall provide
25 accommodations to a pupil with disabilities for the Michigan merit
26 examination, as provided under section 504 of title V of the
27 rehabilitation act of 1973, 29 USC 794; ~~subtitle~~**part** A of title
28 **subchapter** II of the Americans with disabilities act of 1990, 42
29 USC 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) To the greatest extent possible, the Michigan merit
7 examination ~~shall~~**must** be based on grade level content expectations
8 or course content expectations, as appropriate. Not later than July
9 1, 2008, the department shall identify specific grade level content
10 expectations to be taught before and after the middle of grade 11,
11 so that teachers will know what content will be covered within the
12 Michigan merit examination.

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

28 (12) In contracting under subsection (2), the department of
29 technology, management, and budget shall consider a contractor that

1 provides electronically-scored essays with the ability to score
2 constructed response feedback in multiple languages and provide
3 ongoing instruction and feedback.

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

16 (14) In addition to the other requirements of this section and
17 the requirements of 1970 PA 38, MCL 388.1081 to 388.1086, ~~beginning~~
18 ~~with assessments conducted during the 2016-2017 school year,~~ the
19 superintendent of public instruction shall ensure that the Michigan
20 merit examination social studies component and the M-STEP and any
21 successor state assessment for social studies, as appropriate,
22 include questions related to the learning objectives in the state
23 board recommended model core academic curriculum standards
24 concerning genocide, including, but not limited to, the Holocaust
25 and the Armenian Genocide.

26 (15) As used in this section:

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

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

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

3 Sec. 1279i. (1) Subject to subsection (3), the department
4 shall not require the administration of an assessment by a school
5 district or public school academy that assesses a pupil's ability
6 to apply at least reading and mathematics skills in a manner that
7 is intended to allow employers to use the results in making
8 employment decisions.

9 (2) Subject to subsection (3), the board of a school district
10 or the board of directors of a public school academy may provide
11 pupils with an opportunity to take an assessment described in
12 subsection (1).

13 (3) If a pupil requests to take an assessment described in
14 subsection (1), the board of the school district or the board of
15 directors of the public school academy in which the pupil is
16 enrolled shall ensure that the pupil is provided with the
17 opportunity to take an assessment described in subsection (1).

18 (4) The legislature shall appropriate funds to the department
19 to reimburse school districts and public school academies that
20 offer pupils the opportunity to take an assessment described in
21 subsection (1). By June 1, 2021, and by June 1 of each year
22 thereafter, the department shall submit a report to the legislature
23 that includes both of the following:

24 (a) The number of school districts and public school academies
25 that offered pupils the opportunity to take an assessment described
26 in subsection (1) during the immediately preceding school year.

27 (b) The number of pupils who took an assessment described in
28 subsection (1) during the immediately preceding school year.

29 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.