

SENATE BILL NO. 1038

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

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
by amending section 104b (MCL 388.1704b), as amended by 2018 PA
265.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 104b. (1) ~~In~~**Except as otherwise provided in this**
2 **subsection, in** order to receive state aid under this article, a
3 district ~~shall~~**must** comply with this section and ~~shall~~**must**
4 administer the Michigan merit examination to pupils in grade 11,

1 and to pupils in grade 12 who did not take the complete Michigan
2 merit examination in grade 11, as provided in this section.

3 **However, subject to federal law, a district is not required to**
4 **administer the Michigan merit examination as described in this**
5 **subsection in the 2020-2021 school year to receive state aid under**
6 **this article.** The Michigan merit examination consists of a college
7 entrance test, work skills test, and the summative assessment known
8 as the Michigan student test of educational progress (M-STEP).

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

14 (a) Assessment instruments that measure English language arts,
15 mathematics, reading, and science, and are used by the majority of
16 colleges and universities in this state for entrance purposes. This
17 may include 1 or more writing components. In selecting assessment
18 instruments to fulfill the requirements of this subdivision, the
19 department may consider the degree to which those assessment
20 instruments are aligned to this state's content standards.

21 (b) One or more tests from 1 or more test developers that
22 assess a pupil's ability to apply at least reading and mathematics
23 skills in a manner that is intended to allow employers to use the
24 results in making employment decisions. The department of
25 technology, management, and budget and the superintendent shall
26 ensure that any test or tests selected under this subdivision have
27 all the components necessary to allow a pupil to be eligible to
28 receive the results of a nationally recognized evaluation of
29 workforce readiness if the pupil's test performance is adequate.

1 (c) A social studies component.

2 (d) Any other component that is necessary to obtain the
3 approval of the United States Department of Education to use the
4 Michigan merit examination for the purposes of the no child left
5 behind act of 2001, Public Law 107-110, or the every student
6 succeeds act, Public Law 114-95.

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

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

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

26 (c) The department of technology, management, and budget and
27 the superintendent shall ensure that any contract for scoring,
28 administering, or developing the Michigan merit examination
29 includes specific deadlines for all steps of the assessment

1 process, including, but not limited to, deadlines for the correct
2 testing materials to be supplied to schools and for the correct
3 results to be returned to schools, and includes penalties for
4 noncompliance with these deadlines.

5 (d) The superintendent shall ensure that the Michigan merit
6 examination meets all of the following:

7 (i) Is designed to test pupils on this state's content
8 standards in all subjects tested.

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

12 (iii) Is consistent with the code of fair testing practices in
13 education prepared by the Joint Committee on Testing Practices of
14 the American Psychological Association.

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

19 (4) A district shall include on each pupil's high school
20 transcript all of the following:

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

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

28 (5) The superintendent shall work with the provider or
29 providers of the Michigan merit examination to produce Michigan

1 merit examination subject area scores for each pupil participating
2 in the Michigan merit examination. To the extent that the
3 department determines that additional test items beyond those
4 included in the college entrance component of the Michigan merit
5 examination are required in a particular subject area, the
6 department shall ensure that all test items in that subject area
7 are scaled and merged for the purposes of producing a Michigan
8 merit examination subject area score. The superintendent shall
9 design and distribute to districts, intermediate districts, and
10 nonpublic schools a simple and concise document that describes the
11 scoring for each subject area and indicates the scaled score ranges
12 for each subject area.

13 (6) ~~The~~ **Except in the 2020-2021 school year, the** Michigan
14 merit examination ~~shall~~ **must** be administered in each district
15 during the last 12 weeks of the district's school year. The
16 superintendent shall ensure that the Michigan merit examination is
17 scored and the scores are returned to pupils, their parents or
18 legal guardians, and districts not later than the beginning of the
19 pupil's first semester of grade 12. The returned scores ~~shall~~ **must**
20 indicate at least the pupil's scaled score for each subject area
21 component and the range of scaled scores for each subject area. In
22 reporting the scores to pupils, parents, and schools, the
23 superintendent shall provide standards-specific, meaningful, and
24 timely feedback on the pupil's performance on the Michigan merit
25 examination.

26 (7) A district shall administer the complete Michigan merit
27 examination to a pupil only once and shall not administer the
28 complete Michigan merit examination to the same pupil more than
29 once. ~~If~~ **Except in the 2020-2021 school year, if** a pupil does not

1 take the complete Michigan merit examination in grade 11, the
2 district shall administer the complete Michigan merit examination
3 to the pupil in grade 12. If a pupil chooses to retake the college
4 entrance examination component of the Michigan merit examination,
5 as described in subsection (2)(a), the pupil may do so through the
6 provider of the college entrance examination component and the cost
7 of the retake is the responsibility of the pupil unless all of the
8 following are met:

9 (a) The pupil has taken the complete Michigan merit
10 examination.

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

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

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

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

1 if the superintendent determines that sufficient alignment to
2 applicable Michigan merit curriculum content standards can be
3 achieved within that time limit.

4 (9) A district shall provide accommodations to a pupil with
5 disabilities for the Michigan merit examination, as provided under
6 section 504 of title V of the rehabilitation act of 1973, 29 USC
7 794; subtitle A of title II of the Americans with disabilities act
8 of 1990, 42 USC 12131 to 12134; the individuals with disabilities
9 education act amendments of 1997, Public Law 105-17; and the
10 implementing regulations for those statutes. The provider or
11 providers of the Michigan merit examination and the superintendent
12 shall mutually agree upon the accommodations to be provided under
13 this subsection.

14 (10) To the greatest extent possible, the Michigan merit
15 examination ~~shall~~**must** be based on this state's content standards,
16 as appropriate. Annually, after each administration of the Michigan
17 merit examination, the department shall provide a report of the
18 points per standard so that teachers will know what content will be
19 covered within the Michigan merit examination. The department may
20 augment the college entrance and work skills components of the
21 Michigan merit examination to develop the assessment, depending on
22 the alignment of those components to this state's content
23 standards. If these components do not align to these standards, the
24 department shall produce additional components as required by law,
25 while minimizing the amount of time needed for assessments.

26 (11) A child who is a student in a nonpublic school or home
27 school may take the Michigan merit examination under this section.
28 ~~To~~**Except as otherwise provided in this subsection, to** take the
29 Michigan merit examination, a child who is a student in a home

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

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

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

1 curriculum framework standards and promotes pupil participation in
2 higher level mathematics, science, social studies, and English
3 language arts courses. These standards are based upon the
4 expectations of what pupils should learn through high school and
5 are aligned with national standards.

6 (14) For a pupil enrolled in a middle college program, other
7 than a middle college operated as a shared educational entity or a
8 specialized shared educational entity, if the pupil receives at
9 least 50% of his or her instruction at the high school while in
10 grade 11, the Michigan merit examination ~~shall~~**must** be administered
11 to the pupil at the high school at which the pupil receives high
12 school instruction, and the department shall include the pupil's
13 scores on the Michigan merit examination in the scores for that
14 high school for all purposes for which a school's or district's
15 results are reported. The department shall allow the middle college
16 program to use a 5-year graduation rate for determining adequate
17 yearly progress. As used in this subsection, "middle college" means
18 a program consisting of a series of courses and other requirements
19 and conditions, including an early college or other program created
20 under a memorandum of understanding, that allows a pupil to
21 graduate from high school with both a high school diploma and a
22 certificate or degree from a community college or state public
23 university.

24 (15) As used in this section:

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

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

28 (16) For each report made by the department that includes the
29 statewide assessment results for a school building, the department

1 shall include the scores for the statewide assessment and the
2 graduation rate for consortium pupils with the scores for the
3 school building in the participating district in which the
4 consortium pupil is enrolled or would otherwise attend. The
5 statewide assessment for a consortium pupil may be administered
6 either at the consortium location or at the school building in the
7 participating district in which the consortium pupil is enrolled or
8 would otherwise attend. For the purposes of this subsection, a
9 consortium pupil is a pupil who is enrolled or participating in a
10 participating district in a school or program operated as a
11 consortium or under a cooperative arrangement formed by 2 or more
12 districts or intermediate districts, including, but not limited to,
13 a consortium or cooperative arrangement operated as a program, a
14 shared educational entity, a specialized educational entity, or a
15 special education center program.