

SENATE BILL No. 813

September 24, 2007, Introduced by Senators SWITALSKI, JELINEK, CHERRY, JACOBS, PAPPAGEORGE 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~~
10 ~~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 described in subdivision (a).~~

~~1 (2) The department shall take all steps necessary, including,
2 but not limited to, conducting a content alignment study and
3 statistical analyses, to obtain the approval of the United States
4 department of education to use the Michigan merit examination for
5 the purposes of the federal no child left behind act of 2001,
6 Public Law 107-110, by not later than December 31, 2006 or as soon
7 thereafter as possible.~~

8 (2) ~~(3)~~ For the purposes of this section, the department of
9 management and budget shall contract with 1 or more providers to
10 develop, supply, and score the Michigan merit examination. The
11 Michigan merit examination shall consist of all of the following:

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

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

19 (c) A social studies component.

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

24 (3) ~~(4)~~ In addition to all other requirements of this section,
25 all of the following apply to the Michigan merit examination:

26 (a) The department of management and budget and the
27 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 management and budget and the
8 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 management and budget and the
18 superintendent of public instruction shall ensure that any contract
19 for scoring, administering, or developing the Michigan merit
20 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

1 expectations or course content expectations, as appropriate, in all
2 subjects tested.

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

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

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

13 (4) ~~(5) Beginning with pupils completing grade 11 in 2006, a A~~
14 school district or public school academy that operates a high
15 school shall include on each pupil's high school transcript all of
16 the following:

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

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

24 (5) ~~(6)~~ The superintendent of public instruction shall work
25 with the provider or providers of the Michigan merit examination to
26 produce Michigan merit examination subject area scores for each
27 pupil participating in the Michigan merit examination, including

1 scaling and merging of test items for the different subject area
 2 components. The superintendent of public instruction shall design
 3 and distribute to school districts, public school academies,
 4 intermediate school districts, and nonpublic schools a simple and
 5 concise document that describes the scoring for each subject area
 6 and indicates the scaled score ranges for each subject area.

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

19 (7) ~~(8)~~—A pupil who does not qualify for a Michigan merit
 20 award scholarship under the Michigan merit award scholarship act,
 21 1999 PA 94, MCL 390.1451 to 390.1459, **OR WHO DOES NOT QUALIFY FOR A**
 22 **MICHIGAN PROMISE GRANT UNDER SECTION 6 OF THE MICHIGAN PROMISE**
 23 **GRANT ACT, 2006 PA 479, MCL 390.1621 TO 390.1628**, and who wants to
 24 repeat the Michigan merit examination may repeat the Michigan merit
 25 examination in the next school year on a designated testing date.
 26 ~~The first time a pupil repeats the Michigan merit examination under~~
 27 ~~this subsection shall be without charge to the pupil, but the pupil~~

1 is responsible for paying the cost of any ~~subsequent~~ repeat.

2 (8) ~~(9)~~—The superintendent of public instruction shall ensure
3 that the length of the Michigan merit examination and the combined
4 total time necessary to administer all of the components of the
5 Michigan merit examination are the shortest possible that will
6 still maintain the degree of reliability and validity of the
7 Michigan merit examination results determined necessary by the
8 superintendent of public instruction. The superintendent of public
9 instruction shall ensure that the maximum total combined length of
10 time that schools are required to set aside for administration of
11 all of the components of the Michigan merit examination does not
12 exceed 8 hours.

13 (9) ~~(10)~~—A school district or public school academy shall
14 provide accommodations to a pupil with disabilities for the
15 Michigan merit examination, as provided under section 504 of title
16 V of the rehabilitation act of 1973, 29 USC 794; subtitle A of
17 title II of the Americans with disabilities act of 1990, 42 USC
18 12131 to 12134; the individuals with disabilities education act
19 amendments of 1997, Public Law 105-17; and the implementing
20 regulations for those statutes. The provider or providers of the
21 Michigan merit examination and the superintendent of public
22 instruction shall mutually agree upon the accommodations to be
23 provided under this subsection.

24 (10) ~~(11)~~—To the greatest extent possible, the Michigan merit
25 examination shall be based on grade level content expectations or
26 course content expectations, as appropriate.

27 (11) ~~(12)~~—A child who is a student in a nonpublic school or

1 home school may take the Michigan merit examination under this
2 section. To take the Michigan merit examination, a child who is a
3 student in a home school shall contact the school district in which
4 the child resides, and that school district shall administer the
5 Michigan merit examination, or the child may take the Michigan
6 merit examination at a nonpublic school if allowed by the nonpublic
7 school. Upon request from a nonpublic school, the superintendent of
8 public instruction shall direct the provider or providers to supply
9 the Michigan merit examination to the nonpublic school and the
10 nonpublic school may administer the Michigan merit examination. If
11 a school district administers the Michigan merit examination under
12 this subsection to a child who is not enrolled in the school
13 district, the scores for that child are not considered for any
14 purpose to be scores of a pupil of the school district.

15 (12) ~~(13)~~—In contracting under subsection ~~(3)~~ (2), the
16 department of management and budget shall consider a contractor
17 that provides electronically-scored essays with the ability to
18 score constructed response feedback in multiple languages and
19 provide ongoing instruction and feedback.

20 (13) ~~(14)~~—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

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

5 **(14)** ~~(15)~~—As used in this section:

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

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