# ASSESSMENT OF REMEDIAL ASSISTANCE PROGRAMS
# Act 38 of 1970

AN ACT to provide for assessment and remedial assistance programs of students in reading, mathematics and vocational education.

**History:** 1970, Act 38, Imd. Eff. June 24, 1970.

*The People of the State of Michigan enact:*

## 388.1081 Assessment of educational progress and remedial assistance; purposes.

Sec. 1. A statewide program of assessment of educational progress and remedial assistance in the basic skills of students in reading, mathematics, language arts and/or other general subject areas is established in the department of education which program shall:

(a) Establish meaningful achievement goals in the basic skills for students, and identify those students with the greatest educational need in these skills.

(b) Provide the state with the information needed to allocate state funds and professional services in a manner best calculated to equalize educational opportunities for students to achieve competence in such basic skills.

(c) Provide school systems with strong incentives to introduce educational programs to improve the education of students in such basic skills and model programs to raise the level of achievement of students.

(d) Develop a system for educational self-renewal that would continuously evaluate the programs and by this means help each school to discover and introduce program changes that are most likely to improve the quality of education.

(e) Provide the public periodically with information concerning the progress of the state system of education. Such programs shall extend current department of education efforts to conduct periodic and comprehensive assessment of educational progress.

**History:** 1970, Act 38, Imd. Eff. June 24, 1970.

**Compiler's note:** For transfer of powers and duties relating to Michigan educational assessment program from department of treasury to superintendent of public instruction by type II transfer, see E.R.O. No. 2003-2, compiled at MCL 388.997.

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## 388.1082 Assessment program; coverage; conduct; requirements; results.

Sec. 2. (1) The statewide assessment program of educational progress shall cover all students annually in at least 2 elementary and middle school grade levels in public schools. If the federal government requires assessments at additional grade levels under the no child left behind act of 2001, Public Law 107-110, the superintendent of public instruction shall ensure that this state complies with those requirements.

(2) The superintendent of public instruction shall develop and conduct the assessment program and may utilize the assistance of appropriate testing organizations or testing specialists. Beginning with assessments conducted in the 2005-2006 school year, all of the following apply to the assessment program:

(a) The superintendent of public instruction shall ensure that any contractor used for scoring an assessment instrument supplies an individual report for each student that will identify for the student's parents and teachers whether the student met expectations or failed to meet expectations for each standard, to allow the student's parents and teachers to assess and remedy problems before the student moves to the next grade.

(b) The superintendent of public instruction shall ensure that any contractor used for scoring, developing, or processing an assessment instrument meets quality management standards commonly used in the assessment industry, including at least meeting level 2 of the capability maturity model developed by the software engineering institute of Carnegie Mellon university for the 2005-2006 school year assessments and at least meeting level 3 of the capability maturity model for subsequent assessments.

(c) The superintendent of public instruction shall ensure that any contract it enters into for scoring, administering, or developing an assessment instrument includes specific deadlines for all steps of the assessment process, including, but not limited to, deadlines for the correct testing materials to be supplied to schools and for the correct results to be returned to schools, and includes penalties for noncompliance with these deadlines.

(d) The superintendent of public instruction shall ensure that the assessment instruments meet all of the following:

(*i*) Are designed to test students on grade level content expectations in all subjects tested for each grade level tested.

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

(*iii*) Are consistent with the code of fair testing practices in education prepared by the joint committee on


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testing practices of the American psychological association.

(*iv*) Are factually accurate. If the superintendent of public instruction determines that a question is not factually accurate and should be removed from an assessment instrument, the state board and the superintendent shall ensure that the question is removed from the assessment instrument.

(3) The program shall assess competencies in the basic skills and collect and utilize other relevant information essential to the assessment program.

(4) Based on information from the program, the public schools shall identify students who have extraordinary need for assistance to improve their competence in the basic skills and shall identify students who have demonstrated extraordinary competence in multiple subject areas who should be recommended for advancement.

(5) Information from the program shall be given to each school as soon as possible to assist it in its efforts to improve the achievement of students in the basic skills.

**History:** 1970, Act 38, Imd. Eff. June 24, 1970;—Am. 2005, Act 31, Imd. Eff. June 2, 2005.

**Compiler's note:** For transfer of powers and duties relating to Michigan educational assessment program from department of treasury to superintendent of public instruction by type II transfer, see E.R.O. No. 2003-2, compiled at MCL 388.997.

### 388.1083 Remedial assistance programs; components; guidelines and specifications; staff training; demonstration projects; audit.

Sec. 3. (1) Based on information from the mathematics, reading and language arts assessment program, the department shall provide remedial assistance programs, as funds are made available by law to school districts to raise competencies in basic skills of students identified pursuant to subsection (4) of section 2. A funded program shall include but not be limited to the following components:

(a) Diagnosis of each student's performance difficulties and the development of an instructional program best suited to his individual needs.

(b) Provision for selection, adaption and installation of instructional systems that take account of individual student needs.

(c) Provision for an evaluation of the program in order to identify changes needed to improve program effectiveness.

(2) The department shall establish guidelines and specifications for the program components. The department shall provide technical assistance to each school district in its implementation of the guidelines and specifications. The department shall conduct such evaluations necessary to provide adequate information for the setting of guidelines.

(3) The department shall provide for preservice and in-service training of staff who would be involved in the school programs.

(4) The department with the cooperation of selected schools shall establish demonstration projects in basic skills.

(5) A remedial assistance program shall be audited as part of its evaluation by an agency independent of the state department of education to facilitate the accountability of each school for its programs.

**History:** 1970, Act 38, Imd. Eff. June 24, 1970.

**Compiler's note:** For transfer of powers and duties relating to Michigan educational assessment program from department of treasury to superintendent of public instruction by type II transfer, see E.R.O. No. 2003-2, compiled at MCL 388.997.

### 388.1084 Vocational education demonstration program; establishment, purposes.

Sec. 4. A vocational education demonstration program is established in the department of education to develop, test and evaluate the following innovative programs:

(a) A vocational education assessment and counseling system using computer and other automated techniques.

(b) A new career development program to devise curricula and materials for new careers in the labor market.

**History:** 1970, Act 38, Imd. Eff. June 24, 1970.

**Compiler's note:** For transfer of powers and duties relating to Michigan educational assessment program from department of treasury to superintendent of public instruction by type II transfer, see E.R.O. No. 2003-2, compiled at MCL 388.997.

### 388.1085 Vocational education demonstration program; development and testing, operation, evaluation.

Sec. 5. (1) The vocational education demonstration program shall be developed and tested in not more than 3 school districts. The department shall formulate plans and rules, select the demonstration districts and develop instruments for measurement of the program. Demonstration programs shall be operated in school

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districts during the 1971-72 school year.

(2) The department shall evaluate the program and recommend to the governor and the legislature a statewide vocational education assessment, counseling and evaluation program by December 31, 1972.

**History:** 1970, Act 38, Imd. Eff. June 24, 1970.

**Compiler's note:** For transfer of powers and duties relating to Michigan educational assessment program from department of treasury to superintendent of public instruction by type II transfer, see E.R.O. No. 2003-2, compiled at MCL 388.997.

### 388.1086 Rules for administration of act.

Sec. 6. The department shall promulgate rules necessary to carry out the provisions of this act, in accordance with and subject to the provisions of Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.313 of the Compiled Laws of 1948.

**History:** 1970, Act 38, Imd. Eff. June 24, 1970.

**Compiler's note:** For transfer of powers and duties relating to Michigan educational assessment program from department of treasury to superintendent of public instruction by type II transfer, see E.R.O. No. 2003-2, compiled at MCL 388.997.

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