

# HOUSE BILL No. 4771

April 2, 2009, Introduced by Reps. Haase, Lisa Brown, Slavens, Lindberg, Tlaib, Roberts, Espinoza, Liss, Miller, Nathan, Switalski, Haugh, Pavlov, McMillin, Paul Scott, Womack and Genetski and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending section 1280b (MCL 380.1280b), as added by 2000 PA 230,  
and by adding section 1280c; and to repeal acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1280b. (1) ~~Subject to subsection (2)~~ **EXCEPT AS OTHERWISE**  
2 **PROVIDED IN THIS SECTION**, the board of a school district, or board  
3 of directors of a public school academy that operates any of grades  
4 1 to 5, shall administer each school year to all pupils in grades 1  
5 to 5 a nationally-recognized norm-referenced test or another  
6 assessment, which may include a locally-adopted assessment,  
7 approved by the superintendent of public instruction at the request  
8 of the school district or public school academy. **BEGINNING IN THE**  
9 **2009-2010 SCHOOL YEAR, THIS SUBSECTION APPLIES ONLY TO GRADES 1 AND**

2.

(2) A school district or public school academy may use the Michigan literacy progress profile to assess literacy in grades 1 to 3 as part of its compliance with subsection (1).

(3) If a school is designated for participation in the national assessment of education progress program, the school shall participate as designated.

(4) An elementary school that is not in compliance with subsection (1) or a school that does not comply with subsection (3) shall not be accredited under section 1280.

**SEC. 1280C. (1) TO CONTINUE THE ASSESSMENT PROGRAM UNDER FORMER 1970 PA 38, THE SUPERINTENDENT OF PUBLIC EDUCATION SHALL MAINTAIN A STATEWIDE PROGRAM OF ASSESSMENT OF EDUCATIONAL PROGRESS IN THE BASIC SKILLS AS PROVIDED UNDER THIS SECTION. THE PROGRAM MAY BE KNOWN AS THE MICHIGAN EDUCATIONAL ASSESSMENT PROGRAM (MEAP) AND SHALL ASSESS BASIC SKILLS IN READING, MATHEMATICS, LANGUAGE ARTS, SCIENCE, AND OTHER GENERAL SUBJECT AREAS IDENTIFIED BY THE DEPARTMENT. THE PROGRAM SHALL DO ALL OF THE FOLLOWING:**

**(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 THESE BASIC SKILLS.**

**(C) PROVIDE SCHOOL SYSTEMS WITH STRONG INCENTIVES TO INTRODUCE EDUCATIONAL PROGRAMS TO IMPROVE THE EDUCATION OF STUDENTS IN THESE**

1 BASIC SKILLS AND MODEL PROGRAMS TO RAISE THE LEVEL OF ACHIEVEMENT  
2 OF STUDENTS.

3 (D) DEVELOP A SYSTEM FOR EDUCATIONAL SELF-RENEWAL THAT WOULD  
4 CONTINUOUSLY EVALUATE THE PROGRAMS AND BY THIS MEANS HELP EACH  
5 SCHOOL TO DISCOVER AND INTRODUCE PROGRAM CHANGES THAT ARE MOST  
6 LIKELY TO IMPROVE THE QUALITY OF EDUCATION.

7 (E) PROVIDE THE PUBLIC PERIODICALLY WITH INFORMATION  
8 CONCERNING THE PROGRESS OF THE STATE SYSTEM OF EDUCATION. THE  
9 PROGRAMS SHALL EXTEND CURRENT DEPARTMENT OF EDUCATION EFFORTS TO  
10 CONDUCT PERIODIC AND COMPREHENSIVE ASSESSMENT OF EDUCATIONAL  
11 PROGRESS.

12 (2) THE MICHIGAN EDUCATIONAL ASSESSMENT PROGRAM SHALL COVER  
13 ALL PUBLIC SCHOOL PUPILS ANNUALLY IN ALL OF GRADES 3 TO 8, AS  
14 REQUIRED UNDER THE NO CHILD LEFT BEHIND ACT OF 2001, PUBLIC LAW  
15 107-110. IF THE FEDERAL GOVERNMENT REQUIRES ASSESSMENTS AT  
16 ADDITIONAL GRADE LEVELS UNDER THE NO CHILD LEFT BEHIND ACT OF 2001,  
17 PUBLIC LAW 107-110, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL  
18 ENSURE THAT THIS STATE COMPLIES WITH THOSE REQUIREMENTS.

19 (3) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL SUPERVISE  
20 THE MICHIGAN EDUCATIONAL ASSESSMENT PROGRAM AND MAY UTILIZE THE  
21 ASSISTANCE OF APPROPRIATE TESTING ORGANIZATIONS OR TESTING  
22 SPECIALISTS. ALL OF THE FOLLOWING APPLY TO THE ASSESSMENT PROGRAM:

23 (A) NOT LATER THAN OCTOBER 1, 2009, THE SUPERINTENDENT OF  
24 PUBLIC INSTRUCTION SHALL SELECT FOR EACH SUBJECT AREA AT EACH GRADE  
25 LEVEL COVERED BY THE PROGRAM A NATIONALLY RECOGNIZED, COMMERCIALY  
26 AVAILABLE ASSESSMENT INSTRUMENT AND SHALL MAKE THE ASSESSMENT  
27 AVAILABLE TO SCHOOL DISTRICTS AND PUBLIC SCHOOL ACADEMIES.

1 (B) BEGINNING IN THE 2009-2010 SCHOOL YEAR, THE BOARD OF A  
2 SCHOOL DISTRICT, OR THE BOARD OF DIRECTORS OF A PUBLIC SCHOOL  
3 ACADEMY THAT OPERATES ANY OF GRADES 3 TO 8, SHALL ADMINISTER THE  
4 ASSESSMENTS SELECTED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION  
5 UNDER SUBDIVISION (A) EACH SCHOOL YEAR TO ALL PUPILS IN EACH OF  
6 THOSE GRADES. THE ADMINISTRATION AND GRADING OF THE ASSESSMENTS AND  
7 REPORTING OF THE RESULTS SHALL BE AS PRESCRIBED BY THE  
8 SUPERINTENDENT OF PUBLIC INSTRUCTION.

9 (C) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ENSURE THAT  
10 ANY CONTRACTOR USED FOR SCORING AN ASSESSMENT INSTRUMENT SUPPLIES  
11 AN INDIVIDUAL REPORT FOR EACH STUDENT THAT WILL ALLOW THE STUDENT'S  
12 PARENTS AND TEACHERS TO ASSESS AND REMEDY PROBLEMS BEFORE THE  
13 STUDENT MOVES TO THE NEXT GRADE.

14 (D) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ENSURE THAT  
15 ANY CONTRACTOR USED FOR SCORING, DEVELOPING, OR PROCESSING AN  
16 ASSESSMENT INSTRUMENT MEETS QUALITY MANAGEMENT STANDARDS COMMONLY  
17 USED IN THE ASSESSMENT INDUSTRY.

18 (E) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ENSURE THAT  
19 ANY CONTRACT IT ENTERS INTO FOR SCORING OR ADMINISTERING AN  
20 ASSESSMENT INSTRUMENT INCLUDES SPECIFIC DEADLINES FOR ALL STEPS OF  
21 THE ASSESSMENT PROCESS, INCLUDING, BUT NOT LIMITED TO, DEADLINES  
22 FOR THE CORRECT TESTING MATERIALS TO BE SUPPLIED TO SCHOOLS AND FOR  
23 THE CORRECT RESULTS TO BE RETURNED TO SCHOOLS, AND INCLUDES  
24 PENALTIES FOR NONCOMPLIANCE WITH THESE DEADLINES.

25 (F) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ENSURE THAT  
26 THE ASSESSMENT INSTRUMENTS MEET ALL OF THE FOLLOWING:

27 (i) ARE DESIGNED TO TEST STUDENTS ON BASIC SKILLS IN ALL

1     SUBJECTS TESTED FOR EACH GRADE LEVEL TESTED.

2             (ii) COMPLY WITH REQUIREMENTS OF THE NO CHILD LEFT BEHIND ACT  
3     OF 2001, PUBLIC LAW 107-110.

4             (iii) ARE 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) ARE FACTUALLY ACCURATE.

8             (4) THE MICHIGAN EDUCATIONAL ASSESSMENT PROGRAM SHALL ASSESS  
9     COMPETENCIES IN THE BASIC SKILLS AND COLLECT AND UTILIZE OTHER  
10    RELEVANT INFORMATION ESSENTIAL TO THE ASSESSMENT PROGRAM.

11            (5) BASED ON INFORMATION FROM THE MICHIGAN EDUCATIONAL  
12    ASSESSMENT PROGRAM, THE PUBLIC SCHOOLS SHALL IDENTIFY STUDENTS WHO  
13    HAVE EXTRAORDINARY NEED FOR ASSISTANCE TO IMPROVE THEIR COMPETENCE  
14    IN THE BASIC SKILLS AND SHALL IDENTIFY STUDENTS WHO HAVE  
15    DEMONSTRATED EXTRAORDINARY COMPETENCE IN MULTIPLE SUBJECT AREAS WHO  
16    SHOULD BE RECOMMENDED FOR ADVANCEMENT.

17            (6) INFORMATION FROM THE MICHIGAN EDUCATIONAL ASSESSMENT  
18    PROGRAM SHALL BE GIVEN TO EACH SCHOOL AS SOON AS POSSIBLE TO ASSIST  
19    IT IN ITS EFFORTS TO IMPROVE THE ACHIEVEMENT OF STUDENTS IN THE  
20    BASIC SKILLS.

21            (7) THE DEPARTMENT SHALL TAKE ALL STEPS NECESSARY, INCLUDING,  
22    BUT NOT LIMITED TO, CONDUCTING A CONTENT ALIGNMENT STUDY AND  
23    STATISTICAL ANALYSES, TO OBTAIN THE APPROVAL OF THE UNITED STATES  
24    DEPARTMENT OF EDUCATION TO USE THE ASSESSMENTS SELECTED AND  
25    ADMINISTERED UNDER THIS SECTION THE PURPOSES OF THE NO CHILD LEFT  
26    BEHIND ACT OF 2001, PUBLIC LAW 107-110, BY NOT LATER THAN DECEMBER  
27    31, 2009 OR AS SOON THEREAFTER AS POSSIBLE.

1 Enacting section 1. 1970 PA 38, MCL 388.1081 to 388.1086, is  
2 repealed effective December 31, 2009.