

HOUSE BILL NO. 5734

April 24, 2020, Introduced by Rep. Iden and referred to the Committee on Government Operations.

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 sections 1851b and 1851c.

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



1 Michigan merit examination in grade 11, as provided in this
2 section.

3 (2) For the purposes of this section, the department of
4 technology, management, and budget shall contract with 1 or more
5 providers to develop, supply, and score the Michigan merit
6 examination. The Michigan merit examination ~~shall~~**must** consist of
7 all of the following:

8 (a) Assessment instruments that measure English language arts,
9 mathematics, reading, and science and are used by colleges and
10 universities in this state for entrance or placement purposes. This
11 ~~shall include~~**includes** a writing component in which the pupil
12 produces an extended writing sample. The Michigan merit examination
13 ~~shall~~**must** not require any other extended writing sample.

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

24 (c) A social studies component.

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



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

3 (a) The department of technology, management, and budget and
4 the superintendent of public instruction shall ensure that any
5 contractor used for scoring the Michigan merit examination supplies
6 an individual report for each pupil that will identify for the
7 pupil's parents and teachers whether the pupil met expectations or
8 failed to meet expectations for each standard, to allow the pupil's
9 parents and teachers to assess and remedy problems before the pupil
10 moves to the next grade.

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

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

29 (d) The superintendent of public instruction shall ensure that



1 the Michigan merit examination meets all of the following:

2 (i) Is designed to test pupils on grade level content
3 expectations or course content expectations, as appropriate, in all
4 subjects tested.

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

8 (iii) Is consistent with the code of fair testing practices in
9 education prepared by the joint committee on testing practices of
10 the American Psychological Association.

11 (iv) Is factually accurate. If the superintendent of public
12 instruction determines that a question is not factually accurate
13 and should be excluded from scoring, the state board and the
14 superintendent of public instruction shall ensure that the question
15 is excluded from scoring.

16 (4) A school district or public school academy that operates a
17 high school shall include on each pupil's high school transcript
18 all of the following:

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

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

26 (5) The superintendent of public instruction shall work with
27 the provider or providers of the Michigan merit examination to
28 produce Michigan merit examination subject area scores for each
29 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) The Michigan merit examination ~~shall~~**must** 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~~**must** indicate at least the pupil's scaled
14 score for each subject area component and the range of scaled
15 scores for each subject area. In reporting the scores to pupils,
16 parents, and schools, the superintendent of public instruction
17 shall provide standards-specific, meaningful, and timely feedback
18 on the pupil's performance on the Michigan merit examination.

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



1 responsibility of the pupil unless all of the following are met:

2 (a) The pupil has taken the complete Michigan merit
3 examination.

4 (b) The pupil meets the income eligibility criteria for free
5 breakfast, lunch, or milk, as determined under the Richard B.
6 Russell national school lunch act, 42 USC 1751 to 1769j.

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

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

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

28 (9) A school district or public school academy shall provide
29 accommodations to a pupil with disabilities for the Michigan merit



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

10 (10) To the greatest extent possible, the Michigan merit
11 examination ~~shall~~**must** be based on grade level content expectations
12 or course content expectations, as appropriate. Not later than July
13 1, 2008, the department shall identify specific grade level content
14 expectations to be taught before and after the middle of grade 11,
15 so that teachers will know what content will be covered within the
16 Michigan merit examination.

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



1 district, the scores for that child are not considered for any
2 purpose to be scores of a pupil of the school district.

3 (12) In contracting under subsection (2), the department of
4 technology, management, and budget shall consider a contractor that
5 provides electronically-scored essays with the ability to score
6 constructed response feedback in multiple languages and provide
7 ongoing instruction and feedback.

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

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



1 (15) As used in this section:

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

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

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

7 **Sec. 1851b. (1) Notwithstanding any provision of this act to**
8 **the contrary and subject to subsection (2), all orders, rules,**
9 **regulations, proclamations, directives, and provisions, except for**
10 **orders, rules, regulations, proclamations, directives, and**
11 **provisions related to the public school employees retirement act of**
12 **1979, 1980 PA 300, MCL 38.1301 to 38.1437, included in Executive**
13 **Order No. 2020-35 are incorporated into this section by reference**
14 **and remain in effect for the remainder of the 2019-2020 school**
15 **year.**

16 (2) All orders, rules, regulations, proclamations, directives,
17 and provisions incorporated by reference into this section under
18 subsection (1) that are specified in Executive Order No. 2020-35 as
19 continuing beyond the remainder of the 2019-2020 school year
20 continue and remain in effect as specified in Executive Order No.
21 2020-35.

22 (3) It is the intent of the legislature to codify, as
23 specified in this section, Executive Order No. 2020-35 through the
24 amendatory act that added this section.

25 **Sec. 1851c. (1) Notwithstanding any provision of this act to**
26 **the contrary, both of the following apply until June 1, 2020 in**
27 **response to the state of emergency described in Executive Order No.**
28 **2020-51:**

29 (a) School districts and nonpublic schools should first



1 identify employees who voluntarily elect to become disaster relief
2 child care center participants before reassigning other employees
3 to work in these centers, to the extent authorized under applicable
4 contracts and laws.

5 (b) School districts and nonpublic schools may not require an
6 employee to work in a disaster relief child care center if any of
7 the following apply to the employee:

- 8 (i) The employee has a confirmed diagnosis of COVID-19.
- 9 (ii) The employee is displaying the symptoms of COVID-19.
- 10 (iii) The employee is 60 years of age or older.
- 11 (iv) The employee has an underlying condition that places the
12 employee at an elevated risk of serious illness from COVID-19.
- 13 (v) The employee has been in contact with someone with a
14 confirmed diagnosis of COVID-19 in the last 14 days.

15 (2) As used in this section, "disaster relief child care
16 center" means that term as defined in section 5m of 1973 PA 116,
17 MCL 722.115m.

18 Enacting section 1. This amendatory act does not take effect
19 unless Senate Bill No. _____ or House Bill No. 5736 (request no.
20 06600'20) of the 100th Legislature is enacted into law.

