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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **1561**

March 1, 2007

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The bill was read for the first time and referred to the Committee on E-12 Education

March 8, 2007

Committee Recommendation and Adoption of Report:
To Pass and re-referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to education; establishing early intervention AYP grants; increasing the
1.3 formula allowance; appropriating money; amending Minnesota Statutes 2006,
1.4 sections 125A.56; 126C.10, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2006, section 125A.56, is amended to read:

1.7 ~~125A.56 ALTERNATE INSTRUCTION REQUIRED BEFORE ASSESSMENT~~
1.8 ~~REFERRAL; WAIVER~~ EARLY INTERVENTION TO MAKE ADEQUATE
1.9 YEARLY PROGRESS REQUIRED.

1.10 (a) Before a pupil is referred for a special education assessment, the district must
1.11 conduct and document at least two instructional strategies, alternatives, or interventions
1.12 using a system of scientifically based instruction in reading and mathematics and
1.13 behavioral interventions based on the needs of the pupil while the pupil is in the regular
1.14 classroom. The pupil's teacher must provide the documentation or the district may devise
1.15 a problem-solving system to meet this requirement. A special education assessment team
1.16 may waive this requirement when they determine the pupil's need for the assessment
1.17 is urgent. This section may not be used to deny a pupil's right to a special education
1.18 assessment except that a pupil's participation in a response to the intervention system
1.19 when conducted as a part of a special education evaluation shall not be construed as a
1.20 denial of a pupil's right to a special education assessment.

1.21 (b) A school district ~~shall use alternative intervention services, including the~~
1.22 ~~assurance of mastery program under section 124D.66 and the supplemental early~~
1.23 ~~education program under section 124D.081, to serve at-risk students who demonstrate a~~
1.24 ~~need for alternative instructional strategies or interventions.~~ may meet this requirement

2.1 by establishing an early intervening, cross-categorical program that has the following
2.2 components:

2.3 (1) a system of valid and reliable general outcomes measures in reading and, to the
2.4 extent possible, in mathematics with satisfactory correlations to state testing administered
2.5 to all students in kindergarten through eighth grade at least three times per year. The
2.6 assessment must be called a benchmark assessment. Students in grades nine and above
2.7 may participate in such assessments as determined by the school. The system must have
2.8 the capability to measure frequent and continuous performance of pupils. The assessment
2.9 must be called Progress Monitoring;

2.10 (2) a system of scientifically-based instruction and intervention in reading,
2.11 mathematics, and behavioral interventions; and

2.12 (3) an organizational plan that allows teachers, paraprofessionals, and volunteers
2.13 funded through various funding streams to work as a team by grade level or other
2.14 configuration across all grades and settings to deliver instruction using a tiered model.
2.15 The team must be trained in problem-solving methodology.

2.16 (c) A site using the provisions of paragraph (b) must have its teachers and
2.17 paraprofessionals work together in a collaborative manner with students who are at risk
2.18 of not meeting standards. Staff being claimed for state special education categorical aid
2.19 may, as an intervention provided for in paragraph (b), clause (2), provide instruction to
2.20 students who are at risk of not meeting standards when instructing them in a small group,
2.21 which includes one or more students with a disability at the same instructional level and
2.22 making the same progress in the curriculum or intervention so long as the needs of the
2.23 students with disabilities are being met consistent with their individual education plans.
2.24 Schools must ensure that the needs of the student with a disability in such groupings
2.25 remain the focus of instruction. Schools must not establish permanent classes or groups
2.26 for instruction as part of meeting this requirement. To the extent allowed by federal law,
2.27 teachers and paraprofessionals shall not be considered to be supplanting funds when
2.28 instructing a group of students during the core reading or mathematics time established
2.29 by the school since such instruction supplements the capacity of the regular classroom
2.30 teacher to provide instruction.

2.31 Sec. 2. Minnesota Statutes 2006, section 126C.10, is amended by adding a subdivision
2.32 to read:

2.33 Subd. 2c. **Early intervention to make adequate yearly progress revenue.**
2.34 Early intervention adequate yearly progress (AYP) revenue for each district adopting the
2.35 provisions of section 125A.56, paragraph (b), equals:

3.1 (1) \$..... per adjusted marginal cost pupil units for the school year. This revenue
 3.2 may be used to implement the requirements of section 125A.56 and may be used for the
 3.3 costs of assessments systems including benchmark and progress monitoring systems,
 3.4 student behavioral data collection systems and measures of academic performance but
 3.5 not the cost of state assessments;

3.6 (2) \$..... per adjusted marginal cost pupil units for the school year. This revenue
 3.7 may be used for the cost of electronic instructional systems or instructional personnel
 3.8 delivering instruction outside the core curriculum; and

3.9 (3) \$..... per adjusted marginal cost pupil units for the school year. This revenue
 3.10 may be used to hire literacy and mathematics coaches, training for staff in problem
 3.11 solving, and intervention methodology. Staff must be trained in the provisions of section
 3.12 125A.56 by a grantee under section 3, subdivision 2, during the biennium.

3.13 **Sec. 3. APPROPRIATIONS.**

3.14 Subdivision 1. **Department of Education.** The sums indicated in this section are
 3.15 appropriated from the general fund to the Department of Education for the fiscal years
 3.16 designated.

3.17 Subd. 2. **Early intervention AYP technical assistance and capacity building**
 3.18 **grants.** For early intervention adequate yearly progress (AYP) technical assistance and
 3.19 capacity grants:

3.20 \$ 1,050,000 2008

3.21 \$ 1,050,000 2009

3.22 (a) Of these amounts, \$150,000 each year is for the St. Croix River Education
 3.23 District to establish the Minnesota Reading Center, which shall provide training to districts,
 3.24 professional associations, and other grantees of the commissioner, including the regional
 3.25 education units, in meeting the requirements of Minnesota Statutes, section 125A.56.

3.26 (b) Of these amounts, \$150,000 each year is for a school district, cooperative, or
 3.27 education district to establish a Minnesota mathematics center that provides training to
 3.28 districts, professional associations, and other grantees of the commissioner, including the
 3.29 regional education units, in meeting the requirements of Minnesota Statutes, section
 3.30 125A.56.

3.31 (c) Of these amounts, \$150,000 each year is for a school district, cooperative, or
 3.32 education district to establish a Minnesota positive behavioral support center that provides
 3.33 training to districts, professional associations, and other grantees of the commissioner,

4.1 including the regional education units, in meeting the requirements of Minnesota Statutes,
4.2 section 125A.56.

4.3 (d) Of these amounts, \$300,000 each year is for the University of Minnesota
4.4 Educational Psychology Department to develop and update frequent and continuous
4.5 measurements of mathematics performance and to determine correlation of these measures
4.6 to the state assessments.

4.7 (e) Of these amounts, \$300,000 each year is for the St. Croix River Education
4.8 District to develop standards and model procedures for response to intervention to be used
4.9 by grant recipients under this subdivision and to conduct a training academy for response
4.10 to intervention coaches.

4.11 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2008
4.12 and later.