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State of Minnesota
HOUSE OF REPRESENTATIVES

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

1.1 A bill for an act
1.2 relating to education; modifying the statewide testing and reporting system;
1.3 modifying graduation test requirements for certain students; amending Minnesota
1.4 Statutes 2006, section 120B.30.

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

1.6 Section 1. Minnesota Statutes 2006, section 120B.30, is amended to read:

1.7 **120B.30 STATEWIDE TESTING AND REPORTING SYSTEM.**

1.8 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts
1.9 with appropriate technical qualifications and experience and stakeholders, consistent with
1.10 subdivision 1a, shall include in the comprehensive assessment system, for each grade
1.11 level to be tested, state-constructed tests developed from and aligned with the state's
1.12 required academic standards under section 120B.021 and administered annually to all
1.13 students in grades 3 through 8 and at the high school level. A state-developed test in a
1.14 subject other than writing, developed after the 2002-2003 school year, must include both
1.15 machine-scoreable and constructed response questions. The commissioner shall establish
1.16 one or more months during which schools shall administer the tests to students each
1.17 school year. For students enrolled in grade 8 before the 2005-2006 school year, only
1.18 Minnesota basic skills tests in reading, mathematics, and writing shall fulfill students'
1.19 basic skills testing requirements for a passing state notation. The passing scores of ~~the~~
1.20 ~~state~~ basic skills tests in reading and mathematics are the equivalent of:

- 1.21 ~~(1) 70 percent correct for students entering grade 9 in 1996; and~~
- 1.22 ~~(2) 75 percent correct for students entering grade 9 in 1997 and thereafter, as based~~
- 1.23 on the first uniform test administration of February 1998.

2.1 (b) For students enrolled in grade 8 in the 2005-2006 school year and later, only
2.2 the Minnesota Comprehensive Assessments Second Edition (MCA-II) in reading,
2.3 mathematics, and writing following options shall fulfill students' academic standard state
2.4 graduation test requirements-:

2.5 (1) for reading and mathematics:

2.6 (i) obtaining an achievement level equivalent to or greater than proficient as
2.7 determined through a standard setting process on the Minnesota comprehensive
2.8 assessments in grade 10 for reading and grade 11 for mathematics or achieving a passing
2.9 score as determined through a standard setting process on the graduation-required
2.10 assessment for diploma in grade 10 for reading and grade 11 for mathematics or
2.11 subsequent retests;

2.12 (ii) achieving a passing score as determined through a standard setting process on the
2.13 state-identified language proficiency test in reading and the mathematics test for English
2.14 language learners or the graduation-required assessment for diploma equivalent of those
2.15 assessments for students designated as English language learners;

2.16 (iii) achieving an individual passing score on the graduation-required assessment
2.17 for diploma as determined by appropriate state guidelines for students with an individual
2.18 education plan or 504 plan;

2.19 (iv) obtaining achievement level equivalent to or greater than proficient as
2.20 determined through a standard setting process on the state-identified alternate assessment
2.21 or assessments in grade 10 for reading and grade 11 for mathematics for students with
2.22 an individual education plan; or

2.23 (v) achieving an individual passing score on the state-identified alternate assessment
2.24 or assessments as determined by appropriate state guidelines for students with an
2.25 individual education plan; and

2.26 (2) for writing:

2.27 (i) achieving a passing score on the graduation-required assessment for diploma;

2.28 (ii) achieving a passing score as determined through a standard setting process on
2.29 the state-identified language proficiency test in writing for students designated as English
2.30 language learners;

2.31 (iii) achieving an individual passing score on the graduation-required assessment
2.32 for diploma as determined by appropriate state guidelines for students with an individual
2.33 education plan or 504 plan; or

2.34 (iv) achieving an individual passing score on the state-identified alternate assessment
2.35 or assessments as determined by appropriate state guidelines for students with an
2.36 individual education plan.

3.1 The commissioner shall establish rules for the proper implementation,
 3.2 administration, and public review of the state graduation tests.

3.3 ~~(b)~~ (c) The ~~third~~ 3rd through 8th grade and high school level test results shall
 3.4 be available to districts for diagnostic purposes affecting student learning and district
 3.5 instruction and curriculum, and for establishing educational accountability. The
 3.6 commissioner must disseminate to the public the test results upon receiving those results.

3.7 ~~(c)~~ (d) State tests must be constructed and aligned with state academic standards. The
 3.8 testing process and the order of administration shall be determined by the commissioner.
 3.9 The statewide results shall be aggregated at the site and district level, consistent with
 3.10 subdivision 1a.

3.11 ~~(d)~~ (e) In addition to the testing and reporting requirements under this section, the
 3.12 commissioner shall include the following components in the statewide public reporting
 3.13 system:

3.14 (1) uniform statewide testing of all students in grades 3 through 8 and at the high
 3.15 school level that provides technically sound accommodations, alternate assessments, or
 3.16 exemptions consistent with applicable federal law, only with parent or guardian approval,
 3.17 for those very few students for whom the student's individual education plan team under
 3.18 sections 125A.05 and 125A.06; determines that the general statewide test is inappropriate
 3.19 for a student is incapable of taking a statewide test, or for a limited English proficiency
 3.20 student under section 124D.59, subdivision 2, ~~if the student has been in the United States~~
 3.21 ~~for fewer than three years;~~

3.22 (2) educational indicators that can be aggregated and compared across school
 3.23 districts and across time on a statewide basis, including average daily attendance, high
 3.24 school graduation rates, and high school drop-out rates by age and grade level;

3.25 (3) ~~students' scores~~ state results on the American College Test; and

3.26 (4) state results from participation in the National Assessment of Educational
 3.27 Progress so that the state can benchmark its performance against the nation and other
 3.28 states, and, where possible, against other countries, and contribute to the national effort
 3.29 to monitor achievement.

3.30 ~~(e) Districts must report exemptions under paragraph (d), clause (1), to the~~
 3.31 ~~commissioner consistent with a format provided by the commissioner.~~

3.32 Subd. 1a. **Statewide and local assessments; results.** (a) The commissioner must
 3.33 develop reading, mathematics, and science assessments aligned with state academic
 3.34 standards that districts and sites must use to monitor student growth toward achieving
 3.35 those standards. The commissioner must not develop statewide assessments for academic

4.1 standards in social studies, health and physical education, and the arts. The commissioner
4.2 must require:

4.3 (1) annual reading and mathematics assessments in grades 3 through 8 and at the
4.4 high school level for the 2005-2006 school year and later; and

4.5 (2) annual science assessments in one grade in the grades 3 through 5 span, the
4.6 grades 6 through 9 span, and a life sciences assessment in the grades 10 through 12 span
4.7 for the 2007-2008 school year and later.

4.8 (b) The commissioner must ensure that all statewide tests administered to elementary
4.9 and secondary students measure students' academic knowledge and skills and not students'
4.10 values, attitudes, and beliefs.

4.11 (c) Reporting of assessment results must:

4.12 (1) provide timely, useful, and understandable information on the performance of
4.13 individual students, schools, school districts, and the state;

4.14 (2) include, by the 2006-2007 school year, a ~~value-added~~ component to measure
4.15 student achievement growth over time; and

4.16 (3)(i) for students enrolled in grade 8 before the 2005-2006 school year, determine
4.17 whether students have met the state's basic skills requirements; and

4.18 (ii) for students enrolled in grade 8 in the 2005-2006 school year and later, determine
4.19 whether students have met the state's academic standards.

4.20 (d) Consistent with applicable federal law and subdivision 1, paragraph (d), clause
4.21 (1), the commissioner must include technically sound accommodations or alternative
4.22 assessments for the very few students with disabilities for whom statewide assessments
4.23 are inappropriate and for students with limited English proficiency.

4.24 (e) A school, school district, and charter school must administer statewide
4.25 assessments under this section, as the assessments become available, to evaluate student
4.26 progress in achieving the academic standards. If a state assessment is not available, a
4.27 school, school district, and charter school must determine locally if a student has met
4.28 the required academic standards. A school, school district, or charter school may use a
4.29 student's performance on a statewide assessment as one of multiple criteria to determine
4.30 grade promotion or retention. A school, school district, or charter school may use a high
4.31 school student's performance on a statewide assessment as a percentage of the student's
4.32 final grade in a course, or place a student's assessment score on the student's transcript.

4.33 **Subd. 2. Department of Education assistance.** The Department of Education
4.34 shall contract for professional and technical services according to competitive bidding
4.35 procedures under chapter 16C for purposes of this section.

5.1 Subd. 3. **Reporting.** The commissioner shall report test data publicly and to
5.2 stakeholders, including the ~~three performance baselines~~ performance achievement levels
5.3 developed from students' unweighted ~~mean~~ test scores in each tested subject and a listing of
5.4 demographic factors that strongly correlate with student performance. The commissioner
5.5 shall also report data that compares performance results among school sites, school
5.6 districts, Minnesota and other states, and Minnesota and other nations. The commissioner
5.7 shall disseminate to schools and school districts a more comprehensive report containing
5.8 testing information that meets local needs for evaluating instruction and curriculum.

5.9 Subd. 4. **Access to tests.** The commissioner must adopt and publish a policy
5.10 to provide public and parental access for review of basic skills tests, Minnesota
5.11 Comprehensive Assessments, or any other such statewide test and assessment. Upon
5.12 receiving a written request, the commissioner must make available to parents or guardians
5.13 a copy of their student's actual ~~answer sheet~~ responses to the test questions to be reviewed
5.14 by the parent.