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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE No. 2291

March 21, 2007

Authored by Greiling and Slocum

The bill was read for the first time and referred to the Committee on Finance

April 30, 2008

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Ways and Means

May 1, 2008

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A bill for an act
1.2 relating to education; modifying provisions governing appeals of graduation test
1.3 scores; amending Minnesota Statutes 2006, section 120B.36, as amended.

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

1.5 Section 1. Minnesota Statutes 2006, section 120B.36, as amended by Laws 2007
1.6 chapter 14, article 2, section 11, is amended to read:

1.7 120B.36 SCHOOL ACCOUNTABILITY; APPEALS PROCESS.

1.8 Subdivision 1. School performance report cards. (a) The commissioner shall use
1.9 objective criteria based on levels of student performance to report at least student academic
1.10 performance, school safety, two separate student-to-teacher ratios that clearly indicate
1.11 the definition of teacher consistent with sections 122A.06 and 122A.15 for purposes of
1.12 determining these ratios, and staff characteristics, with a value-added component added no
1.13 later than the 2008-2009 school year. The report must indicate a school's adequate yearly
1.14 progress status, and must not set any designations applicable to high- and low-performing
1.15 schools due solely to adequate yearly progress status.

1.16 (b) The commissioner shall develop, annually update, and post on the department
1.17 Web site school performance report cards.

1.18 (c) The commissioner must make available the first performance report cards by
1.19 November 2003, and during the beginning of each school year thereafter.

1.20 (d) A school or district may appeal its adequate yearly progress or other status
1.21 determination in writing to the commissioner within 30 days of receiving the notice of its
1.22 status: determination. The commissioner must give the affected school or school district
1.23 notice and the opportunity for a hearing before an appeals advisory committee within 30
1.24 days after the commissioner receives the written appeal. The commissioner must notify

2.1 the school or district of the date, time, and place of the hearing at least 21 days before
2.2 the hearing date. Within 30 days after the hearing, the appeals advisory committee must
2.3 submit a written recommendation to the commissioner regarding whether to grant or
2.4 deny the appeal and include the reasons for its recommendation. The commissioner must
2.5 finally decide an appeal based on an objective evaluation and must make and transmit to
2.6 the school or district the commissioner's evaluation and final decision within 15 days of
2.7 receiving the advisory committee recommendation. The commissioner, after consulting
2.8 with the appeals advisory committee, may postpone the hearing date under special
2.9 circumstances. The appeals advisory committee is composed of five members:

2.10 (1) a representative of a statewide professional teachers organization selected by the
2.11 organization;

2.12 (2) a representative of a statewide organization of school administrators selected
2.13 by the organization;

2.14 (3) a representative of a statewide parent and teachers organization selected by the
2.15 organization;

2.16 (4) a representative of a statewide commerce organization having a significant
2.17 interest in kindergarten through grade 12 education selected by the organization; and

2.18 (5) a representative of a statewide school boards association selected by the
2.19 organization.

2.20 Membership terms and removal of members are governed by section 15.059, except
2.21 that the terms are three years. The commissioner may reimburse members for expenses
2.22 under section 15.059 only if federal funding is available for this purpose. The appeals
2.23 advisory committee does not expire.

2.24 The commissioner must seek the advice of the appeals advisory committee before
2.25 deciding an appeal. The commissioner's decision to uphold or deny an appeal is final.

2.26 (e) School performance report cards data are nonpublic data under section 13.02,
2.27 subdivision 9, until not later than ten days after the appeal procedure described in
2.28 paragraph (d) concludes. The department shall annually post school performance report
2.29 cards to its public Web site no later than September 1.

2.30 Subd. 1a. **GRAD test appeals.** (a) Consistent with this subdivision, the
2.31 commissioner must collaborate with high school teachers, high school administrators,
2.32 parents of high school students, school district assessment directors, higher education
2.33 faculty with expertise in kindergarten through grade 12 education and assessment, and
2.34 other interested experts and stakeholders to establish a timely, transparent, and data-based
2.35 appeals process that allows school districts, at their discretion, to grant a diploma to high

3.1 school seniors in the 2008-2009, 2009-2010, and 2010-2011 school years who do not
3.2 receive a passing score on the state reading or mathematics GRAD test.

3.3 (b) A high school student in the 2008-2009, 2009-2010, or 2010-2011 school
3.4 year who does not receive a passing score on the state reading or mathematics GRAD
3.5 test by April of the student's senior year may appeal to the chief administrator of the
3.6 high school where the student is enrolled, in the form and manner the commissioner
3.7 determines, requesting that the school district grant the student a high school diploma
3.8 without passing the reading or mathematics GRAD test. The high school administrator,
3.9 in collaboration with teachers and other school staff selected by the administrator,
3.10 must formally decide whether or not to grant the student a high school diploma based
3.11 on multiple, well-understood measures of student learning that measurement experts
3.12 have determined to be valid and reliable and that are available to the educators deciding
3.13 whether or not to grant the student's request. School district officials must use the data
3.14 that form the bases of the student appeals under this subdivision, where appropriate, to
3.15 revise district curriculum to ensure that all students have an equal opportunity to learn and
3.16 provide appropriate academic intervention and remediation to students who fail to pass the
3.17 state's reading or mathematics GRAD test.

3.18 (c) The commissioner must evaluate the effectiveness and impact of the appeals
3.19 process and recommend to the legislature by February 1, 2011, whether or not to continue
3.20 the appeals process under this subdivision. If the commissioner recommends continuing
3.21 this process, the commissioner also must recommend student performance levels for the
3.22 state reading and mathematics GRAD tests and the appropriate indicators for school
3.23 districts to consider in deciding whether or not to grant a diploma to high school seniors
3.24 who do not receive a passing score on the state reading or mathematics GRAD test.

3.25 **Subd. 2. Adequate yearly progress data.** All data the department receives, collects,
3.26 or creates for purposes of determining adequate yearly progress designations under
3.27 Public Law 107-110, section 1116, are nonpublic data under section 13.02, subdivision
3.28 9, until not later than ten days after the appeal procedure described in subdivision 1,
3.29 paragraph (d), concludes. Districts must provide parents sufficiently detailed summary
3.30 data to permit parents to appeal under Public Law 107-110, section 1116(b)(2). The
3.31 department shall annually post adequate yearly progress data to its public Web site no
3.32 later than September 1.

3.33 **Sec. 2. DEPARTMENT OF EDUCATION REPORT.**

3.34 The Department of Education must submit a report to the education committees
3.35 of the legislature by January 15, 2009, analyzing existing stand-alone school district

- 4.1 reporting requirements and recommend the elimination of any district reports that are
- 4.2 duplicative of other data already collected by the department.