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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-FIFTH  
SESSION

**HOUSE FILE No. 3329**

February 21, 2008

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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; establishing state measures of academic success; amending  
1.3 Minnesota Statutes 2006, sections 120B.31, as amended; 120B.35, as amended;  
1.4 120B.36, as amended; 120B.362; Minnesota Statutes 2007 Supplement, section  
1.5 120B.30; proposing coding for new law in Minnesota Statutes, chapter 120B.

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

1.7 Section 1. [120B.299] DEFINITIONS.

1.8 Subdivision 1. **Definitions.** The definitions in this section apply to this chapter.

1.9 Subd. 2. **Growth.** "Growth" compares the difference between a student's  
1.10 achievement score at two distinct points in time.

1.11 Subd. 3. **Value-added.** "Value-added" is the amount of achievement a student  
1.12 demonstrates above an established baseline.

1.13 Subd. 4. **Growth-based value-added.** "Growth-based value-added" is a  
1.14 value-added system of assessments that measures the difference between an established  
1.15 baseline of growth and a student's growth over time.

1.16 Subd. 5. **Progress.** "Progress" compares the average achievement of two different  
1.17 groups of students at two different points in time. Growth, unlike progress, allows  
1.18 educators to compare one student's achievement over time.

1.19 Subd. 6. **State growth norm.** "State growth norm" is an established statewide  
1.20 average, percentile, or standard applicable to all students in a particular grade  
1.21 benchmarked to an established school year. Beginning in the 2008-2009 school year, the  
1.22 state growth norm is benchmarked to 2007-2008 school year data until the commissioner  
1.23 next changes the vertically linked scale score. Each time the commissioner changes the  
1.24 vertically linked scale score, the Minnesota Assessment Group and the Local Assessment  
1.25 and Accountability Advisory Committee, in collaboration with the Independent Office of

2.1 Educational Accountability under section 120B.31, subdivision 3, must establish a new  
2.2 state growth norm that the commissioner must implement consistent with the revised  
2.3 standards. For each newly established state growth norm, the commissioner also must  
2.4 establish criteria for identifying schools and school districts that demonstrate exceptional  
2.5 growth in order to advance educators' professional development and to replicate programs  
2.6 that succeed in meeting students' diverse learning needs.

2.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.8 Sec. 2. Minnesota Statutes 2007 Supplement, section 120B.30, is amended to read:

2.9 **120B.30 STATEWIDE TESTING AND REPORTING SYSTEM.**

2.10 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts  
2.11 with appropriate technical qualifications and experience and stakeholders, consistent with  
2.12 subdivision 1a, shall include in the comprehensive assessment system, for each grade  
2.13 level to be tested, state-constructed tests developed from and aligned with the state's  
2.14 required academic standards under section 120B.021 and administered annually to all  
2.15 students in grades 3 through 8 and at the high school level. A state-developed test in a  
2.16 subject other than writing, ~~developed after the 2002-2003 school year,~~ must include both  
2.17 machine-scoreable and constructed response questions. The commissioner shall establish  
2.18 one or more months during which schools shall administer the tests to students each  
2.19 school year. For students enrolled in grade 8 before the 2005-2006 school year, only  
2.20 Minnesota basic skills tests in reading, mathematics, and writing shall fulfill students'  
2.21 basic skills testing requirements for a passing state notation. The passing scores of basic  
2.22 skills tests in reading and mathematics are the equivalent of 75 percent correct for students  
2.23 entering grade 9 ~~in 1997 and thereafter, as based on the first uniform test administration of~~  
2.24 administered in February 1998.

2.25 (b) For students enrolled in grade 8 in the 2005-2006 school year and later, only the  
2.26 following options shall fulfill students' state graduation test requirements:

2.27 (1) for reading and mathematics:

2.28 (i) obtaining an achievement level equivalent to or greater than proficient as  
2.29 determined through a standard setting process on the Minnesota comprehensive  
2.30 assessments in grade 10 for reading and grade 11 for mathematics or achieving a passing  
2.31 score as determined through a standard setting process on the graduation-required  
2.32 assessment for diploma in grade 10 for reading and grade 11 for mathematics or  
2.33 subsequent retests;

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

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

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

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

3.15 (2) for writing:

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

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

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

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

3.26 (c) The 3rd through 8th grade and high school level test results shall be available  
 3.27 to districts for diagnostic purposes affecting student learning and district instruction and  
 3.28 curriculum, and for establishing educational accountability. The commissioner must  
 3.29 disseminate to the public the test results upon receiving those results.

3.30 (d) State tests must be constructed and aligned with state academic standards. The  
 3.31 commissioner shall determine the testing process and the order of administration ~~shall be~~  
 3.32 ~~determined by the commissioner~~. The statewide results shall be aggregated at the site and  
 3.33 district level, consistent with subdivision 1a.

3.34 (e) In addition to the testing and reporting requirements under this section, the  
 3.35 commissioner shall include the following components in the statewide public reporting  
 3.36 system:

4.1 (1) uniform statewide testing of all students in grades 3 through 8 and at the high  
4.2 school level that provides appropriate, technically sound accommodations, alternate  
4.3 assessments, or exemptions consistent with applicable federal law, only with parent or  
4.4 guardian approval, for those very few students for whom the student's individual education  
4.5 plan team under sections 125A.05 and 125A.06 determines that the general statewide test  
4.6 is inappropriate for a student, or for a limited English proficiency student under section  
4.7 124D.59, subdivision 2;

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

4.11 (3) state results on the American College Test; and

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

4.16 Subd. 1a. **Statewide and local assessments; results.** (a) The commissioner must  
4.17 develop reading, mathematics, and science assessments aligned with state academic  
4.18 standards that districts and sites must use to monitor student growth toward achieving  
4.19 those standards. The commissioner must not develop statewide assessments for academic  
4.20 standards in social studies, health and physical education, and the arts. The commissioner  
4.21 must require:

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

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

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

4.30 (c) Reporting of assessment results must:

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

4.33 (2) include, by no later than the 2008-2009 school year, a growth-based value-added  
4.34 ~~component that is in addition to a measure for student achievement growth over time~~  
4.35 indicator of student achievement under section 120B.35, subdivision 3, paragraph (b); and

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

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

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

5.9 (e) A school, school district, and charter school must administer statewide  
5.10 assessments under this section, as the assessments become available, to evaluate student  
5.11 ~~progress in achieving the~~ proficiency in the context of the state's grade level academic  
5.12 standards. If a state assessment is not available, a school, school district, and charter  
5.13 school must determine locally if a student has met the required academic standards. A  
5.14 school, school district, or charter school may use a student's performance on a statewide  
5.15 assessment as one of multiple criteria to determine grade promotion or retention. A  
5.16 school, school district, or charter school may use a high school student's performance on a  
5.17 statewide assessment as a percentage of the student's final grade in a course, or place a  
5.18 student's assessment score on the student's transcript.

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

5.22 Subd. 3. **Reporting.** The commissioner shall report test data publicly and to  
5.23 stakeholders, including the performance achievement levels developed from students'  
5.24 unweighted test scores in each tested subject and a listing of demographic factors that  
5.25 strongly correlate with student performance. The commissioner shall also report data that  
5.26 compares performance results among school sites, school districts, Minnesota and other  
5.27 states, and Minnesota and other nations. The commissioner shall disseminate to schools  
5.28 and school districts a more comprehensive report containing testing information that  
5.29 meets local needs for evaluating instruction and curriculum.

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

5.36 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.1 Sec. 3. Minnesota Statutes 2006, section 120B.31, as amended by Laws 2007, chapter  
6.2 146, article 2, section 10, is amended to read:

6.3 **120B.31 SYSTEM ACCOUNTABILITY ~~AND STATISTICAL~~**  
6.4 **~~ADJUSTMENTS.~~**

6.5 Subdivision 1. **Educational accountability and public reporting.** Consistent  
6.6 with the ~~process~~ direction to adopt a ~~results-oriented graduation rule~~ statewide academic  
6.7 standards under section 120B.02, the department, in consultation with education and other  
6.8 system stakeholders, must ~~establish~~ maintain a coordinated and comprehensive system of  
6.9 educational accountability and public reporting that promotes ~~higher~~ greater academic  
6.10 achievement, preparation for higher academic education, preparation for the world of  
6.11 work, responsible citizenship, and the arts.

6.12 Subd. 2. **Statewide testing.** Each school year, all school districts shall give a  
6.13 uniform statewide test to students at specified grades to provide information on the status,  
6.14 needs and performance of Minnesota students.

6.15 Subd. 3. **Educational accountability.** (a) The Independent Office of Educational  
6.16 Accountability, as authorized by Laws 1997, First Special Session chapter 4, article 5,  
6.17 section 28, subdivision 2, is established, and shall be funded through the Board of Regents  
6.18 of the University of Minnesota. The office shall advise the education committees of  
6.19 the legislature and the commissioner of education, at least on a biennial basis, on the  
6.20 degree to which the statewide educational accountability and reporting system includes a  
6.21 comprehensive assessment framework that measures school accountability for students  
6.22 achieving the goals described in the state's ~~results-oriented~~ high school graduation  
6.23 rule. The office shall determine and annually report to the legislature whether and how  
6.24 effectively:

6.25 (1) the statewide system of educational accountability ~~utilizes~~ uses multiple  
6.26 indicators to provide valid and reliable comparative and contextual data on students,  
6.27 schools, districts, and the state, and if not, recommend ways to improve the accountability  
6.28 reporting system;

6.29 (2) ~~the commissioner makes statistical adjustments when reporting student data over~~  
6.30 ~~time, consistent with clause (4);~~

6.31 (3) ~~the commissioner uses indicators of student achievement growth~~ a growth-based  
6.32 value-added indicator of student achievement over time ~~and a value-added assessment~~  
6.33 ~~model~~ that estimates the effects of the school and school district on student achievement to  
6.34 measure school performance, consistent with section ~~120B.36, subdivision 1~~ 120B.35,  
6.35 subdivision 3, paragraph (b);

7.1 ~~(4)~~ (3) the commissioner makes data available on students who do not pass one or  
 7.2 more of the state's required GRAD tests and do not receive a diploma as a consequence,  
 7.3 and categorizes these data according to gender, race, eligibility for free or reduced lunch,  
 7.4 and English language proficiency; and

7.5 ~~(5)~~ (4) the commissioner fulfills the requirements under section 127A.095,  
 7.6 subdivision 2.

7.7 (b) When the office reviews the statewide educational accountability and reporting  
 7.8 system, it shall also consider:

7.9 (1) the objectivity and neutrality of the state's educational accountability system; and

7.10 (2) the impact of a testing program on school curriculum and student learning.

7.11 Subd. 4. **Statistical adjustments; student performance data.** In ~~developing~~  
 7.12 managing policies and assessment processes to hold schools and districts accountable  
 7.13 for high levels of academic standards under section 120B.021, the commissioner shall  
 7.14 aggregate student data over time to report student performance and growth levels  
 7.15 measured at the school, school district, regional, ~~or~~ and statewide level. When collecting  
 7.16 and reporting the performance data, the commissioner shall: (1) acknowledge the impact  
 7.17 of significant demographic factors such as residential instability, the number of single  
 7.18 parent families, parents' level of education, and parents' income level on school outcomes;  
 7.19 and (2) organize and report the data so that state and local policy makers can understand  
 7.20 the educational implications of changes in districts' demographic profiles over time. Any  
 7.21 report the commissioner disseminates containing summary data on student performance  
 7.22 must integrate student performance and the demographic factors that strongly correlate  
 7.23 with that performance.

7.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

7.25 Sec. 4. Minnesota Statutes 2006, section 120B.35, as amended by Laws 2007, chapter  
 7.26 147, article 8, section 38, is amended to read:

7.27 **120B.35 STUDENT ACADEMIC ACHIEVEMENT AND ~~PROGRESS~~**  
 7.28 **GROWTH.**

7.29 Subdivision 1. ~~Adequate yearly progress of schools and students~~ **School and**  
 7.30 **student indicators of growth and achievement.** The commissioner must ~~develop~~  
 7.31 ~~and implement~~ maintain a system for measuring and reporting academic achievement  
 7.32 and individual student ~~progress~~ growth, consistent with the statewide educational  
 7.33 accountability and reporting system. The system components ~~of the system~~ must measure  
 7.34 the adequate yearly progress of schools and the growth of individual students: students'

8.1 current achievement in schools under subdivision 2; and individual students' educational  
 8.2 ~~progress growth~~ over time under subdivision 3. The system also must include statewide  
 8.3 measures of student academic ~~achievement growth~~ that identify schools with high levels  
 8.4 of ~~achievement growth~~, and also schools with low levels of ~~achievement growth~~ that need  
 8.5 improvement. When determining a school's effect, the data must include both statewide  
 8.6 measures of student achievement and, ~~to the extent annual tests are administered,~~  
 8.7 indicators of achievement growth that take into account a student's prior achievement.  
 8.8 Indicators of achievement and prior achievement must be based on highly reliable  
 8.9 statewide or districtwide assessments. Indicators that take into account a student's prior  
 8.10 achievement must not be used to disregard a school's low achievement or to exclude  
 8.11 a school from a program to improve low achievement levels. ~~The commissioner by~~  
 8.12 ~~January 15, 2002, must submit a plan for integrating these components to the chairs of~~  
 8.13 ~~the legislative committees having policy and budgetary responsibilities for elementary~~  
 8.14 ~~and secondary education.~~

8.15 Subd. 2. **Expectations for federally mandated student academic achievement.**

8.16 (a) Each school year, a school district must determine if the student achievement levels  
 8.17 at each school site meet ~~state and local~~ federally mandated expectations. If student  
 8.18 achievement levels at a school site do not meet ~~state and local~~ federally mandated  
 8.19 expectations and the site has not made adequate yearly progress for two consecutive  
 8.20 school years, beginning with the 2001-2002 school year, the district must work with the  
 8.21 school site to adopt a plan to raise student achievement levels to meet ~~state and local~~  
 8.22 federally mandated expectations. The commissioner of education shall establish student  
 8.23 academic achievement levels to comply with this paragraph.

8.24 (b) School sites identified as not meeting federally mandated expectations must  
 8.25 develop continuous improvement plans in order to meet ~~state and local~~ federally mandated  
 8.26 expectations for student academic achievement. The department, at a district's request,  
 8.27 must assist the district and the school site in developing a plan to improve student  
 8.28 achievement. The plan must include parental involvement components.

8.29 (c) The commissioner must:

8.30 (1) ~~provide assistance to~~ assist school sites and districts identified as not meeting  
 8.31 federally mandated expectations; and

8.32 (2) provide technical assistance to schools that integrate student ~~progress~~ measures  
 8.33 ~~under subdivision 3~~ in the school continuous improvement plan.

8.34 (d) The commissioner shall establish and maintain a continuous improvement Web  
 8.35 site designed to make data on every school and district available to parents, teachers,  
 8.36 administrators, community members, and the general public.

9.1 Subd. 3. **Student ~~progress assessment growth~~; other state measures.** (a)

9.2 The state's educational assessment system ~~component~~ measuring individual students'  
9.3 educational ~~progress must be growth is~~ based, ~~to the extent annual tests are administered,~~  
9.4 on indicators of achievement growth that show an individual student's prior achievement.  
9.5 Indicators of achievement and prior achievement ~~must be~~ are based on highly reliable  
9.6 statewide or districtwide assessments.

9.7 (b) The commissioner must ~~identify effective models for measuring individual~~  
9.8 ~~student progress that enable a school district or school site to perform gains-based analysis,~~  
9.9 ~~including evaluating the effects of the teacher, school, and school district on student~~  
9.10 ~~achievement over time. At least one model must be a "value-added" assessment model~~  
9.11 ~~that reliably estimates those effects for classroom settings where a single teacher teaches~~  
9.12 ~~multiple subjects to the same group of students, for team teaching arrangements, and for~~  
9.13 ~~other teaching circumstances.~~ use a growth-based value-added system. The commissioner  
9.14 must apply the state growth norm to students in grades 4 through 8 beginning in the  
9.15 2008-2009 school year. The model must allow the user to:

9.16 (1) report student growth above the state norm; and

9.17 (2) for all student categories with a cell size of at least 20, report and compare  
9.18 aggregated and disaggregated state growth data using the nine student categories identified  
9.19 under the federal 2001 No Child Left Behind Act and a tenth student gender category.

9.20 ~~(c) If a district has an accountability plan that includes gains-based analysis or~~  
9.21 ~~"value-added" assessment, the commissioner shall, to the extent practicable, incorporate~~  
9.22 ~~those measures in determining whether the district or school site meets expectations. The~~  
9.23 ~~department must coordinate with the district in evaluating school sites and continuous~~  
9.24 ~~improvement plans, consistent with best practices.~~

9.25 (c) When reporting student performance under section 120B.36, subdivision 1, the  
9.26 commissioner annually, beginning July 1, 2011, must report two core measures indicating  
9.27 the extent to which current high school graduates are being prepared for postsecondary  
9.28 academic and career opportunities:

9.29 (1) a preparation measure indicating the number and percentage of high school  
9.30 graduates in the most recent school year who completed course work important to  
9.31 preparing them for postsecondary academic and career opportunities, consistent with the  
9.32 core academic subjects required for admission to Minnesota's public four-year colleges  
9.33 and universities as determined by the Minnesota Office of Higher Education under chapter  
9.34 136A; and

9.35 (2) a rigorous coursework measure indicating the number and percentage of high  
9.36 school graduates in the most recent school year who successfully completed one or more

10.1 college-level advanced placement, international baccalaureate, postsecondary enrollment  
10.2 options, other rigorous courses of study under section 120B.021, subdivision 1a, or  
10.3 industry certification courses.

10.4 When reporting the core measures under clauses (1) and (2), the commissioner must also  
10.5 analyze and report separate categories of information using the nine student categories  
10.6 identified under the federal 2001 No Child Left Behind Act and a tenth student gender  
10.7 category.

10.8 (d) When reporting student performance under section 120B.36, subdivision 1, the  
10.9 commissioner annually, beginning July 1, 2011, must include an aggregate score showing  
10.10 students' average self-reported sense of school safety, engagement in school, and the  
10.11 quality of students' relationship with teachers, administrators, and other students. The  
10.12 commissioner must gather these data consistently from students in grade 4 or 5, in one  
10.13 grade level in grades 6 through 8, and in one grade level in high school, as determined by  
10.14 the commissioner in consultation with recognized and qualified experts.

10.15 Subd. 4. **Improving schools.** Consistent with the requirements of this section,  
10.16 the commissioner of education must ~~establish a second achievement benchmark to~~  
10.17 ~~identify improving schools. The commissioner must recommend to annually report by~~  
10.18 August 1 to the public and the legislature by February 15, 2002, indicators in addition  
10.19 ~~to the achievement benchmark for identifying improving schools, including an indicator~~  
10.20 ~~requiring a school to demonstrate ongoing successful use of best teaching practices~~ best  
10.21 practices learned from those schools that demonstrate exceptional growth compared to the  
10.22 state growth norm.

10.23 The commissioner also must use those learned best practices to provide additional  
10.24 assistance and intervention support to a district or school site that does not meet either  
10.25 federally mandated expectations or the state growth norm.

10.26 Subd. 5. **Improving graduation rates for students with emotional or behavioral**  
10.27 **disorders.** (a) A district must develop strategies in conjunction with parents of students  
10.28 with emotional or behavioral disorders and the county board responsible for implementing  
10.29 sections 245.487 to 245.4889 to keep students with emotional or behavioral disorders in  
10.30 school, when the district has a drop-out rate for students with an emotional or behavioral  
10.31 disorder in grades 9 through 12 exceeding 25 percent.

10.32 (b) A district must develop a plan in conjunction with parents of students with  
10.33 emotional or behavioral disorders and the local mental health authority to increase the  
10.34 graduation rates of students with emotional or behavioral disorders. A district with a  
10.35 drop-out rate for children with an emotional or behavioral disturbance in grades 9 through

11.1 12 that is in the top 25 percent of all districts shall submit a plan for review and oversight  
11.2 to the commissioner.

11.3 **EFFECTIVE DATE.** Subdivision 3, paragraph (b), applies to students in the  
11.4 2009-2010 school year and later. Subdivision 3, paragraph (c), applies to students in the  
11.5 2010-2011 school year and later. Subdivision 3, paragraph (d), applies to high school  
11.6 students in the 2009-2010 school year and later, and to students in any grades 4 through 8  
11.7 in the 2010-2011 school year and later, consistent with the commissioner's grade level  
11.8 determinations. Subdivision 4 applies in the 2011-2012 school year and later.

11.9 Sec. 5. Minnesota Statutes 2006, section 120B.36, as amended by Laws 2007, chapter  
11.10 146, article 2, section 11, is amended to read:

11.11 **120B.36 SCHOOL ACCOUNTABILITY; APPEALS PROCESS.**

11.12 Subdivision 1. **School performance report cards.** (a) The commissioner shall  
11.13 ~~use objective criteria based on levels of student performance to report at least~~ student  
11.14 academic performance under section 120B.35, subdivision 2, a table showing the  
11.15 percentages of students above the state growth norm under section 120B.35, subdivision 3,  
11.16 paragraph (b), school safety and student engagement under section 120B.35, subdivision  
11.17 3, paragraph (d), rigorous coursework under section 120B.35, subdivision 3, paragraph  
11.18 (c), two separate student-to-teacher ratios that clearly indicate the definition of teacher  
11.19 consistent with sections 122A.06 and 122A.15 for purposes of determining these ratios,  
11.20 ~~and staff characteristics excluding salaries, with a value-added component added no later~~  
11.21 ~~than the 2008-2009 school year~~ student enrollment demographics, district mobility, and  
11.22 extracurricular activities. The report must indicate a school's adequate yearly progress  
11.23 ~~status, and must not set any designations applicable to high- and low-performing schools~~  
11.24 ~~due solely to adequate yearly progress status.~~

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

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

11.29 (d) A school or district may appeal its adequate yearly progress status in writing to  
11.30 the commissioner within 30 days of receiving the notice of its status. The commissioner's  
11.31 decision to uphold or deny an appeal is final.

11.32 (e) School performance report ~~cards~~ card data are nonpublic data under section  
11.33 13.02, subdivision 9, until not later than ten days after the appeal procedure described in

12.1 paragraph (d) concludes. The department shall annually post school performance report  
12.2 cards to its public Web site no later than September 1.

12.3 Subd. 2. **Adequate yearly progress data.** All data the department receives,  
12.4 collects, or creates ~~for purposes of determining~~ to determine adequate yearly progress  
12.5 ~~designations~~ status under Public Law 107-110, section 1116, set state growth norms, and  
12.6 determine student growth are nonpublic data under section 13.02, subdivision 9, until not  
12.7 later than ten days after the appeal procedure described in subdivision 1, paragraph (d),  
12.8 concludes. Districts must provide parents sufficiently detailed summary data to permit  
12.9 parents to appeal under Public Law 107-110, section 1116(b)(2). The department shall  
12.10 annually post federally mandated adequate yearly progress data and state student growth  
12.11 data to its public Web site no later than September 1.

12.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.  
12.13 For purposes of subdivision 1, the commissioner of education must continue to use the  
12.14 current "School Safety Policies and Programs" measure through the 2008-2009 school  
12.15 year.

12.16 Sec. 6. Minnesota Statutes 2006, section 120B.362, is amended to read:

12.17 **120B.362 GROWTH-BASED VALUE-ADDED ASSESSMENT PROGRAM.**

12.18 ~~(a)~~ The commissioner of education must implement a growth-based value-added  
12.19 assessment program to assist school districts, public schools, and charter schools in  
12.20 assessing and reporting individual students' growth in academic achievement under section  
12.21 120B.30, subdivision 1a. The program must use assessments of individual students'  
12.22 academic achievement to make longitudinal comparisons of each student's academic  
12.23 growth over time. ~~School districts, public schools, and charter schools may apply to the~~  
12.24 ~~commissioner to participate in the initial trial program using a form and in the manner the~~  
12.25 ~~commissioner prescribes. The commissioner must select program participants from urban,~~  
12.26 ~~suburban, and rural areas throughout the state.~~

12.27 ~~(b)~~ The commissioner may issue a request for proposals to contract with an  
12.28 organization that provides a value-added assessment model that reliably estimates school  
12.29 and school district effects on students' academic achievement over time. The model the  
12.30 commissioner selects must accommodate diverse data and must use each student's test  
12.31 data across grades. Data on individual teachers generated under the model are personnel  
12.32 data under section 13.43.

12.33 ~~(c)~~ The contract under paragraph (b) must be consistent with the definition of "best  
12.34 value" under section 16C.02, subdivision 4.

13.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

13.2 Sec. 7. **IMPLEMENTING A STUDENT GROWTH-BASED VALUE-ADDED**  
13.3 **SYSTEM.**

13.4 (a) To implement the requirements of Minnesota Statutes, section 120B.35,  
13.5 subdivision 3, paragraph (b), and to help parents and members of the public compare  
13.6 the reported data, the commissioner must convene a group of expert school district  
13.7 assessment and evaluation staff, including the Minnesota Assessment Group and the  
13.8 Local Assessment and Advisory Committee, and interested stakeholders, including school  
13.9 superintendents, school principals, and school teachers to examine the actual statewide  
13.10 performance of students using Minnesota's growth-based value-added system and  
13.11 establish criteria for identifying schools and school districts that demonstrate exceptional  
13.12 growth in order to advance educators' professional development and replicate programs  
13.13 that succeed in meeting students' diverse learning needs.

13.14 (b) The commissioner must submit a written report to the education committees of  
13.15 the house of representatives and senate by February 15, 2009, describing the criteria for  
13.16 identifying schools and school districts that demonstrate exceptional growth.

13.17 **EFFECTIVE DATE.** This section is effective the day following final enactment  
13.18 and applies to school report cards in the 2008-2009 school year and later.

13.19 Sec. 8. **IMPLEMENTING RIGOROUS COURSEWORK MEASURES**  
13.20 **RELATED TO STUDENT PERFORMANCE.**

13.21 (a) To implement the requirements of Minnesota Statutes, section 120B.35,  
13.22 subdivision 3, paragraph (c), clauses (1) and (2), and to help parents and members of the  
13.23 public compare the reported data, the commissioner of education must convene a group of  
13.24 recognized and qualified experts and interested stakeholders to develop a model projecting  
13.25 anticipated performance of each high school on preparation and rigorous coursework  
13.26 measures that compares the school with similar schools. The model must use information  
13.27 about entering high school students based on particular background characteristics that  
13.28 are predictive of differing rates of college readiness. The characteristics include grade 8  
13.29 achievement levels, high school student mobility, high school student attendance, the nine  
13.30 student categories identified under the federal 2001 No Child Left Behind Act, and a tenth  
13.31 student gender category, to predict student performance on these two core measures. The  
13.32 commissioner must use the anticipated level of entering students' performance to provide  
13.33 a context for interpreting graduating students' actual performance.

14.1 (b) Consistent with paragraph (a), the commissioner also must develop an expanded  
 14.2 high school student data system to report preparation and rigorous coursework measures  
 14.3 and facilitate additional research on college readiness. This data system must expect  
 14.4 school districts and charter schools to report data to the state education department on each  
 14.5 course a high school student takes and completes. The commissioner must link the course  
 14.6 data file to the department's existing student reporting system. The data system must  
 14.7 enable the commissioner to prepare detailed reports, consistent with the requirements in  
 14.8 Minnesota Statutes, section 120B.35, subdivision 3, paragraph (c), clauses (1) and (2), and  
 14.9 support the development of a state P-16 longitudinal data system.

14.10 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 14.11 and applies to school report cards beginning July 1, 2011.

14.12 Sec. 9. **IMPLEMENTING MEASURES FOR ASSESSING STUDENTS'**  
 14.13 **SELF-REPORTED SENSE OF SCHOOL SAFETY, ENGAGEMENT IN**  
 14.14 **SCHOOL, AND THE QUALITY OF RELATIONSHIPS WITH TEACHERS,**  
 14.15 **ADMINISTRATORS, AND OTHER STUDENTS.**

14.16 (a) To implement the requirements of Minnesota Statutes, section 120B.35,  
 14.17 subdivision 3, paragraph (d), and to help parents and members of the public compare the  
 14.18 reported data, the commissioner of education, in consultation with interested stakeholders,  
 14.19 must convene a group of recognized and qualified experts to:

14.20 (1) analyze the University of Minnesota student safety and engagement instrument  
 14.21 and other commonly recognized survey instruments to select or devise the survey  
 14.22 instrument that best meets state accountability requirements;

14.23 (2) ensure that the identified survey instrument has sound psychometric properties  
 14.24 and is useful for intervention planning;

14.25 (3) determine at what grade levels to administer the survey instrument and ensure  
 14.26 that the survey instrument can be used at those grade levels; and

14.27 (4) determine through disaggregated use of survey indicators or other means how to  
 14.28 report "safety" in order to comply with federal law.

14.29 (b) The commissioner must submit a written report to the education committees of  
 14.30 the house of representatives and senate by February 15, 2009, presenting the experts'  
 14.31 responses to paragraph (a), clauses (1) to (4).

14.32 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 14.33 and applies to school report cards beginning July 1, 2011.

15.1       Sec. 10. **GROWTH-BASED VALUE-ADDED SYSTEM.**

15.2               The growth-based value-added system used by the commissioner of education to  
15.3 comply with Minnesota Statutes, section 120B.35, subdivision 3, paragraph (b), must be  
15.4 consistent with the growth-based value-added model contained in the document labeled  
15.5 "Educational Report Card Growth Model, February 2008." The document must be  
15.6 deposited with the Minnesota Office of the Revisor of Statutes, the Minnesota Legislative  
15.7 Reference Library, and the Minnesota State Law Library, where the document shall be  
15.8 maintained until the commissioner implements the growth-based value-added system  
15.9 under Minnesota Statutes, section 120B.35, subdivision 3, paragraph (b). The Minnesota  
15.10 Assessment Group must determine whether the growth-based value-added model the  
15.11 commissioner uses to comply with Minnesota Statutes, section 120B.35, subdivision 3,  
15.12 paragraph (b), is consistent with the deposited document and report its determination to  
15.13 the education committees of the house of representatives and senate by February 15, 2009.

15.14               **EFFECTIVE DATE.** This section is effective the day following final enactment.