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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **501**

February 5, 2009

Authored by Mariani, Slocum, Brown, Greiling, Dittrich and others

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

March 12, 2009

Committee Recommendation and Adoption of Report:

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

May 8, 2009

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to education; creating an alternative means of graduation for students;
1.3 studying graduation exams; amending Minnesota Statutes 2008, section 120B.30,
1.4 subdivisions 1, 1a.

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

1.6 Section 1. Minnesota Statutes 2008, section 120B.30, subdivision 1, is amended to read:

1.7 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts
1.8 with appropriate technical qualifications and experience and stakeholders, consistent with
1.9 subdivision 1a, shall include in the comprehensive assessment system, for each grade
1.10 level to be tested, state-constructed tests developed from and aligned with the state's
1.11 required academic standards under section 120B.021 and administered annually to all
1.12 students in grades 3 through 8 and at the high school level. A state-developed test in a
1.13 subject other than writing, developed after the 2002-2003 school year, must include both
1.14 ~~machine-scoreable~~ multiple choice and constructed response questions. The commissioner
1.15 shall establish one or more months during which schools shall administer the tests to
1.16 students each school year. For students enrolled in grade 8 before the 2005-2006 school
1.17 year, ~~only~~ Minnesota basic skills tests in reading, mathematics, and writing shall fulfill
1.18 students' basic skills testing requirements for a passing state notation. The passing scores
1.19 of basic skills tests in reading and mathematics are the equivalent of 75 percent correct
1.20 for students entering grade 9 in 1997 and thereafter, as based on the first uniform test
1.21 administration of February 1998. Students who have not successfully passed a Minnesota
1.22 basic skills test by the end of the 2011-2012 school year must pass the graduation-required
1.23 assessments for diploma under paragraph (b).

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

2.3 (1) for reading and mathematics:

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

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

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

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

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

2.24 (2) for writing:

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

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

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

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

2.35 (c) Students enrolled in grade 8 in any school year from the 2005-2006 school
2.36 year to the 2009-2010 school year who do not pass the mathematics graduation-required

3.1 assessment for diploma under paragraph (b) are eligible to receive a high school diploma
 3.2 with a passing state notation if they:

3.3 (1) complete with a passing score or grade all state and local coursework and credits
 3.4 required for graduation by the school board granting the students their diploma;

3.5 (2) participate in district-prescribed academic remediation in mathematics; and

3.6 (3) fully participate in at least two retest attempts after the initial spring
 3.7 administration of the mathematics graduation-required assessment for diploma or until
 3.8 they pass the mathematics graduation-required assessments for diploma, whichever
 3.9 comes first. A school district issuing a student a high school diploma in any school year
 3.10 from the 2009-2010 school year through the 2013-2014 school year must record on the
 3.11 student's high school transcript the student's score on the mathematics graduation-required
 3.12 assessments for diploma under this subdivision.

3.13 In addition, the school board granting the students their diplomas may formally
 3.14 decide to include a notation of high achievement on the high school diplomas of those
 3.15 graduating seniors who, according to established school board criteria, demonstrate
 3.16 exemplary academic achievement during high school.

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

3.21 ~~(d)~~ (e) State tests must be constructed and aligned with state academic standards. The
 3.22 testing process and the order of administration shall be determined by the commissioner.
 3.23 The statewide results shall be aggregated at the site and district level, consistent with
 3.24 subdivision 1a.

3.25 ~~(e)~~ (f) In addition to the testing and reporting requirements under this section, the
 3.26 commissioner shall include the following components in the statewide public reporting
 3.27 system:

3.28 (1) uniform statewide testing of all students in grades 3 through 8 and at the high
 3.29 school level that provides appropriate, technically sound accommodations; or alternate
 3.30 assessments, ~~or exemptions consistent with applicable federal law, only with parent or~~
 3.31 ~~guardian approval, for those very few students for whom the student's individual education~~
 3.32 ~~plan team under sections 125A.05 and 125A.06 determines that the general statewide test~~
 3.33 ~~is inappropriate for a student, or for a limited English proficiency student under section~~
 3.34 ~~124D.59, subdivision 2;~~

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

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

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

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

4.10 Paragraph (c) applies to the 2009-2010 through 2013-2014 school years only.

4.11 Notwithstanding any other law to the contrary, requirements related to the math

4.12 graduation-required assessment for diploma under this section are repealed June 30,

4.13 2014, and the commissioner of education must not implement any alternative to the math

4.14 graduation-required assessment for diploma without specific legislative authority.

4.15 Sec. 2. Minnesota Statutes 2008, section 120B.30, subdivision 1a, is amended to read:

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~~ 8 span, and a life sciences assessment in the grades ~~10~~ 9 through 12
 4.26 span ~~for the 2007-2008 school year and later~~, and the commissioner must not require
 4.27 students to achieve a passing score on high school-level science assessments under this
 4.28 clause as a condition of receiving a high school diploma.

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

4.32 (c) Reporting of assessment results must:

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

5.1 (2) include, by no later than the 2008-2009 school year, a value-added component
5.2 that is in addition to a measure for student achievement growth over time; and

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

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

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

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

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

5.21 **Sec. 3. EXAMINING THE CHARACTERISTICS AND IMPACT OF "HIGH**
5.22 **STAKES" MATH AND SCIENCE TESTS IN THE CONTEXT OF AWARDING**
5.23 **HIGH SCHOOL DIPLOMAS.**

5.24 (a) To carefully and responsibly determine the state policy of administering "high
5.25 stakes" math and science tests in the context of awarding high school diplomas, the
5.26 Independent Office of Educational Accountability under Minnesota Statutes, section
5.27 120B.31, subdivision 3, must convene and facilitate an advisory group that includes
5.28 measurement experts selected by the State Council on Measurement in Education,
5.29 three regionally diverse school district research and evaluation directors selected by the
5.30 Minnesota Assessment Group, one school superintendent selected by the Minnesota
5.31 Association of School Administrators, one high school principal selected by the Minnesota
5.32 Board of School Administrators, one University of Minnesota faculty member selected
5.33 by the dean of the College of Education and Human Development, one licensed math
5.34 teacher and one licensed science teacher selected by Education Minnesota, the director of
5.35 evaluation and testing at the Minnesota Department of Education, two parents of currently

6.1 enrolled high school students selected by the Minnesota Parent Teacher Association,
6.2 one representative of the business community selected by the Minnesota Chamber of
6.3 Commerce, one representative of the business community selected by the Minnesota
6.4 Business Partnership, one representative of Minnesota's two-year postsecondary
6.5 institutions selected by Minnesota State Colleges and Universities, one representative of
6.6 Minnesota's four-year postsecondary institutions selected by the University of Minnesota,
6.7 an interested member of the public, and mathematicians, scientists, and workforce
6.8 development experts that the Office of Educational Accountability selects to consider and
6.9 recommend how best to motivate students and improve students' academic achievement in
6.10 the context of "high stakes" math and science exams required for high school graduation.
6.11 The advisory group at least must evaluate and make recommendations on:

6.12 (1) particular kinds of math and science exams that Minnesota might use as "high
6.13 stakes" exams to award or deny students a high school diploma;

6.14 (2) appropriate levels of high school math and science proficiency and the
6.15 educational support to help students achieve those proficiency levels;

6.16 (3) the relationship between math and science proficiency levels and state definitions
6.17 of college and career readiness;

6.18 (4) the interrelationship between requiring students to demonstrate math and science
6.19 proficiency and college or career readiness, and awarding or denying students a high
6.20 school diploma;

6.21 (5) the interrelationship between "high stakes" testing and other coursework and
6.22 credits required for graduation or college and career readiness; and

6.23 (6) appropriate accommodations for students with individualized education plans
6.24 and students with limited English proficiency in some circumstances.

6.25 (b) The advisory group under paragraph (a) is not subject to Minnesota Statutes,
6.26 section 15.059. The Office of Educational Accountability must present the advisory
6.27 group's evaluation and recommendations under paragraph (a) to the education policy
6.28 and finance committees of the legislature by February 15, 2010. The advisory group
6.29 expires on June 1, 2010.

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