

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 2761

(SENATE AUTHORS: WIGER)

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Introduction and first reading
Referred to E-12 Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to education; modifying standardized assessment requirements; amending
1.3 Minnesota Statutes 2016, section 120B.30, subdivision 1a; Minnesota Statutes
1.4 2017 Supplement, sections 120B.30, subdivision 1; 120B.35, subdivision 3;
1.5 repealing Minnesota Statutes 2016, section 120B.299.

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

1.7 Section 1. Minnesota Statutes 2017 Supplement, section 120B.30, subdivision 1, is amended
1.8 to read:

1.9 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts with
1.10 appropriate technical qualifications and experience and stakeholders, consistent with
1.11 subdivision 1a, shall include in the comprehensive assessment system, for each grade level
1.12 to be tested, state-constructed tests developed as computer-adaptive reading and mathematics
1.13 assessments for students that are aligned with the state's required academic standards under
1.14 section 120B.021, include multiple choice questions, and are administered annually to all
1.15 students in grades 3 through 8. State-developed high school tests aligned with the state's
1.16 required academic standards under section 120B.021 and administered to all high school
1.17 students in a subject other than writing must include multiple choice questions. The
1.18 commissioner shall establish one or more months during which schools shall administer
1.19 the tests to students each school year.

1.20 (1) Students enrolled in grade 8 through the 2009-2010 school year are eligible to be
1.21 assessed under (i) the graduation-required assessment for diploma in reading, mathematics,
1.22 or writing under Minnesota Statutes 2012, section 120B.30, subdivision 1, paragraphs (c),
1.23 clauses (1) and (2), and (d), (ii) the WorkKeys job skills assessment, (iii) the Compass

2.1 college placement test, (iv) the ACT assessment for college admission, (v) a nationally
2.2 recognized armed services vocational aptitude test.

2.3 (2) Students enrolled in grade 8 in the 2010-2011 or 2011-2012 school year are eligible
2.4 to be assessed under (i) the graduation-required assessment for diploma in reading,
2.5 mathematics, or writing under Minnesota Statutes 2012, section 120B.30, subdivision 1,
2.6 paragraph (c), clauses (1) and (2), (ii) the WorkKeys job skills assessment, (iii) the Compass
2.7 college placement test, (iv) the ACT assessment for college admission, (v) a nationally
2.8 recognized armed services vocational aptitude test.

2.9 (3) For students under clause (1) or (2), a school district may substitute a score from an
2.10 alternative, equivalent assessment to satisfy the requirements of this paragraph.

2.11 (b) The state assessment system must be aligned to the most recent revision of academic
2.12 standards as described in section 120B.023 in the following manner:

2.13 (1) mathematics;

2.14 (i) grades 3 through 8 beginning in the 2010-2011 school year; and

2.15 (ii) high school level beginning in the 2013-2014 school year;

2.16 (2) science; grades 5 and 8 and at the high school level beginning in the 2011-2012
2.17 school year; and

2.18 (3) language arts and reading; grades 3 through 8 and high school level beginning in the
2.19 2012-2013 school year.

2.20 (c) For students enrolled in grade 8 in the 2012-2013 school year and later, students'
2.21 state graduation requirements, based on a longitudinal, systematic approach to student
2.22 education and career planning, assessment, instructional support, and evaluation, include
2.23 the following:

2.24 (1) achievement and career and college readiness in mathematics, reading, and writing,
2.25 consistent with paragraph (k) and to the extent available, to monitor students' continuous
2.26 development of and growth in requisite knowledge and skills; analyze students' progress
2.27 and performance levels, identifying students' academic strengths and diagnosing areas where
2.28 students require curriculum or instructional adjustments, targeted interventions, or
2.29 remediation; and, based on analysis of students' progress and performance data, determine
2.30 students' learning and instructional needs and the instructional tools and best practices that
2.31 support academic rigor for the student; and

(2) consistent with this paragraph and section 120B.125, age-appropriate exploration and planning activities and career assessments to encourage students to identify personally relevant career interests and aptitudes and help students and their families develop a regularly reexamined transition plan for postsecondary education or employment without need for postsecondary remediation.

Based on appropriate state guidelines, students with an individualized education program may satisfy state graduation requirements by achieving an individual score on the state-identified alternative assessments.

(d) Expectations of schools, districts, and the state for career or college readiness under this subdivision must be comparable in rigor, clarity of purpose, and rates of student completion.

A student under paragraph (c), clause (1), must receive targeted, relevant, academically rigorous, and resourced instruction, which may include a targeted instruction and intervention plan focused on improving the student's knowledge and skills in core subjects so that the student has a reasonable chance to succeed in a career or college without need for postsecondary remediation. Consistent with sections 120B.13, 124D.09, 124D.091, 124D.49, and related sections, an enrolling school or district must actively encourage a student in grade 11 or 12 who is identified as academically ready for a career or college to participate in courses and programs awarding college credit to high school students. Students are not required to achieve a specified score or level of proficiency on an assessment under this subdivision to graduate from high school.

(e) Though not a high school graduation requirement, students are encouraged to participate in a nationally recognized college entrance exam. To the extent state funding for college entrance exam fees is available, a district must pay the cost, one time, for an interested student in grade 11 or 12 who is eligible for a free or reduced-price meal, to take a nationally recognized college entrance exam before graduating. A student must be able to take the exam under this paragraph at the student's high school during the school day and at any one of the multiple exam administrations available to students in the district. A district may administer the ACT or SAT or both the ACT and SAT to comply with this paragraph. If the district administers only one of these two tests and a free or reduced-price meal eligible student opts not to take that test and chooses instead to take the other of the two tests, the student may take the other test at a different time or location and remains eligible for the examination fee reimbursement. Notwithstanding sections 123B.34 to 123B.39, a school district may require a student that is not eligible for a free or reduced-price meal to pay the

cost of taking a nationally recognized college entrance exam. The district must waive the cost for a student unable to pay.

(f) The commissioner and the chancellor of the Minnesota State Colleges and Universities must collaborate in aligning instruction and assessments for adult basic education students and English learners to provide the students with diagnostic information about any targeted interventions, accommodations, modifications, and supports they need so that assessments and other performance measures are accessible to them and they may seek postsecondary education or employment without need for postsecondary remediation. When administering formative or summative assessments used to measure the academic progress, including the oral academic development, of English learners and inform their instruction, schools must ensure that the assessments are accessible to the students and students have the modifications and supports they need to sufficiently understand the assessments.

(g) Districts and schools, on an annual basis, must use career exploration elements to help students, beginning no later than grade 9, and their families explore and plan for postsecondary education or careers based on the students' interests, aptitudes, and aspirations. Districts and schools must use timely regional labor market information and partnerships, among other resources, to help students and their families successfully develop, pursue, review, and revise an individualized plan for postsecondary education or a career. This process must help increase students' engagement in and connection to school, improve students' knowledge and skills, and deepen students' understanding of career pathways as a sequence of academic and career courses that lead to an industry-recognized credential, an associate's degree, or a bachelor's degree and are available to all students, whatever their interests and career goals.

(h) A student who demonstrates attainment of required state academic standards, which include career and college readiness benchmarks, on high school assessments under subdivision 1a is academically ready for a career or college and is encouraged to participate in courses awarding college credit to high school students. Such courses and programs may include sequential courses of study within broad career areas and technical skill assessments that extend beyond course grades.

(i) As appropriate, students through grade 12 must continue to participate in targeted instruction, intervention, or remediation and be encouraged to participate in courses awarding college credit to high school students.

(j) In developing, supporting, and improving students' academic readiness for a career or college, schools, districts, and the state must have a continuum of empirically derived,

clearly defined benchmarks focused on students' attainment of knowledge and skills so that students, their parents, and teachers know how well students must perform to have a reasonable chance to succeed in a career or college without need for postsecondary remediation. The commissioner, in consultation with local school officials and educators, and Minnesota's public postsecondary institutions must ensure that the foundational knowledge and skills for students' successful performance in postsecondary employment or education and an articulated series of possible targeted interventions are clearly identified and satisfy Minnesota's postsecondary admissions requirements.

(k) For students in grade 8 in the 2012-2013 school year and later, a school, district, or charter school must record on the high school transcript a student's progress toward career and college readiness, and for other students as soon as practicable.

(l) The school board granting students their diplomas may formally decide to include a notation of high achievement on the high school diplomas of those graduating seniors who, according to established school board criteria, demonstrate exemplary academic achievement during high school.

~~(m) The 3rd through 8th grade computer-adaptive assessment results and high school~~
test results shall be available to districts for diagnostic purposes affecting student learning and district instruction and curriculum, and for establishing educational accountability. ~~The commissioner must establish empirically derived benchmarks on adaptive assessments in grades 3 through 8.~~ The commissioner, in consultation with the chancellor of the Minnesota State Colleges and Universities, must establish empirically derived benchmarks on the high school tests that reveal a trajectory toward career and college readiness consistent with section 136F.302, subdivision 1a. The commissioner must disseminate to the public the computer-adaptive assessments and high school test results upon receiving those results.

(n) The grades 3 through 8 computer-adaptive assessments and high school tests must be aligned with state academic standards. The commissioner shall determine the testing process and the order of administration. The statewide results shall be aggregated at the site and district level, consistent with subdivision 1a.

(o) The commissioner shall include the following components in the statewide public reporting system:

(1) uniform statewide computer-adaptive assessments of all students in grades 3 through 8 and testing at the high school levels that provides appropriate, technically sound accommodations or alternate assessments;

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

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

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

(p) For purposes of statewide accountability, "career and college ready" means a high school graduate has the knowledge, skills, and competencies to successfully pursue a career pathway, including postsecondary credit leading to a degree, diploma, certificate, or industry-recognized credential and employment. Students who are career and college ready are able to successfully complete credit-bearing coursework at a two- or four-year college or university or other credit-bearing postsecondary program without need for remediation.

(q) For purposes of statewide accountability, "cultural competence," "cultural competency," or "culturally competent" means the ability of families and educators to interact effectively with people of different cultures, native languages, and socioeconomic backgrounds.

Sec. 2. Minnesota Statutes 2016, section 120B.30, subdivision 1a, is amended to read:

Subd. 1a. **Statewide and local assessments; results.** (a) For purposes of this section, the following definitions have the meanings given them.

(1) "Computer-adaptive assessments" means fully adaptive assessments.

(2) ~~"Fully adaptive assessments"~~ "Adaptive assessments" include test items that are on-grade level and items that may be above or below a student's grade level.

(3) ~~"On-grade level" test items contain subject area content that is aligned to state academic standards for the grade level of the student taking the assessment.~~

(4) ~~"Above-grade level" test items contain subject area content that is above the grade level of the student taking the assessment and is considered aligned with state academic standards to the extent it is aligned with content represented in state academic standards above the grade level of the student taking the assessment. Notwithstanding the student's grade level, administering above-grade level test items to a student does not violate the requirement that state assessments must be aligned with state standards.~~

~~(5) "Below-grade level" test items contain subject area content that is below the grade level of the student taking the test and is considered aligned with state academic standards to the extent it is aligned with content represented in state academic standards below the student's current grade level. Notwithstanding the student's grade level, administering below-grade level test items to a student does not violate the requirement that state assessments must be aligned with state standards.~~

(b) The commissioner must use fully adaptive mathematics and reading assessments for grades 3 through 8.

(c) For purposes of conforming with existing federal educational accountability requirements, the commissioner must develop and implement computer-adaptive reading and mathematics assessments for grades 3 through 8, state-developed high school reading and mathematics tests aligned with state academic standards, a high school writing test aligned with state standards when it becomes available, and science assessments under clause (2) that districts and sites must use to monitor student growth toward achieving those standards. The commissioner must not develop statewide assessments for academic standards in social studies, health and physical education, and the arts. The commissioner must require:

(1) annual computer-adaptive reading and mathematics assessments in grades 3 through 8, and high school reading, writing, and mathematics tests; and

(2) annual science assessments in one grade in the grades 3 through 5 span, the grades 6 through 8 span, and a life sciences assessment in the grades 9 through 12 span, and the commissioner must not require students to achieve a passing score on high school science assessments as a condition of receiving a high school diploma.

(d) The commissioner must ensure that for annual computer-adaptive assessments:

(1) individual student performance data and achievement reports are available within three school days of when students take an assessment except in a year when an assessment reflects new performance standards;

(2) growth information is available for each student from the student's first assessment to each proximate assessment using a constant measurement scale;

(3) parents, teachers, and school administrators are able to use elementary and middle school student performance data to project students' secondary and postsecondary achievement; and

(4) useful diagnostic information about areas of students' academic strengths and weaknesses is available to teachers and school administrators for improving student

instruction and indicating the specific skills and concepts that should be introduced and developed for students at given performance levels, organized by strands within subject areas, and aligned to state academic standards.

(e) The commissioner must ensure that all state tests administered to elementary and secondary students measure students' academic knowledge and skills and not students' values, attitudes, and beliefs.

(f) Reporting of state assessment results must:

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

(2) include a growth indicator of student achievement; and

(3) determine whether students have met the state's academic standards.

(g) Consistent with applicable federal law, the commissioner must include appropriate, technically sound accommodations or alternative assessments for the very few students with disabilities for whom statewide assessments are inappropriate and for English learners.

(h) A school, school district, and charter school must administer statewide assessments under this section, as the assessments become available, to evaluate student progress toward career and college readiness in the context of the state's academic standards. A school, school district, or charter school may use a student's performance on a statewide assessment as one of multiple criteria to determine grade promotion or retention. A school, school district, or charter school may use a high school student's performance on a statewide assessment as a percentage of the student's final grade in a course, or place a student's assessment score on the student's transcript.

Sec. 3. Minnesota Statutes 2017 Supplement, section 120B.35, subdivision 3, is amended to read:

Subd. 3. **State growth target; other state measures.** (a)(1) The state's educational assessment system measuring individual students' educational growth is based on indicators of achievement growth that show an individual student's prior achievement. Indicators of achievement and prior achievement must be based on highly reliable statewide or districtwide assessments.

(2) For purposes of paragraphs (b), (c), and (d), the commissioner must analyze and report separate categories of information using the student categories identified under the federal Elementary and Secondary Education Act, as most recently reauthorized, and, in

addition to "other" for each race and ethnicity, and the Karen community, seven of the most populous Asian and Pacific Islander groups, three of the most populous Native groups, seven of the most populous Hispanic/Latino groups, and five of the most populous Black and African Heritage groups as determined by the total Minnesota population based on the most recent American Community Survey; English learners under section 124D.59; home language; free or reduced-price lunch; and all students enrolled in a Minnesota public school who are currently or were previously in foster care, except that such disaggregation and cross tabulation is not required if the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

(b) The commissioner, in consultation with a stakeholder group that includes assessment and evaluation directors, district staff, experts in culturally responsive teaching, and researchers, must implement a model that uses a value-added growth indicator ~~and includes criteria for identifying schools and school districts that demonstrate medium and high growth under section 120B.299, subdivisions 8 and 9, and may recommend other value-added measures under section 120B.299, subdivision 3.~~ The model may be used to advance educators' professional development and replicate programs that succeed in meeting students' diverse learning needs. Data on individual teachers generated under the model are personnel data under section 13.43. The model must allow users to:

(1) report student growth consistent with this paragraph; and

(2) for all student categories, report and compare aggregated and disaggregated state student growth and, under section 120B.11, subdivision 2, clause (2), student learning and outcome data using the student categories identified under the federal Elementary and Secondary Education Act, as most recently reauthorized, and other student categories under paragraph (a), clause (2).

The commissioner must report measures of student growth and, under section 120B.11, subdivision 2, clause (2), student learning and outcome data, consistent with this paragraph, including the English language development, academic progress, and oral academic development of English learners and their native language development if the native language is used as a language of instruction, and include data on all pupils enrolled in a Minnesota public school course or program who are currently or were previously counted as an English learner under section 124D.59.

(c) When reporting student performance under section 120B.36, subdivision 1, the commissioner annually, beginning July 1, 2011, must report two core measures indicating

10.1 the extent to which current high school graduates are being prepared for postsecondary
10.2 academic and career opportunities:

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

10.8 (2) a rigorous coursework measure indicating the number and percentage of high school
10.9 graduates in the most recent school year who successfully completed one or more
10.10 college-level advanced placement, international baccalaureate, postsecondary enrollment
10.11 options including concurrent enrollment, other rigorous courses of study under section
10.12 120B.021, subdivision 1a, or industry certification courses or programs.

10.13 When reporting the core measures under clauses (1) and (2), the commissioner must also
10.14 analyze and report separate categories of information using the student categories identified
10.15 under the federal Elementary and Secondary Education Act, as most recently reauthorized,
10.16 and other student categories under paragraph (a), clause (2).

10.17 (d) When reporting student performance under section 120B.36, subdivision 1, the
10.18 commissioner annually, beginning July 1, 2014, must report summary data on school safety
10.19 and students' engagement and connection at school, consistent with the student categories
10.20 identified under paragraph (a), clause (2). The summary data under this paragraph are
10.21 separate from and must not be used for any purpose related to measuring or evaluating the
10.22 performance of classroom teachers. The commissioner, in consultation with qualified experts
10.23 on student engagement and connection and classroom teachers, must identify highly reliable
10.24 variables that generate summary data under this paragraph. The summary data may be used
10.25 at school, district, and state levels only. Any data on individuals received, collected, or
10.26 created that are used to generate the summary data under this paragraph are nonpublic data
10.27 under section 13.02, subdivision 9.

10.28 (e) For purposes of statewide educational accountability, the commissioner must identify
10.29 and report measures that demonstrate the success of learning year program providers under
10.30 sections 123A.05 and 124D.68, among other such providers, in improving students'
10.31 graduation outcomes. The commissioner, beginning July 1, 2015, must annually report
10.32 summary data on:

10.33 (1) the four- and six-year graduation rates of students under this paragraph;

(2) the percent of students under this paragraph whose progress and performance levels are meeting career and college readiness benchmarks under section 120B.30, subdivision 1; and

(3) the success that learning year program providers experience in:

(i) identifying at-risk and off-track student populations by grade;

(ii) providing successful prevention and intervention strategies for at-risk students;

(iii) providing successful recuperative and recovery or reenrollment strategies for off-track students; and

(iv) improving the graduation outcomes of at-risk and off-track students.

The commissioner may include in the annual report summary data on other education providers serving a majority of students eligible to participate in a learning year program.

(f) The commissioner, in consultation with recognized experts with knowledge and experience in assessing the language proficiency and academic performance of all English learners enrolled in a Minnesota public school course or program who are currently or were previously counted as an English learner under section 124D.59, must identify and report appropriate and effective measures to improve current categories of language difficulty and assessments, and monitor and report data on students' English proficiency levels, program placement, and academic language development, including oral academic language.

(g) When reporting four- and six-year graduation rates, the commissioner or school district must disaggregate the data by student categories according to paragraph (a), clause (2).

(h) A school district must inform parents and guardians that volunteering information on student categories not required by the most recent reauthorization of the Elementary and Secondary Education Act is optional and will not violate the privacy of students or their families, parents, or guardians. The notice must state the purpose for collecting the student data.

Sec. 4. **REPEALER.**

Minnesota Statutes 2016, section 120B.299, is repealed.

120B.299 DEFINITIONS.

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

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

Subd. 3. **Value added.** "Value added" is the amount of achievement a student demonstrates above an established baseline. The difference between the student's score and the baseline defines value added.

Subd. 4. **Value-added growth.** "Value-added growth" is based on a student's growth score. In a value-added growth system, the student's first test is the baseline, and the difference between the student's first and next test scores within a defined period is the measure of value added. Value-added growth models use student-level data to measure what portion of a student's growth can be explained by inputs related to the educational environment.

Subd. 5. **Adequate yearly progress.** A school or district makes "adequate yearly progress" if, for every student subgroup under the federal 2001 No Child Left Behind Act in the school or district, its proficiency index or other approved adjustments for performance, based on statewide assessment scores, meets or exceeds federal expectations. To make adequate yearly progress, the school or district also must satisfy applicable federal requirements related to student attendance, graduation, and test participation rates.

Subd. 6. **State growth target.** (a) "State growth target" is the average year-two assessment scores for students with similar year-one assessment scores.

(b) The state growth targets for each grade and subject are benchmarked as follows until the assessment scale changes:

(1) beginning in the 2008-2009 school year, the state growth target for grades 3 through 8 is benchmarked to 2006-2007 and 2007-2008 school year data;

(2) beginning in the 2008-2009 school year the state growth target for grade 10 is benchmarked to 2005-2006 and 2006-2007 school year data;

(3) for the 2008-2009 school year, the state growth target for grade 11 is benchmarked to 2005-2006 school year data; and

(4) beginning in the 2009-2010 school year, the state growth target for grade 11 is benchmarked to 2005-2006 and 2006-2007 school year data.

(c) Each time before the assessment scale changes, a stakeholder group that includes assessment and evaluation directors and staff and researchers must recommend a new state growth target that the commissioner must consider when revising standards under section 120B.021, subdivision 4.

Subd. 7. **Low growth.** "Low growth" is an assessment score one-half standard deviation below the state growth target.

Subd. 8. **Medium growth.** "Medium growth" is an assessment score within one-half standard deviation above or below the state growth target.

Subd. 9. **High growth.** "High growth" is an assessment score one-half standard deviation or more above the state growth target.

Subd. 10. **Proficiency.** "Proficiency" for purposes of reporting growth on school performance report cards under section 120B.36, subdivision 1, means those students who, in the previous school year, scored at or above "meets standards" on the statewide assessments under section 120B.30. Each year, school performance report cards must separately display: (1) the numbers and percentages of students who achieved low growth, medium growth, and high growth and achieved proficiency in the previous school year; and (2) the numbers and percentages of students who achieved low growth, medium growth, and high growth and did not achieve proficiency in the previous school year.

Subd. 11. **Growth and progress toward proficiency.** The categories of low growth, medium growth, and high growth shall be used to indicate both (1) growth and (2) progress toward grade-level proficiency that is consistent with subdivision 10.