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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3709

03/30/2016 Authored by Christensen

The bill was read for the first time and referred to the Committee on Education Innovation Policy

1.1 A bill for an act
1.2 relating to education; allowing a school to retain a student in grade 3 if they are
1.3 not reading at grade level; proposing coding for new law in Minnesota Statutes,
1.4 chapter 120B.

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

1.6 Section 1. **[120B.121] STUDENTS ACQUIRE GRADE-LEVEL READING**
1.7 **PROFICIENCY BY THE END OF GRADE 3.**

1.8 (a) Beginning in the 2015-2016 school year and later, school sites within a district
1.9 or a charter school must not promote to grade 4 a student who is unable to demonstrate
1.10 grade-level proficiency as measured by the statewide reading assessment in grade 3 or
1.11 locally determined reading assessments but may establish a good cause exception under
1.12 paragraph (b) to ensure a student is not unnecessarily retained in grade 3.

1.13 (b) Under a good cause exception established by the district or charter school in its
1.14 literacy plan, a student who does not demonstrate grade-level reading proficiency on
1.15 the statewide reading assessment by the end of grade 3 may be promoted to grade 4 if
1.16 the student is:

1.17 (1) a limited English-proficient student who has not received instruction in an
1.18 English language learner program during two school years;

1.19 (2) an eligible child with disabilities whose individualized education program
1.20 indicates that participating in the statewide reading assessment program is not appropriate;

1.21 (3) a student who demonstrates grade-level reading proficiency on an alternative
1.22 locally approved standardized reading assessment or, using a student portfolio compiled
1.23 by the teacher for this purpose, demonstrates grade-level reading proficiency;

2.1 (4) an eligible child with disabilities who participates in statewide assessments under
2.2 an individualized education program or section 504 plan that indicates that the child has
2.3 received intensive reading remediation for more than two school years and was previously
2.4 retained in one or more grades in an appropriate alternative placement, consistent with the
2.5 student's individualized education program; or

2.6 (5) a student who received intensive reading instruction for two or more school years
2.7 and was previously retained for a total of two school years in an appropriate alternative
2.8 placement as part of the local literacy plan.

2.9 (c) The parent of a student who is not reading at grade level at the end of grade 3 and
2.10 does not qualify for a good cause exception may ask to meet with a school administrator,
2.11 the student's classroom teacher, and other qualified school professionals such as the school's
2.12 reading teacher or school counselor to consider whether to promote the student to grade 4 or
2.13 retain the student in grade 3. A school site or charter school must comply with the parent's
2.14 meeting request in a timely manner and before the end of the current school year. If, after
2.15 the meeting, the parent objects to retaining the student, the parent must sign a school form
2.16 stating that the parent opposes retaining the student and understands the educational risks
2.17 of promoting a grade 3 student to grade 4 who is not grade-level reading proficient and the
2.18 school site or charter school must promote the otherwise qualified student to grade 4.

2.19 **EFFECTIVE DATE.** This section is effective the day following final enactment
2.20 and applies to students entering grade 3 in the 2015-2016 school year and later.