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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2683

03/03/2014 Authored by Bly and Faust

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

1.1 A bill for an act
1.2 relating to education; establishing response to intervention requirements;
1.3 establishing a committee to review statewide testing; requiring rulemaking.

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

1.5 Section 1. RESPONSE TO INTERVENTION.

1.6 Subdivision 1. Purpose. The legislature finds that a more focused effort is needed in
1.7 Minnesota's district and charter schools to personalize teaching and learning to improve
1.8 the academic performance of all students. Of special importance is to significantly
1.9 improve the academic performance of underachieving students of color in order to close
1.10 the gap between these students and their peers meeting the state academic standards. The
1.11 purpose of this section is to require the use of a response to intervention model in all
1.12 schools that will result in:

1.13 (1) improving the learning of all students so they meet or exceed the state academic
1.14 standards and close the achievement gap;

1.15 (2) students receiving assistance as soon as they are not on target to be proficient
1.16 and before they fail;

1.17 (3) using formative assessments that are valid, which may be used multiple times,
1.18 and that provide data that are immediately available to teachers thereby making the data
1.19 useful for instruction;

1.20 (4) reducing the need for students to be placed in special education programs because
1.21 of improved regular classroom core curriculum and early interventions with students;

1.22 (5) reducing the paperwork and other procedures resulting in teachers spending
1.23 more time on instruction and cost savings;

2.1 (6) improved coordination and alignment of the regular classroom and remedial  
 2.2 instruction staff;

2.3 (7) periodic valid data reports for the site, the district, and the state demonstrating  
 2.4 learning growth and providing accountability; and

2.5 (8) modifying the state test so that it serves both state and local accountability  
 2.6 purposes and also formative data which is useful for instructional decision making with  
 2.7 individual students and thereby eliminating the current expensive and time-consuming  
 2.8 process of having dual state tests.

2.9 Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have  
 2.10 the meanings given.

2.11 (b) "Presenting problem" means the degree of discrepancy between the academic  
 2.12 standards and a student's performance as measured by valid assessments.

2.13 (c) "Progress monitoring" has the definition given in Minnesota Statutes, section  
 2.14 125A.56, subdivision 2.

2.15 (d) "Response to Intervention (RtI)" is a multitiered system of support and prevention  
 2.16 model designed to identify students as soon as they have a presenting problem in reading  
 2.17 and math, provide scientifically valid interventions, and conduct frequent progress  
 2.18 monitoring to inform instruction. RtI does not require the use of a specific curriculum.

2.19 (e) "Valid intervention" means the systematic use of a technique, program, or  
 2.20 practice designed to improve learning or performance in specific areas of pupil need and  
 2.21 selected to the extent possible based on its scientific validation.

2.22 Subd. 3. **Usage.** Each district and charter school site shall use a response to  
 2.23 intervention model at grades consistent with the rules of the commissioner. Sites are  
 2.24 encouraged to use the RtI model in prekindergarten.

2.25 Subd. 4. **Rulemaking.** (a) The commissioner shall adopt rules to establish a  
 2.26 response to intervention model. The commissioner shall repeal Minnesota Rules, part  
 2.27 3525.1341, and shall adopt a rule which contains the requirements in paragraphs (b) to  
 2.28 (i). The commissioner shall adopt the response to intervention rule not later than August  
 2.29 30, 2015, with an implementation date of August 1, 2017.

2.30 (b) The reading curriculum used in the regular classrooms must (1) be periodically  
 2.31 reviewed to ensure that this curriculum has a scientific research base, and (2) use a  
 2.32 multitiered model of instructional support with the use of a collaborative model among  
 2.33 classroom teachers and remedial teachers for the intervention process as defined in  
 2.34 Minnesota Statutes, section 125A.56, subdivision 2.

2.35 (c) Benchmarking assessment must occur three times during the year using either  
 2.36 the state assessment tool or a tool that reliably predicts proficiency on state tests. This

3.1 benchmarking must be either of: (1) all students at each site, or (2) the district may  
 3.2 determine to benchmark only the students, identified by classroom teachers, suspected of  
 3.3 not being on target to be proficient in reading and mathematics.

3.4 (d) A presenting problem must be described in objective terms using data collection  
 3.5 procedures including reviews of existing information, interviews, and informal testing that  
 3.6 focus on alterable characteristics of the instructional environment.

3.7 (e) Data collection and problem analysis must occur using a systematic and  
 3.8 valid data-based process to identify the parts of the standards with which the student  
 3.9 is experiencing difficulty.

3.10 (f) Interventions must be designed based on the data collected, the defined problem,  
 3.11 parent input, and professional teacher decisions about the potential effectiveness of  
 3.12 interventions.

3.13 (g) An intervention plan must include learning targets and interventions aligned  
 3.14 with the learning targets and standards along with a progress monitoring process and  
 3.15 designation of the educators responsible for implementation.

3.16 (h) Data collection procedures must be individually tailored, valid, and reliable and  
 3.17 allow for frequent measurements of the impact of the interventions. A parent's right to  
 3.18 a special education evaluation shall not be denied because of the instruction provided  
 3.19 under this paragraph.

3.20 (i) A process must exist to ensure that interventions are implemented with fidelity in  
 3.21 a manner consistent with the intervention plan.

3.22 Subd. 5. **Assistance to sites.** (a) Beginning not later than August 1, 2014, the  
 3.23 commissioner shall provide leadership and assistance to districts and chartered schools to  
 3.24 enable them to successfully implement the requirements of this section. To provide this  
 3.25 state leadership, the commissioner may:

3.26 (1) assign the responsibility of site RtI assistance to the regional centers of  
 3.27 excellence under Minnesota Statutes, section 120B.115;

3.28 (2) contract with the St. Croix River Education District (SCRED) to reestablish the  
 3.29 Minnesota Response to Intervention (RtI) Center;

3.30 (3) develop a request for proposals and invite proposals from organizations  
 3.31 throughout the world to provide assistance to Minnesota sites;

3.32 (4) develop a consortium with the department, postsecondary institutions,  
 3.33 professional organizations both within Minnesota and throughout the world to provide  
 3.34 assistance to Minnesota sites; or

3.35 (5) other methods as determined by the commissioner.

4.1 (b) The commissioner is encouraged to use revenue provided through the Elementary  
 4.2 and Secondary Education Act and the Individuals with Disabilities Education Act for  
 4.3 assistance under paragraph (a).

4.4 (c) The Response to Intervention Center assistance initiative shall have the following  
 4.5 responsibilities:

4.6 (1) assist the commissioner to develop rules as provided by this section;

4.7 (2) develop RtI guidelines for district sites and chartered schools to enable them to  
 4.8 plan and implement an RtI model consistent with the rules of the commissioner;

4.9 (3) provide professional development, coaching, and consultation for sites on the  
 4.10 RtI rules and guidelines including scientifically based instruction within a multitiered  
 4.11 model of instructional supports, standards aligned instruction, and the use of formative  
 4.12 assessment to guide instructional decision making;

4.13 (4) collaborate with ServeMinnesota for the services of reading and math master  
 4.14 coaches to assist sites with interventions;

4.15 (5) collaborate with education departments at higher education institutions to  
 4.16 incorporate the RtI research into applicable licensure programs;

4.17 (6) consult with the commissioner of education to evaluate the learning and financial  
 4.18 impact of the RtI model in Minnesota;

4.19 (7) disseminate models for evaluating classroom reading curriculum to better ensure  
 4.20 that student needs will be met; and

4.21 (8) disseminate research-based interventions to be used with students who are not on  
 4.22 target to meet the proficiency standards in reading and mathematics.

4.23 **Sec. 2. STATEWIDE TESTING COMMITTEE.**

4.24 Notwithstanding any other law or rule to the contrary, the commissioner of education  
 4.25 shall establish a committee with the education research community and the vendor of the  
 4.26 state testing program for the following purposes:

4.27 (1) determine how the state test can be of greater formative assessment value for  
 4.28 educational decision-making purposes for individual students. The purpose shall be to  
 4.29 reduce the need for sites to use both the state test for accountability purposes and a second  
 4.30 for formative assessment purposes;

4.31 (2) how the state test can be administered in fall, winter, and spring for benchmarking  
 4.32 purposes if the sites choose to do so;

4.33 (3) add a value added analysis provision;

4.34 (4) determine predictive validity of the state test to career pathways as a part of the  
 4.35 World's Best Workforce Program defined in Minnesota Statutes, section 120B.11;

- 5.1 (5) determine how estimated targets on the state test are equivalent to the National  
5.2 Assessment of Education Progress (NAEP), Trends in International Mathematics and  
5.3 Science Study (TIMSS), and Programme for International Student Assessment (PISA).  
5.4 This will enable sites to make international comparisons; and  
5.5 (6) other tasks as determined by the commissioner.