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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-EIGHTH SESSION

**H. F. No. 1337**

03/07/2013 Authored by Brynaert, Mariani, Marquart, Moran, Davnie and others

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

03/11/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Government Operations

1.1 A bill for an act  
1.2 relating to education; providing for a series of statewide assessments aligned  
1.3 with state academic standards and career and college readiness benchmarks;  
1.4 appropriating money; amending Minnesota Statutes 2012, sections 120B.125;  
1.5 120B.128; 120B.30, subdivisions 1, 1a; 120B.36, subdivision 1; 124D.52, by  
1.6 adding a subdivision; repealing Minnesota Rules, parts 3501.0010; 3501.0020;  
1.7 3501.0030, subparts 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16; 3501.0040;  
1.8 3501.0050; 3501.0060; 3501.0090; 3501.0100; 3501.0110; 3501.0120;  
1.9 3501.0130; 3501.0140; 3501.0150; 3501.0160; 3501.0170; 3501.0180;  
1.10 3501.0200; 3501.0210; 3501.0220; 3501.0230; 3501.0240; 3501.0250;  
1.11 3501.0270; 3501.0280, subparts 1, 2; 3501.0290; 3501.1000; 3501.1020;  
1.12 3501.1030; 3501.1040; 3501.1050; 3501.1110; 3501.1120; 3501.1130;  
1.13 3501.1140; 3501.1150; 3501.1160; 3501.1170; 3501.1180; 3501.1190.

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

1.15 Section 1. Minnesota Statutes 2012, section 120B.125, is amended to read:

1.16 **120B.125 PLANNING FOR STUDENTS' SUCCESSFUL TRANSITION**  
1.17 **TO POSTSECONDARY EDUCATION AND EMPLOYMENT; INVOLUNTARY**  
1.18 **CAREER TRACKING PROHIBITED.**

1.19 (a) Consistent with sections 120B.128, 120B.13, 120B.131, 120B.132, 120B.14,  
1.20 120B.15, 120B.30, subdivision 1, paragraph (c), 125A.08, and other related sections,  
1.21 school districts ~~are strongly encouraged to~~ beginning in the 2013-2014 school year, must  
1.22 assist all students by no later than grade 9 to explore their college and career interests and  
1.23 aspirations and develop a plan for a smooth and successful transition to postsecondary  
1.24 education or employment. All students' plans must be designed to:

1.25 (1) provide a comprehensive academic plan for completing a college and  
1.26 career-ready curriculum premised on meeting state and local academic standards and  
1.27 developing 21st century skills such as team work, collaboration, and good work habits;

- (2) emphasize academic rigor and high expectations;
- (3) help students identify personal learning styles that may affect their postsecondary education and employment choices;
- (4) help students ~~succeed at~~ gaining gain access to postsecondary education and career options;
- (5) integrate strong academic content into career-focused courses and integrate relevant career-focused courses into strong academic content;
- (6) help students and families identify and gain access to appropriate counseling and other supports and assistance that enable students to complete required coursework, prepare for postsecondary education and careers, and obtain information about postsecondary education costs and eligibility for financial aid and scholarship;
- (7) help students and families identify collaborative partnerships of kindergarten through grade 12 schools, postsecondary institutions, economic development agencies, and employers that support students' transition to postsecondary education and employment and provide students with experiential learning opportunities; and
- (8) be reviewed and revised at least annually by the student, the student's parent or guardian, and the school or district to ensure that the student's course-taking schedule keeps the student ~~"on track"~~ making adequate progress to meet state and local high school graduation requirements and with a reasonable chance to succeed with employment or postsecondary education without the need to first complete remedial course work.
- (b) A school district may develop grade-level curricula or provide instruction that introduces students to various careers, but must not require any curriculum, instruction, or employment-related activity that obligates an elementary or secondary student to involuntarily select a career, career interest, employment goals, or related job training.
- ~~(c) School districts are encouraged to seek and use revenue and in-kind contributions from nonstate sources and to seek administrative cost savings through innovative local funding arrangements, such as the Collaboration Among Rochester Educators (CARE) model for funding postsecondary enrollment options, among other sources, for purposes of implementing this section.~~

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

Sec. 2. Minnesota Statutes 2012, section 120B.128, is amended to read:

**120B.128 EDUCATIONAL PLANNING AND ASSESSMENT SYSTEM  
(EPAS) PROGRAM.**

(a) School districts and charter schools may elect to participate in the Educational Planning and Assessment System (EPAS) program offered by ACT, Inc. to provide a longitudinal, systematic approach to student educational and career planning, assessment, instructional support, and evaluation. The EPAS achievement tests include English, reading, mathematics, science, and components on planning for high school and postsecondary education, interest inventory, needs assessments, and student education plans. These tests are linked to the ACT assessment for college admission and allow students, parents, teachers, and schools to determine the student's college readiness before grades 11 and 12.

(b) The commissioner of education shall provide ACT Explore tests for students in grade 8 or grade 9 but not in grade 8 and grade 9 and the ACT Plan test for students in grade 10 to assess individual student academic strengths and weaknesses, academic achievement and progress, higher order thinking skills, and college readiness.

(c) Students entering grade 9 before the 2013-2014 school year who have not yet demonstrated proficiency on the Minnesota comprehensive assessments, the graduation-required assessments for diploma, or the basic skills testing requirements may satisfy state high school graduation requirements for assessments in reading, math, and writing by taking the ACT assessment for college admission in their senior year of high school.

(d) The state shall pay the test costs for school districts and charter schools ~~that choose to participate in the EPAS program~~ to participate in the assessments under this section. The commissioner shall establish an application procedure and a process for state payment of costs.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies through the 2015-2016 school year.

Sec. 3. Minnesota Statutes 2012, section 120B.30, subdivision 1, is amended to read:

Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts with appropriate technical qualifications and experience and stakeholders, consistent with subdivision 1a, shall include in the comprehensive assessment system, for each grade level to be tested, state-constructed tests developed ~~from and~~ as computer-adaptive reading and mathematics assessments for students that are aligned with the state's required academic standards under section 120B.021, include multiple choice questions, and ~~be~~ are administered annually to all students in grades 3 through 8. State-developed high school tests aligned with the state's required academic standards under section 120B.021 and administered to all high school students in a subject other than writing must include

multiple choice questions. The commissioner shall establish one or more months during which schools shall administer the tests to students each school year. ~~For students enrolled in grade 8 before the 2005-2006 school year, Minnesota basic skills tests in reading, mathematics, and writing shall fulfill students' basic skills testing requirements for a passing state notation. The passing scores of basic skills tests in reading and mathematics are the equivalent of 75 percent correct for students entering grade 9 based on the first uniform test administered in February 1998. Students who have not successfully passed a Minnesota basic skills test by the end of the 2011-2012 school year must pass and students in their senior year who have not yet demonstrated proficiency on the graduation-required assessments for diploma under paragraph (e), except that for the 2012-2013 and 2013-2014 school years only, these students may satisfy the state's graduation test requirement for math by complying with paragraph (d), clauses (1) and (3) by the end of the 2012-2013 school year must take a college admission assessment under paragraph (c) and consistent with section 120B.128, paragraph (c), that supports career and college readiness for all students.~~

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

(1) mathematics;

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

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

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

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

(c) For students enrolled in grade 8 in the ~~2005-2006~~ 2012-2013 school year and later, ~~only the following options shall fulfill students' state graduation test requirements,~~ based on a longitudinal, systematic approach to student education and career planning, assessment, instructional support, and evaluation, include the following:

(1) for reading and mathematics:

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

~~(ii) achieving a passing score as determined through a standard setting process on the state-identified language proficiency test in reading and the mathematics test for~~

5.1 English learners or the graduation-required assessment for diploma equivalent of those  
5.2 assessments for students designated as English learners;

5.3 (iii) ~~achieving an individual passing score on the graduation-required assessment for~~  
5.4 ~~diploma as determined by appropriate state guidelines for students with an individualized~~  
5.5 ~~education program or 504 plan;~~

5.6 (iv) ~~obtaining achievement level equivalent to or greater than proficient as~~  
5.7 ~~determined through a standard setting process on the state-identified alternate assessment~~  
5.8 ~~or assessments in grade 10 for reading and grade 11 for mathematics for students with~~  
5.9 ~~an individualized education program; or~~

5.10 (v) ~~achieving an individual passing score on the state-identified alternate assessment~~  
5.11 ~~or assessments as determined by appropriate state guidelines for students with an~~  
5.12 ~~individualized education program; and~~

5.13 (2) ~~for writing:~~

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

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

5.18 (iii) ~~achieving an individual passing score on the graduation-required assessment for~~  
5.19 ~~diploma as determined by appropriate state guidelines for students with an individualized~~  
5.20 ~~education program or 504 plan; or~~

5.21 (iv) ~~achieving an individual passing score on the state-identified alternate assessment~~  
5.22 ~~or assessments as determined by appropriate state guidelines for students with an~~  
5.23 ~~individualized education program.~~

5.24 (1) attainment of required academic standards and career and college readiness  
5.25 benchmarks under section 120B.023 as demonstrated on a nationally normed college  
5.26 entrance exam;

5.27 (2) achievement and career and college readiness tests in mathematics, reading, and  
5.28 writing, consistent with paragraph (e), to monitor students' continuous development of  
5.29 and growth in requisite knowledge and skills; analyze students' progress and performance  
5.30 levels, identifying students' academic strengths and diagnosing areas where students  
5.31 require curriculum or instructional adjustments, targeted interventions, or remediation;  
5.32 and based on analysis of students' progress and performance data, determine students'  
5.33 learning and instructional needs and the instructional tools and best practices that support  
5.34 academic rigor for the student; and

5.35 (3) consistent with this paragraph and section 120B.125, age-appropriate exploration  
5.36 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.

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 clause (2) 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.

~~(d) Students enrolled in grade 8 in any school year from the 2005-2006 school year to the 2009-2010 school year who do not pass the mathematics graduation-required assessment for diploma under paragraph (c) are eligible to receive a high school diploma if they:~~

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

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

~~(3) fully participate in at least two retests of the mathematics GRAD test or until they pass the mathematics GRAD test, whichever comes first.~~ To improve the secondary and postsecondary outcomes of all students, the alignment between secondary and postsecondary education programs and Minnesota's workforce needs, and the efficiency and cost-effectiveness of secondary and postsecondary programs, the commissioner, after consulting with the Minnesota State Colleges and Universities chancellor and using a request for proposal process, shall contract with a nationally recognized vendor for a series of assessments that are consistent with this subdivision, aligned with state academic standards, and include career and college readiness benchmarks. These assessments in mathematics, reading, and writing for students in grades 8 or 9, 10, and 11 or 12, must be predictive of and nationally normed for career and college readiness, nationally recognized as a college entrance exam, include a college placement diagnostic exam, and contain career exploration elements. The commissioner and the Minnesota State Colleges and Universities chancellor must collaborate in aligning instruction and assessments for

adult basic education students to provide the students with diagnostic information about any targeted interventions they need so that they may seek postsecondary education or employment without need for postsecondary remediation.

(1) Districts and schools, on an annual basis, must use the career exploration elements in these assessments 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.

(2) Students who, based on their growth in academic achievement between grades 8 and 10, show adequate progress toward meeting state career and college readiness must be given the college entrance exam part of these assessments in grade 11. A student under this clause who demonstrates attainment of required state academic standards, which include career and college readiness benchmarks, on these assessments is academically ready for a career or college and is encouraged to participate in courses and programs 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.

(3) All students in grade 11 not subject to clause (2) must be given the college placement diagnostic exam so that the students, their families, the school, and the district can use the results to diagnose areas for targeted instruction, intervention, or remediation and improve students' knowledge and skills in core subjects sufficient for the student to graduate and have a reasonable chance to succeed in a career or college without remediation. These students must be given the college entrance exam part of these assessments in grade 12.

(4) A student in clause (3) who demonstrates (i) attainment of required state academic standards, which include career and college readiness benchmarks, on these assessments, (ii) attainment of career and college readiness benchmarks on the college placement diagnostic part of these assessments, and, where applicable, (iii) successfully completes targeted instruction, intervention, or remediation approved by the commissioner and the Minnesota State Colleges and Universities chancellor after consulting with local

8.1 school officials and educators, is academically ready for a career or college and is  
8.2 encouraged to participate in courses and programs awarding college credit to high school  
8.3 students. Such courses and programs may include sequential courses of study within  
8.4 broad career areas and technical skill assessments that extend beyond course grades.

8.5 (5) The commissioner and the assessments vendor must conduct a study to determine  
8.6 the alignment between these assessments and state academic standards under this chapter.  
8.7 Where alignment exists, the commissioner must seek federal approval to, and immediately  
8.8 upon receiving approval replace the federally required assessments referenced under  
8.9 subdivision 1a and section 120B.35, subdivision 2, with assessments under this paragraph.

8.10 (e) In developing, supporting, and improving students' academic readiness for a  
8.11 career or college, schools, districts, and the state must have a continuum of empirically  
8.12 derived, clearly defined benchmarks focused on students' attainment of knowledge and  
8.13 skills so that students, their parents, and teachers know how well students must perform to  
8.14 have a reasonable chance to succeed in a career or college without need for postsecondary  
8.15 remediation. The commissioner and Minnesota's public postsecondary institutions must  
8.16 ensure that the foundational knowledge and skills for students' successful performance  
8.17 in postsecondary employment or education and an articulated series of possible targeted  
8.18 interventions are clearly identified and satisfy Minnesota's postsecondary admissions  
8.19 requirements.

8.20 (f) A school, district, or charter school must place record on the high school  
8.21 transcript a student's current pass status for each subject that has a required graduation  
8.22 assessment progress toward career and college readiness.

8.23 ~~In addition,~~ (g) The school board granting the students their diplomas may formally  
8.24 decide to include a notation of high achievement on the high school diplomas of those  
8.25 graduating seniors who, according to established school board criteria, demonstrate  
8.26 exemplary academic achievement during high school.

8.27 ~~(e)~~ (h) The 3rd through 8th grade computer-adaptive assessment results and  
8.28 high school test results shall be available to districts for diagnostic purposes affecting  
8.29 student learning and district instruction and curriculum, and for establishing educational  
8.30 accountability. The commissioner must establish empirically derived benchmarks on  
8.31 adaptive assessments in grades 3 through 8 that reveal a trajectory toward career and  
8.32 college readiness. The commissioner must disseminate to the public the computer-adaptive  
8.33 assessments and high school test results upon receiving those results.

8.34 ~~(f)~~ (i) The 3rd through 8th grade computer-adaptive assessments and high school  
8.35 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.

~~(g) In addition to the testing and reporting requirements under this section,~~ (j) The commissioner shall include the following components in the statewide public reporting system:

(1) uniform statewide testing computer-adaptive assessments of all students in grades 3 through 8 and testing at the high school level 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.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to the 2013-2014 school year and later except that paragraph (a) applies the day following final enactment and the requirements for using computer-adaptive mathematics and reading assessments for grades 3 through 8 apply in the 2015-2016 school year and later.

Sec. 4. Minnesota Statutes 2012, 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" 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 beginning in the 2015-2016 school year and later.

(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, 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 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;

(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.

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

~~(e)~~ (f) Reporting of 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 ~~value-added~~ growth indicator of student achievement under section 120B.35, subdivision 3, paragraph (b); and

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

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

~~(d)~~ (g) Consistent with applicable federal law ~~and subdivision 1, paragraph (d), clause (1),~~ 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.

~~(e)~~ (h) A school, school district, and charter school must administer statewide assessments under this section, as the assessments become available, to evaluate student ~~proficiency~~ progress toward career and college readiness in the context of the state's grade level academic standards. ~~If a state assessment is not available, a school, school district, and charter school must determine locally if a student has met the required 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.

**EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and later except the requirements for using computer-adaptive mathematics and reading assessments for grades 3 through 8 apply in the 2015-2016 school year and later.

Sec. 5. Minnesota Statutes 2012, section 120B.36, subdivision 1, is amended to read:

Subdivision 1. **School performance ~~report cards~~ reports.** (a) The commissioner shall report student academic performance under section 120B.35, subdivision 2; the percentages of students showing low, medium, and high growth under section 120B.35, subdivision 3, paragraph (b); school safety and student engagement and connection under section 120B.35, subdivision 3, paragraph (d); rigorous coursework under section

120B.35, subdivision 3, paragraph (c), the percentage of students whose progress and performance levels are meeting career and college readiness benchmarks under section 120B.30, subdivision 1; two separate student-to-teacher ratios that clearly indicate the definition of teacher consistent with sections 122A.06 and 122A.15 for purposes of determining these ratios; staff characteristics excluding salaries; student enrollment demographics; district mobility; and extracurricular activities. The report also must indicate a school's adequate yearly progress status under applicable federal law, and must not set any designations applicable to high- and low-performing schools due solely to adequate yearly progress status.

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

(c) The commissioner must make available performance ~~report cards~~ reports by the beginning of each school year.

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

(e) School performance ~~report card~~ reports data are nonpublic data under section 13.02, subdivision 9, until the commissioner publicly releases the data. The commissioner shall annually post school performance ~~report cards~~ reports to the department's public Web site no later than September 1, except that in years when the ~~report card reflects~~ reports reflect new performance standards, the commissioner shall post the school performance ~~report cards~~ reports no later than October 1.

**EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and later.

Sec. 6. Minnesota Statutes 2012, section 124D.52, is amended by adding a subdivision to read:

**Subd. 8. Standard high school diploma for adults.** (a) The commissioner shall adopt rules for providing a standard high school diploma to adults who:

(1) are not eligible for kindergarten through grade 12 services;  
(2) do not have a high school diploma; and  
(3) successfully complete an adult basic education program of instruction approved by the commissioner necessary to earn an adult high school diploma.

(b) Persons participating in an approved adult basic education program of instruction must demonstrate proficiency in a standard set of competencies that reflect the knowledge and skills sufficient to ensure that postsecondary programs and institutions and potential

13.1 employers regard persons with a standard high school diploma and persons with a  
13.2 standard high school diploma for adults as equally well prepared and qualified graduates.  
13.3 Approved adult basic education programs of instruction under this subdivision must issue  
13.4 a standard high school diploma for adults who successfully demonstrate the competencies,  
13.5 knowledge, and skills required by the program.

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

13.7 Sec. 7. **STATEWIDE ASSESSMENT AND ACCOUNTABILITY; TRANSITION.**

13.8 Notwithstanding other law to the contrary, students enrolled in grade 8 before the  
13.9 2012-2013 school year are eligible to be assessed under the amended provisions of  
13.10 Minnesota Statutes 2012, section 120B.30, subdivision 1, to the extent such assessments  
13.11 are available, or under section 120B.128. Other measures of statewide accountability,  
13.12 including student performance, preparation, rigorous course taking, engagement and  
13.13 connection, and transition into postsecondary education or the workforce remain in effect.

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

13.15 Sec. 8. **CAREER PATHWAYS AND TECHNICAL EDUCATION ADVISORY**  
13.16 **TASK FORCE.**

13.17 Subdivision 1. **Recommendations.** (a) A career pathways and technical education  
13.18 advisory task force is established to recommend to the Minnesota legislature, consistent  
13.19 with Minnesota Statutes, sections 120B.30, subdivision 1, and 120B.35, subdivision  
13.20 3, how to:

13.21 (1) improve secondary and postsecondary outcomes for students and adult learners;

13.22 (2) align secondary and postsecondary education programs serving students and  
13.23 adult learners;

13.24 (3) align secondary and postsecondary education programs and Minnesota's  
13.25 workforce needs; and

13.26 (4) measure and evaluate the combined efficacy of Minnesota's public kindergarten  
13.27 through grade 12 and postsecondary education programs.

13.28 (b) Advisory task force members, in preparing these recommendations, must  
13.29 seek the advice of education providers, employers, policy makers, and other interested  
13.30 stakeholders and must at least consider how to:

13.31 (1) better inform students about career options, occupational trends, and educational  
13.32 paths leading to viable and rewarding careers and reduce the gap between the demand for  
13.33 and preparation of a skilled Minnesota workforce;

14.1 (2) in consultation with a student's family, develop and periodically adapt as needed  
14.2 an education and work plan for each student aligned with the student's personal and  
14.3 professional interests, abilities, skills, and aspirations;

14.4 (3) improve monitoring of high school students' progress with targeted interventions  
14.5 and support and remove the need for remedial instruction;

14.6 (4) increase and accelerate opportunities for secondary school students to earn  
14.7 postsecondary credits leading to a certificate, industry license, or degree;

14.8 (5) better align high school courses and expectations and postsecondary  
14.9 credit-bearing courses;

14.10 (6) better align high school standards and assessments, postsecondary readiness  
14.11 measures and entrance requirements, and the expectations of Minnesota employers;

14.12 (7) increase the rates at which students complete a postsecondary certificate,  
14.13 industry license, or degree; and

14.14 (8) provide graduates of two-year and four-year postsecondary institutions with the  
14.15 foundational skills needed for civic engagement, ongoing employment, and continuous  
14.16 learning.

14.17 Subd. 2. **Task force membership and operation.** (a) Advisory task force members  
14.18 must include representatives of the following: the Minnesota Association of Career and  
14.19 Technical Administrators; the Minnesota Association for Career and Technical Education;  
14.20 University of Minnesota and Minnesota State Colleges and Universities faculty working  
14.21 to develop career and technical educators in Minnesota; the National Research Center for  
14.22 Career and Technical Education; the Minnesota Department of Education; the Minnesota  
14.23 Board of Teaching; the Minnesota Association of Colleges for Teacher Education;  
14.24 Minnesota State Colleges and Universities foundational skills and general education  
14.25 faculty; and any other representatives selected by the task force members. The education  
14.26 commissioner or the commissioner's designee must convene the task force. Task force  
14.27 members are not eligible for compensation or reimbursement for expenses related to  
14.28 task force activities.

14.29 (b) The commissioner, upon request, must provide technical assistance to the task  
14.30 force.

14.31 (c) The task force must submit its written recommendations under this section to the  
14.32 legislative committees with jurisdiction over kindergarten through grade 12 education by  
14.33 February 15, 2014.

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

14.35 **Sec. 9. APPROPRIATIONS.**

15.1 Subdivision 1. **Minnesota Department of Education.** The sums indicated in this  
 15.2 section are appropriated from the general fund to the Department of Education for the  
 15.3 fiscal years designated.

15.4 Subd. 2. **College and career ready assessments.** For the costs necessary for  
 15.5 school district and charter school students to participate in the required assessments under  
 15.6 section 2:

15.7 \$ ..... 2014

15.8 \$ ..... 2015

15.9 Any balance in the first year does not cancel but is available in the second year.

15.10 Subd. 3. **Computer-adapted tests.** For the development costs associated with  
 15.11 state-developed, computer-adapted tests under section 3:

15.12 \$ ..... 2014

15.13 \$ ..... 2015

15.14 Any balance in the first year does not cancel but is available in the second year.

15.15 Subd. 4. **Request for proposals.** For the costs associated with developing the  
 15.16 request for proposals for the assessments required under section 3, paragraph (d):

15.17 \$ ..... 2014

15.18 \$ ..... 2015

15.19 Any balance in the first year does not cancel but is available in the second year.

15.20 Subd. 5. **Career Pathways Advisory Task Force.** For the costs of the Career  
 15.21 Pathways Advisory Task Force under section 8:

15.22 \$ ..... 2014

15.23 Any balance in fiscal year 2014 does not cancel but is available in fiscal year 2015.

15.24 **Sec. 10. REPEALER.**

15.25 Minnesota Rules, parts 3501.0010; 3501.0020; 3501.0030, subparts 1, 2, 3, 4, 5,  
 15.26 6, 7, 9, 10, 11, 12, 13, 14, 15, and 16; 3501.0040; 3501.0050; 3501.0060; 3501.0090;  
 15.27 3501.0100; 3501.0110; 3501.0120; 3501.0130; 3501.0140; 3501.0150; 3501.0160;  
 15.28 3501.0170; 3501.0180; 3501.0200; 3501.0210; 3501.0220; 3501.0230; 3501.0240;  
 15.29 3501.0250; 3501.0270; 3501.0280, subparts 1 and 2; 3501.0290; 3501.1000; 3501.1020;  
 15.30 3501.1030; 3501.1040; 3501.1050; 3501.1110; 3501.1120; 3501.1130; 3501.1140;  
 15.31 3501.1150; 3501.1160; 3501.1170; 3501.1180; and 3501.1190, are repealed.

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

**3501.0010 PURPOSE.**

The purpose of parts 3501.0010 to 3501.0180 is to establish statewide standards that define what a Minnesota public high school graduate should know and be able to do to function effectively as a purposeful thinker, effective communicator, self-directed learner, productive group participant, and responsible citizen.

**3501.0020 SCOPE.**

Parts 3501.0010 to 3501.0180 govern the graduation standards that Minnesota public schools must require for a high school diploma for all students who enter ninth grade in 1996 or a subsequent year.

**3501.0030 DEFINITIONS.**

Subpart 1. **Scope.** The terms used in parts 3501.0010 to 3501.0180 have the meanings given them in this part.

**3501.0030 DEFINITIONS.**

Subp. 2. **Accommodation.** "Accommodation" means an adjustment in a testing condition, such as the setting for or scheduling of the test, or a change in the method of administering a test. An accommodation does not compromise the security or the confidentiality of the test, does not alter the meaning of the score, or render the student's score incomparable to the scores of those students who took the test under standard conditions. Among accommodations is providing a student with the same test in a large-print version.

**3501.0030 DEFINITIONS.**

Subp. 3. **Degrees of Reading Power Index of Readability or DRP.** The "Degrees of Reading Power Index of Readability" or "DRP" means the Degrees of Reading Power Index of Readability described in the DRP Teacher's Manual: Primary and Standard Test Forms issued by Touchstone Applied Science Associates (TASA), Inc. (Brewster, New York, 1989). This document is incorporated by reference and is available through the Minitex interlibrary loan system. This index is not subject to frequent change.

**3501.0030 DEFINITIONS.**

Subp. 4. **Department.** "Department" means the Department of Education.

**3501.0030 DEFINITIONS.**

Subp. 5. **District.** "District" means a school district.

**3501.0030 DEFINITIONS.**

Subp. 6. **Exemption.** "Exemption" means a temporary or permanent waiver of the requirement that a student take a test in the basic requirements.

**3501.0030 DEFINITIONS.**

Subp. 7. **Individualized education program or IEP.** "Individualized education program" or "IEP" means a written statement developed for a student eligible for special education and services pursuant to Minnesota Statutes, sections 125A.03 to 125A.24, and Public Law 101-476, the Individuals with Disabilities Education Act.

**3501.0030 DEFINITIONS.**

Subp. 9. **Modification.** "Modification" means an adjustment of a test that results in changing the standard for a particular student. Among adjustments are: a modification of only part of a test, a change in test questions, and a change in the performance standard.

**3501.0030 DEFINITIONS.**

Subp. 10. **Parent.** "Parent" means, for a student under age 18, the mother, father, guardian, person acting as the parent of the child, conservator, or surrogate parent who has been appointed in accordance with parts 3525.2435 to 3525.2455. For a pupil age 18 or over, parent or parents also includes the pupil unless a guardian or conservator has been appointed, in which case it means the guardian or conservator. When the parents are separated or divorced, it means the



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parent who has the legal right, by court decree or agreement, to determine the pupil's education, even though the pupil may be living with the other parent.

**3501.0030 DEFINITIONS.**

Subp. 11. **Public schools.** "Public schools" means all public schools as defined in Minnesota Statutes, section 120A.05, and includes, but is not limited to, public school districts, charter schools, the state academies for the deaf and the blind, and the Center for Arts Education.

**3501.0030 DEFINITIONS.**

Subp. 12. **Section 504 accommodation plan.** "Section 504 accommodation plan" means the defined appropriate accommodations or modifications that must be made in the school environment to address the needs of an individual student with disabilities. This section of the federal Rehabilitation Act of 1973, Public Law 91-230 as amended in Public Law 101-476, extends protection to a much broader student population than just those students with IEPs.

**3501.0030 DEFINITIONS.**

Subp. 13. **State test.** "State test" means a test of a basic requirement that has been developed using the specifications created for a statewide standard in reading or mathematics. The test shall be designated by the department as the official state test.

**3501.0030 DEFINITIONS.**

Subp. 14. **Statewide standards.** "Statewide standards" means statements of what a student should know and be able to do. Statewide standards are concerned with the knowledge that a student should acquire, the concepts and processes a student should master, and the minimum level of competency a student should develop in the course of the student's prekindergarten through grade 12 experience.

**3501.0030 DEFINITIONS.**

Subp. 15. **Student.** "Student" means a person admitted to a public school as defined in Minnesota Statutes, section 120A.05, in accordance with Minnesota Statutes, section 120A.20.

**3501.0030 DEFINITIONS.**

Subp. 16. **Test specifications.** "Test specifications" means statements of the basic requirements that tests must include and how tests are designed. The specifications define the required content, format, level of difficulty, types of items, and length of the tests.

**3501.0040 STATEWIDE GRADUATION STANDARDS.**

Subpart 1. **Basic requirements.** The basic requirements for mathematics and reading are established in this chapter. The statewide standards for mathematics are specified in subpart 2 and the statewide standards for reading are specified in subpart 3.

To qualify for a high school diploma, a student shall demonstrate competency in the statewide standards for mathematics and reading through a state test except for decisions consistent with parts 3501.0090 and 3501.0100. School districts may require higher standards in mathematics and reading than the statewide standards.

Subp. 2. **Statewide standard in mathematics.** To meet the basic requirement in mathematics, a student shall demonstrate the ability to solve mathematical problems derived from situations commonly encountered in adult life. Among common situations is the estimation of distance traveled when the elapsed time and average rate are known.

Subp. 3. **Statewide standard in reading.** To meet the basic requirement in reading, a student shall demonstrate the ability to read and comprehend English passages representative of widely circulated material commonly encountered in adult life. Among widely circulated material is a newspaper feature article.

**3501.0050 TESTING FOR STATEWIDE STANDARDS IN BASIC REQUIREMENTS.**

Subpart 1. **School district testing.** A school district shall test for competency in the statewide standards in basic requirements by using the state basic skills tests:

- A. a state test;
- B. one of the state-approved nationally normed, commercially published tests; or
- C. a local test.

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Subp. 2. **Offering tests in basic requirements.** A district shall not offer the test of a basic requirement before grade 8. Once the test has first been offered to a group of students, the district shall continue to offer the test of that basic requirement to that group of students at least once a year.

Subp. 3. **Additional testing opportunities.** A district shall establish a process for additional testing of students, who by April 1 of their anticipated graduation year have not passed one or more of the basic requirement tests.

The process shall include:

- A. how a parent, student, or both can request:
  - (1) an additional opportunity to take basic requirement tests; and
  - (2) testing accommodations;
- B. the procedure that a district shall use to act on a request in item A; and
- C. how a parent, student, or both can appeal the district's action under item B.

In addition to the regularly scheduled annual availability of the state tests, the state tests shall also be made available by the department at a district's request for one additional retesting of seniors.

Subp. 4. **Transfer students.** A student transferring into a district shall not be required to take a test of a basic requirement if the student's former school record verifies that the student has already passed a test of that basic requirement consistent with this part. This subpart applies even if the student transfers into a district that has higher standards than the statewide standard in the basic requirement.

**3501.0060 STATE TEST.**

Subpart 1. **District use of state test.**

- A. The department shall establish and maintain state tests in the basic requirements.
- B. When a district uses a state test, it shall:
  - (1) accept as final and conclusive the department's determination on the content of the test, the scoring of the answers, and the determination of the minimum passing score;
  - (2) administer the state test according to the standard conditions for administration that shall be provided to the district with each state test of basic requirements;
  - (3) return the administered state test to the state for scoring; and
  - (4) adopt a passing score no lower than the passing score given in part 3501.0180 for that basic requirement test.

Subp. 2. **Specifications for state test of mathematics.** The state test of mathematics shall assess the statewide standard in mathematics by including the topics described in items A to H:

- A. problems involving whole numbers, fractions, decimals, and integers; for example, finding the change from a \$20 bill after purchasing two items of known cost;
- B. problems involving percents, rate, ratios, and proportions; for example, determining which size of a grocery item represents the best buy;
- C. problems using concepts of number sense, place value, and number relationships to compare, order, and determine equivalence of whole numbers, fractions, decimals, percents, and integers; for example, determining which of two numbers is larger if one is in fraction form and one in decimal form;
- D. problems using estimation; for example, estimating the approximate distance traveled when the elapsed time and average rate are known;
- E. problems applying measurement concepts; for example, using a ruler to determine the length of the side of a figure;
- F. problems in reading, interpreting, and using one- and two-dimensional graphic forms to analyze data, identify patterns, and make predictions; for example, using a table to determine in which month a show had the highest attendance;
- G. problems using elementary concepts of probability and statistics; for example, finding the average of five bowling scores; and
- H. problems applying geometric and spatial relationships; for example, finding the total number of boxes stacked in a display.

A student shall be permitted to use a calculator on the state test of mathematics.

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Subp. 3. **Specifications for state test of reading.** The state test shall assess the statewide standard in reading. The test shall be written according to items A to D.

A. Test questions shall test reading comprehension as an integrated skill, with no testing of subskills or strategies.

B. The test shall be composed of passages of English nonfiction prose that are either narrative or expository.

C. Passages shall be selected from published readings commonly used by adults as sources of information.

D. Passages shall have a level of difficulty measured by the Degrees of Reading Power Index of Readability. The total test shall have an average difficulty of at least 64 DRP units.

**3501.0090 STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAMS OR SECTION 504 ACCOMMODATION PLANS.**

Subpart 1. **Considerations for students with IEPs or section 504 accommodation plans.**

A. The IEP or section 504 accommodation plan for a student with a disability shall identify one of the following decisions for each of the basic requirements:

(1) the student is expected to achieve the statewide standard with or without testing accommodations;

(2) the student is expected to achieve the statewide standard at an individually modified level of difficulty; or

(3) the student is exempt from the statewide standard.

An exemption from the statewide standard shall be granted to a special needs student when the student cannot demonstrate the required degree of learning with appropriate accommodations or modifications if:

(a) the student's IEP or section 504 accommodation plan does not and never has included the requirements on which the tests are based; or

(b) the student is enrolled in special education classes for the subject matter included in the test, but the student's IEP or section 504 accommodation plan does not include a majority of concepts tested.

B. Adoption of modifications or exemptions for a student as stated in item A, shall occur concurrently with the adoption of transition goals and objectives as required in Minnesota Statutes, section 125A.08, paragraph (a), clause (1).

Subp. 2. **Testing students with IEPs or section 504 accommodation plans.**

A. All students shall be tested under standard conditions as specified by the developer of the test except those students whose IEPs specify other decisions consistent with subpart 1, item A.

B. Decisions regarding appropriate testing conditions including a decision to provide accommodations for a student with special needs shall be made by the local school district through the IEP process or the section 504 accommodation plan process and shall be reviewed annually.

C. Where subpart 1, item A, subitem (2), applies, the student's IEP or section 504 accommodation plan shall define an appropriate assessment of the statewide standard at a modified level of difficulty. Achievement of the individually modified standard shall be certified only through documented student performance of the defined assessment.

**3501.0100 TESTING CONSIDERATIONS FOR ENGLISH LEARNERS (EL).**

Subpart 1. **Scope.** This part applies to individuals whose first language is not English and whose test performance may be negatively impacted by lack of English language proficiency.

Subp. 2. **District process.** Each district shall establish a process for determining whether individual students whose first language is not English shall take basic requirements tests under standard test conditions, with language accommodations, with language translation of the mathematics test, or be temporarily exempted from testing. Parents of English learners, teachers of English learners, and district personnel responsible for testing shall be involved in establishing this process.

Subp. 3. **Temporary exemption.** A student may be temporarily exempted from participation in testing if the student has been enrolled for three or fewer years in a school in which the primary language of instruction is English. If the student is temporarily exempted, the exemption shall be reviewed annually according to the process in subpart 2.

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Subp. 4. **Test of reading.** Language accommodations and language translations to basic requirements tests shall not be applied to the testing of reading. Students shall demonstrate English language competence in the testing of reading.

Subp. 5. **Language translations.** A district may translate the mathematics test into a language other than English.

Subp. 6. **Learning opportunities.** Part 3501.0110 applies to students granted considerations under this part.

**3501.0110 OPPORTUNITIES TO LEARN AND REMEDIATION.**

A school district's curriculum shall include opportunities for all students to learn the basic requirements. At least two years before the anticipated date of the student's graduation, the district shall develop a plan for remediation for students who have not passed one or more basic requirements tests except for exempt students under part 3501.0090, subpart 1, item A, subitem (3).

**3501.0120 REQUIRED NOTIFICATION TO PARENTS AND STUDENTS.**

Subpart 1. **Written notice.** A school district shall establish and maintain a system to provide written notice to parents and students about graduation requirements.

Subp. 2. **Notice of graduation requirements.** No later than 30 working days after the date of the entrance into the 9th grade or transfer of a student into the district during or after 9th grade, the school district shall provide to the parents and the student written notice of:

- A. the graduation requirements; and
- B. the grade in which the student shall have the first opportunity to take a test in basic requirements.

Subp. 3. **Notice of test results and remediation opportunities.** The school district shall provide no later than 90 days after a student takes a test of basic requirements, written notice to parents and the student of:

- A. basic requirement test results; and
- B. consistent with part 3501.0050, subpart 3, if the student is in the graduating year:
  - (1) the process by which a parent or student can request additional testing and testing accommodations after April 1; and
  - (2) how a parent or student can appeal the district's decision in subitem (1).

**3501.0130 STUDENT RECORD KEEPING.**

Subpart 1. **Test results.** The district shall keep a record on each student that includes:

- A. the basic requirement tests taken; and
- B. the results of the most recent basic requirement tests given.

Subp. 2. **Student progress.** Individual student progress shall be reported on a student record as described in items A to D.

A. "Pass-state level" shall be noted on the record of a student who passes a basic requirement test under standard conditions or with an accommodation. The records for students passing with an accommodation shall not be different from the records of students passing the test under standard conditions.

B. "Pass-individual level" shall be noted on the record of a student who passes a basic requirement test with a modification established in the IEP or section 504 accommodation plan in accordance with part 3501.0090.

C. "Pass-translation" shall be noted on the record of a student who passes a basic requirement test that has been translated into a language other than English and has not been validated by the state as a state test with a set passing score.

D. "Exempt" shall be noted on the record of a student who has been exempted from a basic requirement test.

**3501.0140 TEST ADMINISTRATION.**

Subpart 1. **Testing conditions.** The school district shall administer the test of a basic requirement under standard testing conditions defined by the developer of the particular test using the directions provided with the test. Test administration with accommodations or modifications

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to standard testing conditions shall occur only in accordance with part 3501.0050, subpart 3, or 3501.0090.

Subp. 2. **District testing plan.** The district board shall annually adopt and publish a basic requirement test administration plan. The plan shall be filed with the department and delivered to all households in the district by October 15 of each year. At a minimum, the plan shall include:

- A. the graduation requirements;
- B. how many opportunities a student shall have to retake tests of basic requirements during each year;
- C. the opportunities for remediation for a student who has not passed tests of the basic requirements;
- D. the process for requesting an additional testing opportunity and accommodations for a senior who has met all other graduation requirements but has not passed one or more basic requirements;
- E. the process for appealing the district's response to requests in item D; and
- F. how to report breaches in test security procedures to the district and the department.

**3501.0150 TEST SECURITY.**

Subpart 1. **Security requirements.** When administering tests for the basic requirements, the district shall observe the following test security measures:

- A. all test booklets, answer sheets, and test materials shall be placed in locked storage before and after the test administration;
- B. the tests, testing materials, and answer sheets are nonpublic data under Minnesota Statutes, section 13.34;
- C. no copies of test booklets or answer sheets shall be made; and
- D. school districts shall report any known violations of test security to the department. The department shall receive reports of violations of test security from anyone with knowledge of such an incident.

Subp. 2. **Security violations.** The department shall investigate any reported incidents of breaches in test security. The consequences of a violation in test security may include:

- A. the invalidation of test scores if a violation is found to justify serious questions about the integrity of the results of the test administration; or
- B. other reasonable sanctions that are necessary to preserve the security and confidentiality of future tests and test administrations.

**3501.0160 DISTRICT REPORTING REQUIREMENTS.**

A. The district shall report the information in item C to the department annually by October 15 in a format to be determined by the department.

B. The district shall prepare and disseminate annually by October 15 a public report of the information in item C, through the newspaper officially designated for school district notices or through publication sent to all households in the district.

C. The reports required in items A and B shall include:

- (1) the number of students enrolled at each grade level 9 through 12 according to the end of the year Minnesota Automated Reporting Student System (MARSS) report;
- (2) the number of students at each grade level 9 through 12 passing each basic requirement at the state standard level;
- (3) the number of students at each grade level 9 through 12 passing each basic requirement at an individualized level under an IEP and a section 504 accommodation plan;
- (4) the number of students at each grade level 9 through 12 passing tests in each basic requirement that has been translated into a language other than English;
- (5) the number of students at each grade level 9 through 12 exempt from testing in each basic requirement; and
- (6) for grade 12 of the previous year only, the number of students currently denied a high school diploma because of not passing the state standard for a basic requirement when all other graduation requirements have been met.

**3501.0170 REQUIRED DOCUMENTATION FOR PROGRAM AUDIT.**

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The school district shall maintain records necessary for program audits conducted by the department. The records must include documentation that:

- A. required notifications to parents and students meet the requirements of part 3501.0120;
- B. required student records meet the requirements of part 3501.0130;
- C. the district's process for additional testing of students meets the requirements of part 3501.0050;
- D. test security procedures comply with part 3501.0150;
- E. local district decisions regarding testing accommodations, modifications, and granting exemptions are in compliance with parts 3501.0090 and 3501.0100;
- F. the school district's curriculum and instruction provides appropriate learning opportunities in the basic requirements in compliance with part 3501.0110;
- G. remediation plans for students are on file consistent with part 3501.0110;
- H. the basic requirement test administration plan complies with part 3501.0140, subpart 2;
- I. the documentation for students granted accommodations or exempted from testing complies with part 3501.0090;
- J. the assessments and documentation of performance for students granted modifications of statewide standards comply with part 3501.0090, subpart 2, item C; and
- K. the district's process for testing considerations for English learners complies with part 3501.0100.

**3501.0180 PASSING SCORES FOR STATE TESTS OF BASIC REQUIREMENTS.**

Subpart 1. **Setting scores.** The scores in this part are established for each grade 9 class beginning with the class entering in 1996. Once set, the basic requirements passing scores shall not change for a particular group of entering grade 9 students.

Subp. 2. **Mathematics.** The passing score for the state test of mathematics is 70 percent for students entering grade 9 in 1996; and is 75 percent for students entering grade 9 in 1997 and thereafter.

Subp. 3. **Reading.** The passing score for the state test of reading is 70 percent for students entering grade 9 in 1996; and is 75 percent for students entering grade 9 in 1997 and thereafter.

**3501.0200 PURPOSE.**

The purpose of parts 3501.0200 to 3501.0290 is to establish a statewide standard that describes what a Minnesota public high school student must demonstrate in written composition to be eligible for a high school diploma.

**3501.0210 SCOPE.**

Parts 3501.0200 to 3501.0290 govern the written composition standard for a high school diploma that Minnesota public schools must require of all students who enter ninth grade in 1997 or a subsequent year.

**3501.0220 DEFINITIONS.**

Subpart 1. **Scope.** For the purposes of parts 3501.0200 to 3501.0290, the terms defined in part 3501.0030 have the same meaning unless otherwise clearly indicated.

Subp. 2. **Definitions for basic requirement in written composition testing.** For the purposes of parts 3501.0200 to 3501.0290, the following terms have the meanings given them.

A. "Prompt" means a statement of a writing task for which the student is to create a written composition for a specified adult reader.

B. "Scoring criteria" means the five writing characteristics in part 3501.0230, subpart 2, to be used by trained raters in determining to what degree a written response to a prompt does or does not meet the statewide standard for written composition.

C. "Written composition" or "composition" means the composite acts of formulating and preparing, in English, a clearly focused, organized, developed, coherent, and clearly expressed message to be communicated to an adult reader in a written format.

**3501.0230 STATEWIDE GRADUATION STANDARD FOR WRITTEN COMPOSITION.**

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Subpart 1. **Basic requirements.** The basic graduation requirement for written composition is established in parts 3501.0210 to 3501.0290. The statewide standard for written composition is specified in subpart 2.

Except for decisions consistent with parts 3501.0090 and 3501.0100, to qualify for a high school diploma, a student shall demonstrate competency in the statewide standard for written composition through one of the testing options in part 3501.0250, subpart 1. Districts may require higher standards, additional demonstrations, or both of competency in written composition beyond the statewide standards.

Subp. 2. **Statewide standard in written composition.** A student shall demonstrate the ability to create, in English, a written composition. An adequate written composition must show:

- A. clarity of central ideas such that the composition responds directly and specifically to the task presented in the prompt;
- B. coherent focus such that the supporting ideas expressed in the composition relate clearly to the central idea and that there is a clear connection among ideas. Coherent focus may be accomplished through transitions, parallel structure, or other unifying devices;
- C. organization such that the ideas are expressed in an order which is logical and clear and the composition contains a beginning, middle, and end. The student may choose one of a variety of organizational strategies such as cause/effect, problem/solution, chronological sequence, topical order, or spatial organization;
- D. detailed support or elaboration of ideas. The composition must include any or all of the following: information; verbal illustrations; explanations; and examples, which sufficiently clarify and expand the student's central idea for the reader. These details must be logically connected to the central idea; and
- E. language conventions such that the composition includes features of language that are acceptable in standard written discourse. Language conventions are important to ensure that the meaning of the written composition is not impaired. The writer shall apply rules of sentence formation, language choice and order, and language mechanics including punctuation, capitalization, and spelling, of standard written English.

Subp. 3. **Scoring.** When scoring written compositions, there shall be a no minimum length requirement. Ratings shall be based on the overall quality of the written response relative to the scoring criteria. The general guidelines for score scale points in part 3501.0240 shall be used to evaluate adequate demonstration of the characteristics in subpart 2.

Handwriting must be decipherable. While students should be encouraged to write as neatly as they can, there shall be no penalty for poor handwriting, except that only compositions that are legible shall be scored.

**3501.0240 GENERAL GUIDELINES FOR SCORE SCALE POINTS.**

Subpart 1. **Scoring criteria.** Trained raters shall apply the scoring criteria under part 3501.0230, subpart 2, for the basic requirement in written composition to assign score scale points according to subparts 2 to 6.

Subp. 2. **Four-point rating.** A more than adequate student response in composition shall receive four points. A student response is more than adequate if the composition:

- A. is related to the prompt;
- B. has a central idea that is clearly expressed;
- C. is well developed with supporting details;
- D. has a beginning, middle, and end; and
- E. demonstrates excellent control of the language that enhances the overall quality of the response.

Subp. 3. **Three-point rating.** An adequate student response in composition shall receive three points. A student response is adequate if the composition:

- A. is related to the prompt;
- B. has a central idea that is clearly expressed;
- C. is developed with supporting details but may present minor obstacles to the reader in moving from one idea to another;
- D. has a beginning, middle, and end; and

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E. demonstrates adequate control of the language in that the composition may have minor errors in sentence formation, usage, or mechanics, but these do not substantially detract from the overall quality of the composition.

Subp. 4. **Two-point rating.** A less than adequate student response in composition shall receive two points. A student response is less than adequate if the composition:

- A. is related to the prompt; but
- B. is not well focused;
- C. presents obstacles to the reader in moving from idea to idea;
- D. lacks a beginning, middle, or end; or
- E. contains errors in sentence formation, word usage, and mechanics that are frequent enough to detract from the overall quality of the composition.

Subp. 5. **One-point rating.** A very inadequate student response shall receive one point. A student response is very inadequate if the composition:

- A. is related to the prompt; but
- B. lacks a central idea or coherent focus;
- C. is difficult to follow;
- D. is not clearly organized; or
- E. contains errors in sentence formation, word usage, and mechanics that are frequent enough to detract from the overall quality of the composition.

Subp. 6. **Not scorable (N).** A student response that cannot be evaluated shall receive an N. A student response shall be designated not scorable when a rater and the scoring leader agree that the composition:

- A. is not related to the prompt;
- B. is not readable because it is illegible or incoherent;
- C. is written in a language other than English;
- D. contains an insufficient amount of writing to evaluate; or
- E. is blank in that no response is given.

**3501.0250 TESTING FOR STATEWIDE STANDARDS IN THE BASIC REQUIREMENT OF WRITTEN COMPOSITION.**

Subpart 1. **District testing.** A school district shall test for competency in the statewide standard in the basic requirement of written composition by using the state basic skills test of written composition.

Subp. 2. **Offering tests in basic requirements.** A district shall first offer the test of the basic requirement in written composition to students in grade 10. Nonpassing students shall be given the opportunity to retake the test of the basic requirement in written composition at least annually.

Subp. 3. **Additional testing opportunities.** A district shall establish a process for additional testing of students who by April 1 of their anticipated graduation year have not passed a test in the basic requirement in written composition.

The process shall include:

- A. how the parent, student, or both can request:
  - (1) an additional testing opportunity to take the basic requirement in written composition test; and
  - (2) testing accommodations;
- B. the procedure that the district shall use to act on a request in item A; and
- C. how a parent, student, or both can appeal the district's action under item B.

In addition to the regularly scheduled annual availability of a new form of the state test, an additional statewide administration of the state test shall be made available by the department for one additional retesting of seniors.

Subp. 4. **Transfer students.** A student transferring into a district shall not be required to take a test of the basic requirement for written composition if the student's record from the former school verifies that the student has already passed a test of that basic requirement consistent with this part. This subpart applies even if the student transfers into a district that has higher standards than the statewide standard for the basic requirement in written composition.



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Subp. 5. **Specifications for state test in written composition.** The state test shall assess the statewide standard for the basic requirement in written composition. The state test shall be written, administered, and scored according to subparts 6 to 8.

Subp. 6. **Test contents.** The state test shall require a student to compose a single composition in response to one prompt. The prompt shall:

- A. require no prior preparation for response;
- B. indicate that the response should be written for a specific adult reader;
- C. accommodate a variety of writing strategies and instruction;
- D. contain a topic that is unknown to students, their parents, teachers, or test proctors before the actual testing session; and
- E. elicit demonstration of the general scoring criteria of the statewide standard for the basic requirement in written composition.

Subp. 7. **Test administration.** The state test shall be administered according to standard conditions for administration that shall be provided to the district with the test.

A. The state test shall be untimed but must be completed in an unbroken block of time. Once the student is excused for lunch, another class, activity, or to go home, the testing session has been concluded.

B. The state test shall require that the student's response be written directly in the test booklets without the use of word processors or writing tools other than pencils and pens, except when the district determines that a student has a physical condition that prevents the student writing by hand or as provided for under part 3501.0090.

C. A student shall not use a dictionary, thesaurus, or other published or prepared reference or preparation material of any type during testing.

Subp. 8. **Test scoring.** Tests shall be scored independently by members of a state-approved, trained scoring panel using the scoring criteria and the scoring process specified by the state. The state scoring process for the test of the basic requirement in written composition shall be according to items A to E.

A. The state shall contract with an independent vendor chosen for its experience and reliability in training and conducting the scoring of tests of written composition.

B. The contracted vendor shall train each rater on the prompt to be scored and each rater shall satisfactorily complete a qualifying assessment prior to scoring actual student responses. The contractor shall provide periodic reports of interrater agreement as scoring progresses and summary data on interrater agreement when scoring has been completed. The contractor shall also periodically recheck the accuracy of each rater. To qualify for scoring student responses, an individual rater shall demonstrate at least a 90 percent rate of agreement with scores assigned by scoring leaders.

C. A rubric, which is the scoring criteria applied to example compositions unique to a specific prompt, shall be developed as part of the rater training process for rating a specific prompt.

D. Each composition shall be rated independently by two raters. Raters shall assign ratings on a scale of one to four (1-4) or assign a designation of not scorable according to the general scoring criteria in part 3501.0240 and the rubric developed for the specific prompt being scored. When a rater assigns N, the scoring leader shall either determine that the final score is N or declare the test scorable. A test, declared scorable through this procedure, shall be returned to begin the rating process again. Raters may assign only whole number ratings. Except as provided in item E, the written composition score for each student shall be the average of the two assigned ratings. An average score of at least 3.0 shall be required to pass the written composition test.

E. A student composition shall be evaluated by a third rater who is a scoring leader when the composition receives two ratings that:

- (1) differ by more than one point; or
- (2) consist of one 2 and one 3 rating.

The scoring leader shall independently assign a third rating to the composition. The final score shall be calculated by averaging the two ratings that are on the same side of the pass/not pass line. Final scores that are possible under this item are: 1, 1.5, 2, 3, 3.5, and 4. An assigned score of at least 3.0 shall be required to pass the written composition test.

Subp. 9. **Test review.** All written compositions shall be returned to districts after scoring is completed so that schools, teachers, and students have the opportunity to review them for diagnosis of student writing proficiency and identification of needs for further instruction.

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Districts may request, in advance of scoring, that compositions with failing scores be returned with analytic scoring to provide additional assistance in preparing the student for retesting.

**3501.0270 SCHOOL DISTRICT RESPONSIBILITIES.**

For the purposes of parts 3501.0200 to 3501.0290, parts 3501.0090 to 3501.0170 apply.

**3501.0280 TEST OF WRITTEN COMPOSITION; ENGLISH LEARNERS (EL).**

Subpart 1. **Testing considerations.** For the purposes of parts 3501.0200 to 3501.0290, part 3501.0100 applies when testing English learners (EL).

**3501.0280 TEST OF WRITTEN COMPOSITION; ENGLISH LEARNERS (EL).**

Subp. 2. **Test prompts.** A district may translate into another language test prompts for tests of written composition.

**3501.0290 PASSING SCORE FOR STATE TESTS OF WRITTEN COMPOSITION.**

The passing score for the state test of written composition is a rating of 3, consistent with part 3501.0250, subpart 8, items D and E.

**3501.1000 PURPOSE.**

The purpose of parts 3501.1000 to 3501.1190 is to establish statewide graduation test standards and rules for administration and implementation of the graduation-required assessment for diploma (GRAD).

**3501.1020 SCOPE.**

Parts 3501.1000 to 3501.1190 govern the graduation standards that Minnesota public schools must require for a high school diploma for all students enrolled in grade 8 in the 2005-2006 school year and later.

**3501.1030 DEFINITIONS.**

Subpart 1. **Scope.** The terms used in parts 3501.1000 to 3501.1190 have the meanings given them in this part.

Subp. 2. **Accommodation.** "Accommodation" means an adjustment in a testing condition, such as the setting for or scheduling of the test, or a change in the method of administering a test. An accommodation does not compromise the security or the confidentiality of the test, does not alter the meaning of the score, or render the student's score incomparable to the scores of those students who took the test under standard conditions.

Subp. 3. **Department.** "Department" means the Department of Education.

Subp. 4. **District.** "District" means a school district.

Subp. 5. **Graduation-required assessment for diploma (GRAD).** "Graduation-required assessment for diploma" or "GRAD" means the assessment that measures the reading, writing, and mathematics proficiency of high school students.

Subp. 6. **Individualized education program or IEP.** "Individualized education program" or "IEP" means a written statement developed for a student eligible for special education and services pursuant to Minnesota Statutes, sections 125A.03 to 125A.24, and the Individuals with Disabilities Education Act, as amended in 2004, Public Law 108-446.

Subp. 7. **Modification.** "Modification" means an adjustment of a test that results in changing the standard for a particular student.

Subp. 8. **Parent.** "Parent" means, for a student under age 18, the mother, father, guardian, person acting as the parent of the student, conservator, or surrogate parent who has been appointed according to parts 3525.2435 to 3525.2455. For a student age 18 or over, parent also includes the student unless a guardian or conservator has been appointed, in which case it means the guardian or conservator. When the parents are separated or divorced, it means the parent who has the legal right, by court decree or agreement, to determine the student's education, even though the student may be living with the other parent.

Subp. 9. **Public schools.** "Public schools" means all public schools as defined in Minnesota Statutes, section 120A.05, and includes, but is not limited to, public school districts, charter schools, the state academies for the deaf and the blind, and the Center for Arts Education.

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Subp. 10. **Section 504 accommodation plan.** "Section 504 accommodation plan" means the defined appropriate accommodations or modifications that must be made in the school environment to address the needs of an individual student with disabilities. This section of the federal Rehabilitation Act of 1973, Public Law 91-230, as amended in Public Law 101-476, extends protection to a much broader student population than just those students with IEPs.

Subp. 11. **Statewide graduation standards.** "Statewide graduation standards" means statements of what a student should know and be able to do as described by Minnesota Statutes, sections 120B.02 and 120B.021.

Subp. 12. **Student.** "Student" means a person admitted to a public school as defined in Minnesota Statutes, section 120A.05, in accordance with Minnesota Statutes, section 120A.20.

Subp. 13. **Test design.** "Test design" means statements of the requirements that tests must include and how tests are designed. These design documents define the required content, format, level of difficulty, types of items, and length of the tests.

### **3501.1040 GRAD REQUIREMENTS.**

The GRAD requirements for reading, mathematics, and writing are established in this chapter.

To qualify for a high school diploma, a student must demonstrate competency in the statewide standards for reading, mathematics, and writing by fulfilling the graduation test requirements established by Minnesota Statutes, sections 120B.02 and 120B.30.

### **3501.1050 TESTING FOR STATEWIDE GRAD STANDARDS.**

Subpart 1. **District testing.** A district must test for proficiency in statewide graduation standards by using the graduation-required assessment for diploma.

Subp. 2. **Offering GRAD.** A district must not offer the GRAD before the grade of its first census administration. Once the test has first been offered to a group of students, the district must continue to offer the GRAD to that group of students at least once a year.

### **3501.1110 OPPORTUNITIES TO LEARN AND REMEDIATION.**

A district's curriculum must include opportunities for all students to learn the GRAD requirements and subject matter. The district must develop a plan for remediation for a student who, after two retest opportunities, has not passed a specific GRAD.

### **3501.1120 REQUIRED NOTIFICATION TO PARENTS AND STUDENTS.**

Subpart 1. **Written notice.** A district must establish and maintain a system to provide written notice to parents and students about graduation requirements.

Subp. 2. **Notice of graduation requirements.** Beginning in the 2008-2009 school year and each subsequent year the district must provide to parents and students written notice of:

- A. the graduation requirements; and
- B. the grade in which the student will have the first opportunity to take a GRAD.

Subp. 3. **Notice of test results and remediation opportunities.** The district must provide written notice to parents and the student of GRAD results no later than 60 days after the district receives the results of a GRAD. After the date of receiving test results, students must have a minimum of six weeks for remediation before the next testing opportunity.

### **3501.1130 STUDENT RECORD KEEPING.**

Subpart 1. **Test results.** The district must keep a record on each student that includes:

- A. the GRAD taken; and
- B. the results of the most recent GRAD given.

Subp. 2. **Student progress.** Individual student progress must be reported on a student record as described in this part.

"Pass" or "p" must be noted on the record of a student who passes a GRAD under standard conditions or with an accommodation.

"Pass" or "p" must also be noted on the record of a student who passes a GRAD with a modification established in the IEP or section 504 accommodation plan in accordance with part 3501.1190. This notation is also used as a GRAD notation for any other modified or alternate assessment used for accountability purposes for students with disabilities. The records for students passing with an accommodation or a modification or who pass an alternate assessment must not differ from the records of students passing the test under standard conditions.

**3501.1140 TEST ADMINISTRATION.**

The district must administer the GRAD under standard testing conditions defined by the developer of the particular test. The district must use the directions provided with the test. Test administration with accommodations or modifications to standard testing conditions must occur only in accordance with part 3501.1190.

**3501.1150 TEST SECURITY.**

Subpart 1. **Security requirements.** When administering GRAD, the district must observe the following test security measures:

A. all test materials must be secured, either physically or electronically, before and after the test administration;

B. all testing materials are nonpublic data under Minnesota Statutes, section 13.34;

C. a student is required to present a valid photo ID before being admitted to the testing site if:

(1) the student is not enrolled in the testing district; or

(2) the student is unknown to the test proctor when testing in the enrolled district; and

D. districts must report any known violations of test security to the department. The department must accept reports of violations of test security from anyone with knowledge of such an incident.

Subp. 2. **Security violations.** The department must investigate any reported incidents of breaches in test security. The consequences of a violation in test security may include:

A. the invalidation of test scores if a violation is found to justify serious questions about the integrity of the results of the test administration; or

B. other reasonable sanctions that are necessary to preserve the security and confidentiality of future tests and test administrations.

**3501.1160 REQUIRED DOCUMENTATION FOR PROGRAM AUDIT.**

The district must maintain records necessary for program audits conducted by the department. The records must include documentation that:

A. remediation plans for students are developed consistent with part 3501.1110;

B. the district's curriculum and instruction provides appropriate learning opportunities in the state graduation requirements in compliance with part 3501.1110;

C. notifications to parents and students meet the requirements of part 3501.1120;

D. student records meet the requirements of part 3501.1130;

E. the GRAD administration plan complies with part 3501.1140;

F. test security procedures comply with part 3501.1150;

G. the district's process for testing considerations for English learners complies with part 3501.1180;

H. the documentation for students granted accommodations for testing complies with part 3501.1190; and

I. the assessments and documentation of performance for students granted modifications of statewide standards comply with part 3501.1190.

**3501.1170 PASSING SCORES FOR GRAD.**

Subpart 1. **Passing scores.** Passing scores for purposes of this part reflect an achievement level equivalent to or greater than the level determined through a standard setting process.

Subp. 2. **Reading and mathematics.** The passing scores for the GRAD in reading and mathematics are as provided by Minnesota Statutes, section 120B.30, subdivision 1, for students enrolled in grade 8 in the 2005-2006 school year and later.

Subp. 3. **Writing.** The passing score for the GRAD in writing is as provided by Minnesota Statutes, section 120B.30, subdivision 2, for students enrolled in grade 8 in the 2005-2006 school year and later.

**3501.1180 STUDENTS IN UNIQUE SITUATIONS.**

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Subpart 1. **Dual enrolled students.** Dual enrolled students are public school students. To graduate from a Minnesota public high school, a dual enrolled student must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30.

Subp. 2. **English learners (EL).** English learners (EL) who are public school students and are designated in the Minnesota Automated Reporting Student System (MARSS) as English learners (EL) are required to pass the GRAD if they have been enrolled in any Minnesota school for at least four consecutive years. An EL student who first enrolls in a Minnesota school in grade 9 or above and who completes the course work and any other state and district requirements to graduate within a four-year period is not required to pass the GRAD.

Subp. 3. **Foreign exchange students.** To graduate from a Minnesota public high school, a foreign exchange student must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30. If a foreign exchange student will not receive a diploma from a Minnesota public high school, the student is not required to fulfill the graduation test requirements.

Subp. 4. **Home school students.** Home school students are not public school students and passing the GRAD is not required. To graduate from a Minnesota public high school, a home school student must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30.

Subp. 5. **Open enrollment students.** Open enrollment students are public school students. To graduate from a Minnesota public high school, an open enrollment student must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30.

Subp. 6. **Postsecondary enrollment option (PSEO) students.** Postsecondary enrollment option (PSEO) students are public school students. To graduate from a Minnesota public high school, a PSEO student must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30.

A PSEO student who is present on the day of testing should participate in the current series Minnesota Comprehensive Assessments (MCA). A PSEO student who is not present for the current series MCA must take the GRAD at a later date.

Subp. 7. **Shared-time students.** Shared-time students are private school students attending a public school class; these students are not public school students and passing the GRAD is not required. To graduate from a Minnesota public high school, a shared-time student must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30.

Subp. 8. **Transfer students who passed a graduation examination in another state.** A district may submit a passing score report for a transfer student and the department will request test design documents from the other state for review. As graduation examinations from other states are received, the department will maintain a list of states with acceptable substitute graduation examinations. The department will seek reciprocity for the GRAD in other states when it accepts their assessments.

Subp. 9. **District-placed students and students attending school under a tuition agreement.** District-placed students and students attending school under a tuition agreement are public school students. To graduate from a Minnesota public high school, district-placed students and students attending school under a tuition agreement must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30.

Subp. 10. **Care and treatment; correctional facility students.** To graduate from a Minnesota public high school, a student placed for care and treatment or a student in a correctional facility must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30, unless the student has an IEP or a section 504 accommodation plan, in which case part 3501.1190 applies.

**3501.1190 STUDENTS WITH IEP PLANS OR SECTION 504 ACCOMMODATION PLANS.**

Subpart 1. **Considerations for students with IEPs or section 504 accommodation plans.** The individualized education program or section 504 accommodation plan for a student with a disability must identify one of the following decisions for each subject area of the GRAD:

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A. the student is expected to achieve the statewide standard with or without testing accommodations, resulting in a "pass" or "p" notation on the record when achieving a passing score; or

B. the student is expected to achieve the statewide standard at an individually modified level of difficulty, resulting in a "pass" or "p" notation on the record when achieving the modified level. A Minnesota alternate assessment must be used when an IEP team chooses to replace the GRAD. Adoption of modifications for a student must occur concurrently with the adoption of transition goals and objectives as required by Minnesota Statutes, section 125A.08, paragraph (a), clause (1).

Subp. 2. **Testing students with IEPs or section 504 accommodation plans.** All students must be tested under standard conditions as specified by the developer of the test except those students whose IEPs or section 504 accommodation plans specify other decisions consistent with subpart 1.

A. Decisions regarding appropriate testing conditions, including a decision to provide accommodations for a student, must be made by the IEP team or through the section 504 accommodation plan process and must be reviewed annually.

B. Where subpart 1, item B, applies, the student's IEP or section 504 accommodation plan must define an appropriate assessment of the statewide standard at a modified level of difficulty. Achievement of the individually modified standard shall be certified only through documented student performance of the defined assessment.