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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 635

02/18/2013 Authored by Quam, Selcer and Erickson, S.,
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; providing for computer-adaptive testing; amending
1.3 Minnesota Statutes 2012, section 120B.30, subdivisions 1, 1a.

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

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

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

2.1 the 2012-2013 and 2013-2014 school years only, these students may satisfy the state's
2.2 graduation test requirement for math by complying with paragraph (d), clauses (1) and (3).

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

2.5 (1) mathematics;

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

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

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

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

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

2.14 (1) for reading and mathematics:

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

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

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

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

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

2.35 (2) for writing:

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

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

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

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

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

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

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

3.17 (3) fully participate in at least two retests of the mathematics GRAD test or until
3.18 they pass the mathematics GRAD test, whichever comes first. A school, district, or charter
3.19 school must place on the high school transcript a student's current pass status for each
3.20 subject that has a required graduation assessment.

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

3.25 (e) The 3rd through 8th grade computer-adaptive assessments and high school test
3.26 results shall be available to districts for diagnostic purposes affecting student learning and
3.27 district instruction and curriculum, and for establishing educational accountability. The
3.28 commissioner must disseminate to the public the computer-adaptive assessments and high
3.29 school test results upon receiving those results.

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

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

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

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

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

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

4.12 **EFFECTIVE DATE.** Requirements for using computer-adaptive mathematics and
 4.13 reading assessments for grades 3 through 8 apply in the 2014-2015 school year and later.

4.14 Sec. 2. Minnesota Statutes 2012, section 120B.30, subdivision 1a, is amended to read:

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

4.17 (1) "Computer-adaptive assessments" means fully adaptive assessments or partially
 4.18 adaptive assessments.

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

4.21 (3) "Partially adaptive assessments" include two portions of test items, where one
 4.22 portion is limited to on-grade level test items and a second portion includes test items that
 4.23 are on-grade level or above or below a student's grade level.

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

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

4.32 (6) "Below-grade level" test items contain subject area content that is below the
 4.33 grade level of the student taking the test and is considered aligned with state academic
 4.34 standards to the extent it is aligned with content represented in state academic standards
 4.35 below the student's current grade level. Notwithstanding the student's grade level,

5.1 administering below-grade level test items to a student does not violate the requirement
 5.2 that state assessments must be aligned with state standards.

5.3 (b) The commissioner must use fully adaptive assessments to the extent no net loss
 5.4 of federal and state funds occurs as a result of using these assessments. If a net loss of
 5.5 federal and state funds were to occur under this subdivision, then the commissioner must
 5.6 use partially adaptive assessments to meet existing federal educational accountability
 5.7 requirements.

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

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

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

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

5.23 (i) individual student performance data and achievement and summary reports are
 5.24 available within three school days of when students take an assessment;

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

5.27 (iii) parents, teachers, and school administrators are able to use elementary and
 5.28 middle school student performance data to project student achievement in high school;

5.29 (iv) useful diagnostic information about areas of students' academic strengths and
 5.30 weaknesses is available to teachers and school administrators for improving student
 5.31 instruction and indicating the specific skills and concepts that should be introduced and
 5.32 developed for students at given score levels, organized by strands within subject areas,
 5.33 and aligned to state academic standards; and

5.34 (v) the maximum number of school districts have the opportunity to replace
 5.35 district-purchased computer-adaptive assessments with state-developed and state-funded
 5.36 computer-adaptive assessments.

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

6.4 ~~(e)~~ (f) Reporting of assessment results must:

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

6.7 (2) include a value-added growth indicator of student achievement under section
 6.8 120B.35, subdivision 3, paragraph (b); and

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

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

6.13 ~~(d)~~ (g) Consistent with applicable federal law and subdivision 1, paragraph (d),
 6.14 clause (1), the commissioner must include appropriate, technically sound accommodations
 6.15 or alternative assessments for the very few students with disabilities for whom statewide
 6.16 assessments are inappropriate and for English learners.

6.17 ~~(e)~~ (h) A school, school district, and charter school must administer statewide
 6.18 assessments under this section, as the assessments become available, to evaluate student
 6.19 proficiency in the context of the state's grade level academic standards. If a state
 6.20 assessment is not available, a school, school district, and charter school must determine
 6.21 locally if a student has met the required academic standards. A school, school district,
 6.22 or charter school may use a student's performance on a statewide assessment as one of
 6.23 multiple criteria to determine grade promotion or retention. A school, school district, or
 6.24 charter school may use a high school student's performance on a statewide assessment
 6.25 as a percentage of the student's final grade in a course, or place a student's assessment
 6.26 score on the student's transcript.

6.27 **EFFECTIVE DATE.** Requirements for using computer-adaptive mathematics and
 6.28 reading assessments for grades 3 through 8 apply in the 2014-2015 school year and later.