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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 280

01/17/2017 Authored by Bly and Slocum  
The bill was read for the first time and referred to the Committee on Education Innovation Policy

1.1 A bill for an act  
1.2 relating to education; creating alternative accountability measures for certain  
1.3 schools; requesting a federal waiver; amending Minnesota Statutes 2016, sections  
1.4 120B.11, subdivision 1a; 120B.36, subdivision 1; proposing coding for new law  
1.5 in Minnesota Statutes, chapter 120B.

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

1.7 Section 1. Minnesota Statutes 2016, section 120B.11, subdivision 1a, is amended to read:

1.8 Subd. 1a. **Performance measures.** Measures to determine school district and school  
1.9 site progress in striving to create the world's best workforce must include at least:

1.10 (1) the size of the academic achievement gap, rigorous course taking under section  
1.11 120B.35, subdivision 3, paragraph (c), clause (2), and enrichment experiences by student  
1.12 subgroup;

1.13 (2) student performance on the Minnesota Comprehensive Assessments;

1.14 (3) high school graduation rates; ~~and~~

1.15 (4) career and college readiness under section 120B.30, subdivision 1; and

1.16 (5) where applicable, student performance on assessments as part of the alternative  
1.17 accountability measures under section 120B.37.

1.18 Sec. 2. Minnesota Statutes 2016, section 120B.36, subdivision 1, is amended to read:

1.19 Subdivision 1. **School performance reports.** (a) The commissioner shall report student  
1.20 academic performance data under section 120B.35, subdivisions 2 and 3; the percentages  
1.21 of students showing low, medium, and high growth under section 120B.35, subdivision 3,

2.1 paragraph (b); school safety and student engagement and connection under section 120B.35,  
 2.2 subdivision 3, paragraph (d); rigorous coursework under section 120B.35, subdivision 3,  
 2.3 paragraph (c); the percentage of students under section 120B.35, subdivision 3, paragraph  
 2.4 (b), clause (2), whose progress and performance levels are meeting career and college  
 2.5 readiness benchmarks under sections 120B.30, subdivision 1, and 120B.35, subdivision 3,  
 2.6 paragraph (e); where applicable, the alternative accountability measure under section  
 2.7 120B.37; longitudinal data on the progress of eligible districts in reducing disparities in  
 2.8 students' academic achievement and realizing racial and economic integration under section  
 2.9 124D.861; the acquisition of English, and where practicable, native language academic  
 2.10 literacy, including oral academic language, and the academic progress of all English learners  
 2.11 enrolled in a Minnesota public school course or program who are currently or were previously  
 2.12 counted as English learners under section 124D.59; two separate student-to-teacher ratios  
 2.13 that clearly indicate the definition of teacher consistent with sections 122A.06 and 122A.15  
 2.14 for purposes of determining these ratios; staff characteristics excluding salaries; student  
 2.15 enrollment demographics; foster care status, including all students enrolled in a Minnesota  
 2.16 public school course or program who are currently or were previously in foster care, student  
 2.17 homelessness, and district mobility; and extracurricular activities. The report also must  
 2.18 indicate a school's status under applicable federal law.

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

2.21 (c) The commissioner must make available performance reports by the beginning of  
 2.22 each school year.

2.23 (d) A school or district may appeal its results in a form and manner determined by the  
 2.24 commissioner and consistent with federal law. The commissioner's decision to uphold or  
 2.25 deny an appeal is final.

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

2.31 **Sec. 3. [120B.37] ALTERNATIVE ACCOUNTABILITY.**

2.32 Subdivision 1. Purpose. Because certain educational programs in the state educate  
 2.33 students who come into these programs often multiple grade levels behind, the current  
 2.34 accountability framework based around proficiency does not give a useful measure of which

3.1 of these programs are effectively closing the gap in educational attainment and which  
 3.2 programs are not. For these programs, a measure designed around academic growth, career  
 3.3 and college readiness growth, and student engagement provides a more meaningful  
 3.4 measurement of the success of these programs.

3.5 Subd. 2. **Eligible schools and programs.** (a) For purposes of this section, the terms in  
 3.6 this subdivision have the meanings given.

3.7 (b) "Eligible program" means:

3.8 (1) an area learning center or alternative learning program under section 123A.05; or

3.9 (2) a charter school under chapter 124E where:

3.10 (i) at least 70 percent of enrolled pupils are eligible to participate in the graduation  
 3.11 incentives program under section 124D.68; or

3.12 (ii) the charter school contract limits admission to pupils eligible to participate in the  
 3.13 graduation incentives program under section 124D.68.

3.14 Subd. 3. **Accountability measures.** (a) In addition to the accountability measures required  
 3.15 under this chapter, an eligible program may have an additional accountability measure  
 3.16 reported based on the criteria under paragraphs (b) to (d).

3.17 (b) Thirty percent of the measure under this subdivision must be based on longitudinal  
 3.18 data showing student achievement and growth on a nationally or state-normed assessment  
 3.19 aligned with Minnesota's graduation standards for groups of 20 or more students who are  
 3.20 continuously enrolled in the eligible program for at least 90 days before the assessment is  
 3.21 administered.

3.22 (c) Forty percent of the measure under this subdivision must be based on demonstrated  
 3.23 growth in any four of the following postsecondary and workforce readiness measures: a  
 3.24 three-year average graduation rate for students who complete high school in four, five, or  
 3.25 six years; a three-year average student drop-out rate for students who leave the eligible  
 3.26 program in a single year without pursuing an education alternative; the participation rate  
 3.27 and composite score of those students in a school year taking a national postsecondary or  
 3.28 workforce readiness assessment such as the ACT, PSAT, SAT, ACCUPLACER, or ASVAB;  
 3.29 the percentage of students in the grade 12 cohort as identified by the number of completed  
 3.30 course credits at the beginning of the school year who graduate within that school year; the  
 3.31 percentage of students in a school year who successfully transfer to another education  
 3.32 program, including those leading to a diploma, credential, or degree, or care and treatment  
 3.33 program; the percentage of students in the previous school year who complete an education

4.1 program, receive a diploma, enroll in a postsecondary program or institution, enlist in the  
4.2 military, or obtain full-time employment; the percentage of students in a school year who  
4.3 successfully complete the number of course credits they need to stay on track to graduate  
4.4 within an established timeline; the percentage of students in a school year who successfully  
4.5 meet work certification or preapprenticeship program requirements; or the percentage of  
4.6 students in a school year who earn dual enrollment credits through the Postsecondary  
4.7 Enrollment Options Act or other dual credit program.

4.8 (d) Thirty percent of the measure under this subdivision must be based on data from any  
4.9 three of the following measures applied to groups of 20 or more students who are  
4.10 continuously enrolled in the eligible program for at least 90 days: a three-year average daily  
4.11 attendance rate; a three-year average of the total number of days students are reported as  
4.12 truant; the number of student dropouts who enroll in the school and remain continuously  
4.13 enrolled throughout that school year; the percentage of students in a school year who  
4.14 participate in and demonstrate growth on character and social competency assessments  
4.15 measuring decision-making skills, career readiness, education or aspiration goals, and similar  
4.16 characteristics or competencies; and the percentage of students in a school year who meet  
4.17 the community service goals in their individual learning plan as measured by the eligible  
4.18 program's citizenship and community outcomes rubric.

4.19 **Sec. 4. FEDERAL WAIVER.**

4.20 The commissioner of education shall seek a waiver from current federal accountability  
4.21 requirements to replace the current accountability measures with the measure established  
4.22 in Minnesota Statutes, section 120B.37, subdivision 3, for eligible programs under that  
4.23 section.