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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3042

03/14/2016 Authored by Moran, Mariani, Thissen, Bly, Johnson, S., and others
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; proposing to count all students; collecting and reporting
1.3 aggregated and disaggregated student growth, learning, and outcome data;
1.4 amending Minnesota Statutes 2014, sections 120B.35; 120B.36, as amended;
1.5 124D.59, by adding a subdivision; Minnesota Statutes 2015 Supplement, section
1.6 120B.31, subdivision 4.

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

1.8 Section 1. CITATION.

1.9 Sections 1 to 5 may be cited as the "All Kids Count Act."

1.10 Sec. 2. Minnesota Statutes 2015 Supplement, section 120B.31, subdivision 4, is
1.11 amended to read:

1.12 Subd. 4. **Student performance data.** In developing policies and assessment
1.13 processes to hold schools and districts accountable for high levels of academic standards
1.14 under section 120B.021, the commissioner shall aggregate and disaggregate student
1.15 data over time to report summary student performance and growth levels and, under
1.16 section 120B.11, subdivision 2, clause (2), student learning and outcome data measured
1.17 at the school, school district, and statewide level. ~~When collecting and reporting the~~
1.18 ~~performance data,~~ The commissioner shall use the student categories identified under
1.19 the federal Elementary and Secondary Education Act, as most recently reauthorized, to
1.20 organize and report the data so that state and local policy makers can understand the
1.21 educational implications of changes in districts' demographic profiles over time, including
1.22 student categories of homelessness, ethnicity, race, gender, disability, home language,
1.23 migrant, English language learners under section 124D.59, free or reduced lunch, foster
1.24 care, and other categories designated by federal law, as data are available, among other

2.1 demographic factors. Any report the commissioner disseminates containing summary data
 2.2 on student performance must integrate student performance and the demographic factors
 2.3 that strongly correlate with that performance.

2.4 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and
 2.5 later.

2.6 Sec. 3. Minnesota Statutes 2014, section 120B.35, is amended to read:

2.7 **120B.35 STUDENT ACADEMIC ACHIEVEMENT AND GROWTH.**

2.8 Subdivision 1. ~~School and Student indicators of growth and achievement.~~

2.9 The commissioner must develop and implement a system for measuring and reporting
 2.10 academic achievement and individual student growth, consistent with the statewide
 2.11 educational accountability and reporting system. The system components must measure
 2.12 and separately report the adequate yearly progress of schools and the growth of individual
 2.13 students: students' current achievement in schools under subdivision 2; and individual
 2.14 students' educational growth over time under subdivision 3. The system also must include
 2.15 statewide measures of student academic growth that identify schools with high levels
 2.16 of growth, and also schools with low levels of growth that need improvement. ~~When~~
 2.17 ~~determining a school's effect,~~ The data must include both statewide measures of student
 2.18 achievement and, to the extent annual tests are administered, indicators of achievement
 2.19 growth that take into account a student's prior achievement. Indicators of achievement and
 2.20 prior achievement must be based on highly reliable statewide or districtwide summative,
 2.21 interim, or formative assessments. Indicators that take into account a student's prior
 2.22 achievement must not be used to disregard a school's low achievement or to exclude a
 2.23 school from a program to improve low achievement levels.

2.24 Subd. 2. **Federal Expectations for student academic achievement.** (a) Each
 2.25 school year, a school district must determine if the student achievement levels at each
 2.26 school site meet federal expectations. If student achievement levels at a school site do
 2.27 not meet federal expectations and the site has not made adequate yearly progress for two
 2.28 consecutive school years, beginning with the 2001-2002 school year, the district must
 2.29 work with the school site to adopt a plan to raise student achievement levels to meet
 2.30 federal expectations. The commissioner of education shall establish student academic
 2.31 achievement levels to comply with this paragraph.

2.32 (b) School sites identified as not meeting federal expectations must develop
 2.33 continuous improvement plans in order to meet federal expectations for student academic
 2.34 achievement. The department, at a district's request, must assist the district and the school

3.1 ~~site sites~~ in developing a plan to improve student achievement. The plan must include
 3.2 parental involvement components.

3.3 (c) The commissioner must:

3.4 (1) assist school sites and districts identified as not meeting federal expectations; and

3.5 (2) provide technical assistance to schools that integrate student achievement
 3.6 measures into the school continuous improvement plan.

3.7 (d) The commissioner shall establish and maintain a continuous improvement Web
 3.8 site designed to make aggregated and disaggregated student growth and, under section
 3.9 120B.11, subdivision 2, clause (2), student learning and outcome data on every school
 3.10 and district available to parents, teachers, administrators, community members, and the
 3.11 general public, consistent with this section.

3.12 Subd. 3. **State growth target; other state measures.** (a) The state's educational
 3.13 assessment system measuring individual students' educational growth is based on
 3.14 indicators of achievement growth that show an individual student's prior achievement.
 3.15 Indicators of achievement and prior achievement must be based on highly reliable
 3.16 statewide or districtwide summative, interim, or formative assessments.

3.17 (b) The commissioner, in consultation with a stakeholder group that includes
 3.18 assessment and evaluation directors, district staff, experts in culturally responsive teaching,
 3.19 and researchers, must implement a model that uses a value-added growth indicator and
 3.20 includes criteria for identifying schools and school districts that demonstrate medium and
 3.21 high growth under section 120B.299, subdivisions 8 and 9, and may recommend other
 3.22 value-added measures under section 120B.299, subdivision 3. The model may be used
 3.23 to advance educators' professional development and replicate programs that succeed in
 3.24 meeting students' diverse learning needs. Data on individual teachers generated under the
 3.25 model are personnel data under section 13.43. The model must allow users to:

3.26 (1) report student growth consistent with this paragraph; and

3.27 (2) for all student categories, report and compare aggregated and disaggregated state
 3.28 student growth and, under section 120B.11, subdivision 2, clause (2), student learning and
 3.29 outcome data using the ~~nine~~ student categories identified under the federal 2001 No Child
 3.30 Left Behind Act and two Elementary and Secondary Education Act, as most recently
 3.31 reauthorized, and other categories including three student gender categories of male
 3.32 and, female, respectively and other, following appropriate reporting practices to protect
 3.33 nonpublic student data. and, in addition to the Karen community, other student categories
 3.34 as determined by the total Minnesota population at or above the 1,000-person threshold
 3.35 based on the most recent decennial census, including ethnicity; race; English language
 3.36 learners under section 124D.59; diagnosed disabilities or disorders affecting reading or

4.1 interpretations of letters, words, and other symbols; home language; free or reduced-price
 4.2 lunch; migrant; immigrant; homeless; and all students enrolled in a Minnesota public
 4.3 school who are currently or were previously in foster care, except that such disaggregation
 4.4 and cross tabulation is not required if the number of students in a category is insufficient
 4.5 to yield statistically reliable information or the results would reveal personally identifiable
 4.6 information about an individual student.

4.7 The commissioner must report measures of student growth and, under section
 4.8 120B.11, subdivision 2, clause (2), student learning and outcome data, consistent with
 4.9 this paragraph, including the English language development, academic progress, and oral
 4.10 academic development of English learners and their native language development if the
 4.11 native language is used as a language of instruction, and include data on all pupils enrolled
 4.12 in a Minnesota public school course or program who are currently or were previously
 4.13 counted as an English learner under section 124D.59.

4.14 (c) When reporting student performance under section 120B.36, subdivision 1, the
 4.15 commissioner annually, beginning July 1, 2011, must report two core measures indicating
 4.16 the extent to which current high school graduates are being prepared for postsecondary
 4.17 academic and career opportunities:

4.18 (1) a preparation measure indicating the number and percentage of high school
 4.19 graduates in the most recent school year who completed course work important to
 4.20 preparing them for postsecondary academic and career opportunities, consistent with
 4.21 the core academic subjects required for admission to Minnesota's public colleges and
 4.22 universities as determined by the Office of Higher Education under chapter 136A; and

4.23 (2) a rigorous coursework measure indicating the number and percentage of high
 4.24 school graduates in the most recent school year who successfully completed one or more
 4.25 college-level advanced placement, international baccalaureate, postsecondary enrollment
 4.26 options including concurrent enrollment, other rigorous courses of study under section
 4.27 120B.021, subdivision 1a, or industry certification courses or programs.

4.28 When reporting the core measures under clauses (1) and (2), the commissioner must also
 4.29 analyze and report separate categories of information using the ~~nine~~ student categories
 4.30 identified under the federal ~~2001 No Child Left Behind Act~~ and two student gender
 4.31 ~~categories of male and female, respectively~~ Elementary and Secondary Education Act, as
 4.32 most recently reauthorized, following appropriate reporting practices to protect nonpublic
 4.33 student data. and other categories including three student gender categories of male,
 4.34 female, and other, and, in addition to the Karen community, other student categories as
 4.35 determined by the total Minnesota population at or above the 1,000-person threshold
 4.36 based on the most recent decennial census, including ethnicity; race; English language

5.1 learners under section 124D.59; diagnosed disabilities or disorders affecting reading or
 5.2 interpretations of letters, words, and other symbols; home language; free or reduced-price
 5.3 lunch; migrant; immigrant; homeless; and all students enrolled in a Minnesota public
 5.4 school who are currently or were previously enrolled in foster care, except that such
 5.5 disaggregation and cross tabulation is not required if the number of students in a category
 5.6 is insufficient to yield statistically reliable information or the results would reveal
 5.7 personally identifiable information about an individual student.

5.8 (d) When reporting student performance under section 120B.36, subdivision 1, the
 5.9 commissioner annually, beginning July 1, 2014, must report summary data on school
 5.10 safety and students' engagement and connection at school. The summary data under this
 5.11 paragraph are separate from and must not be used for any purpose related to measuring
 5.12 or evaluating the performance of classroom teachers. The commissioner, in consultation
 5.13 with qualified experts on student engagement and connection and classroom teachers,
 5.14 must identify highly reliable variables that generate summary data under this paragraph.
 5.15 The summary data may be used at school, district, and state levels only. Any data on
 5.16 individuals received, collected, or created that are used to generate the summary data
 5.17 under this paragraph are nonpublic data under section 13.02, subdivision 9.

5.18 (e) For purposes of statewide educational accountability, the commissioner must
 5.19 identify and report measures that demonstrate the success of learning year program
 5.20 providers under sections 123A.05 and 124D.68, among other such providers, in improving
 5.21 students' graduation outcomes. The commissioner, beginning July 1, 2015, must annually
 5.22 report summary data on:

5.23 (1) the four- and six-year graduation rates of students under this paragraph;

5.24 (2) the percent of students under this paragraph whose progress and performance
 5.25 levels are meeting career and college readiness benchmarks under section 120B.30,
 5.26 subdivision 1; and

5.27 (3) the success that learning year program providers experience in:

5.28 (i) identifying at-risk and off-track student populations by grade;

5.29 (ii) providing successful prevention and intervention strategies for at-risk students;

5.30 (iii) providing successful recuperative and recovery or reenrollment strategies for
 5.31 off-track students; and

5.32 (iv) improving the graduation outcomes of at-risk and off-track students.

5.33 The commissioner may include in the annual report summary data on other education
 5.34 providers serving a majority of students eligible to participate in a learning year program.

5.35 (f) The commissioner, in consultation with recognized experts with knowledge and
 5.36 experience in assessing the language proficiency and academic performance of all English

6.1 learners enrolled in a Minnesota public school course or program who are currently or were
 6.2 previously counted as an English learner under section 124D.59, must identify and report
 6.3 appropriate and effective measures to improve current categories of language difficulty and
 6.4 assessments, and monitor and report data on students' English proficiency levels, program
 6.5 placement, and academic language development, including oral academic language.

6.6 Subd. 4. **Improving schools.** Consistent with the requirements of this section,
 6.7 beginning June 20, 2012, the commissioner of education must annually report to the
 6.8 public and the legislature best practices implemented in those schools that demonstrate
 6.9 high growth compared to the state growth target.

6.10 Subd. 5. **Improving graduation rates for students with emotional or behavioral**
 6.11 **disorders.** (a) A district must develop strategies in conjunction with parents of students
 6.12 with emotional or behavioral disorders and the county board responsible for implementing
 6.13 sections 245.487 to 245.4889 to keep students with emotional or behavioral disorders in
 6.14 school, when the district has a drop-out rate for students with an emotional or behavioral
 6.15 disorder in grades 9 through 12 exceeding 25 percent.

6.16 (b) A district must develop a plan in conjunction with parents of students with
 6.17 emotional or behavioral disorders and the local mental health authority to increase the
 6.18 graduation rates of students with emotional or behavioral disorders. A district with a
 6.19 drop-out rate for children with an emotional or behavioral disturbance in grades 9 through
 6.20 12 that is in the top 25 percent of all districts shall submit a plan for review and oversight
 6.21 to the commissioner.

6.22 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and
 6.23 later.

6.24 Sec. 4. Minnesota Statutes 2014, section 120B.36, as amended by Laws 2015, First
 6.25 Special Session chapter 3, article 2, section 8, is amended to read:

6.26 **120B.36 SCHOOL ACCOUNTABILITY; ~~APPEALS PROCESS.~~**

6.27 Subdivision 1. **School performance reports.** (a) The commissioner shall report
 6.28 student academic performance data under section 120B.35, ~~subdivision~~ subdivisions
 6.29 2, paragraph (b), and 3; the percentages of students showing low, medium, and high
 6.30 growth under section 120B.35, subdivision 3, paragraph (b); school safety and student
 6.31 engagement and connection under section 120B.35, subdivision 3, paragraph (d); rigorous
 6.32 coursework under section 120B.35, subdivision 3, paragraph (c); the percentage of
 6.33 students under section 120B.35, subdivision 3, paragraph (b), clause (2), whose progress
 6.34 and performance levels are meeting career and college readiness benchmarks under

7.1 sections 120B.30, subdivision 1, and 120B.35, subdivision 3, paragraph (e); longitudinal
 7.2 data on the progress of eligible districts in reducing disparities in students' academic
 7.3 achievement and realizing racial and economic integration under section 124D.861;
 7.4 the acquisition of English, and where practicable, native language academic literacy,
 7.5 including oral academic language, and the academic progress of all English learners
 7.6 under section 124D.59, subdivisions 2 and 2a enrolled in a Minnesota public school
 7.7 course or program who are currently or were previously counted as an English learner
 7.8 under section 124D.59; two separate student-to-teacher ratios that clearly indicate the
 7.9 definition of teacher consistent with sections 122A.06 and 122A.15 for purposes of
 7.10 determining these ratios; staff characteristics excluding salaries; student enrollment
 7.11 demographics; all students enrolled in a Minnesota public school course or program who
 7.12 are currently or were previously in foster care, student homelessness, and district mobility;
 7.13 and extracurricular activities. The report also must indicate a school's adequate yearly
 7.14 progress status under applicable federal law, and must not set any designations applicable
 7.15 to high- and low-performing schools due solely to adequate yearly progress status.

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

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

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

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

7.28 Subd. 2. **Adequate yearly student progress and other data.** All data the
 7.29 department receives, collects, or creates to determine adequate yearly progress status
 7.30 under Public Law 107-110, section 1116, set state growth targets, and determine student
 7.31 growth, learning, and outcomes under section 120B.35 are nonpublic data under section
 7.32 13.02, subdivision 9, until the commissioner publicly releases the data. Districts must
 7.33 provide parents sufficiently detailed summary data to permit parents to appeal under
 7.34 Public Law 107-110, section 1116(b)(2). The commissioner shall annually post federal
 7.35 adequate yearly progress data and state student growth, learning, and outcome data to the
 7.36 department's public Web site no later than September 1, except that in years when adequate

8.1 yearly progress reflects new performance standards, the commissioner shall post federal
8.2 adequate yearly progress data and state student growth data no later than October 1.

8.3 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and
8.4 later.

8.5 Sec. 5. Minnesota Statutes 2014, section 124D.59, is amended by adding a subdivision
8.6 to read:

8.7 Subd. 9. **English learner data.** When data on English learners are reported for
8.8 purposes of educational accountability, English learner data must include all pupils
8.9 enrolled in a Minnesota public school course or program who are currently or were
8.10 previously counted as an English learner under this section.

8.11 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and
8.12 later.