

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 1126

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DATE	D-PG	OFFICIAL STATUS
03/07/2013	678	Introduction and first reading Referred to Education

A bill for an act

1.1 relating to education; providing for improved career and college readiness;
 1.2 aligning high school graduation exams with college readiness; appropriating
 1.3 money; amending Minnesota Statutes 2012, sections 120B.30, subdivisions 1,
 1.4 1a, by adding a subdivision; 120B.35, subdivision 3; 124D.09, subdivision 13;
 1.5 124D.091, by adding a subdivision.
 1.6

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

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

1.9 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts
 1.10 with appropriate technical qualifications and experience and stakeholders, consistent with
 1.11 subdivision 1a, shall include in the comprehensive assessment system, for each grade
 1.12 level to be tested, state-constructed tests developed from and aligned with the state's
 1.13 required academic standards under section 120B.021, include multiple choice questions,
 1.14 and be administered annually to all students in grades 3 through 8 ~~7~~. State-developed or
 1.15 contracted high school tests aligned with the state's required academic standards under
 1.16 section 120B.021 and administered to all high school students in a subject other than
 1.17 writing must include multiple choice questions. The commissioner shall establish one
 1.18 or more months during which schools shall administer the tests to students each school
 1.19 year. For students enrolled in grade 8 before the 2005-2006 school year, ~~Minnesota basic~~
 1.20 ~~skills tests in reading, mathematics, and writing shall fulfill students' basic skills testing~~
 1.21 ~~requirements for a passing state notation. The passing scores of basic skills tests in reading~~
 1.22 ~~and mathematics are the equivalent of 75 percent correct for students entering grade 9~~
 1.23 ~~based on the first uniform test administered in February 1998. Students who have not~~
 1.24 successfully passed a Minnesota basic skills test by the end of the 2011-2012 school year
 1.25 must pass the graduation-required assessments for diploma under paragraph (c), except that

2.1 for 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 until, but
2.13 not including, the implementation school year under subdivision 1b, paragraph (f), only
2.14 the following options shall fulfill students' state graduation test requirements:

2.15 (1) for reading and mathematics:

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

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

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

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

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

2.36 (2) for writing:

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

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

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

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

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

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

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

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

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

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

3.30 (f) The 3rd through 8th grade and high school tests must be aligned with state
3.31 academic standards. The commissioner shall determine the testing process and the order
3.32 of administration. The statewide results shall be aggregated at the site and district level,
3.33 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 of all students in grades 3 through 8 and at the high
 4.2 school level that provides appropriate, technically sound accommodations or alternate
 4.3 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.** This section is effective for students entering grade 8 in
 4.13 the implementation school year established in Minnesota Statutes, section 120B.30,
 4.14 subdivision 1b, paragraph (f), and later.

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

4.16 Subd. 1a. **Statewide and local assessments; results.** (a) For purposes
 4.17 of conforming with existing federal educational accountability requirements, the
 4.18 commissioner must develop reading and mathematics assessments for grades 3 through 8;
 4.19 ~~state-developed high school reading and mathematics tests aligned with state academic~~
 4.20 ~~standards, 7 and annual science assessments under clause (2) in one grade in the grades 3~~
 4.21 ~~through 5 span~~ that districts and sites must use to monitor student growth toward achieving
 4.22 those standards. The commissioner shall contract for a series of reading, mathematics,
 4.23 English, and science assessments for grades 8, 10, and 11 under subdivision 1b. The
 4.24 commissioner must not develop statewide assessments for academic standards in social
 4.25 studies, health and physical education, and the arts. The commissioner must require:

4.26 (1) annual reading and mathematics assessments in grades 3 through 8, and high
 4.27 school reading and mathematics tests in grades 10 and 11; and

4.28 (2) annual science assessments in one grade in the grades 3 through 5 span, ~~the grades~~
 4.29 ~~6 through 8 span, and a life sciences assessment in the grades 9 through 12 span, and the~~
 4.30 ~~commissioner must not require students to achieve a passing score on high school science~~
 4.31 ~~assessments as a condition of receiving a high school diploma and grades 8, 10, and 11.~~

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

4.35 (c) Reporting of assessment results must:

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

5.3 (2) include a value-added growth indicator of student achievement under section
5.4 120B.35, subdivision 3, paragraph (b); and

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

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

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

5.13 (e) A school, school district, and charter school must administer statewide
5.14 assessments under this section, as the assessments become available, to evaluate student
5.15 proficiency in the context of the state's grade level academic standards. If a state
5.16 assessment is not available, a school, school district, and charter school must determine
5.17 locally if a student has met the required academic standards. A school, school district,
5.18 or charter school may use a student's performance on a statewide assessment as one of
5.19 multiple criteria to determine grade promotion or retention. A school, school district, or
5.20 charter school may use a high school student's performance on a statewide assessment
5.21 as a percentage of the student's final grade in a course, or place a student's assessment
5.22 score on the student's transcript.

5.23 **EFFECTIVE DATE.** This section is effective for students entering grade 8 in
5.24 the implementation school year established in Minnesota Statutes, section 120B.30,
5.25 subdivision 1b, paragraph (f), and later.

5.26 Sec. 3. Minnesota Statutes 2012, section 120B.30, is amended by adding a subdivision
5.27 to read:

5.28 **Subd. 1b. High school and college-ready assessments.** (a) Using a solicitation
5.29 process that includes a request for proposal process, the commissioner shall contract for a
5.30 series of assessments that has the following features:

5.31 (1) is composed of assessments given in grades 8, 10, and 11;

5.32 (2) tests reading, mathematics, English, and science;

5.33 (3) includes a nationally recognized college entrance exam;

5.34 (4) includes a college placement diagnostic exam;

5.35 (5) includes career exploration elements;

- 6.1 (6) are predictive of college readiness;
6.2 (7) are also given in grade 12 and later, as needed; and
6.3 (8) have results accepted by postsecondary institutions for admission purposes.

6.4 (b) Upon contracting with an organization under paragraph (a), the commissioner
6.5 shall conduct an alignment study with the contractor's assessments to determine if there
6.6 are areas in the applicable academic standards under section 120B.021 that are not
6.7 adequately tested in the series. If there are areas of the standards not adequately tested, the
6.8 commissioner shall as part of the contract require supplemental items to test these areas.

6.9 (c) Upon contracting with an organization under paragraph (a), the commissioner
6.10 shall seek necessary waivers from federal accountability requirements to replace
6.11 assessments under subdivision 1a with the assessments under this subdivision.

6.12 (d) The chancellor of the Minnesota State Colleges and Universities or the
6.13 chancellor's designee shall, in consultation with the Department of Education, validate
6.14 (1) the minimum scores on the reading, mathematics, and English sections of the college
6.15 entrance exam that demonstrate preparedness for entry in a two- or four-year bachelor
6.16 degree program and (2) the minimum scores on the reading, mathematics, and English
6.17 sections of the college placement diagnostic exam that demonstrate preparedness for entry
6.18 into a certificate-level program.

6.19 (e) A student who, based on (1) the level of achievement on the grade 10 assessment
6.20 and (2) the growth of achievement between the grade 8 and 10 assessments, is on track to
6.21 achieve the minimum score required under paragraph (d), clause (1) on the college entrance
6.22 exam shall initially be given the college entrance exam in grade 11. All other students shall
6.23 initially be given the college placement diagnostic exam in grade 11. A student initially
6.24 given the college entrance exam who does not achieve the minimum score in all required
6.25 subjects under paragraph (d), clause (1), shall be given the college placement diagnostic
6.26 exam in these subjects. A student given the college placement diagnostic exam who
6.27 achieves the minimum score required under paragraph (d), clause (2) in grade 11, shall
6.28 have a state-sponsored opportunity to take the college entrance exam in grade 11 or 12.

6.29 (f) The commissioner shall establish an implementation school year. The
6.30 implementation school year must be the next school year after the contract under this
6.31 subdivision has been established and all necessary waivers of federal accountability
6.32 requirements have been received. In the implementation year, students in grade 8 shall
6.33 be given the grade 8 assessment under this section. For students enrolled in grade 8 in
6.34 the implementation school year or later only a minimum score or higher on the reading,
6.35 mathematics, and English sections of the college entrance exam under paragraph (d),
6.36 clause (1), or a minimum score or higher on the reading, mathematics, and English

7.1 sections of the college placement diagnostic exam under paragraph (d), clause (2), shall
7.2 fulfill students' state graduation test requirements. The commissioner shall certify the
7.3 implementation school year to the revisor of statutes.

7.4 Sec. 4. Minnesota Statutes 2012, section 120B.35, subdivision 3, is amended to read:

7.5 Subd. 3. **State growth target; other state measures.** (a) The state's educational
7.6 assessment system measuring individual students' educational growth is based on
7.7 indicators of achievement growth that show an individual student's prior achievement.
7.8 Indicators of achievement and prior achievement must be based on highly reliable
7.9 statewide or districtwide assessments.

7.10 (b) The commissioner, in consultation with a stakeholder group that includes
7.11 assessment and evaluation directors and staff and researchers must implement a model
7.12 that uses a value-added growth indicator and includes criteria for identifying schools
7.13 and school districts that demonstrate medium and high growth under section 120B.299,
7.14 subdivisions 8 and 9, and may recommend other value-added measures under section
7.15 120B.299, subdivision 3. The model may be used to advance educators' professional
7.16 development and replicate programs that succeed in meeting students' diverse learning
7.17 needs. Data on individual teachers generated under the model are personnel data under
7.18 section 13.43. The model must allow users to:

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

7.20 (2) for all student categories, report and compare aggregated and disaggregated state
7.21 growth data using the nine student categories identified under the federal 2001 No Child
7.22 Left Behind Act and two student gender categories of male and female, respectively,
7.23 following appropriate reporting practices to protect nonpublic student data.

7.24 The commissioner must report separate measures of student growth and proficiency,
7.25 consistent with this paragraph.

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

7.30 (1) the percentage of students on track to take the college entrance exam under
7.31 section 120B.30, subdivision 1b, paragraph (e);

7.32 (2) a preparation measure indicating the number and percentage of high school
7.33 graduates in the most recent school year who completed course work important to
7.34 preparing them for postsecondary academic and career opportunities, consistent with

8.1 the core academic subjects required for admission to Minnesota's public colleges and
8.2 universities as determined by the Office of Higher Education under chapter 136A; and

8.3 ~~(2)~~ (3) a rigorous coursework measure indicating the number and percentage of high
8.4 school graduates in the most recent school year who successfully completed one or more
8.5 college-level advanced placement, international baccalaureate, postsecondary enrollment
8.6 options including concurrent enrollment, other rigorous courses of study under section
8.7 120B.021, subdivision 1a, or industry certification courses or programs.

8.8 When reporting the core measures under clauses (1) ~~and (2)~~ to (3), the commissioner
8.9 must also analyze and report separate categories of information using the nine student
8.10 categories identified under the federal 2001 No Child Left Behind Act and two student
8.11 gender categories of male and female, respectively, following appropriate reporting
8.12 practices to protect nonpublic student data.

8.13 (d) When reporting student performance under section 120B.36, subdivision 1, the
8.14 commissioner annually, beginning July 1, 2014, must report summary data on school
8.15 safety and students' engagement and connection at school. The summary data under this
8.16 paragraph are separate from and must not be used for any purpose related to measuring
8.17 or evaluating the performance of classroom teachers. The commissioner, in consultation
8.18 with qualified experts on student engagement and connection and classroom teachers,
8.19 must identify highly reliable variables that generate summary data under this paragraph.
8.20 The summary data may be used at school, district, and state levels only. Any data on
8.21 individuals received, collected, or created that are used to generate the summary data
8.22 under this paragraph are nonpublic data under section 13.02, subdivision 9.

8.23 **EFFECTIVE DATE.** This section is effective for the implementation school year
8.24 established in section 120B.30, subdivision 1b, paragraph (f), and later.

8.25 Sec. 5. Minnesota Statutes 2012, section 124D.09, subdivision 13, is amended to read:

8.26 Subd. 13. **Financial arrangements.** For a pupil enrolled in a course under this
8.27 section, the department must make payments according to this subdivision for courses that
8.28 were taken for secondary credit.

8.29 The department must not make payments to a school district or postsecondary
8.30 institution for a course taken for postsecondary credit only. The department must not
8.31 make payments to a postsecondary institution for a course from which a student officially
8.32 withdraws during the first 14 days of the quarter or semester or who has been absent from
8.33 the postsecondary institution for the first 15 consecutive school days of the quarter or
8.34 semester and is not receiving instruction in the home or hospital.

9.1 A postsecondary institution shall receive the following:

9.2 (1) for an institution granting quarter credit, the reimbursement per credit hour shall
9.3 be an amount equal to the sum of (i) 88 percent of the product of the formula allowance
9.4 minus \$415, multiplied by 1.3, and divided by 45 and (ii) \$33 for books and fees; or

9.5 (2) for an institution granting semester credit, the reimbursement per credit hour
9.6 shall be an amount equal to the sum of (i) 88 percent of the product of the general revenue
9.7 formula allowance minus \$415, multiplied by 1.3, and divided by 30 and (ii) \$33 for
9.8 books and fees.

9.9 The department must pay to each postsecondary institution 100 percent of the
9.10 amount in clause (1) or (2) within 30 days of receiving initial enrollment information
9.11 each quarter or semester. If changes in enrollment occur during a quarter or semester,
9.12 the change shall be reported by the postsecondary institution at the time the enrollment
9.13 information for the succeeding quarter or semester is submitted. At any time the
9.14 department notifies a postsecondary institution that an overpayment has been made, the
9.15 institution shall promptly remit the amount due.

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

9.18 Sec. 6. Minnesota Statutes 2012, section 124D.091, is amended by adding a
9.19 subdivision to read:

9.20 **Subd. 4. Support programs.** The commissioner, in conjunction with the Minnesota
9.21 concurrent enrollment partnership, shall provide support programs during the school year
9.22 for teachers who attended the training programs and teachers experienced in teaching
9.23 concurrent enrollment courses. The support programs shall provide teachers with
9.24 opportunities to share instructional ideas with other teachers. The state may pay the costs
9.25 of participating in the support programs, including substitute teachers, if necessary, and
9.26 program affiliation costs.

9.27 Sec. 7. **COLLEGE READINESS AND REMEDIATION WORK GROUP.**

9.28 The commissioner of education must convene a group of recognized and qualified
9.29 experts on college readiness and remediation by August 1, 2013. The work group
9.30 must include representatives from Minnesota State Colleges and Universities two- and
9.31 four-year institutions, the Department of Education, and current high school teachers and
9.32 principals. The work group shall:

9.33 (1) identify ways to determine skill deficits in high school students using assessments
9.34 under Minnesota Statutes, section 120B.30, and other methods;

10.1 (2) recommend targeted interventions and indicators for each interventions use;
 10.2 (3) recommend additional methods for demonstrating successful remediation other
 10.3 than retest that would be accepted at two- and four-year Minnesota State College and
 10.4 Universities; and

10.5 (4) recommend benchmarks consistent with the testing requirements of this act for
 10.6 admission into a four-year Minnesota State College or University without completion of
 10.7 a college entrance exam.

10.8 (b) The commissioner must submit a written report from the work group to the
 10.9 legislative committees with jurisdiction over kindergarten through grade 12 education by
 10.10 February 15, 2014.

10.11 **Sec. 8. STUDENT CAREER PLANNING WORK GROUP.**

10.12 The commissioner of education must convene a group of recognized and qualified
 10.13 experts on student career planning by August 1, 2013. The work group must include
 10.14 representatives from the Department of Education, the Department of Employment and
 10.15 Economic Development, Minnesota State Colleges and Universities, the University of
 10.16 Minnesota, the Minnesota Chamber of Commerce, the Minnesota Business Partnership,
 10.17 the Minnesota Private Colleges Council, high school teachers, and high school counselors.
 10.18 The work group shall identify ways to improve and standardize student career planning
 10.19 across the state. The commissioner must submit a written report from the work group to
 10.20 the legislative committees with jurisdiction over kindergarten through grade 12 education
 10.21 by February 15, 2014.

10.22 **Sec. 9. APPROPRIATION.**

10.23 Subdivision 1. **Department of Education.** The sums indicated in this section are
 10.24 appropriated from the general fund to the Department of Education for the fiscal years
 10.25 designated.

10.26 Subd. 2. **Concurrent enrollment support programs.** For concurrent enrollment
 10.27 support programs under Minnesota Statutes, section 124D.091, subdivision 4:

10.28 § 500,000 2014

10.29 § 500,000 2015

10.30 **Sec. 10. REVISOR'S INSTRUCTION.**

10.31 Upon certification by the commissioner of education to the revisor of statutes of the
 10.32 implementation school year under Minnesota Statutes, section 120B.30, subdivision 1b,

- 11.1 paragraph (f), the revisor of statutes shall change the term "implementation school year
11.2 under subdivision 1b, paragraph (f)" to the certified school year in Minnesota Statutes,
11.3 section 120B.30, subdivision 1, paragraph (c).