

personnel may not include in the biennial budget for fiscal years 2002 and 2003, or in any budget thereafter, expenditures from the trunk highway fund for a nonhighway purpose as jointly determined by the commissioner of finance and the attorney general. For purposes of this section, an expenditure for a nonhighway purpose is any expenditure not for construction, improvement, or maintenance of highways. At the time of submission of the biennial budget proposal to the legislature, the commissioner of finance and the attorney general shall report to the senate and house of representatives transportation committees concerning any expenditure that is proposed to be appropriated from the trunk highway fund, if that expenditure is similar to those reduced or eliminated in sections 5 to 20. The report must explain the highway purpose of, and recommend a fund to be charged for, the proposed expenditure.

Sec. 42. CORRECTION 27B. CLARIFICATION OF CERTAIN APPROPRIATIONS FROM THE TRUNK HIGHWAY FUND TO THE GENERAL FUND.

Subject to the findings of the report required in Laws 2000, chapter 479, article 2, section 1, the appropriations changed in sections 7, 10, 13, 14, 15, 17, and 20, from the trunk highway fund to the general fund are one-time only.

Sec. 43. EFFECTIVE DATE.

Unless provided otherwise, each section of this act takes effect at the time the provision being corrected takes effect.

Presented to the governor May 19, 2000

Signed by the governor May 30, 2000, 2:19 p.m.

CHAPTER 500—S.F.No. 3286

An act relating to education; balancing statewide accountability and district autonomy under the profile of learning; amending grading criteria and recordkeeping practices; amending Minnesota Statutes 1998, sections 120A.41; and 120B.03, by adding subdivisions; Minnesota Statutes 1999 Supplement, sections 120B.02; 120B.30, subdivision 1; and 120B.35; repealing Minnesota Statutes 1998, sections 120B.03, subdivisions 1, 2, and 3; and 120B.04; Minnesota Rules, parts 3501.0330, subpart 2, item A; 3501.0330, subpart 7, item B; 3501.0360; 3501.0370, subparts 1, 2, and 4; 3501.0420, subpart 1, item D, and subpart 4; and 3501.0430.

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

Section 1. Minnesota Statutes 1998, section 120A.41, is amended to read:

120A.41 LENGTH OF SCHOOL YEAR; DAYS OF INSTRUCTION.

A school board's annual school calendar must include at least three additional days of student instruction or staff development training related to implementing section 120B.03, subdivision 1a, paragraph (f), beyond the number of days of student

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instruction the board formally adopted as its school calendar at the beginning of the 1996-1997 school year.

Sec. 2. Minnesota Statutes 1999 Supplement, section 120B.02, is amended to read:

120B.02 RESULTS-ORIENTED GRADUATION RULE; BASIC SKILLS REQUIREMENTS; PROFILE OF LEARNING.

(a) The legislature is committed to establishing a rigorous, results-oriented graduation rule for Minnesota's public school students. To that end, the commissioner shall use its rulemaking authority under section 127A.05, subdivision 4, to adopt a statewide, results-oriented graduation rule to be implemented starting with students beginning ninth grade in the 1996-1997 school year. The commissioner shall not prescribe in rule or otherwise the delivery system or form of instruction that local school sites must use to meet the requirements contained in this rule. For purposes of this chapter, a school site is a separate facility, or a separate program within a facility that a local school board recognizes as a school site.

(b) To successfully accomplish paragraph (a), the commissioner shall set in rule high academic standards for all students. The standards must contain the foundational skills in the three core curricular areas of reading, writing, and mathematics while meeting requirements for high school graduation. The standards must also provide an opportunity for students to excel by meeting higher academic standards through a profile of learning that uses curricular requirements to allow students to expand their knowledge and skills beyond the foundational skills. All commissioner actions regarding the rule must be premised on the following:

(1) the rule is intended to raise academic expectations for students, teachers, and schools;

(2) any state action regarding the rule must evidence consideration of school district autonomy; and

(3) the department of children, families, and learning, with the assistance of school districts, must make available information about all state initiatives related to the rule to students and parents, teachers, and the general public in a timely format that is appropriate, comprehensive, and readily understandable.

(c) For purposes of adopting the rule, the commissioner, in consultation with the department, recognized psychometric experts in assessment, and other interested and knowledgeable educators, using the most current version of professional standards for educational testing, shall evaluate the alternative approaches to assessment.

(d) The content of the graduation rule must differentiate between minimum competencies reflected in the basic requirements assessment and rigorous profile of learning standards. When fully implemented, the requirements for high school graduation in Minnesota must include both basic requirements and the required profile of learning. The profile of learning must measure student performance using performance-based assessments compiled over time that integrate higher academic

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standards, higher order thinking skills, and application of knowledge from a variety of content areas. The profile of learning shall include a broad range of academic experience and accomplishment necessary to achieve the goal of preparing students to function effectively as purposeful thinkers, effective communicators, self-directed learners, productive group participants, and responsible citizens. ~~The commissioner shall develop and disseminate to school districts a uniform method for reporting student performance on the profile of learning.~~

(e) The profile of learning contains the following learning areas:

- (1) read, listen, and view;
- (2) write and speak;
- (3) arts and literature;
- (4) mathematical concepts and applications;
- (5) inquiry and research;
- (6) scientific concepts and applications;
- (7) social studies;
- (8) physical education and lifetime fitness;
- (9) economics and business;
- (10) world languages; and
- (11) technical and vocational education.

(f) The commissioner shall periodically review and report on the assessment process and student achievement with the expectation of raising the standards and expanding high school graduation requirements.

(f) ~~The commissioner shall report in writing to the legislature annually by January 15 on its progress in developing and implementing the graduation requirements according to the requirements of this subdivision and section 120B.10 until such time as all the graduation requirements are implemented.~~

(g) Beginning August 31, 2000, the commissioner must publish, including in electronic format for the Internet, a report, by school site, area learning center, and charter school, of:

- (1) the required preparatory content standards;
- (2) the high school content standards required for graduation; and
- (3) the number of student waivers the district, area learning center, or charter school approves under section 120B.03, subdivisions 4, 5, and 6, based on information each district, area learning center and charter school provides.

(h) School districts must integrate required and elective content standards in the scope and sequence of the district curriculum.

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(i) School districts are not required to adopt specific provisions of the Goals 2000 and the federal School-to-Work programs.

Sec. 3. Minnesota Statutes 1998, section 120B.03, is amended by adding a subdivision to read:

Subd. 1a. **SCHOOL SITE DETERMINES REQUIRED CONTENT STANDARDS.** (a) Notwithstanding any rule or law to the contrary, by August 15 of each year, each school district, area learning center, and charter school must notify the commissioner of the preparatory and high school content standards required at each site under paragraph (b).

(b)(1) Each public school site, by a majority vote of the licensed teachers and administrators at the site voting jointly and by a majority vote of the school board;

(2) each area learning center, by a majority vote of the licensed teachers and administrators at the site voting jointly and by a majority vote of the school board of the district in which the center is located; and

(3) each charter school by a majority vote of the licensed teachers and administrators at the charter school voting jointly and with approval of the school's sponsor, must determine the number of preparatory and high school content standards that the school site requires students to complete, including the number of high school content standards students must complete to graduate.

(c) If a school site and the local school board, the area learning center and the school board of the district in which the center is located, or a charter school and its sponsor, are unable to agree on the preparatory or high school content standards required for students under paragraph (b), students at the school site must complete the state-required content standards.

(d) In addition to the reporting requirement under paragraph (a), a district, area learning center, and charter school shall report to the commissioner the schedule, by school year, that each school site will use to implement all the state required preparatory and high school content standards.

(e) Each district shall continue to implement the profile of learning, provide learning opportunities for all students in all preparatory content standards in learning areas one to nine, and provide learning opportunities for students sufficient to meet the state graduation requirements in the high school content standards in all learning areas. A district shall offer at least one foreign language in learning area ten.

(f) To implement preparatory and high school content standards, school sites must work to improve the scope and sequence of curriculum, research-based instructional skills of teachers and other district staff who work with students, and alternative assessments of student achievement.

Sec. 4. Minnesota Statutes 1998, section 120B.03, is amended by adding a subdivision to read:

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Subd. 1b. **TRANSCRIPT DATA.** For the 1998-1999 school year and later, a student's transcript shall record work completed in each content standard implemented in the district, area learning center, or charter school. For high school content standards completed before the 2000-2001 school year, a student may request that the transcript record a "complete" or "incomplete" and not the numeric score recorded in an earlier school year.

Sec. 5. Minnesota Statutes 1998, section 120B.03, is amended by adding a subdivision to read:

Subd. 2a. **PERFORMANCE ASSESSMENTS.** Districts, area learning centers, and charter schools are not required to use state or locally developed performance packages to assess student achievement of a content standard. A district, area learning center, or charter school must select performance assessments that have a grading system comparable to the criteria established under the definition of rubric contained in rule and consistent with section 120B.03, subdivision 9. Districts, area learning centers, and charter schools may use one or more assessment methods to measure student performance on one or more content standards. The commissioner shall not mandate in rule or otherwise the assessment methods that local sites must use to meet the requirements under this section.

Sec. 6. Minnesota Statutes 1998, section 120B.03, is amended by adding a subdivision to read:

Subd. 4. **RIGOROUS COURSE OF STUDY; WAIVER.** (a) Upon receiving a student's application approved by the student's parent or guardian, and with the recommendation of the student's teacher, a school district, area learning center, or charter school must declare that a student has completed a content standard if the local school board, the school board of the school district in which the area learning center is located, or charter school board of directors determines that:

(1) the student is participating in a course of study including an advanced placement or international baccalaureate course or a learning opportunity outside the curriculum of the district, area learning center, or charter school that is equally or more rigorous than the content standard required by the district, area learning center, or charter school or the state graduation rule; and

(2) achieving the content standard to be waived would preclude the student from participating in the rigorous course of study or learning opportunity.

(b) A student who satisfactorily completes a post-secondary enrollment options course or program under section 124D.09, that has been approved under paragraph (c), is not required to complete other requirements of the content standards corresponding to that specific rigorous course of study.

(c) By August 15, 2002, and each year thereafter, the board of regents of the University of Minnesota, the board of trustees of the Minnesota state colleges and universities, and the governing boards of Minnesota private colleges shall determine the courses offered at each post-secondary institution under the post-secondary enrollment options program that meet the requirements of paragraph (a) and shall

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notify the commissioner of those courses offered that meet the requirements. The commissioner shall make available a listing of the post-secondary enrollment options courses offered at post-secondary institutions meeting the requirements of this section.

(d) Notwithstanding paragraph (a) or (b), a student who entered ninth grade before the 2001-2002 school year and satisfactorily completes an advanced placement or international baccalaureate course, or a post-secondary enrollment options course under section 124D.09, satisfies the requirements of the content standards corresponding to that specific rigorous course of study.

Sec. 7. Minnesota Statutes 1998, section 120B.03, is amended by adding a subdivision to read:

Subd. 5. STUDENTS HELD HARMLESS; WAIVER. A local school board, the school board of the school district in which the area learning center is located, or a charter school board of directors may waive any content standard for a student or group of students who entered ninth grade before the 2000-2001 school year if the governing board of the school site determines that the students could not meet the site's content standard due to circumstances related to implementing the profile of learning that were beyond the students' control.

Sec. 8. Minnesota Statutes 1998, section 120B.03, is amended by adding a subdivision to read:

Subd. 6. STUDENT TRANSFERS; OTHER WAIVERS. A district, area learning center and charter school must establish processes by which to transfer as completed:

(1) those content standards that other school sites within the district or other public schools verify on transcripts as completed;

(2) the work that educational institutions outside the state accept for completing the equivalent of content standards and verify on transcripts as completed; and

(3) a student's opportunities to complete high school content standards through learning the student acquires outside the district's curriculum, if the local governing board determines the work or learning the student completed differs from the content standards at the school site in which the student is enrolled and the student is unable to fulfill the content standards at the enrolling site.

Sec. 9. Minnesota Statutes 1998, section 120B.03, is amended by adding a subdivision to read:

Subd. 7. COMPLETION OF A CONTENT STANDARD. Districts, area learning centers, and charter schools may:

(1) establish more than one content standard in a single course, consistent with section 120B.02, paragraph (f);

(2) develop a system allowing students to meet a content standard through different subject areas; and

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(3) determine at what grade levels a content standard may be completed.

Sec. 10. Minnesota Statutes 1998, section 120B.03, is amended by adding a subdivision to read:

Subd. 8. RECORDS. A district, area learning center, and charter school shall maintain records of the following at each site to submit to the commissioner for audit at the commissioner's request:

(1) examples of local assessments used to measure students' completion of a content standard;

(2) aggregate data on students' completion of each high school content standard;

(3) aggregate data on each year's high school graduates, including the number of high school content standards completed, and the level of achievement earned on each standard;

(4) anonymous examples of student work in each high school content standard;
and

(5) the number and identity of available content standards, the number of required content standards, and the number of content standards completed by students.

Sec. 11. Minnesota Statutes 1998, section 120B.03, is amended by adding a subdivision to read:

Subd. 9. SCORING. The grade level of a student shall not prohibit a student from receiving the highest state exemplar score upon completion of a content standard. Teachers may assign a score of "0" to incomplete student work on a standard. The assessment of the content standard must be included as part of the student's grade for a subject or course.

Sec. 12. Minnesota Statutes 1998, section 120B.03, is amended by adding a subdivision to read:

Subd. 10. HIGH STANDARDS TOOL LIBRARY. (a) The commissioner shall maintain a high standards tool library that offers teachers in each of the content standards at all grade levels examples of assessment tools to assess students' achievement of standards, examples of lesson plans, best practices methods, research on proven methods, and examples of exemplar work aligned to the content standards.

(b) By June 30, 2000, the commissioner shall have established a variety of tools described in paragraph (a). The tool library must be interactive and allow teachers to submit a variety of tools. In addition to commissioner-approved tools, the commissioner shall reserve a portion of the tool library for tools submitted by teachers without the commissioner's review.

Sec. 13. Minnesota Statutes 1998, section 120B.03, is amended by adding a subdivision to read:

Subd. 11. TECHNOLOGY AND RECORDKEEPING. (a) The commissioner shall designate to school districts, area learning centers, and charter schools software

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packages for reporting student performance on the content standards. The commissioner shall ensure that the designated recordkeeping software is capable of transferring student records between schools and school districts and is available to school districts at a minimal cost. The commissioner shall convene an advisory group composed of qualified experts and interested stakeholders to recommend to districts and charter schools recordkeeping practices under the graduation rule. The commissioner must also report on technology needs for efficient daily classroom recordkeeping and accountability reporting.

(b) The commissioner shall notify the education committees of the legislature that the requirements in paragraph (a) have been met.

Sec. 14. Minnesota Statutes 1998, section 120B.03, is amended by adding a subdivision to read:

Subd. 12. EXAMINATION AND EVALUATION PANEL. The commissioner shall establish an academic panel to examine, evaluate, and sustain the rigor of the content standards contained in the Minnesota graduation rule. The commissioner shall consider regional representation when selecting members for the panel. The panel shall be composed of:

(1) two teachers selected by Education Minnesota, one of which shall have been a teacher of the year, and one with national board certification;

(2) deans of the colleges of education from the University of Minnesota, a Minnesota state college, and a Minnesota private college;

(3) a director of curriculum and instruction;

(4) an assessment practitioner;

(5) a school board member selected by the Minnesota school boards association;
and

(6) an elementary school principal, a middle school principal, and a high school principal, each selected by the state organization representing such principals.

In the process of examining, evaluating, and sustaining the rigor of the state standards, the panel shall consult with recognized national and international education experts on academic standards and the independent office of educational accountability under section 120B.31, subdivision 3. The panel shall receive and analyze the report from the external review of the profile of learning standards, procedures, and assessments now underway through a contract with the department of children, families, and learning. The external review must evaluate the quality of the state's standards and assessments as an integrated educational system. The panel may make recommendations for refining the profile of learning based on the external review and must compare and report the rigor of the state standards and the north star standard by December 15, 2000, to the commissioner. The recommendations may include changes effected through administrative changes and changes in statutes or rule. Beginning July 1, 2001, and on every even-numbered year thereafter, the panel shall submit its

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evaluation of the rigor of the state standards and make recommendations to the commissioner.

Sec. 15. Minnesota Statutes 1999 Supplement, 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, shall include in the comprehensive assessment system, for each grade level to be tested, ~~a single statewide norm-referenced or criterion-referenced test, or a combination of a norm-referenced and a criterion-referenced test,~~ which shall be highly correlated aligned with the state's graduation standards and administered annually to all students in the third, fifth, and eighth grades. The commissioner shall establish one or more months during which schools shall administer the tests to students each school year. Only Minnesota basic skills tests in reading, mathematics, and writing shall fulfill students' basic skills testing requirements for a passing state notation. Notwithstanding Minnesota Rules, part 3501.0050, subpart 2, at the written request of a parent or guardian, and with the recommendation of the student's teacher, a district may offer the test of basic requirements in reading, math, or writing to an individual student beginning in grade 5. The student must take the same test on the same date as administered to students in eighth grade or higher. Third and fifth grade test results shall be available to districts for diagnostic purposes affecting student learning and district instruction and curriculum, and for establishing educational accountability. The commissioner must disseminate to the public the third and fifth grade test results upon receiving those results.

(b) In addition, at the secondary level, districts shall assess student performance in all required learning areas and selected required standards within each area of the profile of learning. The testing instruments and testing process shall be determined by the commissioner. The results shall be aggregated at the site and district level. The testing shall be administered beginning in the 1999-2000 school year and thereafter.

(c) ~~The comprehensive assessment system shall include an evaluation of commissioner shall report school site and school district performance student academic achievement levels during the 1997-1998 school year and thereafter using an established performance baseline developed from students' test scores under this section that records, at a minimum, of the current and two immediately preceding school years. The report shall include students' unweighted mean test scores in each tested subject, a second performance baseline that reports, at a minimum, the same unweighted mean test scores of only those students enrolled in the school by January 1 of the previous school year, and a third performance baseline that reports the same unweighted test scores of all students except those students receiving limited English proficiency instruction. The evaluation report also shall record separately, in proximity to the reported performance baselines levels, the percentages of students who are eligible to receive a free or reduced price school meal, demonstrate limited English proficiency, or are eligible to receive special education services.~~

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(d) In addition to the testing and reporting requirements under paragraphs (a), (b), and (c), the commissioner shall include the following components in the statewide educational accountability and public reporting system:

(1) uniform statewide testing of all third, fifth, eighth, and post-eighth grade students ~~with that provides exemptions, only with parent or guardian approval, from the testing requirement only~~ for those very few students for whom the student's individual education plan team under sections 125A.05 and 125A.06, determines that the student is incapable of taking a statewide test, or for a limited English proficiency student under section 124D.59, subdivision 2, if the student has been in the United States for fewer than 12 months and for whom special language barriers exist, such as the student's native language does not have a written form or the district does not have access to appropriate interpreter services for the student's native language;

(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) students' scores on the American College Test; and

(4) 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; and

~~(5) basic skills and advanced competencies connecting teaching and learning to high academic standards, assessment, and transitions to citizenship and employment.~~

(e) Districts must report exemptions under paragraph (d), clause (1), to the commissioner consistent with a format provided by the commissioner.

Sec. 16. Minnesota Statutes 1999 Supplement, section 120B.35, is amended to read:

120B.35 STUDENT ACADEMIC ACHIEVEMENT LEVELS.

(a) Each school year, a school district must determine if the student achievement levels at each school site meet state and local expectations. If student achievement levels at a school site do not meet state and local expectations for two out of three consecutive school years, beginning with the 2000-2001 school year, the district must work with the school site to adopt a plan to raise student achievement levels to meet state and local expectations. The legislature will determine state expectations after receiving a recommendation from the commissioner of children, families, and learning. ~~The commissioner must submit recommendations to the legislature by January 15, 2000.~~

(b) The department, at a district's request, must assist the district and the school site in developing a plan to improve student achievement. The plan must include parental involvement components.

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Sec. 17. BEST PRACTICES NETWORK.

By June 30, 2000, the commissioner of children, families, and learning shall establish a best practices network for learning areas one through ten, and by June 30, 2001, in learning area 11, under the profile of learning.

Sec. 18. TECHNICAL AND VOCATIONAL EDUCATION.

The commissioner of children, families, and learning shall report to the education committees of the legislature by January 15, 2001, on recommendations regarding graduation standards rules or realignment of standards for implementing a technical and vocational education learning area.

Sec. 19. CONTENT OF EXTERNAL REVIEW.

The commissioner shall contract with an independent organization to evaluate the quality of the state's standards as an integrated educational system. The contractor's report must include:

- (1) an analysis of the content of the state standards;
- (2) comparisons and specific recommendations for revision by benchmarking the state's standards to other states' standards;
- (3) whether the standards are clear, specific, and measurable, and whether they are understandable by teachers, parents, and students, and whether the standards are set at an appropriate level of difficulty for a particular grade level; and
- (4) what changes can strengthen the quality and alignment of the state's standards.

Sec. 20. GRADUATION RULE AMENDMENTS.

Beginning no later than July 1, 2000, the commissioner shall amend Minnesota Rules, chapter 3501, for state graduation requirements according to this section using the expedited process under Minnesota Statutes, section 14.389. In addition to technical changes and corrections adopted according to Minnesota Statutes, section 127A.05, subdivision 4, the commissioner shall:

- (1) amend Minnesota Rules, part 3501.0370, subpart 3, to add to the grading criteria the option of "0" for student work on an assessment or standard;
- (2) delete all references in rule requiring school sites or school districts to use state or locally developed performance packages and make all use of all performance packages, including for purposes of student assessment, optional at the discretion of the school site or school district;
- (3) amend the definition of "performance package" under Minnesota Rules, part 3501.0320, subpart 2, item E, to make all use of performance packages optional, consistent with clause (2); and
- (4) amend Minnesota Rules, part 3501.0320, subpart 2, item F, to define "rubric" to mean the criteria the commissioner sets and districts must use to measure student work that meets the specifications of a content standard, consistent with clauses (2) and (3).

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Sec. 21. **REPEALER.**

(a) Minnesota Statutes 1998, sections 120B.03, subdivisions 1, 2, and 3; and 120B.04, are repealed.

(b) Minnesota Rules, parts 3501.0330, subpart 2, item A; 3501.0360; 3501.0370, subparts 1, 2, and 4; 3501.0420, subpart 1, item D, and subpart 4; and 3501.0430, are repealed.

(c) Minnesota Rules part 3501.0330, subpart 7, item B, is repealed effective July 1, 2001.

Sec. 22. **EFFECTIVE DATE.**

Sections 1 to 21 are effective the day following final enactment.

Presented to the governor May 19, 2000

Signed by the governor May 25, 2000, 3:50 p.m.

CHAPTER 501—S.F.No. 2826

An act relating to public employment; ratifying certain labor agreements; making technical changes to the Public Employment Labor Relations Act; amending Minnesota Statutes 1998, sections 15A.0815, subdivisions 2 and 3; 85A.02, subdivision 5a; 179A.18, subdivision 1; and 349A.02, subdivision 1; Minnesota Statutes 1999 Supplement, section 179A.04, subdivision 3.

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

Section 1. Minnesota Statutes 1998, section 15A.0815, subdivision 2, is amended to read:

Subd. 2. **GROUP I SALARY LIMITS.** The salaries for positions in this subdivision may not exceed 85 95 percent of the salary of the governor:

- Commissioner of administration;
- Commissioner of agriculture;
- Commissioner of children, families, and learning;
- Commissioner of commerce;
- Commissioner of corrections;
- Commissioner of economic security;
- Commissioner of employee relations;
- Commissioner of finance;
- Commissioner of health;

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