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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 3178

03/01/2018 Authored by Peterson, Erickson, Loon and Christensen
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; requiring the commissioner of education to develop an
1.3 academic achievement rating system to track student achievement, academic
1.4 growth, and achievement gap closure rates in schools and districts; amending
1.5 Minnesota Statutes 2016, section 120B.36, subdivision 2; Minnesota Statutes 2017
1.6 Supplement, sections 120B.35, subdivision 3; 120B.36, subdivision 1; proposing
1.7 coding for new law in Minnesota Statutes, chapter 120B.

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

1.9 Section 1. Minnesota Statutes 2017 Supplement, section 120B.35, subdivision 3, is amended
1.10 to read:

1.11 Subd. 3. **State growth target; other state measures.** (a)(1) The state's educational
1.12 assessment system measuring individual students' educational growth is based on indicators
1.13 of achievement growth that show an individual student's prior achievement. Indicators of
1.14 achievement and prior achievement must be based on highly reliable statewide ~~or districtwide~~
1.15 assessments.

1.16 (2) For purposes of paragraphs (b), (c), and (d), the commissioner must analyze and
1.17 report separate categories of information using the student categories identified under the
1.18 federal Elementary and Secondary Education Act, as most recently reauthorized, and, in
1.19 addition to "other" for each race and ethnicity, and the Karen community, seven of the most
1.20 populous Asian and Pacific Islander groups, three of the most populous Native groups,
1.21 seven of the most populous Hispanic/Latino groups, and five of the most populous Black
1.22 and African Heritage groups as determined by the total Minnesota population based on the
1.23 most recent American Community Survey; English learners under section 124D.59; home
1.24 language; free or reduced-price lunch; and all students enrolled in a Minnesota public school
1.25 who are currently or were previously in foster care, except that such disaggregation and

2.1 cross tabulation is not required if the number of students in a category is insufficient to yield
 2.2 statistically reliable information or the results would reveal personally identifiable information
 2.3 about an individual student.

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

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

2.14 (2) for all student categories, report and compare aggregated and disaggregated state
 2.15 student growth and, under section 120B.11, subdivision 2, clause (2), student learning and
 2.16 outcome data using the student categories identified under the federal Elementary and
 2.17 Secondary Education Act, as most recently reauthorized, and other student categories under
 2.18 paragraph (a), clause (2).

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

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

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

3.1 (2) a rigorous coursework measure indicating the number and percentage of high school
3.2 graduates in the most recent school year who successfully completed one or more
3.3 college-level advanced placement, international baccalaureate, postsecondary enrollment
3.4 options including concurrent enrollment, other rigorous courses of study under section
3.5 120B.021, subdivision 1a, or industry certification courses or programs.

3.6 When reporting the core measures under clauses (1) and (2), the commissioner must also
3.7 analyze and report separate categories of information using the student categories identified
3.8 under the federal Elementary and Secondary Education Act, as most recently reauthorized,
3.9 and other student categories under paragraph (a), clause (2).

3.10 (d) When reporting student performance under section 120B.36, subdivision 1, the
3.11 commissioner annually, beginning July 1, 2014, must report summary data on school safety
3.12 and students' engagement and connection at school, consistent with the student categories
3.13 identified under paragraph (a), clause (2). The summary data under this paragraph are
3.14 separate from and must not be used for any purpose related to measuring or evaluating the
3.15 performance of classroom teachers. The commissioner, in consultation with qualified experts
3.16 on student engagement and connection and classroom teachers, must identify highly reliable
3.17 variables that generate summary data under this paragraph. The summary data may be used
3.18 at school, district, and state levels only. Any data on individuals received, collected, or
3.19 created that are used to generate the summary data under this paragraph are nonpublic data
3.20 under section 13.02, subdivision 9.

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

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

3.27 (2) the percent of students under this paragraph whose progress and performance levels
3.28 are meeting career and college readiness benchmarks under section 120B.30, subdivision
3.29 1; and

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

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

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

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

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

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

4.6 (f) The commissioner, in consultation with recognized experts with knowledge and
4.7 experience in assessing the language proficiency and academic performance of all English
4.8 learners enrolled in a Minnesota public school course or program who are currently or were
4.9 previously counted as an English learner under section 124D.59, must identify and report
4.10 appropriate and effective measures to improve current categories of language difficulty and
4.11 assessments, and monitor and report data on students' English proficiency levels, program
4.12 placement, and academic language development, including oral academic language.

4.13 (g) When reporting four- and six-year graduation rates, the commissioner or school
4.14 district must disaggregate the data by student categories according to paragraph (a), clause
4.15 (2).

4.16 (h) A school district must inform parents and guardians that volunteering information
4.17 on student categories not required by the most recent reauthorization of the Elementary and
4.18 Secondary Education Act is optional and will not violate the privacy of students or their
4.19 families, parents, or guardians. The notice must state the purpose for collecting the student
4.20 data.

4.21 **Sec. 2. [120B.355] ACADEMIC ACHIEVEMENT RATING SYSTEM.**

4.22 **Subdivision 1. Commissioner duties.** (a) The commissioner of education must develop
4.23 an academic achievement rating system consistent with this section to provide parents and
4.24 students with a brief overview of student performance and growth in schools and districts
4.25 across the state.

4.26 (b) Each school and district must be assigned a star rating based on the criteria provided
4.27 in this section. Star ratings must range from one star for the lowest performing schools and
4.28 districts to five stars for the highest performing schools and districts.

4.29 (c) Each school and district must be assigned an academic achievement score on a scale
4.30 of zero to 100 that equals the average of the equally weighted factors used to determine a
4.31 school's or district's star rating under subdivisions 3 to 5.

5.1 (d) The star rating and academic achievement score of each school and district must be
5.2 reported annually on the Department of Education's Web site as part of the commissioner's
5.3 school performance reports pursuant to section 120B.36.

5.4 Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the
5.5 meanings given them.

5.6 (b) "Academic growth rate" means the average level of improvement in statewide test
5.7 results for the current year over the previous year across all student groups in a school.
5.8 Student improvement shall be quantified in a form and manner prescribed by the
5.9 commissioner consistent with the approved state Every Student Succeeds Act plan to
5.10 standardize this measurement across all schools and districts. The commissioner must
5.11 convert a school's academic growth rate to a score on a scale of zero to 100 for purposes of
5.12 determining a school's star rating under subdivision 3.

5.13 (c) "Low-income student achievement gap score" means 100 minus the average of: (1)
5.14 the statewide percentage of non-low-income students who are rated proficient on the
5.15 statewide reading test minus a school's percentage of low-income students who are rated
5.16 proficient on the statewide reading test; and (2) the statewide percentage of non-low-income
5.17 students who are rated proficient on the statewide math test minus a school's percentage of
5.18 low-income students who are rated proficient on the statewide math test.

5.19 (d) "Students of color achievement gap score" means 100 minus the average of: (1) the
5.20 statewide percentage of white students who are rated proficient on the statewide reading
5.21 test minus a school's percentage of students of color who are rated proficient on the statewide
5.22 reading test; and (2) the statewide percentage of white students who are rated proficient on
5.23 the statewide math test minus a school's percentage of students of color who are rated
5.24 proficient on the statewide math test.

5.25 (e) "Four-year graduation rate gap score" means 100 minus the difference between the
5.26 statewide four-year high school graduation rate for non-low-income students and a school's
5.27 four-year high school graduation rate for low-income students.

5.28 (f) "Low-income students" means students who qualify for free or reduced-price lunch
5.29 pursuant to section 126C.05, subdivision 16.

5.30 (g) "Proficient" means a student meets or exceeds federal accountability standards on
5.31 statewide assessments in reading and math consistent with the approved state Every Student
5.32 Succeeds Act plan.

6.1 (h) "Statewide reading test" and "statewide math test" mean the statewide reading and
 6.2 mathematics assessments developed and administered pursuant to section 120B.30.

6.3 (i) "Students of color" means students who identify themselves as American Indian,
 6.4 Asian, Pacific Islander, Hispanic, Black, or two or more races consistent with section
 6.5 120B.35, subdivision 3, paragraph (a), clause (2).

6.6 Subd. 3. **Primary school rating components.** The commissioner must assign all
 6.7 elementary and middle schools a star rating based on the following equally weighted factors
 6.8 unique to each school:

6.9 (1) the percentage of students rated proficient on the statewide reading test;

6.10 (2) the percentage of students rated proficient on the statewide math test;

6.11 (3) the academic growth rate for the statewide reading test;

6.12 (4) the academic growth rate for the statewide math test;

6.13 (5) the low-income student achievement gap score; and

6.14 (6) the students of color achievement gap score.

6.15 Subd. 4. **Secondary school rating components.** The commissioner must assign all high
 6.16 schools a star rating based on the following equally weighted factors unique to each school:

6.17 (1) the percentage of students rated proficient on the statewide reading test;

6.18 (2) the percentage of students rated proficient on the statewide math test;

6.19 (3) the four-year graduation rate gap score;

6.20 (4) the low-income student achievement gap score; and

6.21 (5) the students of color achievement gap score.

6.22 Subd. 5. **District rating components.** The commissioner must assign all districts a star
 6.23 rating based on the following equally weighted factors unique to each district:

6.24 (1) the percentage of third grade students rated proficient on the statewide reading test;

6.25 (2) the low-income student achievement gap score, as applied at the district level;

6.26 (3) the students of color achievement gap score, as applied at the district level;

6.27 (4) the percentage of high school students rated proficient on the statewide reading test;

6.28 (5) the percentage of high school students rated proficient on the statewide math test;

6.29 and

7.1 (6) the district's four-year high school graduation rate.

7.2 Sec. 3. Minnesota Statutes 2017 Supplement, section 120B.36, subdivision 1, is amended
7.3 to read:

7.4 Subdivision 1. **School performance reports and public reporting.** (a) The commissioner
7.5 shall report: student academic performance data under section 120B.35, subdivisions 2 and
7.6 3; school and district academic achievement ratings under section 120B.355; the percentages
7.7 of students showing low, medium, and high growth under section 120B.35, subdivision 3,
7.8 paragraph (b); school safety and student engagement and connection under section 120B.35,
7.9 subdivision 3, paragraph (d); rigorous coursework under section 120B.35, subdivision 3,
7.10 paragraph (c); the percentage of students under section 120B.35, subdivision 3, paragraph
7.11 (b), clause (2), whose progress and performance levels are meeting career and college
7.12 readiness benchmarks under sections 120B.30, subdivision 1, and 120B.35, subdivision 3,
7.13 paragraph (e); longitudinal data on the progress of eligible districts in reducing disparities
7.14 in students' academic achievement and realizing racial and economic integration under
7.15 section 124D.861; the acquisition of English, and where practicable, native language
7.16 academic literacy, including oral academic language, and the academic progress of all
7.17 English learners enrolled in a Minnesota public school course or program who are currently
7.18 or were previously counted as English learners under section 124D.59; two separate
7.19 student-to-teacher ratios that clearly indicate the definition of teacher consistent with sections
7.20 122A.06 and 122A.15 for purposes of determining these ratios; staff characteristics excluding
7.21 salaries; student enrollment demographics; foster care status, including all students enrolled
7.22 in a Minnesota public school course or program who are currently or were previously in
7.23 foster care, student homelessness, and district mobility; and extracurricular activities.

7.24 (b) The school performance report for a school site and a school district must include
7.25 school performance reporting information, including a prominent display of both the school's
7.26 or district's star rating and academic achievement score assigned by the commissioner under
7.27 section 120B.355 and must calculate proficiency and growth rates as required by the most
7.28 recently reauthorized Elementary and Secondary Education Act.

7.29 (c) The commissioner shall develop, annually update, and post on the department Web
7.30 site school performance reports consistent with paragraph (a) and section 120B.11.

7.31 (d) The commissioner must make available performance reports by the beginning of
7.32 each school year.

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

8.4 (f) School performance data are nonpublic data under section 13.02, subdivision 9, until
8.5 the commissioner publicly releases the data. The commissioner shall annually post school
8.6 performance reports to the department's public Web site no later than September 1, except
8.7 that in years when the reports reflect new performance standards, the commissioner shall
8.8 post the school performance reports no later than October 1.

8.9 Sec. 4. Minnesota Statutes 2016, section 120B.36, subdivision 2, is amended to read:

8.10 Subd. 2. **Student progress and other data.** (a) All data the department receives, collects,
8.11 or creates under section 120B.11, governing the world's best workforce, or uses to determine
8.12 and set goals for federal expectations under the most recently reauthorized Elementary and
8.13 Secondary Education Act, set state growth targets, and determine student growth, learning,
8.14 and outcomes under section 120B.35 are nonpublic data under section 13.02, subdivision
8.15 9, until the commissioner publicly releases the data.

8.16 (b) Districts must provide parents sufficiently detailed summary data to permit parents
8.17 to appeal under the most recently reauthorized federal Elementary and Secondary Education
8.18 Act. The commissioner shall annually post federal expectations and state student growth,
8.19 learning, and outcome data to the department's public Web site no later than September 1,
8.20 except that in years when data or federal expectations reflect new performance standards,
8.21 the commissioner shall post data on federal expectations and state student growth data no
8.22 later than October 1.