

State of Minnesota

H. F. No. 3933

1.1 A bill for an act

1.2 relating to education; modifying provisions for gifted and talented programs and

1.3 statewide assessments; amending Minnesota Statutes 2018, sections 120B.15;

1.4 120B.30, subdivision 1a.

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

1.6 Section 1. Minnesota Statutes 2018, section 120B.15, is amended to read:

1.7 **120B.15 GIFTED AND TALENTED STUDENTS PROGRAMS.**

1.8 (a) School districts may identify students, locally develop programs addressing

1.9 instructional and affective needs, provide staff development, and evaluate programs to

1.10 provide gifted and talented students with challenging and appropriate educational programs.

1.11 (b) School districts must adopt guidelines for assessing and identifying students for

1.12 participation in gifted and talented programs consistent with section 120B.11, subdivision

1.13 2, clause (2). The guidelines should include the use of:

1.14 (1) multiple and objective criteria; and

1.15 (2) assessments and procedures that are valid and reliable, fair, and based on current

1.16 theory and research. Assessments and procedures should be sensitive to underrepresented

1.17 groups, including, but not limited to, low-income, minority, twice-exceptional, and English

1.18 learners.

1.19 (c) School districts must adopt procedures for the academic acceleration of gifted and

1.20 talented students consistent with section 120B.11, subdivision 2, clause (2). These procedures

1.21 must include how the district will:

1.22 (1) assess a student's readiness and motivation for acceleration; and

(2) match the level, complexity, and pace of the curriculum to a student to achieve the best type of academic acceleration for that student.

(d) School districts must adopt procedures consistent with section 124D.02, subdivision 1, for early admission to kindergarten or first grade of gifted and talented learners consistent with section 120B.11, subdivision 2, clause (2). The procedures must be sensitive to underrepresented groups.

(e) School districts must consider students who exceed state standards, as determined by the Minnesota Comprehensive Assessments administered in grades 3 through 8, for placement in gifted and talented programs or academic acceleration.

Sec. 2. Minnesota Statutes 2018, section 120B.30, subdivision 1a, is amended to read:

Subd. 1a. **Statewide and local assessments; results.** (a) For purposes of this section, the following definitions have the meanings given them.

(1) "Computer-adaptive assessments" means fully adaptive assessments.

(2) "Fully adaptive assessments" include test items that are on-grade level and items that may be above or below a student's grade level.

(3) "On-grade level" test items contain subject area content that is aligned to state academic standards for the grade level of the student taking the assessment.

(4) "Above-grade level" test items contain subject area content that is above the grade level of the student taking the assessment and is considered aligned with state academic standards to the extent it is aligned with content represented in state academic standards above the grade level of the student taking the assessment. Notwithstanding the student's grade level, administering above-grade level test items to a student does not violate the requirement that state assessments must be aligned with state standards.

(5) "Below-grade level" test items contain subject area content that is below the grade level of the student taking the test and is considered aligned with state academic standards to the extent it is aligned with content represented in state academic standards below the student's current grade level. Notwithstanding the student's grade level, administering below-grade level test items to a student does not violate the requirement that state assessments must be aligned with state standards.

(b) The commissioner must use fully adaptive mathematics and reading assessments for grades 3 through 8.

(c) For purposes of conforming with existing federal educational accountability requirements, the commissioner must develop and implement computer-adaptive reading and mathematics assessments for grades 3 through 8, state-developed high school reading and mathematics tests aligned with state academic standards, a high school writing test aligned with state standards when it becomes available, and science assessments under clause (2) that districts and sites must use to monitor student growth toward achieving those standards. The commissioner must not develop statewide assessments for academic standards in social studies, health and physical education, and the arts. The commissioner must require:

(1) annual computer-adaptive reading and mathematics assessments in grades 3 through 8, and high school reading, writing, and mathematics tests; and

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

(d) The commissioner must ensure that for annual computer-adaptive assessments:

(1) individual student performance data and achievement reports are available within three school days of when students take an assessment except in a year when an assessment reflects new performance standards;

(2) growth information is available for each student from the student's first assessment to each proximate assessment using a constant measurement scale;

(3) parents, teachers, and school administrators are able to use elementary and middle school student performance data to project students' secondary and postsecondary achievement; and

(4) useful diagnostic information about areas of students' academic strengths and weaknesses is available to teachers and school administrators for improving student instruction and indicating the specific skills and concepts that should be introduced and developed for students at given performance levels, organized by strands within subject areas, and aligned to state academic standards.

(e) The commissioner must ensure that all state tests administered to elementary and secondary students measure students' academic knowledge and skills and not students' values, attitudes, and beliefs.

(f) Reporting of state assessment results must:

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

4.3 (2) include a growth indicator of student achievement; and

4.4 (3) determine whether students have met the state's academic standards.

4.5 (g) Consistent with applicable federal law, the commissioner must include appropriate,
4.6 technically sound accommodations or alternative assessments for the very few students with
4.7 disabilities for whom statewide assessments are inappropriate and for English learners.

4.8 (h) A school, school district, and charter school must administer statewide assessments
4.9 under this section, as the assessments become available, to evaluate student progress toward
4.10 career and college readiness in the context of the state's academic standards. A school,
4.11 school district, or charter school may use a student's performance on a statewide assessment
4.12 as one of multiple criteria to determine grade promotion or retention. A school, school
4.13 district, or charter school may use a high school student's performance on a statewide
4.14 assessment as a percentage of the student's final grade in a course, or place a student's
4.15 assessment score on the student's transcript. A school, school district, or charter school must
4.16 review, with the student's parent or guardian, remedial options for a student who does not
4.17 meet state standards, as determined by grades 3 through 8 statewide assessments.