

1.1 **Department of Education**

1.2 **Proposed Permanent Rules Relating to Graduation-Required Assessment for**
1.3 **Diploma (GRAD)**

1.4 **3501.1000 PURPOSE.**

1.5 The purpose of parts 3501.1000 to 3501.1190 is to establish statewide graduation test
1.6 standards and rules for administration and implementation of the graduation-required
1.7 assessment for diploma (GRAD).

1.8 **3501.1020 SCOPE.**

1.9 Parts 3501.1000 to 3501.1190 govern the graduation standards that Minnesota public
1.10 schools must require for a high school diploma for all students enrolled in grade 8 in the
1.11 2005-2006 school year and later.

1.12 **3501.1030 DEFINITIONS.**

1.13 Subpart 1. **Scope.** The terms used in parts 3501.1000 to 3501.1190 have the
1.14 meanings given them in this part.

1.15 Subp. 2. **Accommodation.** "Accommodation" means an adjustment in a testing
1.16 condition, such as the setting for or scheduling of the test, or a change in the method
1.17 of administering a test. An accommodation does not compromise the security or the
1.18 confidentiality of the test, does not alter the meaning of the score, or render the student's
1.19 score incomparable to the scores of those students who took the test under standard
1.20 conditions.

1.21 Subp. 3. **Department.** "Department" means the Department of Education.

1.22 Subp. 4. **District.** "District" means a school district.

1.23 Subp. 5. **Graduation-required assessment for diploma (GRAD).**

1.24 "Graduation-required assessment for diploma" or "GRAD" means the assessment that
1.25 measures the reading, writing, and mathematics proficiency of high school students.

2.1 Subp. 6. **Individualized education program or IEP.** "Individualized education
2.2 program" or "IEP" means a written statement developed for a student eligible for special
2.3 education and services pursuant to Minnesota Statutes, sections 125A.03 to 125A.24, and
2.4 the Individuals with Disabilities Education Act, as amended in 2004, Public Law 108-446.

2.5 Subp. 7. **Modification.** "Modification" means an adjustment of a test that results in
2.6 changing the standard for a particular student.

2.7 Subp. 8. **Parent.** "Parent" means, for a student under age 18, the mother, father,
2.8 guardian, person acting as the parent of the student, conservator, or surrogate parent who
2.9 has been appointed according to parts 3525.2435 to 3525.2455. For a student age 18 or
2.10 over, parent also includes the student unless a guardian or conservator has been appointed,
2.11 in which case it means the guardian or conservator. When the parents are separated or
2.12 divorced, it means the parent who has the legal right, by court decree or agreement, to
2.13 determine the student's education, even though the student may be living with the other
2.14 parent.

2.15 Subp. 9. **Public schools.** "Public schools" means all public schools as defined in
2.16 Minnesota Statutes, section 120A.05, and includes, but is not limited to, public school
2.17 districts, charter schools, the state academies for the deaf and the blind, and the Center
2.18 for Arts Education.

2.19 Subp. 10. **Section 504 accommodation plan.** "Section 504 accommodation plan"
2.20 means the defined appropriate accommodations or modifications that must be made in the
2.21 school environment to address the needs of an individual student with disabilities. This
2.22 section of the federal Rehabilitation Act of 1973, Public Law 91-230, as amended in
2.23 Public Law 101-476, extends protection to a much broader student population than just
2.24 those students with IEPs.

3.1 Subp. 11. **Statewide graduation standards.** "Statewide graduation standards"
3.2 means statements of what a student should know and be able to do as described by
3.3 Minnesota Statutes, sections 120B.02 and 120B.021.

3.4 Subp. 12. **Student.** "Student" means a person admitted to a public school as defined
3.5 in Minnesota Statutes, section 120A.05, in accordance with Minnesota Statutes, section
3.6 120A.20.

3.7 Subp. 13. **Test specifications.** "Test specifications" means statements of the
3.8 requirements that tests must include and how tests are designed. The specifications define
3.9 the required content, format, level of difficulty, types of items, and length of the tests.

3.10 **3501.1040 GRAD REQUIREMENTS.**

3.11 The GRAD requirements for reading, mathematics, and writing are established in
3.12 this chapter.

3.13 To qualify for a high school diploma, a student must demonstrate competency in the
3.14 statewide standards for reading, mathematics, and writing by fulfilling the graduation test
3.15 requirements established by Minnesota Statutes, sections 120B.02 and 120B.30.

3.16 **3501.1050 TESTING FOR STATEWIDE GRAD STANDARDS.**

3.17 Subpart 1. **District testing.** A district must test for proficiency in statewide
3.18 graduation standards by using the graduation-required assessment for diploma.

3.19 Subp. 2. **Offering GRAD.** A district must not offer the GRAD before the grade of its
3.20 first census administration. Once the test has first been offered to a group of students, the
3.21 district must continue to offer the GRAD to that group of students at least once a year.

3.22 **3501.1110 OPPORTUNITIES TO LEARN AND REMEDIATION.**

3.23 A district's curriculum must include opportunities for all students to learn the GRAD
3.24 requirements and subject matter. The district must develop a plan for remediation for a
3.25 student who, after two retest opportunities, has not passed a specific GRAD.

4.1 **3501.1120 REQUIRED NOTIFICATION TO PARENTS AND STUDENTS.**

4.2 Subpart 1. **Written notice.** A district must establish and maintain a system to provide
4.3 written notice to parents and students about graduation requirements.

4.4 Subp. 2. **Notice of graduation requirements.** Beginning in the 2008-2009 school
4.5 year and each subsequent year the district must provide to parents and students written
4.6 notice of:

4.7 A. the graduation requirements; and

4.8 B. the grade in which the student will have the first opportunity to take a GRAD.

4.9 Subp. 3. **Notice of test results and remediation opportunities.** The district must
4.10 provide written notice to parents and the student of GRAD results no later than 60 days
4.11 after a student takes a GRAD. After the date of receiving test results, students must have a
4.12 minimum of six weeks for remediation before the next testing opportunity.

4.13 **3501.1130 STUDENT RECORD KEEPING.**

4.14 Subpart 1. **Test results.** The district must keep a record on each student that includes:

4.15 A. the GRAD taken; and

4.16 B. the results of the most recent GRAD given.

4.17 Subp. 2. **Student progress.** Individual student progress must be reported on a
4.18 student record as described in items A and B.

4.19 A. "Pass-state level" or "PS" must be noted on the record of a student who
4.20 passes a GRAD under standard conditions or with an accommodation. The records for
4.21 students passing with an accommodation must not differ from the records of students
4.22 passing the test under standard conditions.

4.23 B. "Pass-individual level" or "PI" must be noted on the record of a student who
4.24 passes a GRAD with a modification established in the IEP or section 504 accommodation

5.1 plan in accordance with part 3501.1190. This notation is also used as a GRAD notation
5.2 for any other modified or alternate assessment used for accountability purposes for
5.3 students with disabilities.

5.4 **3501.1140 TEST ADMINISTRATION.**

5.5 The district must administer the GRAD under standard testing conditions defined by
5.6 the developer of the particular test. The district must use the directions provided with
5.7 the test. Test administration with accommodations or modifications to standard testing
5.8 conditions must occur only in accordance with part 3501.1190.

5.9 **3501.1150 TEST SECURITY.**

5.10 Subpart 1. Security requirements. When administering GRAD, the district must
5.11 observe the following test security measures:

5.12 A. all test materials must be secured, either physically or electronically, before
5.13 and after the test administration;

5.14 B. all testing materials are nonpublic data under Minnesota Statutes, section
5.15 13.34;

5.16 C. a student is required to present a valid photo ID before being admitted to the
5.17 testing site if:

5.18 (1) the student is not enrolled in the testing district; or

5.19 (2) the student is unknown to the test proctor when testing in the enrolled
5.20 district; and

5.21 D. districts must report any known violations of test security to the department.
5.22 The department must accept reports of violations of test security from anyone with
5.23 knowledge of such an incident.

6.1 Subp. 2. Security violations. The department must investigate any reported incidents
6.2 of breaches in test security. The consequences of a violation in test security may include:

6.3 A. the invalidation of test scores if a violation is found to justify serious
6.4 questions about the integrity of the results of the test administration; or

6.5 B. other reasonable sanctions that are necessary to preserve the security and
6.6 confidentiality of future tests and test administrations.

6.7 **3501.1160 REQUIRED DOCUMENTATION FOR PROGRAM AUDIT.**

6.8 The district must maintain records necessary for program audits conducted by the
6.9 department. The records must include documentation that:

6.10 A. remediation plans for students are developed consistent with part 3501.1110;

6.11 B. the district's curriculum and instruction provides appropriate learning
6.12 opportunities in the state graduation requirements in compliance with part 3501.1110;

6.13 C. notifications to parents and students meet the requirements of part 3501.1120;

6.14 D. student records meet the requirements of part 3501.1130;

6.15 E. the GRAD administration plan complies with part 3501.1140;

6.16 F. test security procedures comply with part 3501.1150;

6.17 G. the district's process for testing considerations for LEP students complies
6.18 with part 3501.1180;

6.19 H. the documentation for students granted accommodations for testing complies
6.20 with part 3501.1190; and

6.21 I. the assessments and documentation of performance for students granted
6.22 modifications of statewide standards comply with part 3501.1190.

6.23 **3501.1170 PASSING SCORES FOR GRAD.**

7.1 Subpart 1. **Passing scores.** Passing scores for purposes of this part reflect an
7.2 achievement level equivalent to or greater than the level determined through a standard
7.3 setting process.

7.4 Subp. 2. **Reading and mathematics.** The passing scores for the GRAD in reading
7.5 and mathematics are as provided by Minnesota Statutes, section 120B.30, subdivision 1,
7.6 for students enrolled in grade 8 in the 2005-2006 school year and later.

7.7 Subp. 3. **Writing.** The passing score for the GRAD in writing is as provided by
7.8 Minnesota Statutes, section 120B.30, subdivision 2, for students enrolled in grade 8 in the
7.9 2005-2006 school year and later.

7.10 **3501.1180 STUDENTS IN UNIQUE SITUATIONS.**

7.11 Subpart 1. **Dual enrolled students.** Dual enrolled students are public school
7.12 students. To graduate from a Minnesota public high school, a dual enrolled student must
7.13 fulfill the graduation test requirements in reading, mathematics, and writing established by
7.14 Minnesota Statutes, sections 120B.02 and 120B.30.

7.15 Subp. 2. **English language learners (ELL).** English language learners (ELL) who
7.16 are public school students and are designated in the Minnesota Automated Reporting
7.17 Student System (MARSS) as Limited English Proficiency (LEP) are not required to pass
7.18 the GRAD for up to four years from their date of enrollment in any school in which
7.19 the primary language of instruction is English. An ELL student who enrolls in grade 9
7.20 or above at or after the start of the academic year and who completes the course work
7.21 and any other state and district requirements to graduate within a four-year period is
7.22 not required to pass the GRAD.

7.23 Subp. 3. **Foreign exchange students.** To graduate from a Minnesota public high
7.24 school, a foreign exchange student must fulfill the graduation test requirements in reading,
7.25 mathematics, and writing established by Minnesota Statutes, sections 120B.02 and
8.1 120B.30. If a foreign exchange student will not receive a diploma from a Minnesota
8.2 public high school, the student is not required to fulfill the graduation test requirements.

8.3 Subp. 4. **Home school students.** Home school students are not public school
8.4 students and passing the GRAD is not required. To graduate from a Minnesota public

8.5 high school, a home school student must fulfill the graduation test requirements in
8.6 reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02
8.7 and 120B.30.

8.8 Subp. 5. **Open enrollment students.** Open enrollment students are public school
8.9 students. To graduate from a Minnesota public high school, an open enrollment student
8.10 must fulfill the graduation test requirements in reading, mathematics, and writing
8.11 established by Minnesota Statutes, sections 120B.02 and 120B.30.

8.12 Subp. 6. **Postsecondary enrollment option (PSEO) students.** Postsecondary
8.13 enrollment option (PSEO) students are public school students. To graduate from a
8.14 Minnesota public high school, a PSEO student must fulfill the graduation test requirements
8.15 in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02
8.16 and 120B.30.

8.17 A PSEO student who is present on the day of testing should participate in the current
8.18 series Minnesota Comprehensive Assessments (MCA). A PSEO student who is not
8.19 present for the current series MCA must take the GRAD at a later date.

8.20 Subp. 7. **Shared-time students.** Shared-time students are private school students
8.21 attending a public school class; these students are not public school students and
8.22 passing the GRAD is not required. To graduate from a Minnesota public high school, a
8.23 shared-time student must fulfill the graduation test requirements in reading, mathematics,
8.24 and writing established by Minnesota Statutes, sections 120B.02 and 120B.30.

8.25 Subp. 8. **Transfer students who passed a graduation examination in another**
8.26 **state.** A district may submit a passing score report for a transfer student and a copy of the
9.1 test specifications to the department for review. As graduation examinations from other
9.2 states are submitted, the department will maintain a list of states with acceptable substitute
9.3 graduation examinations. The department will seek reciprocity for the GRAD in other
9.4 states when it accepts their assessments.

9.5 Subp. 9. **District-placed students and students attending school under a tuition**
9.6 **agreement.** District-placed students and students attending school under a tuition
9.7 agreement are public school students. To graduate from a Minnesota public high school,
9.8 district-placed students and students attending school under a tuition agreement must
9.9 fulfill the graduation test requirements in reading, mathematics, and writing established by
9.10 Minnesota Statutes, sections 120B.02 and 120B.30.

9.11 Subp. 10. **Care and treatment; correctional facility students.** To graduate from a
9.12 Minnesota public high school, a student placed for care and treatment or a student in a
9.13 correctional facility must fulfill the graduation test requirements in reading, mathematics,
9.14 and writing established by Minnesota Statutes, sections 120B.02 and 120B.30, unless the
9.15 student has an IEP or a section 504 accommodation plan, in which case part 3501.1190
9.16 applies.

9.17 **3501.1190 STUDENTS WITH IEP PLANS OR SECTION 504 ACCOMMODATION**
9.18 **PLANS.**

9.19 Subpart 1. **Considerations for students with IEPs or section 504 accommodation**
9.20 **plans.** The individualized education program or section 504 accommodation plan for a
9.21 student with a disability must identify one of the following decisions for each subject
9.22 area of the GRAD:

9.23 A. the student is expected to achieve the statewide standard with or without
9.24 testing accommodations, resulting in a PS notation on the record when achieving a
9.25 passing score; or

10.1 B. the student is expected to achieve the statewide standard at an individually
10.2 modified level of difficulty, resulting in a PI notation on the record when achieving the
10.3 modified level. A Minnesota alternate assessment must be used when an IEP team chooses
10.4 to replace the GRAD. Adoption of modifications for a student must occur concurrently

10.5 with the adoption of transition goals and objectives as required by Minnesota Statutes,
10.6 section 125A.08, paragraph (a), clause (1).

10.7 Subp. 2. Testing students with IEPs or section 504 accommodation plans. All
10.8 students must be tested under standard conditions as specified by the developer of the test
10.9 except those students whose IEPs or section 504 accommodation plans specify other
10.10 decisions consistent with subpart 1.

10.11 A. Decisions regarding appropriate testing conditions, including a decision to
10.12 provide accommodations for a student, must be made by the IEP team or through the
10.13 section 504 accommodation plan process and must be reviewed annually.

10.14 B. Where subpart 1, item B, applies, the student's IEP or section 504
10.15 accommodation plan must define an appropriate assessment of the statewide standard at a
10.16 modified level of difficulty. Achievement of the individually modified standard shall be
10.17 certified only through documented student performance of the defined assessment.