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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2310

02/15/2012 Authored by Erickson

The bill was read for the first time and referred to the Committee on Education Reform

1.1 A bill for an act
1.2 relating to education; repealing obsolete statutes; amending Minnesota Statutes
1.3 2010, sections 120A.22, subdivision 2; 126C.12, subdivision 2; Minnesota
1.4 Statutes 2011 Supplement, section 120B.30, subdivision 1; repealing Minnesota
1.5 Statutes 2010, sections 120A.28; 120B.019; 120B.13, subdivision 1; 120B.31,
1.6 subdivision 3; 121A.60, subdivisions 3, 4; 121A.62; 121A.63; 122A.18,
1.7 subdivision 9; 122A.68.

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

1.9 ARTICLE 1

1.10 OBSOLETE STATUTES

1.11 Section 1. Minnesota Statutes 2011 Supplement, section 120B.30, subdivision 1, is
1.12 amended to read:

1.13 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts
1.14 with appropriate technical qualifications and experience and stakeholders, consistent with
1.15 subdivision 1a, shall include in the comprehensive assessment system, for each grade
1.16 level to be tested, state-constructed tests developed from and aligned with the state's
1.17 required academic standards under section 120B.021, include multiple choice questions,
1.18 and be administered annually to all students in grades 3 through 8. State-developed high
1.19 school tests aligned with the state's required academic standards under section 120B.021
1.20 and administered to all high school students in a subject other than writing must include
1.21 multiple choice questions. The commissioner shall establish one or more months during
1.22 which schools shall administer the tests to students each school year. ~~For students enrolled~~
1.23 ~~in grade 8 before the 2005-2006 school year, Minnesota basic skills tests in reading,~~
1.24 ~~mathematics, and writing shall fulfill students' basic skills testing requirements for a~~
1.25 ~~passing state notation. The passing scores of basic skills tests in reading and mathematics~~

2.1 ~~are the equivalent of 75 percent correct for students entering grade 9 based on the first~~
2.2 ~~uniform test administered in February 1998. Students who have not successfully passed~~
2.3 ~~a Minnesota basic skills test by the end of the 2011-2012 school year must pass the~~
2.4 ~~graduation-required assessments for diploma under paragraph (c).~~

2.5 (b) The state assessment system must be aligned to the most recent revision of
2.6 academic standards as described in section 120B.023 in the following manner:

2.7 (1) mathematics;

2.8 (i) grades 3 through 8 beginning in the 2010-2011 school year; and

2.9 (ii) high school level beginning in the 2013-2014 school year;

2.10 (2) science; grades 5 and 8 and at the high school level beginning in the 2011-2012
2.11 school year; and

2.12 (3) language arts and reading; grades 3 through 8 and high school level beginning in
2.13 the 2012-2013 school year.

2.14 (c) For students enrolled in grade 8 in the 2005-2006 school year and later, only the
2.15 following options shall fulfill students' state graduation test requirements:

2.16 (1) for reading and mathematics:

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

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

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

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

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

- 3.1 (2) for writing:
- 3.2 (i) achieving a passing score on the graduation-required assessment for diploma;
- 3.3 (ii) achieving a passing score as determined through a standard setting process on
- 3.4 the state-identified language proficiency test in writing for students designated as English
- 3.5 language learners;
- 3.6 (iii) achieving an individual passing score on the graduation-required assessment for
- 3.7 diploma as determined by appropriate state guidelines for students with an individualized
- 3.8 education program or 504 plan; or
- 3.9 (iv) achieving an individual passing score on the state-identified alternate assessment
- 3.10 or assessments as determined by appropriate state guidelines for students with an
- 3.11 individualized education program.
- 3.12 (d) Students enrolled in grade 8 in any school year from the 2005-2006 school
- 3.13 year to the 2009-2010 school year who do not pass the mathematics graduation-required
- 3.14 assessment for diploma under paragraph (c) are eligible to receive a high school diploma
- 3.15 if they:
- 3.16 (1) complete with a passing score or grade all state and local coursework and credits
- 3.17 required for graduation by the school board granting the students their diploma;
- 3.18 (2) participate in district-prescribed academic remediation in mathematics; and
- 3.19 (3) fully participate in at least two retests of the mathematics GRAD test or until
- 3.20 they pass the mathematics GRAD test, whichever comes first. A school, district, or charter
- 3.21 school must place on the high school transcript a student's current pass status for each
- 3.22 subject that has a required graduation assessment.
- 3.23 In addition, the school board granting the students their diplomas may formally
- 3.24 decide to include a notation of high achievement on the high school diplomas of those
- 3.25 graduating seniors who, according to established school board criteria, demonstrate
- 3.26 exemplary academic achievement during high school.
- 3.27 (e) The 3rd through 8th grade and high school test results shall be available to
- 3.28 districts for diagnostic purposes affecting student learning and district instruction and
- 3.29 curriculum, and for establishing educational accountability. The commissioner must
- 3.30 disseminate to the public the high school test results upon receiving those results.
- 3.31 (f) The 3rd through 8th grade and high school tests must be aligned with state
- 3.32 academic standards. The commissioner shall determine the testing process and the order
- 3.33 of administration. The statewide results shall be aggregated at the site and district level,
- 3.34 consistent with subdivision 1a.

4.1 (g) In addition to the testing and reporting requirements under this section, the
 4.2 commissioner shall include the following components in the statewide public reporting
 4.3 system:

4.4 (1) uniform statewide testing of all students in grades 3 through 8 and at the high
 4.5 school level that provides appropriate, technically sound accommodations or alternate
 4.6 assessments;

4.7 (2) educational indicators that can be aggregated and compared across school
 4.8 districts and across time on a statewide basis, including average daily attendance, high
 4.9 school graduation rates, and high school drop-out rates by age and grade level;

4.10 (3) state results on the American College Test; and

4.11 (4) state results from participation in the National Assessment of Educational
 4.12 Progress so that the state can benchmark its performance against the nation and other
 4.13 states, and, where possible, against other countries, and contribute to the national effort
 4.14 to monitor achievement.

4.15 Sec. 2. **REPEALER.**

4.16 Minnesota Statutes 2010, sections 120A.28; 120B.019; 120B.13, subdivision 1;
 4.17 120B.31, subdivision 3; 121A.60, subdivisions 3 and 4; 121A.62; 121A.63; 122A.18,
 4.18 subdivision 9; and 122A.68, are repealed.

4.19 ARTICLE 2

4.20 CONFORMING AMENDMENTS

4.21 Section 1. Minnesota Statutes 2010, section 120A.22, subdivision 2, is amended to
 4.22 read:

4.23 Subd. 2. **Applicability.** This section and sections 120A.24; 120A.26; ~~120A.28;~~
 4.24 120A.30; 120A.32; and 120A.34 apply only to a child required to receive instruction
 4.25 according to subdivision 5 and to instruction that is intended to fulfill that requirement.

4.26 Sec. 2. Minnesota Statutes 2010, section 126C.12, subdivision 2, is amended to read:

4.27 Subd. 2. **Definitions.** (a) "Classroom teacher" means a public employee licensed by
 4.28 the board of teaching who is authorized to teach all subjects to children in any grade in
 4.29 kindergarten through grade 6 and whose duties are full-time regular classroom instruction,
 4.30 excluding a teacher for whom federal aids are received or for whom categorical aids are
 4.31 received under section 125A.76 or who is an itinerant teacher or provides instruction
 4.32 outside of the regular classroom. ~~Except as provided in section 122A.68, subdivision 6,~~
 4.33 Classroom teacher does not include supervisory and support personnel defined in section

5.1 122A.15. A classroom teacher whose duties are less than full-time instruction must be
5.2 included as an equivalent only for the number of hours of instruction in kindergarten
5.3 through grade 3.

5.4 (b) "Class size" means the districtwide ratio at each grade level of the number of
5.5 full-time students in kindergarten through grade 3 served at least 40 percent of the time in
5.6 regular classrooms to the number of full-time classroom teachers in kindergarten through
5.7 grade 3, determined as of October 1 of each school year.