

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3302

02/13/2020 Authored by Erickson
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; requiring assessments for graduation; amending Minnesota
1.3 Statutes 2018, sections 120B.02, subdivision 2; 120B.30, subdivision 1a, by adding
1.4 a subdivision; Minnesota Statutes 2019 Supplement, section 120B.30, subdivision
1.5 1.

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

1.7 Section 1. Minnesota Statutes 2018, section 120B.02, subdivision 2, is amended to read:

1.8 Subd. 2. Graduation requirements. (a) To graduate from high school, students must
1.9 demonstrate to their enrolling school district or school their satisfactory completion of the
1.10 credit requirements under section 120B.024 and their understanding of academic standards,
1.11 and for students in grade 8 in the 2020-2021 school year and later, must pass the assessments
1.12 required for graduation under section 120B.30. A school district must adopt graduation
1.13 requirements that meet or exceed state graduation requirements established in law or rule.

1.14 (b) Students ages 19 to 21 who have not yet graduated from a Minnesota high school
1.15 and, but for their age, are otherwise eligible to participate in an adult basic education program
1.16 may be admitted to an adult high school diploma program under section 124D.52,
1.17 subdivisions 8 and 9.

1.18 EFFECTIVE DATE. This section is effective July 1, 2020.

1.19 Sec. 2. Minnesota Statutes 2019 Supplement, section 120B.30, subdivision 1, is amended
1.20 to read:

1.21 Subdivision 1. Statewide testing. (a) The commissioner, with advice from experts with
1.22 appropriate technical qualifications and experience and stakeholders, consistent with

2.1 subdivision 1a, must include in the comprehensive assessment system, for each grade level
2.2 to be tested, state-constructed tests developed as computer-adaptive reading and mathematics
2.3 assessments for students that are aligned with the state's required academic standards under
2.4 section 120B.021, include multiple choice questions, and are administered annually to all
2.5 students in grades 3 through 8. State-developed high school tests aligned with the state's
2.6 required academic standards under section 120B.021 and administered to all high school
2.7 students in a subject other than writing must include multiple choice questions. The
2.8 commissioner must establish a testing period as late as possible each school year during
2.9 which schools must administer the Minnesota Comprehensive Assessments to students. The
2.10 commissioner must publish the testing schedule at least two years before the beginning of
2.11 the testing period.

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

2.14 (1) mathematics;

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

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

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

2.19 (3) language arts and reading; grades 3 through 8 and high school level beginning in the
2.20 2012-2013 school year.

2.21 (c) For students enrolled in grade 8 in the 2012-2013 school year and later, students'
2.22 state graduation requirements, based on a longitudinal, systematic approach to student
2.23 education and career planning, assessment, instructional support, and evaluation, include
2.24 the following:

2.25 (1) achievement and career and college readiness in mathematics, reading, and writing,
2.26 consistent with paragraph (k) and to the extent available, to monitor students' continuous
2.27 development of and growth in requisite knowledge and skills; analyze students' progress
2.28 and performance levels, identifying students' academic strengths and diagnosing areas where
2.29 students require curriculum or instructional adjustments, targeted interventions, or
2.30 remediation; and, based on analysis of students' progress and performance data, determine
2.31 students' learning and instructional needs and the instructional tools and best practices that
2.32 support academic rigor for the student; and

3.1 (2) consistent with this paragraph and section 120B.125, age-appropriate exploration
3.2 and planning activities and career assessments to encourage students to identify personally
3.3 relevant career interests and aptitudes and help students and their families develop a regularly
3.4 reexamined transition plan for postsecondary education or employment without need for
3.5 postsecondary remediation.

3.6 Based on appropriate state guidelines, students with an individualized education program
3.7 may satisfy state graduation requirements by achieving an individual score on the
3.8 state-identified alternative assessments.

3.9 (d) Expectations of schools, districts, and the state for career or college readiness under
3.10 this subdivision must be comparable in rigor, clarity of purpose, and rates of student
3.11 completion.

3.12 A student under paragraph (c), clause (1), must receive targeted, relevant, academically
3.13 rigorous, and resourced instruction, which may include a targeted instruction and intervention
3.14 plan focused on improving the student's knowledge and skills in core subjects so that the
3.15 student has a reasonable chance to succeed in a career or college without need for
3.16 postsecondary remediation. Consistent with sections 120B.13, 124D.09, 124D.091, 124D.49,
3.17 and related sections, an enrolling school or district must actively encourage a student in
3.18 grade 11 or 12 who is identified as academically ready for a career or college to participate
3.19 in courses and programs awarding college credit to high school students. Students are not
3.20 required to achieve a specified score or level of proficiency on an assessment under this
3.21 subdivision to graduate from high school.

3.22 (e) Though not a high school graduation requirement, students are encouraged to
3.23 participate in a nationally recognized college entrance exam. To the extent state funding
3.24 for college entrance exam fees is available, a district must pay the cost, one time, for an
3.25 interested student in grade 11 or 12 who is eligible for a free or reduced-price meal, to take
3.26 a nationally recognized college entrance exam before graduating. A student must be able
3.27 to take the exam under this paragraph at the student's high school during the school day and
3.28 at any one of the multiple exam administrations available to students in the district. A district
3.29 may administer the ACT or SAT or both the ACT and SAT to comply with this paragraph.
3.30 If the district administers only one of these two tests and a free or reduced-price meal eligible
3.31 student opts not to take that test and chooses instead to take the other of the two tests, the
3.32 student may take the other test at a different time or location and remains eligible for the
3.33 examination fee reimbursement. Notwithstanding sections 123B.34 to 123B.39, a school
3.34 district may require a student that is not eligible for a free or reduced-price meal to pay the

4.1 cost of taking a nationally recognized college entrance exam. The district must waive the
4.2 cost for a student unable to pay.

4.3 (f) The commissioner and the chancellor of the Minnesota State Colleges and Universities
4.4 must collaborate in aligning instruction and assessments for adult basic education students
4.5 and English learners to provide the students with diagnostic information about any targeted
4.6 interventions, accommodations, modifications, and supports they need so that assessments
4.7 and other performance measures are accessible to them and they may seek postsecondary
4.8 education or employment without need for postsecondary remediation. When administering
4.9 formative or summative assessments used to measure the academic progress, including the
4.10 oral academic development, of English learners and inform their instruction, schools must
4.11 ensure that the assessments are accessible to the students and students have the modifications
4.12 and supports they need to sufficiently understand the assessments.

4.13 (g) Districts and schools, on an annual basis, must use career exploration elements to
4.14 help students, beginning no later than grade 9, and their families explore and plan for
4.15 postsecondary education or careers based on the students' interests, aptitudes, and aspirations.
4.16 Districts and schools must use timely regional labor market information and partnerships,
4.17 among other resources, to help students and their families successfully develop, pursue,
4.18 review, and revise an individualized plan for postsecondary education or a career. This
4.19 process must help increase students' engagement in and connection to school, improve
4.20 students' knowledge and skills, and deepen students' understanding of career pathways as
4.21 a sequence of academic and career courses that lead to an industry-recognized credential,
4.22 an associate's degree, or a bachelor's degree and are available to all students, whatever their
4.23 interests and career goals.

4.24 (h) A student who demonstrates attainment of required state academic standards, which
4.25 include career and college readiness benchmarks, on high school assessments under
4.26 subdivision 1a is academically ready for a career or college and is encouraged to participate
4.27 in courses awarding college credit to high school students. Such courses and programs may
4.28 include sequential courses of study within broad career areas and technical skill assessments
4.29 that extend beyond course grades.

4.30 (i) As appropriate, students through grade 12 must continue to participate in targeted
4.31 instruction, intervention, or remediation and be encouraged to participate in courses awarding
4.32 college credit to high school students.

4.33 (j) In developing, supporting, and improving students' academic readiness for a career
4.34 or college, schools, districts, and the state must have a continuum of empirically derived,

5.1 clearly defined benchmarks focused on students' attainment of knowledge and skills so that
5.2 students, their parents, and teachers know how well students must perform to have a
5.3 reasonable chance to succeed in a career or college without need for postsecondary
5.4 remediation. The commissioner, in consultation with local school officials and educators,
5.5 and Minnesota's public postsecondary institutions must ensure that the foundational
5.6 knowledge and skills for students' successful performance in postsecondary employment
5.7 or education and an articulated series of possible targeted interventions are clearly identified
5.8 and satisfy Minnesota's postsecondary admissions requirements.

5.9 (k) For students in grade 8 in the 2012-2013 school year and later, a school, district, or
5.10 charter school must record on the high school transcript a student's progress toward career
5.11 and college readiness, and for other students as soon as practicable. For students in grade
5.12 8 in the 2020-2021 school year and later, a school, district, or charter school must record
5.13 on the high school transcript a student's current pass status for each subject that has an
5.14 assessment required for graduation.

5.15 (l) The school board granting students their diplomas may formally decide to include a
5.16 notation of high achievement on the high school diplomas of those graduating seniors who,
5.17 according to established school board criteria, demonstrate exemplary academic achievement
5.18 during high school.

5.19 (m) The 3rd through 8th grade computer-adaptive assessment results and high school
5.20 test results must be available to districts for diagnostic purposes affecting student learning
5.21 and district instruction and curriculum, and for establishing educational accountability. The
5.22 commissioner, in consultation with the chancellor of the Minnesota State Colleges and
5.23 Universities, must establish empirically derived benchmarks on the high school tests that
5.24 reveal a trajectory toward career and college readiness consistent with section 136F.302,
5.25 subdivision 1a. The commissioner must disseminate to the public the computer-adaptive
5.26 assessments and high school test results upon receiving those results.

5.27 (n) The grades 3 through 8 computer-adaptive assessments and high school tests must
5.28 be aligned with state academic standards. The commissioner must determine the testing
5.29 process and the order of administration. The statewide results must be aggregated at the site
5.30 and district level, consistent with subdivision 1a.

5.31 (o) The commissioner must include the following components in the statewide public
5.32 reporting system:

6.1 (1) uniform statewide computer-adaptive assessments of all students in grades 3 through
 6.2 8 and testing at the high school levels required under this subdivision that provides
 6.3 appropriate, technically sound accommodations or alternate assessments;

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

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

6.8 (4) state results from participation in the National Assessment of Educational Progress
 6.9 so that the state can benchmark its performance against the nation and other states, and,
 6.10 where possible, against other countries, and contribute to the national effort to monitor
 6.11 achievement-; and

6.12 (5) assessments required for high school graduation and diploma.

6.13 (p) For purposes of statewide accountability, "career and college ready" means a high
 6.14 school graduate has the knowledge, skills, and competencies to successfully pursue a career
 6.15 pathway, including postsecondary credit leading to a degree, diploma, certificate, or
 6.16 industry-recognized credential and employment. Students who are career and college ready
 6.17 are able to successfully complete credit-bearing coursework at a two- or four-year college
 6.18 or university or other credit-bearing postsecondary program without need for remediation.

6.19 (q) For purposes of statewide accountability, "cultural competence," "cultural
 6.20 competency," or "culturally competent" means the ability of families and educators to
 6.21 interact effectively with people of different cultures, native languages, and socioeconomic
 6.22 backgrounds.

6.23 **EFFECTIVE DATE.** This section is effective July 1, 2020.

6.24 Sec. 3. Minnesota Statutes 2018, section 120B.30, subdivision 1a, is amended to read:

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

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

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

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

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

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

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

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

7.23 (1) annual computer-adaptive reading and mathematics assessments in grades 3 through
7.24 8, and high school reading, writing, and mathematics tests; and

7.25 (2) annual science assessments in one grade in the grades 3 through 5 span, the grades
7.26 6 through 8 span, and a life sciences assessment in the grades 9 through 12 span, and the
7.27 commissioner must not require students to achieve a passing score on high school science
7.28 assessments as a condition of receiving a high school diploma.

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

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

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

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

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

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

8.14 (f) Reporting of state assessment results must:

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

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

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

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

8.22 (h) A school, school district, and charter school must administer statewide assessments
8.23 under this section, as the assessments become available, to evaluate student progress toward
8.24 career and college readiness in the context of the state's academic standards. A school,
8.25 school district, or charter school may use a student's performance on a statewide assessment
8.26 required under subdivision 1 as one of multiple criteria to determine grade promotion or
8.27 retention. A school, school district, or charter school may use a high school student's
8.28 performance on a statewide assessment required under subdivision 1 as a percentage of the
8.29 student's final grade in a course, or place a student's assessment score on the student's
8.30 transcript.

8.31 **EFFECTIVE DATE.** This section is effective July 1, 2020.

9.1 Sec. 4. Minnesota Statutes 2018, section 120B.30, is amended by adding a subdivision to
9.2 read:

9.3 Subd. 1c. **Assessments required for graduation.** (a) The commissioner must develop
9.4 a reading assessment for students in grade 10 and a mathematics assessment for students
9.5 in grade 11 that are required for high school graduation and diploma. The commissioner
9.6 must determine passing scores for reading and mathematics on the required assessments
9.7 for a high school diploma, and passing scores on the assessments for students designated
9.8 as English learners. The commissioner must develop guidelines for determining an individual
9.9 passing score on the required assessments for a student with an individualized education
9.10 program or 504 plan.

9.11 (b) A student in grade 8 in the 2020-2021 school year and later must achieve a passing
9.12 score on the assessments required for high school graduation and diploma. An English
9.13 learner must achieve the passing score determined by the commissioner for English learners.
9.14 A student with an individualized education program or 504 plan must earn a passing score
9.15 designated by the student's school in accordance with the commissioner's guidance on
9.16 passing scores for a student with an individualized education program or 504 plan.

9.17 (c) A student in grade 8 in the 2020-2021 school year and later who does not pass the
9.18 mathematics assessment required for graduation may graduate from high school if the
9.19 student:

9.20 (1) completes with a passing score or grade all state and local coursework and credits
9.21 required for graduation by the school board;

9.22 (2) participates in district-prescribed academic remediation in mathematics; and

9.23 (3) participates in at least two retests of the mathematics assessment required for
9.24 graduation.

9.25 **EFFECTIVE DATE.** This section is effective July 1, 2020.