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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 498

02/02/2015 Authored by Dettmer, Urdahl, Moran, Norton, Ward and others

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

04/07/2015 Adoption of Report: Amended and re-referred to the Committee on Education Finance

1.1 A bill for an act
1.2 relating to education; providing for physical education standards and benchmarks;
1.3 amending Minnesota Statutes 2014, sections 120B.021, subdivisions 1, 3, 4;
1.4 120B.36, subdivision 1; proposing coding for new law in Minnesota Statutes,
1.5 chapter 120B.

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

1.7 Section 1. Minnesota Statutes 2014, section 120B.021, subdivision 1, is amended to
1.8 read:

1.9 Subdivision 1. **Required academic standards.** (a) The following subject areas
1.10 are required for statewide accountability:

1.11 (1) language arts;

1.12 (2) mathematics;

1.13 (3) science;

1.14 (4) social studies, including history, geography, economics, and government and
1.15 citizenship;

1.16 (5) physical education;

1.17 (6) health, for which locally developed academic standards apply; and

1.18 (7) the arts, for which statewide or locally developed academic standards apply, as

1.19 determined by the school district. Public elementary and middle schools must offer at least

1.20 three and require at least two of the following four arts areas: dance; music; theater; and

1.21 visual arts. Public high schools must offer at least three and require at least one of the

1.22 following five arts areas: media arts; dance; music; theater; and visual arts.

1.23 (b) For purposes of applicable federal law, the academic standards for language arts,

1.24 mathematics, and science apply to all public school students, except the very few students

1.25 with extreme cognitive or physical impairments for whom an individualized education

2.1 program team has determined that the required academic standards are inappropriate. An
2.2 individualized education program team that makes this determination must establish
2.3 alternative standards.

2.4 (c) The department must adopt the most recent National Association of Sport and
2.5 Physical Education kindergarten through grade 12 standards and benchmarks for physical
2.6 education as the required physical education academic standards. The department may
2.7 modify and adapt the national standards to accommodate state interest. The modification
2.8 and adaptations must maintain the purpose and integrity of the national standards. The
2.9 department must make available sample assessments for school districts to assess students'
2.10 mastery of the physical education standards beginning in the 2018-2019 school year.

2.11 (e) (d) District efforts to develop, implement, or improve instruction or curriculum
2.12 as a result of the provisions of this section must be consistent with sections 120B.10,
2.13 120B.11, and 120B.20.

2.14 Sec. 2. Minnesota Statutes 2014, section 120B.021, subdivision 3, is amended to read:

2.15 Subd. 3. **Rulemaking.** The commissioner, consistent with the requirements of
2.16 this section and section 120B.022, must adopt statewide rules under section 14.389 for
2.17 implementing statewide rigorous core academic standards in language arts, mathematics,
2.18 science, social studies, physical education, and the arts. After the rules authorized under
2.19 this subdivision are initially adopted, the commissioner may not amend or repeal these
2.20 rules nor adopt new rules on the same topic without specific legislative authorization. The
2.21 academic standards for language arts, mathematics, and the arts must be implemented for
2.22 all students beginning in the 2003-2004 school year. The academic standards for science
2.23 and social studies must be implemented for all students beginning in the 2005-2006 school
2.24 year.

2.25 Sec. 3. Minnesota Statutes 2014, section 120B.021, subdivision 4, is amended to read:

2.26 Subd. 4. **Revisions and reviews required.** (a) The commissioner of education must
2.27 revise and appropriately embed technology and information literacy standards consistent
2.28 with recommendations from school media specialists into the state's academic standards
2.29 and graduation requirements and implement a ten-year cycle to review and, consistent
2.30 with the review, revise state academic standards and related benchmarks, consistent with
2.31 this subdivision. During each ten-year review and revision cycle, the commissioner also
2.32 must examine the alignment of each required academic standard and related benchmark
2.33 with the knowledge and skills students need for career and college readiness and advanced
2.34 work in the particular subject area. The commissioner must include the contributions of

3.1 Minnesota American Indian tribes and communities as related to the academic standards
3.2 during the review and revision of the required academic standards.

3.3 (b) The commissioner must ensure that the statewide mathematics assessments
3.4 administered to students in grades 3 through 8 and 11 are aligned with the state academic
3.5 standards in mathematics, consistent with section 120B.30, subdivision 1, paragraph
3.6 (b). The commissioner must implement a review of the academic standards and related
3.7 benchmarks in mathematics beginning in the 2015-2016 school year and every ten years
3.8 thereafter.

3.9 (c) The commissioner must implement a review of the academic standards and related
3.10 benchmarks in arts beginning in the 2016-2017 school year and every ten years thereafter.

3.11 (d) The commissioner must implement a review of the academic standards and
3.12 related benchmarks in science beginning in the 2017-2018 school year and every ten
3.13 years thereafter.

3.14 (e) The commissioner must implement a review of the academic standards and
3.15 related benchmarks in language arts beginning in the 2018-2019 school year and every
3.16 ten years thereafter.

3.17 (f) The commissioner must implement a review of the academic standards and
3.18 related benchmarks in social studies beginning in the 2019-2020 school year and every
3.19 ten years thereafter.

3.20 (g) The commissioner must implement a review of the academic standards and
3.21 related benchmarks in physical education beginning in the 2024-2025 school year and
3.22 every ten years thereafter.

3.23 ~~(g)~~ (h) School districts and charter schools must revise and align local academic
3.24 standards and high school graduation requirements in health, world languages, and career
3.25 and technical education to require students to complete the revised standards beginning
3.26 in a school year determined by the school district or charter school. School districts and
3.27 charter schools must formally establish a periodic review cycle for the academic standards
3.28 and related benchmarks in health, world languages, and career and technical education.

3.29 Sec. 4. **[120B.026] PHYSICAL EDUCATION.**

3.30 Subdivision 1. Exclusion from class; recess. A student may be excused from a
3.31 physical education class if the student submits written information signed by a physician
3.32 stating that physical activity will jeopardize the student's health, among other excuses
3.33 sanctioned by school policies. A student may be excused from a physical education class
3.34 if being excused meets the child's unique and individualized needs according to the
3.35 child's individualized education program, federal 504 plan, or individualized health plan.

4.1 A student may be excused if a parent or guardian requests an exemption on religious
4.2 grounds. A student with a disability must be provided with modifications or adaptations
4.3 that allow physical education class to meet their needs. Schools are strongly encouraged
4.4 not to exclude students in kindergarten through grade 5 from recess due to punishment or
4.5 disciplinary action.

4.6 Subd. 2. **Teachers.** Physical education must be taught by teachers who are licensed
4.7 to teach physical education or provide cocurricular instruction. A physical education
4.8 teacher shall be adequately prepared and regularly participate in professional development
4.9 activities under section 122A.60.

4.10 Sec. 5. Minnesota Statutes 2014, section 120B.36, subdivision 1, is amended to read:

4.11 Subdivision 1. **School performance reports.** (a) The commissioner shall report
4.12 student academic performance under section 120B.35, subdivision 2; the percentages of
4.13 students showing low, medium, and high growth under section 120B.35, subdivision
4.14 3, paragraph (b); school safety and student engagement and connection under section
4.15 120B.35, subdivision 3, paragraph (d); rigorous coursework under section 120B.35,
4.16 subdivision 3, paragraph (c); the percentage of students under section 120B.35, subdivision
4.17 3, paragraph (b), clause (2), whose progress and performance levels are meeting career
4.18 and college readiness benchmarks under sections 120B.30, subdivision 1, and 120B.35,
4.19 subdivision 3, paragraph (e); longitudinal data on the progress of eligible districts in
4.20 reducing disparities in students' academic achievement and realizing racial and economic
4.21 integration under section 124D.861; the acquisition of English, and where practicable,
4.22 native language academic literacy, including oral academic language, and the academic
4.23 progress of English learners under section 124D.59, subdivisions 2 and 2a; the weekly
4.24 amount of time students in kindergarten through grade 8 are scheduled to spend in physical
4.25 education class, the percent of students in kindergarten through grade 12 who receive a
4.26 passing grade in physical education, and the number of required physical education credits
4.27 high school students must complete to graduate; two separate student-to-teacher ratios that
4.28 clearly indicate the definition of teacher consistent with sections 122A.06 and 122A.15
4.29 for purposes of determining these ratios; staff characteristics excluding salaries; student
4.30 enrollment demographics; district mobility; and extracurricular activities. The report also
4.31 must indicate a school's adequate yearly progress status under applicable federal law,
4.32 and must not set any designations applicable to high- and low-performing schools due
4.33 solely to adequate yearly progress status.

4.34 (b) The commissioner shall develop, annually update, and post on the department
4.35 Web site school performance reports.

5.1 (c) The commissioner must make available performance reports by the beginning
5.2 of each school year.

5.3 (d) A school or district may appeal its adequate yearly progress status in writing to
5.4 the commissioner within 30 days of receiving the notice of its status. The commissioner's
5.5 decision to uphold or deny an appeal is final.

5.6 (e) School performance data are nonpublic data under section 13.02, subdivision 9,
5.7 until the commissioner publicly releases the data. The commissioner shall annually post
5.8 school performance reports to the department's public Web site no later than September 1,
5.9 except that in years when the reports reflect new performance standards, the commissioner
5.10 shall post the school performance reports no later than October 1.

5.11 **EFFECTIVE DATE.** This section is effective the day following final enactment
5.12 and applies to reports for the 2017-2018 school year and later.