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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1392

03/02/2015 Authored by Bennett, Erickson, Pierson, Urdahl and Peterson
The bill was read for the first time and referred to the Committee on Education Innovation Policy
03/10/2015 Adoption of Report: Re-referred to the Committee on Higher Education Policy and Finance

1.1 A bill for an act
1.2 relating to education; modifying certain student assessment provisions; reducing
1.3 the number of required state tests; amending Minnesota Statutes 2014, sections
1.4 120B.02, subdivision 2; 120B.11, subdivision 1a; 120B.30, subdivisions 1, 1a;
1.5 Laws 2013, chapter 116, article 2, section 20, subdivision 3; repealing Minnesota
1.6 Statutes 2014, section 120B.128.

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

1.8 Section 1. Minnesota Statutes 2014, section 120B.02, subdivision 2, is amended to read:

1.9 Subd. 2. **Graduation requirements.** To graduate from high school, students must
1.10 demonstrate to their enrolling school district or school their satisfactory completion of
1.11 the credit requirements under section 120B.024 and their understanding of academic
1.12 standards ~~on a nationally normed college entrance exam~~ as required under section
1.13 120B.30, subdivision 1, paragraph (c), clause (1). A school district must adopt graduation
1.14 requirements that meet or exceed state graduation requirements established in law or rule.

1.15 **EFFECTIVE DATE.** This section is effective and applies to students entering grade
1.16 9 in the 2015-2016 school year and later.

1.17 Sec. 2. Minnesota Statutes 2014, section 120B.11, subdivision 1a, is amended to read:

1.18 Subd. 1a. **Performance measures.** Measures to determine school district and
1.19 school site progress in striving to create the world's best workforce must include at least:

1.20 (1) student performance on the National Assessment of Education Progress where
1.21 applicable;

1.22 (2) the size of the academic achievement gap, rigorous course taking under section
1.23 120B.35, subdivision 3, paragraph (c), clause (2), and enrichment experiences by student
1.24 subgroup;

- 2.1 (3) student performance on the Minnesota Comprehensive Assessments including
 2.2 attainment of readiness scores identified under section 120B.30, subdivision 1, paragraph
 2.3 (j);
- 2.4 (4) high school graduation rates; and
- 2.5 (5) career and college readiness under section 120B.30, subdivision 1, paragraph (p).

2.6 Sec. 3. Minnesota Statutes 2014, section 120B.30, subdivision 1, is amended to read:

2.7 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts
 2.8 with appropriate technical qualifications and experience and stakeholders, consistent
 2.9 with subdivision 1a, shall include in the comprehensive assessment system, for each
 2.10 grade level to be tested, state-constructed tests developed as computer-adaptive reading
 2.11 and mathematics assessments for students that are aligned with the state's required
 2.12 academic standards under section 120B.021, include multiple choice questions, and are
 2.13 administered annually to all students in grades 3 through 7 8. ~~Reading and mathematics~~
 2.14 ~~assessments for all students in grade 8 must be aligned with the state's required reading and~~
 2.15 ~~mathematics standards, be administered annually, and include multiple choice questions.~~
 2.16 State-developed high school tests aligned with the state's required academic standards
 2.17 under section 120B.021 and administered to all high school students in a subject other than
 2.18 writing must include multiple choice questions. The commissioner shall establish one or
 2.19 more months during which schools shall administer the tests to students each school year.

2.20 (1) Students enrolled in grade 8 through the 2009-2010 school year are eligible
 2.21 to be assessed under (i) the graduation-required assessment for diploma in reading,
 2.22 mathematics, or writing under Minnesota Statutes 2012, section 120B.30, subdivision 1,
 2.23 paragraphs (c), clauses (1) and (2), and (d), (ii) the WorkKeys job skills assessment, (iii)
 2.24 the Compass college placement test, (iv) the ACT assessment for college admission, ~~or~~ (v)
 2.25 a nationally recognized armed services vocational aptitude test, or (vi) the high school
 2.26 assessments required under subdivision 1a.

2.27 (2) Students enrolled in grade 8 in the 2010-2011 or 2011-2012 school year are
 2.28 eligible to be assessed under (i) the graduation-required assessment for diploma in reading,
 2.29 mathematics, or writing under Minnesota Statutes 2012, section 120B.30, subdivision
 2.30 1, paragraph (c), clauses (1) and (2), (ii) the WorkKeys job skills assessment, (iii) the
 2.31 Compass college placement test, (iv) the ACT assessment for college admission, ~~or~~ (v)
 2.32 a nationally recognized armed services vocational aptitude test, or (vi) the high school
 2.33 assessments required under subdivision 1a.

3.1 (3) Students enrolled in grade 8 in the 2012-2013 or 2013-2014 school year are
 3.2 eligible to be assessed under the ACT assessment for college admission or the high school
 3.3 assessments required under subdivision 1a.

3.4 ~~(3)~~ (4) For students under clause (1) ~~or~~ (2), or (3), a school district may substitute
 3.5 a score from an alternative, equivalent assessment to satisfy the requirements of this
 3.6 paragraph.

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

3.9 (1) mathematics;

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

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

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

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

3.16 (c) For students enrolled in grade 8 in the ~~2012-2013~~ 2014-2015 school year
 3.17 and later, students' state graduation requirements, based on a longitudinal, systematic
 3.18 approach to student education and career planning, assessment, instructional support, and
 3.19 evaluation, include the following:

3.20 (1) demonstrate understanding of required academic standards on ~~a nationally~~
 3.21 ~~normed college entrance exam~~ high school assessments required under subdivision 1a;

3.22 (2) achievement and career and college readiness tests in mathematics, reading, and
 3.23 writing, consistent with paragraph ~~(e)~~ (j) and to the extent available, to monitor students'
 3.24 continuous development of and growth in requisite knowledge and skills; analyze
 3.25 students' progress and performance levels, identifying students' academic strengths and
 3.26 diagnosing areas where students require curriculum or instructional adjustments, targeted
 3.27 interventions, or remediation; and, based on analysis of students' progress and performance
 3.28 data, determine students' learning and instructional needs and the instructional tools and
 3.29 best practices that support academic rigor for the student; and

3.30 (3) consistent with this paragraph and section 120B.125, age-appropriate exploration
 3.31 and planning activities and career assessments to encourage students to identify personally
 3.32 relevant career interests and aptitudes and help students and their families develop a
 3.33 regularly reexamined transition plan for postsecondary education or employment without
 3.34 need for postsecondary remediation.

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

4.4 (d) Expectations of schools, districts, and the state for career or college readiness
4.5 under this subdivision must be comparable in rigor, clarity of purpose, and rates of student
4.6 completion. A student under paragraph (c), clause (2), must receive targeted, relevant,
4.7 academically rigorous, and resourced instruction, which may include a targeted instruction
4.8 and intervention plan focused on improving the student's knowledge and skills in core
4.9 subjects so that the student has a reasonable chance to succeed in a career or college
4.10 without need for postsecondary remediation. Consistent with sections 120B.13, 124D.09,
4.11 124D.091, 124D.49, and related sections, an enrolling school or district must actively
4.12 encourage a student in grade 11 or 12 who is identified as academically ready for a career
4.13 or college to participate in courses and programs awarding college credit to high school
4.14 students. ~~Students are not required to achieve a specified score or level of proficiency on
4.15 an assessment under this subdivision to graduate from high school.~~

4.16 ~~(d) To improve the secondary and postsecondary outcomes of all students, the
4.17 alignment between secondary and postsecondary education programs and Minnesota's
4.18 workforce needs, and the efficiency and cost-effectiveness of secondary and postsecondary
4.19 programs, the commissioner, after consulting with the chancellor of the Minnesota State
4.20 Colleges and Universities and using a request for proposal process, shall contract for a
4.21 series of assessments that are consistent with this subdivision, aligned with state academic
4.22 standards, and include career and college readiness benchmarks. Mathematics, reading,
4.23 and writing assessments for students in grades 8 and 10 must be predictive of a nationally
4.24 normed assessment for career and college readiness.~~

4.25 ~~This (e) A nationally recognized assessment must be that is a college entrance exam
4.26 and given must be offered to students at no cost in grade 11 or 12. This series of assessments
4.27 must include a college placement diagnostic exam and contain career exploration elements.~~

4.28 (f) The commissioner and the chancellor of the Minnesota State Colleges and
4.29 Universities must collaborate in aligning instruction and assessments for adult basic
4.30 education students and English learners to provide the students with diagnostic information
4.31 about any targeted interventions, accommodations, modifications, and supports they
4.32 need so that assessments and other performance measures are accessible to them and
4.33 they may seek postsecondary education or employment without need for postsecondary
4.34 remediation. When administering formative or summative assessments used to measure
4.35 the academic progress, including the oral academic development, of English learners
4.36 and inform their instruction, schools must ensure that the assessments are accessible to

5.1 the students and students have the modifications and supports they need to sufficiently
5.2 understand the assessments.

5.3 ~~(f)~~ (g) Districts and schools, on an annual basis, must use the career exploration
5.4 elements ~~in these assessments~~ to help students, beginning no later than grade 9, and their
5.5 families explore and plan for postsecondary education or careers based on the students'
5.6 interests, aptitudes, and aspirations. Districts and schools must use timely regional labor
5.7 market information and partnerships, among other resources, to help students and their
5.8 families successfully develop, pursue, review, and revise an individualized plan for
5.9 postsecondary education or a career. This process must help increase students' engagement
5.10 in and connection to school, improve students' knowledge and skills, and deepen students'
5.11 understanding of career pathways as a sequence of academic and career courses that lead
5.12 to an industry-recognized credential, an associate's degree, or a bachelor's degree and are
5.13 available to all students, whatever their interests and career goals.

5.14 ~~(2) Students in grade 10 or 11 not yet academically ready for a career or college based~~
5.15 ~~on their growth in academic achievement between grades 8 and 10 must take the college~~
5.16 ~~placement diagnostic exam before taking the college entrance exam under clause (3).~~
5.17 ~~Students, their families, the school, and the district can then use the results of the college~~
5.18 ~~placement diagnostic exam for targeted instruction, intervention, or remediation and~~
5.19 ~~improve students' knowledge and skills in core subjects sufficient for a student to graduate~~
5.20 ~~and have a reasonable chance to succeed in a career or college without remediation.~~

5.21 ~~(3) All students except those eligible for alternative assessments must be given the~~
5.22 ~~college entrance part of these assessments in grade 11. (h) A student under this clause~~
5.23 ~~who demonstrates attainment of required state academic standards, which include career~~
5.24 ~~and college readiness benchmarks, on these high school assessments under subdivision 1a~~
5.25 ~~is academically ready for a career or college and is encouraged to participate in courses~~
5.26 ~~awarding college credit to high school students. Such courses and programs may include~~
5.27 ~~sequential courses of study within broad career areas and technical skill assessments~~
5.28 ~~that extend beyond course grades.~~

5.29 ~~(4) (i) As appropriate, students through grade 12 must continue to participate in~~
5.30 ~~targeted instruction, intervention, or remediation and be encouraged to participate in~~
5.31 ~~courses awarding college credit to high school students.~~

5.32 ~~(5) A study to determine the alignment between these assessments and state~~
5.33 ~~academic standards under this chapter must be conducted. Where alignment exists, the~~
5.34 ~~commissioner must seek federal approval to, and immediately upon receiving approval,~~
5.35 ~~replace the federally required assessments referenced under subdivision 1a and section~~
5.36 ~~120B.35, subdivision 2, with assessments under this paragraph.~~

6.1 (e) (j) In developing, supporting, and improving students' academic readiness for a
 6.2 career or college, schools, districts, and the state must have a continuum of empirically
 6.3 derived, clearly defined benchmarks focused on students' attainment of knowledge and
 6.4 skills so that students, their parents, and teachers know how well students must perform to
 6.5 have a reasonable chance to succeed in a career or college without need for postsecondary
 6.6 remediation. The commissioner, in consultation with local school officials and educators,
 6.7 and Minnesota's public postsecondary institutions must ensure that the foundational
 6.8 knowledge and skills for students' successful performance in postsecondary employment
 6.9 or education and an articulated series of possible targeted interventions are clearly
 6.10 identified and satisfy Minnesota's postsecondary admissions requirements. The chancellor
 6.11 of the Minnesota State Colleges and Universities, in consultation with the commissioner
 6.12 of education, shall identify the minimum scores on the high school reading, writing, and
 6.13 mathematics Minnesota Comprehensive Assessments that demonstrate readiness for:

- 6.14 (1) a certificate level program;
 6.15 (2) a two-year college program; and
 6.16 (3) a four-year college program.

6.17 (f) (k) For students in grade 8 in the 2012-2013 school year and later, a school,
 6.18 district, or charter school must record on the high school transcript a student's progress
 6.19 toward career and college readiness, and for other students as soon as practicable.

6.20 (g) (l) The school board granting students their diplomas may formally decide to
 6.21 include a notation of high achievement on the high school diplomas of those graduating
 6.22 seniors who, according to established school board criteria, demonstrate exemplary
 6.23 academic achievement during high school.

6.24 (h) (m) The 3rd through ~~7th~~ 8th grade computer-adaptive assessment results ~~and grade~~
 6.25 ~~8~~ and high school test results shall be available to districts for diagnostic purposes affecting
 6.26 student learning and district instruction and curriculum, and for establishing educational
 6.27 accountability. The commissioner must establish empirically derived benchmarks on
 6.28 adaptive assessments in grades 3 through ~~7~~ 8 that reveal a trajectory toward career and
 6.29 college readiness. The commissioner must disseminate to the public the computer-adaptive
 6.30 assessments, ~~grade 8~~, and high school test results upon receiving those results.

6.31 (i) (n) The grades 3 through ~~7~~ 8 computer-adaptive assessments ~~and grade 8~~ and
 6.32 high school tests must be aligned with state academic standards. The commissioner shall
 6.33 determine the testing process and the order of administration. The statewide results shall
 6.34 be aggregated at the site and district level, consistent with subdivision 1a.

6.35 (j) (o) The commissioner shall include the following components in the statewide
 6.36 public reporting system:

7.1 (1) uniform statewide computer-adaptive assessments of all students in grades 3
 7.2 through ~~7~~ 8 and testing at the ~~grade 8 and~~ high school levels that provides appropriate,
 7.3 technically sound accommodations or alternate assessments;

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

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

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

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

7.18 ~~(h)~~ (q) For purposes of statewide accountability, "cultural competence," "cultural
 7.19 competency," or "culturally competent" means the ability and will to interact effectively
 7.20 with people of different cultures, native languages, and socioeconomic backgrounds.

7.21 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and
 7.22 later.

7.23 Sec. 4. Minnesota Statutes 2014, section 120B.30, subdivision 1a, is amended to read:

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

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

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

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

7.31 (4) "Above-grade level" test items contain subject area content that is above the
 7.32 grade level of the student taking the assessment and is considered aligned with state
 7.33 academic standards to the extent it is aligned with content represented in state academic
 7.34 standards above the grade level of the student taking the assessment. Notwithstanding

8.1 the student's grade level, administering above-grade level test items to a student does not
8.2 violate the requirement that state assessments must be aligned with state standards.

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

8.9 (b) The commissioner must use fully adaptive mathematics and reading assessments
8.10 for grades 3 through ~~7 beginning in the 2015-2016 school year and later~~ 8.

8.11 (c) For purposes of conforming with existing federal educational accountability
8.12 requirements, the commissioner must develop and implement computer-adaptive reading
8.13 and mathematics assessments for grades 3 through ~~7~~ 8, state-developed ~~grade 8 and high~~
8.14 ~~school reading, writing, and mathematics tests aligned with state academic standards, and~~
8.15 science assessments under clause (2) that districts and sites must use to monitor student
8.16 growth toward achieving those standards. The commissioner must not develop statewide
8.17 assessments for academic standards in social studies, health and physical education, and
8.18 the arts. The commissioner must require:

8.19 (1) annual computer-adaptive reading and mathematics assessments in grades 3
8.20 through ~~7~~ 8, and ~~grade 8 and high school reading, writing, and mathematics tests; and~~

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

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

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

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

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

8.34 (4) useful diagnostic information about areas of students' academic strengths and
8.35 weaknesses is available to teachers and school administrators for improving student
8.36 instruction and indicating the specific skills and concepts that should be introduced and

9.1 developed for students at given performance levels, organized by strands within subject
9.2 areas, and aligned to state academic standards.

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

9.6 (f) Reporting of state assessment results must:

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

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

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

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

9.15 (h) A school, school district, and charter school must administer statewide
9.16 assessments under this section, as the assessments become available, to evaluate student
9.17 progress toward career and college readiness in the context of the state's academic
9.18 standards. A school, school district, or charter school may use a student's performance
9.19 on a statewide assessment as one of multiple criteria to determine grade promotion or
9.20 retention. A school, school district, or charter school may use a high school student's
9.21 performance on a statewide assessment as a percentage of the student's final grade in a
9.22 course, or place a student's assessment score on the student's transcript.

9.23 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and
9.24 later.

9.25 Sec. 5. Laws 2013, chapter 116, article 2, section 20, subdivision 3, is amended to read:

9.26 Subd. 3. **Educational planning and assessment system (EPAS) program.** For
9.27 the educational planning and assessment system program under Minnesota Statutes,
9.28 section 120B.128:

9.29 \$ 829,000 2014

9.30 \$ 0 2015

9.31 Any balance in the first year does not cancel but is available ~~in the second year~~
9.32 through the 2020 fiscal year.

9.33 **EFFECTIVE DATE.** This section is effective the day following final enactment.

10.1 Sec. 6. **REPEALER.**

10.2 Minnesota Statutes 2014, section 120B.128, is repealed.

120B.128 EDUCATIONAL PLANNING AND ASSESSMENT SYSTEM (EPAS) PROGRAM.

(a) School districts and charter schools may elect to participate in the Educational Planning and Assessment System (EPAS) program offered by ACT, Inc. to provide a longitudinal, systematic approach to student educational and career planning, assessment, instructional support, and evaluation. The EPAS achievement tests include English, reading, mathematics, science, and components on planning for high school and postsecondary education, interest inventory, needs assessments, and student education plans. These tests are linked to the ACT assessment for college admission and allow students, parents, teachers, and schools to determine the student's college readiness before grades 11 and 12.

(b) The commissioner of education shall provide ACT Explore tests for students in grade 8 and the ACT Plan test for students in grade 10 to assess individual student academic strengths and weaknesses, academic achievement and progress, higher order thinking skills, and college readiness.

(c) Students enrolled in grade 8 through the 2011-2012 school year who have not yet demonstrated proficiency on the Minnesota Comprehensive Assessments, the graduation-required assessments for diploma, or the basic skills testing requirements prior to high school graduation may satisfy state high school graduation requirements for assessments in reading, mathematics, and writing by taking the graduation-required assessment for diploma in reading, mathematics, or writing under Minnesota Statutes 2012, section 120B.30, subdivision 1, paragraph (c), clauses (1) and (2), the WorkKeys job skills assessment, the Compass college placement test, a nationally recognized armed services vocation aptitude test, or the ACT assessment for college admission.

(d) The state shall pay the test costs for public school students to participate in the assessments under this section. The commissioner shall establish an application procedure and a process for state payment of costs.