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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-SIXTH  
SESSION

**HOUSE FILE No. 501**

February 5, 2009

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The bill was read for the first time and referred to the Committee on K-12 Education Policy and Oversight

1.1 A bill for an act  
1.2 relating to education; creating an alternative means of graduation for students;  
1.3 amending Minnesota Statutes 2008, section 120B.30, subdivision 1.

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

1.5 Section 1. Minnesota Statutes 2008, section 120B.30, subdivision 1, is amended to read:

1.6 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts  
1.7 with appropriate technical qualifications and experience and stakeholders, consistent  
1.8 with subdivision 1a, shall include in the comprehensive assessment system, for each  
1.9 grade level to be tested, state-constructed tests developed from and aligned with the  
1.10 state's required academic standards under section 120B.021 and administered annually  
1.11 to all students in grades 3 through 8 and at the high school level. A state-developed  
1.12 test in a subject other than writing, developed after the 2002-2003 school year, must  
1.13 include both ~~machine-scoreable~~ multiple choice and constructed response questions. The  
1.14 commissioner shall establish one or more months during which schools shall administer  
1.15 the tests to students each school year. For students enrolled in grade 8 before the  
1.16 2005-2006 school year, ~~only~~ Minnesota basic skills tests in reading, mathematics, and  
1.17 writing shall fulfill students' basic skills testing requirements for a passing state notation.  
1.18 The passing scores of basic skills tests in reading and mathematics are the equivalent of  
1.19 75 percent correct for students entering grade 9 in 1997 and thereafter, as based on the  
1.20 first uniform test administration of February 1998. Students who have not successfully  
1.21 passed the Minnesota basic skills test by the end of the 2011-2012 school year must pass  
1.22 the graduation-required assessment for diploma for students given at that time.

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

2.1 (1) for reading and mathematics:

2.2 (i) obtaining an achievement level equivalent to or greater than proficient as  
2.3 determined through a standard setting process on the Minnesota comprehensive  
2.4 assessments in grade 10 for reading and grade 11 for mathematics or achieving a passing  
2.5 score as determined through a standard setting process on the graduation-required  
2.6 assessment for diploma in grade 10 for reading and grade 11 for mathematics or  
2.7 subsequent retests;

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

2.12 (iii) achieving an individual passing score on the graduation-required assessment  
2.13 for diploma as determined by appropriate state guidelines for students with an individual  
2.14 education plan or 504 plan;

2.15 (iv) obtaining achievement level equivalent to or greater than proficient as  
2.16 determined through a standard setting process on the state-identified alternate assessment  
2.17 or assessments in grade 10 for reading and grade 11 for mathematics for students with  
2.18 an individual education plan; or

2.19 (v) achieving an individual passing score on the state-identified alternate assessment  
2.20 or assessments as determined by appropriate state guidelines for students with an  
2.21 individual education plan; and

2.22 (2) for writing:

2.23 (i) achieving a passing score on the graduation-required assessment for diploma;

2.24 (ii) achieving a passing score as determined through a standard setting process on  
2.25 the state-identified language proficiency test in writing for students designated as English  
2.26 language learners;

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

2.30 (iv) achieving an individual passing score on the state-identified alternate assessment  
2.31 or assessments as determined by appropriate state guidelines for students with an  
2.32 individual education plan.

2.33 (c) For students enrolled in grade 8 in the 2005-2006 school year through the  
2.34 2009-2010 school year who do not pass the state graduation-required assessment for  
2.35 diploma in reading or mathematics, a student receives a passing state notation if the  
2.36 following conditions are met:

3.1 (1) completion, with a passing grade, of all coursework and credits required by  
3.2 section 120B.024 or the enrolling district's graduation standard, whichever is higher;

3.3 (2) participation in the district-prescribed remediation program in the failed subject;  
3.4 and

3.5 (3) full participation in at least two retest attempts in each failed subject beyond the  
3.6 initial spring administration of the graduation-required assessment for diploma.

3.7 (d) The 3rd through 8th grade and high school level test results shall be available  
3.8 to districts for diagnostic purposes affecting student learning and district instruction and  
3.9 curriculum, and for establishing educational accountability. The commissioner must  
3.10 disseminate to the public the test results upon receiving those results.

3.11 ~~(d)~~ (e) State tests must be constructed and aligned with state academic standards. The  
3.12 testing process and the order of administration shall be determined by the commissioner.  
3.13 The statewide results shall be aggregated at the site and district level, consistent with  
3.14 subdivision 1a.

3.15 ~~(e)~~ (f) In addition to the testing and reporting requirements under this section, the  
3.16 commissioner shall include the following components in the statewide public reporting  
3.17 system:

3.18 (1) uniform statewide testing of all students in grades 3 through 8 and at the high  
3.19 school level that provides appropriate, technically sound accommodations, alternate  
3.20 assessments, or exemptions consistent with applicable federal law, only with parent or  
3.21 guardian approval, for those very few students for whom the student's individual education  
3.22 plan team under sections 125A.05 and 125A.06 determines that the general statewide test  
3.23 is inappropriate for a student, or for a limited English proficiency student under section  
3.24 124D.59, subdivision 2;

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

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

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