

HOUSE RESEARCH

Bill Summary

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Overview

From May 2002 through January 2003, the department of children, families and learning convened a 31-member assessment and accountability stakeholder committee composed of legislators and representatives of public and nonpublic school teachers and administrators, education-related organizations, parents, post secondary institutions, the business community and government officials. The department charged the committee with making specific recommendations about the components of the state plan/application related to the school improvement provisions under the federal Elementary and Secondary Education Act. The content of this bill related to assessment and accountability is intended to reflect many of those recommendations. The bill also replaces the state's profile of learning with state standards for education excellence.

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1 Repealing profile of learning statutes and rules. (a) Prohibits the commissioner of children, families and learning from implementing the profile of learning portion of Minnesota's high school graduation rule.

(b) Directs school districts to provide all high school students who enter ninth grade in the 2004-2005 school year or earlier with the opportunity to earn a high school diploma based on locally established graduation standards in effect when the students entered the ninth grade.

Makes this section effective immediately and applicable to the 2003-2004 school year and

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later.

2 State standards for educational excellence. (a) Declares that: high educational standards determine excellence and must guide curriculum and instruction; teachers must expect students to achieve high standards and students must understand the importance of reaching the standards; the state must hold all students to high standards and reject differential standards that lead to inequities. Declares that high educational standards: are fundamental to statewide accountability; state what students must know and do; are both rigorous and attainable; do not tell teachers how to teach; outline an academic framework that schools and school districts uniquely supplement; do not establish a statewide curriculum.

(b) Declares that the high standards state the content and skills that students need for various purposes and clarify the responsibilities of schools and students to improve educational performance and foster education equity.

Makes this section immediately effective.

3 Required and optional standards and time line established. (a) Authorizes the commissioner to adopt rules under chapter 14, consistent with this section and related sections, establishing required and optional education standards. Requires the commissioner to make the statement of the need for and reasonableness of each rule available to the public for review. Prohibits the commissioner from amending or repealing existing rules or adopting new rules without specific legislative authorization.

(b) Requires that at least English and math standards be implemented for all students beginning in the 2004-2005 school year. Requires science standards to be implemented for all students beginning in the 2005-2006 school year. Requires social studies and arts and literature standards to be implemented for all students beginning in the 2006-2007 school year.

(c) Makes the standards applicable to all public school students except the very few students with extreme cognitive or physical impairments for whom an individualized education plan team determines that alternative team-established standards are appropriate.

(d) Declares that optional standards are what intermediate and secondary students making elective choices are expected to know and do.

Makes this section effective immediately.

4 Required and optional standards. (a) Includes the following five learning areas in Minnesota's high educational standards: (1) English that incorporates standards developed by the national council of teachers of English and the international reading association; (2) math that incorporates the principles and standards of the national council of teachers of mathematics; (3) science that incorporates national science education standards; (4) social studies that incorporates the standards developed by the national council for social studies, the national center for history in the schools, the national council on economic education, the national council for geographic education and the center for civic education; and (5) arts and literature that incorporates the standards of the music educators national conference and the national art education association.

(b) Requires at least the reading, math and science standards specify what students must know

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and do by the end of each grade level for which a statewide test is administered.

(c) Requires optional state standards to incorporate the coursework preparation requirements of the state's public four-year higher education institutions and the preparation requirements that enable students to forego remedial and developmental education courses in the state's two-year higher education institutions.

(d) Requires state standards to include, as a district option, a foreign language component that incorporates the standards of the American council on the teaching of foreign languages.

(e) Requires state standards to include, as a district option, a technical applications area for intermediate and secondary students that incorporates the standards of the national research center for career and technical education and the standards for technological literacy of the international technology education association.

(f) Requires state standards to include, as a district option, a physical education component.

(g) Requires state standards to be supplemented by curriculum framework and test specification documents useful to state and local decision makers for determining appropriate curriculum, staff development activities and assessment programs.

Makes this section effective immediately.

5 Statewide and local assessments; results. (a) Directs the commissioner to develop reading, math and science assessments using state-constructed tests that are developed from and aligned with the state standards, are designed to monitor student growth and achievement and satisfy applicable federal law. Requires at least annual reading and math assessments in grades 3 through 8 and one high school grade for the 2005-2006 school year and later and annual science assessments in one grade in grade spans, 3 to 5, 6 to 9 and 10 to 12 for the 2006-2007 school year and later.

(b) Requires the assessments to: provide information about the performance of students, schools, school districts and the state that educators can use to plan instruction and develop school improvement plans; include a growth scale for analyzing value-added and student level growth over time; include state and national percentile ranks and determine whether students have met the state's basic skills requirements in reading and mathematics.

(c) Requires the commissioner to include alternative assessments for the very few students with disabilities for whom statewide assessments are inappropriate and for limited English proficiency students.

(d) Requires schools, school districts and charter schools to administer statewide reading, math and science assessments that use student performance to evaluate student progress in achieving high standards. Allows schools, school districts and charter schools to base grade promotions and the awarding of high school course credits on students' success in achieving high standards.

Makes this section effective immediately.

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- 6** **Statewide testing.** Amends existing testing law to require annual state constructed tests in grades 3 through 8 and one high school grade that are developed from and aligned with the state's graduation standards. Also requires school districts to use local assessments to inform instruction, improve curriculum, determine student progress and assign grades and high school credit. Requires state tests to be constructed and aligned with state reading, math and science standards. Strikes language specifying the content of a state report on student academic achievement levels exempting from a state test a limited English proficiency student who has been in the United States for fewer than 12 months.

Makes this section effective immediately and applicable to the 2005-2006 school year and later.

- 7** **School accountability.**

Subd. 1. School performance measures. (a) Authorizes the commissioner to adopt rules under chapter 14 establishing school and district accountability measures. Requires the commissioner to make the statement of the need for and reasonableness of each rule available to the public for review. Prohibits the commissioner from amending or repealing existing rules or adopting new rules without specific legislative authorization.

(b) Requires the commissioner to use at least seven indicators to measure schools' performance: statewide achievement test scores; student attendance rates; high school student graduation rates; the English proficiency of limited English proficiency students; an index of attainment for special education students taking an alternative assessment; teacher quality indicators; and school safety measures.

(c) Requires the commissioner to use the indicators under paragraph (b) and the definition of adequate yearly progress to designate public schools as superior, excellent, meets expectations, under review or low performing. Permits only those schools that satisfy the definition of adequate yearly progress to be designated as superior, excellent, or meets expectations.

Subd. 2. Low performing schools and districts. (a) Designates as low performing those schools and school districts that fail to make adequate yearly progress for two consecutive years by having either the school or district as a whole or an identified student subgroup within the school or district fail to make adequate yearly progress for two years.

(b) Requires a low performing school or district to make adequate yearly progress for two years before removing the designation. Retains existing sanctions but imposes no added sanctions on a low performing school or district that makes adequate yearly progress one year after its designation.

Subd. 3. Student participation requirements. Requires schools with 40 or more students to administer statewide assessments to at least 95 percent of the students enrolled on the day of testing. Counts as absent from testing those students who are absent without an excuse and do not make up the test and students who withdraw from testing at the request of the student's parent or guardian.

Subd. 4. Adequate yearly progress components for elementary and intermediate schools. (a) Requires elementary and intermediate schools with 20 or more students to

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use attendance rates and students' statewide achievement test scores to demonstrate adequate yearly progress.

(b) Requires elementary and intermediate schools to demonstrate adequate yearly progress by having a 95 percent average daily attendance rate for the previous school year or, using the 2002-2003 school year as the base year, demonstrating an annual increase in the average daily attendance rate so that the school is predicted to have a 95 percent average daily attendance rate by the 2013-2014 school year.

(c) Requires elementary and intermediate schools to demonstrate adequate yearly progress using students' statewide achievement test scores and to meet the annual measurable objective for the school and for every identified student subgroup of 20 or more students within the school.

(d) Requires the commissioner to set schools' proficiency indices consistent with applicable federal law, incorporate federal "safe harbor" provisions in all adequate yearly progress determinations based upon students' statewide achievement test scores and apply confidence intervals that prevent erroneous "low performing" designations.

Subd. 5. Adequate yearly progress components for high schools. (a) Requires high schools with 20 or more students to use graduation rates and students' statewide achievement test scores to demonstrate adequate yearly progress.

(b) Requires high schools to demonstrate adequate yearly progress by having an 80 percent graduation rate for the previous school year or, using the 2002-2003 school year as the base year, demonstrating an annual increase in the graduation rate so that the school is predicted to have an 80 percent graduation rate by the 2013-2014 school year.

Bases schools' graduation rate on the number of students terminating their education by graduating or dropping out during the four-year period over which the graduation rate is computed using the quasi-cohort method of the national center on education statistics.

(c) Requires a high school to demonstrate adequate yearly progress using students' statewide reading and math achievement test scores and to meet the annual measurable objective for the school and for every identified student subgroup of 20 or more students within the school.

(d) Requires the commissioner to set schools' proficiency indices consistent with applicable federal law, incorporate federal "safe harbor" provisions in all adequate yearly progress determinations that are based upon students' statewide achievement test scores and apply confidence intervals that prevent erroneous "low performing" designations.

Subd. 6. Performances that determine adequate yearly progress. Bases adequate yearly progress, for purposes of the proficiency index of a school or district, on the performances of students enrolled in the school or district for at least one school year, students with disabilities taking a standard or accommodated form of the statewide test and limited English proficiency students taking a standard or accommodated form of the statewide test. Uses separate attainment indices for the very few students with disabilities who take an alternative assessment and for the students who take the Minnesota test of emerging academic English.

Subd. 7. Proficiency index calculation. Makes the formula for the proficiency index of

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a school or district equal to 100 times the number of students scoring at or above level IIb; plus 50 times the number of students scoring in level IIa; divided by the total number of students tested. Declares that the proficiency index reaches 100 only if all students in the school or district score at or above level IIb by the 2013-2014 school year.

Makes this section immediately effective and applicable to the 2005-2006 school year and later.

8 School and district designations.

Subd. 1. Under review; low-performing. Designates as "under review" a school or district that fails to meet its adequate yearly progress target for one school year. Designates as "low performing" a school or district that fails to meet its federal adequate yearly progress target for two consecutive school years.

Subd. 2. Meets expectations. Designates as "meets expectations" a school or district that (1) does not qualify for a "superior" or "excellent" designation, (2) met its adequate yearly progress target for each of the last two school years or (3) met its adequate yearly progress target one school year after being designated "under review."

Subd. 3. Excellent designation. (a) Designates as "excellent" a school or district that meets its adequate yearly progress definition for two consecutive school years and satisfies the criteria in paragraphs (b) through (f).

(b) Requires all students enrolled at least one school year taking the regular or an accommodated form of statewide tests to:

- (1) receive average reading and math scores above 1,500;
- (2) show a mean score improvement rate in reading and math that brings students' scores to 1500 within five school years; or
- (3) show average reading and math scores exceeding the estimated state average for schools with similar student compositions based on the combined percentage of tested students who are either eligible for a free or reduced price lunch, have an individualized education plan or have limited English proficiency.

After two years of statewide annual testing in grades 3 through 8, designates elementary schools as "excellent" based on value-added, grade-to-grade gains in student achievement and not based on comparisons of schools with similar student populations.

(c) Requires the school to have least a 95 percent average daily attendance rate or to have improved its average daily attendance rate in each of the last two consecutive school years so that the school is predicted to have a 95 percent average daily attendance rate within five school years.

(d) Requires a high school to have at least a 90 percent graduation rate or to have improved its graduation rate in each of the last two consecutive school years so that the school is predicted to have a 90 percent graduation rate within five school years.

(e) Requires all teachers teaching English, mathematics, science, social studies and arts

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and literature to satisfy Minnesota's definition of qualified teacher.

(f) Requires the school to be a safe and drug-free school.

(g) Declares that an excellent school or district deserves public recognition and one-time financial awards that allow the school or district to improve facilities and increase capacity to serve students through intradistrict transfers or open enrollment.

Subd. 4. Superior designation. (a) Designates as "superior" a school or district that meets all the qualifications for an "excellent" designation and evidences best practices in curriculum, instruction, assessment, professional development, parent and community involvement, leadership, governance and use of resources. Allows as evidence of a superior school or district the number of students residing either outside the school attendance area or the school district who seek to enroll in the school or district to be included.

(b) Declares that a superior school or district deserves public recognition and one-time financial awards that allow the school or district to improve facilities and increase capacity to serve students through intradistrict transfers or open enrollment.

Subd. 5. Appeals. Allows a school or district to appeal a designation to the accountability advisory council within 30 days. Directs the accountability advisory council to advise the commissioner regarding the appeal. Makes the commissioner's decision final.

Makes this section immediately effective and applicable to the 2005-2006 school year and later.

9 Persistently dangerous schools.

Subd. 1. Definition. Designates as "persistently dangerous" a public school where, during two of the three previous school years a student attending the school was disciplined for bringing a firearm to school and the number of students disciplined under the pupil fair dismissal act for certain offenses committed on school grounds exceeds the number of total incidents established in subdivision 3.

Subd. 2. Dangerous offenses. Includes as offenses that must be counted for purposes of defining a persistently dangerous school; possessing a dangerous weapon; possessing or using a controlled substance; selling or soliciting the sale of a controlled substance; and committing third degree assault or criminal sexual conduct.

Subd. 3. Total annual incidents. Designates as "persistently dangerous" a school that annually exceeds three incidents if the school has fewer than 300 enrolled students, or a school that annually exceeds one incident for every 100 students or fraction of 100 students if the school has 300 or more enrolled students.

Subd. 4. Dangerous incident. (a) Requires the commissioner to annually review by January the expulsion data from the three previous school years that are included in school reports on dangerous weapons. Directs the commissioner to base the initial "persistently dangerous school" designations on these data, use the October 1 child count to establish student enrollment levels and provide preliminary notice of a "persistently dangerous school" designation to schools and districts in February of each

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year.

(b) Allows a district to appeal a "persistently dangerous school" designation. If the commissioner upholds the appeal, requires the commissioner to notify the affected school and district by June 1 that the "persistently dangerous school" designation does not apply. If the commissioner denies the appeal, requires the commissioner to notify the affected school and district by June that the "persistently dangerous school" designation applies.

Subd. 5. Appeal of designation. Allows a district to submit to the accountability advisory council a written appeal of a persistently dangerous school designation within 30 days. Requires the appeal to show that the conditions under subdivisions 1 and 2 did not exist in two of the three previous school years. Requires the accountability advisory council to advise the commissioner regarding the appeal. Makes the commissioner's decision final

Makes subdivisions 1 to 4 immediately effective and applicable to 2005-2006 school year and later. Makes subdivision 5 immediately effective and applicable to the 2005-2006 through the 2013-2014 school year.

10 **Teacher quality.**

Subd. 1. Classroom teachers. Requires all teachers teaching English, mathematics, science, social studies and arts and literature to satisfy Minnesota's definition of qualified teacher.

Subd. 2. Paraprofessionals. (a) Requires all paraprofessionals working in public schools, except those who provide only parental involvement or translation services, to have at least a high school diploma or a GED.

(b) Requires paraprofessionals who provide instructional services to demonstrate their teaching qualifications to meet rigorous standards by passing a formal state assessment, completing at least two years of post-secondary study related to their area of instruction or obtaining at least an associate's degree related to their area of instruction.

(c) Requires paraprofessionals hired by a school district after January 30, 2002, to satisfy the requirements of paragraphs (a) and (b) immediately upon employment. Requires paraprofessionals hired by a school district before January 30, 2002, to satisfy the requirements of paragraphs (a) and (b) by January 8, 2006.

Subd. 3. Board of teaching review of Praxis. Directs the board of teaching to compare Minnesota's current passing criteria and scores for the Praxis test against other states and, if the board finds that one or more of Minnesota's passing scores is below the scores of at least 25 other states, requires the board to submit a written report by January 3, 2004, to the commissioner and the legislature explaining the state's low scores.

Makes this section immediately effective. Permits the commissioner, to the extent the federal government allows, to waive for up to six months the teaching qualifications required of a paraprofessional hired after January 30, 2002.

11 **Report cards.**

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Subd. 1. School reports. (a) Requires all public schools annually to have an electronic or printed report available to parents and the public that includes at least the following schoolwide information:

- (1) a mean score and the percent of students by grade and subject scoring at or above the state's expected level of performance on statewide tests, and disaggregated by subgroups;
- (2) the number and percent of students tested by school and subgroup who scored within each of the state's proficiency levels;
- (3) the percent of students tested in the school as a whole and in each subgroup with 10 or more students;
- (4) two-year trend data in the mean and percent of students tested by grade and subject who meet or exceed the state's expectation for achievement;
- (5) after two years of annual statewide testing, the school average value-added, grade-to-grade gains in student achievement and the percent of students expected to meet proficiency levels under standards the commissioner designates for reporting gain scores;
- (6) the number and percent of teachers teaching in core academic areas who are certified in that particular core academic area of instruction and the number and percent of teachers holding emergency credentials who are teaching in core academic areas;
- (7) the average attendance rate by grade; and
- (8) for high schools with 10 or more students terminating by graduating or dropping out of school, the average graduation rate.

(b) To permit comparisons, requires the report also to show: statewide and districtwide means and percents; the designation of low performing or unsafe schools, the sanctions imposed on schools as a result of the designation and the actions taken to improve schools' performance; and the designation of excellent and superior schools and the achievements and exemplary practices on which the designation is based.

(c) Requires the commissioner to post on the department website the information that schools report. Requires a school with a printed report to make available copies of the report to local public libraries. Directs a school to consider the extent of parent and public access to electronic media when deciding the form in which to publish the report.

Subd. 2. District reports. Requires all school districts annually to have an electronic or printed report available to parents and the public that includes at least the following districtwide information:

- (1) a mean score and the percent of students by grade and subject scoring at or above the state's expected level of performance on statewide tests, and disaggregated by subgroups;
- (2) the number and percent of students tested who scored within each of the state's proficiency levels;
- (3) the percent of students tested in the district as a whole and in each subgroup with 10

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or more students;

(4) two-year trend data in the mean and percent of students tested by grade and subject who meet or exceed the state's expectation for achievement;

(5) after two years of annual statewide testing, the district average value-added, grade-to-grade gains in student achievement and the percent of students expected to meet proficiency levels under standards the commissioner designates for reporting gain scores;

(6) the number and percent of teachers teaching in core academic areas who are certified in that particular core academic area of instruction and the number and percent of teachers holding emergency credentials who are teaching in core academic areas;

(7) the average attendance rate by grade; and

(8) for high schools with 10 or more students terminating by graduating or dropping out of school, the average graduation rate by grade.

(b) To permit comparisons, requires the report also to show: statewide means and percents; the designation of low performing or unsafe schools within the district, the sanctions imposed on schools as a result of the designation and the actions taken to improve schools' performance; and the designation of excellent and superior schools within the district and the achievements and exemplary practices on which the designation is based.

(c) Requires the commissioner to post on the department website the information districts report. Requires a district with a printed report to make copies of the report available to local public libraries. Directs a district to consider the extent of parent and public access to electronic media when deciding the form in which to publish the report.

Subd. 3. Determining where a student is enrolled for accountability purposes. (a) For accountability purposes, declares that a student is enrolled in the district or charter school that, under the UFARS system, receives payments directly from the state for a student's education costs, except a student transferred under a juvenile court order. Leaves the school or district that contracts for education services with another school, district, area learning center or alternative learning program accountable for that student.

(b) Declares that a school under this section is any public school assigned a unique identification number under the UFARS system.

(c) Declares that an area learning center under this section is any public school type 41 to 49 under the UFARS system.

(d) Declares that a student participating in an alternative learning program that is located within a larger school is enrolled in the larger school, except if the student is participating in an alternative learning program located in an area learning center under paragraph (c).

(e) Declares that a student is enrolled in the district or charter school that provides educational services to the student if a juvenile court orders a student transfer.

Makes this section effective immediately.

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12 Accountability advisory council.

Subd. 1. Establishment. Establishes an accountability advisory council composed of nine members including educators, parents and members of the public and the business community, appointed by the commissioner from throughout the state. Prohibits council members from having a conflict of interest. Requires council members annually to elect a council chair and prohibits council members from serving as council chair for more than two consecutive years.

Subd. 2. Duties. Directs the council to hear appeals of school and district designations, identify schools and districts eligible for an "excellent" or "superior" designation, and make recommendations to the commissioner regarding those designations. Makes the commissioner's decision regarding a designation final.

Subd. 3. Annual report; recommendations. Requires the council annually by March 1 to submit to the legislature a report that summarizes the grounds on which schools and school districts submitted appeals to the council, the council's recommendations to the commissioner regarding the appeals and the commissioner's decision. Requires the report to: list the schools and school districts eligible for an "excellent" or "superior" designation; show the council's recommendations regarding the designations and the commissioner's decision; and state the basis for designating a particular school or district as "superior." Allows the council to use the content of the reports to recommend to the commissioner changes in the state's educational accountability system. Directs the commissioner, in consultation with the council, to compile and make available in print or electronic media on a bi-annual basis a list of best practices culled from schools and districts designated as "superior." Requires the commissioner to assist the council upon request.

Subd. 4. Expiration. Causes the council to expire on June 30, 2014.

Makes this section effective immediately and applicable to the 2005-2006 school year and later.

- 13 **Recommendations.** (a) Requires the commissioner, after consulting with stakeholders, to provide written recommendations to the legislature by February 1, 2004, that indicate:
- (1) whether to include high school assessment results on student transcripts;
 - (2) what cut-scores on high school reading and math assessments indicate that remedial instruction in the state's two-year higher education institutions is unneeded;
 - (3) the extent to which successful district programs developed under the profile of learning may be incorporated into state standards developed under this act;
 - (4) how best to integrate content with application, critical reasoning and higher-order thinking into state standards developed under this act;
 - (5) how to effectively assist teachers in formulating curriculum for classroom instruction consistent with state standards developed under this act; and
 - (6) what local assessments best measure student learning consistent with teachers' classroom instruction and state standards developed under this act.
- (b) In developing recommendations under paragraph (a), requires the commissioner to at least

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consult with parents and the public throughout the state; teachers licensed in one of the five learning areas and administrators; school board and charter school board members; faculty at Minnesota's post secondary institutions teaching in one of the five learning areas; representatives of Minnesota's business community; and nationally recognized experts on state development of high educational standards.

Makes this section effective immediately.

- 14** **Legislative approval of proposed rules establishing required and optional state standards and educational accountability; interim standards.** (a) To fulfill the legislature's obligation to pursue educational excellence for all Minnesota citizens and provide educational accountability, requires the commissioner to present to the legislature all proposed rules and all proposed amendments or repeals of existing rules authorized under this act. Prohibits the commissioner from adopting new rules and amending or repealing existing rules without specific legislative authorization.
- (b) To the extent that state standards in English, mathematics, science, social studies or arts and literature and corresponding statewide assessments aligned with the standards are not fully implemented according to the terms of this act, requires schools, school districts and charter schools to continue to provide the instruction required under state statute and applicable federal law until these standards and assessments are fully implemented.

Makes this section effective immediately.