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State of Minnesota

HOUSE OF REPRESENTATIVES

SECOND SPECIAL SESSION

H. F. No. 69

07/14/2020 Authored by Robbins
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; modifying requirements for reading proficiency and literacy
1.3 incentive aid; requiring a report; amending Minnesota Statutes 2018, sections
1.4 120B.12, subdivisions 2a, 3, by adding subdivisions; 122A.185, subdivision 1;
1.5 124D.98, subdivisions 2, 3, as amended, by adding subdivisions; Minnesota Statutes
1.6 2019 Supplement, section 120B.12, subdivision 2, as amended; proposing coding
1.7 for new law in Minnesota Statutes, chapters 120B; 122A.

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

1.9 Section 1. Minnesota Statutes 2019 Supplement, section 120B.12, subdivision 2, as
1.10 amended by Laws 2020, First Special Session chapter 8, article 2, section 1, is amended to
1.11 read:

1.12 Subd. 2. Identification; report. (a) Each school district must identify before the end of
1.13 kindergarten, grade 1, and grade 2 all students who are not reading at grade level assess the
1.14 reading skills of a student in kindergarten through grade 3 at the beginning, middle, and
1.15 end of the school year; identify students not reading at grade level; and use the assessments
1.16 to recommend appropriate interventions for students not reading at grade level. Students
1.17 identified as not reading at grade level by the end of kindergarten, grade 1, and grade 2 must
1.18 be screened, in a locally determined manner, for characteristics of dyslexia.

1.19 (b) Students in grade 3 or higher who demonstrate a reading difficulty to a classroom
1.20 teacher must be screened, in a locally determined manner, for characteristics of dyslexia,
1.21 unless a different reason for the reading difficulty has been identified.

1.22 (c) Reading assessments in English, and in the predominant languages of district students
1.23 where practicable, must identify and evaluate students' areas of academic need related to
1.24 literacy. The district also must monitor the progress and provide reading instruction

2.1 appropriate to the specific needs of English learners. The district must use a locally adopted,  
 2.2 developmentally appropriate, and culturally responsive assessment and annually report  
 2.3 summary assessment results to the commissioner by July 1.

2.4 (d) The district also must annually report to the commissioner by July 1 a summary of  
 2.5 the district's efforts to screen and identify students who demonstrate characteristics of  
 2.6 dyslexia using screening tools such as those recommended by the department's dyslexia  
 2.7 specialist. With respect to students screened or identified under paragraph (a), the report  
 2.8 must include:

2.9 (1) a summary of the district's efforts to screen for dyslexia;

2.10 (2) the number of students screened for that reporting year; and

2.11 (3) the number of students demonstrating characteristics of dyslexia for that year.

2.12 (e) A student identified under this subdivision must be provided with alternate instruction  
 2.13 under section 125A.56, subdivision 1.

2.14 **EFFECTIVE DATE.** This section is effective July 1, 2021.

2.15 Sec. 2. Minnesota Statutes 2018, section 120B.12, subdivision 2a, is amended to read:

2.16 Subd. 2a. **Parent notification and involvement.** (a) Within two weeks of assessing a  
 2.17 student's reading skills under subdivision 2, paragraph (a), schools, ~~at least annually,~~ must  
 2.18 give the parent of each student who is not reading at or above grade level timely information  
 2.19 about:

2.20 (1) the student's reading proficiency as measured by a locally adopted assessment;

2.21 (2) reading-related services currently being provided to the student and the student's  
 2.22 progress; and

2.23 (3) strategies for parents to use at home in helping their student succeed in becoming  
 2.24 grade-level proficient in reading in English and in their native language.

2.25 (b) A district may not use this section to deny a student's right to a special education  
 2.26 evaluation.

2.27 **EFFECTIVE DATE.** This section is effective July 1, 2021.

2.28 Sec. 3. Minnesota Statutes 2018, section 120B.12, subdivision 3, is amended to read:

2.29 Subd. 3. **Intervention.** (a) For each student identified under subdivision 2, the district  
 2.30 ~~shall~~ must provide intensive reading instruction and intervention to accelerate student growth

3.1 and reach the goal of reading at or above grade level by the end of the current grade and  
 3.2 school year. If a student does not read at or above grade level by the end of grade 3, the  
 3.3 district must continue to provide reading intervention until the student reads at grade level.  
 3.4 District intervention methods ~~shall~~ must encourage family engagement and, where possible,  
 3.5 collaboration with appropriate school and community programs. Intervention methods may  
 3.6 include, but are not limited to, requiring attendance in summer school, intensified reading  
 3.7 instruction that may require that the student be removed from the regular classroom for part  
 3.8 of the school day, extended-day programs, or programs that strengthen students' cultural  
 3.9 connections. A school district may contract with an accredited literacy specialist to provide  
 3.10 intervention services.

3.11 (b) A school district or charter school ~~is strongly encouraged to~~ must provide a personal  
 3.12 learning plan for a student who is unable to demonstrate grade-level proficiency, as measured  
 3.13 by the statewide reading assessment ~~in grade 3~~. The district or charter school must determine  
 3.14 the format of the personal learning plan in collaboration with the student's educators and  
 3.15 other appropriate professionals. The school must develop the learning plan in consultation  
 3.16 with the student's parent or guardian. The personal learning plan must address knowledge  
 3.17 gaps and skill deficiencies through strategies such as specific exercises and practices during  
 3.18 and outside of the regular school day, periodic assessments, and reasonable timelines. The  
 3.19 personal learning plan for a student in kindergarten, grade 1, or grade 2 may include grade  
 3.20 retention, if it is in the student's best interest. A school must maintain and regularly update  
 3.21 and modify the personal learning plan until the student reads at grade level. This paragraph  
 3.22 does not apply to a student under an individualized education program.

3.23 **EFFECTIVE DATE.** This section is effective July 1, 2021.

3.24 Sec. 4. Minnesota Statutes 2018, section 120B.12, is amended by adding a subdivision to  
 3.25 read:

3.26 **Subd. 6. Approved reading curricula.** The commissioner of education must adopt a  
 3.27 list of approved scientific research-based reading curricula for students in kindergarten  
 3.28 through grade 3. The commissioner may reduce the literacy incentive aid of a district that  
 3.29 does not use an approved curriculum starting in the 2021-2022 school year.

3.30 **EFFECTIVE DATE.** This section is effective July 1, 2021.

4.1 Sec. 5. Minnesota Statutes 2018, section 120B.12, is amended by adding a subdivision to  
4.2 read:

4.3 Subd. 7. **Reporting.** (a) By September 1 of each year, a school district must submit a  
4.4 report, in the format determined by the commissioner, to the commissioner and publish the  
4.5 report on the district website. The report must include the following information relating  
4.6 to the preceding school year:

4.7 (1) the district's policies relating to grade retention and promotion;

4.8 (2) the number and percentage of all students, by grade, performing at each level of  
4.9 achievement on the reading and math Minnesota Comprehensive Assessments, the number  
4.10 and percentage of students given an approved alternative standardized reading assessment,  
4.11 and the percentage of students performing at each achievement level on the alternative  
4.12 standardized reading assessment;

4.13 (3) the number and percentage of all students, by grade, retained in kindergarten through  
4.14 grade 8; and

4.15 (4) any revisions to the school board's policy on student retention and promotion from  
4.16 the prior school year.

4.17 (b) The commissioner must annually compile the information reported by districts under  
4.18 paragraph (a), including state-level summary information, and report the information to the  
4.19 chairs and ranking minority members of the legislative committees with jurisdiction over  
4.20 education. The commissioner must also publish the information on the department's website.

4.21 **EFFECTIVE DATE.** This section is effective July 1, 2021.

4.22 Sec. 6. **[120B.121] SCHOOL RECOGNITION PROGRAM.**

4.23 Subdivision 1. **Establishment.** The commissioner must establish a school recognition  
4.24 fund program to award school sites that provide scientific research-based reading instruction  
4.25 and improve the reading skills of students in kindergarten through grade 3. The program  
4.26 must award school sites whose students make demonstrable improvement in reading skills  
4.27 with up to \$100 per pupil, depending on the availability of funds appropriated and the  
4.28 number and size of schools selected to receive the recognition award funds.

4.29 Subd. 2. **Use of funds.** (a) A school site must establish a staff advisory council to  
4.30 determine how to use funds awarded under this section. A school site may use recognition  
4.31 award funds for:

4.32 (1) nonrecurring bonuses to the teachers and other staff;

5.1 (2) nonrecurring expenses for educational equipment or materials to assist in maintaining  
5.2 or improving student performance; or

5.3 (3) temporary personnel for the school to assist in maintaining and improving student  
5.4 performance.

5.5 (b) If the staff advisory council cannot reach agreement by February 1, the award funds  
5.6 must be equally distributed to all classroom teachers currently teaching in the school.

5.7 (c) Notwithstanding any law to the contrary, incentive awards for the school recognition  
5.8 program are not subject to collective bargaining.

5.9 **EFFECTIVE DATE.** This section is effective July 1, 2021.

5.10 Sec. 7. Minnesota Statutes 2018, section 122A.185, subdivision 1, is amended to read:

5.11 Subdivision 1. **Tests.** (a) The Professional Educator Licensing and Standards Board  
5.12 must adopt rules requiring a candidate to demonstrate a passing score on a board-adopted  
5.13 examination of skills in reading, writing, and mathematics before being granted a Tier 4  
5.14 teaching license under section 122A.184 to provide direct instruction to pupils in elementary,  
5.15 secondary, or special education programs. Candidates may obtain a Tier 1, Tier 2, or Tier  
5.16 3 license to provide direct instruction to pupils in elementary, secondary, or special education  
5.17 programs if candidates meet the other requirements in section 122A.181, 122A.182, or  
5.18 122A.183, respectively.

5.19 (b) The board must adopt rules requiring candidates for Tier 3 and Tier 4 licenses to  
5.20 pass an examination of general pedagogical knowledge and examinations of licensure field  
5.21 specific content. The content examination requirement does not apply if no relevant content  
5.22 exam exists.

5.23 (c) Candidates for initial Tier 3 and Tier 4 licenses to teach elementary students must  
5.24 pass test items assessing the candidates' knowledge, skill, and ability in comprehensive,  
5.25 scientifically based reading instruction under section 122A.06, subdivision 4, knowledge  
5.26 and understanding of the foundations of reading development, development of reading  
5.27 comprehension and reading assessment and instruction, and the ability to integrate that  
5.28 knowledge and understanding into instruction strategies under section 122A.06, subdivision  
5.29 4.

5.30 (d) The requirement to pass a board-adopted reading, writing, and mathematics skills  
5.31 examination does not apply to nonnative English speakers, as verified by qualified Minnesota  
5.32 school district personnel or Minnesota higher education faculty, who, after meeting the  
5.33 content and pedagogy requirements under this subdivision, apply for a teaching license to

6.1 provide direct instruction in their native language or world language instruction under section  
6.2 120B.022, subdivision 1.

6.3 (e) The board must adopt rules establishing a reading endorsement for kindergarten  
6.4 through grade 3 teachers. The rules must require a candidate to demonstrate a passing score  
6.5 on a board-adopted examination of skills in comprehensive, scientific research-based reading  
6.6 instruction to earn an endorsement. The board may adopt rules providing candidates an  
6.7 alternate way to earn an endorsement. The board must require a candidate applying after  
6.8 July 1, 2022, for a license to teach kindergarten through grade 3 to qualify for a reading  
6.9 endorsement as a condition of licensure.

6.10 **EFFECTIVE DATE.** This section is effective July 1, 2021.

6.11 Sec. 8. **[122A.77] SUMMER TEACHER TRAINING PROGRAM.**

6.12 Subdivision 1. **Establishment.** The Professional Educator Licensing and Standards  
6.13 Board and commissioner of education must collaborate to establish a five-day professional  
6.14 development training program for kindergarten through grade 3 teachers in June, July, or  
6.15 August of each year. The training program must provide instruction in comprehensive  
6.16 scientific research-based reading instruction techniques and curriculum and must provide  
6.17 participating teachers an opportunity to practice skills developed in the training.

6.18 Subd. 2. **Teacher participation.** A teacher who participates in the summer professional  
6.19 development training program must receive compensation from the employing school  
6.20 district. A district must not require that a teacher participate in the training program as a  
6.21 term or condition of employment. Neither participation in the training program or  
6.22 compensation for participation are subject to collective bargaining.

6.23 Subd. 3. **District participation.** The Department of Education must assign a reading  
6.24 coach to a school district that employs one or more teachers who participate in the summer  
6.25 professional development training program. The reading coach must work with participating  
6.26 teachers during the following school year to further develop teachers' skills, improve  
6.27 instruction techniques, and answer teacher questions about skills developed in the training.

6.28 Sec. 9. Minnesota Statutes 2018, section 124D.98, subdivision 2, is amended to read:

6.29 Subd. 2. **Proficiency aid.** The proficiency aid for each school in a district that has  
6.30 submitted to the commissioner its local literacy plan under section 120B.12, subdivision  
6.31 4a, is equal to the product of the school's proficiency allowance times the number of ~~third~~  
6.32 ~~grade~~ pupils enrolled in grade 3 at the school on October 1 of the previous fiscal year. A

7.1 school's proficiency allowance is equal to the percentage of students in each building that  
7.2 meet or exceed proficiency on the ~~third~~ grade 3 reading Minnesota Comprehensive  
7.3 Assessment, averaged across the previous three test administrations, times \$530.

7.4 Sec. 10. Minnesota Statutes 2018, section 124D.98, subdivision 3, as amended by Laws  
7.5 2020, chapter 83, article 1, section 31, is amended to read:

7.6 Subd. 3. **Growth aid.** The growth aid for each school in a district that has submitted to  
7.7 the commissioner its local literacy plan under section 120B.12, subdivision 4a, is equal to  
7.8 the product of the school's growth allowance times the number of ~~fourth-grade~~ pupils enrolled  
7.9 in grade 4 at the school on October 1 of the previous fiscal year. A school's growth allowance  
7.10 is equal to the percentage of students at that school making medium or high growth, under  
7.11 subdivision 4, on the ~~fourth~~ grade 4 reading Minnesota Comprehensive Assessment, averaged  
7.12 across the previous three test administrations, times \$530.

7.13 Sec. 11. Minnesota Statutes 2018, section 124D.98, is amended by adding a subdivision  
7.14 to read:

7.15 Subd. 5. **Revenue uses.** A school district must use literacy aid received under this section  
7.16 for:

7.17 (1) developing and implementing the district's local literacy plan under section 120B.12;

7.18 (2) assessing students' reading skills;

7.19 (3) providing intensive reading instruction and intervention to students;

7.20 (4) contracting with literacy specialists;

7.21 (5) staff development focused on reading instruction for reading specialists, teachers,  
7.22 and other staff providing direct reading instruction to students as provided under section  
7.23 120B.12, subdivision 4;

7.24 (6) paying program costs and compensation for teachers attending a summer teacher  
7.25 training program, including the summer professional development training program offered  
7.26 under section 122A.77; and

7.27 (7) paying costs for the school recognition program under section 120B.121.

8.1 Sec. 12. Minnesota Statutes 2018, section 124D.98, is amended by adding a subdivision  
8.2 to read:

8.3 Subd. 6. **Revenue distribution among eligible uses.** To the extent practicable, a school  
8.4 district's literacy incentive aid received under this section must be used for the purposes  
8.5 listed in subdivision 5 consistent with the guidelines of the district's local literacy plan under  
8.6 section 120B.12, subdivision 4a.