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Profile of Learning: Legislative Action in 1999 and 2000

This information brief summarizes the efforts of the 1999 and 2000 legislatures to amend the profile of learning. The 1999 Legislature discussed the profile of learning extensively, but the House and the Senate did not agree on what changes to make. The 2000 Legislature enacted a number of changes to the profile of learning that are described below.

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Overview

The Profile of Learning is One of Two Parts of the State's Graduation Requirements

The profile of learning is one of two parts of the state's high school graduation requirements. The profile of learning requires students to expand their knowledge and skill beyond the state's basic standards,¹ which are also required for high school graduation. The profile of learning became effective for students entering the ninth grade in the 1998-1999 school year and later. It contains 56 preparatory content standards and 48 high school content standards divided among 11 learning areas.² Until the 2000 legislative session, K-8 students were expected to complete preparatory content standards, and high school students were expected to complete 24 high school content standards in order to graduate.

The 1999 Legislature Tried to Amend the Profile of Learning

Although the profile of learning has generated much discussion and debate since its inception in the early 1990s, critics of the "rigorous, results-oriented" rule began actively pressing legislators to address their complaints once the profile of learning requirements took effect for students entering the ninth grade in the 1998-1999 school year. The 1999 Legislature tried without success to reach a compromise on a number of issues critics raised related to the tension between local autonomy and state mandates, the complexity of profile administration, the nomenclature and substance of profile performance requirements, and the lack of staff development opportunities.

The 2000 Legislature Amended the Profile of Learning

On the last day of the session, the 2000 Legislature succeeded in reaching a compromise on profile of learning issues discussed and debated during the 2000 session and previous sessions. What follows briefly describes the changes enacted by the 2000 Legislature. The changes are

¹ Basic skills tests in reading, math, and written composition comprise the other part of the state's high school graduation requirements. The basic skills tests require skills that most students should be able to master: students must understand math through pre-algebra; read at a degree of difficulty equal to popular adult nonfiction; and write a composition responding to an adult's request for information. The reading and math basic skills tests became effective for students entering the ninth grade in the 1996-1997 school year and later and the written composition basic skills test became effective for students entering the tenth grade in the 1997-1998 school year and later. Students must receive a passing score of 75 percent on the basic skills tests in reading and math and three points out of a possible four points on the basic skills test in written composition in order to graduate from high school.

² During the 2000 session, the legislature expanded the number of learning areas from 10 to 11 by adding technical and vocational education as learning area 11. The Commissioner of Children, Families and Learning must recommend to the legislature by January 15, 2001, content standards for implementing learning area 11; learning area 11 currently contains no content standards.

categorized into four subject areas: (1) local autonomy and state mandates; (2) administering the profile of learning; (3) nomenclature and substance of profile of learning performance requirements; and (4) staff development. The changes appear in Laws 2000, chapter 500. For information on the profile of learning in effect through the 1999-2000 school year, see *The Profile of Learning and the State's High School Graduation Rule*, House Research information brief, September 1998.

Local Autonomy and State Mandates

Changes addressed the lack of local, school district control, efforts by the federal government to impose the federal Goals 2000 and School-to-Work programs on school districts, and school districts' need to use state-designed performance packages.

- **Federal program provisions.** School districts need not adopt specific provisions of the federal Goals 2000 or School-to-Work program. *Laws 2000, ch. 500, § 2 (Minn. Stat. § 120B.02, para. (i)).*
- **Performance assessments; scoring criteria.** School districts, charter schools, and area learning centers are not required to use state or locally developed performance packages to assess student achievement of a content standard. School districts may select and use multiple performance assessments to measure student performance on content standards. The performance assessments districts select must have a grading system comparable to the criteria in the rule definition of rubric.³ Also, the selected performance assessments must include scoring criteria that align with the one to four scores under the state scoring criteria. School districts must use the state scoring criteria to assign scores or grades and record the scores and grades on students' transcripts. The commissioner is prohibited from mandating the performance assessments that school sites must use. *Laws 2000, ch. 500, § 5 (Minn. Stat. § 120B.03, subd. 2a).*
- **School sites; required and elective content standards.** School districts, charter schools, and area learning centers annually must identify and report to the commissioner, by school site, the preparatory and high school content standards that students must complete and the number of board-granted waivers of content standards. The commissioner annually must publish this information by school site. School districts must integrate both required and elective content standards throughout the scope and sequence of the district's kindergarten through grade 12 curriculum. School districts and charter schools must offer, though need not assess student performance on, all state-required content standards. *Laws 2000, ch. 500, § 3 (Minn. Stat. § 120B.03, subd. 1a).*

³ "Rubric" is defined in rule to mean "the criteria the commissioner sets and districts must use to measure student work that meets the specifications of a content standard, consistent with clauses (2) and (3)." Clauses (2) and (3) refer to Laws 2000, chapter 500, section 20, clauses (2) and (3), which make the use of all state and locally developed performance packages, including for purposes of student assessment, optional at the discretion of the school site or school district.

- **Site determination of required content standards.** School districts, charter schools, and area learning centers annually by August 15 must notify the commissioner of the preparatory and high school content standards required by each site. The majority of licensed teachers and administrators at a school site and the governing board or school sponsor must vote to determine the preparatory and high school content standards students must complete, including the number of high school content standards needed for graduation. Students at a school site must complete all state-required preparatory or high school standards if the teachers, administrators, and governing board members are unable to agree on which preparatory or high school content standards to require. *Laws 2000, ch. 500, § 3 (Minn. Stat. § 120B.03, subd. 1a).*

School sites, for all required content standards, must: (1) place the required standards throughout the curriculum; (2) embed content into the course work; (3) require students to complete all content standard specifications; (4) select appropriate performance assessments by which students can demonstrate completion of all content standard specifications; (5) score students' demonstrations according to state scoring criteria; and (6) record students' scores on their transcripts, indicating which required content standards are completed. School districts must report to the commissioner a schedule, by school year, of the projected number of content standards that each school site will require until all state-required preparatory and 24 high school content standards are implemented.

Regardless of the agreed upon number of required preparatory or high school content standards, school districts must provide learning opportunities in all preparatory content standards in learning areas 1 to 9 and sufficient learning opportunities in high school content standards for students to meet state graduation requirements in all learning areas (currently 24 required content standards⁴ among 10 required learning areas⁵). According to the Department of Children, Families and Learning, because the requirement to provide learning opportunities applies to districts and not students, students do not need to complete the specifications for content standards that are not required nor receive a score for that work. However, school districts must: (1) place the content standards across the kindergarten through grade 12 curriculum; (2) embed the content standards in course work; and (3) make students' learning opportunities in the content standards part of the course. Staff development requirements for implementing preparatory and high school content standards involve improving the scope and sequence of the curriculum, teachers' research-based instructional skills, and alternative assessments of student achievement.⁶

⁴ There is no requirement in law or rule that a school district offer all 48 existing high school content standards.

⁵ The 2000 profile of learning legislation added learning area 11, technical and vocational education. Currently, there are no content standards in learning area 11. Only learning area 10, world languages, is optional for students; school districts must offer students at least one foreign language.

⁶ School districts that elect to use the three days added to the school calendar for staff development, and not student instruction, must use the time to improve: (1) the scope and sequence of the curriculum; (2) teachers'

- **Student (state and local) academic achievement levels.** School districts must determine whether student achievement levels at each school site meet local as well as state expectations. The Department of Children, Families and Learning proposes to define adequate yearly progress (AYP), which it anticipates recommending to the legislature as the definition of “state expectations.” School districts must define “local expectations.” *Laws 2000, ch. 500, § 16 (Minn. Stat. § 120B.35).*

Administering the Profile of Learning

Changes addressed the system’s complexity reflected in students’ obligation to pass basic skills tests and complete 24 of 48 “high standards” organized in 10 learning areas in order to graduate, the difficulty of obtaining waivers for rigorous courses, the additional paperwork and record keeping related to monitoring student progress, and the absence of a state-supported common record keeping system.

- **Expedited graduation rule amendments.** The commissioner, beginning July 7, 2000,⁷ must use the expedited rulemaking process to make technical changes and corrections in, and specific amendments to, and deletions from state graduation requirements contained in rule. These include: adding to the grading criteria the option of “0” for incomplete student work on assessments and content standards; deleting all references requiring school sites or school districts to use state or locally developed performance packages; amending the definition of “performance package” to make all use of performance packages optional, at school districts’ discretion; and amending the definition of “rubric” to mean the criteria the commissioner sets for meeting content standard specifications that school districts must use to measure student work. *Laws 2000, ch. 500, § 20.*
- **Records.** School districts, charter schools, and area learning centers must maintain records at each school site for audit by the commissioner. Records must include: (1) examples of local assessments used to measure student performance on preparatory and high school content standards; (2) aggregate data on students’ completion of high school content standards; (3) aggregate data indicating the number of and score on required high school content standards that high school graduates completed; (4) anonymous examples of student work in each high school content standard, which may include work in content standards that are offered but not required; and (5) the number and identity of available preparatory and high school content standards, the number of required preparatory and high school content standards, and the number of content standards completed by students. *Laws 2000, ch. 500, § 10 (Minn. Stat. § 120B.03, subd. 8).*

research-based instructional skills; and (3) alternative assessments of student achievement.

⁷ The commissioner published proposed rule changes in the State Register to comply with the July 1, 2000, date.

- **Statewide testing and accountability.** Technical changes clarified existing law on statewide testing and accountability. Students, beginning in grades five, at their parent's request⁸ and with their teacher's recommendation, may take the eighth grade basic skills tests in reading and math and the tenth grade basic skills test in written composition when the district administers scheduled basic skills tests.⁹ Students beginning in grade five who receive passing scores on basic skills tests satisfy the graduation requirements related to those tests. The commissioner must make available to the public the results of the third and fifth grade Minnesota comprehensive assessments (MCAs) from the current and two immediately preceding school years. The commissioner must add average daily attendance, high school graduation rates, and high school drop-out rates by age and grade level to the educational indicators the commissioner reports under the statewide public reporting system. *Laws 2000, ch. 500, § 15 (Minn. Stat. § 120B.30, subd. 1).*
- **Technology and record keeping.** The commissioner must: designate to school districts, charter schools, and area learning centers the software packages used for reporting student performance on content standards; ensure that the software can be used to transfer student records between school sites and school districts and is available to school sites at minimal cost; convene an advisory group of experts and other stakeholders to recommend record keeping practices for the graduation rule; report on technology needs for efficient daily classroom record keeping and accountability; and notify the legislature when these requirements are met. *Laws 2000, ch. 500, § 13 (Minn. Stat. § 120B.03, subd. 11).*
- **Transcript data.** For the 1998-1999 school year and later, school sites must record on students' transcripts all content standards the students complete. Students may request that the transcript record a "complete" or "incomplete" instead of a numeric score for high school content standards students completed before the 2000-2001 school year. School districts must establish procedures for making this request. *Laws 2000, ch. 500, § 4 (Minn. Stat. § 120B.03, subd. 1b).*

⁸ School districts must develop procedures for parents to submit such requests.

⁹ In order to meet state graduation requirements under current rule, students begin taking the basic skills reading and math tests in eighth grade and the basic skills written composition test in tenth grade.

Nomenclature and Substance of Profile of Learning Performance Requirements

Changes addressed the substance of state-developed performance packages and the confusion caused by the names of the 10 learning areas.

- **Best practices network.** The commissioner must establish a best practices network for learning areas 1 to 10 by June 30, 2000,¹⁰ and for learning area 11 by June 30, 2001. *Laws 2000, ch. 500, § 17.*
- **Completion of content standards.** School districts, charter schools, and area learning centers may include multiple content standards in a single course, allow students to complete particular content standards in different subject areas and determine the grade levels at which students may complete particular content standards. Students may receive the highest state exemplar score of “4” on a content standard placed in any grade. Previously, the best work of third, fifth, eighth, and twelfth grade students was used to measure and score all students’ work on content standards. *Laws 2000, ch. 500, § 9 (Minn. Stat. § 120B.03, subd. 7).*
- **Content of external review.** The commissioner must contract with an independent organization¹¹ to evaluate the quality of the state’s graduation standards and integrated education system. The contractor’s report must: (1) analyze the content of the state’s graduation standards; (2) compare and recommend revisions based on benchmarking the state’s standards to other states’ standards; (3) indicate whether the state’s standards are clear, specific, measurable, understandable, and set at an appropriate level of difficulty; and (4) indicate what changes can strengthen the quality and alignment of the state’s standards. *Laws 2000, ch. 500, § 19.*
- **Examination and evaluation panel.** The commissioner must establish an 11-member academic panel to examine, evaluate, and make recommendations on the rigor of the content standards on a biennial basis. Panel members include two teachers, three deans of Minnesota colleges of education, a curriculum and instruction director, an assessment practitioner, a school board member, and an elementary, a middle school, and a high school principal. The panel must: consult with education experts and the Office of Educational Accountability; review the Achieve report on profile of learning standards,

¹⁰ Learning area support teams from the Department of Children, Families and Learning currently assist schools in all learning areas except learning area 11. Best practices networks in art, math, reading, science, social studies, and writing currently exist across the state.

¹¹ The commissioner contracted with Achieve, Inc., to conduct the external review and prepare a report, which it completed in October 2000. The examination and evaluation panel is reviewing the report.

procedures, and assessments; compare state standards and the north star standard;¹² and recommend administrative, rule, and statutory changes to the commissioner by December 15, 2000. The commissioner cannot make any rule changes in the profile of learning based on panel recommendations unless specifically authorized in law to do so; only the legislature can make statutory changes. *Laws 2000, ch. 500, § 14 (Minn. Stat. § 120B.03, subd. 12).*

- **Learning areas.** Allows school boards to determine school sites, defined as a separate facility or a separate program within a facility, for purposes of the graduation rule. Changes the names of learning areas 3, 4, 5, 6, 7, 8, and 9 and adds learning area 11, technical and vocational education. The Department of Children, Families and Learning does not expect school districts to implement learning area 11 until the department develops content standards and reports its recommendations to the legislature. Although not designated as optional (only learning area 10, world languages, is optional and school districts still must offer students a foreign language), the department wants the designation for learning area 11 clarified once it submits its recommendations to the legislature. *Laws 2000, ch. 500, § 2 (Minn. Stat. § 120B.02).*
- **Learning area 11, technical and vocational education.** The commissioner must recommend to the legislature by January 15, 2001, rules for graduation standards or the realignment of standards needed to implement learning area 11, technical and vocational education. Current rules contain 10 learning areas; no content standards for learning area 11 currently exist. *Laws 2000, ch. 500, § 18.*
- **Rigorous course of study; waiver.** School districts, charter schools, and area learning centers may waive a content standard for a student who submits an application approved by the student's parents and receives a recommendation from the student's teacher if the governing board determines that: (1) the student is participating in a course¹³ that is equally or more rigorous than the required content standard; and (2) requiring the student to complete the content standard would prevent the student from participating in the course.¹⁴ School districts determine rigor by comparing and matching the subject area of the course and the content standard. School districts must develop procedures for granting the waiver under the conditions established. Such waivers must be reported to the commissioner by August 31. Student transcripts must record whether students received: (1) a "complete" for the content standard for which the waiver is granted; (2)

¹² During the 2000 legislative session, the House proposed allowing school districts to elect to implement the north star standard as an alternative to the state's profile of learning. Various iterations of this proposal were drafted and discussed throughout the session.

¹³ A "course of study" includes an advanced placement or international baccalaureate program or a learning opportunity outside the district curriculum.

¹⁴ The statutory language is similar to language that appeared in rule. However, a third condition in rule of granting the waiver—the student could not have achieved the content standards earlier—was not included in the statutory language.

an “EQU” indicating equivalent work satisfied the content standard; or (3) a score or grade under the state scoring criteria.

As of August 16, 2002, students who satisfactorily complete approved post-secondary enrollment options courses need not complete the content standards corresponding to those courses. The prospective effective date allows public and private post-secondary institutions to identify and notify the commissioner annually of those post-secondary enrollment options courses that are equally or more rigorous than the corresponding content standards each school district requires.¹⁵ The commissioner must list approved post-secondary enrollment options courses. Students who enter ninth grade before the 2001-2002 school year and satisfactorily complete advanced placement, international baccalaureate, or post-secondary enrollment options courses will satisfy the content standards that correspond to those courses. Such waivers must be reported to the commissioner by August 31. Student transcripts must record whether students received: (1) a “complete” for the content standard for which the waiver is granted; (2) an “EQU” indicating equivalent work satisfied the content standard; or (3) a score or grade under the state scoring criteria. *Laws 2000, ch. 500, § 6 (Minn. Stat. § 120B.03, subd. 4).*

- **Scoring.** Students may receive the highest state exemplar score of “4” on a content standard placed in any grade.¹⁶ Previously, the best work of third, fifth, eighth, and twelfth grade students was used to measure and score all students’ work on content standards. Teachers may assign a score of “0” to incomplete student work.¹⁷ Students must complete all specifications of required content standards. Teachers must embed content standard specifications in courses and must include the work students do to complete the specifications as part of the students’ course grade. Teachers must evaluate and score students’ work on content standard specifications separately in order to document that students have met high school graduation requirements. *Laws 2000, ch. 500, § 11 (Minn. Stat. § 120B.03, subd. 9).*
- **Student transfers; other waivers.** School sites must transfer as completed the content standards that students complete at other school sites, equivalent work that students complete at schools in other states, and learning students acquire outside the district curriculum if the governing body finds that the students’ work or learning differs from the content standards the enrolling school site requires and the students are unable to complete those content standards. Transfer students’ transcripts must verify that the students completed the work or acquired the learning for which content standard requirements are waived. Such waivers must be reported to the commissioner by August 31. *Laws 2000, ch. 500, § 8 (Minn. Stat. § 120B.03, subd. 6).*

¹⁵ Public and private post-secondary institutions currently are not required to identify post-secondary enrollment options courses that are equally or more rigorous than corresponding content standards required by individual school districts.

¹⁶ Current rule requires teachers to assign student work a score between 4 (the highest) and 1 (the lowest).

¹⁷ Current rule prohibits teachers from giving a score to incomplete student work.

- **Waiver of content standards for ninth grade students.** School districts, charter schools, and area learning centers may waive content standards for one or more students who entered ninth grade before the 2000-2001 school year if the governing board formally decides that students' inability to achieve required content standards resulted from circumstances related to implementing the profile of learning that were beyond the students' control.¹⁸ Such waivers must be reported to the commissioner by August 31. *Laws 2000, ch. 500, § 7 (Minn. Stat. § 120B.03, subd. 5).*

Staff Development

Changes addressed the lack of staff development opportunities for teachers to learn how to write performance packages and score them reliably.

- **High standards tool library.** The commissioner must maintain for teachers an interactive high standards tool library that contains examples of assessment tools, lesson plans, best instructional methods, research on best instructional methods, and exemplary student work in each content standard at every grade level. The Department of Children, Families and Learning anticipates expanding its electronic curriculum repository (MERC) to provide the requisite assessment tools and lesson plans. The department also is developing a website (EdSTAR) to provide the requisite examples of instructional methods and research on the those methods. The department anticipates collecting exemplary student work over time. Teachers may submit materials to the library. *Laws 2000, ch. 500, § 12 (Minn. Stat. § 120B.03, subd. 10).*
- **Length of the school year; days of instruction.** Allows school boards to use the three days added to the school calendar for either student instruction, which is what's required under current law, or staff development activities related to: (1) improving the scope and sequence of curriculum; (2) enhancing the research-based instructional skills of teachers and others; and (3) developing alternative student assessments. *Laws 2000, ch. 500, § 1 (Minn. Stat. § 120A.41).*

In addition, the 2000 Legislature repealed portions of state laws and rules affecting the implementation of the profile of learning.

Repealers. Repeals portions of law and rule affecting the profile of learning:

- section 120B.03, subdivisions 1, 2, and 3, governing school districts' time line for implementing the profile of learning, teachers' use of performance packages, and school districts' ability to receive a partial waiver of the implementation time line;
- section 120B.4, governing optional lifework development plans;
- part 3501.0330, subpart 2, item A, obligating school districts to provide students with

¹⁸ Current rule does not authorize local governing boards to waive graduation requirements.

- learning opportunities in preparatory and high school content standards;¹⁹
- part 3501.0360, creating adjusted performance packages;
 - part 3501.0370, subparts 1, 2, and 4, requiring school districts to use a checklist and performance packages to assess student achievement, and using the outstanding work of third, fifth, eighth, and twelfth grade students to set state exemplars;
 - part 3501.0420, subpart 1, item D, requiring school districts to develop policies and procedures for using local performance packages;
 - part 3501.0420, subpart 4, obligating school districts to make the implementation manual available to the public;²⁰
 - part 3501.0430, obligating school districts to maintain records for periodic review and audit;²¹
 - part 5301.0330, subpart 7, item B, granting waivers for a rigorous course of study, which is repealed July 1, 2001.²² *Laws 2000, ch. 500, § 21.*

¹⁹ The requirement that school districts provide students with learning opportunities in preparatory and high school content standards will appear in statute under section 120B.03, subdivision 1a, paragraph (e).

²⁰ School districts remain obligated to have an implementation manual and to periodically report on district implementation of the profile of learning.

²¹ The requirement that school districts maintain records for audit will appear in statute under section 120B.03, subdivision 8.

²² Waivers for a rigorous course of study will appear in statute under section 120B.03, subdivision 4.