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State of Minnesota

Printed Page No. 17

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 163

- 01/17/2019 Authored by Youakim, Kunesh-Podein and Pinto
The bill was read for the first time and referred to the Committee on Education Policy
- 02/18/2019 Adoption of Report: Placed on the General Register
Read for the Second Time
- 05/20/2019 Pursuant to Rule 4.20, returned to the Committee on Education Policy
- 05/09/2020 Adoption of Report: Placed on the General Register as Amended
Pursuant to Joint Rule 2.03, re-referred to the Committee on Rules and Legislative Administration
- 05/11/2020 Adoption of Report: Placed on the General Register
Joint Rule 2.03 has been waived for any subsequent committee action on this bill
Read for the Second Time

1.1 A bill for an act

1.2 relating to education; making certain policy changes for prekindergarten through

1.3 grade 12 education including general education, education excellence, teachers,

1.4 special education, health and safety, nutrition, and making technical changes;

1.5 requiring reports; amending Minnesota Statutes 2018, sections 120A.20, by adding

1.6 a subdivision; 120A.22, subdivisions 7, 10; 120B.021, subdivision 2; 120B.11,

1.7 subdivisions 2, 3; 121A.22, subdivision 1, by adding a subdivision; 121A.41, by

1.8 adding a subdivision; 121A.45, subdivision 1; 121A.53, subdivision 1; 122A.07,

1.9 subdivisions 1, 2; 122A.181, subdivision 3; 122A.182, subdivisions 1, 2, 3;

1.10 122A.185, subdivision 1; 122A.187, subdivision 6; 122A.40, subdivision 8;

1.11 122A.41, subdivision 5; 123B.09, subdivision 2; 123B.147, subdivision 3; 123B.52,

1.12 subdivision 1; 124D.09, subdivisions 5, 12; 124D.111; 124D.165, subdivisions 3,

1.13 4; 124D.74, subdivision 1; 124D.78, subdivisions 1, 3; 124D.79, subdivision 2;

1.14 124D.81, subdivision 1; 124D.861, subdivision 2; 124D.862, subdivision 7;

1.15 124E.03, subdivision 2, by adding subdivisions; 124E.05, subdivisions 4, 7;

1.16 124E.11; 124E.13, subdivision 3; 125A.08; 125A.30; 125A.50, subdivision 1;

1.17 126C.17, subdivision 9; 127A.353, subdivisions 2, 4; 134.31, subdivision 4a;

1.18 609A.03, subdivision 7a; Minnesota Statutes 2019 Supplement, section 120B.12,

1.19 subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 120B;

1.20 124D.

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

1.22 ARTICLE 1

1.23 GENERAL EDUCATION

1.24 Section 1. Minnesota Statutes 2018, section 120B.11, subdivision 2, is amended to read:

1.25 Subd. 2. **Adopting plans and budgets.** A school board, at a public meeting, ~~shall~~ must

1.26 adopt a comprehensive, long-term strategic plan to support and improve teaching and

1.27 learning that is aligned with creating the world's best workforce and includes:

2.1 (1) clearly defined district and school site goals and benchmarks for instruction and
2.2 student achievement for all student subgroups identified in section 120B.35, subdivision 3,
2.3 paragraph (b), clause (2);

2.4 (2) a process to assess and evaluate each student's progress toward meeting state and
2.5 local academic standards, assess and identify students to participate in gifted and talented
2.6 programs and accelerate their instruction, and adopt early-admission procedures consistent
2.7 with section 120B.15, and identifying the strengths and weaknesses of instruction in pursuit
2.8 of student and school success and curriculum affecting students' progress and growth toward
2.9 career and college readiness and leading to the world's best workforce;

2.10 (3) a system to periodically review and evaluate the effectiveness of all instruction and
2.11 curriculum, taking into account strategies and best practices, student outcomes, school
2.12 principal evaluations under section 123B.147, subdivision 3, students' access to effective
2.13 teachers who are members of populations underrepresented among the licensed teachers in
2.14 the district or school and who reflect the diversity of enrolled students under section 120B.35,
2.15 subdivision 3, paragraph (b), clause (2), and teacher evaluations under section 122A.40,
2.16 subdivision 8, or 122A.41, subdivision 5;

2.17 (4) strategies for improving instruction, curriculum, and student achievement, including
2.18 (i) the English and, where practicable, the native language development and the academic
2.19 achievement of English learners; and (ii) for all learners, access to culturally relevant or
2.20 ethnic studies curriculum using culturally responsive methodologies;

2.21 (5) a process to examine the equitable distribution of teachers and strategies to ensure
2.22 low-income and minority children from low-income families, families of color, and American
2.23 Indian families are not taught at higher rates than other children by inexperienced, ineffective,
2.24 or out-of-field teachers;

2.25 (6) education effectiveness practices that integrate high-quality instruction;; rigorous
2.26 curriculum;; technology;; inclusive and respectful learning and work environments for all
2.27 students, families, and staff; and a collaborative professional culture that ~~develops and~~
2.28 ~~supports~~ retains qualified and racially, ethnically, and linguistically diverse staff effective
2.29 at working with diverse students while developing and supporting teacher quality,
2.30 performance, and effectiveness; and

2.31 (7) an annual budget for continuing to implement the district plan.

2.32 **EFFECTIVE DATE.** This section is effective for all strategic plans reviewed and
2.33 updated after the day of final enactment.

3.1 Sec. 2. Minnesota Statutes 2018, section 120B.11, subdivision 3, is amended to read:

3.2 Subd. 3. **District advisory committee.** Each school board ~~shall~~ must establish an advisory
3.3 committee to ensure active community participation in all phases of planning and improving
3.4 the instruction and curriculum affecting state and district academic standards, consistent
3.5 with subdivision 2. A district advisory committee, to the extent possible, ~~shall~~ must reflect
3.6 the diversity of the district and its school sites, include teachers, parents, support staff,
3.7 students, and other community residents, and provide translation to the extent appropriate
3.8 and practicable. The district advisory committee ~~shall~~ must pursue community support to
3.9 accelerate the academic and native literacy and achievement of English learners with varied
3.10 needs, from young children to adults, consistent with section 124D.59, subdivisions 2 and
3.11 2a. The district may establish site teams as subcommittees of the district advisory committee
3.12 under subdivision 4. The district advisory committee ~~shall~~ must recommend to the school
3.13 board rigorous academic standards; student achievement goals and measures consistent
3.14 with subdivision 1a and sections 120B.022, subdivisions 1a and 1b, and 120B.35; district
3.15 assessments; means to improve students' equitable access to effective and more diverse
3.16 teachers; strategies to ensure the curriculum and learning and work environments are
3.17 inclusive and respectful toward all racial and ethnic groups; and program evaluations. School
3.18 sites may expand upon district evaluations of instruction, curriculum, assessments, or
3.19 programs. Whenever possible, parents and other community residents ~~shall~~ must comprise
3.20 at least two-thirds of advisory committee members.

3.21 **EFFECTIVE DATE.** This section is effective for all strategic plans reviewed and
3.22 updated after the day of final enactment.

3.23 Sec. 3. Minnesota Statutes 2018, section 123B.09, subdivision 2, is amended to read:

3.24 Subd. 2. **School board member training.** A member shall receive training in school
3.25 finance and management developed in consultation with the Minnesota School Boards
3.26 Association and consistent with section 127A.19. The School Boards Association must
3.27 make available to each newly elected school board member training in school finance and
3.28 management consistent with section 127A.19 within 180 days of that member taking office.
3.29 The program shall be developed in consultation with the department and appropriate
3.30 representatives of higher education. For purposes of this subdivision only, the definition of
3.31 school board member includes a board member of a tribal contract school under section
3.32 124D.83.

4.1 Sec. 4. Minnesota Statutes 2018, section 123B.147, subdivision 3, is amended to read:

4.2 Subd. 3. **Duties; evaluation.** (a) The principal shall provide administrative, supervisory,
4.3 and instructional leadership services, under the supervision of the superintendent of schools
4.4 of the district and according to the policies, rules, and regulations of the school board, for
4.5 the planning, management, operation, and evaluation of the education program of the building
4.6 or buildings to which the principal is assigned.

4.7 (b) To enhance a principal's culturally responsive leadership skills and support and
4.8 improve teaching practices, school performance, and student achievement for diverse student
4.9 populations, including at-risk students, children with disabilities, English learners, and gifted
4.10 students, among others, a district must develop and implement a performance-based system
4.11 for annually evaluating school principals assigned to supervise a school building within the
4.12 district. The evaluation must be designed to improve teaching and learning by supporting
4.13 the principal in shaping the school's professional environment and developing teacher
4.14 quality, performance, and effectiveness. The annual evaluation must:

4.15 (1) support and improve a principal's instructional leadership, organizational management,
4.16 and professional development, and strengthen the principal's capacity in the areas of
4.17 instruction, supervision, evaluation, and teacher development;

4.18 (2) support and improve a principal's culturally responsive leadership practices that
4.19 create inclusive and respectful teaching and learning environments for all students, families,
4.20 and employees;

4.21 ~~(2)~~ (3) include formative and summative evaluations based on multiple measures of
4.22 student progress toward career and college readiness;

4.23 ~~(3)~~ (4) be consistent with a principal's job description, a district's long-term plans and
4.24 goals, and the principal's own professional multiyear growth plans and goals, all of which
4.25 must support the principal's leadership behaviors and practices, rigorous curriculum, school
4.26 performance, and high-quality instruction;

4.27 ~~(4)~~ (5) include on-the-job observations and previous evaluations;

4.28 ~~(5)~~ (6) allow surveys to help identify a principal's effectiveness, leadership skills and
4.29 processes, and strengths and weaknesses in exercising leadership in pursuit of school success;

4.30 ~~(6)~~ (7) use longitudinal data on student academic growth as 35 percent of the evaluation
4.31 and incorporate district achievement goals and targets;

5.1 ~~(7)~~ (8) be linked to professional development that emphasizes improved teaching and
5.2 learning, curriculum and instruction, student learning, culturally responsive leadership
5.3 practices, and a collaborative professional culture; and

5.4 ~~(8)~~ (9) for principals not meeting standards of professional practice or other criteria
5.5 under this subdivision, implement a plan to improve the principal's performance and specify
5.6 the procedure and consequence if the principal's performance is not improved.

5.7 The provisions of this paragraph are intended to provide districts with sufficient flexibility
5.8 to accommodate district needs and goals related to developing, supporting, and evaluating
5.9 principals.

5.10 **EFFECTIVE DATE.** This section is effective July 1, 2022.

5.11 Sec. 5. Minnesota Statutes 2018, section 123B.52, subdivision 1, is amended to read:

5.12 Subdivision 1. **Contracts.** A contract for work or labor, or for the purchase of furniture,
5.13 fixtures, or other property, except books registered under the copyright laws and information
5.14 systems software, or for the construction or repair of school houses, the estimated cost or
5.15 value of which shall exceed that specified in section 471.345, subdivision 3, must not be
5.16 made by the school board without first advertising for bids or proposals by two weeks'
5.17 published notice in the official newspaper. This notice must state the time and place of
5.18 receiving bids and contain a brief description of the subject matter.

5.19 Additional publication in the official newspaper or elsewhere may be made as the board
5.20 shall deem necessary.

5.21 After taking into consideration conformity with the specifications, terms of delivery,
5.22 and other conditions imposed in the call for bids, every such contract for which a call for
5.23 bids has been issued must be awarded to the lowest responsible bidder, be duly executed
5.24 in writing, and be otherwise conditioned as required by law. The person to whom the contract
5.25 is awarded shall give a sufficient bond to the board for its faithful performance.

5.26 Notwithstanding section 574.26 or any other law to the contrary, on a contract limited to
5.27 the purchase of a finished tangible product, a board may require, at its discretion, a
5.28 performance bond of a contractor in the amount the board considers necessary. A record
5.29 must be kept of all bids, with names of bidders and amount of bids, and with the successful
5.30 bid indicated thereon. A bid containing an alteration or erasure of any price contained in
5.31 the bid which is used in determining the lowest responsible bid must be rejected unless the
5.32 alteration or erasure is corrected as provided in this section. An alteration or erasure may
5.33 be crossed out and the correction thereof printed in ink or typewritten adjacent thereto and

6.1 initialed in ink by the person signing the bid. In the case of identical low bids from two or
6.2 more bidders, the board may, at its discretion, utilize negotiated procurement methods with
6.3 the tied low bidders for that particular transaction, so long as the price paid does not exceed
6.4 the low tied bid price. In the case where only a single bid is received, the board may, at its
6.5 discretion, negotiate a mutually agreeable contract with the bidder so long as the price paid
6.6 does not exceed the original bid. If no satisfactory bid is received, the board may readvertise.
6.7 Standard requirement price contracts established for supplies or services to be purchased
6.8 by the district must be established by competitive bids. Such standard requirement price
6.9 contracts may contain escalation clauses and may provide for a negotiated price increase
6.10 or decrease based upon a demonstrable industrywide or regional increase or decrease in the
6.11 vendor's costs. Either party to the contract may request that the other party demonstrate
6.12 such increase or decrease. The term of such contracts must not exceed two years with an
6.13 option on the part of the district to renew for an additional two years, except as provided in
6.14 subdivision 3 or 7. Contracts for the purchase of perishable food items, except milk for
6.15 school lunches and vocational training programs, in any amount may be made by direct
6.16 negotiation by obtaining two or more written quotations for the purchase or sale, when
6.17 possible, without advertising for bids or otherwise complying with the requirements of this
6.18 section or section 471.345, subdivision 3. All quotations obtained shall be kept on file for
6.19 a period of at least one year after receipt.

6.20 Every contract made without compliance with the provisions of this section shall be
6.21 void. Except in the case of the destruction of buildings or injury thereto, where the public
6.22 interest would suffer by delay, contracts for repairs may be made without advertising for
6.23 bids.

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

6.25 Sec. 6. Minnesota Statutes 2018, section 124D.861, subdivision 2, is amended to read:

6.26 Subd. 2. **Plan implementation; components.** (a) The school board of each eligible
6.27 district must formally develop and implement a long-term plan under this section. The plan
6.28 must be incorporated into the district's comprehensive strategic plan under section 120B.11.
6.29 ~~Plan components may include: innovative and integrated prekindergarten through grade 12~~
6.30 ~~learning environments that offer students school enrollment choices; family engagement~~
6.31 ~~initiatives that involve families in their students' academic life and success; professional~~
6.32 ~~development opportunities for teachers and administrators focused on improving the academic~~
6.33 ~~achievement of all students, including teachers and administrators who are members of~~
6.34 ~~populations underrepresented among the licensed teachers or administrators in the district~~

7.1 ~~or school and who reflect the diversity of students under section 120B.35, subdivision 3,~~
7.2 ~~paragraph (b), clause (2), who are enrolled in the district or school; increased programmatic~~
7.3 ~~opportunities and effective and more diverse instructors focused on rigor and college and~~
7.4 ~~career readiness for underserved students, including students enrolled in alternative learning~~
7.5 ~~centers under section 123A.05, public alternative programs under section 126C.05,~~
7.6 ~~subdivision 15, and contract alternative programs under section 124D.69, among other~~
7.7 ~~underserved students; or recruitment and retention of teachers and administrators with~~
7.8 ~~diverse racial and ethnic backgrounds.~~

7.9 (b) The plan must contain goals for:

7.10 (1) reducing the disparities in academic achievement and in equitable access to effective
7.11 and more diverse teachers among all students and specific categories of students under
7.12 section 120B.35, subdivision 3, paragraph (b), excluding the student categories of gender,
7.13 disability, and English learners; and

7.14 (2) increasing racial and economic diversity and integration in schools and districts.

7.15 (c) The plan must include strategies to make schools' curriculum and learning and work
7.16 environments more inclusive and respectful of students' racial, ethnic, and linguistic diversity
7.17 and to address issues of structural inequities in schools that create opportunity and
7.18 achievement gaps for students, families, and staff who are of color or who are American
7.19 Indian. Examples of possible structural inequities include but are not limited to policies and
7.20 practices that unintentionally result in disparate referrals and suspension, inequitable access
7.21 to advanced coursework, overrepresentation in lower level coursework, inequitable
7.22 participation in cocurricular activities, inequitable parent involvement, and lack of access
7.23 to racially and ethnically diverse teachers.

7.24 (d) Plan components and strategies should be informed by local data and may include
7.25 but are not limited to the following efforts:

7.26 (1) innovative and integrated prekindergarten through grade 12 learning environments
7.27 that offer students school enrollment choices;

7.28 (2) family engagement initiatives that involve families in their students' academic life
7.29 and success, and improve relations between home and school;

7.30 (3) creating opportunities for students, families, staff, and community members who are
7.31 of color or American Indian to share their experiences in the school setting with school staff
7.32 and administration to inform development of specific proposals for making school
7.33 environments more inclusive and respectful toward all students, families, and staff;

8.1 (4) professional development opportunities for teachers and administrators focused on
8.2 improving the academic achievement of all students, including knowledge, skills, and
8.3 dispositions needed to be culturally responsive and successfully serve students who are
8.4 from diverse racial, ethnic, and linguistic backgrounds;

8.5 (5) recruitment and retention of teachers, administrators, cultural and family liaisons,
8.6 paraprofessionals, and other nonlicensed staff from racial, ethnic, and linguistic backgrounds
8.7 represented in the student population to strengthen relationships with all students, families,
8.8 and other members of the community;

8.9 (6) examining academic and discipline data, reexamining institutional policies and
8.10 practices that result in opportunity and achievement disparities between racial and ethnic
8.11 groups, and making necessary changes that increase access, meaningful participation,
8.12 representation, and positive outcomes for students of color, American Indian students, and
8.13 students who qualify for free or reduced-price lunch;

8.14 (7) increased programmatic opportunities and effective and more diverse instructors
8.15 focused on rigor and college and career readiness for underserved students, including but
8.16 not limited to students enrolled in alternative learning centers under section 123A.05, public
8.17 alternative programs under section 126C.05, subdivision 15, and contract alternative programs
8.18 under section 124D.69;

8.19 (8) developing or expanding ethnic studies course offerings to provide all students with
8.20 in-depth opportunities to learn about their own and others' cultures and historical experiences;
8.21 or

8.22 (9) examining and revising curricula in various subjects to be culturally relevant and
8.23 inclusive of various racial and ethnic groups while meeting state academic standards.

8.24 ~~(b)~~ (e) Among other requirements, an eligible district must implement effective,
8.25 research-based interventions that include formative assessment practices to reduce the
8.26 disparities in student academic performance among the specific categories of students as
8.27 measured by student progress and growth on state reading and math assessments and as
8.28 aligned with section 120B.11.

8.29 ~~(e)~~ (f) Eligible districts must create efficiencies and eliminate duplicative programs and
8.30 services under this section, which may include forming collaborations or a single,
8.31 seven-county metropolitan areawide partnership of eligible districts for this purpose.

8.32 **EFFECTIVE DATE.** This section is effective for all plans reviewed and updated after
8.33 the day of final enactment.

9.1 Sec. 7. Minnesota Statutes 2018, section 124E.03, subdivision 2, is amended to read:

9.2 Subd. 2. **Certain federal, state, and local requirements.** (a) A charter school shall
9.3 meet all federal, state, and local health and safety requirements applicable to school districts.

9.4 (b) A school must comply with statewide accountability requirements governing standards
9.5 and assessments in chapter 120B.

9.6 (c) A charter school must comply with the Minnesota Public School Fee Law, sections
9.7 123B.34 to 123B.39.

9.8 (d) A charter school is a district for the purposes of tort liability under chapter 466.

9.9 (e) A charter school must comply with the Pledge of Allegiance requirement under
9.10 section 121A.11, subdivision 3.

9.11 (f) A charter school and charter school board of directors must comply with chapter 181
9.12 governing requirements for employment.

9.13 (g) A charter school must comply with continuing truant notification under section
9.14 260A.03.

9.15 (h) A charter school must develop and implement a teacher evaluation and peer review
9.16 process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (13), and place
9.17 students in classrooms in accordance with section 122A.40, subdivision 8, paragraph (d).
9.18 The teacher evaluation process in this paragraph does not create any additional employment
9.19 rights for teachers.

9.20 (i) A charter school must adopt a policy, plan, budget, and process, consistent with
9.21 section 120B.11, to review curriculum, instruction, and student achievement and strive for
9.22 the world's best workforce.

9.23 (j) A charter school is subject to and must comply with the Pupil Fair Dismissal Act,
9.24 sections 121A.40 to 121A.56.

9.25 (k) A charter school is subject to and must comply with the uniform municipal contracting
9.26 law under section 471.345 in the same manner as a school district.

9.27 Sec. 8. Minnesota Statutes 2018, section 126C.17, subdivision 9, is amended to read:

9.28 Subd. 9. **Referendum revenue.** (a) The revenue authorized by section 126C.10,
9.29 subdivision 1, may be increased in the amount approved by the voters of the district at a
9.30 referendum called for the purpose. The referendum may be called by the board. The
9.31 referendum must be conducted one or two calendar years before the increased levy authority,

10.1 if approved, first becomes payable. Only one election to approve an increase may be held
10.2 in a calendar year. Unless the referendum is conducted by mail under subdivision 11,
10.3 paragraph (a), the referendum must be held on the first Tuesday after the first Monday in
10.4 November. The ballot must state the maximum amount of the increased revenue per adjusted
10.5 pupil unit. The ballot may state a schedule, determined by the board, of increased revenue
10.6 per adjusted pupil unit that differs from year to year over the number of years for which the
10.7 increased revenue is authorized or may state that the amount shall increase annually by the
10.8 rate of inflation. For this purpose, the rate of inflation shall be the annual inflationary increase
10.9 calculated under subdivision 2, paragraph (b). The ballot may state that existing referendum
10.10 levy authority is expiring. In this case, the ballot may also compare the proposed levy
10.11 authority to the existing expiring levy authority, and express the proposed increase as the
10.12 amount, if any, over the expiring referendum levy authority. The ballot must designate the
10.13 specific number of years, not to exceed ten, for which the referendum authorization applies.
10.14 The ballot, including a ballot on the question to revoke or reduce the increased revenue
10.15 amount under paragraph (c), must abbreviate the term "per adjusted pupil unit" as "per
10.16 pupil." The notice required under section 275.60 may be modified to read, in cases of
10.17 renewing existing levies at the same amount per pupil as in the previous year:

10.18 "BY VOTING "YES" ON THIS BALLOT QUESTION, YOU ARE VOTING TO
10.19 EXTEND AN EXISTING PROPERTY TAX REFERENDUM THAT IS SCHEDULED
10.20 TO EXPIRE."

10.21 The ballot may contain a textual portion with the information required in this subdivision
10.22 and a question stating substantially the following:

10.23 "Shall the increase in the revenue proposed by (petition to) the board of, School
10.24 District No. ..., be approved?"

10.25 If approved, an amount equal to the approved revenue per adjusted pupil unit times the
10.26 adjusted pupil units for the school year beginning in the year after the levy is certified shall
10.27 be authorized for certification for the number of years approved, if applicable, or until
10.28 revoked or reduced by the voters of the district at a subsequent referendum.

10.29 (b) The board must deliver by mail at least 15 days but no more than ~~30~~ 45 days before
10.30 the day of the referendum to each taxpayer a notice of the referendum and the proposed
10.31 revenue increase. The board need not mail more than one notice to any taxpayer. For the
10.32 purpose of giving mailed notice under this subdivision, owners must be those shown to be
10.33 owners on the records of the county auditor or, in any county where tax statements are
10.34 mailed by the county treasurer, on the records of the county treasurer. Every property owner

11.1 whose name does not appear on the records of the county auditor or the county treasurer is
11.2 deemed to have waived this mailed notice unless the owner has requested in writing that
11.3 the county auditor or county treasurer, as the case may be, include the name on the records
11.4 for this purpose. The notice must project the anticipated amount of tax increase in annual
11.5 dollars for typical residential homesteads, agricultural homesteads, apartments, and
11.6 commercial-industrial property within the school district.

11.7 The notice for a referendum may state that an existing referendum levy is expiring and
11.8 project the anticipated amount of increase over the existing referendum levy in the first
11.9 year, if any, in annual dollars for typical residential homesteads, agricultural homesteads,
11.10 apartments, and commercial-industrial property within the district.

11.11 The notice must include the following statement: "Passage of this referendum will result
11.12 in an increase in your property taxes." However, in cases of renewing existing levies, the
11.13 notice may include the following statement: "Passage of this referendum extends an existing
11.14 operating referendum at the same amount per pupil as in the previous year."

11.15 (c) A referendum on the question of revoking or reducing the increased revenue amount
11.16 authorized pursuant to paragraph (a) may be called by the board. A referendum to revoke
11.17 or reduce the revenue amount must state the amount per adjusted pupil unit by which the
11.18 authority is to be reduced. Revenue authority approved by the voters of the district pursuant
11.19 to paragraph (a) must be available to the school district at least once before it is subject to
11.20 a referendum on its revocation or reduction for subsequent years. Only one revocation or
11.21 reduction referendum may be held to revoke or reduce referendum revenue for any specific
11.22 year and for years thereafter.

11.23 (d) The approval of 50 percent plus one of those voting on the question is required to
11.24 pass a referendum authorized by this subdivision.

11.25 (e) At least 15 days before the day of the referendum, the district must submit a copy of
11.26 the notice required under paragraph (b) to the commissioner and to the county auditor of
11.27 each county in which the district is located. Within 15 days after the results of the referendum
11.28 have been certified by the board, or in the case of a recount, the certification of the results
11.29 of the recount by the canvassing board, the district must notify the commissioner of the
11.30 results of the referendum.

11.31 **EFFECTIVE DATE.** This section is effective July 1, 2020, and applies to referendum
11.32 notices mailed on or after that date.

12.1 Sec. 9. Minnesota Statutes 2018, section 127A.353, subdivision 2, is amended to read:

12.2 Subd. 2. **Qualifications.** The governor shall select the school trust lands director on the
12.3 basis of outstanding professional qualifications and knowledge of finance, business practices,
12.4 minerals, forest and real estate management, and the fiduciary responsibilities of a trustee
12.5 to the beneficiaries of a trust. The school trust lands director serves in the unclassified service
12.6 for a term of four years. The first term ~~shall end~~ ends on December 31, 2020. The governor
12.7 may remove the school trust lands director for cause. If a director resigns or is removed for
12.8 cause, the governor shall appoint a director for the remainder of the term.

12.9 Sec. 10. Minnesota Statutes 2018, section 127A.353, subdivision 4, is amended to read:

12.10 Subd. 4. **Duties; powers.** (a) The school trust lands director shall:

12.11 (1) ~~take an oath of office before assuming any duties as the director~~ act in a fiduciary
12.12 capacity for trust beneficiaries in accordance with the principles under section 127A.351;

12.13 (2) evaluate the school trust land asset position;

12.14 (3) determine the estimated current and potential market value of school trust lands;

12.15 (4) advise and provide recommendations to the governor, Executive Council,
12.16 commissioner of natural resources, and the Legislative Permanent School Fund Commission
12.17 on the management of school trust lands, including on school trust land management policies
12.18 and other policies that may affect the goal under section 127A.31;

12.19 (5) advise and provide recommendations to the Executive Council and Land Exchange
12.20 Board on all matters regarding school trust lands presented to either body;

12.21 (6) advise and provide recommendations to the commissioner of natural resources on
12.22 managing school trust lands, including but not limited to advice and recommendations on:

12.23 (i) Department of Natural Resources school trust land management plans;

12.24 (ii) leases of school trust lands;

12.25 (iii) royalty agreements on school trust lands;

12.26 (iv) land sales and exchanges;

12.27 (v) cost certification; and

12.28 (vi) revenue generating options;

12.29 (7) serve as temporary trustee of school trust lands for school trust lands subject to
12.30 proposed or active eminent domain proceedings;

- 13.1 (8) serve as temporary trustee of school trust lands pursuant to section 94.342, subdivision
 13.2 5;
- 13.3 ~~(5) propose~~ (9) submit to the Legislative Permanent School Fund Commission for review
 13.4 an annual budget and management plan for the director that includes proposed legislative
 13.5 changes that will improve the asset allocation of the school trust lands;
- 13.6 ~~(6)~~ (10) develop a ten-year strategic plan and a 25-year framework for management of
 13.7 school trust lands, in conjunction with the commissioner of natural resources, that is updated
 13.8 every five years and implemented by the commissioner, with goals to:
- 13.9 (i) retain core real estate assets;
- 13.10 (ii) increase the value of the real estate assets and the cash flow from those assets;
- 13.11 (iii) rebalance the portfolio in assets with high performance potential and the strategic
 13.12 disposal of selected assets;
- 13.13 (iv) establish priorities for management actions; and
- 13.14 (v) balance revenue enhancement and resource stewardship; and
- 13.15 ~~(7) submit to the Legislative Permanent School Fund Commission for review an annual~~
 13.16 ~~budget and management plan for the director; and~~
- 13.17 ~~(8)~~ (11) keep the beneficiaries, governor, legislature, and the public informed about the
 13.18 work of the director by reporting to the Legislative Permanent School Fund Commission
 13.19 in a public meeting at least once during each calendar quarter.
- 13.20 (b) In carrying out the duties under paragraph (a), the school trust lands director ~~shall~~
 13.21 ~~have the authority to~~ may:
- 13.22 (1) direct and control money appropriated to the director;
- 13.23 (2) establish job descriptions and employ ~~up to five employees in the unclassified service,~~
 13.24 staff within the limitations of money appropriated to the director;
- 13.25 (3) enter into interdepartmental agreements with any other state agency;
- 13.26 (4) enter into joint powers agreements under chapter 471;
- 13.27 (5) evaluate and initiate real estate development projects on school trust lands with the
 13.28 advice of the Legislative Permanent School Fund Commission ~~in order~~ to generate long-term
 13.29 economic return to the permanent school fund; and
- 13.30 ~~(6) serve as temporary trustee of school trust land for school trust lands subject to~~
 13.31 ~~proposed or active eminent domain proceedings; and~~

14.1 ~~(7)~~ (6) submit recommendations on strategies for school trust land leases, sales, or
14.2 exchanges to the commissioner of natural resources and the Legislative Permanent School
14.3 Fund Commission.

14.4 ARTICLE 2

14.5 EDUCATION EXCELLENCE

14.6 Section 1. Minnesota Statutes 2018, section 120A.22, subdivision 7, is amended to read:

14.7 Subd. 7. **Education records.** (a) A district, a charter school, or a nonpublic school that
14.8 receives services or aid under sections 123B.40 to 123B.48 from which a student is
14.9 transferring must transmit the student's educational records, within ten business days of a
14.10 request, to the district, the charter school, or the nonpublic school in which the student is
14.11 enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under
14.12 sections 123B.40 to 123B.48 must make reasonable efforts to determine the district, the
14.13 charter school, or the nonpublic school in which a transferring student is next enrolling in
14.14 order to comply with this subdivision.

14.15 (b) A closed charter school must transfer the student's educational records, within ten
14.16 business days of the school's closure, to the student's school district of residence where the
14.17 records must be retained unless the records are otherwise transferred under this subdivision.

14.18 (c) A school district, a charter school, or a nonpublic school that receives services or aid
14.19 under sections 123B.40 to 123B.48 that transmits a student's educational records to another
14.20 school district or other educational entity, charter school, or nonpublic school to which the
14.21 student is transferring must include in the transmitted records information about any formal
14.22 suspension, expulsion, and exclusion disciplinary action under sections 121A.40 to 121A.56.
14.23 Transmitted records must document any service a pupil requires to prevent the inappropriate
14.24 behavior from recurring. The district, the charter school, or the nonpublic school that receives
14.25 services or aid under sections 123B.40 to 123B.48 must provide notice to a student and the
14.26 student's parent or guardian that formal disciplinary records will be transferred as part of
14.27 the student's educational record, in accordance with data practices under chapter 13 and the
14.28 Family Educational Rights and Privacy Act of 1974, United States Code, title 20, section
14.29 1232(g).

14.30 (d) Notwithstanding section 138.17, a principal or chief administrative officer must
14.31 remove from a student's educational record and destroy a probable cause notice received
14.32 under section 260B.171, subdivision 5, or paragraph (e), if one year has elapsed since the
14.33 date of the notice and the principal or chief administrative officer has not received a

15.1 disposition or court order related to the offense described in the notice. This paragraph does
15.2 not apply if the student no longer attends the school when this one-year period expires.

15.3 (e) A principal or chief administrative officer who receives a probable cause notice under
15.4 section 260B.171, subdivision 5, or a disposition or court order, must include a copy of that
15.5 data in the student's educational records if they are transmitted to another school, unless the
15.6 data are required to be destroyed under paragraph (d) or section 121A.75.

15.7 Sec. 2. Minnesota Statutes 2018, section 120B.021, subdivision 2, is amended to read:

15.8 Subd. 2. **Standards development.** (a) The commissioner must consider advice from at
15.9 least the following stakeholders in developing statewide rigorous core academic standards
15.10 in language arts, mathematics, science, social studies, including history, geography,
15.11 economics, government and citizenship, and the arts:

15.12 (1) the Tribal Nations Education Committee under section 124D.79, subdivision 4, and
15.13 representatives from Minnesota's tribal nations and communities, including both Anishinaabe
15.14 and Dakota;

15.15 ~~(1)~~ (2) parents of school-age children and members of the public throughout the state;

15.16 ~~(2)~~ (3) teachers throughout the state currently licensed and providing instruction in
15.17 language arts, mathematics, science, social studies, or the arts and licensed elementary and
15.18 secondary school principals throughout the state currently administering a school site;

15.19 ~~(3)~~ (4) currently serving members of local school boards and charter school boards
15.20 throughout the state;

15.21 ~~(4)~~ (5) faculty teaching core subjects at postsecondary institutions in Minnesota; and

15.22 ~~(5)~~ (6) representatives of the Minnesota business community.

15.23 (b) Academic standards must:

15.24 (1) be clear, concise, objective, measurable, and grade-level appropriate;

15.25 (2) not require a specific teaching methodology or curriculum; and

15.26 (3) be consistent with the Constitutions of the United States and the state of Minnesota.

15.27 Sec. 3. Minnesota Statutes 2019 Supplement, section 120B.12, subdivision 2, is amended
15.28 to read:

15.29 Subd. 2. **Identification; report.** (a) Each school district must identify before the end of
15.30 kindergarten, grade 1, and grade 2 all students who are not reading at grade level. Students

16.1 identified as not reading at grade level by the end of kindergarten, grade 1, and grade 2 must
16.2 be screened, in a locally determined manner, for characteristics of dyslexia.

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

16.6 (c) Reading assessments in English, and in the predominant languages of district students
16.7 where practicable, must identify and evaluate students' areas of academic need related to
16.8 literacy. The district also must monitor the progress and provide reading instruction
16.9 appropriate to the specific needs of English learners. The district must use a locally adopted,
16.10 developmentally appropriate, and culturally responsive assessment and annually report
16.11 summary assessment results to the commissioner by July 1.

16.12 (d) The district also must annually report to the commissioner by July 1 a summary of
16.13 the district's efforts to screen and identify students ~~with:~~

16.14 ~~(1) who demonstrate characteristics of dyslexia;~~ using screening tools such as those
16.15 recommended by the department's dyslexia specialist; ~~or~~

16.16 ~~(2) convergence insufficiency disorder.~~ With respect to students screened or identified
16.17 under paragraph (a), the report must include:

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

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

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

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

16.23 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

16.24 Sec. 4. Minnesota Statutes 2018, section 121A.41, is amended by adding a subdivision to
16.25 read:

16.26 **Subd. 13. Pupil withdrawal agreement.** "Pupil withdrawal agreement" means a verbal
16.27 or written agreement between a school or district administrator and a pupil's parent or
16.28 guardian to withdraw a student from the school district to avoid an expulsion or exclusion
16.29 dismissal proceeding. The duration of a withdrawal agreement cannot be for more than a
16.30 12-month period.

16.31 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

17.1 Sec. 5. Minnesota Statutes 2018, section 121A.45, subdivision 1, is amended to read:

17.2 Subdivision 1. **Provision of alternative programs.** No school shall dismiss any pupil
17.3 without attempting to provide alternative educational services before dismissal proceedings
17.4 or pupil withdrawal proceedings, except where it appears that the pupil will create an
17.5 immediate and substantial danger to self or to surrounding persons or property.

17.6 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

17.7 Sec. 6. Minnesota Statutes 2018, section 121A.53, subdivision 1, is amended to read:

17.8 Subdivision 1. **Exclusions and expulsions; pupil withdrawals and physical**
17.9 **assaults.** Consistent with subdivision 2, the school board must report through the department
17.10 electronic reporting system each exclusion or expulsion ~~and~~₂ each physical assault of a
17.11 district employee by a ~~student~~ pupil, and each pupil withdrawal agreement within 30 days
17.12 of the effective date of the dismissal action, pupil withdrawal, or assault to the commissioner
17.13 of education. This report must include a statement of alternative educational services, or
17.14 other sanction, intervention, or resolution in response to the assault given the pupil and the
17.15 reason for, the effective date, and the duration of the exclusion or expulsion or other sanction,
17.16 intervention, or resolution. The report must also include the ~~student's~~ pupil's age, grade,
17.17 gender, race, and special education status.

17.18 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

17.19 Sec. 7. Minnesota Statutes 2018, section 124D.09, subdivision 5, is amended to read:

17.20 Subd. 5. **Authorization; notification.** Notwithstanding any other law to the contrary,
17.21 an 11th or 12th grade pupil enrolled in a school or an American Indian-controlled tribal
17.22 contract or grant school eligible for aid under section 124D.83, except a foreign exchange
17.23 pupil enrolled in a district under a cultural exchange program, may apply to an eligible
17.24 institution, as defined in subdivision 3, to enroll in nonsectarian courses offered by that
17.25 postsecondary institution. If an institution accepts a secondary pupil for enrollment under
17.26 this section, the institution shall send written notice to the pupil, the pupil's school or school
17.27 district, and the commissioner. The notice must indicate the course and hours of enrollment
17.28 of that pupil. If the pupil enrolls in a course for postsecondary credit, the institution must
17.29 notify:

17.30 (1) the pupil about payment in the customary manner used by the institution-; and

17.31 (2) the pupil's school as soon as practicable if the pupil withdraws from the course or
17.32 stops attending the course.

18.1 **EFFECTIVE DATE.** This section is effective July 1, 2020.

18.2 Sec. 8. Minnesota Statutes 2018, section 124D.09, subdivision 12, is amended to read:

18.3 Subd. 12. **Credits; grade point average weighting policy.** (a) A pupil must not audit
18.4 a course under this section.

18.5 (b) A district ~~shall~~ must grant academic credit to a pupil enrolled in a course for secondary
18.6 credit if the pupil successfully completes the course. Seven quarter or four semester college
18.7 credits equal at least one full year of high school credit. Fewer college credits may be
18.8 prorated. A district must also grant academic credit to a pupil enrolled in a course for
18.9 postsecondary credit if secondary credit is requested by a pupil. If no comparable course is
18.10 offered by the district, the district must, as soon as possible, notify the commissioner, who
18.11 ~~shall~~ must determine the number of credits that ~~shall~~ must be granted to a pupil who
18.12 successfully completes a course. If a comparable course is offered by the district, the school
18.13 board ~~shall~~ must grant a comparable number of credits to the pupil. If there is a dispute
18.14 between the district and the pupil regarding the number of credits granted for a particular
18.15 course, the pupil may appeal the board's decision to the commissioner. The commissioner's
18.16 decision regarding the number of credits ~~shall be~~ is final.

18.17 (c) A school board must adopt a policy regarding weighted grade point averages for any
18.18 high school or dual enrollment course. The policy must state whether the district offers
18.19 weighted grades. A school board must annually publish on its website a list of courses for
18.20 which a student may earn a weighted grade.

18.21 (d) The secondary credits granted to a pupil must be counted toward the graduation
18.22 requirements and subject area requirements of the district. Evidence of successful completion
18.23 of each course and secondary credits granted must be included in the pupil's secondary
18.24 school record. A pupil ~~shall~~ must provide the school with a copy of the pupil's ~~grade~~ grades
18.25 in each course taken for secondary credit under this section, including interim or nonfinal
18.26 grades earned during the academic term. Upon the request of a pupil, the pupil's secondary
18.27 school record must also include evidence of successful completion and credits granted for
18.28 a course taken for postsecondary credit. In either case, the record must indicate that the
18.29 credits were earned at a postsecondary institution.

18.30 (e) If a pupil enrolls in a postsecondary institution after leaving secondary school, the
18.31 postsecondary institution must award postsecondary credit for any course successfully
18.32 completed for secondary credit at that institution. Other postsecondary institutions may
18.33 award, after a pupil leaves secondary school, postsecondary credit for any courses

19.1 successfully completed under this section. An institution may not charge a pupil for the
19.2 award of credit.

19.3 (f) The Board of Trustees of the Minnesota State Colleges and Universities and the
19.4 Board of Regents of the University of Minnesota must, and private nonprofit and proprietary
19.5 postsecondary institutions should, award postsecondary credit for any successfully completed
19.6 courses in a program certified by the National Alliance of Concurrent Enrollment Partnerships
19.7 offered according to an agreement under subdivision 10. Consistent with section 135A.101,
19.8 subdivision 3, all MnSCU institutions must give full credit to a secondary pupil who
19.9 completes for postsecondary credit a postsecondary course or program that is part or all of
19.10 a goal area or a transfer curriculum at a MnSCU institution when the pupil enrolls in a
19.11 MnSCU institution after leaving secondary school. Once one MnSCU institution certifies
19.12 as completed a secondary student's postsecondary course or program that is part or all of a
19.13 goal area or a transfer curriculum, every MnSCU institution must consider the student's
19.14 course or program for that goal area or the transfer curriculum as completed.

19.15 **EFFECTIVE DATE.** This section is effective July 1, 2020.

19.16 Sec. 9. Minnesota Statutes 2018, section 124D.165, subdivision 3, is amended to read:

19.17 Subd. 3. **Administration.** (a) The commissioner shall establish application timelines
19.18 and determine the schedule for awarding scholarships that meets operational needs of eligible
19.19 families and programs. The commissioner must give highest priority to applications from
19.20 children who:

19.21 (1) have a parent under age 21 who is pursuing a high school diploma or a course of
19.22 study for a high school equivalency test;

19.23 (2) are in foster care or otherwise in need of protection or services; or

19.24 (3) have experienced homelessness in the last 24 months, as defined under the federal
19.25 McKinney-Vento Homeless Assistance Act, United States Code, title 42, section 11434a.

19.26 The commissioner may prioritize applications on additional factors including family
19.27 income, geographic location, and whether the child's family is on a waiting list for a publicly
19.28 funded program providing early education or child care services.

19.29 (b) The commissioner shall establish a target for the average scholarship amount per
19.30 child based on the results of the rate survey conducted under section 119B.02.

19.31 (c) A four-star rated program that has children eligible for a scholarship enrolled in or
19.32 on a waiting list for a program beginning in July, August, or September may notify the

20.1 commissioner, in the form and manner prescribed by the commissioner, each year of the
20.2 program's desire to enhance program services or to serve more children than current funding
20.3 provides. The commissioner may designate a predetermined number of scholarship slots
20.4 for that program and notify the program of that number. For fiscal year 2018 and later, the
20.5 statewide amount of funding directly designated by the commissioner must not exceed the
20.6 funding directly designated for fiscal year 2017. Beginning July 1, 2016, a school district
20.7 or Head Start program qualifying under this paragraph may use its established registration
20.8 process to enroll scholarship recipients and may verify a scholarship recipient's family
20.9 income in the same manner as for other program participants.

20.10 (d) A scholarship is awarded for a 12-month period. If the scholarship recipient has not
20.11 been accepted and subsequently enrolled in a rated program within ten months of the
20.12 awarding of the scholarship, the scholarship cancels and the recipient must reapply in order
20.13 to be eligible for another scholarship. A child may not be awarded more than one scholarship
20.14 in a 12-month period.

20.15 (e) A child who receives a scholarship who has not completed development screening
20.16 under sections 121A.16 to 121A.19 must complete that screening within 90 days of first
20.17 attending an eligible program or within 90 days after the child's third birthday if awarded
20.18 a scholarship under the age of three.

20.19 (f) For fiscal year 2017 and later, a school district or Head Start program enrolling
20.20 scholarship recipients under paragraph (c) may apply to the commissioner, in the form and
20.21 manner prescribed by the commissioner, for direct payment of state aid. Upon receipt of
20.22 the application, the commissioner must pay each program directly for each approved
20.23 scholarship recipient enrolled under paragraph (c) according to the metered payment system
20.24 or another schedule established by the commissioner.

20.25 Sec. 10. Minnesota Statutes 2018, section 124D.165, subdivision 4, is amended to read:

20.26 Subd. 4. **Early childhood program eligibility.** (a) In order to be eligible to accept an
20.27 early learning scholarship, a program must:

20.28 (1) participate in the quality rating and improvement system under section 124D.142;
20.29 and

20.30 (2) beginning July 1, 2020 when 40 percent of programs eligible for rating under section
20.31 124D.142 have received ratings, have a three- or four-star rating in the quality rating and
20.32 improvement system.

21.1 (b) Any program accepting scholarships must use the revenue to supplement and not
21.2 supplant federal funding.

21.3 ~~(c) Notwithstanding paragraph (a), all Minnesota early learning foundation scholarship~~
21.4 ~~program pilot sites are eligible to accept an early learning scholarship under this section.~~

21.5 Sec. 11. **[124D.792] GRADUATION CEREMONIES; TRIBAL REGALIA AND**
21.6 **OBJECTS OF CULTURAL SIGNIFICANCE.**

21.7 A school district or charter school must not prohibit an American Indian student from
21.8 wearing American Indian regalia, tribal regalia, or objects of cultural significance at a
21.9 graduation ceremony.

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

21.11 Sec. 12. Minnesota Statutes 2018, section 125A.30, is amended to read:

21.12 **125A.30 INTERAGENCY EARLY INTERVENTION COMMITTEES.**

21.13 (a) A group of school districts or special education cooperatives, in cooperation with
21.14 the county and tribal health and human service agencies located in the county or counties
21.15 in which the districts or cooperatives are located, must establish an Interagency Early
21.16 Intervention Committee for children with disabilities under age five and their families under
21.17 this section, and for children with disabilities ages three to 22 consistent with the requirements
21.18 under sections 125A.023 and 125A.027. Committees must include representatives of local
21.19 health, education, and county human service agencies, early childhood family education
21.20 programs, Head Start, parents of young children with disabilities under age 12, child care
21.21 resource and referral agencies, school readiness programs, current service providers, and
21.22 agencies that serve families experiencing homelessness, and may also include representatives
21.23 from other private or public agencies and school nurses. The committee must elect a chair
21.24 from among its members and must meet at least quarterly.

21.25 (b) The committee must develop and implement interagency policies and procedures
21.26 concerning the following ongoing duties:

21.27 (1) develop public awareness systems designed to inform potential recipient families,
21.28 especially parents with premature infants, or infants with other physical risk factors associated
21.29 with learning or development complications, of available programs and services;

21.30 (2) to reduce families' need for future services, and especially parents with premature
21.31 infants, or infants with other physical risk factors associated with learning or development
21.32 complications, implement interagency child find systems designed to actively seek out,

22.1 identify, and refer infants and young children with, or at risk of, disabilities, including a
 22.2 child under the age of three who: (i) is the subject of a substantiated case of abuse or neglect
 22.3 or (ii) is identified as directly affected by illegal substance abuse, or withdrawal symptoms
 22.4 resulting from prenatal drug exposure;

22.5 (3) implement a process for assuring that services involve cooperating agencies at all
 22.6 steps leading to individualized programs;

22.7 (4) identify the current services and funding being provided within the community for
 22.8 children with disabilities under age five and their families; and

22.9 (5) develop a plan for the allocation and expenditure of federal early intervention funds
 22.10 under United States Code, title 20, section 1471 et seq. (Part C, Public Law 108-446) and
 22.11 United States Code, title 20, section 631, et seq. (Chapter I, Public Law 89-313).

22.12 (c) The local committee shall also participate in needs assessments and program planning
 22.13 activities conducted by local social service, health and education agencies for young children
 22.14 with disabilities and their families.

22.15 ARTICLE 3

22.16 TEACHERS

22.17 Section 1. **[120B.117] INCREASING PERCENTAGE OF TEACHERS OF COLOR**
 22.18 **AND AMERICAN INDIAN TEACHERS IN MINNESOTA.**

22.19 **Subdivision 1. Purpose.** This section sets short-term and long-term state goals for
 22.20 **increasing the percentage of teachers of color and American Indian teachers in Minnesota**
 22.21 **and for ensuring all students have equitable access to effective and racially and ethnically**
 22.22 **diverse teachers who reflect the diversity of students. The goals and report required under**
 22.23 **this section are also important for meeting state goals for the world's best workforce under**
 22.24 **section 120B.11, achievement and integration under section 124D.861, and higher education**
 22.25 **attainment under section 135A.012, all of which have been established to close persistent**
 22.26 **opportunity and achievement gaps that limit students' success in school and life and impede**
 22.27 **the state's economic growth.**

22.28 **Subd. 2. Equitable access to racially and ethnically diverse teachers.** The percentage
 22.29 **of teachers who are of color or American Indian in Minnesota should increase at least two**
 22.30 **percentage points per year to have a teaching workforce that more closely reflects the state's**
 22.31 **increasingly diverse student population and to ensure all students have equitable access to**
 22.32 **effective and diverse teachers by 2040.**

23.1 Subd. 3. **Rights not created.** The attainment goal in this section is not to the exclusion
23.2 of any other goals and does not confer a right or create a claim for any person.

23.3 Subd. 4. **Reporting.** Beginning in 2020 and every even-numbered year thereafter, the
23.4 Professional Educator Licensing and Standards Board must collaborate with the Department
23.5 of Education and the Office of Higher Education to publish a summary report of each of
23.6 the programs they administer and any other programs receiving state appropriations that
23.7 have or include an explicit purpose of increasing the racial and ethnic diversity of the state's
23.8 teacher workforce to more closely reflect the diversity of students. The report must include
23.9 programs under sections 122A.2451, 122A.63, 122A.635, 122A.70, 124D.09, 124D.861,
23.10 136A.1275, and 136A.1791, along with any other programs or initiatives that receive state
23.11 appropriations to address the shortage of teachers of color and American Indian teachers.
23.12 The board must, in coordination with the Office of Higher Education and Department of
23.13 Education, provide policy and funding recommendations related to state-funded programs
23.14 to increase the recruitment, preparation, licensing, hiring, and retention of racially and
23.15 ethnically diverse teachers and the state's progress toward meeting or exceeding the goals
23.16 of this section. The report must also include recommendations for state policy and funding
23.17 needed to achieve the goals of this section, as well as plans for sharing the report and
23.18 activities of grant recipients, and opportunities among grant recipients of various programs
23.19 to share effective practices with each other. The 2020 report must include a recommendation
23.20 of whether a state advisory council should be established to address the shortage of racially
23.21 and ethnically diverse teachers and what the composition and charge of such an advisory
23.22 council would be if established. The board must consult with the state Indian Affairs Council
23.23 and other ethnic councils along with other community and stakeholder groups, including
23.24 students of color and American Indian students, in developing the report. By November 1
23.25 of each even-numbered year, the board must submit the report to the chairs and ranking
23.26 minority members of the legislative committees with jurisdiction over education and higher
23.27 education policy and finance. The report must be available to the public on the board's
23.28 website.

23.29 Sec. 2. Minnesota Statutes 2018, section 122A.07, subdivision 1, is amended to read:

23.30 Subdivision 1. **Appointment of members.** The Professional Educator Licensing and
23.31 Standards Board consists of ~~4~~ 13 members appointed by the governor, with the advice and
23.32 consent of the senate. Membership terms, compensation of members, removal of members,
23.33 the filling of membership vacancies, and fiscal year and reporting requirements are as
23.34 provided in sections 214.07 to 214.09. No member may be reappointed for more than one
23.35 additional term.

24.1 Sec. 3. Minnesota Statutes 2018, section 122A.07, subdivision 2, is amended to read:

24.2 Subd. 2. **Eligibility; board composition.** Each nominee, other than a public nominee,
24.3 must be selected on the basis of professional experience and knowledge of teacher education,
24.4 accreditation, and licensure. The board must be composed of:

24.5 (1) ~~six~~ seven teachers who are currently teaching in a Minnesota school or who were
24.6 teaching at the time of the appointment, have at least five years of teaching experience, and
24.7 were not serving in an administrative function at a school district or school when appointed.

24.8 The ~~six~~ seven teachers must include the following:

24.9 (i) one teacher in a charter school;

24.10 (ii) one teacher from the seven-county metropolitan area, as defined in section 473.121,
24.11 subdivision 2;

24.12 (iii) one teacher from outside the seven-county metropolitan area;

24.13 (iv) one teacher from a related service category licensed by the board;

24.14 (v) one special education teacher; and

24.15 (vi) two teachers who represent current or emerging trends in education;

24.16 ~~(vi)~~ (2) one teacher ~~from~~ educator currently teaching in a state-approved teacher
24.17 preparation program;

24.18 ~~(2)~~ (3) one superintendent that alternates each term between a superintendent from the
24.19 seven-county metropolitan area, as defined in section 473.121, subdivision 2, and a
24.20 superintendent from outside the metropolitan area;

24.21 ~~(3)~~ (4) one school district human resources director;

24.22 ~~(4)~~ (5) one administrator of a cooperative unit under section 123A.24, subdivision 2,
24.23 who oversees a special education program;

24.24 ~~(5)~~ (6) one principal that alternates each term between an elementary and a secondary
24.25 school principal; and

24.26 ~~(6)~~ (7) one member of the public that may be a current or former school board member.

24.27 Sec. 4. Minnesota Statutes 2018, section 122A.181, subdivision 3, is amended to read:

24.28 Subd. 3. **Term of license and renewal.** (a) The Professional Educator Licensing and
24.29 Standards Board must issue an initial Tier 1 license for a term of one year. A Tier 1 license

25.1 may be renewed subject to paragraphs (b) and (c). The board may submit written comments
25.2 to the district or charter school that requested the renewal regarding the candidate.

25.3 (b) The Professional Educator Licensing and Standards Board must renew a Tier 1
25.4 license if:

25.5 (1) the district or charter school requesting the renewal demonstrates that it has posted
25.6 the teacher position but was unable to hire an acceptable teacher with a Tier 2, 3, or 4 license
25.7 for the position;

25.8 (2) the teacher holding the Tier 1 license took a content examination in accordance with
25.9 section 122A.185 and submitted the examination results to the teacher's employing district
25.10 or charter school within one year of the board approving the request for the initial Tier 1
25.11 license; ~~and~~

25.12 (3) the teacher holding the Tier 1 license participated in cultural competency training
25.13 consistent with section 120B.30, subdivision 1, paragraph (q), within one year of the board
25.14 approving the request for the initial Tier 1 license; and

25.15 (4) the teacher holding the Tier 1 license met the mental illness training renewal
25.16 requirement under section 122A.187, subdivision 6.

25.17 The requirement in clause (2) does not apply to a teacher that teaches a class in a career and
25.18 technical education or career pathways course of study.

25.19 (c) A Tier 1 license must not be renewed more than three times, unless the requesting
25.20 district or charter school can show good cause for additional renewals. A Tier 1 license
25.21 issued to teach (1) a class or course in a career and technical education or career pathway
25.22 course of study or (2) in a shortage area, as defined in section 122A.06, subdivision 6, may
25.23 be renewed without limitation.

25.24 **EFFECTIVE DATE.** This section is effective for licenses issued on or after July 1,
25.25 2021.

25.26 Sec. 5. Minnesota Statutes 2018, section 122A.182, subdivision 1, is amended to read:

25.27 Subdivision 1. **Requirements.** (a) The Professional Educator Licensing and Standards
25.28 Board must approve a request from a district or charter school to issue a Tier 2 license in a
25.29 specified content area to a candidate if:

25.30 (1) the candidate meets the educational or professional requirements in paragraph (b)
25.31 or (c);

25.32 (2) the candidate:

- 26.1 (i) has completed the coursework required under subdivision 2;
- 26.2 (ii) is enrolled in a ~~Minnesota-approved~~ state-approved teacher preparation program; or
- 26.3 (iii) has a master's degree in the specified content area; and
- 26.4 (3) the district or charter school demonstrates that a criminal background check under
- 26.5 section 122A.18, subdivision 8, has been completed on the candidate.
- 26.6 (b) A candidate for a Tier 2 license must have a bachelor's degree to teach a class outside
- 26.7 a career and technical education or career pathways course of study.
- 26.8 (c) A candidate for a Tier 2 license must have one of the following credentials in a
- 26.9 relevant content area to teach a class or course in a career and technical education or career
- 26.10 pathways course of study:
- 26.11 (1) an associate's degree;
- 26.12 (2) a professional certification; or
- 26.13 (3) five years of relevant work experience.
- 26.14 Sec. 6. Minnesota Statutes 2018, section 122A.182, subdivision 2, is amended to read:
- 26.15 Subd. 2. **Coursework.** (a) A candidate for a Tier 2 license must meet the coursework
- 26.16 requirement by demonstrating completion of two of the following:
- 26.17 (1) at least eight upper division or graduate-level credits in the relevant content area;
- 26.18 (2) field-specific methods of training, including coursework;
- 26.19 (3) at least two years of teaching experience in a similar content area in any state, as
- 26.20 determined by the board;
- 26.21 (4) a passing score on either the pedagogy exam or performance assessment and a passing
- 26.22 score on content exams under section 122A.185; or
- 26.23 (5) completion of a state-approved teacher preparation program.
- 26.24 (b) For purposes of paragraph (a), "upper division" means classes normally taken at the
- 26.25 junior or senior level of college which require substantial knowledge and skill in the field.
- 26.26 Candidates must identify the upper division credits that fulfill the requirement in paragraph
- 26.27 (a), clause (1).

27.1 Sec. 7. Minnesota Statutes 2018, section 122A.182, subdivision 3, is amended to read:

27.2 Subd. 3. **Term of license and renewal.** The Professional Educator Licensing and
27.3 Standards Board must issue an initial Tier 2 license for a term of two years. A Tier 2 license
27.4 may be renewed three times. Before a Tier 2 license is renewed for the first time, a teacher
27.5 holding a Tier 2 license must participate in cultural competency training consistent with
27.6 section 120B.30, subdivision 1, paragraph (q), and mental illness training under section
27.7 122A.187, subdivision 6. The board must issue rules setting forth the conditions for additional
27.8 renewals after the initial license has been renewed three times.

27.9 **EFFECTIVE DATE.** This section is effective for licenses issued on or after July 1,
27.10 2021.

27.11 Sec. 8. Minnesota Statutes 2018, section 122A.185, subdivision 1, is amended to read:

27.12 Subdivision 1. **Tests.** (a) The Professional Educator Licensing and Standards Board
27.13 must adopt rules requiring a candidate to demonstrate a passing score on a board-adopted
27.14 examination of skills in reading, writing, and mathematics before being granted a Tier 4
27.15 teaching license under section 122A.184 to provide direct instruction to pupils in elementary,
27.16 secondary, or special education programs. Candidates may obtain a Tier 1, Tier 2, or Tier
27.17 3 license to provide direct instruction to pupils in elementary, secondary, or special education
27.18 programs if candidates meet the other requirements in section 122A.181, 122A.182, or
27.19 122A.183, respectively.

27.20 (b) The board must adopt rules requiring candidates for Tier 3 and Tier 4 licenses to
27.21 pass an examination or performance assessment of general pedagogical knowledge and
27.22 examinations of licensure field specific content. The content examination requirement does
27.23 not apply if no relevant content exam exists.

27.24 (c) Candidates for initial Tier 3 and Tier 4 licenses to teach elementary students must
27.25 pass test items assessing the candidates' knowledge, skill, and ability in comprehensive,
27.26 scientifically based reading instruction under section 122A.06, subdivision 4, knowledge
27.27 and understanding of the foundations of reading development, development of reading
27.28 comprehension and reading assessment and instruction, and the ability to integrate that
27.29 knowledge and understanding into instruction strategies under section 122A.06, subdivision
27.30 4.

27.31 (d) The requirement to pass a board-adopted reading, writing, and mathematics skills
27.32 examination does not apply to nonnative English speakers, as verified by qualified Minnesota
27.33 school district personnel or Minnesota higher education faculty, who, after meeting the

28.1 content and pedagogy requirements under this subdivision, apply for a teaching license to
28.2 provide direct instruction in their native language or world language instruction under section
28.3 120B.022, subdivision 1.

28.4 Sec. 9. Minnesota Statutes 2018, section 122A.187, subdivision 6, is amended to read:

28.5 Subd. 6. **Mental illness.** The Professional Educator Licensing and Standards Board must
28.6 adopt rules that require all licensed teachers renewing a ~~Tier 3 or Tier 4~~ teaching license
28.7 under sections ~~122A.183 and~~ 122A.181 to 122A.184, respectively, to include in the renewal
28.8 requirements at least one hour of suicide prevention best practices training in each licensure
28.9 renewal period based on nationally recognized evidence-based programs and practices,
28.10 among the continuing education credits required to renew a license under this subdivision;
28.11 ~~and further preparation, first, in.~~ Initial training must include understanding the key warning
28.12 signs of early-onset mental illness in children and adolescents, ~~and then,~~ during subsequent
28.13 licensure renewal periods, ~~preparation may~~ training must include ~~providing~~ a more in-depth
28.14 understanding of students' mental illness trauma, accommodations for students' mental
28.15 illness, parents' roles in addressing students' mental illness, Fetal Alcohol Spectrum Disorders,
28.16 autism, the requirements of section 125A.0942 governing restrictive procedures, and
28.17 de-escalation methods, among other similar topics.

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

28.19 Sec. 10. Minnesota Statutes 2018, section 122A.40, subdivision 8, is amended to read:

28.20 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**
28.21 **teachers.** (a) To improve student learning and success, a school board and an exclusive
28.22 representative of the teachers in the district, consistent with paragraph (b), may develop a
28.23 teacher evaluation and peer review process for probationary and continuing contract teachers
28.24 through joint agreement. If a school board and the exclusive representative of the teachers
28.25 do not agree to an annual teacher evaluation and peer review process, then the school board
28.26 and the exclusive representative of the teachers must implement the state teacher evaluation
28.27 plan under paragraph (c). The process must include having trained observers serve as peer
28.28 coaches or having teachers participate in professional learning communities, consistent with
28.29 paragraph (b).

28.30 (b) To develop, improve, and support qualified teachers and effective teaching practices,
28.31 improve student learning and success, and provide all enrolled students in a district or school
28.32 with improved and equitable access to more effective and diverse teachers, the annual
28.33 evaluation process for teachers:

29.1 (1) must, for probationary teachers, provide for all evaluations required under subdivision
29.2 5;

29.3 (2) must establish a three-year professional review cycle for each teacher that includes
29.4 an individual growth and development plan, a peer review process, and at least one
29.5 summative evaluation performed by a qualified and trained evaluator such as a school
29.6 administrator. For the years when a tenured teacher is not evaluated by a qualified and
29.7 trained evaluator, the teacher must be evaluated by a peer review;

29.8 (3) ~~must be based on professional teaching standards established in rule;~~ create, adopt,
29.9 or revise a rubric of performance standards for teacher practice that must include culturally
29.10 responsive methodologies and at least three levels of performance to determine common
29.11 descriptions of effectiveness;

29.12 (4) must coordinate staff development activities under sections 122A.60 and 122A.61
29.13 with this evaluation process and teachers' evaluation outcomes;

29.14 (5) may provide time during the school day and school year for peer coaching and teacher
29.15 collaboration;

29.16 (6) may include job-embedded learning opportunities such as professional learning
29.17 communities;

29.18 (7) may include mentoring and induction programs for teachers, including teachers who
29.19 are members of populations underrepresented among the licensed teachers in the district or
29.20 school and who reflect the diversity of students under section 120B.35, subdivision 3,
29.21 paragraph (b), clause (2), who are enrolled in the district or school;

29.22 (8) must include an option for teachers to develop and present a portfolio demonstrating
29.23 evidence of reflection and professional growth, consistent with section 122A.187, subdivision
29.24 3, and include teachers' own performance assessment based on student work samples and
29.25 examples of teachers' work, which may include video among other activities for the
29.26 summative evaluation;

29.27 (9) must use data from valid and reliable assessments aligned to state and local academic
29.28 standards and must use state and local measures of student growth and literacy that may
29.29 include value-added models or student learning goals to determine 35 percent of teacher
29.30 evaluation results;

29.31 (10) must use longitudinal data on student engagement and connection, and other student
29.32 outcome measures explicitly aligned with the elements of curriculum for which teachers

30.1 are responsible, including academic literacy, oral academic language, and achievement of
30.2 content areas of English learners;

30.3 (11) must require qualified and trained evaluators such as school administrators to
30.4 perform summative evaluations and ensure school districts and charter schools provide for
30.5 effective evaluator training specific to teacher development and evaluation;

30.6 (12) must give teachers not meeting professional teaching standards under clauses (3)
30.7 through (11) support to improve through a teacher improvement process that includes
30.8 established goals and timelines; and

30.9 (13) must discipline a teacher for not making adequate progress in the teacher
30.10 improvement process under clause (12) that may include a last chance warning, termination,
30.11 discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline
30.12 a school administrator determines is appropriate.

30.13 Data on individual teachers generated under this subdivision are personnel data under
30.14 section 13.43. The observation and interview notes of peer coaches may only be disclosed
30.15 to other school officials with the consent of the teacher being coached.

30.16 (c) The department, in consultation with parents who may represent parent organizations
30.17 and teacher and administrator representatives appointed by their respective organizations,
30.18 representing the Professional Educator Licensing and Standards Board, the Minnesota
30.19 Association of School Administrators, the Minnesota School Boards Association, the
30.20 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and
30.21 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,
30.22 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with
30.23 research expertise in teacher evaluation, must create and publish a teacher evaluation process
30.24 that complies with the requirements in paragraph (b) and applies to all teachers under this
30.25 section and section 122A.41 for whom no agreement exists under paragraph (a) for an annual
30.26 teacher evaluation and peer review process. The teacher evaluation process created under
30.27 this subdivision does not create additional due process rights for probationary teachers under
30.28 subdivision 5.

30.29 (d) Consistent with the measures of teacher effectiveness under this subdivision:

30.30 (1) for students in kindergarten through grade 4, a school administrator must not place
30.31 or approve the placement of a student in the classroom of a teacher who is in the improvement
30.32 process referenced in paragraph (b), clause (12), or has not had a summative evaluation if,
30.33 in the prior year, that student was in the classroom of a teacher who received discipline

31.1 pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that
31.2 grade; and

31.3 (2) for students in grades 5 through 12, a school administrator must not place or approve
31.4 the placement of a student in the classroom of a teacher who is in the improvement process
31.5 referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the
31.6 prior year, that student was in the classroom of a teacher who received discipline pursuant
31.7 to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area
31.8 and grade.

31.9 All data created and used under this paragraph retains its classification under chapter 13.

31.10 **EFFECTIVE DATE.** This section is effective July 1, 2022.

31.11 Sec. 11. Minnesota Statutes 2018, section 122A.41, subdivision 5, is amended to read:

31.12 Subd. 5. **Development, evaluation, and peer coaching for continuing contract**
31.13 **teachers.** (a) To improve student learning and success, a school board and an exclusive
31.14 representative of the teachers in the district, consistent with paragraph (b), may develop an
31.15 annual teacher evaluation and peer review process for probationary and nonprobationary
31.16 teachers through joint agreement. If a school board and the exclusive representative of the
31.17 teachers in the district do not agree to an annual teacher evaluation and peer review process,
31.18 then the school board and the exclusive representative of the teachers must implement the
31.19 state teacher evaluation plan developed under paragraph (c). The process must include
31.20 having trained observers serve as peer coaches or having teachers participate in professional
31.21 learning communities, consistent with paragraph (b).

31.22 (b) To develop, improve, and support qualified teachers and effective teaching practices
31.23 and improve student learning and success, and provide all enrolled students in a district or
31.24 school with improved and equitable access to more effective and diverse teachers, the annual
31.25 evaluation process for teachers:

31.26 (1) must, for probationary teachers, provide for all evaluations required under subdivision
31.27 2;

31.28 (2) must establish a three-year professional review cycle for each teacher that includes
31.29 an individual growth and development plan, a peer review process, and at least one
31.30 summative evaluation performed by a qualified and trained evaluator such as a school
31.31 administrator;

31.32 (3) ~~must be based on professional teaching standards established in rule~~ create, adopt,
31.33 or revise a rubric of performance standards for teacher practice that must include culturally

32.1 responsive methodologies and at least three levels of performance to determine common
32.2 descriptions of effectiveness;

32.3 (4) must coordinate staff development activities under sections 122A.60 and 122A.61
32.4 with this evaluation process and teachers' evaluation outcomes;

32.5 (5) may provide time during the school day and school year for peer coaching and teacher
32.6 collaboration;

32.7 (6) may include job-embedded learning opportunities such as professional learning
32.8 communities;

32.9 (7) may include mentoring and induction programs for teachers, including teachers who
32.10 are members of populations underrepresented among the licensed teachers in the district or
32.11 school and who reflect the diversity of students under section 120B.35, subdivision 3,
32.12 paragraph (b), clause (2), who are enrolled in the district or school;

32.13 (8) must include an option for teachers to develop and present a portfolio demonstrating
32.14 evidence of reflection and professional growth, consistent with section 122A.187, subdivision
32.15 3, and include teachers' own performance assessment based on student work samples and
32.16 examples of teachers' work, which may include video among other activities for the
32.17 summative evaluation;

32.18 (9) must use data from valid and reliable assessments aligned to state and local academic
32.19 standards and must use state and local measures of student growth and literacy that may
32.20 include value-added models or student learning goals to determine 35 percent of teacher
32.21 evaluation results;

32.22 (10) must use longitudinal data on student engagement and connection and other student
32.23 outcome measures explicitly aligned with the elements of curriculum for which teachers
32.24 are responsible, including academic literacy, oral academic language, and achievement of
32.25 English learners;

32.26 (11) must require qualified and trained evaluators such as school administrators to
32.27 perform summative evaluations and ensure school districts and charter schools provide for
32.28 effective evaluator training specific to teacher development and evaluation;

32.29 (12) must give teachers not meeting professional teaching standards under clauses (3)
32.30 through (11) support to improve through a teacher improvement process that includes
32.31 established goals and timelines; and

32.32 (13) must discipline a teacher for not making adequate progress in the teacher
32.33 improvement process under clause (12) that may include a last chance warning, termination,

33.1 discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline
33.2 a school administrator determines is appropriate.

33.3 Data on individual teachers generated under this subdivision are personnel data under
33.4 section 13.43. The observation and interview notes of peer coaches may only be disclosed
33.5 to other school officials with the consent of the teacher being coached.

33.6 (c) The department, in consultation with parents who may represent parent organizations
33.7 and teacher and administrator representatives appointed by their respective organizations,
33.8 representing the Professional Educator Licensing and Standards Board, the Minnesota
33.9 Association of School Administrators, the Minnesota School Boards Association, the
33.10 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and
33.11 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,
33.12 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with
33.13 research expertise in teacher evaluation, must create and publish a teacher evaluation process
33.14 that complies with the requirements in paragraph (b) and applies to all teachers under this
33.15 section and section 122A.40 for whom no agreement exists under paragraph (a) for an annual
33.16 teacher evaluation and peer review process. The teacher evaluation process created under
33.17 this subdivision does not create additional due process rights for probationary teachers under
33.18 subdivision 2.

33.19 (d) Consistent with the measures of teacher effectiveness under this subdivision:

33.20 (1) for students in kindergarten through grade 4, a school administrator must not place
33.21 or approve the placement of a student in the classroom of a teacher who is in the improvement
33.22 process referenced in paragraph (b), clause (12), or has not had a summative evaluation if,
33.23 in the prior year, that student was in the classroom of a teacher who received discipline
33.24 pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that
33.25 grade; and

33.26 (2) for students in grades 5 through 12, a school administrator must not place or approve
33.27 the placement of a student in the classroom of a teacher who is in the improvement process
33.28 referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the
33.29 prior year, that student was in the classroom of a teacher who received discipline pursuant
33.30 to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area
33.31 and grade.

33.32 All data created and used under this paragraph retains its classification under chapter 13.

33.33 **EFFECTIVE DATE.** This section is effective July 1, 2022.

34.1 Sec. 12. **TEACHER MENTORSHIP WORKING GROUP.**

34.2 **Subdivision 1. Establishment; purpose.** The Teacher Mentorship Working Group is
34.3 established to gather information and design a model teacher mentorship program for use
34.4 by school districts.

34.5 **Subd. 2. Membership.** The Teacher Mentorship Working Group shall consist of the
34.6 following members:

34.7 (1) the commissioner of education or the commissioner's designee;

34.8 (2) a member appointed by Education Minnesota;

34.9 (3) a member appointed by the Minnesota School Boards Association;

34.10 (4) a member appointed by the Minnesota Association of School Administrators;

34.11 (5) a member appointed by the Minnesota Elementary School Principals' Association;

34.12 and

34.13 (6) a member appointed by the Minnesota Association of Secondary School Principals.

34.14 **Subd. 3. Duties.** The working group must:

34.15 (1) identify existing teacher mentorship programs within school districts, including the
34.16 number of districts with existing programs;

34.17 (2) identify uses of two-percent set-aside money by school districts, including the
34.18 proportions used for mentorship programs and other categories;

34.19 (3) develop a model teacher mentorship program, or multiple model programs, for use
34.20 by school districts; and

34.21 (4) report the results of its work to the legislature.

34.22 **Subd. 4. Administration.** (a) Each appointing entity under subdivision 2 must make
34.23 appointments and notify the commissioner of education by September 1, 2020.

34.24 (b) The commissioner of education or the commissioner's designee must convene the
34.25 initial meeting of the working group no later than October 1, 2020. At the initial meeting,
34.26 the members of the working group must elect a chair or co-chairs from among the working
34.27 group members.

34.28 (c) Upon request of the working group, the Department of Education must use existing
34.29 resources to provide data, information, meeting space, and administrative services to the
34.30 working group. The working group may also use legislative staff and staff from any of the

35.1 appointing authorities, except the governor's office, to provide information, drafting, and
35.2 other support necessary to fulfill its duties.

35.3 (d) Members of the working group serve without compensation or payment of expenses.

35.4 Subd. 5. **Report required.** No later than November 1, 2021, the working group must
35.5 submit a written report describing its work and recommendations to the chairs and ranking
35.6 minority members of the legislative committees with jurisdiction over kindergarten through
35.7 grade 12 education.

35.8 Subd. 6. **Expiration date.** The working group under this section expires December 31,
35.9 2021, or upon submission of the report required under subdivision 5, whichever is earlier.

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

35.11 **ARTICLE 4**

35.12 **SPECIAL EDUCATION**

35.13 Section 1. Minnesota Statutes 2018, section 125A.08, is amended to read:

35.14 **125A.08 INDIVIDUALIZED EDUCATION PROGRAMS.**

35.15 (a) At the beginning of each school year, each school district shall have in effect, for
35.16 each child with a disability, an individualized education program.

35.17 (b) As defined in this section, every district must ensure the following:

35.18 (1) all students with disabilities are provided the special instruction and services which
35.19 are appropriate to their needs. Where the individualized education program team has
35.20 determined appropriate goals and objectives based on the student's needs, including the
35.21 extent to which the student can be included in the least restrictive environment, and where
35.22 there are essentially equivalent and effective instruction, related services, or assistive
35.23 technology devices available to meet the student's needs, cost to the district may be among
35.24 the factors considered by the team in choosing how to provide the appropriate services,
35.25 instruction, or devices that are to be made part of the student's individualized education
35.26 program. The individualized education program team shall consider and may authorize
35.27 services covered by medical assistance according to section 256B.0625, subdivision 26.
35.28 Before a school district evaluation team makes a determination of other health disability
35.29 under Minnesota Rules, part 3525.1335, subparts 1 and 2, item A, subitem (1), the evaluation
35.30 team must seek written documentation of the student's medically diagnosed chronic or acute
35.31 health condition signed by a licensed physician or a licensed health care provider acting
35.32 within the scope of the provider's practice. The student's needs and the special education

36.1 instruction and services to be provided must be agreed upon through the development of
36.2 an individualized education program. The program must address the student's need to develop
36.3 skills to live and work as independently as possible within the community. The individualized
36.4 education program team must consider positive behavioral interventions, strategies, and
36.5 supports that address behavior needs for children. During grade 9, the program must address
36.6 the student's needs for transition from secondary services to postsecondary education and
36.7 training, employment, community participation, recreation, and leisure and home living. In
36.8 developing the program, districts must inform parents of the full range of transitional goals
36.9 and related services that should be considered. The program must include a statement of
36.10 the needed transition services, including a statement of the interagency responsibilities or
36.11 linkages or both before secondary services are concluded. If the individualized education
36.12 program meets the plan components in section 120B.125, the individualized education
36.13 program satisfies the requirement and no additional transition plan is needed;

36.14 (2) children with a disability under age five and their families are provided special
36.15 instruction and services appropriate to the child's level of functioning and needs;

36.16 (3) children with a disability and their parents or guardians are guaranteed procedural
36.17 safeguards and the right to participate in decisions involving identification, assessment
36.18 including assistive technology assessment, and educational placement of children with a
36.19 disability;

36.20 (4) eligibility and needs of children with a disability are determined by an initial
36.21 evaluation or reevaluation, which may be completed using existing data under United States
36.22 Code, title 20, section 33, et seq.;

36.23 (5) to the maximum extent appropriate, children with a disability, including those in
36.24 public or private institutions or other care facilities, are educated with children who are not
36.25 disabled, and that special classes, separate schooling, or other removal of children with a
36.26 disability from the regular educational environment occurs only when and to the extent that
36.27 the nature or severity of the disability is such that education in regular classes with the use
36.28 of supplementary services cannot be achieved satisfactorily;

36.29 (6) in accordance with recognized professional standards, testing and evaluation materials,
36.30 and procedures used for the purposes of classification and placement of children with a
36.31 disability are selected and administered so as not to be racially or culturally discriminatory;
36.32 and

36.33 (7) the rights of the child are protected when the parents or guardians are not known or
36.34 not available, or the child is a ward of the state.

37.1 (c) For all paraprofessionals employed to work in programs whose role in part is to
37.2 provide direct support to students with disabilities, the school board in each district shall
37.3 ensure that:

37.4 (1) before or beginning at the time of employment, each paraprofessional must develop
37.5 sufficient knowledge and skills in emergency procedures, building orientation, roles and
37.6 responsibilities, confidentiality, vulnerability, and reportability, among other things, to begin
37.7 meeting the needs, especially disability-specific and behavioral needs, of the students with
37.8 whom the paraprofessional works;

37.9 (2) annual training opportunities are required to enable the paraprofessional to continue
37.10 to further develop the knowledge and skills that are specific to the students with whom the
37.11 paraprofessional works, including understanding disabilities, the unique and individual
37.12 needs of each student according to the student's disability and how the disability affects the
37.13 student's education and behavior, following lesson plans, and implementing follow-up
37.14 instructional procedures and activities; and

37.15 (3) a districtwide process obligates each paraprofessional to work under the ongoing
37.16 direction of a licensed teacher and, where appropriate and possible, the supervision of a
37.17 school nurse.

37.18 (d) A school district may conduct a functional behavior assessment as defined in
37.19 Minnesota Rules, part 3525.0210, subpart 22, as a stand-alone evaluation without conducting
37.20 a comprehensive evaluation of the student in accordance with prior written notice provisions
37.21 in section 125A.091, subdivision 3a. A parent or guardian may request that a school district
37.22 conduct a comprehensive evaluation of their student.

37.23 **EFFECTIVE DATE.** This section applies to functional behavior assessments conducted
37.24 on or after July, 1, 2020.

37.25 Sec. 2. Minnesota Statutes 2018, section 125A.50, subdivision 1, is amended to read:

37.26 Subdivision 1. **Commissioner approval.** The commissioner may approve applications
37.27 from districts initiating or significantly changing a program to provide prevention services
37.28 as an alternative to special education and other compensatory programs. A district with an
37.29 approved program may provide instruction and services in a regular education classroom,
37.30 or an area learning center, to eligible pupils. Pupils eligible to participate in the program
37.31 are pupils who need additional academic or behavioral support to succeed in the general
37.32 education environment and who may eventually qualify for special education instruction
37.33 or related services under sections 125A.03 to 125A.24 and 125A.65 if the intervention

38.1 services authorized by this section were unavailable. A pupil with a disability as defined
38.2 under sections 125A.03 to 125A.24 and 125A.65, whose individualized education program
38.3 team has determined that the pupil does not require special education services in the area
38.4 of the district's approved program, may participate in the approved program as long as
38.5 participation does not result in an increase in costs for the program or displace a pupil who
38.6 does not currently have a disability. Pupils may be provided services during extended school
38.7 days and throughout the entire year and through the assurance of mastery program under
38.8 sections 125A.03 to 125A.24 and 125A.65.

38.9 **EFFECTIVE DATE.** This section is effective July 1, 2020.

38.10

ARTICLE 5

38.11

HEALTH AND SAFETY

38.12 Section 1. Minnesota Statutes 2018, section 121A.22, subdivision 1, is amended to read:

38.13 Subdivision 1. **Applicability.** (a) This section applies only:

38.14 (1) when the parent of a pupil requests school personnel to administer drugs or medicine
38.15 to the pupil; or

38.16 (2) when administration is allowed by the individualized education program of a child
38.17 with a disability.

38.18 The request of a parent may be oral or in writing. An oral request must be reduced to
38.19 writing within two school days, provided that the district may rely on an oral request until
38.20 a written request is received.

38.21 (b) If the administration of a drug or medication described in paragraph (a) requires a
38.22 school to store the drug or medication, the parent or legal guardian must inform the school
38.23 if the drug or medication is a controlled substance. For a drug or medication that is not a
38.24 controlled substance, the request must include a provision designating the school district
38.25 as an authorized entity to transport the drug or medication for the purpose of destruction if
38.26 any unused drug or medication remains in the possession of school personnel. For a drug
38.27 or medication that is a controlled substance, the request must specify that the parent or legal
38.28 guardian is required to retrieve the drug or controlled substance when requested by the
38.29 school.

39.1 Sec. 2. Minnesota Statutes 2018, section 121A.22, is amended by adding a subdivision to
39.2 read:

39.3 Subd. 4a. **Unclaimed drugs or medications.** (a) Each school district must adopt a
39.4 procedure for the collection and transport of any unclaimed or abandoned prescription drugs
39.5 or medications remaining in the possession of school personnel in accordance with this
39.6 subdivision. The procedure must ensure that before the transportation of any prescription
39.7 drug or medication under this subdivision, the school district shall make a reasonable attempt
39.8 to return the unused prescription drug or medication to the student's parent or legal guardian.
39.9 The procedure must provide that transportation of unclaimed or unused prescription drugs
39.10 or medications occur at least annually, or more frequently as determined by the school
39.11 district.

39.12 (b) If the unclaimed or abandoned prescription drug is not a controlled substance as
39.13 defined under section 152.01, subdivision 4, or is an over-the-counter medication, the school
39.14 district may designate an individual who shall be responsible for transporting the drug or
39.15 medication to a designated drop-off box or collection site or may request that a law
39.16 enforcement agency transport the drug or medication to a drop-off box or collection site on
39.17 behalf of the school district.

39.18 (c) If the unclaimed or abandoned prescription drug is a controlled substance as defined
39.19 in section 152.01, subdivision 4, a school district or school personnel is prohibited from
39.20 transporting the prescription drug to a drop-off box or collection site for prescription drugs
39.21 identified under this paragraph. The school district must request that a law enforcement
39.22 agency transport the prescription drug or medication to a collection bin that complies with
39.23 Drug Enforcement Agency regulations, or if a site is not available, under the agency's
39.24 procedure for transporting drugs.

39.25 **ARTICLE 6**

39.26 **NUTRITION**

39.27 Section 1. Minnesota Statutes 2018, section 124D.111, is amended to read:

39.28 **124D.111 SCHOOL MEAL POLICY; LUNCH AID; FOOD SERVICE**
39.29 **ACCOUNTING.**

39.30 Subdivision 1. **School ~~lunch aid computation~~ meal policy.** (a) Each Minnesota
39.31 participant in the national school lunch program must adopt and post to its website, or the
39.32 website of the organization where the meal is served, a school meal policy. The policy must:

40.1 (1) be in writing, accessible in multiple languages, and clearly communicate student
40.2 meal charges when payment cannot be collected at the point of service;

40.3 (2) be reasonable and well-defined and maintain the dignity of students by prohibiting
40.4 lunch shaming or otherwise ostracizing any student;

40.5 (3) address whether the participant uses a collection agency to collect unpaid school
40.6 meal debt;

40.7 (4) require any communication to collect unpaid school meal debt be done by school
40.8 staff trained on the school district's policy on collecting student meal debt;

40.9 (5) require that all communication relating to school meal debt be delivered only to a
40.10 student's parent or guardian and not directly to the student;

40.11 (6) ensure that once a participant has placed a meal on a tray or otherwise served the
40.12 meal to a student, the meal may not be subsequently withdrawn from the student by the
40.13 cashier or other school official because the student has outstanding meal debt;

40.14 (7) ensure that a student who has been determined eligible for free or reduced-price
40.15 lunch must always be served a reimbursable meal even if the student has outstanding debt;

40.16 (8) provide the vendor with its school meal policy if the school contracts with a third
40.17 party for its meal services; and

40.18 (9) require school nutrition staff be trained on the policy.

40.19 (b) Any contract between a school and a third-party provider of meal services entered
40.20 into or modified on or after July 1, 2020, must ensure that the third-party provider adheres
40.21 to the participant's school meal policy.

40.22 **Subd. 1a. School lunch aid amounts.** Each school year, the state must pay participants
40.23 in the national school lunch program the amount of 12.5 cents for each full paid and free
40.24 student lunch and 52.5 cents for each reduced-price lunch served to students.

40.25 **Subd. 2. Application.** A school district, charter school, nonpublic school, or other
40.26 participant in the national school lunch program shall apply to the department for this
40.27 payment on forms provided by the department.

40.28 **Subd. 2a. Federal child and adult care food program; criteria and notice.** The
40.29 commissioner must post on the department's website eligibility criteria and application
40.30 information for nonprofit organizations interested in applying to the commissioner for
40.31 approval as a multisite sponsoring organization under the federal child and adult care food

41.1 program. The posted criteria and information must inform interested nonprofit organizations
41.2 about:

41.3 (1) the criteria the commissioner uses to approve or disapprove an application, including
41.4 how an applicant demonstrates financial viability for the Minnesota program, among other
41.5 criteria;

41.6 (2) the commissioner's process and time line for notifying an applicant when its
41.7 application is approved or disapproved and, if the application is disapproved, the explanation
41.8 the commissioner provides to the applicant; and

41.9 (3) any appeal or other recourse available to a disapproved applicant.

41.10 Subd. 3. **School food service fund.** (a) The expenses described in this subdivision must
41.11 be recorded as provided in this subdivision.

41.12 (b) In each district, the expenses for a school food service program for pupils must be
41.13 attributed to a school food service fund. Under a food service program, the school food
41.14 service may prepare or serve milk, meals, or snacks in connection with school or community
41.15 service activities.

41.16 (c) Revenues and expenditures for food service activities must be recorded in the food
41.17 service fund. The costs of processing applications, accounting for meals, preparing and
41.18 serving food, providing kitchen custodial services, and other expenses involving the preparing
41.19 of meals or the kitchen section of the lunchroom may be charged to the food service fund
41.20 or to the general fund of the district. The costs of lunchroom supervision, lunchroom custodial
41.21 services, lunchroom utilities, and other administrative costs of the food service program
41.22 must be charged to the general fund.

41.23 That portion of superintendent and fiscal manager costs that can be documented as
41.24 attributable to the food service program may be charged to the food service fund provided
41.25 that the school district does not employ or contract with a food service director or other
41.26 individual who manages the food service program, or food service management company.
41.27 If the cost of the superintendent or fiscal manager is charged to the food service fund, the
41.28 charge must be at a wage rate not to exceed the statewide average for food service directors
41.29 as determined by the department.

41.30 (d) Capital expenditures for the purchase of food service equipment must be made from
41.31 the general fund and not the food service fund, unless the restricted balance in the food
41.32 service fund at the end of the last fiscal year is greater than the cost of the equipment to be
41.33 purchased.

42.1 (e) If the condition set out in paragraph (d) applies, the equipment may be purchased
42.2 from the food service fund.

42.3 (f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit
42.4 is not eliminated by revenues from food service operations in the next fiscal year, then the
42.5 deficit must be eliminated by a permanent fund transfer from the general fund at the end of
42.6 that second fiscal year. However, if a district contracts with a food service management
42.7 company during the period in which the deficit has accrued, the deficit must be eliminated
42.8 by a payment from the food service management company.

42.9 (g) Notwithstanding paragraph (f), a district may incur a deficit in the food service fund
42.10 for up to three years without making the permanent transfer if the district submits to the
42.11 commissioner by January 1 of the second fiscal year a plan for eliminating that deficit at
42.12 the end of the third fiscal year.

42.13 (h) If a surplus in the food service fund exists at the end of a fiscal year for three
42.14 successive years, a district may recode for that fiscal year the costs of lunchroom supervision,
42.15 lunchroom custodial services, lunchroom utilities, and other administrative costs of the food
42.16 service program charged to the general fund according to paragraph (c) and charge those
42.17 costs to the food service fund in a total amount not to exceed the amount of surplus in the
42.18 food service fund.

42.19 Subd. 4. **No fees.** A participant that receives school lunch aid under this section must
42.20 make lunch available without charge and must not deny a school lunch to all participating
42.21 students who qualify for free or reduced-price meals, whether or not that student has an
42.22 outstanding balance in the student's meal account attributable to a la carte purchases or for
42.23 any other reason.

42.24 Subd. 5. **Respectful treatment.** (a) The participant must also provide meals to students
42.25 in a respectful manner according to the policy adopted under subdivision 1. The participant
42.26 must ensure that any reminders for payment of outstanding student meal balances debt do
42.27 not intentionally demean or, stigmatize, or humiliate any child participating in the school
42.28 lunch program. The participant must not impose any other restriction prohibited under
42.29 section 123B.37 due to unpaid student meal debt. The participant must not limit a student's
42.30 participation in any school activities, graduation ceremonies, field trips, athletics, activity
42.31 clubs, or other extracurricular activities or access to materials, technology, or other items
42.32 provided to students due to an unpaid student meal debt.

42.33 (b) If the commissioner or the commissioner's designee determines a participant has
42.34 violated the requirement to provide meals to participating students in a respectful manner,

43.1 the commissioner or the commissioner's designee must send a letter of noncompliance to
 43.2 the participant. The participant is required to respond and, if applicable, remedy the practice
 43.3 within 60 days.

43.4 Subd. 6. **Definitions.** (a) For the purposes of this section, the terms defined in this
 43.5 subdivision have the meanings given.

43.6 (b) "A la carte" means a food item ordered separately from the school meal.

43.7 (c) "School meal" means a meal provided to students during the school day.

43.8 **EFFECTIVE DATE.** This section is effective July 1, 2020.

43.9 **ARTICLE 7**

43.10 **DEPARTMENT OF EDUCATION HOUSEKEEPING**

43.11 Section 1. Minnesota Statutes 2018, section 120A.20, is amended by adding a subdivision
 43.12 to read:

43.13 Subd. 4. **Verification of age for admission to public school.** (a) Public schools may
 43.14 request documentation that verifies a pupil falls within the school's minimum and maximum
 43.15 age requirements for admission to publicly funded prekindergarten, preschool, kindergarten,
 43.16 or grades 1 to 12. Documentation may include a passport, a hospital birth record or
 43.17 physician's certificate, a baptismal or religious certificate, an adoption record, health records,
 43.18 immunization records, immigration records, previously verified school records, early
 43.19 childhood screening records, Minnesota Immunization Information Connection records, or
 43.20 an affidavit from a parent.

43.21 (b) The school district or charter school must not deny a child from public school
 43.22 enrollment solely because the child's parent or guardian is unable to provide a birth certificate
 43.23 record.

43.24 Sec. 2. Minnesota Statutes 2018, section 120A.22, subdivision 10, is amended to read:

43.25 Subd. 10. **Requirements for instructors.** A person who is providing instruction to a
 43.26 child must meet at least one of the following requirements:

43.27 (1) hold a valid Minnesota teaching license in the field and for the grade level taught;

43.28 (2) be directly supervised by a person holding a valid Minnesota teaching license;

43.29 ~~(3) successfully complete a teacher competency examination;~~

44.1 ~~(4)~~ (3) provide instruction in a school that is accredited by an accrediting agency,
 44.2 recognized according to section 123B.445, or recognized by the commissioner;

44.3 ~~(5)~~ (4) hold a baccalaureate degree; or

44.4 ~~(6)~~ (5) be the parent of a child who is assessed according to the procedures in subdivision
 44.5 11.

44.6 Any person providing instruction in a public school must meet the requirements of clause
 44.7 (1).

44.8 Sec. 3. Minnesota Statutes 2018, section 124D.74, subdivision 1, is amended to read:

44.9 Subdivision 1. **Program described.** American Indian education programs are programs
 44.10 in public elementary and secondary schools, nonsectarian nonpublic, community, tribal,
 44.11 charter, or alternative schools enrolling American Indian children designed to:

44.12 (1) support postsecondary preparation for American Indian pupils;

44.13 (2) support the academic achievement of American Indian ~~students~~ pupils;

44.14 (3) make the curriculum relevant to the needs, interests, and cultural heritage of American
 44.15 Indian pupils;

44.16 (4) provide positive reinforcement of the self-image of American Indian pupils;

44.17 (5) develop intercultural awareness among pupils, parents, and staff; and

44.18 (6) supplement, not supplant, state and federal educational and cocurricular programs.

44.19 Program services designed to increase completion and graduation rates of American Indian
 44.20 ~~students~~ pupils must emphasize academic achievement, retention, and attendance;

44.21 development of support services for staff, including in-service training and technical

44.22 assistance in methods of teaching American Indian pupils; research projects, including

44.23 innovative teaching approaches and evaluation of methods of relating to American Indian

44.24 pupils; provision of career counseling to American Indian pupils; modification of curriculum,

44.25 instructional methods, and administrative procedures to meet the needs of American Indian

44.26 pupils; and ~~supplemental~~ instruction in American Indian language, literature, history, and

44.27 culture. Districts offering programs may make contracts for the provision of program services

44.28 by establishing cooperative liaisons with tribal programs and American Indian social service

44.29 agencies. These programs may also be provided as components of early childhood and

44.30 family education programs.

45.1 Sec. 4. Minnesota Statutes 2018, section 124D.78, subdivision 1, is amended to read:

45.2 Subdivision 1. **Parent committee.** (a) School boards and American Indian schools must
45.3 provide for the maximum involvement of parents of children enrolled in education programs,
45.4 programs for elementary and secondary grades, special education programs, and support
45.5 services. Accordingly, the board of a school district in which there are ten or more American
45.6 Indian students enrolled and each American Indian school must establish an American
45.7 Indian education parent advisory committee.

45.8 (b) For purposes of this section, American Indian students are defined as persons having
45.9 origins in any of the original peoples of North America who maintain cultural identification
45.10 through tribal affiliation or community recognition.

45.11 (c) If a committee whose membership consists of a majority of parents of American
45.12 Indian children has been or is established according to federal, tribal, or other state law, that
45.13 committee may serve as the committee required by this section and is subject to, at least,
45.14 the requirements of this subdivision and subdivision 2.

45.15 (d) The American Indian education parent advisory committee must develop its
45.16 recommendations in consultation with the curriculum advisory committee required by
45.17 section 120B.11, subdivision 3. This committee must afford parents the necessary information
45.18 and the opportunity effectively to express their views concerning all aspects of American
45.19 Indian education and the educational needs of the American Indian children enrolled in the
45.20 school or program. The school board or American Indian school must ensure that programs
45.21 are planned, operated, and evaluated with the involvement of and in consultation with parents
45.22 of American Indian students served by the programs as evidenced by American Indian
45.23 education parent advisory committee meeting minutes.

45.24 Sec. 5. Minnesota Statutes 2018, section 124D.78, subdivision 3, is amended to read:

45.25 Subd. 3. **Membership.** The American Indian education parent advisory committee must
45.26 be composed of parents of children eligible to be enrolled in American Indian education
45.27 programs; secondary students eligible to be served; American Indian language and culture
45.28 education teachers and paraprofessionals; American Indian teachers; counselors; adult
45.29 American Indian people enrolled in educational programs; and representatives from
45.30 community groups. A majority of each committee must be parents of American Indian
45.31 children enrolled or eligible to be enrolled in the programs. ~~The number of parents of~~
45.32 ~~American Indian and non-American Indian children shall reflect approximately the proportion~~
45.33 ~~of children of those groups enrolled in the programs.~~

46.1 Sec. 6. Minnesota Statutes 2018, section 124D.79, subdivision 2, is amended to read:

46.2 Subd. 2. **Technical assistance.** The commissioner ~~shall~~ must provide technical assistance,
46.3 which must include an annual report of American Indian student data using the state count,
46.4 to districts, schools and postsecondary institutions for preservice and in-service training for
46.5 teachers, American Indian education teachers and paraprofessionals specifically designed
46.6 to implement culturally responsive teaching methods, culturally based curriculum
46.7 development, testing and testing mechanisms, and the development of materials for American
46.8 Indian education programs.

46.9 Sec. 7. Minnesota Statutes 2018, section 124D.81, subdivision 1, is amended to read:

46.10 Subdivision 1. **Procedures.** A school district, charter school, or American
46.11 Indian-controlled tribal contract or grant school enrolling at least 20 American Indian
46.12 students identified by the state count on October 1 of the previous school year and operating
46.13 an American Indian education program according to section 124D.74 is eligible for Indian
46.14 education aid if it meets the requirements of this section. Programs may provide for contracts
46.15 for the provision of program components by nonsectarian nonpublic, community, tribal,
46.16 charter, or alternative schools. The commissioner shall prescribe the form and manner of
46.17 application for aids, and no aid shall be made for a program not complying with the
46.18 requirements of sections 124D.71 to 124D.82.

46.19 Sec. 8. Minnesota Statutes 2018, section 124D.862, subdivision 7, is amended to read:

46.20 Subd. 7. **Revenue reserved.** Integration revenue received under this section must be
46.21 reserved and used only for the programs authorized in section 124D.861, subdivision 2.

46.22 Sec. 9. Minnesota Statutes 2018, section 124E.03, is amended by adding a subdivision to
46.23 read:

46.24 Subd. 8. **English learners.** A charter school is subject to and must comply with the
46.25 Education for English Learners Act under sections 124D.58 to 124D.64 as though it were
46.26 a district.

46.27 Sec. 10. Minnesota Statutes 2018, section 124E.03, is amended by adding a subdivision
46.28 to read:

46.29 Subd. 9. **Corporal punishment.** A charter school is subject to and must comply with
46.30 section 121A.58 as though it were a district.

47.1 Sec. 11. Minnesota Statutes 2018, section 124E.05, subdivision 4, is amended to read:

47.2 Subd. 4. **Application content.** (a) To be approved as an authorizer, an applicant must
47.3 include in its application to the commissioner at least the following:

47.4 (1) how the organization carries out its mission by chartering schools;

47.5 (2) a description of the capacity of the organization to serve as an authorizer, including
47.6 the positions allocated to authorizing duties, the qualifications for those positions, the
47.7 full-time equivalencies of those positions, and the financial resources available to fund the
47.8 positions;

47.9 (3) the application and review process the authorizer uses to decide whether to grant
47.10 charters;

47.11 (4) the type of contract it arranges with the schools it charters to meet the provisions of
47.12 section 124E.10;

47.13 (5) the process for overseeing the school, consistent with clause (4), to ensure that the
47.14 schools chartered comply with applicable law and rules and the contract;

47.15 (6) the criteria and process the authorizer uses to approve applications adding grades or
47.16 sites under section 124E.06, subdivision 5;

47.17 (7) the process for renewing or terminating the school's charter based on evidence
47.18 showing the academic, organizational, and financial competency of the school, including
47.19 its success in increasing student achievement and meeting the goals of the charter school
47.20 agreement; and

47.21 (8) an assurance specifying that the organization is committed to serving as an authorizer
47.22 for the full five-year term until the commissioner terminates the organization's ability to
47.23 authorize charter schools under subdivision 6, or until the organization formally withdraws
47.24 as an approved authorizer under subdivision 7.

47.25 (b) Notwithstanding paragraph (a), an authorizer that is a school district may satisfy the
47.26 requirements of paragraph (a), clauses (1) and (2), and any requirement governing a conflict
47.27 of interest between an authorizer and its charter schools or ongoing evaluation or continuing
47.28 education of an administrator or other professional support staff by submitting to the
47.29 commissioner a written promise to comply with the requirements.

47.30 Sec. 12. Minnesota Statutes 2018, section 124E.05, subdivision 7, is amended to read:

47.31 Subd. 7. **Withdrawal.** If the governing board of an approved authorizer votes to withdraw
47.32 as an approved authorizer for a reason unrelated to any cause under ~~section 124E.10,~~

48.1 ~~subdivision 4~~ subdivision 6, the authorizer must notify all its chartered schools and the
48.2 commissioner in writing by March 1 of its intent to withdraw as an authorizer on June 30
48.3 in the next calendar year, ~~regardless of when the authorizer's five-year term of approval~~
48.4 ~~ends~~. Upon notification of the schools and commissioner, the authorizer must provide a
48.5 letter to the school for distribution to families of students enrolled in the school that explains
48.6 the decision to withdraw as an authorizer. The commissioner may approve the transfer of
48.7 a charter school to a new authorizer under section 124E.10, subdivision 5.

48.8 Sec. 13. Minnesota Statutes 2018, section 124E.11, is amended to read:

48.9 **124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.**

48.10 (a) A charter school, including its preschool or prekindergarten program established
48.11 under section 124E.06, subdivision 3, paragraph (b), may limit admission to:

48.12 (1) pupils within an age group or grade level;

48.13 (2) pupils who are eligible to participate in the graduation incentives program under
48.14 section 124D.68; or

48.15 (3) residents of a specific geographic area in which the school is located when the
48.16 majority of students served by the school are members of underserved populations.

48.17 (b) A charter school, including its preschool or prekindergarten program established
48.18 under section 124E.06, subdivision 3, paragraph (b), shall enroll an eligible pupil who
48.19 submits a timely application, unless the number of applications exceeds the capacity of a
48.20 program, class, grade level, or building. In this case, pupils must be accepted by lot. The
48.21 charter school must develop and publish, including on its website, a lottery policy and
48.22 process that it must use when accepting pupils by lot.

48.23 (c) A charter school shall give enrollment preference to a sibling of an enrolled pupil
48.24 and to a foster child of that pupil's parents and may give preference for enrolling children
48.25 of the school's staff before accepting other pupils by lot. A charter school that is located in
48.26 Duluth township in St. Louis County and admits students in kindergarten through grade 6
48.27 must give enrollment preference to students residing within a five-mile radius of the school
48.28 and to the siblings of enrolled children. A charter school may give enrollment preference
48.29 to children currently enrolled in the school's free preschool or prekindergarten program
48.30 under section 124E.06, subdivision 3, paragraph (b), who are eligible to enroll in kindergarten
48.31 in the next school year.

48.32 (d) Admission to a charter school is free to any person who resides within the state of
48.33 Minnesota. A person shall not be admitted to a charter school (1) as a kindergarten pupil,

49.1 unless the pupil is at least five years of age on September 1 of the calendar year in which
49.2 the school year for which the pupil seeks admission commences; or (2) as a first grade
49.3 student, unless the pupil is at least six years of age on September 1 of the calendar year in
49.4 which the school year for which the pupil seeks admission commences or has completed
49.5 kindergarten; except that a charter school may establish and publish on its website a policy
49.6 for admission of selected pupils at an earlier age, consistent with the enrollment process in
49.7 paragraphs (b) and (c).

49.8 (e) Except as permitted in paragraph (d), a charter school, including its preschool or
49.9 prekindergarten program established under section 124E.06, subdivision 3, paragraph (b),
49.10 may not limit admission to pupils on the basis of intellectual ability, measures of achievement
49.11 or aptitude, or athletic ability and may not establish any criteria or requirements for admission
49.12 that are inconsistent with this section.

49.13 (f) The charter school shall not distribute any services or goods of value to students,
49.14 parents, or guardians as an inducement, term, or condition of enrolling a student in a charter
49.15 school.

49.16 (g) Once a student is enrolled in the school, the student is considered enrolled in the
49.17 school until the student formally withdraws or is expelled under the Pupil Fair Dismissal
49.18 Act in sections 121A.40 to 121A.56.

49.19 (h) A charter school with at least 90 percent of enrolled students who are eligible for
49.20 special education services and have a primary disability of deaf or hard-of-hearing may
49.21 enroll prekindergarten pupils with a disability under section 126C.05, subdivision 1,
49.22 paragraph (a), and must comply with the federal Individuals with Disabilities Education
49.23 Act under Code of Federal Regulations, title 34, section 300.324, subsection (2), clause
49.24 (iv).

49.25 Sec. 14. Minnesota Statutes 2018, section 124E.13, subdivision 3, is amended to read:

49.26 Subd. 3. **Affiliated nonprofit building corporation.** (a) An affiliated nonprofit building
49.27 corporation may purchase, expand, or renovate an existing facility to serve as a school or
49.28 may construct a new school facility. ~~A~~ One local education agency charter school may
49.29 organize an affiliated nonprofit building corporation if the charter school:

49.30 (1) has operated for at least six consecutive years;

49.31 (2) as of June 30, has a net positive unreserved general fund balance in the preceding
49.32 three fiscal years;

50.1 (3) has long-range strategic and financial plans that include enrollment projections for
50.2 at least five years;

50.3 (4) completes a feasibility study of facility options that outlines the benefits and costs
50.4 of each option; and

50.5 (5) has a plan that describes project parameters and budget.

50.6 (b) An affiliated nonprofit building corporation under this subdivision must:

50.7 (1) be incorporated under section 317A;

50.8 (2) comply with applicable Internal Revenue Service regulations, including regulations
50.9 for "supporting organizations" as defined by the Internal Revenue Service;

50.10 (3) post on the school website the name, mailing address, bylaws, minutes of board
50.11 meetings, and names of the current board of directors of the affiliated nonprofit building
50.12 corporation;

50.13 (4) submit to the commissioner a copy of its annual audit by December 31 of each year;
50.14 and

50.15 (5) comply with government data practices law under chapter 13.

50.16 (c) An affiliated nonprofit building corporation must not serve as the leasing agent for
50.17 property or facilities it does not own. A charter school that leases a facility from an affiliated
50.18 nonprofit building corporation that does not own the leased facility is ineligible to receive
50.19 charter school lease aid. The state is immune from liability resulting from a contract between
50.20 a charter school and an affiliated nonprofit building corporation.

50.21 (d) The board of directors of the charter school must ensure the affiliated nonprofit
50.22 building corporation complies with all applicable legal requirements. The charter school's
50.23 authorizer must oversee the efforts of the board of directors of the charter school to ensure
50.24 legal compliance of the affiliated building corporation. A school's board of directors that
50.25 fails to ensure the affiliated nonprofit building corporation's compliance violates its
50.26 responsibilities and an authorizer must consider that failure when evaluating the charter
50.27 school.

50.28 Sec. 15. Minnesota Statutes 2018, section 134.31, subdivision 4a, is amended to read:

50.29 Subd. 4a. **Services to people with visual and physical disabilities.** The Minnesota
50.30 Department of Education shall provide specialized services to people with visual and physical
50.31 disabilities through the Minnesota Braille and Talking Book Library under a cooperative

51.1 plan with the National Library ~~Services~~ Service for the Blind and ~~Physically Handicapped~~
51.2 Print Disabled of the Library of Congress.

51.3 Sec. 16. Minnesota Statutes 2018, section 609A.03, subdivision 7a, is amended to read:

51.4 Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance
51.5 of an expungement order related to a charge supported by probable cause, the DNA samples
51.6 and DNA records held by the Bureau of Criminal Apprehension and collected under authority
51.7 other than section 299C.105 shall not be sealed, returned to the subject of the record, or
51.8 destroyed.

51.9 (b) Notwithstanding the issuance of an expungement order:

51.10 (1) except as provided in clause (2), an expunged record may be opened, used, or
51.11 exchanged between criminal justice agencies without a court order for the purposes of
51.12 initiating, furthering, or completing a criminal investigation or prosecution or for sentencing
51.13 purposes or providing probation or other correctional services;

51.14 (2) when a criminal justice agency seeks access to a record that was sealed under section
51.15 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing
51.16 for lack of probable cause, for purposes of a criminal investigation, prosecution, or
51.17 sentencing, the requesting agency must obtain an ex parte court order after stating a
51.18 good-faith basis to believe that opening the record may lead to relevant information;

51.19 (3) an expunged record of a conviction may be opened for purposes of evaluating a
51.20 prospective employee in a criminal justice agency without a court order;

51.21 (4) an expunged record of a conviction may be opened for purposes of a background
51.22 study under section 245C.08 unless the commissioner had been properly served with notice
51.23 of the petition for expungement and the court order for expungement is directed specifically
51.24 to the commissioner of human services;

51.25 (5) an expunged record of a conviction may be opened for purposes of a background
51.26 check required under section 122A.18, subdivision 8, unless the court order for expungement
51.27 is directed specifically to the Professional Educator Licensing and Standards Board ~~or the~~
51.28 ~~licensing division of the Department of Education;~~ and

51.29 (6) the court may order an expunged record opened upon request by the victim of the
51.30 underlying offense if the court determines that the record is substantially related to a matter
51.31 for which the victim is before the court.

52.1 (c) An agency or jurisdiction subject to an expungement order shall maintain the record
 52.2 in a manner that provides access to the record by a criminal justice agency under paragraph
 52.3 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau
 52.4 of Criminal Apprehension shall notify the commissioner of human services, or the
 52.5 Professional Educator Licensing and Standards Board, ~~or the licensing division of the~~
 52.6 ~~Department of Education~~ of the existence of a sealed record and of the right to obtain access
 52.7 under paragraph (b), clause (4) or (5). Upon request, the agency or jurisdiction subject to
 52.8 the expungement order shall provide access to the record to the commissioner of human
 52.9 services, or the Professional Educator Licensing and Standards Board, ~~or the licensing~~
 52.10 ~~division of the Department of Education~~ under paragraph (b), clause (4) or (5).

52.11 (d) An expunged record that is opened or exchanged under this subdivision remains
 52.12 subject to the expungement order in the hands of the person receiving the record.

52.13 (e) A criminal justice agency that receives an expunged record under paragraph (b),
 52.14 clause (1) or (2), must maintain and store the record in a manner that restricts the use of the
 52.15 record to the investigation, prosecution, or sentencing for which it was obtained.

52.16 (f) For purposes of this section, a "criminal justice agency" means a court or government
 52.17 agency that performs the administration of criminal justice under statutory authority.

52.18 (g) This subdivision applies to expungement orders subject to its limitations and effective
 52.19 on or after January 1, 2015.

52.20 **Sec. 17. REVISOR INSTRUCTION.**

52.21 The revisor of statutes shall renumber each section of Minnesota Statutes listed in column
 52.22 A with the number listed in column B. The revisor shall also make necessary cross-reference
 52.23 changes consistent with the renumbering.

<u>Column A</u>	<u>Column B</u>
<u>General Requirements Statewide</u>	
<u>120B.30, subdivision 1a, paragraph (h)</u>	<u>120B.30, subdivision 1</u>
<u>120B.30, subdivision 1, paragraph (q)</u>	<u>120B.30, subdivision 2</u>
<u>120B.30, subdivision 1a, paragraph (g)</u>	<u>120B.30, subdivision 3</u>
<u>120B.30, subdivision 1b</u>	<u>120B.30, subdivision 4</u>
<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.30, subdivision 5, paragraph (a)</u>
<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.30, subdivision 5, paragraph (b)</u>
<u>120B.30, subdivision 1a, paragraph (e)</u>	<u>120B.30, subdivision 6, paragraph (a)</u>
<u>120B.30, subdivision 2, paragraph (a)</u>	<u>120B.30, subdivision 6, paragraph (b)</u>

53.1	<u>120B.30, subdivision 2, paragraph (b),</u>	<u>120B.30, subdivision 6, paragraph (c)</u>
53.2	<u>clauses (1) and (2)</u>	
53.3	<u>120B.30, subdivision 2</u>	<u>120B.30, subdivision 6, paragraph (d)</u>
53.4	<u>120B.30, subdivision 4</u>	<u>120B.30, subdivision 7</u>
53.5	<u>120B.30, subdivision 5</u>	<u>120B.30, subdivision 8</u>
53.6	<u>120B.30, subdivision 6</u>	<u>120B.30, subdivision 9</u>
53.7	<u>120B.30, subdivision 1, paragraph (e)</u>	<u>120B.30, subdivision 10</u>
53.8	<u>General Requirements Test Design</u>	
53.9	<u>120B.30, subdivision 1a, paragraph (a),</u>	<u>120B.301, subdivision 1</u>
53.10	<u>clauses (1) to (5)</u>	
53.11	<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.301, subdivision 2</u>
53.12	<u>120B.30, subdivision 1, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (a)</u>
53.13	<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.301, subdivision 3, paragraph (b)</u>
53.14	<u>120B.30, subdivision 1a, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (c)</u>
53.15	<u>120B.30, subdivision 1a, paragraph (c),</u>	<u>120B.301, subdivision 3, paragraph (d)</u>
53.16	<u>clauses (1) and (2)</u>	
53.17	<u>Assessment Graduation Requirements</u>	
53.18	<u>120B.30, subdivision 1, paragraph (c),</u>	<u>120B.304, subdivision 1</u>
53.19	<u>clauses (1) and (2)</u>	
53.20	<u>120B.30, subdivision 1, paragraph (d)</u>	<u>120B.304, subdivision 2</u>
53.21	<u>120B.30, subdivision 1, paragraph (i)</u>	<u>120B.304, subdivision 3</u>
53.22	<u>Assessment Reporting Requirements</u>	
53.23	<u>120B.30, subdivision 1a, paragraph (f),</u>	<u>120B.305, subdivision 1</u>
53.24	<u>clauses (1) to (3)</u>	
53.25	<u>120B.30, subdivision 1a, paragraph (d),</u>	<u>120B.305, subdivision 2, paragraph (a)</u>
53.26	<u>clauses (1) to (4)</u>	
53.27	<u>120B.30, subdivision 1, paragraph (m)</u>	<u>120B.305, subdivision 2, paragraph (b)</u>
53.28	<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.305, subdivision 2, paragraph (c)</u>
53.29	<u>120B.30, subdivision 1, paragraph (o),</u>	<u>120B.305, subdivision 3, paragraph (a)</u>
53.30	<u>clauses (1) to (4)</u>	
53.31	<u>120B.30, subdivision 3</u>	<u>120B.305, subdivision 3, paragraph (b)</u>
53.32	<u>District Assessment Requirements</u>	
53.33	<u>120B.301, paragraphs (a) to (c)</u>	<u>120B.306, subdivision 1</u>
53.34	<u>120B.304, paragraphs (a) and (b)</u>	<u>120B.306, subdivision 2</u>
53.35	<u>College and Career Readiness</u>	
53.36	<u>120B.30, subdivision 1, paragraph (p)</u>	<u>120B.307, subdivision 1</u>
53.37	<u>120B.30, subdivision 1, paragraph (d)</u>	<u>120B.307, subdivision 2</u>
53.38	<u>120B.30, subdivision 1, paragraph (f)</u>	<u>120B.307, subdivision 3</u>
53.39	<u>120B.30, subdivision 1, paragraph (g)</u>	<u>120B.307, subdivision 4, paragraph (a)</u>
53.40	<u>120B.30, subdivision 1, paragraph (h)</u>	<u>120B.307, subdivision 4, paragraph (b)</u>

- 54.1 120B.30, subdivision 1, paragraph (j) 120B.307, subdivision 4, paragraph (c)
- 54.2 120B.30, subdivision 1, paragraph (k) 120B.307, subdivision 4, paragraph (d)
- 54.3 120B.30, subdivision 1, paragraph (l) 120B.307, subdivision 4, paragraph (e)