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State of Minnesota

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HOUSE OF REPRESENTATIVES

SPECIAL SESSION

H. F. No. 36

- 06/12/2020 Authored by Kunes-Podein, Youakim, Vang, Her, Wazlawik and others
The bill was read for the first time and referred to the Committee on Education Policy
- 06/17/2020 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time
Referred to the Chief Clerk for Comparison with S. F. No. 7
- 06/18/2020 Postponed Indefinitely

1.1 A bill for an act

1.2 relating to education; providing for general education; education excellence;

1.3 teachers; Department of Education housekeeping; nutrition; and early childhood

1.4 education; amending Minnesota Statutes 2018, sections 13.32, subdivision 3;

1.5 120A.22, subdivision 7; 120B.021, subdivision 2; 120B.11, subdivisions 2, 3;

1.6 121A.031, subdivisions 5, 6; 121A.41, subdivision 10, by adding subdivisions;

1.7 121A.45, subdivision 1; 121A.46, subdivision 4, by adding a subdivision; 121A.47,

1.8 subdivisions 2, 14; 121A.53, subdivision 1; 121A.55; 122A.40, subdivision 8;

1.9 122A.41, subdivision 5; 123B.09, subdivision 2; 123B.147, subdivision 3;

1.10 124D.111; 124D.74, subdivision 1; 124D.78, subdivisions 1, 3; 124D.79,

1.11 subdivision 2; 124D.81, subdivision 1; 124D.861, subdivision 2; 125A.30;

1.12 proposing coding for new law in Minnesota Statutes, chapters 120B; 121A; 124D.

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

1.14 ARTICLE 1

1.15 GENERAL EDUCATION

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

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

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

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

1.20 (1) clearly defined district and school site goals and benchmarks for instruction and

1.21 student achievement for all student subgroups identified in section 120B.35, subdivision 3,

1.22 paragraph (b), clause (2);

1.23 (2) a process to assess and evaluate each student's progress toward meeting state and

1.24 local academic standards, assess and identify students to participate in gifted and talented

1.25 programs and accelerate their instruction, and adopt early-admission procedures consistent

1.26 with section 120B.15, and identifying the strengths and weaknesses of instruction in pursuit

2.1 of student and school success and curriculum affecting students' progress and growth toward
 2.2 career and college readiness and leading to the world's best workforce;

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

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

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

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

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

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

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

2.28 Subd. 3. **District advisory committee.** Each school board ~~shall~~ must establish an advisory
 2.29 committee to ensure active community participation in all phases of planning and improving
 2.30 the instruction and curriculum affecting state and district academic standards, consistent
 2.31 with subdivision 2. A district advisory committee, to the extent possible, ~~shall~~ must reflect
 2.32 the diversity of the district and its school sites, include teachers, parents, support staff,
 2.33 students, and other community residents, and provide translation to the extent appropriate

3.1 and practicable. The district advisory committee ~~shall~~ must pursue community support to
3.2 accelerate the academic and native literacy and achievement of English learners with varied
3.3 needs, from young children to adults, consistent with section 124D.59, subdivisions 2 and
3.4 2a. The district may establish site teams as subcommittees of the district advisory committee
3.5 under subdivision 4. The district advisory committee ~~shall~~ must recommend to the school
3.6 board rigorous academic standards; student achievement goals and measures consistent
3.7 with subdivision 1a and sections 120B.022, subdivisions 1a and 1b, and 120B.35; district
3.8 assessments; means to improve students' equitable access to effective and more diverse
3.9 teachers; strategies to ensure the curriculum and learning and work environments are
3.10 inclusive and respectful toward all racial and ethnic groups; and program evaluations. School
3.11 sites may expand upon district evaluations of instruction, curriculum, assessments, or
3.12 programs. Whenever possible, parents and other community residents ~~shall~~ must comprise
3.13 at least two-thirds of advisory committee members.

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

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

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

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

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

3.32 (b) To enhance a principal's culturally responsive leadership skills and support and
3.33 improve teaching practices, school performance, and student achievement for diverse student

4.1 populations, including at-risk students, children with disabilities, English learners, and gifted
4.2 students, among others, a district must develop and implement a performance-based system
4.3 for annually evaluating school principals assigned to supervise a school building within the
4.4 district. The evaluation must be designed to improve teaching and learning by supporting
4.5 the principal in shaping the school's professional environment and developing teacher
4.6 quality, performance, and effectiveness. The annual evaluation must:

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

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

4.13 ~~(2)~~ (3) include formative and summative evaluations based on multiple measures of
4.14 student progress toward career and college readiness;

4.15 ~~(3)~~ (4) be consistent with a principal's job description, a district's long-term plans and
4.16 goals, and the principal's own professional multiyear growth plans and goals, all of which
4.17 must support the principal's leadership behaviors and practices, rigorous curriculum, school
4.18 performance, and high-quality instruction;

4.19 ~~(4)~~ (5) include on-the-job observations and previous evaluations;

4.20 ~~(5)~~ (6) allow surveys to help identify a principal's effectiveness, leadership skills and
4.21 processes, and strengths and weaknesses in exercising leadership in pursuit of school success;

4.22 ~~(6)~~ (7) use longitudinal data on student academic growth as 35 percent of the evaluation
4.23 and incorporate district achievement goals and targets;

4.24 ~~(7)~~ (8) be linked to professional development that emphasizes improved teaching and
4.25 learning, curriculum and instruction, student learning, culturally responsive leadership
4.26 practices, and a collaborative professional culture; and

4.27 ~~(8)~~ (9) for principals not meeting standards of professional practice or other criteria
4.28 under this subdivision, implement a plan to improve the principal's performance and specify
4.29 the procedure and consequence if the principal's performance is not improved.

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

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

5.2 Sec. 5. Minnesota Statutes 2018, section 124D.861, subdivision 2, is amended to read:

5.3 Subd. 2. **Plan implementation; components.** (a) The school board of each eligible
5.4 district must formally develop and implement a long-term plan under this section. The plan
5.5 must be incorporated into the district's comprehensive strategic plan under section 120B.11.
5.6 ~~Plan components may include: innovative and integrated prekindergarten through grade 12~~
5.7 ~~learning environments that offer students school enrollment choices; family engagement~~
5.8 ~~initiatives that involve families in their students' academic life and success; professional~~
5.9 ~~development opportunities for teachers and administrators focused on improving the academic~~
5.10 ~~achievement of all students, including teachers and administrators who are members of~~
5.11 ~~populations underrepresented among the licensed teachers or administrators in the district~~
5.12 ~~or school and who reflect the diversity of students under section 120B.35, subdivision 3,~~
5.13 ~~paragraph (b), clause (2), who are enrolled in the district or school; increased programmatic~~
5.14 ~~opportunities and effective and more diverse instructors focused on rigor and college and~~
5.15 ~~career readiness for underserved students, including students enrolled in alternative learning~~
5.16 ~~centers under section 123A.05, public alternative programs under section 126C.05,~~
5.17 ~~subdivision 15, and contract alternative programs under section 124D.69, among other~~
5.18 ~~underserved students; or recruitment and retention of teachers and administrators with~~
5.19 ~~diverse racial and ethnic backgrounds.~~

5.20 (b) The plan must contain goals for:

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

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

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

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

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

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

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

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

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

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

6.24 (7) increased programmatic opportunities and effective and more diverse instructors
6.25 focused on rigor and college and career readiness for underserved students, including but
6.26 not limited to students enrolled in alternative learning centers under section 123A.05, contract
6.27 alternative programs under section 124D.69, and public alternative programs under section
6.28 126C.05, subdivision 15;

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

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

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

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

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

7.11 ARTICLE 2

7.12 EDUCATION EXCELLENCE

7.13 Section 1. Minnesota Statutes 2018, section 13.32, subdivision 3, is amended to read:

7.14 Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision
7.15 5, educational data is private data on individuals and shall not be disclosed except as follows:

7.16 (a) pursuant to section 13.05;

7.17 (b) pursuant to a valid court order;

7.18 (c) pursuant to a statute specifically authorizing access to the private data;

7.19 (d) to disclose information in health, including mental health, and safety emergencies
7.20 pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code
7.21 of Federal Regulations, title 34, section 99.36;

7.22 (e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1),
7.23 (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations,
7.24 title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

7.25 (f) to appropriate health authorities to the extent necessary to administer immunization
7.26 programs and for bona fide epidemiologic investigations which the commissioner of health
7.27 determines are necessary to prevent disease or disability to individuals in the public
7.28 educational agency or institution in which the investigation is being conducted;

7.29 (g) when disclosure is required for institutions that participate in a program under title
7.30 IV of the Higher Education Act, United States Code, title 20, section 1092;

8.1 (h) to the appropriate school district officials to the extent necessary under subdivision
8.2 6, annually to indicate the extent and content of remedial instruction, including the results
8.3 of assessment testing and academic performance at a postsecondary institution during the
8.4 previous academic year by a student who graduated from a Minnesota school district within
8.5 two years before receiving the remedial instruction;

8.6 (i) to appropriate authorities as provided in United States Code, title 20, section
8.7 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the
8.8 system to effectively serve, prior to adjudication, the student whose records are released;
8.9 provided that the authorities to whom the data are released submit a written request for the
8.10 data that certifies that the data will not be disclosed to any other person except as authorized
8.11 by law without the written consent of the parent of the student and the request and a record
8.12 of the release are maintained in the student's file;

8.13 (j) to volunteers who are determined to have a legitimate educational interest in the data
8.14 and who are conducting activities and events sponsored by or endorsed by the educational
8.15 agency or institution for students or former students;

8.16 (k) to provide student recruiting information, from educational data held by colleges
8.17 and universities, as required by and subject to Code of Federal Regulations, title 32, section
8.18 216;

8.19 (l) to the juvenile justice system if information about the behavior of a student who poses
8.20 a risk of harm is reasonably necessary to protect the health or safety of the student or other
8.21 individuals;

8.22 (m) with respect to Social Security numbers of students in the adult basic education
8.23 system, to Minnesota State Colleges and Universities and the Department of Employment
8.24 and Economic Development for the purpose and in the manner described in section 124D.52,
8.25 subdivision 7;

8.26 (n) to the commissioner of education for purposes of an assessment or investigation of
8.27 a report of alleged maltreatment of a student as mandated by section 626.556. Upon request
8.28 by the commissioner of education, data that are relevant to a report of maltreatment and are
8.29 from charter school and school district investigations of alleged maltreatment of a student
8.30 must be disclosed to the commissioner, including, but not limited to, the following:

8.31 (1) information regarding the student alleged to have been maltreated;

8.32 (2) information regarding student and employee witnesses;

8.33 (3) information regarding the alleged perpetrator; and

9.1 (4) what corrective or protective action was taken, if any, by the school facility in response
9.2 to a report of maltreatment by an employee or agent of the school or school district;

9.3 (o) when the disclosure is of the final results of a disciplinary proceeding on a charge
9.4 of a crime of violence or nonforcible sex offense to the extent authorized under United
9.5 States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title
9.6 34, sections 99.31 (a)(13) and (14);

9.7 (p) when the disclosure is information provided to the institution under United States
9.8 Code, title 42, section 14071, concerning registered sex offenders to the extent authorized
9.9 under United States Code, title 20, section 1232g(b)(7); ~~or~~

9.10 (q) when the disclosure is to a parent of a student at an institution of postsecondary
9.11 education regarding the student's violation of any federal, state, or local law or of any rule
9.12 or policy of the institution, governing the use or possession of alcohol or of a controlled
9.13 substance, to the extent authorized under United States Code, title 20, section 1232g(i), and
9.14 Code of Federal Regulations, title 34, section 99.31 (a)(15), and provided the institution
9.15 has an information release form signed by the student authorizing disclosure to a parent.
9.16 The institution must notify parents and students about the purpose and availability of the
9.17 information release forms. At a minimum, the institution must distribute the information
9.18 release forms at parent and student orientation meetings; or

9.19 (r) to tribal nations about tribally enrolled or descendant students to allow the tribal
9.20 nation and school district or charter school to support the educational attainment of the
9.21 student.

9.22 Sec. 2. Minnesota Statutes 2018, section 120A.22, subdivision 7, is amended to read:

9.23 Subd. 7. **Education records.** (a) A district, a charter school, or a nonpublic school that
9.24 receives services or aid under sections 123B.40 to 123B.48 from which a student is
9.25 transferring must transmit the student's educational records, within ten business days of a
9.26 request, to the district, the charter school, or the nonpublic school in which the student is
9.27 enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under
9.28 sections 123B.40 to 123B.48 must make reasonable efforts to determine the district, the
9.29 charter school, or the nonpublic school in which a transferring student is next enrolling in
9.30 order to comply with this subdivision.

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

10.1 (c) A school district, a charter school, or a nonpublic school that receives services or aid
10.2 under sections 123B.40 to 123B.48 that transmits a student's educational records to another
10.3 school district or other educational entity, charter school, or nonpublic school to which the
10.4 student is transferring must include in the transmitted records information about any formal
10.5 suspension, expulsion, and exclusion disciplinary action under sections 121A.40 to 121A.56.
10.6 Transmitted records must document any service a pupil requires to prevent the inappropriate
10.7 behavior from recurring. The district, the charter school, or the nonpublic school that receives
10.8 services or aid under sections 123B.40 to 123B.48 must provide notice to a student and the
10.9 student's parent or guardian that formal disciplinary records will be transferred as part of
10.10 the student's educational record, in accordance with data practices under chapter 13 and the
10.11 Family Educational Rights and Privacy Act of 1974, United States Code, title 20, section
10.12 1232(g).

10.13 (d) Notwithstanding section 138.17, a principal or chief administrative officer must
10.14 remove from a student's educational record and destroy a probable cause notice received
10.15 under section 260B.171, subdivision 5, or paragraph (e), if one year has elapsed since the
10.16 date of the notice and the principal or chief administrative officer has not received a
10.17 disposition or court order related to the offense described in the notice. This paragraph does
10.18 not apply if the student no longer attends the school when this one-year period expires.

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

10.23 Sec. 3. Minnesota Statutes 2018, section 120B.021, subdivision 2, is amended to read:

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

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

10.31 ~~(1)~~ (2) parents of school-age children and members of the public throughout the state;

11.1 ~~(2)~~(3) teachers throughout the state currently licensed and providing instruction in
 11.2 language arts, mathematics, science, social studies, or the arts and licensed elementary and
 11.3 secondary school principals throughout the state currently administering a school site;

11.4 ~~(3)~~(4) currently serving members of local school boards and charter school boards
 11.5 throughout the state;

11.6 ~~(4)~~(5) faculty teaching core subjects at postsecondary institutions in Minnesota; and

11.7 ~~(5)~~(6) representatives of the Minnesota business community.

11.8 (b) Academic standards must:

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

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

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

11.12 Sec. 4. **[120B.25] CURRICULUM POLICY.**

11.13 A school board must adopt a written policy that prohibits discrimination or discipline
 11.14 for a teacher or principal on the basis of incorporating into curriculum contributions by
 11.15 persons in a federally protected class or protected class under section 363A.13, consistent
 11.16 with local collective bargaining agreements and sections 121A.41 to 121A.56.

11.17 Sec. 5. Minnesota Statutes 2018, section 121A.031, subdivision 5, is amended to read:

11.18 Subd. 5. **Safe and supportive schools programming.** (a) Districts and schools are
 11.19 encouraged to provide developmentally appropriate programmatic instruction to help students
 11.20 identify, prevent, and reduce prohibited conduct; value diversity in school and society;
 11.21 develop and improve students' knowledge and skills for solving problems, managing conflict,
 11.22 engaging in civil discourse, and recognizing, responding to, and reporting prohibited conduct;
 11.23 and make effective prevention and intervention programs available to students. Upon request,
 11.24 the school safety technical assistance center under section 127A.052 must assist a district
 11.25 or school in helping students understand social media and cyberbullying. Districts and
 11.26 schools must establish strategies for creating a positive school climate and use evidence-based
 11.27 social-emotional learning to prevent and reduce discrimination and other improper conduct.

11.28 (b) Districts and schools ~~are encouraged to~~ must:

11.29 (1) engage all students in creating a safe and supportive school environment;

- 12.1 (2) partner with parents and other community members to develop and implement
12.2 prevention and intervention programs;
- 12.3 (3) engage all students and adults in integrating education, intervention, and other
12.4 remedial responses into the school environment;
- 12.5 (4) train student bystanders to intervene in and report incidents of prohibited conduct to
12.6 the school's primary contact person;
- 12.7 (5) teach students to advocate for themselves and others;
- 12.8 (6) prevent inappropriate referrals to special education of students who may engage in
12.9 prohibited conduct; and
- 12.10 (7) foster student collaborations that foster a safe and supportive school climate.

12.11 Sec. 6. Minnesota Statutes 2018, section 121A.031, subdivision 6, is amended to read:

12.12 Subd. 6. **State model policy.** (a) The commissioner, in consultation with the
12.13 commissioner of human rights, shall develop and maintain a state model policy. A district
12.14 or school that does not adopt and implement a local policy under subdivisions 3 to 5 must
12.15 implement and may supplement the provisions of the state model policy. The commissioner
12.16 must assist districts and schools under this subdivision to implement the state policy. The
12.17 state model policy must:

- 12.18 (1) define prohibited conduct, consistent with this section;
- 12.19 (2) apply the prohibited conduct policy components in this section;
- 12.20 (3) for a child with a disability, whenever an evaluation by an individualized education
12.21 program team or a section 504 team indicates that the child's disability affects the child's
12.22 social skills development or the child is vulnerable to prohibited conduct because of the
12.23 child's disability, the child's individualized education program or section 504 plan may
12.24 address the skills and proficiencies the child needs to not engage in and respond to such
12.25 conduct; and
- 12.26 (4) encourage violence prevention and character development education programs under
12.27 section 120B.232, subdivision 1.

12.28 (b) The commissioner shall develop and post departmental procedures for:

- 12.29 (1) periodically reviewing district and school programs and policies for compliance with
12.30 this section;

13.1 (2) investigating, reporting, and responding to noncompliance with this section, which
13.2 may include an annual review of plans to improve and provide a safe and supportive school
13.3 climate; and

13.4 (3) allowing students, parents, and educators to file a complaint about noncompliance
13.5 with the commissioner.

13.6 (c) The commissioner must post on the department's website information indicating that
13.7 when districts and schools allow non-curriculum-related student groups access to school
13.8 facilities, the district or school must give all student groups equal access to the school
13.9 facilities regardless of the content of the group members' speech.

13.10 (d) The commissioner must develop and maintain resources to assist a district or school
13.11 in implementing strategies for creating a positive school climate and using evidence-based
13.12 social-emotional learning to prevent and reduce discrimination and other improper conduct.

13.13 (e) The commissioner must develop and adopt state level standards for social, emotional,
13.14 and cognitive development.

13.15 Sec. 7. Minnesota Statutes 2018, section 121A.41, subdivision 10, is amended to read:

13.16 Subd. 10. **Suspension.** (a) "In-school suspension" means an instance in which a pupil
13.17 is temporarily removed from the pupil's regular classroom for at least half a day for
13.18 disciplinary purposes, but remains under the direct supervision of school personnel.

13.19 (b) "Direct supervision" means school personnel are physically present in the same
13.20 location as the student under supervision.

13.21 (c) "Out-of-school suspension" means an action by the school administration, under
13.22 rules promulgated by the school board, prohibiting a pupil from attending school for a period
13.23 of no more than ten school days. If a suspension is longer than five days, the suspending
13.24 administrator must provide the superintendent with a reason for the longer suspension. This
13.25 definition does not apply to dismissal from school for less than one school day ~~or less~~,
13.26 except as provided in federal law for a student with a disability. Each suspension action
13.27 may include a readmission plan. The readmission plan shall include, where appropriate, a
13.28 provision for implementing alternative educational services upon readmission and may not
13.29 be used to extend the current suspension. Consistent with section 125A.091, subdivision 5,
13.30 the readmission plan must not obligate a parent to provide a sympathomimetic medication
13.31 for the parent's child as a condition of readmission. The school administration may not
13.32 impose consecutive suspensions against the same pupil for the same course of conduct, or
13.33 incident of misconduct, except where the pupil will create an immediate and substantial

14.1 danger to self or to surrounding persons or property, or where the district is in the process
14.2 of initiating an expulsion, in which case the school administration may extend the suspension
14.3 to a total of 15 school days.

14.4 Sec. 8. Minnesota Statutes 2018, section 121A.41, is amended by adding a subdivision to
14.5 read:

14.6 Subd. 12. **Nonexclusionary disciplinary policies and practices; alternatives to pupil**
14.7 **dismissal.** "Nonexclusionary disciplinary policies and practices" means policies and practices
14.8 that are alternatives to dismissing a pupil from school. Nonexclusionary disciplinary policies
14.9 and practices include but are not limited to evidence-based positive behavior interventions
14.10 and supports, social and emotional services, school-linked mental health services, counseling
14.11 services, social work services, referrals for special education or 504 evaluations, academic
14.12 screening for title one services or reading interventions, and alternative educational services.
14.13 Nonexclusionary disciplinary policies and practices require school officials to intervene in,
14.14 redirect, and support a pupil's behavior before beginning dismissal proceedings.
14.15 Nonexclusionary disciplinary policies and practices also include but are not limited to the
14.16 policies and practices under sections 120B.12; 121A.031, subdivision 4, paragraph (a),
14.17 clause (1); 121A.575, clauses (1) and (2); 121A.61, subdivision 3, paragraph (q); and
14.18 122A.627, clause (3).

14.19 Sec. 9. Minnesota Statutes 2018, section 121A.41, is amended by adding a subdivision to
14.20 read:

14.21 Subd. 13. **Pupil withdrawal agreement.** "Pupil withdrawal agreement" means a verbal
14.22 or written agreement between a school or district administrator and a pupil's parent or
14.23 guardian to withdraw a student from the school district to avoid expulsion or exclusion
14.24 dismissal proceedings. The duration of the withdrawal agreement cannot be for more than
14.25 a 12-month period.

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

14.27 Sec. 10. Minnesota Statutes 2018, section 121A.45, subdivision 1, is amended to read:

14.28 Subdivision 1. **Provision of alternative programs.** No school shall dismiss any pupil
14.29 without attempting to ~~provide alternative educational services~~ use nonexclusionary
14.30 disciplinary policies and practices before dismissal proceedings, except where it appears
14.31 that the pupil will create an immediate and substantial danger to self or to surrounding
14.32 persons or property.

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

15.2 Sec. 11. Minnesota Statutes 2018, section 121A.46, subdivision 4, is amended to read:

15.3 Subd. 4. **Suspension pending expulsion or exclusion hearing.** (a) Notwithstanding
15.4 the provisions of subdivisions 1 and 3, the pupil may be suspended pending the school
15.5 board's decision in the expulsion or exclusion hearing; provided that alternative educational
15.6 services are implemented to the extent that suspension exceeds five days.

15.7 (b) A school administrator must ensure that alternative educational services are provided
15.8 when a pupil is suspended for more than five consecutive school days.

15.9 Sec. 12. Minnesota Statutes 2018, section 121A.46, is amended by adding a subdivision
15.10 to read:

15.11 **Subd. 5. Minimum education services.** A suspended pupil must have the opportunity
15.12 to complete all school work assigned during the period of the pupil's suspension and to
15.13 receive full credit for satisfactorily completing the assignments. When a class assignment
15.14 is modified due to the pupil not being physically present in the classroom setting, the modified
15.15 assignment must address the same standards as the original assignment and provide the
15.16 pupil with the same amount of credit when completed. A school principal or other person
15.17 with administrative control of the school building or program is encouraged to designate a
15.18 district or school employee as a liaison to work with the pupil's teacher to allow the suspended
15.19 pupil to (1) receive timely course materials and other information, and (2) complete daily
15.20 and weekly assignments and receive feedback from the teacher.

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

15.22 Sec. 13. Minnesota Statutes 2018, section 121A.47, subdivision 2, is amended to read:

15.23 Subd. 2. **Written notice.** Written notice of intent to take action shall:

15.24 (a) be served upon the pupil and the pupil's parent or guardian personally or by mail;

15.25 (b) contain a complete statement of the facts, a list of the witnesses and a description of
15.26 their testimony;

15.27 (c) state the date, time, and place of the hearing;

15.28 (d) be accompanied by a copy of sections 121A.40 to 121A.56;

15.29 (e) describe ~~alternative educational services~~ the nonexclusionary disciplinary practices
15.30 accorded the pupil in an attempt to avoid the expulsion proceedings; and

16.1 (f) inform the pupil and parent or guardian of the right to:

16.2 (1) have a representative of the pupil's own choosing, including legal counsel, at the
16.3 hearing. The district ~~shall~~ must advise the pupil's parent or guardian that free or low-cost
16.4 legal assistance may be available and that a legal assistance resource list is available from
16.5 the Department of Education and is posted on the department's website;

16.6 (2) examine the pupil's records before the hearing;

16.7 (3) present evidence; and

16.8 (4) confront and cross-examine witnesses.

16.9 Sec. 14. Minnesota Statutes 2018, section 121A.47, subdivision 14, is amended to read:

16.10 Subd. 14. **Admission or readmission plan.** (a) A school administrator ~~shall~~ must prepare
16.11 and enforce an admission or readmission plan for any pupil who is excluded or expelled
16.12 from school. The plan ~~may~~ must include measures to improve the pupil's behavior, ~~including~~
16.13 which may include completing a character education program, consistent with section
16.14 120B.232, subdivision 1, ~~and~~ social and emotional learning, counseling, social work services,
16.15 mental health services, referrals for special education or 504 evaluation, and evidence-based
16.16 academic interventions. The plan must require parental involvement in the admission or
16.17 readmission process, and may indicate the consequences to the pupil of not improving the
16.18 pupil's behavior.

16.19 (b) The definition of suspension under section 121A.41, subdivision 10, does not apply
16.20 to a student's dismissal from school for less than one school day ~~or less~~, except as provided
16.21 under federal law for a student with a disability. Each suspension action may include a
16.22 readmission plan. A readmission plan must provide, where appropriate, alternative education
16.23 services, which must not be used to extend the student's current suspension period. Consistent
16.24 with section 125A.091, subdivision 5, a readmission plan must not obligate a parent or
16.25 guardian to provide psychotropic drugs to their student as a condition of readmission. School
16.26 officials must not use the refusal of a parent or guardian to consent to the administration of
16.27 psychotropic drugs to their student or to consent to a psychiatric evaluation, screening or
16.28 examination of the student as a ground, by itself, to prohibit the student from attending class
16.29 or participating in a school-related activity, or as a basis of a charge of child abuse, child
16.30 neglect or medical or educational neglect.

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

17.1 Sec. 15. Minnesota Statutes 2018, section 121A.53, subdivision 1, is amended to read:

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

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

17.13 Sec. 16. Minnesota Statutes 2018, section 121A.55, is amended to read:

17.14 **121A.55 POLICIES TO BE ESTABLISHED.**

17.15 (a) The commissioner of education shall promulgate guidelines to assist each school
 17.16 board. Each school board ~~shall~~ must establish uniform criteria for dismissal and adopt written
 17.17 policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies
 17.18 ~~shall~~ must include nonexclusionary disciplinary policies and practices consistent with section
 17.19 121A.41, subdivision 12, and must emphasize preventing dismissals through early detection
 17.20 of problems and shall. The policies must be designed to address students' inappropriate
 17.21 behavior from recurring.

17.22 (b) The policies ~~shall~~ must recognize the continuing responsibility of the school for the
 17.23 education of the pupil during the dismissal period.

17.24 (c) The school is responsible for ensuring that the alternative educational services, if the
 17.25 pupil wishes to take advantage of them, provided to the pupil must be adequate to allow the
 17.26 pupil to make progress towards toward meeting the graduation standards adopted under
 17.27 section 120B.02 and help prepare the pupil for readmission, and is in accordance with section
 17.28 121A.46, subdivision 5.

17.29 (d) For an expulsion, exclusion, or pupil withdrawal agreement as defined in section
 17.30 121A.41, subdivision 13:

17.31 (1) the school district must review the pupil's school work and grades on a quarterly
 17.32 basis to ensure the pupil is making progress toward readmission. A school district must
 17.33 communicate on a regular basis with the pupil's parent or guardian to ensure the pupil is

18.1 completing the work assigned through the alternative educational services. If the pupil
 18.2 enrolls and is admitted into a new school district during the dismissal period, this obligation
 18.3 ends;

18.4 (2) if school-based mental health services are provided in the district under section
 18.5 245.4889, a pupil remains eligible for those services until the pupil is enrolled in a new
 18.6 district; and

18.7 (3) the district must provide to the pupil's parent or guardian a list of mental health and
 18.8 counseling services available to the pupil. The list must also be posted on the district or
 18.9 charter school website.

18.10 ~~(b)~~ (e) An area learning center under section 123A.05 may not prohibit an expelled or
 18.11 excluded pupil from enrolling solely because a district expelled or excluded the pupil. The
 18.12 board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to
 18.13 exclude a pupil or to require an admission plan.

18.14 ~~(e)~~ (f) Each school district shall develop a policy and report it to the commissioner on
 18.15 the appropriate use of peace officers and crisis teams to remove students who have an
 18.16 individualized education program from school grounds.

18.17 **Sec. 17. [124D.792] GRADUATION CEREMONIES; TRIBAL REGALIA AND**
 18.18 **OBJECTS OF CULTURAL SIGNIFICANCE.**

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

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

18.23 Sec. 18. Minnesota Statutes 2018, section 125A.30, is amended to read:

18.24 **125A.30 INTERAGENCY EARLY INTERVENTION COMMITTEES.**

18.25 (a) A group of school districts or special education cooperatives, in cooperation with
 18.26 the county and tribal health and human service agencies located in the county or counties
 18.27 in which the districts or cooperatives are located, must establish an Interagency Early
 18.28 Intervention Committee for children with disabilities under age five and their families under
 18.29 this section, and for children with disabilities ages three to 22 consistent with the requirements
 18.30 under sections 125A.023 and 125A.027. Committees must include representatives of local
 18.31 health, education, and county human service agencies, early childhood family education
 18.32 programs, Head Start, parents of young children with disabilities under age 12, child care

19.1 resource and referral agencies, school readiness programs, current service providers, and
 19.2 agencies that serve families experiencing homelessness, and may also include representatives
 19.3 from other private or public agencies and school nurses. The committee must elect a chair
 19.4 from among its members and must meet at least quarterly.

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

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

19.10 (2) to reduce families' need for future services, and especially parents with premature
 19.11 infants, or infants with other physical risk factors associated with learning or development
 19.12 complications, implement interagency child find systems designed to actively seek out,
 19.13 identify, and refer infants and young children with, or at risk of, disabilities, including a
 19.14 child under the age of three who: (i) is the subject of a substantiated case of abuse or neglect
 19.15 or (ii) is identified as directly affected by illegal substance abuse, or withdrawal symptoms
 19.16 resulting from prenatal drug exposure;

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

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

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

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

19.27 ARTICLE 3

19.28 TEACHERS

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

19.31 **Subdivision 1. Purpose.** This section sets short-term and long-term state goals for
 19.32 **increasing the percentage of teachers of color and American Indian teachers in Minnesota**

20.1 and for ensuring all students have equitable access to effective and racially and ethnically
20.2 diverse teachers who reflect the diversity of students. The goals and report required under
20.3 this section are also important for meeting state goals for the world's best workforce under
20.4 section 120B.11, achievement and integration under section 124D.861, and higher education
20.5 attainment under section 135A.012, all of which have been established to close persistent
20.6 opportunity and achievement gaps that limit students' success in school and life and impede
20.7 the state's economic growth.

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

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

20.15 Subd. 4. **Reporting.** Beginning in 2020 and every even-numbered year thereafter, the
20.16 Professional Educator Licensing and Standards Board must collaborate with the Department
20.17 of Education and the Office of Higher Education to publish a summary report of each of
20.18 the programs they administer and any other programs receiving state appropriations that
20.19 have or include an explicit purpose of increasing the racial and ethnic diversity of the state's
20.20 teacher workforce to more closely reflect the diversity of students. The report must include
20.21 programs under sections 122A.2451, 122A.63, 122A.635, 122A.70, 124D.09, 124D.861,
20.22 136A.1275, and 136A.1791, along with any other programs or initiatives that receive state
20.23 appropriations to address the shortage of teachers of color and American Indian teachers.
20.24 The board must, in coordination with the Office of Higher Education and Department of
20.25 Education, provide policy and funding recommendations related to state-funded programs
20.26 to increase the recruitment, preparation, licensing, hiring, and retention of racially and
20.27 ethnically diverse teachers and the state's progress toward meeting or exceeding the goals
20.28 of this section. The report must also include recommendations for state policy and funding
20.29 needed to achieve the goals of this section, as well as plans for sharing the report and
20.30 activities of grant recipients, and opportunities among grant recipients of various programs
20.31 to share effective practices with each other. The 2020 report must include a recommendation
20.32 of whether a state advisory council should be established to address the shortage of racially
20.33 and ethnically diverse teachers and what the composition and charge of such an advisory
20.34 council would be if established. The board must consult with the state Indian Affairs Council
20.35 and other ethnic councils along with other community and stakeholder groups, including

21.1 students of color and American Indian students, in developing the report. By November 1
21.2 of each even-numbered year, the board must submit the report to the chairs and ranking
21.3 minority members of the legislative committees with jurisdiction over education and higher
21.4 education policy and finance. The report must be available to the public on the board's
21.5 website.

21.6 Sec. 2. Minnesota Statutes 2018, section 122A.40, subdivision 8, is amended to read:

21.7 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**
21.8 **teachers.** (a) To improve student learning and success, a school board and an exclusive
21.9 representative of the teachers in the district, consistent with paragraph (b), may develop a
21.10 teacher evaluation and peer review process for probationary and continuing contract teachers
21.11 through joint agreement. If a school board and the exclusive representative of the teachers
21.12 do not agree to an annual teacher evaluation and peer review process, then the school board
21.13 and the exclusive representative of the teachers must implement the state teacher evaluation
21.14 plan under paragraph (c). The process must include having trained observers serve as peer
21.15 coaches or having teachers participate in professional learning communities, consistent with
21.16 paragraph (b).

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

21.21 (1) must, for probationary teachers, provide for all evaluations required under subdivision
21.22 5;

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

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

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

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

22.3 (6) may include job-embedded learning opportunities such as professional learning
22.4 communities;

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

22.9 (8) must include an option for teachers to develop and present a portfolio demonstrating
22.10 evidence of reflection and professional growth, consistent with section 122A.187, subdivision
22.11 3, and include teachers' own performance assessment based on student work samples and
22.12 examples of teachers' work, which may include video among other activities for the
22.13 summative evaluation;

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

22.18 (10) must use longitudinal data on student engagement and connection, and other student
22.19 outcome measures explicitly aligned with the elements of curriculum for which teachers
22.20 are responsible, including academic literacy, oral academic language, and achievement of
22.21 content areas of English learners;

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

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

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

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

23.4 (c) The department, in consultation with parents who may represent parent organizations
23.5 and teacher and administrator representatives appointed by their respective organizations,
23.6 representing the Professional Educator Licensing and Standards Board, the Minnesota
23.7 Association of School Administrators, the Minnesota School Boards Association, the
23.8 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and
23.9 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,
23.10 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with
23.11 research expertise in teacher evaluation, must create and publish a teacher evaluation process
23.12 that complies with the requirements in paragraph (b) and applies to all teachers under this
23.13 section and section 122A.41 for whom no agreement exists under paragraph (a) for an annual
23.14 teacher evaluation and peer review process. The teacher evaluation process created under
23.15 this subdivision does not create additional due process rights for probationary teachers under
23.16 subdivision 5.

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

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

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

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

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

24.1 Sec. 3. Minnesota Statutes 2018, section 122A.41, subdivision 5, is amended to read:

24.2 Subd. 5. **Development, evaluation, and peer coaching for continuing contract**
24.3 **teachers.** (a) To improve student learning and success, a school board and an exclusive
24.4 representative of the teachers in the district, consistent with paragraph (b), may develop an
24.5 annual teacher evaluation and peer review process for probationary and nonprobationary
24.6 teachers through joint agreement. If a school board and the exclusive representative of the
24.7 teachers in the district do not agree to an annual teacher evaluation and peer review process,
24.8 then the school board and the exclusive representative of the teachers must implement the
24.9 state teacher evaluation plan developed under paragraph (c). The process must include
24.10 having trained observers serve as peer coaches or having teachers participate in professional
24.11 learning communities, consistent with paragraph (b).

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

24.16 (1) must, for probationary teachers, provide for all evaluations required under subdivision
24.17 2;

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

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

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

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

24.30 (6) may include job-embedded learning opportunities such as professional learning
24.31 communities;

24.32 (7) may include mentoring and induction programs for teachers, including teachers who
24.33 are members of populations underrepresented among the licensed teachers in the district or

25.1 school and who reflect the diversity of students under section 120B.35, subdivision 3,
25.2 paragraph (b), clause (2), who are enrolled in the district or school;

25.3 (8) must include an option for teachers to develop and present a portfolio demonstrating
25.4 evidence of reflection and professional growth, consistent with section 122A.187, subdivision
25.5 3, and include teachers' own performance assessment based on student work samples and
25.6 examples of teachers' work, which may include video among other activities for the
25.7 summative evaluation;

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

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

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

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

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

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

25.29 (c) The department, in consultation with parents who may represent parent organizations
25.30 and teacher and administrator representatives appointed by their respective organizations,
25.31 representing the Professional Educator Licensing and Standards Board, the Minnesota
25.32 Association of School Administrators, the Minnesota School Boards Association, the
25.33 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and

26.1 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,
 26.2 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with
 26.3 research expertise in teacher evaluation, must create and publish a teacher evaluation process
 26.4 that complies with the requirements in paragraph (b) and applies to all teachers under this
 26.5 section and section 122A.40 for whom no agreement exists under paragraph (a) for an annual
 26.6 teacher evaluation and peer review process. The teacher evaluation process created under
 26.7 this subdivision does not create additional due process rights for probationary teachers under
 26.8 subdivision 2.

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

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

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

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

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

26.24 **ARTICLE 4**

26.25 **DEPARTMENT OF EDUCATION HOUSEKEEPING**

26.26 Section 1. Minnesota Statutes 2018, section 124D.74, subdivision 1, is amended to read:

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

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

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

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

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

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

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

27.6 Program services designed to increase completion and graduation rates of American Indian

27.7 ~~students~~ pupils must emphasize academic achievement, retention, and attendance;

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

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

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

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

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

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

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

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

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

27.17 family education programs.

27.18 Sec. 2. Minnesota Statutes 2018, section 124D.78, subdivision 1, is amended to read:

27.19 Subdivision 1. **Parent committee.** (a) School boards and American Indian schools must

27.20 provide for the maximum involvement of parents of children enrolled in education programs,

27.21 programs for elementary and secondary grades, special education programs, and support

27.22 services. Accordingly, the board of a school district in which there are ten or more American

27.23 Indian students enrolled and each American Indian school must establish an American

27.24 Indian education parent advisory committee.

27.25 (b) For purposes of this section, American Indian students are defined as persons having

27.26 origins in any of the original peoples of North America who maintain cultural identification

27.27 through tribal affiliation or community recognition.

27.28 (c) If a committee whose membership consists of a majority of parents of American

27.29 Indian children has been or is established according to federal, tribal, or other state law, that

27.30 committee may serve as the committee required by this section and is subject to, at least,

27.31 the requirements of this subdivision and subdivision 2.

27.32 (d) The American Indian education parent advisory committee must develop its

27.33 recommendations in consultation with the curriculum advisory committee required by

28.1 section 120B.11, subdivision 3. This committee must afford parents the necessary information
28.2 and the opportunity effectively to express their views concerning all aspects of American
28.3 Indian education and the educational needs of the American Indian children enrolled in the
28.4 school or program. The school board or American Indian school must ensure that programs
28.5 are planned, operated, and evaluated with the involvement of and in consultation with parents
28.6 of American Indian students served by the programs as evidenced by American Indian
28.7 education parent advisory committee meeting minutes.

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

28.9 Subd. 3. **Membership.** The American Indian education parent advisory committee must
28.10 be composed of parents of children eligible to be enrolled in American Indian education
28.11 programs; secondary students eligible to be served; American Indian language and culture
28.12 education teachers and paraprofessionals; American Indian teachers; counselors; adult
28.13 American Indian people enrolled in educational programs; and representatives from
28.14 community groups. A majority of each committee must be parents of American Indian
28.15 children enrolled or eligible to be enrolled in the programs. ~~The number of parents of~~
28.16 ~~American Indian and non-American Indian children shall reflect approximately the proportion~~
28.17 ~~of children of those groups enrolled in the programs.~~

28.18 Sec. 4. Minnesota Statutes 2018, section 124D.79, subdivision 2, is amended to read:

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

28.26 Sec. 5. Minnesota Statutes 2018, section 124D.81, subdivision 1, is amended to read:

28.27 Subdivision 1. **Procedures.** A school district, charter school, or American
28.28 Indian-controlled tribal contract or grant school enrolling at least 20 American Indian
28.29 students identified by the state count on October 1 of the previous school year and operating
28.30 an American Indian education program according to section 124D.74 is eligible for Indian
28.31 education aid if it meets the requirements of this section. Programs may provide for contracts
28.32 for the provision of program components by nonsectarian nonpublic, community, tribal,
28.33 charter, or alternative schools. The commissioner shall prescribe the form and manner of

29.1 application for aids, and no aid shall be made for a program not complying with the
 29.2 requirements of sections 124D.71 to 124D.82.

29.3 **ARTICLE 5**

29.4 **NUTRITION**

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

29.6 **124D.111 SCHOOL MEAL POLICY; LUNCH AID; FOOD SERVICE**
 29.7 **ACCOUNTING.**

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

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

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

29.15 (3) address whether the participant uses a collections agency to collect unpaid school
 29.16 meal debt;

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

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

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

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

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

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

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

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

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

30.7 **Subd. 2a. Federal child and adult care food program; criteria and notice.** The
30.8 commissioner must post on the department's website eligibility criteria and application
30.9 information for nonprofit organizations interested in applying to the commissioner for
30.10 approval as a multisite sponsoring organization under the federal child and adult care food
30.11 program. The posted criteria and information must inform interested nonprofit organizations
30.12 about:

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

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

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

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

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

30.26 (c) Revenues and expenditures for food service activities must be recorded in the food
30.27 service fund. The costs of processing applications, accounting for meals, preparing and
30.28 serving food, providing kitchen custodial services, and other expenses involving the preparing
30.29 of meals or the kitchen section of the lunchroom may be charged to the food service fund
30.30 or to the general fund of the district. The costs of lunchroom supervision, lunchroom custodial
30.31 services, lunchroom utilities, and other administrative costs of the food service program
30.32 must be charged to the general fund.

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

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

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

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

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

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

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

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

32.10 (b) If the commissioner or the commissioner's designee determines a participant has
 32.11 violated the requirement to provide meals to participating students in a respectful manner,
 32.12 the commissioner or the commissioner's designee must send a letter of noncompliance to
 32.13 the participant. The participant is required to respond and, if applicable, remedy the practice
 32.14 within 60 days.

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

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

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

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

32.20 **ARTICLE 6**

32.21 **EARLY CHILDHOOD**

32.22 Section 1. **[121A.425] FULL AND EQUITABLE PARTICIPATION IN PRESCHOOL**
 32.23 **AND PREKINDERGARTEN.**

32.24 Subdivision 1. **Disciplinary dismissals prohibited.** A pupil enrolled in a preschool or
 32.25 prekindergarten program, including a child participating in early childhood family education,
 32.26 school readiness, school readiness plus, voluntary prekindergarten, Head Start, or other
 32.27 school-based preschool or prekindergarten program, may not be subject to dismissals under
 32.28 this chapter. Notwithstanding this subdivision, expulsions and exclusions may be used only
 32.29 after resources outlined in subdivision 2 have been exhausted, and only in circumstances
 32.30 where there is an ongoing serious safety threat to the child or others.

32.31 Subd. 2. **Nonexclusionary discipline.** For purposes of this section, nonexclusionary
 32.32 discipline must include at least one of the following:

- 33.1 (1) collaborating with the pupil's family or guardian, child mental health consultant or
33.2 provider, education specialist, or other community-based support;
- 33.3 (2) creating a plan, written with the parent or guardian, that details the action and support
33.4 needed for the pupil to fully participate in a preschool or prekindergarten program; or
- 33.5 (3) providing a referral for needed support services, including parenting education, home
33.6 visits, other supportive education interventions, or, where appropriate, an evaluation to
33.7 determine if the pupil is eligible for special education services or section 504 services.