

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 1236

(SENATE AUTHORS: NELSON and Chamberlain)

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Introduction and first reading
Referred to E-12 Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to education; making various nonsubstantive style and form changes;

1.3 repealing obsolete statutes; amending Minnesota Statutes 2018, sections 120A.20,

1.4 subdivision 2; 120A.22; 120A.24; 120A.34; 120A.35; 120A.40; 121A.26; 122A.09,

1.5 subdivision 7; 122A.33, subdivision 2; 123A.45; 124D.4531; 126C.21, subdivision

1.6 3; repealing Minnesota Statutes 2018, sections 120B.299, subdivision 5; 121A.70;

1.7 122A.58; 122A.695; 126C.41, subdivision 4.

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

1.9 Section 1. Minnesota Statutes 2018, section 120A.20, subdivision 2, is amended to read:

1.10 Subd. 2. **Education, residence, and transportation of homeless.** (a) Notwithstanding

1.11 subdivision 1, a district must not deny free admission to a homeless pupil solely because

1.12 the district cannot determine that the pupil is a resident of the district.

1.13 (b) The school district of residence for a homeless pupil ~~shall be~~ is the school district in

1.14 which the parent or legal guardian resides, unless: (1) parental rights have been terminated

1.15 by court order; (2) the parent or guardian is not living within the state; or (3) the parent or

1.16 guardian having legal custody of the child is an inmate of a Minnesota correctional facility

1.17 or is a resident of a halfway house under the supervision of the commissioner of corrections.

1.18 If any of clauses (1) to (3) apply, the school district of residence ~~shall be~~ is the school district

1.19 in which the pupil resided when the qualifying event occurred. If no other district of residence

1.20 can be established, the school district of residence ~~shall be~~ is the school district in which

1.21 the pupil currently resides. If there is a dispute between school districts regarding residency,

1.22 the district of residence is the district designated by the commissioner of education.

1.23 (c) The serving district is responsible for transporting a homeless pupil to and from the

1.24 pupil's district of residence. The district may transport from a permanent home in another

2.1 district but only through the end of the academic school year. When a pupil is enrolled in
2.2 a charter school, the district or school that provides transportation for other pupils enrolled
2.3 in the charter school is responsible for providing transportation. When a homeless student
2.4 with or without an individualized education program attends a public school other than an
2.5 independent or special school district or charter school, the district of residence is responsible
2.6 for transportation.

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

2.8 **120A.22 COMPULSORY INSTRUCTION.**

2.9 Subdivision 1. **Parental responsibility.** The parent of a child is primarily responsible
2.10 for assuring that the child acquires knowledge and skills that are essential for effective
2.11 citizenship.

2.12 Subd. 1a. **Noncustodial parent access to records.** Upon request, a noncustodial parent
2.13 has the right of access to, and to receive copies of, school records and information, to attend
2.14 conferences, and to be informed about the child's welfare, educational progress, and status,
2.15 as authorized under section 518.17, subdivision 3. The school is not required to hold a
2.16 separate conference for each parent.

2.17 Subd. 2. **Applicability.** This section and sections 120A.24; 120A.26; 120A.32; and
2.18 120A.34 apply only to a child required to receive instruction according to subdivision 5 and
2.19 to instruction that is intended to fulfill that requirement.

2.20 Subd. 3. **Parent defined; residency determined.** (a) In this section and sections 120A.24
2.21 and 120A.26, "parent" means a parent, guardian, or other person having legal custody of a
2.22 child.

2.23 (b) In sections 125A.03 to 125A.24 and 125A.65, "parent" means a parent, guardian, or
2.24 other person having legal custody of a child under age 18. For an unmarried pupil age 18
2.25 or over, "parent" means the pupil unless a guardian or conservator has been appointed, in
2.26 which case it means the guardian or conservator.

2.27 (c) For purposes of sections 125A.03 to 125A.24 and 125A.65, the school district of
2.28 residence for an unmarried pupil age 18 or over who is a parent under paragraph (b) and
2.29 who is placed in a center for care and treatment, ~~shall be~~ is the school district in which the
2.30 pupil's biological or adoptive parent or designated guardian resides.

2.31 (d) For a married pupil age 18 or over, the school district of residence is the school
2.32 district in which the married pupil resides.

3.1 (e) If a district reasonably believes that a student does not meet the residency requirements
 3.2 of the school district in which the student is attending school, the district may remove the
 3.3 ~~student may be removed~~ from the school ~~only after the district sends~~. Before removing the
 3.4 student, the district must send the student's parents written notice of the district's belief,
 3.5 including the facts upon which the belief is based, ~~and an opportunity to~~ and of the parents'
 3.6 right to provide documentary evidence of residency ~~in person~~ to the superintendent or
 3.7 designee, ~~or, at the option of the parents, by sending the documentary evidence~~. The parents
 3.8 may present the documentary evidence in person or may send the evidence to the
 3.9 superintendent; or a designee, who ~~will then make a determination as to~~ must determine the
 3.10 residency status of the student.

3.11 Subd. 4. **School defined.** For the purpose of compulsory attendance, a "school" means
 3.12 a public school, as ~~defined~~ referenced in section 120A.05, subdivisions 9, 11, 13, and 17,
 3.13 or a nonpublic school, church or religious organization, or home school in which a child is
 3.14 provided instruction in compliance with this section and section 120A.24.

3.15 Subd. 5. **Ages and terms.** (a) Every child between seven and 17 years of age must
 3.16 receive instruction unless the child has graduated. Every child under the age of seven who
 3.17 is enrolled in ~~a half-day kindergarten, or a full-day kindergarten program on alternate days,~~
 3.18 ~~or other kindergarten programs shall~~ or a higher grade must receive instruction according
 3.19 to subdivision 6. Except as provided in subdivision 6, a parent may withdraw a child under
 3.20 the age of seven from enrollment at any time.

3.21 (b) A school district by annual board action may require children subject to this
 3.22 subdivision to receive instruction in summer school. A district ~~that acts to require~~ requiring
 3.23 children to receive instruction in summer school ~~shall~~ must establish at the time of its action
 3.24 the criteria for determining which children must receive instruction.

3.25 (c) A pupil 16 years of age or older who meets the criteria of section 124D.68, subdivision
 3.26 2, ~~and under clause (5) of that subdivision~~ may be referred to an area learning center if the
 3.27 pupil has been excluded or expelled from school in accordance with sections 121A.40 to
 3.28 121A.56, or under clause (11) of that subdivision has been chronically truant ~~may be referred~~
 3.29 ~~to an area learning center~~. The referral may be made only after consulting the principal,
 3.30 area learning center director, student, and parent ~~or guardian~~ and only if, in the school
 3.31 administrator's professional judgment, the referral is in the best educational interest of the
 3.32 pupil. Nothing in this paragraph limits a pupil's eligibility to apply to enroll in other eligible
 3.33 programs under section 124D.68.

4.1 Subd. 6. **Children under seven.** (a) Once a pupil under the age of seven is enrolled in
4.2 kindergarten or a higher grade in a public school, the pupil is subject to the compulsory
4.3 attendance provisions of this chapter ~~and section 120A.34~~, unless the board of the district
4.4 in which the pupil is enrolled has a policy that exempts children under seven from this
4.5 subdivision.

4.6 (b) In a district in which children under seven are subject to compulsory attendance
4.7 under this subdivision, paragraphs (c) to (e) apply.

4.8 (c) A parent or guardian may withdraw the pupil from enrollment in the school for good
4.9 cause by notifying the district. Good cause includes, but is not limited to, enrollment of the
4.10 pupil in another school, as defined in subdivision 4, or the immaturity of the child.

4.11 (d) When the pupil enrolls, the enrolling official must provide the parent or guardian
4.12 who enrolls the pupil with a written explanation of the provisions of this subdivision.

4.13 (e) A pupil under the age of seven who is withdrawn from enrollment in the public school
4.14 under paragraph (c) is no longer subject to the compulsory attendance provisions of this
4.15 chapter.

4.16 (f) In a district that ~~had~~ has an adopted a policy to exempt children under seven from
4.17 this subdivision, the district's chief attendance officer must ~~keep~~ provide the truancy
4.18 enforcement authorities ~~supplied~~ with a current copy of the board's ~~current~~ policy certified
4.19 by the clerk of the board.

4.20 Subd. 7. **Education records.** (a) A district, a charter school, or a nonpublic school that
4.21 receives services or aid under sections 123B.40 to 123B.48 ~~from which a student is~~
4.22 ~~transferring~~ must transmit the student's educational records, ~~within ten business days of a~~
4.23 ~~request, of a student who is transferring to the~~ enrolling district, ~~the~~ charter school, or ~~the~~
4.24 nonpublic school ~~in which the student is enrolling~~ within ten business days of receiving a
4.25 request to transmit the records. Districts, charter schools, and nonpublic schools that receive
4.26 services or aid under sections 123B.40 to 123B.48 must make reasonable efforts to determine
4.27 the district, the charter school, or the nonpublic school in which a transferring student is
4.28 next enrolling in order to comply with this subdivision.

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

4.32 (c) A school district, a charter school, or a nonpublic school that receives services or aid
4.33 under sections 123B.40 to 123B.48 and that transmits a student's educational records to

5.1 another school district or other educational entity, charter school, or nonpublic school to
 5.2 which the student is transferring must include in the transmitted records information about
 5.3 any formal suspension, expulsion, and exclusion disciplinary action under sections 121A.40
 5.4 to 121A.56. The district, the charter school, or the nonpublic school that receives services
 5.5 or aid under sections 123B.40 to 123B.48 must provide notice to a student and the student's
 5.6 parent or guardian that formal disciplinary records will be transferred as part of the student's
 5.7 educational record, in accordance with data practices under chapter 13 and the Family
 5.8 Educational Rights and Privacy Act of 1974, United States Code, title 20, section 1232(g).

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

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

5.19 Subd. 8. **Withdrawal from school.** ~~Any~~ A 17-year-old student ~~who is 17 years old who~~
 5.20 ~~seeks to~~ may withdraw from school; after the student and the student's parent or guardian
 5.21 ~~must~~:

5.22 (1) attend a meeting with school personnel to discuss the educational opportunities
 5.23 available to the student, including alternative educational opportunities; and

5.24 (2) sign a written election to withdraw from school.

5.25 Subd. 9. **Knowledge and skills.** Instruction must be provided in at least the following
 5.26 subject areas:

5.27 (1) basic communication skills including reading and writing, literature, and fine arts;

5.28 (2) mathematics and science;

5.29 (3) social studies including history, geography, economics, government, and citizenship;
 5.30 and

5.31 (4) health and physical education.

6.1 Instruction, textbooks, and materials must be in the English language. Another language
6.2 may be used pursuant to sections 124D.59 to 124D.61.

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

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

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

6.7 (3) successfully complete a teacher competency examination;

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

6.10 (5) hold a baccalaureate degree; or

6.11 (6) be the parent of a child who is assessed according to the procedures in subdivision

6.12 11.

6.13 Any person providing instruction in a public school must meet the requirements of clause

6.14 (1).

6.15 Subd. 11. **Assessment of performance.** (a) ~~Each~~ A nationally norm-referenced
6.16 standardized achievement examination must be used each year to assess the performance
6.17 of every child not enrolled in a public school (1) ages seven through 16, and every child (2)
6.18 ages 16 through 17 for which, if an initial report was filed pursuant to required under section
6.19 120A.24, subdivision 1, was filed after the child is reached age 16 and who is not enrolled
6.20 in a public school must be assessed using a nationally norm-referenced standardized
6.21 achievement examination. The superintendent of the district in which the child receives
6.22 instruction and the person in charge of the child's instruction must agree about the specific
6.23 examination to be used and the administration and location of the examination.

6.24 (b) To the extent the examination in paragraph (a) does not provide assessment in all of
6.25 the subject areas in subdivision 9, the parent must assess the child's performance in the
6.26 applicable subject area. This requirement applies only to a parent who provides instruction
6.27 and does not meet the requirements of subdivision 10, clause (1), (2), or (3).

6.28 (c) If the results of the assessments in paragraphs (a) and (b) indicate that the child's
6.29 performance on the total battery score is at or below the 30th percentile or one grade level
6.30 below the performance level for children of the same age, the parent must obtain additional
6.31 evaluation of the child's abilities and performance for the purpose of determining whether
6.32 the child has learning problems.

7.1 (d) A child receiving instruction from a nonpublic school, person, or institution that is
 7.2 accredited by an accrediting agency, recognized according to section 123B.445, or recognized
 7.3 by the commissioner, is exempt from the requirements of this subdivision.

7.4 Subd. 12. **Legitimate exemptions.** (a) A parent, ~~guardian, or other person having control~~
 7.5 of a child may apply to a school district to have the child excused from attendance for the
 7.6 whole or any part of the time school is in session during any school year. Application may
 7.7 be made to any member of the board, a truant officer, a principal, or the superintendent.
 7.8 The school district may state in its school attendance policy that it may ask the student's
 7.9 parent ~~or legal guardian~~ to verify in writing the reason for the child's absence from school.
 7.10 A note from a physician or a licensed mental health professional stating that the child cannot
 7.11 attend school is a valid excuse. The board of the district in which the child resides may
 7.12 approve the application upon the following being demonstrated to the satisfaction of that
 7.13 board:

7.14 (1) that the child's physical or mental health is such as to prevent attendance at school
 7.15 or application to study for the period required, which includes:

7.16 (i) child illness, medical, dental, orthodontic, or counseling appointments;

7.17 (ii) family emergencies;

7.18 (iii) the death or serious illness or funeral of an immediate family member;

7.19 (iv) active duty in any military branch of the United States;

7.20 (v) the child has a condition that requires ongoing treatment for a mental health diagnosis;

7.21 or

7.22 (vi) other exemptions included in the district's school attendance policy;

7.23 (2) that the child has already completed state and district standards required for graduation
 7.24 from high school; or

7.25 (3) that it is the wish of the parent, ~~guardian, or other person having control of the child,~~
 7.26 that the child attend for a period or periods not exceeding in the aggregate three hours in
 7.27 any week, a school for religious instruction conducted and maintained by some church, or
 7.28 association of churches, or any Sunday school association incorporated under the laws of
 7.29 this state, or any auxiliary thereof. This school for religious instruction must be conducted
 7.30 and maintained in a place other than a public school building, and it must not, in whole or
 7.31 in part, be conducted and maintained at public expense. However, a child may be absent
 7.32 from school on such days as the child attends upon instruction according to the ordinances
 7.33 of some church.

8.1 (b) Notwithstanding subdivision 6, paragraph (a), a parent may withdraw a child from
 8.2 an all-day, every day kindergarten program and put their child in a half-day program, if
 8.3 offered, or an alternate-day program without being truant. A school board must excuse a
 8.4 kindergarten child from a part of a school day at the request of the child's parent.

8.5 Subd. 13. **Issuing and reporting excuses.** The clerk or any authorized officer of the
 8.6 board must issue and keep a record of ~~such excuses~~ excused absences, under ~~such~~ the rules
 8.7 ~~as the board may from time to time establish~~ established by the board.

8.8 Sec. 3. Minnesota Statutes 2018, section 120A.24, is amended to read:

8.9 **120A.24 REPORTING.**

8.10 Subdivision 1. **Reports to superintendent.** (a) The person or nonpublic school in charge
 8.11 of providing instruction to a child must submit to the superintendent of the district in which
 8.12 the child resides the name, birth date, and address of the child; the annual tests intended to
 8.13 be used under section 120A.22, subdivision 11, if required; the name of each instructor;
 8.14 and evidence of compliance with one of the requirements specified in section 120A.22,
 8.15 subdivision 10, at the following times:

8.16 (1) by October 1 of the first school year the child receives instruction after reaching the
 8.17 age of seven;

8.18 (2) within 15 days of when a parent withdraws a child from public school after age seven
 8.19 to provide instruction in a nonpublic school that is not accredited by a state-recognized
 8.20 accredited agency;

8.21 (3) within 15 days of moving out of a district; and

8.22 (4) by October 1 after a new resident district is established.

8.23 (b) The person or nonpublic school in charge of providing instruction to a child between
 8.24 the ages of seven and 16, and every child ages 16 through 17 for ~~which~~ whom an initial
 8.25 report was filed pursuant to this subdivision after the child ~~is~~ turned 16 years old, must
 8.26 submit; a report to the superintendent of the child's resident district by October 1 of each
 8.27 school year; The report must include a letter of intent to continue to provide instruction
 8.28 under this section for all students under the person's or school's supervision and any changes
 8.29 to the information required in paragraph (a) for each student.

8.30 (c) The superintendent may collect the required information under this section through
 8.31 an electronic or web-based format, but must not require electronic submission of information
 8.32 under this section from the person in charge of reporting under this subdivision.

9.1 Subd. 2. **Availability of documentation.** (a) The person or nonpublic school in charge
9.2 of providing instruction to a child must maintain documentation indicating that the subjects
9.3 required in section 120A.22, subdivision 9, are being taught and proof that the tests under
9.4 section 120A.22, subdivision 11, have been administered. This documentation must include
9.5 class schedules, copies of materials used for instruction, and descriptions of methods used
9.6 to assess student achievement.

9.7 (b) The parent of a child who enrolls full time in public school after having been enrolled
9.8 in a nonpublic school that is not accredited by a state-recognized accrediting agency must
9.9 provide the enrolling public school or school district with the child's scores on any tests
9.10 administered to the child under section 120A.22, subdivision 11, and other education-related
9.11 documents the enrolling school or district requires to determine where the child is placed
9.12 in school and what course requirements apply. This paragraph does not apply to a shared
9.13 time student who does not seek a public school diploma.

9.14 (c) The person or nonpublic school in charge of providing instruction to a child must
9.15 make the documentation in this subdivision available to the county attorney when a case is
9.16 commenced under section 120A.26, subdivision 5; chapter 260C; or when diverted under
9.17 chapter 260A.

9.18 Subd. 3. **Exemptions.** A nonpublic school, person, or other institution that is accredited
9.19 by an accrediting agency, recognized according to section 123B.445, or recognized by the
9.20 commissioner, is exempt from the requirements in subdivision 2.

9.21 Subd. 4. **Reports to the state.** A superintendent must make an annual report to the
9.22 commissioner of education by December 1 of the total number of ~~nonpublic~~ children reported
9.23 as residing in the district subject to compulsory instruction requirements and not enrolled
9.24 in a public school. The report must include the following information:

9.25 (1) the number of children residing in the district attending nonpublic schools or receiving
9.26 instruction from persons or institutions other than a public school;

9.27 (2) the number of children in clause (1) who are ~~in compliance~~ receiving compulsory
9.28 instruction in accordance with section 120A.22 and ~~this section~~ the subject of a report
9.29 required under subdivision 1; and

9.30 (3) the number of children in clause (1) who the superintendent has determined are not
9.31 ~~in compliance~~ receiving compulsory instruction in accordance with section 120A.22 and
9.32 ~~this section~~ the subject of a report required under subdivision 1.

10.1 Subd. 5. **Obligations.** Nothing in this section alleviates the obligations under section
10.2 120A.22.

10.3 Sec. 4. Minnesota Statutes 2018, section 120A.34, is amended to read:

10.4 **120A.34 VIOLATIONS; PENALTIES.**

10.5 ~~Any person who fails~~ It is a petty misdemeanor to (1) fail or refuses ~~refuse~~ to provide
10.6 for the instruction of a child of whom the person has legal custody, and who is required by
10.7 section 120A.22, subdivision 5, to receive instruction, when notified ~~so to do~~ by a truant
10.8 officer or other official, ~~or any person who induces~~ (2) induce or ~~attempts~~ attempt to induce
10.9 ~~any~~ a child unlawfully to be absent from school, or ~~who~~ (3) knowingly ~~harbors~~ harbor or
10.10 ~~employs, while school is in session, any~~ employ a child unlawfully absent from school;
10.11 ~~shall be guilty of a petty misdemeanor~~ while school is in session. ~~Any fines collected shall~~
10.12 ~~be paid~~ A person convicted of violating this section must pay any required fines into the
10.13 county treasury for the benefit of the school district in which the offense is committed.

10.14 Sec. 5. Minnesota Statutes 2018, section 120A.35, is amended to read:

10.15 **120A.35 ABSENCE FROM SCHOOL FOR RELIGIOUS OBSERVANCE.**

10.16 ~~Reasonable~~ A school district must make reasonable efforts ~~must be made by a school~~
10.17 ~~district~~ to accommodate ~~any~~ a pupil who wishes to be excused from a curricular activity
10.18 for a religious observance.

10.19 Sec. 6. Minnesota Statutes 2018, section 120A.40, is amended to read:

10.20 **120A.40 SCHOOL CALENDAR.**

10.21 ~~(a) Except for learning programs during summer, flexible learning year programs~~
10.22 ~~authorized under sections 124D.12 to 124D.127, and learning year programs under section~~
10.23 ~~124D.128,~~ A district must not commence an elementary or secondary school year before
10.24 Labor Day, except as provided under paragraph (b). Days devoted to teachers' workshops
10.25 may be held before Labor Day. Districts that enter into cooperative agreements are
10.26 encouraged to adopt similar school calendars.

10.27 (b) A district may begin the school year on any day before Labor Day:

10.28 (1) to accommodate a construction or remodeling project of \$400,000 or more affecting
10.29 a district school facility;

10.30 (2) if the district has an agreement under section 123A.30, 123A.32, or 123A.35 with a
10.31 district that qualifies under clause (1); ~~or~~

11.1 (3) if the district agrees to the same schedule with a school district in an adjoining state;
 11.2 or

11.3 (4) for learning programs during summer, flexible learning year programs authorized
 11.4 under sections 124D.12 to 124D.127, and learning year programs under section 124D.128.

11.5 Sec. 7. Minnesota Statutes 2018, section 121A.26, is amended to read:

11.6 **121A.26 SCHOOL PREASSESSMENT TEAMS.**

11.7 (a) Every public school; and every nonpublic school that participates in a school district
 11.8 chemical abuse program ~~shall~~ must establish a chemical abuse preassessment team. The
 11.9 preassessment team must be composed of classroom teachers, administrators, and to the
 11.10 extent they exist in each school, school nurse, school counselor or psychologist, social
 11.11 worker, chemical abuse specialist, and other appropriate professional staff. The
 11.12 superintendents or their designees ~~shall~~ must designate the team members in the public
 11.13 schools. The preassessment team is responsible for addressing reports of chemical abuse
 11.14 problems and making recommendations for appropriate responses to the individual reported
 11.15 cases.

11.16 (b) Within 45 days after receiving an individual reported case, the preassessment team
 11.17 ~~shall make a determination~~ must determine whether to provide the student and, in the case
 11.18 of a minor, the student's parents with information about school and community services in
 11.19 connection with chemical abuse. Data may be disclosed without consent in health and safety
 11.20 emergencies pursuant to section 13.32 and applicable federal law and regulations.

11.21 (c) Notwithstanding section 138.163, this section governs the destruction of records
 11.22 identifying individual students ~~shall be governed by this section~~. If the preassessment team
 11.23 decides not to provide a student and, in the case of a minor, the student's parents with
 11.24 information about school or community services in connection with chemical abuse, records
 11.25 created or maintained by the preassessment team about the student ~~shall~~ must be destroyed
 11.26 not later than six months after the determination is made. If the preassessment team decides
 11.27 to provide a student and, in the case of a minor, the student's parents with information about
 11.28 school or community services in connection with chemical abuse, records created or
 11.29 maintained by the preassessment team about the student ~~shall~~ must be destroyed not later
 11.30 than six months after the student is no longer enrolled in the district.

12.1 Sec. 8. Minnesota Statutes 2018, section 122A.09, subdivision 7, is amended to read:

12.2 Subd. 7. **Professional Educator Licensing and Standards Board money.** All money
 12.3 received by the Professional Educator Licensing and Standards Board shall be paid into the
 12.4 state treasury as provided by law. The expenses of administering sections 120B.363, 122A.01,
 12.5 122A.05 to 122A.09, 122A.15, 122A.16, 122A.17, 122A.18, 122A.181, 122A.182, 122A.183,
 12.6 122A.184, 122A.185, 122A.187, 122A.188, 122A.20, 122A.21, 122A.22, 122A.23,
 12.7 122A.2451, 122A.26, 122A.30, 122A.40, 122A.41, 122A.42, 122A.45, 122A.49, 122A.54,
 12.8 122A.55, 122A.56, and 122A.57, ~~and 122A.58~~ that are incurred by the Professional Educator
 12.9 Licensing and Standards Board shall be paid for from appropriations made to the Professional
 12.10 Educator Licensing and Standards Board.

12.11 Sec. 9. Minnesota Statutes 2018, section 122A.33, subdivision 2, is amended to read:

12.12 Subd. 2. **Annual contract.** ~~Notwithstanding section 122A.58,~~ A person employed as a
 12.13 head varsity coach has an annual contract as a coach that the school board may or may not
 12.14 renew as the board sees fit.

12.15 Sec. 10. Minnesota Statutes 2018, section 123A.45, is amended to read:

12.16 **123A.45 DETACHMENT AND ANNEXATION OF LAND.**

12.17 Subdivision 1. **Detachment and annexation.** The owner of land ~~which~~ that adjoins any
 12.18 independent district, and whose land is not in a special district, may petition the county
 12.19 board of the county in which the greater part of the area proposed for detachment and
 12.20 annexation lies to detach all or any part of the land together with the intervening lands, as
 12.21 ~~defined~~ referenced in paragraph (b) clause (1), from the district it now is in, and to attach
 12.22 it, together with ~~such~~ the intervening land, to the adjoining district. For purpose of this
 12.23 section, land is adjoining a district if:

12.24 ~~(a)~~ (1) the boundary of the area proposed for detachment and annexation is the same as
 12.25 the district boundary to which attachment is sought at any point, including corners, ~~or~~;

12.26 ~~(b)~~ (2) the area proposed for detachment and annexation is not separated at any point
 12.27 from the district ~~to which annexation is sought~~ by ~~not~~ more than one-half mile and the
 12.28 intervening land is vacant and unoccupied or is owned by one or more of the following: the
 12.29 United States, or the state of Minnesota or any of its political subdivisions, or an owner who
 12.30 is unknown or cannot be found; or

13.1 ~~(e)~~ (3) the area proposed by a land owner for detachment and annexation is adjoining,
 13.2 as ~~defined~~ referenced in ~~paragraphs (a)~~ clauses (1) and ~~(b)~~ (2), any land proposed for
 13.3 detachment from and annexation to the same district in another pending petition.

13.4 Subd. 2. **Petition.** The petition must contain:

13.5 ~~(a)~~ (1) a correct description of the area proposed for detachment and annexation, including
 13.6 supporting data regarding location and title to land to establish that the land is adjoining a
 13.7 district;

13.8 ~~(b)~~ (2) the reasons for the proposed change with facts showing that the granting of the
 13.9 petition will not reduce the size of any district to less than four sections, unless the district
 13.10 is not operating a school within the district;

13.11 ~~(c)~~ (3) consent to the petition, if, at the time of the filing of the petition, any part of the
 13.12 area proposed for detachment is part of a district which maintains and operates a secondary
 13.13 school within the district. Before the hearing, the consent of the board of the district in
 13.14 which the area proposed for detachment lies must be endorsed on the petition;

13.15 ~~(d)~~ (4) an identification of the district to which annexation is sought;

13.16 ~~(e)~~ (5) other information the petitioners may desire to affix;

13.17 ~~(f)~~ (6) an acknowledgment by the petitioner; and

13.18 ~~(g)~~ (7) a description of whether bonded indebtedness will be allocated according to
 13.19 subdivision 6, paragraph (b) or (c).

13.20 Subd. 3. **Filing petition.** The petition must be filed with the auditor who ~~shall~~ must
 13.21 present it to the county board at its next meeting. At the meeting, the county board must fix
 13.22 a time and place for hearing the petition. The hearing ~~shall~~ must be not more than 60 nor
 13.23 less than ten days from the date of the meeting. The auditor ~~shall~~ must serve notice of the
 13.24 hearing on each district directly affected by the petition, by mail addressed to the clerk. If
 13.25 any area affected by the petition is in another county, the auditor ~~shall~~ must mail a notice
 13.26 of hearing to the auditor of such county and ~~shall~~ must also give one week's published notice
 13.27 of the hearing in the county in which the hearing is to be held, and ten days' posted notice
 13.28 in each school district affected. ~~Such~~ The posted and published notice may combine pending
 13.29 petitions. At the hearing on the petition, the county board must receive and hear any evidence
 13.30 for or against the petition. The hearing may be adjourned from time to time.

13.31 Subd. 4. **Order.** (a) Within six months of the filing of the petition, the county board
 13.32 must issue its order either granting or denying the petition. The order may have a deferred
 13.33 effective date not later than July 1 immediately following its issuance. If the petition is

14.1 granted, the auditor must transmit a certified copy to the commissioner. Failure to issue an
 14.2 order within six months of the filing of the petition or termination of proceedings upon an
 14.3 approved consolidation plat, whichever is later, is a denial of the petition.

14.4 (b) If any of the land area described in the petition is included in a plat for consolidation
 14.5 or combination ~~which~~ that has been approved by the commissioner, then no order may be
 14.6 issued while consolidation or combination proceedings are pending. ~~No order shall be issued~~
 14.7 which

14.8 (c) A county board must not issue an order that:

14.9 (1) results in attaching to a district any territory not adjoining that district, as ~~defined~~
 14.10 referenced in subdivision 1, ~~paragraph (a).~~ paragraph (a). ~~No order shall be issued which~~ clause (1); or

14.11 (2) reduces the size of any district to less than four sections unless the district is not
 14.12 operating a school within the district. ~~The order may have a deferred effective date not later~~
 14.13 than July 1 immediately following its issuance. ~~If the petition is granted, the auditor shall~~
 14.14 transmit a certified copy to the commissioner. ~~Failure to issue an order within six months~~
 14.15 of the filing of the petition or termination of proceedings upon an approved consolidation
 14.16 plat, whichever is later, is a denial of the petition.

14.17 **Subd. 5. Modification of records.** Upon receipt of the order, the commissioner ~~shall~~
 14.18 must modify the records and any plats and petitions and proceedings involving districts
 14.19 affected by ~~such~~ the order presently before the commissioner for action or record, to conform
 14.20 to the order.

14.21 **Subd. 6. Taxable property.** (a) ~~Upon the effective date of the order,~~ The detachment
 14.22 and annexation is ~~effected~~ effective on the date of the order. The bonded indebtedness must
 14.23 be assigned to the detached and annexed land under either paragraph (b) or (c).

14.24 (b) Unless specified separately under paragraph (c), all taxable property in the area so
 14.25 detached and annexed remains taxable for payment of any school purpose obligations already
 14.26 authorized by or outstanding on the effective date of the order against the district from which
 14.27 detached. The order does not relieve such property from the obligation of any bonded debt
 14.28 already incurred to which it was subject prior to the order. All taxable property in the area
 14.29 so detached and annexed is taxable for payment of any district obligations authorized on or
 14.30 subsequent to the effective date of the order by the district to which annexation is made.

14.31 (c) Alternatively, if the school board of the district in which the area is proposed for
 14.32 detachment and the school board of the district in which the area is proposed for annexation
 14.33 agree, all taxable property in the area detached and annexed ~~shall be~~ is taxable by the school

15.1 district to which the property is annexed. Detached and annexed property is relieved from
15.2 the obligation of any bonded debt already incurred by the district in which the area is
15.3 detached and is obligated for any bonded debt already incurred by the district to which the
15.4 area is annexed.

15.5 Sec. 11. Minnesota Statutes 2018, section 124D.4531, is amended to read:

15.6 **124D.4531 CAREER AND TECHNICAL REVENUE.**

15.7 Subdivision 1. **Career and technical revenue.** (a) A district with a career and technical
15.8 program approved under this section for the fiscal year in which the levy is certified is
15.9 eligible for career and technical revenue equal to 35 percent of approved expenditures in
15.10 the fiscal year in which the levy is certified for the following:

15.11 (1) salaries paid to essential, licensed personnel providing direct instructional services
15.12 to students in that fiscal year, including extended contracts, for services rendered in the
15.13 district's approved career and technical education programs, excluding salaries reimbursed
15.14 by another school district under clause (2);

15.15 (2) amounts paid to another Minnesota school district for salaries of essential, licensed
15.16 personnel providing direct instructional services to students in that fiscal year for services
15.17 rendered in the district's approved career and technical education programs;

15.18 (3) contracted services provided by a public or private agency other than a Minnesota
15.19 school district or cooperative center under chapter 123A or 136D;

15.20 (4) necessary travel between instructional sites by licensed career and technical education
15.21 personnel;

15.22 (5) necessary travel by licensed career and technical education personnel for vocational
15.23 student organization activities held within the state for instructional purposes;

15.24 (6) curriculum development activities that are part of a five-year plan for improvement
15.25 based on program assessment;

15.26 (7) necessary travel by licensed career and technical education personnel for noncollegiate
15.27 credit-bearing professional development; and

15.28 (8) specialized vocational instructional supplies.

15.29 (b) The district must recognize the full amount of this levy as revenue for the fiscal year
15.30 in which it is certified.

16.1 ~~(e) The amount of the revenue calculated under this subdivision may not exceed~~
16.2 ~~\$17,850,000 for taxes payable in 2012, \$15,520,000 for taxes payable in 2013, and~~
16.3 ~~\$20,657,000 for taxes payable in 2014.~~

16.4 ~~(d) If the estimated revenue exceeds the amount in paragraph (c), the commissioner must~~
16.5 ~~reduce the percentage in paragraph (a) until the estimated revenue no longer exceeds the~~
16.6 ~~limit in paragraph (c).~~

16.7 Subd. 1a. **Career and technical levy.** ~~(a) For fiscal year 2014 only, a district may levy~~
16.8 ~~an amount not more than the product of its career and technical revenue times the lesser of~~
16.9 ~~one or the ratio of its adjusted net tax capacity per adjusted pupil unit in the fiscal year in~~
16.10 ~~which the levy is certified to the career and technical revenue equalizing factor. The career~~
16.11 ~~and technical revenue equalizing factor for fiscal year 2014 equals \$7,612.~~

16.12 ~~(b) For fiscal year 2015 and later, A district may levy an amount not more than the~~
16.13 ~~product of its career and technical revenue times the lesser of one or the ratio of its adjusted~~
16.14 ~~net tax capacity per adjusted pupil unit in the fiscal year in which the levy is certified to the~~
16.15 ~~career and technical revenue equalizing factor. The career and technical revenue equalizing~~
16.16 ~~factor for fiscal year 2015 and later equals \$7,612.~~

16.17 Subd. 1b. **Career and technical aid.** ~~For fiscal year 2014 and later, A district's career~~
16.18 ~~and technical aid equals its career and technical revenue less its career and technical levy.~~
16.19 ~~If the district levy is less than the permitted levy, the district's career and technical aid shall~~
16.20 ~~be is reduced proportionately.~~

16.21 Subd. 2. **Allocation from cooperative centers and intermediate districts.** For purposes
16.22 of this section, a cooperative center or an intermediate district must allocate its approved
16.23 expenditures for career and technical education programs among participating districts.

16.24 Subd. 3. **Revenue guarantee.** Notwithstanding subdivision 1, paragraph (a), the career
16.25 and technical education revenue for a district is not less than the lesser of:

16.26 (1) the district's career and technical education revenue for the previous fiscal year; or

16.27 (2) 100 percent of the approved expenditures for career and technical programs included
16.28 in subdivision 1, paragraph (a), for the fiscal year in which the levy is certified.

16.29 Subd. 3a. **Revenue adjustments.** ~~Notwithstanding subdivisions 1, 1a, and 3, for taxes~~
16.30 ~~payable in 2012 to 2014 only, the department must calculate the career and technical revenue~~
16.31 ~~for each district according to Minnesota Statutes 2010, section 124D.4531, and adjust the~~
16.32 ~~revenue for each district proportionately to meet the statewide revenue target under~~
16.33 ~~subdivision 1, paragraph (c). For purposes of calculating the revenue guarantee under~~

17.1 subdivision 3, the career and technical education revenue for the previous fiscal year is the
17.2 revenue according to Minnesota Statutes 2010, section 124D.4531, before adjustments to
17.3 meet the statewide revenue target.

17.4 Subd. 4. **District reports.** Each district or cooperative center must report data to the
17.5 department for all career and technical education programs as required by the department
17.6 to implement the career and technical revenue formula.

17.7 Subd. 5. **Allocation from districts participating in agreements for secondary**
17.8 **education or interdistrict cooperation.** For purposes of this section, a district with a career
17.9 and technical program approved under this section that participates in an agreement under
17.10 section 123A.30 or 123A.32 must allocate its revenue authority under this section among
17.11 participating districts.

17.12 Sec. 12. Minnesota Statutes 2018, section 126C.21, subdivision 3, is amended to read:

17.13 Subd. 3. **County apportionment deduction.** Each year the amount of money apportioned
17.14 to a district for that year pursuant to ~~sections~~ section 127A.34, subdivision 2, ~~and 272.029,~~
17.15 ~~subdivision 6,~~ must be deducted from the general education aid earned by that district for
17.16 the same year or from aid earned from other state sources.

17.17 Sec. 13. **REPEALER.**

17.18 Minnesota Statutes 2018, sections 120B.299, subdivision 5; 121A.70; 122A.58;
17.19 122A.695; and 126C.41, subdivision 4, are repealed.

120B.299 DEFINITIONS.

Subd. 5. **Adequate yearly progress.** A school or district makes "adequate yearly progress" if, for every student subgroup under the federal 2001 No Child Left Behind Act in the school or district, its proficiency index or other approved adjustments for performance, based on statewide assessment scores, meets or exceeds federal expectations. To make adequate yearly progress, the school or district also must satisfy applicable federal requirements related to student attendance, graduation, and test participation rates.

121A.70 SECRET FRATERNITIES AND SOCIETIES.

Subdivision 1. **Membership regulated.** It is unlawful for any pupil, registered and attending any public school to join, become a member of, or to solicit any other pupil of any public school to join, or become a member of, any secret fraternity or society wholly or partially formed from the membership of pupils attending any public schools or to take part in the organization or formation of any fraternity or society, except societies or associations sanctioned by the district school board.

Subd. 2. **Penalties.** A school board may suspend or dismiss any pupil from school, or prevent the pupil from graduating or participating in school honors when, after investigation, in the judgment of the board or a majority of its membership, the pupil is guilty of violating any of the provisions of this section or is guilty of violating any rule or regulation adopted by the board for the purpose of governing its schools, or enforcing this section.

Subd. 3. **"Rushing" or soliciting forbidden.** It is a misdemeanor for any person, not a pupil of the schools, to be upon school grounds, or to enter any school building, for the purpose of "rushing" or soliciting any pupil of the schools to join any fraternity, society, or association organized outside of the schools. The district court has jurisdiction of offenses committed under this subdivision. All persons found guilty shall be fined not less than \$2, nor more than \$10, to be paid to the county treasurer or, upon failure to pay the fine, to be imprisoned for not more than ten days.

122A.58 COACHES, TERMINATION OF DUTIES.

Subdivision 1. **Termination; hearing.** Before a district terminates the coaching duties of an employee who is required to hold a license as an athletic coach from the commissioner of education, the district must notify the employee in writing and state its reason for the proposed termination. Within 14 days of receiving this notification, the employee may request in writing a hearing on the termination before the board. If a hearing is requested, the board must hold a hearing within 25 days according to the hearing procedures specified in section 122A.40, subdivision 14, and the termination is final upon the order of the board after the hearing.

Subd. 2. **Final decision.** Within ten days after the hearing, the board must issue a written decision regarding the termination. If the board decides to terminate the employee's coaching duties, the decision must state the reason on which it is based and include findings of fact based upon competent evidence in the record. The board may terminate the employee's duties or not, as it sees fit, for any reason which is found to be true based on substantial and competent evidence in the record.

Subd. 3. **Nonapplication of section.** This section shall not apply to the termination of coaching duties pursuant to a district transfer policy or as a result of the nonrenewal or termination of the employee's contract or the employee's discharge, demotion or suspension pursuant to section 122A.40 or 122A.41. This section shall not apply to the termination of an employee's coaching duties before completing the probationary period of employment.

122A.695 BEST PRACTICES.

"Best practices" means research-based proven practices.

126C.41 BENEFITS LEVIES.

Subd. 4. **Minneapolis health insurance subsidy.** Each year Special School District No. 1, Minneapolis, may make an additional levy not to exceed the amount raised by a net tax rate of .10 percent times the adjusted net tax capacity for taxes payable in 1991 and thereafter of the property in the district for the preceding year. The proceeds may be used only to subsidize health insurance costs for eligible teachers as provided in this section.

"Eligible teacher" means a retired teacher who is a retired member of the Teachers Retirement Association, who was a basic member of the former Minneapolis Teachers Retirement Fund Association, who retired before May 1, 1974, or who had 20 or more years of basic member service in the former Minneapolis Teachers Retirement Fund Association and retired before June 30, 1983, and who is not eligible to receive the hospital insurance benefits of the federal Medicare program

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of the Social Security Act without payment of a monthly premium. The district must notify eligible teachers that a subsidy is available. To obtain a subsidy, an eligible teacher must submit to the school district a copy of receipts for health insurance premiums paid. The district must disburse the health insurance premium subsidy to each eligible teacher according to a schedule determined by the district, but at least annually. An eligible teacher may receive a subsidy up to an amount equal to the lesser of 90 percent of the cost of the eligible teacher's health insurance or up to 90 percent of the cost of the number two qualified plan of health coverage for individual policies made available by the Minnesota comprehensive health association under chapter 62E.

If funds remaining from the previous year's health insurance subsidy levy, minus the previous year's required subsidy amount, are sufficient to pay the estimated current year subsidy, the levy must be discontinued until the remaining funds are estimated by the school board to be insufficient to pay the subsidy.

This subdivision does not extend benefits to teachers who retire after June 30, 1983, and does not create a contractual right or claim for altering the benefits in this subdivision. This subdivision does not restrict the district's right to modify or terminate coverage under this subdivision.