

**SENATE**  
**STATE OF MINNESOTA**  
**NINETY-SECOND SESSION**

**S.F. No. 2822**

(SENATE AUTHORS: CHAMBERLAIN and by request)

DATE	D-PG	OFFICIAL STATUS
02/03/2022	4883	Introduction and first reading Referred to Education Finance and Policy

1.1 A bill for an act

1.2 relating to education; modifying provisions for prekindergarten through grade 12

1.3 including general education, education excellence, inclusive and welcoming

1.4 schools, health and wellness, teachers, charter schools, nutrition and libraries, early

1.5 childhood, career and technical education, postsecondary enrollment options, and

1.6 graduation; making administrative updates and technical corrections; requiring

1.7 reports; amending Minnesota Statutes 2020, sections 13.32, subdivision 3; 120A.22,

1.8 subdivisions 7, 9; 120B.018, subdivision 6; 120B.021, subdivisions 1, 2, 3, 4;

1.9 120B.022, subdivision 1; 120B.024, subdivisions 1, 2; 120B.11, subdivisions 1,

1.10 2, 9; 120B.12, subdivision 2; 120B.15; 120B.30, subdivisions 1, 1a; 120B.301;

1.11 120B.31, subdivision 4; 120B.35, subdivision 3; 120B.36, subdivision 2; 121A.031,

1.12 subdivisions 5, 6; 121A.17, subdivision 3; 121A.41, subdivision 10, by adding

1.13 subdivisions; 121A.425; 121A.45, subdivision 1; 121A.46, subdivision 4, by

1.14 adding a subdivision; 121A.47, subdivisions 2, 14; 121A.53, subdivision 1;

1.15 121A.55; 121A.61, subdivisions 1, 3, by adding a subdivision; 122A.181,

1.16 subdivision 5; 122A.185, subdivision 1; 122A.40, subdivision 8; 122A.41,

1.17 subdivision 5; 123A.09; 123B.04, subdivision 1; 123B.147, subdivision 3; 124D.09,

1.18 subdivisions 3, 13; 124D.095, subdivisions 2, 3, 4, 7, by adding a subdivision;

1.19 124D.119; 124D.128, subdivision 1; 124D.13, subdivisions 2, 3; 124D.141,

1.20 subdivision 2; 124D.15, subdivision 15; 124D.151, subdivisions 2, 5; 124D.16,

1.21 subdivision 2; 124D.165, subdivisions 2, 3; 124D.231, subdivision 2; 124D.59,

1.22 subdivision 2a; 124D.73, by adding a subdivision; 124D.74, subdivisions 1, 3, 4,

1.23 by adding a subdivision; 124D.76; 124D.78; 124D.79, subdivision 2; 124D.791,

1.24 subdivision 4; 124D.81, subdivisions 1, 2a, 5, by adding a subdivision; 124D.861,

1.25 subdivisions 2, 3, 4; 124D.8957, subdivision 19; 124E.02; 124E.03, subdivision

1.26 2, by adding a subdivision; 124E.05, subdivisions 4, 7; 124E.06, subdivisions 1,

1.27 4, 5; 124E.11; 124E.12, subdivision 1; 124E.13, subdivisions 1, 3; 124E.16,

1.28 subdivision 1; 124E.25, subdivision 1a; 125A.094; 125A.0942, subdivisions 1, 2,

1.29 3, 4; 125A.15; 125A.51; 125A.515, subdivision 3; 125A.76, subdivision 2a;

1.30 126C.05, subdivision 16; 134.31, subdivisions 1, 4a; 134.32, subdivision 4; 134.34,

1.31 subdivision 1; 136A.055; 136A.861, subdivision 2; 144.4165; 256.962, subdivision

1.32 3; 256L.05, subdivision 1; Minnesota Statutes 2021 Supplement, sections 124E.05,

1.33 subdivision 6; 126C.05, subdivision 3; Laws 2017, First Special Session chapter

1.34 5, article 8, section 9, subdivision 2; proposing coding for new law in Minnesota

1.35 Statutes, chapters 120B; 121A; 124D; repealing Minnesota Statutes 2020, section

1.36 120B.35, subdivision 5.

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

2.2

## ARTICLE 1

2.3

### GENERAL EDUCATION

2.4 Section 1. Minnesota Statutes 2020, section 120B.018, subdivision 6, is amended to read:

2.5 Subd. 6. **Required standard.** "Required standard" means (1) a statewide adopted  
 2.6 expectation for student learning in the content areas of language arts, mathematics, science,  
 2.7 social studies, physical education, and the arts, or (2) a locally adopted expectation for  
 2.8 student learning in health ~~or the arts~~.

2.9 Sec. 2. Minnesota Statutes 2020, section 120B.021, subdivision 1, is amended to read:

2.10 Subdivision 1. **Required academic standards.** (a) The following subject areas are  
 2.11 required for statewide accountability:

2.12 (1) language arts;

2.13 (2) mathematics;

2.14 (3) science;

2.15 (4) social studies, including history, geography, economics, and government and  
 2.16 citizenship that includes civics consistent with section 120B.02, subdivision 3;

2.17 (5) physical education;

2.18 (6) health, for which locally developed academic standards apply; and

2.19 (7) the arts, ~~for which statewide or locally developed academic standards apply, as~~  
 2.20 ~~determined by the school district.~~ Public elementary and middle schools must offer at least  
 2.21 three and require at least two of the following ~~four~~ five arts areas: media arts, dance, music,  
 2.22 theater, and visual arts. Public high schools must offer at least three and require at least  
 2.23 one of the following five arts areas: media arts, dance, music, theater, and visual arts.

2.24 (b) For purposes of applicable federal law, the academic standards for language arts,  
 2.25 mathematics, and science apply to all public school students, except the very few students  
 2.26 with extreme cognitive or physical impairments for whom an individualized education  
 2.27 program team has determined that the required academic standards are inappropriate. An  
 2.28 individualized education program team that makes this determination must establish  
 2.29 alternative standards.

3.1 (c) The department must adopt the most recent SHAPE America (Society of Health and  
3.2 Physical Educators) kindergarten through grade 12 standards and benchmarks for physical  
3.3 education as the required physical education academic standards. The department may  
3.4 modify and adapt the national standards to accommodate state interest. The modification  
3.5 and adaptations must maintain the purpose and integrity of the national standards. The  
3.6 department must make available sample assessments, which school districts may use as an  
3.7 alternative to local assessments, to assess students' mastery of the physical education  
3.8 standards beginning in the 2018-2019 school year.

3.9 (d) A school district may include child sexual abuse prevention instruction in a health  
3.10 curriculum, consistent with paragraph (a), clause (6). Child sexual abuse prevention  
3.11 instruction may include age-appropriate instruction on recognizing sexual abuse and assault,  
3.12 boundary violations, and ways offenders groom or desensitize victims, as well as strategies  
3.13 to promote disclosure, reduce self-blame, and mobilize bystanders. A school district may  
3.14 provide instruction under this paragraph in a variety of ways, including at an annual assembly  
3.15 or classroom presentation. A school district may also provide parents information on the  
3.16 warning signs of child sexual abuse and available resources.

3.17 (e) District efforts to develop, implement, or improve instruction or curriculum as a  
3.18 result of the provisions of this section must be consistent with sections 120B.10, 120B.11,  
3.19 and 120B.20.

3.20 Sec. 3. Minnesota Statutes 2020, section 120B.024, subdivision 1, is amended to read:

3.21 Subdivision 1. **Graduation requirements.** (a) Students beginning 9th grade in the  
3.22 2011-2012 school year and later must successfully complete the following high school level  
3.23 credits for graduation:

3.24 (1) four credits of language arts sufficient to satisfy all of the academic standards in  
3.25 English language arts;

3.26 (2) three credits of mathematics, including an algebra II credit or its equivalent, sufficient  
3.27 to satisfy all of the academic standards in mathematics;

3.28 (3) an algebra I credit by the end of 8th grade sufficient to satisfy all of the 8th grade  
3.29 standards in mathematics;

3.30 (4) three credits of science, including at least one credit of biology, one credit of chemistry  
3.31 or physics, and one elective credit of science. The combination of credits under this clause  
3.32 must be sufficient to satisfy (i) all of the academic standards in either chemistry or physics  
3.33 and (ii) all other academic standards in science;

4.1 (5) three and one-half credits of social studies, encompassing at least United States  
4.2 history, geography, government and citizenship, world history, and economics sufficient  
4.3 to satisfy all of the academic standards in social studies;

4.4 (6) one credit of the arts sufficient to satisfy all of the ~~state or local~~ academic standards  
4.5 in the arts; and

4.6 (7) a minimum of seven elective credits.

4.7 (b) A school district is encouraged to offer a course for credit in government and  
4.8 citizenship to 11th or 12th grade students who begin 9th grade in the 2020-2021 school year  
4.9 and later, that satisfies the government and citizenship requirement in paragraph (a), clause  
4.10 (5).

4.11 Sec. 4. Minnesota Statutes 2020, section 120B.11, subdivision 9, is amended to read:

4.12 Subd. 9. **Annual evaluation.** (a) The commissioner must identify effective strategies,  
4.13 practices, and use of resources by districts and school sites in striving for the world's best  
4.14 workforce. The commissioner must assist districts and sites throughout the state in  
4.15 implementing these effective strategies, practices, and use of resources.

4.16 (b) The commissioner must identify those districts in any consecutive three-year period  
4.17 not making sufficient progress toward improving teaching and learning for all students,  
4.18 including English learners with varied needs, consistent with section 124D.59, subdivisions  
4.19 2 and 2a, and striving for the world's best workforce. The commissioner, in collaboration  
4.20 with the identified district, may require the district to use up to two percent of its basic  
4.21 general education revenue per fiscal year during the proximate three school years to  
4.22 implement commissioner-specified strategies and practices, consistent with paragraph (a),  
4.23 to improve and accelerate its progress in realizing its goals under this section. In  
4.24 implementing this section, the commissioner must consider districts' budget constraints and  
4.25 legal obligations.

4.26 (c) The commissioner shall report by ~~January 25~~ June 30 of each year to the committees  
4.27 of the legislature having jurisdiction over kindergarten through grade 12 education the list  
4.28 of school districts that have not submitted their report to the commissioner under subdivision  
4.29 5 and the list of school districts not achieving their performance goals established in their  
4.30 plan under subdivision 2.

5.1 Sec. 5. Minnesota Statutes 2020, section 120B.12, subdivision 2, is amended to read:

5.2 Subd. 2. **Identification; report.** (a) Each school district must identify before the end of  
5.3 kindergarten, grade 1, and grade 2 all students who are not reading at grade level. Students  
5.4 identified as not reading at grade level by the end of kindergarten, grade 1, and grade 2 must  
5.5 be screened, in a locally determined manner, for characteristics of dyslexia.

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

5.9 (c) Reading assessments in English, and in the predominant languages of district students  
5.10 where practicable, must identify and evaluate students' areas of academic need related to  
5.11 literacy. The district also must monitor the progress and provide reading instruction  
5.12 appropriate to the specific needs of English learners. The district must use a locally adopted,  
5.13 developmentally appropriate, and culturally responsive assessment and annually report  
5.14 summary assessment results to the commissioner by ~~July 1~~ April 15.

5.15 (d) The district also must annually report to the commissioner by ~~July 1~~ April 15 a  
5.16 summary of the district's efforts to screen and identify students who demonstrate  
5.17 characteristics of dyslexia using screening tools such as those recommended by the  
5.18 department's dyslexia specialist. With respect to students screened or identified under  
5.19 paragraph (a), the report must include:

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

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

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

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

5.25 Sec. 6. Minnesota Statutes 2020, section 120B.30, subdivision 1a, is amended to read:

5.26 Subd. 1a. **Statewide and local assessments; results.** ~~(a) For purposes of this section,~~  
5.27 ~~the following definitions have the meanings given them:~~

5.28 ~~(1) "Computer adaptive assessments" means fully adaptive assessments.~~

5.29 ~~(2) "Fully adaptive assessments" include test items that are on-grade level and items that~~  
5.30 ~~may be above or below a student's grade level.~~

6.1 ~~(3) "On-grade level" test items contain subject area content that is aligned to state~~  
6.2 ~~academic standards for the grade level of the student taking the assessment.~~

6.3 ~~(4) "Above-grade level" test items contain subject area content that is above the grade~~  
6.4 ~~level of the student taking the assessment and is considered aligned with state academic~~  
6.5 ~~standards to the extent it is aligned with content represented in state academic standards~~  
6.6 ~~above the grade level of the student taking the assessment. Notwithstanding the student's~~  
6.7 ~~grade level, administering above-grade level test items to a student does not violate the~~  
6.8 ~~requirement that state assessments must be aligned with state standards.~~

6.9 ~~(5) "Below-grade level" test items contain subject area content that is below the grade~~  
6.10 ~~level of the student taking the test and is considered aligned with state academic standards~~  
6.11 ~~to the extent it is aligned with content represented in state academic standards below the~~  
6.12 ~~student's current grade level. Notwithstanding the student's grade level, administering~~  
6.13 ~~below-grade level test items to a student does not violate the requirement that state~~  
6.14 ~~assessments must be aligned with state standards.~~

6.15 ~~(b) The commissioner must use fully adaptive mathematics and reading assessments for~~  
6.16 ~~grades 3 through 8.~~

6.17 ~~(e) (a)~~ For purposes of conforming with existing federal educational accountability  
6.18 requirements, the commissioner must develop and implement computer-adaptive reading  
6.19 and mathematics assessments for grades 3 through 8, state-developed high school reading  
6.20 and mathematics tests aligned with state academic standards, a high school writing test  
6.21 aligned with state standards when it becomes available, and science assessments under  
6.22 clause (2) that districts and sites must use to monitor student growth toward achieving those  
6.23 standards. The commissioner must not develop statewide assessments for academic standards  
6.24 in social studies, health and physical education, and the arts. The commissioner must require:

6.25 (1) annual computer-adaptive reading and mathematics assessments in grades 3 through  
6.26 8, and high school reading, writing, and mathematics tests; and

6.27 (2) annual science assessments in one grade in the grades 3 through 5 span, the grades  
6.28 6 through 8 span, and a life sciences assessment in the grades 9 through 12 span, and the  
6.29 commissioner must not require students to achieve a passing score on high school science  
6.30 assessments as a condition of receiving a high school diploma.

6.31 ~~(d) (b)~~ The commissioner must ensure that for annual computer-adaptive assessments:

7.1 (1) individual student performance data and achievement reports are available within  
7.2 three school days of when students take an assessment except in a year when an assessment  
7.3 reflects new performance standards;

7.4 (2) growth information is available for each student from the student's first assessment  
7.5 to each proximate assessment using a constant measurement scale;

7.6 (3) parents, teachers, and school administrators are able to use elementary and middle  
7.7 school student performance data to project students' secondary and postsecondary  
7.8 achievement; and

7.9 (4) useful diagnostic information about areas of students' academic strengths and  
7.10 weaknesses is available to teachers and school administrators for improving student  
7.11 instruction and indicating the specific skills and concepts that should be introduced and  
7.12 developed for students at given performance levels, organized by strands within subject  
7.13 areas, and aligned to state academic standards.

7.14 ~~(e)~~(c) The commissioner must ensure that all state tests administered to elementary and  
7.15 secondary students measure students' academic knowledge and skills and not students'  
7.16 values, attitudes, and beliefs.

7.17 ~~(f)~~(d) Reporting of state assessment results must:

7.18 (1) provide timely, useful, and understandable information on the performance of  
7.19 individual students, schools, school districts, and the state;

7.20 (2) include a growth indicator of student achievement; and

7.21 (3) determine whether students have met the state's academic standards.

7.22 ~~(g)~~(e) Consistent with applicable federal law, the commissioner must include appropriate,  
7.23 technically sound accommodations or alternative assessments for the very few students with  
7.24 disabilities for whom statewide assessments are inappropriate and for English learners.

7.25 ~~(h)~~(f) A school, school district, and charter school must administer statewide assessments  
7.26 under this section, as the assessments become available, to evaluate student progress toward  
7.27 career and college readiness in the context of the state's academic standards. A school,  
7.28 school district, or charter school may use a student's performance on a statewide assessment  
7.29 as one of multiple criteria to determine grade promotion or retention. A school, school  
7.30 district, or charter school may use a high school student's performance on a statewide  
7.31 assessment as a percentage of the student's final grade in a course, or place a student's  
7.32 assessment score on the student's transcript.

8.1 Sec. 7. Minnesota Statutes 2020, section 120B.301, is amended to read:

8.2 **120B.301 LIMITS ON LOCAL TESTING.**

8.3 (a) For students in grades 1 through 6, the cumulative total amount of time spent taking  
8.4 locally adopted districtwide or schoolwide assessments must not exceed ten hours per school  
8.5 year. For students in grades 7 through 12, the cumulative total amount of time spent taking  
8.6 locally adopted districtwide or schoolwide assessments must not exceed 11 hours per school  
8.7 year. For purposes of this paragraph, international baccalaureate and advanced placement  
8.8 exams are not considered locally adopted assessments.

8.9 (b) A district or charter school is exempt from the requirements of paragraph (a), if the  
8.10 district or charter school, in consultation with the exclusive representative of the teachers  
8.11 or other teachers if there is no exclusive representative of the teachers, decides to exceed a  
8.12 time limit in paragraph (a) and includes the information in the report required under section  
8.13 120B.11, subdivision 5.

8.14 (c) A district or charter school, ~~before the first day of each school year,~~ must publish on  
8.15 its website a comprehensive calendar of standardized tests to be administered in the district  
8.16 or charter school during that school year. The calendar must provide the rationale for  
8.17 administering each assessment and indicate whether the assessment is a local option or  
8.18 required by state or federal law. The calendar must be published at least one week prior to  
8.19 any eligible assessments being administered and no later than October 1.

8.20 Sec. 8. Minnesota Statutes 2020, section 123B.04, subdivision 1, is amended to read:

8.21 Subdivision 1. **Definition.** "Education site" means a separate facility or state-approved  
8.22 online program. A program within a facility or within a district is an education site if the  
8.23 school board recognizes it as a site.

8.24 Sec. 9. Minnesota Statutes 2020, section 124D.095, subdivision 2, is amended to read:

8.25 Subd. 2. **Definitions.** For purposes of this section, the following terms have the meanings  
8.26 given them.

8.27 (a) "Digital learning" is learning facilitated by technology that offers students an element  
8.28 of control over the time, place, path, or pace of their learning ~~and includes blended and~~  
8.29 ~~online learning.~~

8.30 (b) "Blended learning" is a form of digital learning that occurs when a student learns  
8.31 part time in a supervised physical setting and part time through digital delivery of instruction,



9.1 or a student learns in a supervised physical setting where technology is used as a primary  
9.2 method to deliver instruction.

9.3 (c) "Online learning" is a form of digital learning ~~delivered by an approved online~~  
9.4 ~~learning provider under paragraph (d)~~ that occurs when a student learns primarily through  
9.5 digital delivery of instruction in a location other than a school building.

9.6 (d) "Supplemental online learning" means an online learning course taken in place of a  
9.7 course period at a local district school provided by a supplemental online learning provider.

9.8 ~~(d)~~ (e) "Supplemental online learning provider" is a school district, an intermediate  
9.9 school district, an organization of two or more school districts operating under a joint powers  
9.10 agreement, or a charter school located in Minnesota that provides online learning courses  
9.11 or programs to students other than their own enrolled students and is approved by the  
9.12 department to provide online learning courses.

9.13 ~~(e)~~ (f) "Student" is a Minnesota resident enrolled in a school under section 120A.22,  
9.14 subdivision 4, or in a school authorized to receive Tribal contract or grant aid under section  
9.15 124D.83, in kindergarten through grade 12.

9.16 ~~(f)~~ (g) "Online learning student" is a student enrolled in ~~an~~ a supplemental online learning  
9.17 course or program delivered by an a supplemental online learning provider under paragraph  
9.18 ~~(d)~~ (e).

9.19 (h) "Teacher" is a public employee as defined in section 79A.03, subdivision 18,  
9.20 employed by a charter school or district providing online instruction. The contract of a  
9.21 teacher employed by a charter school or district must meet the requirements of section  
9.22 122A.40 or 122A.41 and a charter school must employ or contract with a teacher in  
9.23 accordance with section 124E.12, subdivision 1. A teacher must perform all duties described  
9.24 in Minnesota Rules, part 8710.0310, defining teacher of record.

9.25 ~~(g)~~ (i) "Enrolling district" means the school district ~~or~~, charter school, American  
9.26 Indian-controlled Tribal contract or grant school, or nonpublic school in which a student is  
9.27 enrolled under section 120A.22, subdivision 4, for purposes of compulsory attendance.

9.28 ~~(h)~~ "Supplemental online learning" ~~means an online learning course taken in place of a~~  
9.29 ~~course period at a local district school.~~

9.30 ~~(i)~~ "Full-time online learning provider" ~~means an enrolling school authorized by the~~  
9.31 ~~department to deliver comprehensive public education at any or all of the elementary, middle,~~  
9.32 ~~or high school levels.~~

10.1 (j) "Online learning course syllabus" is a written document that an online learning  
 10.2 provider transmits to the enrolling district using a format prescribed by the commissioner  
 10.3 to identify the state academic standards embedded in an online course, the course content  
 10.4 outline, required course assessments, expectations for actual teacher contact time and other  
 10.5 student-to-teacher communications, and the academic support available to the online learning  
 10.6 student.

10.7 **EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

10.8 Sec. 10. Minnesota Statutes 2020, section 124D.095, subdivision 3, is amended to read:

10.9 Subd. 3. **Authorization; notice; limitations on enrollment.** (a) An enrolling district  
 10.10 may offer digital learning, blended learning, or online learning as instructional modalities  
 10.11 to enrolled students. Digital learning, blended learning, or online learning do not generate  
 10.12 online learning funds under this section. An enrolling district that offers digital learning,  
 10.13 blended learning, or online learning only to its enrolled students is not subject to the reporting  
 10.14 requirements or review criteria under subdivision 7, unless the enrolling district is a  
 10.15 supplemental online learning provider. A teacher providing instruction via digital learning,  
 10.16 blended learning, or online learning must hold the appropriate Minnesota license as defined  
 10.17 in section 124D.095, subdivision 2, paragraph (h). Digital learning, blended learning, and  
 10.18 online learning courses must be reported and identified in the Minnesota Common Course  
 10.19 Catalog.

10.20 ~~(a) A~~ (b) Any student may apply for ~~full-time~~ supplemental online enrollment in an  
 10.21 approved supplemental online learning program ~~under section 124D.03 or 124D.08 or~~  
 10.22 ~~chapter 124E. Notwithstanding sections 124D.03 and 124D.08 and chapter 124E, procedures~~  
 10.23 ~~for enrolling in supplemental online learning are as provided in this subdivision.~~ A student  
 10.24 age 17 or younger must have the written consent of a parent or guardian to apply. ~~No school~~  
 10.25 ~~district or charter school may prohibit a student from applying to enroll in online learning.~~  
 10.26 In order to enroll in online learning, the student and the student's parents must submit an  
 10.27 application to the supplemental online learning provider ~~and identify the student's reason~~  
 10.28 ~~for enrolling.~~ An online learning provider that accepts a student under this section must  
 10.29 notify the student and the enrolling district in writing within ten days if the enrolling district  
 10.30 is not the online learning provider. The student and the student's parent must notify the  
 10.31 online learning provider of the student's intent to enroll in online learning within ten days  
 10.32 of being accepted, at which time the student and the student's parent must sign a statement  
 10.33 indicating that they have reviewed the online course or program and understand the  
 10.34 expectations of enrolling in online learning. The online learning provider must use a form

11.1 provided by the department to notify the enrolling district of the student's application to  
11.2 enroll in online learning.

11.3 ~~(b)~~ (c) The supplemental online learning notice to the enrolling district when a student  
11.4 applies to the online learning provider ~~will~~ must include the courses or program, credits to  
11.5 be awarded, and the start date of the online course or program. An online learning provider  
11.6 must make available the supplemental online course syllabus to the enrolling district. ~~Within~~  
11.7 ~~15 days after the online learning provider makes information in this paragraph available to~~  
11.8 ~~the enrolling district, the enrolling district must notify the online provider whether the~~  
11.9 ~~student, the student's parent, and the enrolling district agree or disagree that the course meets~~  
11.10 ~~the enrolling district's graduation requirements. A supplemental online learning provider~~  
11.11 ~~that accepts a student under this section must notify the student and the enrolling district in~~  
11.12 ~~writing within ten days if the enrolling district is not the online learning provider. A student~~  
11.13 ~~may enroll in a supplemental online learning course up to the midpoint of the enrolling~~  
11.14 ~~district's term. The enrolling district may waive this requirement for special circumstances~~  
11.15 ~~and with the agreement of the online provider. An online learning course or program that~~  
11.16 ~~meets or exceeds a graduation standard or the grade progression requirement of the enrolling~~  
11.17 ~~district as described in the provider's online course syllabus meets the corresponding~~  
11.18 ~~graduation requirements applicable to the student in the enrolling district. If the enrolling~~  
11.19 ~~district does not agree that the course or program meets its graduation requirements, then:~~

11.20 ~~(1) the enrolling district must make available an explanation of its decision to the student,~~  
11.21 ~~the student's parent, and the online provider; and~~

11.22 ~~(2) the online provider may make available a response to the enrolling district, showing~~  
11.23 ~~how the course or program meets the graduation requirements of the enrolling district.~~

11.24 ~~(e) An online learning provider must notify the commissioner that it is delivering online~~  
11.25 ~~learning and report the number of online learning students it accepts and the online learning~~  
11.26 ~~courses and programs it delivers.~~

11.27 ~~(d) An online learning provider may limit enrollment if the provider's school board or~~  
11.28 ~~board of directors adopts by resolution specific standards for accepting and rejecting students'~~  
11.29 ~~applications.~~

11.30 ~~(e) An enrolling district may reduce an online learning student's regular classroom~~  
11.31 ~~instructional membership in proportion to the student's membership in online learning~~  
11.32 ~~courses.~~

11.33 ~~(f) The online provider must report or make available information on an individual~~  
11.34 ~~student's progress and accumulated credit to the student, the student's parent, and the enrolling~~

12.1 ~~district in a manner specified by the commissioner unless the enrolling district and the online~~  
 12.2 ~~provider agree to a different form of notice and notify the commissioner. The enrolling~~  
 12.3 ~~district must designate a contact person to help facilitate and monitor the student's academic~~  
 12.4 ~~progress and accumulated credits towards graduation.~~

12.5 (d) No school district or charter school may prohibit a student from applying to enroll  
 12.6 in supplemental online learning. An enrolling district that has received notification from a  
 12.7 supplemental online learning provider of student acceptance must notify the online provider  
 12.8 within 15 days whether the student, the student's parent, and the enrolling district agree or  
 12.9 disagree that the proposed course meets the enrolling district's graduation requirements.  
 12.10 The enrolling district may waive this requirement for special circumstances and with the  
 12.11 agreement of the supplemental online provider.

12.12 (e) The enrolling district must communicate a student's individualized education program  
 12.13 to the supplemental online provider upon accepting the enrollment and must coordinate  
 12.14 services for students with disabilities unless a written agreement exists between the enrolling  
 12.15 district and the supplemental online provider.

12.16 (f) An online learning course or program that meets or exceeds a graduation standard  
 12.17 or the grade progression requirement of the enrolling district as described in the provider's  
 12.18 online course syllabus meets the corresponding graduation requirements applicable to the  
 12.19 student in the enrolling district. An enrolling district may reduce an online learning student's  
 12.20 regular classroom instructional enrollment in proportion to the student's enrollment in online  
 12.21 learning courses. The enrolling district must use the same criteria for accepting online  
 12.22 learning credits or courses as it does for accepting credits or courses for transfer students  
 12.23 under section 124D.03, subdivision 9. If the enrolling district does not agree that the course  
 12.24 or program meets its graduation requirements, then:

12.25 (1) the enrolling district must make available an explanation of its decision to the student,  
 12.26 the student's parent, and the online provider; and

12.27 (2) the online provider may make available a response to the enrolling district showing  
 12.28 how the course or program meets the graduation requirements of the enrolling district.

12.29 **EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

12.30 Sec. 11. Minnesota Statutes 2020, section 124D.095, subdivision 4, is amended to read:

12.31 Subd. 4. **Online learning parameters.** (a) An online learning student must receive  
 12.32 academic credit for completing the requirements of an online learning course or program.  
 12.33 Secondary credits granted to an online learning student count toward the graduation and

13.1 credit requirements of the enrolling district. ~~The enrolling district must apply the same~~  
 13.2 ~~graduation requirements to all students, including online learning students, and must continue~~  
 13.3 ~~to provide nonacademic services to online learning students.~~ If a student completes an online  
 13.4 learning course or program that meets or exceeds a graduation standard or the grade  
 13.5 progression requirement at the enrolling district, that standard or requirement is met. ~~The~~  
 13.6 ~~enrolling district must use the same criteria for accepting online learning credits or courses~~  
 13.7 ~~as it does for accepting credits or courses for transfer students under section 124D.03,~~  
 13.8 ~~subdivision 9. The enrolling district may reduce the course schedule of an online learning~~  
 13.9 ~~student in proportion to the number of online learning courses the student takes from an~~  
 13.10 ~~online learning provider that is not the enrolling district.~~

13.11 (b) An online learning student may:

13.12 (1) enroll in supplemental online learning courses equal to a maximum of 50 percent of  
 13.13 the student's full schedule of courses per term during a single school year and the student  
 13.14 may exceed the supplemental online learning registration limit if the enrolling district permits  
 13.15 supplemental online learning enrollment above the limit, or if the enrolling district and the  
 13.16 online learning provider agree to the instructional services;

13.17 (2) complete course work at a grade level that is different from the student's current  
 13.18 grade level; and

13.19 (3) enroll in additional courses with the online learning provider under a separate  
 13.20 agreement that includes terms for paying any tuition or course fees.

13.21 (c) An online learning student has the same access to ~~the~~ computer hardware and  
 13.22 education software available in a school as all other students in the enrolling district. ~~An~~  
 13.23 ~~online learning provider must assist an online learning student whose family qualifies for~~  
 13.24 ~~the education tax credit under section 290.0674 to acquire computer hardware and educational~~  
 13.25 ~~software for online learning purposes.~~ Online learning students may use the enrolling district's  
 13.26 computer hardware and educational software to access supplemental online courses. Online  
 13.27 learning students may participate in supplemental online courses from a scheduled study  
 13.28 hall or other suitable location in the district in which the student is enrolled if the enrolling  
 13.29 district is able to provide a space and supervision.

13.30 (d) ~~An enrolling district may offer digital learning to its enrolled students. Such digital~~  
 13.31 ~~learning does not generate online learning funds under this section. An enrolling district~~  
 13.32 ~~that offers digital learning only to its enrolled students is not subject to the reporting~~  
 13.33 ~~requirements or review criteria under subdivision 7, unless the enrolling district is a full-time~~  
 13.34 ~~online learning provider. A teacher with a Minnesota license must assemble and deliver~~

14.1 ~~instruction to enrolled students receiving online learning from an enrolling district. The~~  
14.2 ~~delivery of instruction occurs when the student interacts with the computer or the teacher~~  
14.3 ~~and receives ongoing assistance and assessment of learning. The instruction may include~~  
14.4 ~~curriculum developed by persons other than a teacher holding a Minnesota license.~~

14.5 (d) An online learning provider must assist an online learning student whose family  
14.6 qualifies for the education tax credit under section 290.0674 to acquire computer hardware  
14.7 and educational software for online learning purposes and must provide information about  
14.8 broadband connectivity options and programs.

14.9 (e) An online learning provider may limit enrollment if the provider's school board or  
14.10 board of directors adopts by resolution specific standards for accepting and rejecting students'  
14.11 applications.

14.12 (f) An online learning provider must report or make available information on an individual  
14.13 student's progress and accumulated credit to the student, the student's parent, and the enrolling  
14.14 district in a manner specified by the commissioner unless the enrolling district and the online  
14.15 learning provider agree to a different form of reporting and notify the commissioner.

14.16 (g) An enrolling district must apply the same graduation requirements to all students,  
14.17 including online learning students, and must continue to provide nonacademic services to  
14.18 online learning students. An enrolling district must designate a contact person to help  
14.19 facilitate and monitor the academic progress and accumulated credits toward graduation  
14.20 for each online learning student enrolled in the district.

14.21 ~~(e) Both full-time and~~ (h) Supplemental online learning providers are subject to the  
14.22 reporting requirements and review criteria under subdivision 7. A teacher holding a  
14.23 Minnesota license must assemble and deliver instruction to online learning students. The  
14.24 delivery of instruction occurs when the student interacts with the computer or the teacher  
14.25 and receives ongoing assistance and assessment of learning. The instruction may include  
14.26 curriculum developed by persons other than a teacher holding a Minnesota license. A teacher  
14.27 providing instruction via supplemental online learning must use a curriculum aligned with  
14.28 standards as described in section 120B.021 and must hold the appropriate Minnesota license  
14.29 as defined in section 124D.095, subdivision 2, paragraph (h).

14.30 (i) Unless the commissioner grants a waiver, a teacher providing online learning  
14.31 instruction must not instruct more than 40 students in any one online learning course or  
14.32 program.

14.33 ~~(f) To enroll in more than 50 percent of the student's full schedule of courses per term~~  
14.34 ~~in online learning, the student must qualify to exceed the supplemental online learning~~

15.1 ~~registration limit under paragraph (b) or apply to enroll in an approved full-time online~~  
 15.2 ~~learning program, consistent with subdivision 3, paragraph (a). Full-time online learning~~  
 15.3 ~~students may enroll in classes at a local school under a contract for instructional services~~  
 15.4 ~~between the online learning provider and the school district.~~

15.5 **EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

15.6 Sec. 12. Minnesota Statutes 2020, section 124D.095, subdivision 7, is amended to read:

15.7 Subd. 7. **Department of Education.** (a) The department must review and approve or  
 15.8 disapprove online learning providers applications within 90 calendar days of receiving an  
 15.9 online learning provider's completed application. The commissioner, using research-based  
 15.10 standards of quality for online learning programs, must review all approved online learning  
 15.11 providers on a cyclical three-year basis. Approved online learning providers annually must  
 15.12 submit program data to, confirm statements of assurances for, and provide program updates  
 15.13 including a current course list to the commissioner.

15.14 (b) An online learning provider must notify the commissioner that it is delivering online  
 15.15 learning and must report the number of online learning students it accepts and the online  
 15.16 learning courses and programs it delivers.

15.17 ~~(b)~~ (c) The online learning courses and programs must be rigorous, aligned with state  
 15.18 academic standards, and contribute to grade progression in a single subject. The online  
 15.19 learning provider, ~~other than a digital learning provider offering digital learning to its enrolled~~  
 15.20 ~~students only under subdivision 4, paragraph (d),~~ must give the commissioner written  
 15.21 assurance that: (1) all courses meet state academic standards; and (2) the online learning  
 15.22 curriculum, instruction, and assessment, expectations for actual teacher-contact time or  
 15.23 other student-to-teacher communication, and academic support meet nationally recognized  
 15.24 professional standards and are described as such in an online learning course syllabus that  
 15.25 meets the commissioner's requirements. Once an online learning provider is approved under  
 15.26 this paragraph, all of its online learning course offerings are eligible for payment under this  
 15.27 section unless a course is successfully challenged by an enrolling district or the department  
 15.28 under paragraph ~~(e)~~ (d).

15.29 ~~(e)~~ (d) An enrolling district may challenge the validity of a course offered by an online  
 15.30 learning provider. The department must review such challenges based on the approval  
 15.31 procedures under paragraph ~~(b)~~ (c). The department may initiate its own review of the  
 15.32 validity of an online learning course offered by an online learning provider.

16.1 ~~(d)~~ (e) The department may collect a fee not to exceed \$250 for approving online learning  
 16.2 providers or \$50 per course for reviewing a challenge by an enrolling district.

16.3 ~~(e)~~ (f) The department must develop, publish, and maintain a list of supplemental online  
 16.4 learning providers that it has reviewed and approved.

16.5 ~~(f)~~ (g) The department may review a complaint about an online learning provider, or a  
 16.6 complaint about a provider based on the provider's response to notice of a violation. If the  
 16.7 department determines that an online learning provider violated a law or rule, the department  
 16.8 may:

16.9 (1) create a compliance plan for the provider; or

16.10 (2) withhold funds from the provider under sections 124D.095, 124E.25, and 127A.42.

16.11 The department must notify an online learning provider in writing about withholding funds  
 16.12 and provide detailed calculations.

16.13 **EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

16.14 Sec. 13. Minnesota Statutes 2020, section 124D.095, is amended by adding a subdivision  
 16.15 to read:

16.16 **Subd. 11. Crisis online learning.** (a) "Crisis online learning" means online learning  
 16.17 under this section as the primary mode of instruction for all students in a school building  
 16.18 during a crisis learning period.

16.19 (b) "Crisis learning period" means a period of time that is the result of an unforeseeable  
 16.20 incident or situation such as a natural disaster, pandemic, or other catastrophic event that  
 16.21 creates an unsafe or untenable in-person learning environment as declared by a school  
 16.22 district or charter school.

16.23 (c) "Crisis online learning plan" means a plan adopted by a school board or board of  
 16.24 directors that describes the implementation of crisis online learning and how critical  
 16.25 components of education are provided during the crisis learning period. Critical components  
 16.26 of education include but are not limited to nutrition services in accordance with United  
 16.27 States Department of Agriculture regulations, how teachers will be accessible online and  
 16.28 by telephone during regular school hours each crisis online learning day to assist students,  
 16.29 accommodations for students without Internet access or insufficient digital device access  
 16.30 in a household, and accessible options for students with disabilities under chapter 125A and  
 16.31 the Individuals with Disabilities Education Act. A crisis online learning plan may only be  
 16.32 adopted by a school district after consulting with the exclusive representative of the teachers  
 16.33 or by a charter school after consulting with its teachers, and may include up to one



17.1 instructional day to prepare for crisis online learning and one instructional day upon the  
 17.2 conclusion of the crisis online learning period, not to exceed four days per school year  
 17.3 without approval from the commissioner. Students and families must be notified of the  
 17.4 crisis online learning plan before the beginning of the school year. Consistent with applicable  
 17.5 labor agreements, districts must utilize available staff who are able to work during the crisis  
 17.6 online learning period.

17.7 (d) Upon declaring a crisis learning period and providing notice to students and families  
 17.8 at least one day prior to the regular school start time, a school district or charter school may  
 17.9 implement the crisis online learning plan.

17.10 **EFFECTIVE DATE.** This section is effective the day following final enactment. For  
 17.11 school year 2021-2022 the student and family notification requirement in subdivision 11,  
 17.12 paragraph (c), does not apply.

17.13 Sec. 14. Minnesota Statutes 2020, section 124D.59, subdivision 2a, is amended to read:

17.14 Subd. 2a. **English learner; limited or interrupted formal education.** Consistent with  
 17.15 subdivision 2, an English learner ~~includes~~ with limited or interrupted formal education is  
 17.16 an English learner with an interrupted formal education who meets three of the following  
 17.17 five requirements: defined by subdivision 2 who has at least two years less schooling than  
 17.18 the English learner's peers when entering school in the United States.

17.19 ~~(1) comes from a home where the language usually spoken is other than English, or~~  
 17.20 ~~usually speaks a language other than English;~~

17.21 ~~(2) enters school in the United States after grade 6;~~

17.22 ~~(3) has at least two years less schooling than the English learner's peers;~~

17.23 ~~(4) functions at least two years below expected grade level in reading and mathematics;~~

17.24 ~~and~~

17.25 ~~(5) may be preliterate in the English learner's native language.~~

17.26 Sec. 15. Minnesota Statutes 2020, section 124D.73, is amended by adding a subdivision  
 17.27 to read:

17.28 Subd. 5. **American Indian student.** "American Indian student" means a student who  
 17.29 identifies as American Indian or Alaska Native, using the state definition in effect on October  
 17.30 1 of the previous school year.

18.1 Sec. 16. Minnesota Statutes 2020, section 124D.79, subdivision 2, is amended to read:

18.2 Subd. 2. **Technical assistance.** The commissioner shall provide technical assistance,  
18.3 including an annual report of American Indian student data using the state count, to districts,  
18.4 schools and postsecondary institutions for preservice and in-service training for teachers,  
18.5 American Indian education teachers and paraprofessionals specifically designed to implement  
18.6 culturally responsive teaching methods, culturally based curriculum development, testing  
18.7 and testing mechanisms, and the development of materials for American Indian education  
18.8 programs.

18.9 Sec. 17. Minnesota Statutes 2020, section 124D.81, subdivision 1, is amended to read:

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

18.19 Sec. 18. Minnesota Statutes 2020, section 124D.861, subdivision 3, is amended to read:

18.20 Subd. 3. **Public engagement; progress report and budget process.** (a) To receive  
18.21 revenue under section 124D.862, the school board of an eligible district must incorporate  
18.22 school and district plan components under section 120B.11 into the district's comprehensive  
18.23 integration plan.

18.24 (b) A school board must hold at least one formal annual hearing to publicly report its  
18.25 progress in realizing the goals identified in its plan. At the hearing, the board must provide  
18.26 the public with longitudinal data demonstrating district and school progress in reducing the  
18.27 disparities in student academic performance among the specified categories of students, in  
18.28 improving students' equitable access to effective and more diverse teachers, and in realizing  
18.29 racial and economic diversity and integration, consistent with the district plan and the  
18.30 measures in paragraph (a). At least 30 days before the formal hearing under this paragraph,  
18.31 the board must post its plan, its preliminary analysis, relevant student performance data,  
18.32 and other longitudinal data on the district's website. A district must hold one hearing to  
18.33 meet the hearing requirements of both this section and section 120B.11.

19.1 (c) The district must submit a detailed budget to the commissioner by ~~March~~ April 15  
19.2 in the year before it implements its plan. The commissioner must review, and approve or  
19.3 disapprove the district's budget by June 1 of that year.

19.4 (d) The longitudinal data required under paragraph (b) must be based on student growth  
19.5 and progress in reading and mathematics, as defined under section 120B.30, subdivision 1,  
19.6 and student performance data and achievement reports from fully adaptive reading and  
19.7 mathematics assessments for grades 3 through 7 beginning in the 2015-2016 school year  
19.8 under section 120B.30, subdivision 1a, and either (i) school enrollment choices, (ii) the  
19.9 number of world language proficiency or high achievement certificates awarded under  
19.10 section 120B.022, subdivision 1a, or the number of state bilingual and multilingual seals  
19.11 issued under section 120B.022, subdivision 1b, or (iii) school safety and students' engagement  
19.12 and connection at school under section 120B.35, subdivision 3, paragraph (d). Additional  
19.13 longitudinal data may be based on: students' progress toward career and college readiness  
19.14 under section 120B.30, subdivision 1; or rigorous coursework completed under section  
19.15 120B.35, subdivision 3, paragraph (c), clause (2).

19.16 Sec. 19. Minnesota Statutes 2020, section 124D.861, subdivision 4, is amended to read:

19.17 Subd. 4. **Timeline and implementation.** A board must approve its plan and submit it  
19.18 to the department by ~~March~~ April 15. If a district that is part of a multidistrict council applies  
19.19 for revenue for a plan, the individual district shall not receive revenue unless it ratifies the  
19.20 plan adopted by the multidistrict council. Each plan has a term of three years. For the  
19.21 2014-2015 school year, an eligible district under this section must submit its plan to the  
19.22 commissioner for review by March 15, 2014. For the 2013-2014 school year only, an eligible  
19.23 district may continue to implement its current plan until the commissioner approves a new  
19.24 plan under this section.

19.25 Sec. 20. Minnesota Statutes 2020, section 125A.15, is amended to read:

19.26 **125A.15 PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.**

19.27 The responsibility for special instruction and services for a child with a disability  
19.28 temporarily placed in another district for care and treatment shall be determined in the  
19.29 following manner:

19.30 (a) The district of residence of a child shall be the district in which the child's parent  
19.31 resides, if living, or the child's guardian. If there is a dispute between school districts  
19.32 regarding residency, the district of residence is the district designated by the commissioner.

20.1 (b) If a district other than the resident district places a pupil for care and treatment, the  
20.2 district placing the pupil must notify and give the resident district an opportunity to participate  
20.3 in the placement decision. When an immediate emergency placement of a pupil is necessary  
20.4 and time constraints foreclose a resident district from participating in the emergency  
20.5 placement decision, the district in which the pupil is temporarily placed must notify the  
20.6 resident district of the emergency placement within 15 days. The resident district has up to  
20.7 five business days after receiving notice of the emergency placement to request an  
20.8 opportunity to participate in the placement decision, which the placing district must then  
20.9 provide.

20.10 (c) When a child is temporarily placed for care and treatment in a day program located  
20.11 in another district and the child continues to live within the district of residence during the  
20.12 care and treatment, the district of residence is responsible for providing transportation to  
20.13 and from the care and treatment program and an appropriate educational program for the  
20.14 child. The resident district may establish reasonable restrictions on transportation, except  
20.15 if a Minnesota court or agency orders the child placed at a day care and treatment program  
20.16 and the resident district receives a copy of the order, then the resident district must provide  
20.17 transportation to and from the program unless the court or agency orders otherwise.  
20.18 Transportation shall only be provided by the resident district during regular operating hours  
20.19 of the resident district. The resident district may provide the educational program at a school  
20.20 within the district of residence, at the child's residence, or in the district in which the day  
20.21 treatment center is located by paying tuition to that district. If a child's district of residence,  
20.22 district of open enrollment under section 124D.03, or charter school of enrollment under  
20.23 section 124E.11 is a state-approved online learning provider under section 124D.095,  
20.24 subdivision 2, paragraph (d), the child's district of residence may utilize that state-approved  
20.25 online learning program in fulfilling its educational program responsibility under this section.

20.26 (d) When a child is temporarily placed in a residential program for care and treatment,  
20.27 the nonresident district in which the child is placed is responsible for providing an appropriate  
20.28 educational program for the child and necessary transportation while the child is attending  
20.29 the educational program; and must bill the district of the child's residence for the actual cost  
20.30 of providing the program, as outlined in section 125A.11, except as provided in paragraph  
20.31 (e). However, the board, lodging, and treatment costs incurred in behalf of a child with a  
20.32 disability placed outside of the school district of residence by the commissioner of human  
20.33 services or the commissioner of corrections or their agents, for reasons other than providing  
20.34 for the child's special educational needs must not become the responsibility of either the  
20.35 district providing the instruction or the district of the child's residence. For the purposes of

21.1 this section, the state correctional facilities operated on a fee-for-service basis are considered  
 21.2 to be residential programs for care and treatment. If a child's district of residence, district  
 21.3 of open enrollment under section 124D.03, or charter school of enrollment under section  
 21.4 124E.11 is a state-approved online learning provider under section 124D.095, subdivision  
 21.5 2, paragraph (d), the nonresident district may utilize that state-approved online learning  
 21.6 program in fulfilling its educational program responsibility under this section.

21.7 (e) A privately owned and operated residential facility may enter into a contract to obtain  
 21.8 appropriate educational programs for special education children and services with a joint  
 21.9 powers entity. The entity with which the private facility contracts for special education  
 21.10 services shall be the district responsible for providing students placed in that facility an  
 21.11 appropriate educational program in place of the district in which the facility is located. If a  
 21.12 privately owned and operated residential facility does not enter into a contract under this  
 21.13 paragraph, then paragraph (d) applies.

21.14 (f) The district of residence shall pay tuition and other program costs, not including  
 21.15 transportation costs, to the district providing the instruction and services. The district of  
 21.16 residence may claim general education aid for the child as provided by law. Transportation  
 21.17 costs must be paid by the district responsible for providing the transportation and the state  
 21.18 must pay transportation aid to that district.

21.19 Sec. 21. Minnesota Statutes 2020, section 125A.51, is amended to read:

21.20 **125A.51 PLACEMENT OF CHILDREN WITHOUT DISABILITIES; EDUCATION**  
 21.21 **AND TRANSPORTATION.**

21.22 The responsibility for providing instruction and transportation for a pupil without a  
 21.23 disability who has a short-term or temporary physical or emotional illness or disability, as  
 21.24 determined by the standards of the commissioner, and who is temporarily placed for care  
 21.25 and treatment for that illness or disability, must be determined as provided in this section.

21.26 (a) The school district of residence of the pupil is the district in which the pupil's parent  
 21.27 or guardian resides. If there is a dispute between school districts regarding residency, the  
 21.28 district of residence is the district designated by the commissioner.

21.29 (b) When parental rights have been terminated by court order, the legal residence of a  
 21.30 child placed in a residential or foster facility for care and treatment is the district in which  
 21.31 the child resides.

21.32 (c) Before the placement of a pupil for care and treatment, the district of residence must  
 21.33 be notified and provided an opportunity to participate in the placement decision. When an

22.1 immediate emergency placement is necessary and time does not permit resident district  
22.2 participation in the placement decision, the district in which the pupil is temporarily placed,  
22.3 if different from the district of residence, must notify the district of residence of the  
22.4 emergency placement within 15 days of the placement. When a nonresident district makes  
22.5 an emergency placement without first consulting with the resident district, the resident  
22.6 district has up to five business days after receiving notice of the emergency placement to  
22.7 request an opportunity to participate in the placement decision, which the placing district  
22.8 must then provide.

22.9 (d) When a pupil without a disability is temporarily placed for care and treatment in a  
22.10 day program and the pupil continues to live within the district of residence during the care  
22.11 and treatment, the district of residence must provide instruction and necessary transportation  
22.12 to and from the care and treatment program for the pupil. The resident district may establish  
22.13 reasonable restrictions on transportation, except if a Minnesota court or agency orders the  
22.14 child placed at a day care and treatment program and the resident district receives a copy  
22.15 of the order, then the resident district must provide transportation to and from the program  
22.16 unless the court or agency orders otherwise. Transportation shall only be provided by the  
22.17 resident district during regular operating hours of the resident district. The resident district  
22.18 may provide the instruction at a school within the district of residence, at the pupil's residence,  
22.19 through a state-approved online learning program under section 124D.095, subdivision 2,  
22.20 paragraph (d), provided by the pupil's resident district, district of open enrollment under  
22.21 section 124D.03, or charter school of enrollment under section 124E.11, or in the case of a  
22.22 placement outside of the resident district, in the district in which the day treatment program  
22.23 is located by paying tuition to that district. The district of placement may contract with a  
22.24 facility to provide instruction by teachers licensed by the Professional Educator Licensing  
22.25 and Standards Board.

22.26 (e) When a pupil without a disability is temporarily placed in a residential program for  
22.27 care and treatment, the district in which the pupil is placed must provide instruction for the  
22.28 pupil and necessary transportation while the pupil is receiving instruction, and in the case  
22.29 of a placement outside of the district of residence, the nonresident district must bill the  
22.30 district of residence for the actual cost of providing the instruction for the regular school  
22.31 year and for summer school, excluding transportation costs. If a pupil's district of residence,  
22.32 district of open enrollment under section 124D.03, or charter school of enrollment under  
22.33 section 124E.11 is a state-approved online learning provider under section 124D.095,  
22.34 subdivision 2, paragraph (d), the district in which the pupil is placed may utilize that

23.1 state-approved online learning program in fulfilling its responsibility to provide instruction  
23.2 under this section.

23.3 (f) Notwithstanding paragraph (e), if the pupil is homeless and placed in a public or  
23.4 private homeless shelter, then the district that enrolls the pupil under section 120A.20,  
23.5 subdivision 2, paragraph (b), shall provide the transportation, unless the district that enrolls  
23.6 the pupil and the district in which the pupil is temporarily placed agree that the district in  
23.7 which the pupil is temporarily placed shall provide transportation. When a pupil without a  
23.8 disability is temporarily placed in a residential program outside the district of residence,  
23.9 the administrator of the court placing the pupil must send timely written notice of the  
23.10 placement to the district of residence. The district of placement may contract with a  
23.11 residential facility to provide instruction by teachers licensed by the Professional Educator  
23.12 Licensing and Standards Board. For purposes of this section, the state correctional facilities  
23.13 operated on a fee-for-service basis are considered to be residential programs for care and  
23.14 treatment.

23.15 (g) The district of residence must include the pupil in its residence count of pupil units  
23.16 and pay tuition as provided in section 123A.488 to the district providing the instruction.  
23.17 Transportation costs must be paid by the district providing the transportation and the state  
23.18 must pay transportation aid to that district. For purposes of computing state transportation  
23.19 aid, pupils governed by this subdivision must be included in the disabled transportation  
23.20 category if the pupils cannot be transported on a regular school bus route without special  
23.21 accommodations.

23.22 Sec. 22. Minnesota Statutes 2020, section 125A.515, subdivision 3, is amended to read:

23.23 Subd. 3. **Responsibilities for providing education.** (a) The district in which the children's  
23.24 residential facility is located must provide education services, including special education  
23.25 if eligible, to all students placed in a facility. If a child's district of residence, district of open  
23.26 enrollment under section 124D.03, or charter school of enrollment under section 124E.11  
23.27 is a state-approved online learning provider under section 124D.095, subdivision 2, paragraph  
23.28 (d), the district in which the children's residential facility is located may utilize that  
23.29 state-approved online learning program in fulfilling its education services responsibility  
23.30 under this section.

23.31 (b) For education programs operated by the Department of Corrections, the providing  
23.32 district shall be the Department of Corrections. For students remanded to the commissioner  
23.33 of corrections, the providing and resident district shall be the Department of Corrections.

24.1 **ARTICLE 2**24.2 **EDUCATION EXCELLENCE**

24.3 Section 1. Minnesota Statutes 2020, section 13.32, subdivision 3, is amended to read:

24.4 Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision  
24.5 5, educational data is private data on individuals and shall not be disclosed except as follows:

24.6 (a) pursuant to section 13.05;

24.7 (b) pursuant to a valid court order;

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

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

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

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

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

24.21 (h) to the appropriate school district officials to the extent necessary under subdivision  
24.22 6, annually to indicate the extent and content of remedial instruction, including the results  
24.23 of assessment testing and academic performance at a postsecondary institution during the  
24.24 previous academic year by a student who graduated from a Minnesota school district within  
24.25 two years before receiving the remedial instruction;

24.26 (i) to appropriate authorities as provided in United States Code, title 20, section  
24.27 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the  
24.28 system to effectively serve, prior to adjudication, the student whose records are released;  
24.29 provided that the authorities to whom the data are released submit a written request for the  
24.30 data that certifies that the data will not be disclosed to any other person except as authorized  
24.31 by law without the written consent of the parent of the student and the request and a record  
24.32 of the release are maintained in the student's file;



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

25.4 (k) to provide student recruiting information, from educational data held by colleges  
25.5 and universities, as required by and subject to Code of Federal Regulations, title 32, section  
25.6 216;

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

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

25.14 (n) to the commissioner of education for purposes of an assessment or investigation of  
25.15 a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request  
25.16 by the commissioner of education, data that are relevant to a report of maltreatment and are  
25.17 from charter school and school district investigations of alleged maltreatment of a student  
25.18 must be disclosed to the commissioner, including, but not limited to, the following:

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

25.20 (2) information regarding student and employee witnesses;

25.21 (3) information regarding the alleged perpetrator; and

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

25.24 (o) when the disclosure is of the final results of a disciplinary proceeding on a charge  
25.25 of a crime of violence or nonforcible sex offense to the extent authorized under United  
25.26 States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title  
25.27 34, sections 99.31 (a)(13) and (14);

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

25.31 (q) when the disclosure is to a parent of a student at an institution of postsecondary  
25.32 education regarding the student's violation of any federal, state, or local law or of any rule

26.1 or policy of the institution, governing the use or possession of alcohol or of a controlled  
 26.2 substance, to the extent authorized under United States Code, title 20, section 1232g(i), and  
 26.3 Code of Federal Regulations, title 34, section 99.31 (a)(15), and provided the institution  
 26.4 has an information release form signed by the student authorizing disclosure to a parent.  
 26.5 The institution must notify parents and students about the purpose and availability of the  
 26.6 information release forms. At a minimum, the institution must distribute the information  
 26.7 release forms at parent and student orientation meetings; or

26.8 (r) with Tribal nations about Tribally enrolled or descendant students so that the Tribal  
 26.9 nation and school district or charter school can support the educational attainment of the  
 26.10 student.

26.11 Sec. 2. Minnesota Statutes 2020, section 120B.15, is amended to read:

26.12 **120B.15 GIFTED AND TALENTED STUDENTS PROGRAMS AND SERVICES.**

26.13 (a) School districts may identify students, locally develop programs and services  
 26.14 addressing instructional and affective needs, provide staff development, and evaluate  
 26.15 programs and services to provide gifted and talented students with challenging and  
 26.16 appropriate educational programs and services.

26.17 (b) School districts must adopt guidelines for assessing and identifying students for  
 26.18 participation in gifted and talented programs and services consistent with section 120B.11,  
 26.19 subdivision 2, clause (2). The guidelines should include the use of:

26.20 (1) multiple and objective criteria; and

26.21 (2) assessments and procedures that are valid and reliable, fair, and based on current  
 26.22 theory and research. Assessments and procedures ~~should~~ must be sensitive and equitable  
 26.23 to underrepresented groups, including, but not limited to, low-income students, ~~minority~~  
 26.24 students of color and American Indian students, twice-exceptional students, students with  
 26.25 504 plans, and English learners. Assessments and procedures must be coordinated to allow  
 26.26 for optimal identification of programs or services for underrepresented groups.

26.27 (c) School districts must adopt procedures for the academic acceleration of gifted and  
 26.28 talented students consistent with section 120B.11, subdivision 2, clause (2). These procedures  
 26.29 must include how the district will:

26.30 (1) assess a student's readiness and motivation for acceleration; and

26.31 (2) match the level, complexity, and pace of the curriculum to a student to achieve the  
 26.32 best type of academic acceleration for that student.

27.1 (d) School districts must adopt procedures consistent with section 124D.02, subdivision  
 27.2 1, for early admission to kindergarten or first grade of gifted and talented learners consistent  
 27.3 with section 120B.11, subdivision 2, clause (2). The procedures must be sensitive to  
 27.4 underrepresented groups.

27.5 Sec. 3. **NATIONAL AND INTERNATIONAL EDUCATION COMPARISONS.**

27.6 Each public district and school selected to participate in the national assessment of  
 27.7 educational progress shall do so pursuant to United States Code, title 20, section 6312(c)(2),  
 27.8 as in effect on December 10, 2015, or similar national or international assessments, both  
 27.9 for the national sample and for any state-by-state comparison programs that may be initiated,  
 27.10 as directed by the commissioner. The assessments must be conducted using the data collection  
 27.11 procedures, student surveys, educator surveys, and other instruments included in the National  
 27.12 Assessment of Educational Progress or similar national or international assessments being  
 27.13 administered in Minnesota. The administration of such assessments shall be in addition to  
 27.14 and separate from the administration of the statewide, standardized assessments.

27.15 **ARTICLE 3**

27.16 **INCLUSIVE AND WELCOMING SCHOOLS**

27.17 Section 1. Minnesota Statutes 2020, section 120A.22, subdivision 7, is amended to read:

27.18 **Subd. 7. Education records.** (a) A district, a charter school, or a nonpublic school that  
 27.19 receives services or aid under sections 123B.40 to 123B.48 from which a student is  
 27.20 transferring must transmit the student's educational records, within ten business days of a  
 27.21 request, to the district, the charter school, or the nonpublic school in which the student is  
 27.22 enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under  
 27.23 sections 123B.40 to 123B.48 must make reasonable efforts to determine the district, the  
 27.24 charter school, or the nonpublic school in which a transferring student is next enrolling in  
 27.25 order to comply with this subdivision.

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

27.29 (c) A school district, a charter school, or a nonpublic school that receives services or aid  
 27.30 under sections 123B.40 to 123B.48 that transmits a student's educational records to another  
 27.31 school district or other educational entity, charter school, or nonpublic school to which the  
 27.32 student is transferring must include in the transmitted records information about any formal  
 27.33 suspension, expulsion, and exclusion disciplinary action, as well as pupil withdrawals, under

28.1 sections 121A.40 to 121A.56. The transmitted records must include services a pupil needs  
 28.2 to prevent the inappropriate behavior from recurring. The district, the charter school, or the  
 28.3 nonpublic school that receives services or aid under sections 123B.40 to 123B.48 must  
 28.4 provide notice to a student and the student's parent or guardian that formal disciplinary  
 28.5 records will be transferred as part of the student's educational record, in accordance with  
 28.6 data practices under chapter 13 and the Family Educational Rights and Privacy Act of 1974,  
 28.7 United States Code, title 20, section 1232(g).

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

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

28.18 Sec. 2. Minnesota Statutes 2020, section 120A.22, subdivision 9, is amended to read:

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

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

28.22 (2) mathematics and science;

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

28.24 ~~and~~

28.25 (4) health and physical education; and

28.26 (5) ethnic studies.

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

28.29 Sec. 3. Minnesota Statutes 2020, section 120B.021, subdivision 2, is amended to read:

28.30 Subd. 2. **Standards development.** (a) The commissioner must consider advice from at  
 28.31 least the following stakeholders in developing statewide rigorous core academic standards

29.1 in language arts, mathematics, science, social studies, including history, geography,  
29.2 economics, government and citizenship, and the arts:

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

29.4 (2) teachers throughout the state currently licensed and providing instruction in language  
29.5 arts, mathematics, science, social studies, or the arts and licensed elementary and secondary  
29.6 school principals throughout the state currently administering a school site;

29.7 (3) currently serving members of local school boards and charter school boards throughout  
29.8 the state;

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

29.10 (5) representatives of the Minnesota business community;

29.11 (6) representatives from the Tribal Nations Education Committee and Minnesota's Tribal  
29.12 Nations and communities, including both Anishinaabe and Dakota;

29.13 (7) youth currently enrolled in kindergarten through grade 12 school districts and charter  
29.14 schools in Minnesota; and

29.15 (8) other stakeholders that represent the ethnic, racial, and geographic diversity of  
29.16 Minnesota, including diversity of gender and sexual orientation, immigrant status, and  
29.17 religious and linguistic background.

29.18 (b) Academic standards must:

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

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

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

29.22 Sec. 4. Minnesota Statutes 2020, section 120B.021, subdivision 4, is amended to read:

29.23 Subd. 4. **Revisions and reviews required.** (a) The commissioner of education must  
29.24 revise and appropriately embed Indigenous education standards that include the contributions  
29.25 of American Indian Tribes and communities into the state's academic standards and  
29.26 graduation requirements. These standards must be consistent with recommendations from  
29.27 the Tribal Nations Education Committee.

29.28 (b) The commissioner of education must revise and appropriately embed technology  
29.29 and information literacy standards consistent with recommendations from school media  
29.30 specialists into the state's academic standards and graduation requirements and implement  
29.31 a ten-year cycle to review and, consistent with the review, revise state academic standards

30.1 and related benchmarks, consistent with this subdivision. During each ten-year review and  
 30.2 revision cycle, the commissioner also must examine the alignment of each required academic  
 30.3 standard and related benchmark with the knowledge and skills students need for career and  
 30.4 college readiness and advanced work in the particular subject area.

30.5 ~~(c)~~ The commissioner must ~~include the contributions of Minnesota American Indian~~  
 30.6 ~~tribes and communities as related to the~~ appropriately embed ethnic studies into the state's  
 30.7 academic standards during the review and revision of the required academic standards.

30.8 ~~(b)~~ (d) The commissioner must ensure that the statewide mathematics assessments  
 30.9 administered to students in grades 3 through 8 and 11 are aligned with the state academic  
 30.10 standards in mathematics, consistent with section 120B.30, subdivision 1, paragraph (b).  
 30.11 The commissioner must implement a review of the academic standards and related  
 30.12 benchmarks in mathematics beginning in the 2021-2022 school year and every ten years  
 30.13 thereafter.

30.14 ~~(e)~~ (e) The commissioner must implement a review of the academic standards and related  
 30.15 benchmarks in arts beginning in the 2017-2018 school year and every ten years thereafter.

30.16 ~~(d)~~ (f) The commissioner must implement a review of the academic standards and related  
 30.17 benchmarks in science beginning in the 2018-2019 school year and every ten years thereafter.

30.18 ~~(e)~~ (g) The commissioner must implement a review of the academic standards and related  
 30.19 benchmarks in language arts beginning in the 2019-2020 school year and every ten years  
 30.20 thereafter.

30.21 ~~(f)~~ (h) The commissioner must implement a review of the academic standards and related  
 30.22 benchmarks in social studies beginning in the 2020-2021 school year and every ten years  
 30.23 thereafter.

30.24 ~~(g)~~ (i) The commissioner must implement a review of the academic standards and related  
 30.25 benchmarks in physical education beginning in the ~~2022-2023~~ 2026-2027 school year and  
 30.26 every ten years thereafter.

30.27 ~~(h)~~ (j) School districts and charter schools must revise and align local academic standards  
 30.28 and high school graduation requirements in health, world languages, and career and technical  
 30.29 education to require students to complete the revised standards beginning in a school year  
 30.30 determined by the school district or charter school. School districts and charter schools must  
 30.31 formally establish a periodic review cycle for the academic standards and related benchmarks  
 30.32 in health, world languages, and career and technical education.

31.1 **Sec. 5. [120B.025] ETHNIC STUDIES CURRICULUM.**

31.2 "Ethnic studies curriculum" means the critical and interdisciplinary study of race,  
 31.3 ethnicity, and indigeneity with a focus on the experiences and perspectives of people of  
 31.4 color within and beyond the United States. Ethnic studies curriculum analyzes the ways in  
 31.5 which race and racism have been and continue to be powerful social, cultural, and political  
 31.6 forces, and the connections that race and racism have to the stratification of other groups,  
 31.7 including stratification based on gender, class, sexual orientation, gender identity, and legal  
 31.8 status.

31.9 Sec. 6. Minnesota Statutes 2020, section 120B.11, subdivision 1, is amended to read:

31.10 Subdivision 1. **Definitions.** For the purposes of this section and section 120B.10, the  
 31.11 following terms have the meanings given them.

31.12 (a) "Instruction" means methods of providing learning experiences that enable a student  
 31.13 to meet state and district academic standards and graduation requirements including applied  
 31.14 and experiential learning.

31.15 (b) "Curriculum" means district or school adopted programs and written plans for  
 31.16 providing students with learning experiences that lead to expected knowledge and skills  
 31.17 and career and college readiness.

31.18 (c) "World's best workforce" means striving to: meet school readiness goals; have all  
 31.19 third grade students achieve grade-level literacy; close the academic achievement gap among  
 31.20 all racial and ethnic groups of students and between students living in poverty and students  
 31.21 not living in poverty; have all students attain career and college readiness before graduating  
 31.22 from high school; and have all students graduate from high school.

31.23 (d) "Experiential learning" means learning for students that includes career exploration  
 31.24 through a specific class or course or through work-based experiences such as job shadowing,  
 31.25 mentoring, entrepreneurship, service learning, volunteering, internships, other cooperative  
 31.26 work experience, youth apprenticeship, or employment.

31.27 (e) "Ethnic studies curriculum" means the critical and interdisciplinary study of race,  
 31.28 ethnicity, and indigeneity with a focus on the experiences and perspectives of people of  
 31.29 color within and beyond the United States. Ethnic studies curriculum analyzes the ways in  
 31.30 which race and racism have been and continue to be powerful social, cultural, and political  
 31.31 forces, and the connections that race and racism have to the stratification of other groups,  
 31.32 including stratification based on gender, class, sexual orientation, gender identity, and legal  
 31.33 status.

32.1 **Sec. 7. [121A.041] AMERICAN INDIAN MASCOTS PROHIBITED.**

32.2 Subdivision 1. **Prohibition.** (a) A public school may not have or adopt a name, symbol,  
 32.3 or image that depicts or refers to an American Indian Tribe, individual, custom, or tradition  
 32.4 to be used as a mascot, nickname, logo, letterhead, or team name of the district or school  
 32.5 within the district.

32.6 (b) A public school may seek an exemption to paragraph (a) by submitting a request in  
 32.7 writing to the Tribal Nations Education Committee and the Indian Affairs Council, which  
 32.8 jointly shall have discretion to grant such an exemption. A public school that has a mascot  
 32.9 prohibited by this section must request an exemption by January 1, 2022.

32.10 Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the  
 32.11 meanings given.

32.12 (b) "American Indian" means an individual who is:

32.13 (1) a member of an Indian Tribe or Band, as membership is defined by the Tribe or  
 32.14 Band, including:

32.15 (i) any Tribe or Band terminated since 1940; and

32.16 (ii) any Tribe or Band recognized by the state in which the Tribe or Band resides;

32.17 (2) a descendant, in the first or second degree, of an individual described in clause (1);

32.18 (3) considered by the Secretary of the Interior to be an Indian for any purpose;

32.19 (4) an Eskimo, Aleut, or other Alaska Native; or

32.20 (5) a member of an organized Indian group that received a grant under the Indian  
 32.21 Education Act of 1988 as in effect the day preceding October 20, 1994.

32.22 (c) "District" means a district under section 120A.05, subdivision 8.

32.23 (d) "Mascot" means any human, nonhuman animal, or object used to represent a school  
 32.24 and its population.

32.25 (e) "Public school" or "school" means a public school under section 120A.05, subdivisions  
 32.26 9, 11, 13, and 17, and a charter school under chapter 124E.

32.27 **Sec. 8. [121A.201] MULTI-TIERED SYSTEM OF SUPPORT.**

32.28 The Minnesota Multi-Tiered System of Supports (MnMTSS) is a systemic, continuous  
 32.29 improvement framework for ensuring positive social, emotional, behavioral, developmental,  
 32.30 and academic outcomes for every student. MnMTSS provides access to layered tiers of



33.1 culturally and linguistically responsive, evidence-based practices. The MnMTSS framework  
 33.2 relies on the understanding and belief that every student can learn and thrive, and it engages  
 33.3 an anti-racist approach to examining policies and practices and ensuring equitable distribution  
 33.4 of resources and opportunity. This systemic framework requires:

33.5 (1) design and delivery of culturally and linguistically responsive, effective,  
 33.6 standards-based core instruction in safe, supportive environments inclusive of every student  
 33.7 as a necessary foundation for tiered supports;

33.8 (2) layered tiers of culturally and linguistically responsive supplemental and intensive  
 33.9 supports to meet each student's needs;

33.10 (3) developing collective knowledge and experience through engagement in representative  
 33.11 partnerships with students, education professionals, families, and communities;

33.12 (4) multidisciplinary teams of education professionals that review and use data to prevent  
 33.13 and solve problems, inform instruction and supports, and ensure effective implementation  
 33.14 in partnership with students and families;

33.15 (5) effective and timely use of meaningful, culturally relevant data disaggregated by  
 33.16 student groups identified in section 121A.031 that includes but is not limited to universal  
 33.17 screening, frequent progress monitoring, implementation fidelity, and multiple qualitative  
 33.18 and quantitative sources; and

33.19 (6) ongoing professional learning on the MnMTSS systemic framework using anti-racist  
 33.20 approaches to training and coaching.

33.21 Sec. 9. Minnesota Statutes 2020, section 121A.41, subdivision 10, is amended to read:

33.22 Subd. 10. **In-school suspension; out-of-school suspension.** (a) "In-school suspension"  
 33.23 means an instance in which a pupil is temporarily removed from the pupil's regular classroom  
 33.24 for at least half a day for disciplinary purposes, but remains under the direct supervision of  
 33.25 school personnel. For purposes of this paragraph, "direct supervision" means school personnel  
 33.26 are physically in the same location as students under supervision.

33.27 (b) "Out-of-school suspension" means an action by the school administration, under  
 33.28 rules promulgated by the school board, prohibiting a pupil from attending school for a period  
 33.29 of no more than ten school days. If a suspension is longer than five days, the suspending  
 33.30 administrator must provide the superintendent with a reason for the longer suspension. This  
 33.31 definition does not apply to dismissal from school for ~~one school day or less~~ than one school  
 33.32 day, except as provided in federal law for a student with a disability. Each suspension action  
 33.33 may include a readmission plan. The readmission plan shall include, where appropriate, a

34.1 provision for implementing alternative educational services upon readmission and may not  
34.2 be used to extend the current suspension. Consistent with section 125A.091, subdivision 5,  
34.3 the readmission plan must not obligate a parent to provide a sympathomimetic medication  
34.4 for the parent's child as a condition of readmission. The school administration may not  
34.5 impose consecutive suspensions against the same pupil for the same course of conduct, or  
34.6 incident of misconduct, except where the pupil will create an immediate and substantial  
34.7 danger to self or to surrounding persons or property, or where the district is in the process  
34.8 of initiating an expulsion, in which case the school administration may extend the suspension  
34.9 to a total of 15 school days.

34.10 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

34.11 Sec. 10. Minnesota Statutes 2020, section 121A.41, is amended by adding a subdivision  
34.12 to read:

34.13 **Subd. 12. Nonexclusionary disciplinary policies and practices; alternatives to pupil**  
34.14 **removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means  
34.15 policies and practices that are alternatives to removing a pupil from class or dismissing a  
34.16 pupil from school, including evidence-based positive behavior interventions and supports,  
34.17 social and emotional services, school-linked mental health services, counseling services,  
34.18 social work services, referrals for special education or 504 evaluations, academic screening  
34.19 for Title 1 services or reading interventions, and alternative education services.  
34.20 Nonexclusionary disciplinary policies and practices require school officials to intervene in,  
34.21 redirect, and support a pupil's behavior before removing a pupil from class or beginning  
34.22 dismissal proceedings. Nonexclusionary disciplinary policies and practices include but are  
34.23 not limited to the policies and practices under sections 120B.12; 121A.575, clauses (1) and  
34.24 (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph  
34.25 (q); 122A.627, clause (3); and 123A.56.

34.26 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

34.27 Sec. 11. Minnesota Statutes 2020, section 121A.41, is amended by adding a subdivision  
34.28 to read:

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

35.1 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

35.2 Sec. 12. Minnesota Statutes 2020, section 121A.425, is amended to read:

35.3 **121A.425 FULL AND EQUITABLE PARTICIPATION IN PRESCHOOL AND**  
 35.4 **PREKINDERGARTEN EARLY LEARNING.**

35.5 Subdivision 1. **Disciplinary dismissals prohibited.** (a) A pupil enrolled in the following  
 35.6 is not subject to dismissals under this chapter:

35.7 (1) a preschool or prekindergarten program, including ~~a child participating in an~~ early  
 35.8 childhood family education, school readiness, school readiness plus, voluntary  
 35.9 prekindergarten, Head Start, or other school-based preschool or prekindergarten program;  
 35.10 ~~may not be subject to dismissals under this chapter; or~~

35.11 (2) kindergarten through grade 3.

35.12 (b) Notwithstanding this subdivision, expulsions and exclusions may be used only after  
 35.13 resources outlined in subdivision 2 have been exhausted, and only in circumstances where  
 35.14 there is an ongoing serious safety threat to the child or others.

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

35.17 (1) collaborating with the pupil's family or guardian, child mental health consultant or  
 35.18 provider, education specialist, or other community-based support;

35.19 (2) creating a plan, written with the parent or guardian, that details the action and support  
 35.20 needed for the pupil to fully participate in the current educational program, including a  
 35.21 preschool or prekindergarten program; or

35.22 (3) providing a referral for needed support services, including parenting education, home  
 35.23 visits, other supportive education interventions, or, where appropriate, an evaluation to  
 35.24 determine if the pupil is eligible for special education services or section 504 services.

35.25 Sec. 13. Minnesota Statutes 2020, section 121A.45, subdivision 1, is amended to read:

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

35.31 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

36.1 Sec. 14. Minnesota Statutes 2020, section 121A.46, subdivision 4, is amended to read:

36.2 Subd. 4. **Provision of alternative education services; suspension pending expulsion**  
36.3 **or exclusion hearing.** (a) Alternative education services must be provided to a pupil who  
36.4 is suspended for more than five consecutive school days.

36.5 (b) Notwithstanding the provisions of subdivisions 1 and 3, the pupil may be suspended  
36.6 pending the school board's decision in the expulsion or exclusion hearing; provided that  
36.7 alternative educational services are implemented to the extent that suspension exceeds five  
36.8 consecutive school days.

36.9 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

36.10 Sec. 15. Minnesota Statutes 2020, section 121A.46, is amended by adding a subdivision  
36.11 to read:

36.12 Subd. 5. **Minimum education services.** School administration must allow a suspended  
36.13 pupil the opportunity to complete all school work assigned during the period of the pupil's  
36.14 suspension and to receive full credit for satisfactorily completing the assignments. The  
36.15 school principal or other person having administrative control of the school building or  
36.16 program is encouraged to designate a district or school employee as a liaison to work with  
36.17 the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and  
36.18 other information, and (2) complete daily and weekly assignments and receive teachers'  
36.19 feedback.

36.20 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

36.21 Sec. 16. Minnesota Statutes 2020, section 121A.47, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

37.6 (3) present evidence; and

37.7 (4) confront and cross-examine witnesses.

37.8 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

37.9 Sec. 17. Minnesota Statutes 2020, section 121A.47, subdivision 14, is amended to read:

37.10 Subd. 14. **Admission or readmission plan.** (a) A school administrator ~~shall~~ must prepare  
 37.11 and enforce an admission or readmission plan for any pupil who is excluded or expelled  
 37.12 from school. The plan ~~may~~ must include measures to improve the pupil's behavior, ~~including~~  
 37.13 which may include completing a character education program, consistent with section  
 37.14 120B.232, subdivision 1, ~~and~~ social and emotional learning, counseling, social work services,  
 37.15 mental health services, referrals for special education or 504 evaluation, and evidence-based  
 37.16 academic interventions. The plan must require parental involvement in the admission or  
 37.17 readmission process, and may indicate the consequences to the pupil of not improving the  
 37.18 pupil's behavior.

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

37.31 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

38.1 Sec. 18. Minnesota Statutes 2020, section 121A.53, subdivision 1, is amended to read:

38.2 Subdivision 1. **Exclusions and expulsions; student withdrawals; physical**  
 38.3 **assaults.** Consistent with subdivision 2, the school board must report through the department  
 38.4 electronic reporting system each exclusion or expulsion ~~and~~<sub>2</sub> each physical assault of a  
 38.5 district employee by a ~~student~~ pupil, and each pupil withdrawal agreement within 30 days  
 38.6 of the effective date of the dismissal action, pupil withdrawal, or assault<sub>2</sub> to the commissioner  
 38.7 of education. This report must include a statement of ~~alternative educational services~~  
 38.8 nonexclusionary disciplinary practices, or other sanction, intervention, or resolution in  
 38.9 response to the assault given the pupil and the reason for, the effective date, and the duration  
 38.10 of the exclusion or expulsion or other sanction, intervention, or resolution. The report must  
 38.11 also include the ~~student's~~ pupil's age, grade, gender, race, and special education status.

38.12 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

38.13 Sec. 19. Minnesota Statutes 2020, section 121A.55, is amended to read:

38.14 **121A.55 POLICIES TO BE ESTABLISHED.**

38.15 (a) The commissioner of education ~~shall~~ must promulgate guidelines to assist each school  
 38.16 board. Each school board ~~shall~~ must establish uniform criteria for dismissal and adopt written  
 38.17 policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies  
 38.18 ~~shall~~ must include nonexclusionary disciplinary policies and practices consistent with section  
 38.19 121A.41, subdivision 12, and must emphasize preventing dismissals through early detection  
 38.20 of problems and shall. The policies must be designed to address students' inappropriate  
 38.21 behavior from recurring.

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

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

38.28 (d) For expulsion and exclusion dismissals and pupil withdrawal agreements as defined  
 38.29 in section 121A.41, subdivision 13:

38.30 (1) a school district's continuing responsibility includes reviewing the pupil's school  
 38.31 work and grades on a quarterly basis to ensure the pupil is on track for readmission with  
 38.32 the pupil's peers. School districts must communicate on a regular basis with the pupil's

39.1 parent or guardian to ensure the pupil is completing the work assigned through the alternative  
 39.2 educational services;

39.3 (2) a pupil receiving school-based or school-linked mental health services in the district  
 39.4 under section 245.4889 continues to be eligible for those services until the pupil is enrolled  
 39.5 in a new district; and

39.6 (3) a school district must provide to the pupil's parent or guardian information on  
 39.7 accessing mental health services, including any free or sliding fee providers in the  
 39.8 community. The information must also be posted on the district or charter school website.

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

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

39.16 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

39.17 Sec. 20. Minnesota Statutes 2020, section 121A.61, subdivision 1, is amended to read:

39.18 Subdivision 1. **Required policy.** Each school board must adopt a written districtwide  
 39.19 school discipline policy which includes written rules of conduct for students, minimum  
 39.20 consequences for violations of the rules, and grounds and procedures for removal of a student  
 39.21 from class. The policy must contain the discipline complaint procedure that any member  
 39.22 of the school community may use to file a complaint regarding the application of discipline  
 39.23 policies and seek corrective action. The policy must be developed in consultation with  
 39.24 administrators, teachers, employees, pupils, parents, community members, law enforcement  
 39.25 agencies, county attorney offices, social service agencies, and such other individuals or  
 39.26 organizations as the board determines appropriate. A school site council may adopt additional  
 39.27 provisions to the policy subject to the approval of the school board.

39.28 Sec. 21. Minnesota Statutes 2020, section 121A.61, subdivision 3, is amended to read:

39.29 Subd. 3. **Policy components.** The policy must include at least the following components:

39.30 (a) rules governing student conduct and procedures for informing students of the rules;

39.31 (b) the grounds for removal of a student from a class;

- 40.1 (c) the authority of the classroom teacher to remove students from the classroom pursuant  
40.2 to procedures and rules established in the district's policy;
- 40.3 (d) the procedures for removal of a student from a class by a teacher, school administrator,  
40.4 or other school district employee;
- 40.5 (e) the period of time for which a student may be removed from a class, which may not  
40.6 exceed five class periods for a violation of a rule of conduct;
- 40.7 (f) provisions relating to the responsibility for and custody of a student removed from  
40.8 a class;
- 40.9 (g) the procedures for return of a student to the specified class from which the student  
40.10 has been removed;
- 40.11 (h) the procedures for notifying a student and the student's parents or guardian of  
40.12 violations of the rules of conduct and of resulting disciplinary actions;
- 40.13 (i) any procedures determined appropriate for encouraging early involvement of parents  
40.14 or guardians in attempts to improve a student's behavior;
- 40.15 (j) any procedures determined appropriate for encouraging early detection of behavioral  
40.16 problems;
- 40.17 (k) any procedures determined appropriate for referring a student in need of special  
40.18 education services to those services;
- 40.19 (l) any procedures determined appropriate for ensuring victims of bullying who respond  
40.20 with behavior not allowed under the school's behavior policies have access to a remedial  
40.21 response, consistent with section 121A.031;
- 40.22 ~~(m)~~ (m) the procedures for consideration of whether there is a need for a further assessment  
40.23 or of whether there is a need for a review of the adequacy of a current individualized  
40.24 education program of a student with a disability who is removed from class;
- 40.25 ~~(n)~~ (n) procedures for detecting and addressing chemical abuse problems of a student  
40.26 while on the school premises;
- 40.27 ~~(o)~~ (o) the minimum consequences for violations of the code of conduct;
- 40.28 ~~(p)~~ (p) procedures for immediate and appropriate interventions tied to violations of the  
40.29 code;



41.1 ~~(p)~~ (q) a provision that states that a teacher, school employee, school bus driver, or other  
 41.2 agent of a district may use reasonable force in compliance with section 121A.582 and other  
 41.3 laws;

41.4 ~~(q)~~ (r) an agreement regarding procedures to coordinate crisis services to the extent funds  
 41.5 are available with the county board responsible for implementing sections 245.487 to  
 41.6 245.4889 for students with a serious emotional disturbance or other students who have an  
 41.7 individualized education program whose behavior may be addressed by crisis intervention;  
 41.8 ~~and~~

41.9 ~~(r)~~ (s) a provision that states a student must be removed from class immediately if the  
 41.10 student engages in assault or violent behavior. For purposes of this paragraph, "assault" has  
 41.11 the meaning given it in section 609.02, subdivision 10. The removal shall be for a period  
 41.12 of time deemed appropriate by the principal, in consultation with the teacher;

41.13 (t) a prohibition on the use of exclusionary practices for early learners as defined in  
 41.14 section 121A.425; and

41.15 (u) a prohibition on the use of exclusionary practices to address attendance and truancy  
 41.16 issues.

41.17 Sec. 22. Minnesota Statutes 2020, section 121A.61, is amended by adding a subdivision  
 41.18 to read:

41.19 Subd. 4. **Discipline complaint procedure.** The discipline policy must contain procedures  
 41.20 for students, parents and other guardians, and school staff to file a complaint and seek  
 41.21 corrective action when the requirements of sections 121A.40 to 121A.61, including the  
 41.22 implementation of the local behavior and discipline policies, are not being implemented  
 41.23 appropriately or are being discriminately applied. Each district and school policy implemented  
 41.24 under this section must, at a minimum:

41.25 (1) provide procedures for communicating this policy including the ability for a parent  
 41.26 to appeal a decision under section 121A.49 that contains explicit instructions for filing the  
 41.27 complaint;

41.28 (2) provide an opportunity for involved parties to submit additional information related  
 41.29 to the complaint;

41.30 (3) provide a procedure to begin to investigate complaints within three school days of  
 41.31 receipt, and identify personnel who will manage the investigation and any resulting record  
 41.32 and are responsible for keeping and regulating access to any record;

42.1 (4) provide procedures for issuing a written determination to the complainant that  
 42.2 addresses each allegation and contains findings and conclusions;

42.3 (5) if the investigation finds the requirements of sections 121A.40 to 121A.61, including  
 42.4 any local policies that were not implemented appropriately, contain procedures that require  
 42.5 a corrective action plan to correct a student's record and provide relevant staff with training,  
 42.6 coaching, or other accountability practices to ensure appropriate compliance with policies  
 42.7 in the future; and

42.8 (6) prohibit reprisals or retaliation against any person who asserts, alleges, or reports a  
 42.9 complaint, and provide procedures for applying appropriate consequences for a person who  
 42.10 engages in reprisal or retaliation.

42.11 Sec. 23. Minnesota Statutes 2020, section 124D.74, is amended by adding a subdivision  
 42.12 to read:

42.13 Subd. 7. **American Indian culture and language classes.** Any district or participating  
 42.14 school that conducts American Indian education programs pursuant to sections 124D.71 to  
 42.15 124D.82 and serves 100 or more state-identified American Indian students enrolled in the  
 42.16 district must provide American Indian culture and language classes.

42.17 Sec. 24. Minnesota Statutes 2020, section 124D.76, is amended to read:

42.18 ~~**124D.76 COMMUNITY COORDINATORS, INDIAN HOME/SCHOOL LIAISONS**~~  
 42.19 ~~**AMERICAN INDIAN EDUCATION PROGRAM COORDINATORS,**~~  
 42.20 ~~**PARAPROFESSIONALS.**~~

42.21 In addition to employing American Indian language and culture education teachers, each  
 42.22 district or participating school providing programs pursuant to sections 124D.71 to 124D.82  
 42.23 may employ paraprofessionals. Paraprofessionals must not be employed for the purpose of  
 42.24 supplanting American Indian language and culture education teachers.

42.25 Any district or participating school ~~which~~ that conducts American Indian education  
 42.26 programs pursuant to sections 124D.71 to 124D.82 must employ one or more full-time or  
 42.27 part-time ~~community coordinators or Indian home/school liaisons if there are~~ dedicated  
 42.28 American Indian education program coordinators in a district with 100 or more  
 42.29 state-identified American Indian students enrolled in the district. ~~Community coordinators~~  
 42.30 ~~shall~~ A dedicated American Indian education program coordinator must promote  
 42.31 communication, understanding, and cooperation between the schools and the community

43.1 and ~~shall~~ must visit the homes of children who are to be enrolled in an American Indian  
 43.2 education program in order to convey information about the program.

43.3 Sec. 25. Minnesota Statutes 2020, section 124D.78, is amended to read:

43.4 **124D.78 PARENT AND COMMUNITY PARTICIPATION.**

43.5 Subdivision 1. **Parent committee.** School districts, charter schools, Tribal contract  
 43.6 schools, and their respective school boards and American Indian schools must provide for  
 43.7 the maximum involvement of parents of American Indian children enrolled in American  
 43.8 Indian education programs, programs for elementary and secondary grades, special education  
 43.9 programs, and support services. Accordingly, ~~the board of a school district~~ districts, charter  
 43.10 schools, and Tribal contract schools in which there are ten or more state-identified American  
 43.11 Indian students enrolled ~~and each American Indian school~~ must establish an American  
 43.12 Indian ~~education~~ Parent Advisory Committee. If a committee whose membership consists  
 43.13 of a majority of parents of American Indian children has been or is established according  
 43.14 to federal, tribal, or other state law, that committee may serve as the committee required by  
 43.15 this section and is subject to, at least, the requirements of this subdivision and subdivision  
 43.16 2.

43.17 The American Indian ~~education~~ Parent Advisory Committee must develop its  
 43.18 recommendations in consultation with the curriculum advisory committee required by  
 43.19 section 120B.11, subdivision 3. This committee must afford parents the necessary information  
 43.20 and the opportunity effectively to express their views concerning all aspects of American  
 43.21 Indian education and the educational needs of the American Indian children enrolled in the  
 43.22 school or program. ~~The school board or American Indian school~~ Districts, charter schools,  
 43.23 and Tribal contract schools must ensure that programs are planned, operated, and evaluated  
 43.24 with the involvement of and in consultation with parents of the American Indian students  
 43.25 served by the programs.

43.26 Subd. 2. ~~Resolution of concurrence~~ Annual compliance. Prior to March 1 of each  
 43.27 year, ~~the school board or American Indian school~~ must submit to the department a copy of  
 43.28 ~~a resolution adopted by the American Indian education~~ Parent Advisory Committee. ~~The~~  
 43.29 ~~copy must be signed by the chair of the committee and must state whether the committee~~  
 43.30 ~~concurs with the educational programs for American Indian students offered by the school~~  
 43.31 ~~board or American Indian school. If the committee does not concur with the educational~~  
 43.32 ~~programs, the reasons for nonconcurrence and recommendations shall be submitted directly~~  
 43.33 ~~to the school board with the resolution. By resolution, the board must respond in writing~~  
 43.34 ~~within 60 days, in cases of nonconcurrence, to each recommendation made by the committee~~

44.1 ~~and state its reasons for not implementing the recommendations.~~ must meet to discuss  
 44.2 whether or not they concur with the educational offerings that have been extended by the  
 44.3 district to American Indian students. If the committee finds that the district, charter school,  
 44.4 Tribal contract school, and the school board have been meeting the needs of American  
 44.5 Indian students, the committee must issue a vote and resolution of concurrence. If the  
 44.6 committee finds that the needs of American Indian students are not being met, the committee  
 44.7 must issue a vote and resolution of nonconcurrence. The vote and resolution must be  
 44.8 presented to the school board by one or more members of the American Indian Parent  
 44.9 Advisory Committee. The vote must be formally reflected on documentation provided by  
 44.10 the Department of Education and must be submitted annually on March 1. If the vote is one  
 44.11 of nonconcurrence, the committee must provide written recommendations for improvement  
 44.12 to the school board at the time of the presentation. In the case of nonconcurrence, the school  
 44.13 board is given 60 days in which to respond, in writing, to the committee's recommendations.  
 44.14 The board response must be signed by the entire school board and submitted to both the  
 44.15 American Indian Parent Advisory Committee and to the Department of Education.

44.16 Subd. 3. **Membership.** The American Indian ~~education~~ Parent Advisory Committee  
 44.17 must be composed of parents or guardians of American Indian children eligible to be enrolled  
 44.18 in American Indian education programs; American Indian secondary students ~~eligible to~~  
 44.19 ~~be served~~; American Indian family members of students eligible to be enrolled in American  
 44.20 Indian education programs; American Indian language and culture education teachers and  
 44.21 paraprofessionals; American Indian teachers; American Indian district employees; American  
 44.22 Indian counselors; adult American Indian people enrolled in educational programs; and  
 44.23 ~~representatives from community groups~~ American Indian community members. ~~A~~ The  
 44.24 majority of each committee must be parents or guardians of American Indian children  
 44.25 enrolled or eligible to be enrolled in the programs. ~~The number of parents of American~~  
 44.26 ~~Indian and non-American Indian children shall reflect approximately the proportion of~~  
 44.27 ~~children of those groups enrolled in the programs.~~

44.28 Subd. 4. **Alternate committee.** If the organizational membership or the board of directors  
 44.29 ~~of an American Indian~~ a Tribal contract school consists of parents of children attending the  
 44.30 school, that membership or board may serve also as the American Indian ~~education~~ Parent  
 44.31 Advisory Committee.

44.32 Subd. 5. **State-identified American Indian.** For the purposes of sections 124D.71 to  
 44.33 124D.82, students who identify as American Indian or Alaska Native, using the state  
 44.34 definition in effect on October 1 of the previous school year, will be used to determine the

45.1 state-identified American Indian student counts for districts, charter schools, and Tribal  
45.2 contract schools for the subsequent school year.

45.3 Sec. 26. Minnesota Statutes 2020, section 124D.791, subdivision 4, is amended to read:

45.4 Subd. 4. **Duties; powers.** The American Indian education director shall:

45.5 (1) ~~serve as the liaison for the department~~ work collaboratively and in conjunction with  
45.6 the Tribal Liaison, the Tribal Nations Education Committee, the 11 Tribal communities  
45.7 Nations in Minnesota, the Minnesota Chippewa Tribe, and the Minnesota Indian Affairs  
45.8 Council;

45.9 (2) evaluate the state of American Indian education in Minnesota;

45.10 (3) engage the tribal bodies, community groups, parents of children eligible to be served  
45.11 by American Indian education programs, American Indian administrators and teachers,  
45.12 persons experienced in the training of teachers for American Indian education programs,  
45.13 the tribally controlled schools, and other persons knowledgeable in the field of American  
45.14 Indian education and seek their advice on policies that can improve the quality of American  
45.15 Indian education;

45.16 (4) advise the commissioner on American Indian education issues, including:

45.17 (i) issues facing American Indian students;

45.18 (ii) policies for American Indian education;

45.19 (iii) awarding scholarships to eligible American Indian students and in administering  
45.20 the commissioner's duties regarding awarding of American Indian education grants to school  
45.21 districts; and

45.22 (iv) administration of the commissioner's duties under sections 124D.71 to 124D.82 and  
45.23 other programs for the education of American Indian people;

45.24 (5) propose to the commissioner legislative changes that will improve the quality of  
45.25 American Indian education;

45.26 (6) develop a strategic plan and a long-term framework for American Indian education,  
45.27 in conjunction with the Minnesota Indian Affairs Council, that is updated every five years  
45.28 and implemented by the commissioner, with goals to:

45.29 (i) increase American Indian student achievement, including increased levels of  
45.30 proficiency and growth on statewide accountability assessments;

45.31 (ii) increase the number of American Indian teachers in public schools;

46.1 (iii) close the achievement gap between American Indian students and their more  
46.2 advantaged peers;

46.3 (iv) increase the statewide graduation rate for American Indian students; and

46.4 (v) increase American Indian student placement in postsecondary programs and the  
46.5 workforce; and

46.6 (7) keep the American Indian community informed about the work of the department  
46.7 by reporting to the Tribal Nations Education Committee at each committee meeting.

46.8 Sec. 27. [124D.792] GRADUATION CEREMONIES; TRIBAL REGALIA AND  
46.9 OBJECTS OF CULTURAL SIGNIFICANCE.

46.10 A school district or charter school must not prohibit an American Indian student from  
46.11 wearing American Indian regalia, Tribal regalia, or objects of cultural significance at  
46.12 graduation ceremonies.

46.13 Sec. 28. Minnesota Statutes 2020, section 125A.094, is amended to read:

46.14 **125A.094 RESTRICTIVE PROCEDURES FOR CHILDREN WITH**  
46.15 **DISABILITIES.**

46.16 The use of restrictive procedures ~~for children with disabilities~~ for all pupils attending  
46.17 public school is governed by sections 125A.0941 and 125A.0942.

46.18 Sec. 29. Minnesota Statutes 2020, section 125A.0942, subdivision 1, is amended to read:

46.19 Subdivision 1. **Restrictive procedures plan.** (a) Schools that intend to use restrictive  
46.20 procedures shall maintain and make publicly accessible in an electronic format on a school  
46.21 or district website or make a paper copy available upon request describing a restrictive  
46.22 procedures plan for children with disabilities that at least:

46.23 (1) lists the restrictive procedures the school intends to use;

46.24 (2) describes how the school will implement a range of positive behavior strategies and  
46.25 provide links to mental health services;

46.26 (3) describes how the school will provide training on de-escalation techniques, consistent  
46.27 with section 122A.187, subdivision 4;

46.28 (4) describes how the school will monitor and review the use of restrictive procedures,  
46.29 including:

47.1 (i) conducting post-use debriefings, consistent with subdivision 3, paragraph (a), clause  
47.2 (5); and

47.3 (ii) convening an oversight committee to undertake a quarterly review of the use of  
47.4 restrictive procedures based on patterns or problems indicated by similarities in the time of  
47.5 day, day of the week, duration of the use of a procedure, the individuals involved, or other  
47.6 factors associated with the use of restrictive procedures; the number of times a restrictive  
47.7 procedure is used schoolwide and for individual children; the number and types of injuries,  
47.8 if any, resulting from the use of restrictive procedures; whether restrictive procedures are  
47.9 used in nonemergency situations; the need for additional staff training; the use of restrictive  
47.10 procedures for disproportionality, racial disparities, in the usage of restrictive procedures;  
47.11 the usage of school resource officer's handling of the behaviors; student documentation to  
47.12 determine if the staff followed the standards for using restrictive procedures and if there is  
47.13 updated information about whether the restrictive procedures are contraindicated for the  
47.14 particular student; and proposed actions to minimize the use of restrictive procedures; and

47.15 (5) includes a written description and documentation of the training staff completed  
47.16 under subdivision 5.

47.17 (b) Schools annually must publicly identify oversight committee members who must at  
47.18 least include:

47.19 (1) a mental health professional, school psychologist, or school social worker;

47.20 (2) an expert in positive behavior strategies;

47.21 (3) a special education administrator; and

47.22 (4) a general education administrator.

47.23 Sec. 30. Minnesota Statutes 2020, section 125A.0942, subdivision 2, is amended to read:

47.24 Subd. 2. **Restrictive procedures.** (a) Restrictive procedures may be used only by a  
47.25 licensed special education teacher, school social worker, school psychologist, behavior  
47.26 analyst certified by the National Behavior Analyst Certification Board, a person with a  
47.27 master's degree in behavior analysis, other licensed education professional, paraprofessional  
47.28 under section 120B.363, or mental health professional under section 245.4871, subdivision  
47.29 27, who has completed the training program under subdivision 5.

47.30 (b) A school shall make reasonable efforts to notify the parent on the same day a  
47.31 restrictive procedure is used on the child, or if the school is unable to provide same-day

48.1 notice, notice is sent within two days by written or electronic means or as otherwise indicated  
48.2 by the child's parent under paragraph (f).

48.3 (c) The district must hold a meeting of the individualized education program team, if  
48.4 the student is a student with a disability, or a meeting of relevant members of the student's  
48.5 team, including the parent, if the student is not a student with a disability, conduct or review  
48.6 a functional behavioral analysis, review data, consider developing additional or revised  
48.7 positive behavioral interventions and supports, consider actions to reduce the use of restrictive  
48.8 procedures, and modify the individualized education program or behavior intervention plan  
48.9 as appropriate. The district must hold the meeting: within ten calendar days after district  
48.10 staff use restrictive procedures on two separate school days within 30 calendar days or a  
48.11 pattern of use emerges and the child's individualized education program or behavior  
48.12 intervention plan does not provide for using restrictive procedures in an emergency; or at  
48.13 the request of a parent or the district after restrictive procedures are used. The district must  
48.14 review use of restrictive procedures at a child's annual individualized education program  
48.15 meeting when the child's individualized education program provides for using restrictive  
48.16 procedures in an emergency.

48.17 (d) If the ~~individualized education program~~ meeting team under paragraph (c) determines  
48.18 that existing interventions and supports are ineffective in reducing the use of restrictive  
48.19 procedures or the district uses restrictive procedures on a child on ten or more school days  
48.20 during the same school year, the team, as appropriate, either must consult with other  
48.21 professionals working with the child; consult with experts in behavior analysis, mental  
48.22 health, communication, or autism; consult with culturally competent professionals; review  
48.23 existing evaluations, resources, and successful strategies; or consider whether to reevaluate  
48.24 the child.

48.25 (e) At the ~~individualized education program~~ meeting under paragraph (c), the team must  
48.26 review any known medical or psychological limitations, including any medical information  
48.27 the parent provides voluntarily, that contraindicate the use of a restrictive procedure, consider  
48.28 whether to prohibit that restrictive procedure, and document any prohibition in the  
48.29 individualized education program or behavior intervention plan.

48.30 (f) An individualized education program team may plan for using restrictive procedures  
48.31 and may include these procedures in a child's individualized education program or behavior  
48.32 intervention plan; however, the restrictive procedures may be used only in response to  
48.33 behavior that constitutes an emergency, consistent with this section. The individualized  
48.34 education program or behavior intervention plan shall indicate how the parent wants to be  
48.35 notified when a restrictive procedure is used.



49.1 Sec. 31. Minnesota Statutes 2020, section 125A.0942, subdivision 3, is amended to read:

49.2 Subd. 3. **Physical holding or seclusion.** (a) Physical holding or seclusion may be used  
49.3 only in an emergency. A school that uses physical holding or seclusion shall meet the  
49.4 following requirements:

49.5 (1) physical holding or seclusion is the least intrusive intervention that effectively  
49.6 responds to the emergency;

49.7 (2) physical holding or seclusion is not used to discipline a noncompliant child;

49.8 (3) physical holding or seclusion ends when the threat of harm ends and the staff  
49.9 determines the child can safely return to the classroom or activity;

49.10 (4) staff directly observes the child while physical holding or seclusion is being used;

49.11 (5) each time physical holding or seclusion is used, the staff person who implements or  
49.12 oversees the physical holding or seclusion documents, as soon as possible after the incident  
49.13 concludes, the following information:

49.14 (i) a description of the incident that led to the physical holding or seclusion;

49.15 (ii) why a less restrictive measure failed or was determined by staff to be inappropriate  
49.16 or impractical;

49.17 (iii) the time the physical holding or seclusion began and the time the child was released;  
49.18 ~~and~~

49.19 (iv) a brief record of the child's behavioral and physical status; and

49.20 (v) a brief description of the post-use debriefing process that occurred following the use  
49.21 of the restrictive procedure;

49.22 (6) the room used for seclusion must:

49.23 (i) be at least six feet by five feet;

49.24 (ii) be well lit, well ventilated, adequately heated, and clean;

49.25 (iii) have a window that allows staff to directly observe a child in seclusion;

49.26 (iv) have tamperproof fixtures, electrical switches located immediately outside the door,  
49.27 and secure ceilings;

49.28 (v) have doors that open out and are unlocked, locked with keyless locks that have  
49.29 immediate release mechanisms, or locked with locks that have immediate release mechanisms  
49.30 connected with a fire and emergency system; and

50.1 (vi) not contain objects that a child may use to injure the child or others; and

50.2 (7) before using a room for seclusion, a school must:

50.3 (i) receive written notice from local authorities that the room and the locking mechanisms

50.4 comply with applicable building, fire, and safety codes; and

50.5 (ii) register the room with the commissioner, who may view that room.

50.6 (b) By February 1, 2015, and annually thereafter, stakeholders may, as necessary,

50.7 recommend to the commissioner specific and measurable implementation and outcome

50.8 goals for reducing the use of restrictive procedures and the commissioner must submit to

50.9 the legislature a report on districts' progress in reducing the use of restrictive procedures

50.10 that recommends how to further reduce these procedures and eliminate the use of seclusion.

50.11 The statewide plan includes the following components: measurable goals; the resources,

50.12 training, technical assistance, mental health services, and collaborative efforts needed to

50.13 significantly reduce districts' use of seclusion; and recommendations to clarify and improve

50.14 the law governing districts' use of restrictive procedures. The commissioner must consult

50.15 with interested stakeholders when preparing the report, including representatives of advocacy

50.16 organizations, special education directors, teachers, paraprofessionals, intermediate school

50.17 districts, school boards, day treatment providers, county social services, state human services

50.18 department staff, mental health professionals, and autism experts. Beginning with the

50.19 2016-2017 school year, in a form and manner determined by the commissioner, districts

50.20 must report data quarterly to the department by January 15, April 15, July 15, and October

50.21 15 about individual students who have been secluded. By July 15 each year, districts must

50.22 report summary data on their use of restrictive procedures to the department for the prior

50.23 school year, July 1 through June 30, in a form and manner determined by the commissioner.

50.24 The summary data must include information about the use of restrictive procedures, including

50.25 use of reasonable force under section 121A.582.

50.26 Sec. 32. Minnesota Statutes 2020, section 125A.0942, subdivision 4, is amended to read:

50.27 Subd. 4. **Prohibitions.** The following actions or procedures are prohibited:

50.28 (1) engaging in conduct prohibited under section 121A.58;

50.29 (2) requiring a child to assume and maintain a specified physical position, activity, or

50.30 posture that induces physical pain;

50.31 (3) totally or partially restricting a child's senses as punishment;

51.1 (4) presenting an intense sound, light, or other sensory stimuli using smell, taste,  
51.2 substance, or spray as punishment;

51.3 (5) denying or restricting a child's access to equipment and devices such as walkers,  
51.4 wheelchairs, hearing aids, and communication boards that facilitate the child's functioning,  
51.5 except when temporarily removing the equipment or device is needed to prevent injury to  
51.6 the child or others or serious damage to the equipment or device, in which case the equipment  
51.7 or device shall be returned to the child as soon as possible;

51.8 (6) interacting with a child in a manner that constitutes sexual abuse, neglect, or physical  
51.9 abuse under chapter 260E;

51.10 (7) withholding regularly scheduled meals or water;

51.11 (8) denying access to bathroom facilities;

51.12 (9) physical holding that restricts or impairs a child's ability to breathe, restricts or impairs  
51.13 a child's ability to communicate distress, places pressure or weight on a child's head, throat,  
51.14 neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's  
51.15 torso; ~~and~~

51.16 (10) prone restraint; and

51.17 (11) utilizing a restrictive procedure on any child under the age of 5.

51.18 Sec. 33. Minnesota Statutes 2020, section 144.4165, is amended to read:

51.19 **144.4165 TOBACCO PRODUCTS PROHIBITED IN PUBLIC SCHOOLS.**

51.20 (a) No person shall at any time smoke, chew, or otherwise ingest tobacco, or carry or  
51.21 use an activated electronic delivery device as defined in section 609.685, subdivision 1, in  
51.22 a public school, as defined in section 120A.05, subdivisions 9, 11, and 13, or in a charter  
51.23 school governed by chapter 124E. This prohibition extends to all facilities, whether owned,  
51.24 rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or  
51.25 controls.

51.26 (b) Nothing in this section shall prohibit the lighting of tobacco by an adult as a part of  
51.27 a traditional Indian spiritual or cultural ceremony. An American Indian student may carry  
51.28 a medicine pouch containing loose tobacco intended in observance of traditional spiritual  
51.29 or cultural practices. For purposes of this section, an Indian is a person who is a member  
51.30 of an Indian tribe as defined in section 260.755, subdivision 12.

52.1 **ARTICLE 4**

52.2 **HEALTH AND WELLNESS**

52.3 Section 1. Minnesota Statutes 2020, section 121A.031, subdivision 5, is amended to read:

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

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

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

52.16 (2) partner with parents and other community members to develop and implement  
 52.17 prevention and intervention programs;

52.18 (3) engage all students and adults in integrating education, intervention, and other  
 52.19 remedial responses into the school environment;

52.20 (4) train student bystanders to intervene in and report incidents of prohibited conduct to  
 52.21 the school's primary contact person;

52.22 (5) teach students to advocate for themselves and others;

52.23 (6) prevent inappropriate referrals to special education of students who may engage in  
 52.24 prohibited conduct; and

52.25 (7) foster student collaborations that foster a safe and supportive school climate.

52.26 Sec. 2. Minnesota Statutes 2020, section 121A.031, subdivision 6, is amended to read:

52.27 Subd. 6. **State model policy.** (a) The commissioner, in consultation with the  
 52.28 commissioner of human rights, shall develop and maintain a state model policy. A district  
 52.29 or school that does not adopt and implement a local policy under subdivisions 3 to 5 must  
 52.30 implement and may supplement the provisions of the state model policy. The commissioner

- 53.1 must assist districts and schools under this subdivision to implement the state policy. The  
53.2 state model policy must:
- 53.3 (1) define prohibited conduct, consistent with this section;
- 53.4 (2) apply the prohibited conduct policy components in this section;
- 53.5 (3) for a child with a disability, whenever an evaluation by an individualized education  
53.6 program team or a section 504 team indicates that the child's disability affects the child's  
53.7 social skills development or the child is vulnerable to prohibited conduct because of the  
53.8 child's disability, the child's individualized education program or section 504 plan may  
53.9 address the skills and proficiencies the child needs to not engage in and respond to such  
53.10 conduct; and
- 53.11 (4) encourage violence prevention and character development education programs under  
53.12 section 120B.232, subdivision 1.
- 53.13 (b) The commissioner shall develop and post departmental procedures for:
- 53.14 (1) periodically reviewing district and school programs and policies for compliance with  
53.15 this section, including evidence-based social-emotional learning;
- 53.16 (2) investigating, reporting, and responding to noncompliance with this section, which  
53.17 may include an annual review of plans to improve and provide a safe and supportive school  
53.18 climate; and
- 53.19 (3) allowing students, parents, and educators to file a complaint about noncompliance  
53.20 with the commissioner.
- 53.21 (c) The commissioner must post on the department's website information indicating that  
53.22 when districts and schools allow non-curriculum-related student groups access to school  
53.23 facilities, the district or school must give all student groups equal access to the school  
53.24 facilities regardless of the content of the group members' speech.
- 53.25 (d) The commissioner must develop and maintain resources to help a district or school  
53.26 to implement strategies to create a positive school climate and use evidence-based  
53.27 social-emotional learning to prevent and reduce discrimination and other improper conduct.
- 53.28 (e) The commissioner shall develop and adopt state-level standards for social, emotional,  
53.29 and cognitive development.

54.1

**ARTICLE 5**

54.2

**TEACHERS**

54.3 Section 1. Minnesota Statutes 2020, section 120B.11, subdivision 2, is amended to read:

54.4 Subd. 2. **Adopting plans and budgets.** A school board, at a public meeting, ~~shall~~ must  
 54.5 adopt a comprehensive, long-term strategic plan to support and improve teaching and  
 54.6 learning that is aligned with creating the world's best workforce and includes:

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

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

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

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

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

54.31 (6) education effectiveness practices that integrate high-quality instruction; rigorous  
 54.32 curriculum; technology; inclusive and respectful learning and work environments for all  
 54.33 students, families, and employees; and a collaborative professional culture that ~~develops~~

55.1 ~~and supports~~ retains qualified, racially and ethnically diverse staff effective at working with  
 55.2 diverse students while developing and supporting teacher quality, performance, and  
 55.3 effectiveness; and

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

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

55.7 Sec. 2. **[120B.25] CURRICULUM POLICY.**

55.8 A school board must adopt a written policy that prohibits discrimination or discipline  
 55.9 for a teacher or principal on the basis of incorporating into curriculum contributions by  
 55.10 persons in a federally protected class or protected class under sections 121A.031 and  
 55.11 363A.13, consistent with local collective bargaining agreements and sections 121A.41 to  
 55.12 121A.56.

55.13 Sec. 3. Minnesota Statutes 2020, section 122A.181, subdivision 5, is amended to read:

55.14 Subd. 5. **Limitations on license.** (a) A Tier 1 license is limited to the content matter  
 55.15 indicated on the application for the initial Tier 1 license under subdivision 1, clause (2), and  
 55.16 limited to the district or charter school that requested the initial Tier 1 license.

55.17 (b) A Tier 1 license does not bring an individual within the definition of a teacher for  
 55.18 purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1, clause (a).

55.19 ~~(c) A Tier 1 license does not bring an individual within the definition of a teacher under~~  
 55.20 ~~section 179A.03, subdivision 18.~~

55.21 Sec. 4. Minnesota Statutes 2020, section 122A.185, subdivision 1, is amended to read:

55.22 Subdivision 1. **Tests.** ~~(a) The Professional Educator Licensing and Standards Board~~  
 55.23 ~~must adopt rules requiring a candidate to demonstrate a passing score on a board-adopted~~  
 55.24 ~~examination of skills in reading, writing, and mathematics before being granted a Tier 4~~  
 55.25 ~~teaching license under section 122A.184 to provide direct instruction to pupils in elementary,~~  
 55.26 ~~secondary, or special education programs. Candidates may obtain a Tier 1, Tier 2, or Tier~~  
 55.27 ~~3 license to provide direct instruction to pupils in elementary, secondary, or special education~~  
 55.28 ~~programs if candidates meet the other requirements in section 122A.181, 122A.182, or~~  
 55.29 ~~122A.183, respectively.~~

55.30 ~~(b)~~ (a) The board must adopt rules requiring candidates for Tier 3 and Tier 4 licenses to  
 55.31 pass an examination of general pedagogical knowledge and examinations of licensure field

56.1 specific content. The content examination requirement does not apply if no relevant content  
56.2 exam exists.

56.3 ~~(e)~~(b) Candidates for initial Tier 3 and Tier 4 licenses to teach elementary students must  
56.4 pass test items assessing the candidates' knowledge, skill, and ability in comprehensive,  
56.5 scientifically based reading instruction under section 122A.06, subdivision 4, knowledge  
56.6 and understanding of the foundations of reading development, development of reading  
56.7 comprehension and reading assessment and instruction, and the ability to integrate that  
56.8 knowledge and understanding into instruction strategies under section 122A.06, subdivision  
56.9 4.

56.10 ~~(d)~~(c) The requirement to pass a board-adopted reading, writing, and mathematics skills  
56.11 examination does not apply to nonnative English speakers, as verified by qualified Minnesota  
56.12 school district personnel or Minnesota higher education faculty, who, after meeting the  
56.13 content and pedagogy requirements under this subdivision, apply for a teaching license to  
56.14 provide direct instruction in their native language or world language instruction under section  
56.15 120B.022, subdivision 1.

56.16 Sec. 5. Minnesota Statutes 2020, section 122A.40, subdivision 8, is amended to read:

56.17 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**  
56.18 **teachers.** (a) To improve student learning and success, a school board and an exclusive  
56.19 representative of the teachers in the district, consistent with paragraph (b), may develop a  
56.20 teacher evaluation and peer review process for probationary and continuing contract teachers  
56.21 through joint agreement. If a school board and the exclusive representative of the teachers  
56.22 do not agree to an annual teacher evaluation and peer review process, then the school board  
56.23 and the exclusive representative of the teachers must implement the state teacher evaluation  
56.24 plan under paragraph (c). The process must include having trained observers serve as peer  
56.25 coaches or having teachers participate in professional learning communities, consistent with  
56.26 paragraph (b).

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

56.31 (1) must, for probationary teachers, provide for all evaluations required under subdivision  
56.32 5;



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

57.6 (3) ~~must be based on professional teaching standards established in rule~~ create, adopt,  
57.7 or revise a rubric of performance standards for teacher practice that (i) is based on  
57.8 professional teaching standards established in rule, (ii) includes culturally responsive  
57.9 methodologies, and (iii) provides common descriptions of effectiveness using at least three  
57.10 levels of performance;

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

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

57.15 (6) may include job-embedded learning opportunities such as professional learning  
57.16 communities;

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

57.21 (8) must include an option for teachers to develop and present a portfolio demonstrating  
57.22 evidence of reflection and professional growth, consistent with section 122A.187, subdivision  
57.23 3, and include teachers' own performance assessment based on student work samples and  
57.24 examples of teachers' work, which may include video among other activities for the  
57.25 summative evaluation;

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

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

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

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

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

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

58.14 (c) The department, in consultation with parents who may represent parent organizations  
58.15 and teacher and administrator representatives appointed by their respective organizations,  
58.16 representing the Professional Educator Licensing and Standards Board, the Minnesota  
58.17 Association of School Administrators, the Minnesota School Boards Association, the  
58.18 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and  
58.19 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,  
58.20 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with  
58.21 research expertise in teacher evaluation, must create and publish a teacher evaluation process  
58.22 that complies with the requirements in paragraph (b) and applies to all teachers under this  
58.23 section and section 122A.41 for whom no agreement exists under paragraph (a) for an annual  
58.24 teacher evaluation and peer review process. The teacher evaluation process created under  
58.25 this subdivision does not create additional due process rights for probationary teachers under  
58.26 subdivision 5.

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

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

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

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

59.8 Sec. 6. Minnesota Statutes 2020, section 122A.41, subdivision 5, is amended to read:

59.9 **Subd. 5. Development, evaluation, and peer coaching for continuing contract**  
59.10 **teachers.** (a) To improve student learning and success, a school board and an exclusive  
59.11 representative of the teachers in the district, consistent with paragraph (b), may develop an  
59.12 annual teacher evaluation and peer review process for probationary and nonprobationary  
59.13 teachers through joint agreement. If a school board and the exclusive representative of the  
59.14 teachers in the district do not agree to an annual teacher evaluation and peer review process,  
59.15 then the school board and the exclusive representative of the teachers must implement the  
59.16 state teacher evaluation plan developed under paragraph (c). The process must include  
59.17 having trained observers serve as peer coaches or having teachers participate in professional  
59.18 learning communities, consistent with paragraph (b).

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

59.23 (1) must, for probationary teachers, provide for all evaluations required under subdivision  
59.24 2;

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

59.29 (3) ~~must be based on professional teaching standards established in rule~~ create, adopt,  
59.30 or revise a rubric of performance standards for teacher practice that (i) is based on  
59.31 professional teaching standards established in rule, (ii) includes culturally responsive  
59.32 methodologies, and (iii) provides common descriptions of effectiveness using at least three  
59.33 levels of performance;

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

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

60.5 (6) may include job-embedded learning opportunities such as professional learning  
60.6 communities;

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

60.11 (8) must include an option for teachers to develop and present a portfolio demonstrating  
60.12 evidence of reflection and professional growth, consistent with section 122A.187, subdivision  
60.13 3, and include teachers' own performance assessment based on student work samples and  
60.14 examples of teachers' work, which may include video among other activities for the  
60.15 summative evaluation;

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

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

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

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

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

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

61.4 (c) The department, in consultation with parents who may represent parent organizations  
61.5 and teacher and administrator representatives appointed by their respective organizations,  
61.6 representing the Professional Educator Licensing and Standards Board, the Minnesota  
61.7 Association of School Administrators, the Minnesota School Boards Association, the  
61.8 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and  
61.9 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,  
61.10 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with  
61.11 research expertise in teacher evaluation, must create and publish a teacher evaluation process  
61.12 that complies with the requirements in paragraph (b) and applies to all teachers under this  
61.13 section and section 122A.40 for whom no agreement exists under paragraph (a) for an annual  
61.14 teacher evaluation and peer review process. The teacher evaluation process created under  
61.15 this subdivision does not create additional due process rights for probationary teachers under  
61.16 subdivision 2.

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

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

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

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

61.31 Sec. 7. Minnesota Statutes 2020, section 123B.147, subdivision 3, is amended to read:

61.32 Subd. 3. **Duties; evaluation.** (a) The principal shall provide administrative, supervisory,  
61.33 and instructional leadership services, under the supervision of the superintendent of schools

62.1 of the district and according to the policies, rules, and regulations of the school board, for  
 62.2 the planning, management, operation, and evaluation of the education program of the building  
 62.3 or buildings to which the principal is assigned.

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

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

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

62.18 ~~(2)~~ (3) include formative and summative evaluations based on multiple measures of  
 62.19 student progress toward career and college readiness;

62.20 ~~(3)~~ (4) be consistent with a principal's job description, a district's long-term plans and  
 62.21 goals, and the principal's own professional multiyear growth plans and goals, all of which  
 62.22 must support the principal's leadership behaviors and practices, rigorous curriculum, school  
 62.23 performance, and high-quality instruction;

62.24 ~~(4)~~ (5) include on-the-job observations and previous evaluations;

62.25 ~~(5)~~ (6) allow surveys to help identify a principal's effectiveness, leadership skills and  
 62.26 processes, and strengths and weaknesses in exercising leadership in pursuit of school success;

62.27 ~~(6)~~ (7) use longitudinal data on student academic growth as 35 percent of the evaluation  
 62.28 and incorporate district achievement goals and targets;

62.29 ~~(7)~~ (8) be linked to professional development that emphasizes improved teaching and  
 62.30 learning, curriculum and instruction, student learning, culturally responsive leadership  
 62.31 practices, and a collaborative professional culture; and

63.1 ~~(8)~~ (9) for principals not meeting standards of professional practice or other criteria  
 63.2 under this subdivision, implement a plan to improve the principal's performance and specify  
 63.3 the procedure and consequence if the principal's performance is not improved.

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

63.7 **EFFECTIVE DATE.** This section is effective July 1, 2023.

63.8 Sec. 8. Minnesota Statutes 2020, section 124D.861, subdivision 2, is amended to read:

63.9 Subd. 2. **Plan implementation; components.** (a) The school board of each eligible  
 63.10 district must formally develop and implement a long-term plan under this section. The plan  
 63.11 must be incorporated into the district's comprehensive strategic plan under section 120B.11.  
 63.12 Plan components may include: innovative and integrated prekindergarten through grade 12  
 63.13 learning environments that offer students school enrollment choices; family engagement  
 63.14 initiatives that involve families in their students' academic life and success; professional  
 63.15 development opportunities for teachers and administrators focused on improving the academic  
 63.16 achievement of all students, including teachers and administrators who are members of  
 63.17 populations underrepresented among the licensed teachers or administrators in the district  
 63.18 or school and who reflect the diversity of students under section 120B.35, subdivision 3,  
 63.19 paragraph (b), clause (2), who are enrolled in the district or school; increased programmatic  
 63.20 opportunities and effective and more diverse instructors focused on rigor and college and  
 63.21 career readiness for underserved students, including students enrolled in alternative learning  
 63.22 centers under section 123A.05, public alternative programs under section 126C.05,  
 63.23 subdivision 15, and contract alternative programs under section 124D.69, among other  
 63.24 underserved students; or recruitment and retention of teachers and administrators with  
 63.25 diverse racial and ethnic backgrounds.

63.26 (b) The plan must contain goals for:

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

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

63.32 (c) The plan must include strategies to make schools' curriculum and learning and work  
 63.33 environments more inclusive and respectful of students' racial and ethnic diversity. The

64.1 plan must address issues of structural inequities in schools that create opportunity and  
64.2 achievement gaps for students, families, and staff who are of color or who are American  
64.3 Indian. Program revenues may be used to implement such strategies. Examples of possible  
64.4 structural inequities include but are not limited to policies and practices that unintentionally  
64.5 result in disparate referrals and suspension, inequitable access to advanced coursework,  
64.6 overrepresentation in lower level coursework, participation in cocurricular activities, parent  
64.7 involvement, and lack of access to racially and ethnically diverse teachers. Plans may include  
64.8 but are not limited to the following activities that may involve collaboration with or support  
64.9 from Regional Centers of Excellence:

64.10 (1) creating opportunities for students, families, staff, and community members who are  
64.11 of color or who are American Indian to share their experiences in the school setting with  
64.12 school staff and administration to develop specific proposals for improving school  
64.13 environments to be more inclusive and respectful toward all students, families, and staff;

64.14 (2) implementing creative programs for increased parent engagement and improving  
64.15 relations between home and school;

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

64.18 (4) examining and revising curriculum in various subjects to be culturally relevant and  
64.19 inclusive of various racial and ethnic groups;

64.20 (5) examining academic and discipline data; examining instructional policies and practices  
64.21 that result in opportunity and achievement disparities between racial and ethnic groups; and  
64.22 making necessary changes that increase access, meaningful participation, representation,  
64.23 and positive outcomes for students of color, American Indian students, and students who  
64.24 qualify for free or reduced-price meals;

64.25 (6) providing professional development opportunities to learn more about various racial  
64.26 and ethnic groups' experiences, assets, and issues and developing cross-cultural competence  
64.27 with knowledge, collaborations, and relationships needed to effectively serve students who  
64.28 are from diverse racial and ethnic backgrounds; and

64.29 (7) hiring more cultural liaisons to strengthen relationships with students, families, and  
64.30 other members of the community.

64.31 ~~(b)~~ (d) Among other requirements, an eligible district must implement effective,  
64.32 research-based interventions that include formative assessment practices to reduce the  
64.33 disparities in student academic performance among the specific categories of students as



65.1 measured by student progress and growth on state reading and math assessments and as  
 65.2 aligned with section 120B.11.

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

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

65.8 **ARTICLE 6**  
 65.9 **CHARTER SCHOOLS**

65.10 Section 1. Minnesota Statutes 2020, section 124E.02, is amended to read:

65.11 **124E.02 DEFINITIONS.**

65.12 (a) For purposes of this chapter, the terms defined in this section have the meanings  
 65.13 given them.

65.14 (b) "Affidavit" means a written statement the authorizer submits to the commissioner  
 65.15 for approval to establish a charter school under section 124E.06, subdivision 4, attesting to  
 65.16 its review and approval process before chartering a school.

65.17 (c) "Affiliate" means a person that directly or indirectly, through one or more  
 65.18 intermediaries, controls, is controlled by, or is under common control with another person.

65.19 (d) "Charter management organization" means any nonprofit entity that contracts with  
 65.20 a charter school board of directors to provide, manage, or oversee all or substantially all of  
 65.21 the school's educational design or implementation, or the charter school's administrative,  
 65.22 financial, business, or operational functions.

65.23 ~~(d)~~ (e) "Control" means the ability to affect the management, operations, or policy actions  
 65.24 or decisions of a person, whether by owning voting securities, by contract, or otherwise.

65.25 (f) "Education management organization" means any for-profit entity that provides,  
 65.26 manages, or oversees all or substantially all of the educational design or implementation,  
 65.27 or the charter school's administrative, financial, business, or operational functions.

65.28 ~~(e)~~ (g) "Immediate family" means an individual whose relationship by blood, marriage,  
 65.29 adoption, or partnership is no more remote than first cousin.

65.30 (h) "Market need and demand study" means a study that, for the proposed locations of  
 65.31 the school or additional site, includes the following:

- 66.1 (1) current and projected demographic information of student populations in the  
 66.2 geographic area;
- 66.3 (2) current student enrollment patterns in the geographic area;
- 66.4 (3) information on existing schools and types of educational programs currently available;
- 66.5 (4) documentation of the plan for outreach to diverse and underrepresented populations;
- 66.6 (5) information on the availability of properly zoned and classified facilities; and
- 66.7 (6) quantification of existing demand for the new school or site expansion.
- 66.8 (i) "Online education service provider" means an organization that provides the online  
 66.9 learning management system, virtual learning environment, or online student management  
 66.10 system and services for the implementation and operation of the online education program.
- 66.11 ~~(f)~~ (j) "Person" means an individual or entity of any kind.
- 66.12 ~~(g)~~ (k) "Related party" means an affiliate or immediate relative of the other interested  
 66.13 party, an affiliate of an immediate relative who is the other interested party, or an immediate  
 66.14 relative of an affiliate who is the other interested party.
- 66.15 ~~(h)~~ (l) For purposes of this chapter, the terms defined in section 120A.05 have the same  
 66.16 meanings.
- 66.17 Sec. 2. Minnesota Statutes 2020, section 124E.03, subdivision 2, is amended to read:
- 66.18 Subd. 2. **Certain federal, state, and local requirements.** (a) A charter school shall  
 66.19 meet all federal, state, and local health and safety requirements applicable to school districts.
- 66.20 (b) A school must comply with statewide accountability requirements governing standards  
 66.21 and assessments in chapter 120B.
- 66.22 (c) A charter school must comply with the Minnesota Public School Fee Law, sections  
 66.23 123B.34 to 123B.39.
- 66.24 (d) A charter school is a district for the purposes of tort liability under chapter 466.
- 66.25 (e) A charter school must comply with the Pledge of Allegiance requirement under  
 66.26 section 121A.11, subdivision 3.
- 66.27 (f) A charter school and charter school board of directors must comply with chapter 181  
 66.28 governing requirements for employment.
- 66.29 (g) A charter school must comply with continuing truant notification under section  
 66.30 260A.03.

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

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

67.9 (j) A charter school is subject to and must comply with the Pupil Fair Dismissal Act,  
67.10 sections 121A.40 to 121A.56, and section 121A.575.

67.11 Sec. 3. Minnesota Statutes 2020, section 124E.03, is amended by adding a subdivision to  
67.12 read:

67.13 Subd. 9. **English learners.** A charter school is subject to and must comply with the  
67.14 Education for English Learners Act, sections 124D.58 to 124D.64 as though it were a district.

67.15 Sec. 4. Minnesota Statutes 2020, section 124E.05, subdivision 4, is amended to read:

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

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

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

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

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

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

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

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

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

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

68.14 Sec. 5. Minnesota Statutes 2021 Supplement, section 124E.05, subdivision 6, is amended  
 68.15 to read:

68.16 Subd. 6. **Corrective action.** (a) If, consistent with this chapter, the commissioner finds  
 68.17 that an authorizer has not met the requirements of this chapter, the commissioner may subject  
 68.18 the authorizer to a corrective action plan, which may last no longer than ~~430~~ 250 business  
 68.19 days. The commissioner may prohibit an authorizer on a corrective plan from accepting a  
 68.20 transfer application from a charter school, an application to add grades or sites from a charter  
 68.21 school, and an application to establish a charter school.

68.22 (b) The commissioner must notify the authorizer in writing that the authorizer ~~has been~~  
 68.23 may be placed on a corrective action plan. The notice must include ~~any~~ the commissioner's  
 68.24 findings that may subject the authorizer to corrective action at the conclusion of the corrective  
 68.25 plan and consistent with paragraph (a). The authorizer then has 15 business days to request  
 68.26 an informal hearing ~~before the commissioner takes corrective action.~~ The commissioner  
 68.27 must hold an informal hearing within 15 business days of the request. The commissioner  
 68.28 must make a determination on placing the authorizer on a corrective action plan within 15  
 68.29 business days of the informal hearing. ~~If the issues identified as the basis for the corrective~~  
 68.30 action are not resolved at the informal hearing authorizer is placed on a corrective action  
 68.31 plan, the authorizer must make the requested improvements and notify the commissioner  
 68.32 of the improvements within ~~45~~ 140 business days. Within 20 business days, the commissioner  
 68.33 must review the changes and notify the authorizer of any remaining issues to be resolved.  
 68.34 An authorizer must address the remaining issues as directed by the commissioner within

69.1 20 business days. Within 15 business days, the commissioner must review the changes and  
 69.2 notify the authorizer whether all issues in the corrective action plan have been resolved.

69.3 (c) If the commissioner terminates the authorizer's ability to charter a school, the  
 69.4 commissioner must assist the affected charter school in acquiring a new authorizer. A charter  
 69.5 school board of directors and a different authorizer may submit to the commissioner a  
 69.6 request ~~to transfer to a new~~ seek a change in authorizer under section 124E.10, subdivision  
 69.7 5, without the approval or consent mutual agreement of the current authorizer if that  
 69.8 authorizer ~~has been under a corrective action plan for more than 130 business days~~ fails to  
 69.9 meet the terms of a corrective action plan by the specified deadline.

69.10 (d) The commissioner may at any time take corrective action against an authorizer,  
 69.11 including terminating an authorizer's ability to charter a school, terminating a contract with  
 69.12 a charter school, and other appropriate sanctions for:

69.13 (1) failing to demonstrate the criteria under subdivision 3 under which the commissioner  
 69.14 approved the authorizer;

69.15 (2) violating a term of the chartering contract between the authorizer and the charter  
 69.16 school board of directors;

69.17 (3) unsatisfactory performance as an approved authorizer;

69.18 (4) any good cause shown that gives the commissioner a legally sufficient reason to take  
 69.19 corrective action against an authorizer; or

69.20 (5) failing to meet the terms of a corrective action plan by the specified deadline.

69.21 Sec. 6. Minnesota Statutes 2020, section 124E.05, subdivision 7, is amended to read:

69.22 Subd. 7. **Withdrawal.** If the governing board of an approved authorizer votes to withdraw  
 69.23 as an approved authorizer for a reason unrelated to any cause under ~~section 124E.10,~~  
 69.24 ~~subdivision 4~~ subdivision 6, the authorizer must notify all its chartered schools and the  
 69.25 commissioner in writing by March 1 of its intent to withdraw as an authorizer on June 30  
 69.26 in the next calendar year, ~~regardless of when the authorizer's five-year term of approval~~  
 69.27 ~~ends.~~ Upon notification of the schools and commissioner, the authorizer must provide a  
 69.28 letter to the school for distribution to families of students enrolled in the school that explains  
 69.29 the decision to withdraw as an authorizer. The commissioner may approve the transfer of  
 69.30 a charter school to a new authorizer under section 124E.10, subdivision 5.

70.1 Sec. 7. Minnesota Statutes 2020, section 124E.06, subdivision 1, is amended to read:

70.2 Subdivision 1. **Individuals eligible to organize.** (a) An authorizer, after receiving an  
70.3 application from a charter school developer, may charter either a licensed teacher under  
70.4 section 122A.18, subdivision 1, or a group of individuals that includes one or more licensed  
70.5 teachers under section 122A.18, subdivision 1, to operate a school subject to the  
70.6 commissioner's approval of the authorizer's affidavit under subdivision 4.

70.7 (b) "Application" under this section means the charter school business plan a charter  
70.8 school developer submits to an authorizer for approval to establish a charter school. This  
70.9 application must include:

70.10 (1) the school developer's:

70.11 (i) mission statement;

70.12 (ii) school purposes;

70.13 (iii) program design;

70.14 (iv) market need and demand study;

70.15 ~~(iv)~~ (v) financial plan;

70.16 ~~(v)~~ (vi) governance and management structure; and

70.17 ~~(vi)~~ (vii) background and experience; and

70.18 (2) any other information the authorizer requests; ~~and.~~

70.19 ~~(3) a "statement of assurances" of legal compliance prescribed by the commissioner.~~

70.20 (c) An authorizer shall not approve an application submitted by a charter school developer  
70.21 under paragraph (a) if the application does not comply with subdivision 3, paragraph (e),  
70.22 and section 124E.01, subdivision 1. The commissioner shall not approve an affidavit  
70.23 submitted by an authorizer under subdivision 4 if the affidavit does not comply with  
70.24 subdivision 3, paragraph (e), and section 124E.01, subdivision 1.

70.25 Sec. 8. Minnesota Statutes 2020, section 124E.06, subdivision 4, is amended to read:

70.26 Subd. 4. **Authorizer's affidavit; approval process.** (a) Before an operator may establish  
70.27 and operate a school, the authorizer must file an affidavit with the commissioner stating its  
70.28 intent to charter a school. An authorizer must file a separate affidavit for each school it  
70.29 intends to charter. An authorizer must file an affidavit at least 14 months before July 1 of  
70.30 the year the new charter school plans to serve students. The affidavit must state:

71.1 (1) the terms and conditions under which the authorizer would charter a school, including  
 71.2 the market need and demand study; and

71.3 (2) how the authorizer intends to oversee:

71.4 (i) the fiscal and student performance of the charter school; and

71.5 (ii) compliance with the terms of the written contract between the authorizer and the  
 71.6 charter school board of directors under section 124E.10, subdivision 1.

71.7 (b) The commissioner must approve or disapprove the authorizer's affidavit within 60  
 71.8 business days of receiving the affidavit. If the commissioner disapproves the affidavit, the  
 71.9 commissioner shall notify the authorizer of the deficiencies in the affidavit and the authorizer  
 71.10 then has 20 business days to address the deficiencies. The commissioner must notify the  
 71.11 authorizer of the commissioner's final approval or final disapproval within 15 business days  
 71.12 after receiving the authorizer's response to the deficiencies in the affidavit. If the authorizer  
 71.13 does not address deficiencies to the commissioner's satisfaction, the commissioner's  
 71.14 disapproval is final. An authorizer who fails to obtain the commissioner's approval is  
 71.15 precluded from chartering the school that is the subject of this affidavit.

71.16 Sec. 9. Minnesota Statutes 2020, section 124E.06, subdivision 5, is amended to read:

71.17 Subd. 5. **Adding grades or sites.** (a) A charter school may apply to the authorizer to  
 71.18 amend the school charter to add grades or primary enrollment sites beyond those defined  
 71.19 in the original affidavit approved by the commissioner. After approving the school's  
 71.20 application, the authorizer shall submit a supplemental affidavit in the form and manner  
 71.21 prescribed by the commissioner. The authorizer must file a supplemental affidavit to the  
 71.22 commissioner by October 1 to be eligible to add grades or sites in the next school year. The  
 71.23 supplemental affidavit must document to the authorizer's satisfaction:

71.24 (1) the need for the additional grades or sites with supporting long-range enrollment  
 71.25 projections;

71.26 (2) a longitudinal record of student academic performance and growth on statewide  
 71.27 assessments under chapter 120B or on other academic assessments that measure longitudinal  
 71.28 student performance and growth approved by the charter school's board of directors and  
 71.29 agreed upon with the authorizer;

71.30 (3) a history of sound school finances and a plan to add grades or sites that sustains the  
 71.31 school's finances; ~~and~~

71.32 (4) board capacity to administer and manage the additional grades or sites; and

72.1 (5) for a site expansion, the market need and demand study.

72.2 (b) The commissioner shall have 30 business days to review and comment on the  
 72.3 supplemental affidavit. The commissioner shall notify the authorizer in writing of any  
 72.4 deficiencies in the supplemental affidavit and the authorizer then has 20 business days to  
 72.5 address any deficiencies in the supplemental affidavit to the commissioner's satisfaction.  
 72.6 The commissioner must notify the authorizer of final approval or final disapproval within  
 72.7 15 business days after receiving the authorizer's response to the deficiencies in the affidavit.  
 72.8 The school may not add grades or sites until the commissioner has approved the supplemental  
 72.9 affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.

72.10 Sec. 10. Minnesota Statutes 2020, section 124E.11, is amended to read:

72.11 **124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.**

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

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

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

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

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

72.25 (c) Admission to a charter school is free to any person who resides within the state of  
 72.26 Minnesota and Minnesota students have enrollment preference over out-of-state residents.

72.27 A charter school shall give enrollment preference to a sibling of an enrolled pupil and to a  
 72.28 foster child of that pupil's parents and may give preference for enrolling children of the  
 72.29 school's staff before accepting other pupils by lot. A charter school that is located in Duluth  
 72.30 township in St. Louis County and admits students in kindergarten through grade 6 must  
 72.31 give enrollment preference to students residing within a five-mile radius of the school and  
 72.32 to the siblings of enrolled children. ~~A charter school may give enrollment preference to~~  
 72.33 ~~children currently enrolled in the school's free preschool or prekindergarten program under~~



73.1 ~~section 124E.06, subdivision 3, paragraph (b), who are eligible to enroll in kindergarten in~~  
73.2 ~~the next school year.~~

73.3 (d) A person shall not be admitted to a charter school (1) as a kindergarten pupil, unless  
73.4 the pupil is at least five years of age on September 1 of the calendar year in which the school  
73.5 year for which the pupil seeks admission commences; or (2) as a first grade student, unless  
73.6 the pupil is at least six years of age on September 1 of the calendar year in which the school  
73.7 year for which the pupil seeks admission commences or has completed kindergarten; except  
73.8 that a charter school may establish and publish on its website a policy for admission of  
73.9 selected pupils at an earlier age, consistent with the enrollment process in paragraphs (b)  
73.10 and (c), and section 124D.02, subdivision 1.

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

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

73.19 (g) Once a student is enrolled in the school, the student is considered enrolled in the  
73.20 school until the student formally withdraws or is expelled under the Pupil Fair Dismissal  
73.21 Act in sections 121A.40 to 121A.56, except that children currently enrolled in the school's  
73.22 fee-based preschool or prekindergarten program under section 124E.06, subdivision 3,  
73.23 paragraph (b), who are eligible to enroll in kindergarten in the next school year must apply  
73.24 for entry into kindergarten according to the provisions of this section. Out-of-state residents  
73.25 must annually apply to and be admitted by the school according to the provisions of this  
73.26 section.

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

74.1 Sec. 11. Minnesota Statutes 2020, section 124E.12, subdivision 1, is amended to read:

74.2 Subdivision 1. **Teachers.** A charter school must employ necessary teachers or contract  
 74.3 with a cooperative formed under chapter 308A to provide necessary teachers, as defined  
 74.4 by section ~~122A.15, subdivision 1~~ 122A.06, subdivision 2, who hold valid licenses to  
 74.5 perform the particular service for which they are employed in the school. The commissioner  
 74.6 may reduce the charter school's state aid under section 127A.43 if the school employs a  
 74.7 teacher who is not appropriately licensed or approved by the Professional Educator Licensing  
 74.8 and Standards Board. The school may employ necessary employees who are not required  
 74.9 to hold teaching licenses to perform duties other than teaching and may contract for other  
 74.10 services. The school may discharge teachers and nonlicensed employees. The charter school  
 74.11 board is subject to section 181.932 governing whistle-blowers. When offering employment  
 74.12 to a prospective employee, a charter school must give that employee a written description  
 74.13 of the terms and conditions of employment and the school's personnel policies.

74.14 Sec. 12. Minnesota Statutes 2020, section 124E.13, subdivision 1, is amended to read:

74.15 Subdivision 1. **Leased space.** A charter school may lease space from: an independent  
 74.16 or special school board; other public organization; private, nonprofit, nonsectarian  
 74.17 organization; private property owner; or a sectarian organization; and if the leased space is  
 74.18 owned by the lessor and is constructed as a school facility. The commissioner must review  
 74.19 and approve or disapprove leases in a timely manner to determine eligibility for lease aid  
 74.20 under section 124E.22.

74.21 Sec. 13. Minnesota Statutes 2020, section 124E.13, subdivision 3, is amended to read:

74.22 Subd. 3. **Affiliated nonprofit building corporation.** (a) An affiliated nonprofit building  
 74.23 corporation may purchase, expand, or renovate an existing facility to serve as a school or  
 74.24 may construct a new school facility. ~~A~~ One charter school may organize an affiliated  
 74.25 nonprofit building corporation that serves only that charter school if the charter school:

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

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

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

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

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

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

75.3 (1) be incorporated under section 317A;

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

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

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

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

75.12 (c) An affiliated nonprofit building corporation must not serve as the leasing agent for  
75.13 property ~~or~~ and facilities it does not own. A charter school that leases property and a facility  
75.14 from an affiliated nonprofit building corporation that does not own the leased ~~facility~~ property  
75.15 and building is ineligible to receive charter school lease aid. The state is immune from  
75.16 liability resulting from a contract between a charter school and an affiliated nonprofit building  
75.17 corporation.

75.18 (d) The board of directors of the charter school must ensure the affiliated nonprofit  
75.19 building corporation complies with all applicable legal requirements. The charter school's  
75.20 authorizer must oversee the efforts of the board of directors of the charter school to ensure  
75.21 legal compliance of the affiliated building corporation. A school's board of directors that  
75.22 fails to ensure the affiliated nonprofit building corporation's compliance violates its  
75.23 responsibilities and an authorizer must consider that failure when evaluating the charter  
75.24 school.

75.25 Sec. 14. Minnesota Statutes 2020, section 124E.16, subdivision 1, is amended to read:

75.26 Subdivision 1. **Audit report.** (a) A charter school is subject to the same financial audits,  
75.27 audit procedures, and audit requirements as a district, except as required under this  
75.28 subdivision. Audits must be conducted in compliance with generally accepted governmental  
75.29 auditing standards, the federal Single Audit Act, if applicable, and section 6.65 governing  
75.30 auditing procedures. A charter school is subject to and must comply with sections 15.054;  
75.31 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06 governing government property  
75.32 and financial investments; and sections 471.38; 471.391; 471.392; and 471.425 governing

76.1 municipal contracting. The audit must comply with the requirements of sections 123B.75  
 76.2 to 123B.83 governing school district finance, except when the commissioner and authorizer  
 76.3 approve a deviation made necessary because of school program finances. The commissioner,  
 76.4 state auditor, legislative auditor, or authorizer may conduct financial, program, or compliance  
 76.5 audits. A charter school in statutory operating debt under sections 123B.81 to 123B.83 must  
 76.6 submit a plan under section 123B.81, subdivision 4.

76.7 (b) The charter school must submit an audit report to the commissioner and its authorizer  
 76.8 annually by December 31. The charter school's charter management organization or  
 76.9 educational management organization must submit an audit report to the commissioner  
 76.10 annually by December 31.

76.11 (c) The charter school, with the assistance of the auditor conducting the audit, must  
 76.12 include with the report, as supplemental information: (1) a copy of management agreements  
 76.13 with a charter management organization or an educational management organization and  
 76.14 (2) service agreements or contracts over the lesser of \$100,000 or ten percent of the school's  
 76.15 most recent annual audited expenditures. The agreements must detail the terms of the  
 76.16 agreement, including the services provided and the annual costs for those services. If the  
 76.17 entity that provides the professional services to the charter school is exempt from taxation  
 76.18 under section 501 of the Internal Revenue Code of 1986, that entity must file with the  
 76.19 commissioner by February 15 a copy of the annual return required under section 6033 of  
 76.20 the Internal Revenue Code of 1986.

76.21 (d) A charter school independent audit report shall include audited financial data of an  
 76.22 affiliated building corporation under section 124E.13, subdivision 3, or other component  
 76.23 unit.

76.24 (e) If the audit report finds that a material weakness exists in the financial reporting  
 76.25 systems of a charter school, the charter school must submit a written report to the  
 76.26 commissioner explaining how the charter school will resolve that material weakness. An  
 76.27 auditor, as a condition of providing financial services to a charter school, must agree to  
 76.28 make available information about a charter school's financial audit to the commissioner and  
 76.29 authorizer upon request.

76.30 Sec. 15. Minnesota Statutes 2020, section 124E.25, subdivision 1a, is amended to read:

76.31 Subd. 1a. **School closures; payments.** (a) Notwithstanding subdivision 1 and section  
 76.32 127A.45, for a charter school ceasing operation on or before June 30, for the payment periods  
 76.33 occurring after the school ceases serving students, the commissioner shall withhold the  
 76.34 estimated state aid owed the school. The charter school board of directors and authorizer

77.1 must submit to the commissioner a closure plan under chapter ~~308A~~ or 317A, and financial  
 77.2 information about the school's liabilities and assets. After receiving the closure plan, financial  
 77.3 information, an audit of pupil counts, and documented lease expenditures from the charter  
 77.4 school and monitoring special education expenditures, the commissioner may release cash  
 77.5 withheld and may continue regular payments up to the current year payment percentages  
 77.6 if further amounts are owed. If, based on audits and monitoring, the school received state  
 77.7 aid in excess of the amount owed, the commissioner shall retain aid withheld sufficient to  
 77.8 eliminate the aid overpayment.

77.9 (b) For a charter school ceasing operations before or at the end of a school year,  
 77.10 notwithstanding section 127A.45, subdivision 3, the commissioner may make preliminary  
 77.11 final payments after the school submits the closure plan, an audit of pupil counts, documented  
 77.12 lease expenditures, and Uniform Financial Accounting and Reporting Standards (UFARS)  
 77.13 financial data and the commissioner monitors special education expenditures for the final  
 77.14 year of operation. The commissioner may make the final payment after receiving audited  
 77.15 financial statements under section 123B.77, subdivision 3.

77.16 (c) Notwithstanding sections 317A.701 to 317A.791, after closing a charter school and  
 77.17 satisfying creditors, remaining cash and investment balances shall be returned by the  
 77.18 commissioner to the state general fund.

## 77.19 ARTICLE 7

### 77.20 NUTRITION AND LIBRARIES

77.21 Section 1. Minnesota Statutes 2020, section 124D.119, is amended to read:

77.22 **124D.119 SUMMER FOOD SERVICE REPLACEMENT AID PROGRAM AND**  
 77.23 **CHILD AND ADULT CARE FOOD PROGRAM.**

77.24 Subdivision 1. Summer Food Service Program replacement aid. States State funds  
 77.25 are available to compensate department-approved Summer Food Service Program sponsors.  
 77.26 Reimbursement shall be made on December 15 based on total meals served by each sponsor  
 77.27 from the end of the school year to the beginning of the next school year on a pro rata basis.

77.28 Subd. 2. Child and Adult Care Food Program and Summer Food Service Program  
 77.29 sponsor organizations. Legally distinct Child and Adult Care Food Program and Summer  
 77.30 Food Service Program sites may transfer sponsoring organizations no more than once per  
 77.31 year, except under extenuating circumstances including termination of the sponsoring  
 77.32 organization's agreement or other circumstances approved by the Department of Education.

78.1 Subd. 3. **Child and Adult Care Food Program and Summer Food Service Program**  
 78.2 **training.** Prior to applying to sponsor a Child and Adult Care Food Program or Summer  
 78.3 Food Service Program site, a nongovernmental organization applicant must provide  
 78.4 documentation to the Department of Education verifying that staff members have completed  
 78.5 program-specific training as designated by the commissioner.

78.6 Subd. 4. **Summer Food Service Program locations.** Consistent with Code of Federal  
 78.7 Regulations, title 7, section 225.6(d)(1)(ii), the Department of Education must not approve  
 78.8 a new Summer Food Service Program open site that is within a half-mile radius of an existing  
 78.9 Summer Food Service Program open site, except the department may approve a new Summer  
 78.10 Food Service Program open site within a half-mile radius if the new program will not be  
 78.11 servicing the same group of children for the same meal type.

78.12 **Sec. 2. [124D.901] SCHOOL LIBRARIES AND MEDIA CENTERS.**

78.13 A school district or charter school library or school library media center provides equitable  
 78.14 and free access to students, teachers, and administrators. A school library or school library  
 78.15 media center is defined as having the following characteristics:

78.16 (1) ensures every student has equitable access to resources and is able to locate, access,  
 78.17 and use resources that are organized and cataloged;

78.18 (2) has a collection development plan that includes but is not limited to materials selection  
 78.19 and de-selection, a challenged materials procedure, and an intellectual and academic freedom  
 78.20 statement;

78.21 (3) is housed in a central location that provides an environment for expanded learning  
 78.22 and supports a variety of student interests;

78.23 (4) has technology and Internet access; and

78.24 (5) is served by a licensed school library media specialist or licensed school librarian.

78.25 **Sec. 3. Minnesota Statutes 2020, section 134.31, subdivision 1, is amended to read:**

78.26 **Subdivision 1. **Library service.**** The state shall, as an integral part of its responsibility  
 78.27 for public education, support the provision of library service for every ~~citizen~~ resident, the  
 78.28 development of cooperative programs for the sharing of resources and services among all  
 78.29 libraries, and the establishment of jointly operated library services at a single location where  
 78.30 appropriate.

79.1 Sec. 4. Minnesota Statutes 2020, section 134.31, subdivision 4a, is amended to read:

79.2 Subd. 4a. **Services to people with visual and physical disabilities.** The Minnesota  
79.3 Department of Education shall provide specialized services to people with visual and physical  
79.4 disabilities through the Minnesota Braille and Talking Book Library under a cooperative  
79.5 plan with the National Library ~~Services~~ Service for the Blind and ~~Physically Handicapped~~  
79.6 ~~of the Library of Congress~~ Print Disabled.

79.7 Sec. 5. Minnesota Statutes 2020, section 134.32, subdivision 4, is amended to read:

79.8 Subd. 4. **Special project grants.** It may provide special project grants to assist innovative  
79.9 and experimental library programs including, but not limited to, special services for American  
79.10 Indians and ~~the Spanish-speaking~~ English language learners, delivery of library materials  
79.11 to homebound persons, other extensions of library services to persons without access to  
79.12 libraries and projects to strengthen and improve library services.

79.13 Sec. 6. Minnesota Statutes 2020, section 134.34, subdivision 1, is amended to read:

79.14 Subdivision 1. **Local support levels.** (a) Regional library basic system support aid shall  
79.15 be provided to any regional public library system where there are at least three participating  
79.16 counties and where each participating city and county is providing for public library service  
79.17 support the lesser of (a) an amount equivalent to .82 percent of the average of the adjusted  
79.18 net tax capacity of the taxable property of that city or county, as determined by the  
79.19 commissioner of revenue for the second, third, and fourth year preceding that calendar year  
79.20 or (b) a per capita amount calculated under the provisions of this subdivision. The per capita  
79.21 amount is established for calendar year 1993 as \$7.62. In succeeding calendar years, the  
79.22 per capita amount shall be increased by a percentage equal to one-half of the percentage by  
79.23 which the total state adjusted net tax capacity of property as determined by the commissioner  
79.24 of revenue for the second year preceding that calendar year increases over that total adjusted  
79.25 net tax capacity for the third year preceding that calendar year.

79.26 (b) The minimum level of support specified under this subdivision or subdivision 4 shall  
79.27 be certified annually to the participating cities and counties by the Department of Education.  
79.28 If a city or county chooses to reduce its local support in accordance with subdivision 4,  
79.29 paragraph (b) or (c), it shall notify its regional public library system. The regional public  
79.30 library system shall notify the Department of Education that a revised certification is required.  
79.31 The revised minimum level of support shall be certified to the city or county by the  
79.32 Department of Education.

80.1 (c) A city which is a part of a regional public library system shall not be required to  
80.2 provide this level of support if the property of that city is already taxable by the county for  
80.3 the support of that regional public library system. In no event shall the Department of  
80.4 Education require any city or county to provide a higher level of support than the level of  
80.5 support specified in this section in order for a system to qualify for regional library basic  
80.6 system support aid. This section shall not be construed to prohibit a city or county from  
80.7 providing a higher level of support for public libraries than the level of support specified  
80.8 in this section.

80.9 (d) The amounts required to be expended under this section are subject to the reduced  
80.10 maintenance of effort requirements in section 275.761.

## 80.11 ARTICLE 8

### 80.12 EARLY CHILDHOOD

80.13 Section 1. Minnesota Statutes 2020, section 121A.17, subdivision 3, is amended to read:

80.14 Subd. 3. **Screening program.** (a) A screening program must include at least the following  
80.15 components: developmental assessments, which may include parent report developmental  
80.16 screening instruments if the parent or child is unable to complete the screening in person  
80.17 due to an immunocompromised status or other health concern; hearing and vision screening  
80.18 or referral; immunization review and referral; the child's height and weight; the date of  
80.19 the child's most recent comprehensive vision examination, if any; identification of risk  
80.20 factors that may influence learning; an interview with the parent about the child; and  
80.21 referral for assessment, diagnosis, and treatment when potential needs are identified. The  
80.22 district and the person performing or supervising the screening must provide a parent or  
80.23 guardian with clear written notice that the parent or guardian may decline to answer questions  
80.24 or provide information about family circumstances that might affect development and  
80.25 identification of risk factors that may influence learning. The notice must state "Early  
80.26 childhood developmental screening helps a school district identify children who may benefit  
80.27 from district and community resources available to help in their development. Early childhood  
80.28 developmental screening includes a vision screening that helps detect potential eye problems  
80.29 but is not a substitute for a comprehensive eye exam." The notice must clearly state that  
80.30 declining to answer questions or provide information does not prevent the child from being  
80.31 enrolled in kindergarten or first grade if all other screening components are met. If a parent  
80.32 or guardian is not able to read and comprehend the written notice, the district and the person  
80.33 performing or supervising the screening must convey the information in another manner.  
80.34 The notice must also inform the parent or guardian that a child need not submit to the district



81.1 screening program if the child's health records indicate to the school that the child has  
81.2 received comparable developmental screening performed within the preceding 365 days by  
81.3 a public or private health care organization or individual health care provider. The notice  
81.4 must be given to a parent or guardian at the time the district initially provides information  
81.5 to the parent or guardian about screening and must be given again at the screening location.

81.6 (b) All screening components shall be consistent with the standards of the state  
81.7 commissioner of health for early developmental screening programs. A developmental  
81.8 screening program must not provide laboratory tests or a physical examination to any child.  
81.9 The district must request from the public or private health care organization or the individual  
81.10 health care provider the results of any laboratory test or physical examination within the 12  
81.11 months preceding a child's scheduled screening. For the purposes of this section,  
81.12 "comprehensive vision examination" means a vision examination performed by an optometrist  
81.13 or ophthalmologist.

81.14 (c) If a child is without health coverage, the school district must refer the child to an  
81.15 appropriate health care provider.

81.16 (d) A board may offer additional components such as nutritional, physical and dental  
81.17 assessments, review of family circumstances that might affect development, blood pressure,  
81.18 laboratory tests, and health history.

81.19 (e) If a statement signed by the child's parent or guardian is submitted to the administrator  
81.20 or other person having general control and supervision of the school that the child has not  
81.21 been screened because of conscientiously held beliefs of the parent or guardian, the screening  
81.22 is not required.

81.23 Sec. 2. Minnesota Statutes 2020, section 124D.13, subdivision 2, is amended to read:

81.24 Subd. 2. **Program requirements.** (a) Early childhood family education programs are  
81.25 programs for children in the period of life from birth to kindergarten, for the parents and  
81.26 other relatives of these children, for adults who provide child care, and for expectant parents.  
81.27 To the extent that funds are insufficient to provide programs for all children, early childhood  
81.28 family education programs should emphasize programming for a child from birth to age  
81.29 three and encourage parents and other relatives to involve four- and five-year-old children  
81.30 in school readiness programs, and other public and nonpublic early learning programs. A  
81.31 district may not limit participation to school district residents. Early childhood family  
81.32 education programs must provide:

82.1 (1) programs to educate parents ~~and~~, other relatives, and caregivers about the physical,  
 82.2 cognitive, social, and emotional development of children and to enhance the skills of parents  
 82.3 and other relatives in providing for their children's learning and development;

82.4 (2) structured learning activities requiring interaction between children and their parents  
 82.5 ~~or~~, other relatives, and caregivers;

82.6 (3) structured learning activities for children that promote children's development and  
 82.7 positive interaction with peers, which are held while parents ~~or~~, other relatives, and caregivers  
 82.8 attend parent education classes;

82.9 (4) information on related community resources;

82.10 (5) information, materials, and activities that support the safety of children, including  
 82.11 prevention of child abuse and neglect;

82.12 (6) a community needs assessment that identifies new and underserved populations,  
 82.13 identifies child and family risk factors, particularly those that impact children's learning and  
 82.14 development, and assesses family and parenting education needs in the community;

82.15 (7) programming and services that are tailored to the needs of families and parents  
 82.16 prioritized in the community needs assessment; and

82.17 (8) information about and, if needed, assist in making arrangements for an early childhood  
 82.18 health and developmental screening under sections 121A.16 and 121A.17, when the child  
 82.19 nears the third birthday.

82.20 Early childhood family education programs should prioritize programming and services  
 82.21 for families and parents identified in the community needs assessment, particularly those  
 82.22 families and parents with children with the most risk factors birth to age three.

82.23 Early childhood family education programs are encouraged to provide parents of English  
 82.24 learners with translated oral and written information to monitor the program's impact on  
 82.25 their children's English language development, to know whether their children are progressing  
 82.26 in developing their English and native language proficiency, and to actively engage with  
 82.27 and support their children in developing their English and native language proficiency.

82.28 The programs must include learning experiences for children, parents, ~~and~~ other relatives,  
 82.29 and caregivers that promote children's early literacy and, where practicable, their native  
 82.30 language skills and activities for children that require substantial involvement of the children's  
 82.31 parents or other relatives. The program may provide parenting education programming or  
 82.32 services to anyone identified in the community needs assessment. Providers must review  
 82.33 the program periodically to assure the instruction and materials are not racially, culturally,

83.1 or sexually biased. The programs must encourage parents to be aware of practices that may  
83.2 affect equitable development of children.

83.3 (b) For the purposes of this section, "relative" or "relatives" means noncustodial  
83.4 grandparents or other persons related to a child by blood, marriage, adoption, or foster  
83.5 placement, excluding parents.

83.6 Sec. 3. Minnesota Statutes 2020, section 124D.13, subdivision 3, is amended to read:

83.7 Subd. 3. **Substantial parental involvement.** The requirement of substantial parental  
83.8 ~~or~~ other relative, or caregiver involvement in subdivision 2 means that:

83.9 ~~(a) (1)~~ parents or other relatives, or caregivers must be physically present much of the  
83.10 time in classes with their children or be in concurrent classes;

83.11 ~~(b) (2)~~ parenting education or family education must be an integral part of every early  
83.12 childhood family education program;

83.13 ~~(c) (3)~~ early childhood family education appropriations must not be used for traditional  
83.14 day care or nursery school, or similar programs; and

83.15 ~~(d) (4)~~ the form of parent involvement common to kindergarten, elementary school, or  
83.16 early childhood special education programs such as parent conferences, newsletters, and  
83.17 notes to parents do not qualify a program under subdivision 2.

83.18 Sec. 4. Minnesota Statutes 2020, section 124D.141, subdivision 2, is amended to read:

83.19 Subd. 2. **Additional duties.** The following duties are added to those assigned to the  
83.20 council under federal law:

83.21 (1) make recommendations on the most efficient and effective way to leverage state and  
83.22 federal funding streams for early childhood and child care programs;

83.23 ~~(2) make recommendations on how to coordinate or colocate early childhood and child~~  
83.24 ~~care programs in one state Office of Early Learning. The council shall establish a task force~~  
83.25 ~~to develop these recommendations. The task force shall include two nonexecutive branch~~  
83.26 ~~or nonlegislative branch representatives from the council; six representatives from the early~~  
83.27 ~~childhood caucus; two representatives each from the Departments of Education, Human~~  
83.28 ~~Services, and Health; one representative each from a local public health agency, a local~~  
83.29 ~~county human services agency, and a school district; and two representatives from the~~  
83.30 ~~private nonprofit organizations that support early childhood programs in Minnesota. In~~

- 84.1 ~~developing recommendations in coordination with existing efforts of the council, the task~~  
84.2 ~~force shall consider how to:~~
- 84.3 ~~(i) consolidate and coordinate resources and public funding streams for early childhood~~  
84.4 ~~education and child care, and ensure the accountability and coordinated development of all~~  
84.5 ~~early childhood education and child care services to children from birth to kindergarten~~  
84.6 ~~entrance;~~
- 84.7 ~~(ii) create a seamless transition from early childhood programs to kindergarten;~~
- 84.8 ~~(iii) encourage family choice by ensuring a mixed system of high-quality public and~~  
84.9 ~~private programs, with local points of entry, staffed by well-qualified professionals;~~
- 84.10 ~~(iv) ensure parents a decisive role in the planning, operation, and evaluation of programs~~  
84.11 ~~that aid families in the care of children;~~
- 84.12 ~~(v) provide consumer education and accessibility to early childhood education and child~~  
84.13 ~~care resources;~~
- 84.14 ~~(vi) advance the quality of early childhood education and child care programs in order~~  
84.15 ~~to support the healthy development of children and preparation for their success in school;~~
- 84.16 ~~(vii) develop a seamless service delivery system with local points of entry for early~~  
84.17 ~~childhood education and child care programs administered by local, state, and federal~~  
84.18 ~~agencies;~~
- 84.19 ~~(viii) ensure effective collaboration between state and local child welfare programs and~~  
84.20 ~~early childhood mental health programs and the Office of Early Learning;~~
- 84.21 ~~(ix) develop and manage an effective data collection system to support the necessary~~  
84.22 ~~functions of a coordinated system of early childhood education and child care in order to~~  
84.23 ~~enable accurate evaluation of its impact;~~
- 84.24 ~~(x) respect and be sensitive to family values and cultural heritage; and~~
- 84.25 ~~(xi) establish the administrative framework for and promote the development of early~~  
84.26 ~~childhood education and child care services in order to provide that these services, staffed~~  
84.27 ~~by well-qualified professionals, are available in every community for all families that express~~  
84.28 ~~a need for them.~~
- 84.29 ~~In addition, the task force must consider the following responsibilities for transfer to the~~  
84.30 ~~Office of Early Learning:~~

85.1 ~~(A) responsibilities of the commissioner of education for early childhood education~~  
85.2 ~~programs and financing under sections 119A.50 to 119A.535, 121A.16 to 121A.19, and~~  
85.3 ~~124D.129 to 124D.2211;~~

85.4 ~~(B) responsibilities of the commissioner of human services for child care assistance,~~  
85.5 ~~child care development, and early childhood learning and child protection facilities programs~~  
85.6 ~~and financing under chapter 119B and section 256E.37; and~~

85.7 ~~(C) responsibilities of the commissioner of health for family home visiting programs~~  
85.8 ~~and financing under section 145A.17.~~

85.9 ~~Any costs incurred by the council in making these recommendations must be paid from~~  
85.10 ~~private funds. If no private funds are received, the council must not proceed in making these~~  
85.11 ~~recommendations. The council must report its recommendations to the governor and the~~  
85.12 ~~legislature by January 15, 2011;~~

85.13 ~~(3) (2) review program evaluations regarding high-quality early childhood programs;~~

85.14 ~~(4) (3) make recommendations to the governor and legislature, including proposed~~  
85.15 ~~legislation on how to most effectively create a high-quality early childhood system in~~  
85.16 ~~Minnesota in order to improve the educational outcomes of children so that all children are~~  
85.17 ~~school-ready by 2020; and~~

85.18 ~~(5) make recommendations to the governor and the legislature by March 1, 2011, on the~~  
85.19 ~~creation and implementation of a statewide school readiness report card to monitor progress~~  
85.20 ~~toward the goal of having all children ready for kindergarten by the year 2020. The~~  
85.21 ~~recommendations shall include what should be measured including both children and system~~  
85.22 ~~indicators, what benchmarks should be established to measure state progress toward the~~  
85.23 ~~goal, and how frequently the report card should be published. In making their~~  
85.24 ~~recommendations, the council shall consider the indicators and strategies for Minnesota's~~  
85.25 ~~early childhood system report, the Minnesota school readiness study, developmental~~  
85.26 ~~assessment at kindergarten entrance, and the work of the council's accountability committee.~~  
85.27 ~~Any costs incurred by the council in making these recommendations must be paid from~~  
85.28 ~~private funds. If no private funds are received, the council must not proceed in making these~~  
85.29 ~~recommendations; and~~

85.30 ~~(6) make recommendations to the governor and the legislature on how to screen earlier~~  
85.31 ~~and comprehensively assess children for school readiness in order to provide increased early~~  
85.32 ~~interventions and increase the number of children ready for kindergarten. In formulating~~  
85.33 ~~their recommendations, the council shall consider (i) ways to interface with parents of~~  
85.34 ~~children who are not participating in early childhood education or care programs, (ii) ways~~

86.1 ~~to interface with family child care providers, child care centers, and school-based early~~  
86.2 ~~childhood and Head Start programs, (iii) if there are age-appropriate and culturally sensitive~~  
86.3 ~~screening and assessment tools for three-, four-, and five-year-olds, (iv) the role of the~~  
86.4 ~~medical community in screening, (v) incentives for parents to have children screened at an~~  
86.5 ~~earlier age, (vi) incentives for early education and care providers to comprehensively assess~~  
86.6 ~~children in order to improve instructional practice, (vii) how to phase in increases in screening~~  
86.7 ~~and assessment over time, (viii) how the screening and assessment data will be collected~~  
86.8 ~~and used and who will have access to the data, (ix) how to monitor progress toward the goal~~  
86.9 ~~of having 50 percent of three-year-old children screened and 50 percent of entering~~  
86.10 ~~kindergarteners assessed for school readiness by 2015 and 100 percent of three-year-old~~  
86.11 ~~children screened and entering kindergarteners assessed for school readiness by 2020, and~~  
86.12 ~~(x) costs to meet these benchmarks. The council shall consider the screening instruments~~  
86.13 ~~and comprehensive assessment tools used in Minnesota early childhood education and care~~  
86.14 ~~programs and kindergarten. The council may survey early childhood education and care~~  
86.15 ~~programs in the state to determine the screening and assessment tools being used or rely on~~  
86.16 ~~previously collected survey data, if available. For purposes of this subdivision, "school~~  
86.17 ~~readiness" is defined as the child's skills, knowledge, and behaviors at kindergarten entrance~~  
86.18 ~~in these areas of child development: social; self-regulation; cognitive, including language;~~  
86.19 ~~literacy, and mathematical thinking; and physical. For purposes of this subdivision,~~  
86.20 ~~"screening" is defined as the activities used to identify a child who may need further~~  
86.21 ~~evaluation to determine delay in development or disability. For purposes of this subdivision,~~  
86.22 ~~"assessment" is defined as the activities used to determine a child's level of performance in~~  
86.23 ~~order to promote the child's learning and development. Work on this duty will begin in~~  
86.24 ~~fiscal year 2012. Any costs incurred by the council in making these recommendations must~~  
86.25 ~~be paid from private funds. If no private funds are received, the council must not proceed~~  
86.26 ~~in making these recommendations. The council must report its recommendations to the~~  
86.27 ~~governor and legislature by January 15, 2013, with an interim report on February 15, 2011.~~

86.28 (4) review and provide input on the recommendations and implementation timelines  
86.29 developed by the Great Start For All Minnesota Children Task Force as defined in Laws  
86.30 2021, First Special Session chapter 7, article 14, section 18, subdivision 2.

86.31 Sec. 5. Minnesota Statutes 2020, section 124D.151, subdivision 2, is amended to read:

86.32 Subd. 2. **Program requirements.** (a) A voluntary prekindergarten program provider  
86.33 must:

87.1 (1) provide instruction through play-based learning to foster children's social and  
87.2 emotional development, cognitive development, physical and motor development, and  
87.3 language and literacy skills, including the native language and literacy skills of English  
87.4 learners, to the extent practicable;

87.5 (2) measure each child's cognitive and social skills using a formative measure aligned  
87.6 to the state's early learning standards when the child enters and again before the child leaves  
87.7 the program, screening and progress monitoring measures, and other age-appropriate versions  
87.8 from the state-approved menu of kindergarten entry profile measures and submit assessment  
87.9 results to the Department of Education for all students enrolled in voluntary prekindergarten  
87.10 program classrooms;

87.11 (3) provide comprehensive program content including the implementation of curriculum,  
87.12 assessment, and instructional strategies aligned with the state early learning standards, and  
87.13 kindergarten through grade 3 academic standards;

87.14 (4) provide instructional content and activities that are of sufficient length and intensity  
87.15 to address learning needs including offering a program with at least 350 hours of instruction  
87.16 per school year for a prekindergarten student;

87.17 (5) provide voluntary prekindergarten instructional staff salaries comparable to the  
87.18 salaries of local kindergarten through grade 12 instructional staff;

87.19 (6) coordinate appropriate kindergarten transition with families, community-based  
87.20 prekindergarten programs, and school district kindergarten programs;

87.21 (7) involve parents in program planning and transition planning by implementing parent  
87.22 engagement strategies that include culturally and linguistically responsive activities in  
87.23 prekindergarten through third grade that are aligned with early childhood family education  
87.24 under section 124D.13;

87.25 (8) coordinate with relevant community-based services, including health and social  
87.26 service agencies, to ensure children have access to comprehensive services;

87.27 (9) coordinate with all relevant school district programs and services including early  
87.28 childhood special education, homeless students, and English learners;

87.29 (10) ensure staff-to-child ratios of one-to-ten and a maximum group size of 20 children;

87.30 (11) provide high-quality coordinated professional development, training, and coaching  
87.31 for both school district and community-based early learning providers that is informed by  
87.32 a measure of adult-child interactions and enables teachers to be highly knowledgeable in

88.1 early childhood curriculum content, assessment, native and English language development  
88.2 programs, and instruction; and

88.3 (12) implement strategies that support the alignment of professional development,  
88.4 instruction, assessments, and prekindergarten through grade 3 curricula.

88.5 (b) A voluntary prekindergarten program must have teachers knowledgeable in early  
88.6 childhood curriculum content, assessment, native and English language programs, and  
88.7 instruction.

88.8 (c) Districts and charter schools must include their strategy for implementing and  
88.9 measuring the impact of their voluntary prekindergarten program under section 120B.11  
88.10 and provide results in their world's best workforce annual summary to the commissioner of  
88.11 education.

88.12 Sec. 6. Minnesota Statutes 2020, section 124D.165, subdivision 2, is amended to read:

88.13 Subd. 2. **Family eligibility.** (a) For a family to receive an early learning scholarship,  
88.14 parents or guardians must meet the following eligibility requirements:

88.15 (1) have an eligible child; and

88.16 (2) have income equal to or less than 185 percent of federal poverty level income in the  
88.17 current calendar year, or be able to document their child's current participation in the free  
88.18 and reduced-price ~~lunch~~ meal program or Child and Adult Care Food Program, National  
88.19 School Lunch Act, United States Code, title 42, sections 1751 and 1766; the Food  
88.20 Distribution Program on Indian Reservations, Food and Nutrition Act, United States Code,  
88.21 title 7, sections 2011-2036; Head Start under the federal Improving Head Start for School  
88.22 Readiness Act of 2007; Minnesota family investment program under chapter 256J; child  
88.23 care assistance programs under chapter 119B; the supplemental nutrition assistance program;  
88.24 ~~or~~ placement in foster care under section 260C.212; or is in need of child protective services.

88.25 (b) An "eligible child" means a child who has not yet enrolled in kindergarten and is:

88.26 (1) at least three but not yet five years of age on September 1 of the current school year;

88.27 (2) a sibling from birth to age five of a child who has been awarded a scholarship under  
88.28 this section provided the sibling attends the same program as long as funds are available;

88.29 (3) the child of a parent under age 21 who is pursuing a high school degree or a course  
88.30 of study for a high school equivalency test; or

88.31 (4) homeless, in foster care, ~~or~~ in need of child protective services, or a child with an  
88.32 incarcerated parent.



89.1 (c) A child who has received a scholarship under this section must continue to receive  
89.2 a scholarship each year until that child is eligible for kindergarten under section 120A.20  
89.3 and as long as funds are available.

89.4 (d) Early learning scholarships may not be counted as earned income for the purposes  
89.5 of medical assistance under chapter 256B, MinnesotaCare under chapter 256L, Minnesota  
89.6 family investment program under chapter 256J, child care assistance programs under chapter  
89.7 119B, or Head Start under the federal Improving Head Start for School Readiness Act of  
89.8 2007.

89.9 (e) A child from an adjoining state whose family resides at a Minnesota address as  
89.10 assigned by the United States Postal Service, who has received developmental screening  
89.11 under sections 121A.16 to 121A.19, who intends to enroll in a Minnesota school district,  
89.12 and whose family meets the criteria of paragraph (a) is eligible for an early learning  
89.13 scholarship under this section.

89.14 Sec. 7. Minnesota Statutes 2020, section 124D.165, subdivision 3, is amended to read:

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

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

89.21 (2) are in foster care ~~or otherwise in need of protection or services~~, in need of child  
89.22 protective services, or a child with an incarcerated parent; or

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

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

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

89.30 (c) A four-star rated program that has children eligible for a scholarship enrolled in or  
89.31 on a waiting list for a program beginning in July, August, or September may notify the  
89.32 commissioner, in the form and manner prescribed by the commissioner, each year of the

90.1 program's desire to enhance program services or to serve more children than current funding  
90.2 provides. The commissioner may designate a predetermined number of scholarship slots  
90.3 for that program and notify the program of that number. For fiscal year 2018 and later, the  
90.4 statewide amount of funding directly designated by the commissioner must not exceed the  
90.5 funding directly designated for fiscal year 2017. Beginning July 1, 2016, a school district  
90.6 or Head Start program qualifying under this paragraph may use its established registration  
90.7 process to enroll scholarship recipients and may verify a scholarship recipient's family  
90.8 income in the same manner as for other program participants.

90.9 (d) A scholarship is awarded for a 12-month period. If the scholarship recipient has not  
90.10 been accepted and subsequently enrolled in a rated program within ~~ten~~ three months of the  
90.11 awarding of the scholarship, the scholarship cancels and the recipient must reapply in order  
90.12 to be eligible for another scholarship. A child may not be awarded more than one scholarship  
90.13 in a 12-month period.

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

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

90.24 Sec. 8. Laws 2017, First Special Session chapter 5, article 8, section 9, subdivision 2, is  
90.25 amended to read:

90.26 Subd. 2. **Program requirements.** A school readiness plus program provider must:

90.27 (1) assess each child's cognitive and language skills with a comprehensive child  
90.28 assessment instrument when the child enters and again before the child leaves the program  
90.29 to improve program planning and implementation, communicate with parents, and promote  
90.30 kindergarten readiness and the provider must submit assessment results to the Department  
90.31 of Education for all students enrolled in school readiness plus program classrooms;

90.32 (2) provide comprehensive program content and intentional instructional practice aligned  
90.33 with the state early childhood learning guidelines and kindergarten standards and based on

91.1 early childhood research and professional practice that is focused on children's cognitive,  
 91.2 social, emotional, and physical skills and development and prepares children for the transition  
 91.3 to kindergarten, including early literacy and language skills;

91.4 (3) coordinate appropriate kindergarten transition with parents and kindergarten teachers;

91.5 (4) involve parents in program planning and decision making;

91.6 (5) coordinate with relevant community-based services;

91.7 (6) cooperate with adult basic education programs and other adult literacy programs;

91.8 (7) ensure staff-to-child ratios of one-to-ten and a maximum group size of 20 children  
 91.9 with at least one licensed teacher;

91.10 (8) have teachers knowledgeable in early childhood curriculum content, assessment,  
 91.11 native and English language development programs, and instruction; and

91.12 (9) provide instructional content and activities that are of sufficient length and intensity  
 91.13 to address learning needs including offering a program with at least 350 hours of instruction  
 91.14 per school year.

## 91.15 ARTICLE 9

### 91.16 CAREER AND TECHNICAL EDUCATION, POSTSECONDARY ENROLLMENT 91.17 OPTIONS, AND GRADUATION

91.18 Section 1. Minnesota Statutes 2020, section 120B.022, subdivision 1, is amended to read:

91.19 Subdivision 1. **Elective standards.** A district must establish and regularly review its  
 91.20 own standards ~~in~~ for career and technical education (CTE) programs. Standards must align  
 91.21 with Minnesota CTE Frameworks, standards developed by national CTE organizations, or  
 91.22 recognized industry standards. A district must use the current world languages standards  
 91.23 developed by the American Council on the Teaching of Foreign Languages. A school district  
 91.24 must offer courses in all elective subject areas.

91.25 Sec. 2. Minnesota Statutes 2020, section 120B.024, subdivision 2, is amended to read:

91.26 Subd. 2. **Credit equivalencies.** (a) A one-half credit of economics taught in a school's  
 91.27 ~~agriculture~~ agricultural, food, and natural resources education or business ~~department~~  
 91.28 education program may fulfill a one-half credit in social studies under subdivision 1, clause  
 91.29 (5), if the credit is sufficient to satisfy all of the academic standards in economics.

91.30 (b) An agriculture science or career and technical education credit may fulfill the elective  
 91.31 science credit required under subdivision 1, clause (4), if the credit meets the state physical

92.1 science, life science, earth and space science, chemistry, or physics academic standards or  
92.2 a combination of these academic standards as approved by the district. An agriculture or  
92.3 career and technical education credit may fulfill the credit in chemistry or physics required  
92.4 under subdivision 1, clause (4), if the credit meets the state chemistry or physics academic  
92.5 standards as approved by the district. A student must satisfy either all of the chemistry  
92.6 academic standards or all of the physics academic standards prior to graduation. An  
92.7 agriculture science or career and technical education credit may not fulfill the required  
92.8 biology credit under subdivision 1, clause (4).

92.9 (c) A career and technical education credit may fulfill a mathematics or arts credit  
92.10 requirement under subdivision 1, clause (2) or (6).

92.11 (d) An ~~agriculture~~ agricultural, food, and natural resources education teacher is not  
92.12 required to meet the requirements of Minnesota Rules, part 3505.1150, subpart ~~1~~ 2, item  
92.13 B, to meet the credit equivalency requirements of paragraph (b) above.

92.14 (e) A computer science credit may fulfill a mathematics credit requirement under  
92.15 subdivision 1, clause (2), if the credit meets state academic standards in mathematics.

92.16 (f) A Project Lead the Way credit may fulfill a science or mathematics credit requirement  
92.17 under subdivision 1, clause (2) or (4), if the credit meets the state academic standards in  
92.18 science or mathematics.

92.19 Sec. 3. Minnesota Statutes 2020, section 124D.09, subdivision 3, is amended to read:

92.20 Subd. 3. **Definitions.** For purposes of this section, the following terms have the meanings  
92.21 given to them.

92.22 (a) "Eligible institution" means a Minnesota public postsecondary institution, a private,  
92.23 nonprofit two-year trade and technical school granting associate degrees, an opportunities  
92.24 industrialization center accredited by an accreditor recognized by the United States  
92.25 Department of Education, or a private, residential, two-year or four-year, liberal arts,  
92.26 degree-granting college or university located in Minnesota. An eligible institution cannot  
92.27 require a faith statement during the application process or base any part of the admission  
92.28 decision on a student's race, creed, ethnicity, disability, gender, or sexual orientation or  
92.29 religious beliefs or affiliations.

92.30 (b) "Course" means a course or program.

92.31 (c) "Concurrent enrollment" means nonsectarian courses in which an eligible pupil under  
92.32 subdivision 5 or 5b enrolls to earn both secondary and postsecondary credits, are taught by  
92.33 a secondary teacher or a postsecondary faculty member, and are offered at a high school

93.1 for which the district is eligible to receive concurrent enrollment program aid under section  
93.2 124D.091.

93.3 Sec. 4. Minnesota Statutes 2020, section 124D.09, subdivision 13, is amended to read:

93.4 Subd. 13. **Financial arrangements.** For a pupil enrolled in a course under this section,  
93.5 the department must make payments according to this subdivision for courses that were  
93.6 taken for secondary credit.

93.7 The department must not make payments to a school district or postsecondary institution  
93.8 for a course taken for postsecondary credit only. The department must not make payments  
93.9 to a postsecondary institution for a course from which a student officially withdraws during  
93.10 the first ~~14~~ ten business days of the postsecondary institution's quarter or semester or who  
93.11 has been absent from the postsecondary institution for the first ~~15 consecutive school~~ ten  
93.12 business days of the postsecondary institution's quarter or semester and is not receiving  
93.13 instruction in the home or hospital.

93.14 A postsecondary institution shall receive the following:

93.15 (1) for an institution granting quarter credit, the reimbursement per credit hour shall be  
93.16 an amount equal to 88 percent of the product of the formula allowance minus \$425, multiplied  
93.17 by 1.2, and divided by 45; or

93.18 (2) for an institution granting semester credit, the reimbursement per credit hour shall  
93.19 be an amount equal to 88 percent of the product of the general revenue formula allowance  
93.20 minus \$425, multiplied by 1.2, and divided by 30.

93.21 The department must pay to each postsecondary institution 100 percent of the amount  
93.22 in clause (1) or (2) within 45 days of receiving initial enrollment information each quarter  
93.23 or semester. If changes in enrollment occur during a quarter or semester, the change shall  
93.24 be reported by the postsecondary institution at the time the enrollment information for the  
93.25 succeeding quarter or semester is submitted. At any time the department notifies a  
93.26 postsecondary institution that an overpayment has been made, the institution shall promptly  
93.27 remit the amount due.

93.28 Sec. 5. Minnesota Statutes 2020, section 124D.128, subdivision 1, is amended to read:

93.29 Subdivision 1. **Program established.** A learning year program provides instruction  
93.30 throughout the year on an extended year calendar, extended school day calendar, or both.  
93.31 ~~A pupil may participate in the program and accelerate attainment of grade level requirements~~  
93.32 ~~or graduation requirements.~~ A learning year program may begin after the close of the regular

94.1 school year in June. The program may be for students in one or more grade levels from  
94.2 kindergarten through grade 12.

94.3 Sec. 6. **REPEALER.**

94.4 Minnesota Statutes 2020, section 120B.35, subdivision 5, is repealed.

94.5 **ARTICLE 10**

94.6 **ADMINISTRATIVE UPDATES AND TECHNICAL CORRECTIONS**

94.7 Section 1. Minnesota Statutes 2020, section 120B.021, subdivision 3, is amended to read:

94.8 Subd. 3. **Rulemaking.** The commissioner, consistent with the requirements of this section  
94.9 and section 120B.022, must adopt statewide rules under section 14.389 for implementing  
94.10 statewide rigorous core academic standards in language arts, mathematics, science, social  
94.11 studies, physical education, and the arts. After the rules authorized under this subdivision  
94.12 are initially adopted, the commissioner may not amend or repeal these rules nor adopt new  
94.13 rules on the same topic without specific legislative authorization unless done pursuant to  
94.14 subdivision 4.

94.15 Sec. 2. Minnesota Statutes 2020, section 120B.30, subdivision 1, is amended to read:

94.16 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts with  
94.17 appropriate technical qualifications and experience and stakeholders, consistent with  
94.18 subdivision 1a, must include in the comprehensive assessment system, for each grade level  
94.19 to be tested, state-constructed tests developed as computer-adaptive reading and mathematics  
94.20 assessments for students that are aligned with the state's required academic standards under  
94.21 section 120B.021, include multiple choice questions, and are administered annually to all  
94.22 students in grades 3 through 8. State-developed high school tests aligned with the state's  
94.23 required academic standards under section 120B.021 and administered to all high school  
94.24 students in a subject other than writing must include multiple choice questions. The  
94.25 commissioner must establish a testing period as late as possible each school year during  
94.26 which schools must administer the Minnesota Comprehensive Assessments to students. The  
94.27 commissioner must publish the testing schedule at least two years before the beginning of  
94.28 the testing period.

94.29 (b) The state assessment system must be aligned to the most recent revision of academic  
94.30 standards as described in section 120B.023 in the following manner:

94.31 (1) mathematics;

95.1 (i) grades 3 through 8 beginning in the 2010-2011 school year; and

95.2 (ii) high school level beginning in the 2013-2014 school year;

95.3 (2) science; grades 5 and 8 and at the high school level beginning in the 2011-2012  
95.4 school year; and

95.5 (3) language arts and reading; grades 3 through 8 and high school level beginning in the  
95.6 2012-2013 school year.

95.7 (c) For students enrolled in grade 8 in the 2012-2013 school year and later, students'  
95.8 state graduation requirements, based on a longitudinal, systematic approach to student  
95.9 education and career planning, assessment, instructional support, and evaluation, include  
95.10 the following:

95.11 (1) achievement and career and college readiness in mathematics, reading, and writing,  
95.12 consistent with paragraph (k) and to the extent available, to monitor students' continuous  
95.13 development of and growth in requisite knowledge and skills; analyze students' progress  
95.14 and performance levels, identifying students' academic strengths and diagnosing areas where  
95.15 students require curriculum or instructional adjustments, targeted interventions, or  
95.16 remediation; and, based on analysis of students' progress and performance data, determine  
95.17 students' learning and instructional needs and the instructional tools and best practices that  
95.18 support academic rigor for the student; and

95.19 (2) consistent with this paragraph and section 120B.125, age-appropriate exploration  
95.20 and planning activities and career assessments to encourage students to identify personally  
95.21 relevant career interests and aptitudes and help students and their families develop a regularly  
95.22 reexamined transition plan for postsecondary education or employment without need for  
95.23 postsecondary remediation.

95.24 Based on appropriate state guidelines, students with an individualized education program  
95.25 may satisfy state graduation requirements by achieving an individual score on the  
95.26 state-identified alternative assessments.

95.27 (d) Expectations of schools, districts, and the state for career or college readiness under  
95.28 this subdivision must be comparable in rigor, clarity of purpose, and rates of student  
95.29 completion.

95.30 A student under paragraph (c), clause (1), must receive targeted, relevant, academically  
95.31 rigorous, and resourced instruction, which may include a targeted instruction and intervention  
95.32 plan focused on improving the student's knowledge and skills in core subjects so that the  
95.33 student has a reasonable chance to succeed in a career or college without need for

96.1 postsecondary remediation. Consistent with sections 120B.13, 124D.09, 124D.091, 124D.49,  
96.2 and related sections, an enrolling school or district must actively encourage a student in  
96.3 grade 11 or 12 who is identified as academically ready for a career or college to participate  
96.4 in courses and programs awarding college credit to high school students. Students are not  
96.5 required to achieve a specified score or level of proficiency on an assessment under this  
96.6 subdivision to graduate from high school.

96.7 (e) Though not a high school graduation requirement, students are encouraged to  
96.8 participate in a nationally recognized college entrance exam. To the extent state funding  
96.9 for college entrance exam fees is available, a district must pay the cost, one time, for an  
96.10 interested student in grade 11 or 12 who is eligible for a free or reduced-price meal, to take  
96.11 a nationally recognized college entrance exam before graduating. A student must be able  
96.12 to take the exam under this paragraph at the student's high school during the school day and  
96.13 at any one of the multiple exam administrations available to students in the district. A district  
96.14 may administer the ACT or SAT or both the ACT and SAT to comply with this paragraph.  
96.15 If the district administers only one of these two tests and a free or reduced-price meal eligible  
96.16 student opts not to take that test and chooses instead to take the other of the two tests, the  
96.17 student may take the other test at a different time or location and remains eligible for the  
96.18 examination fee reimbursement. Notwithstanding sections 123B.34 to 123B.39, a school  
96.19 district may require a student that is not eligible for a free or reduced-price meal to pay the  
96.20 cost of taking a nationally recognized college entrance exam. The district must waive the  
96.21 cost for a student unable to pay.

96.22 (f) The commissioner and the chancellor of the Minnesota State Colleges and Universities  
96.23 must collaborate in aligning instruction and assessments for adult basic education students  
96.24 and English learners to provide the students with diagnostic information about any targeted  
96.25 interventions, accommodations, modifications, and supports they need so that assessments  
96.26 and other performance measures are accessible to them and they may seek postsecondary  
96.27 education or employment without need for postsecondary remediation. When administering  
96.28 formative or summative assessments used to measure the academic progress, including the  
96.29 oral academic development, of English learners and inform their instruction, schools must  
96.30 ensure that the assessments are accessible to the students and students have the modifications  
96.31 and supports they need to sufficiently understand the assessments.

96.32 (g) Districts and schools, on an annual basis, must use career exploration elements to  
96.33 help students, beginning no later than grade 9, and their families explore and plan for  
96.34 postsecondary education or careers based on the students' interests, aptitudes, and aspirations.  
96.35 Districts and schools must use timely regional labor market information and partnerships,



97.1 among other resources, to help students and their families successfully develop, pursue,  
97.2 review, and revise an individualized plan for postsecondary education or a career. This  
97.3 process must help increase students' engagement in and connection to school, improve  
97.4 students' knowledge and skills, and deepen students' understanding of career pathways as  
97.5 a sequence of academic and career courses that lead to an industry-recognized credential,  
97.6 an associate's degree, or a bachelor's degree and are available to all students, whatever their  
97.7 interests and career goals.

97.8 (h) A student who demonstrates attainment of required state academic standards, which  
97.9 include career and college readiness benchmarks, on high school assessments under  
97.10 subdivision 1a is academically ready for a career or college and is encouraged to participate  
97.11 in courses awarding college credit to high school students. Such courses and programs may  
97.12 include sequential courses of study within broad career areas and technical skill assessments  
97.13 that extend beyond course grades.

97.14 (i) As appropriate, students through grade 12 must continue to participate in targeted  
97.15 instruction, intervention, or remediation and be encouraged to participate in courses awarding  
97.16 college credit to high school students.

97.17 (j) In developing, supporting, and improving students' academic readiness for a career  
97.18 or college, schools, districts, and the state must have a continuum of empirically derived,  
97.19 clearly defined benchmarks focused on students' attainment of knowledge and skills so that  
97.20 students, their parents, and teachers know how well students must perform to have a  
97.21 reasonable chance to succeed in a career or college without need for postsecondary  
97.22 remediation. The commissioner, in consultation with local school officials and educators,  
97.23 and Minnesota's public postsecondary institutions must ensure that the foundational  
97.24 knowledge and skills for students' successful performance in postsecondary employment  
97.25 or education and an articulated series of possible targeted interventions are clearly identified  
97.26 and satisfy Minnesota's postsecondary admissions requirements.

97.27 (k) For students in grade 8 in the 2012-2013 school year and later, a school, district, or  
97.28 charter school must record on the high school transcript a student's progress toward career  
97.29 and college readiness, and for other students as soon as practicable.

97.30 (l) The school board granting students their diplomas may formally decide to include a  
97.31 notation of high achievement on the high school diplomas of those graduating seniors who,  
97.32 according to established school board criteria, demonstrate exemplary academic achievement  
97.33 during high school.

98.1 (m) The 3rd through 8th grade computer-adaptive assessment results and high school  
98.2 test results must be available to districts for diagnostic purposes affecting student learning  
98.3 and district instruction and curriculum, and for establishing educational accountability. The  
98.4 commissioner, in consultation with the chancellor of the Minnesota State Colleges and  
98.5 Universities, must establish empirically derived benchmarks on the high school tests that  
98.6 reveal a trajectory toward career and college readiness consistent with section 136F.302,  
98.7 subdivision 1a. The commissioner must disseminate to the public the computer-adaptive  
98.8 assessments and high school test results upon receiving those results.

98.9 (n) The grades 3 through 8 computer-adaptive assessments and high school tests must  
98.10 be aligned with state academic standards. The commissioner must determine the testing  
98.11 process and the order of administration. The statewide results must be aggregated at the site  
98.12 and district level, consistent with subdivision 1a.

98.13 (o) The commissioner must include the following components in the statewide public  
98.14 reporting system:

98.15 (1) uniform statewide computer-adaptive assessments of all students in grades 3 through  
98.16 8 and testing at the high school levels that provides appropriate, technically sound  
98.17 accommodations or alternate assessments;

98.18 (2) educational indicators that can be aggregated and compared across school districts  
98.19 and across time on a statewide basis, including ~~average daily~~ consistent attendance, high  
98.20 school graduation rates, and high school drop-out rates by age and grade level;

98.21 (3) state results on the ~~American College Test~~ ACT test; and

98.22 (4) state results from participation in the National Assessment of Educational Progress  
98.23 so that the state can benchmark its performance against the nation and other states, and,  
98.24 where possible, against other countries, and contribute to the national effort to monitor  
98.25 achievement.

98.26 (p) For purposes of statewide accountability, "career and college ready" means a high  
98.27 school graduate has the knowledge, skills, and competencies to successfully pursue a career  
98.28 pathway, including postsecondary credit leading to a degree, diploma, certificate, or  
98.29 industry-recognized credential and employment. Students who are career and college ready  
98.30 are able to successfully complete credit-bearing coursework at a two- or four-year college  
98.31 or university or other credit-bearing postsecondary program without need for remediation.

98.32 (q) For purposes of statewide accountability, "cultural competence," "cultural  
98.33 competency," or "culturally competent" means the ability of families and educators to

99.1 interact effectively with people of different cultures, native languages, and socioeconomic  
99.2 backgrounds.

99.3 Sec. 3. Minnesota Statutes 2020, section 120B.31, subdivision 4, is amended to read:

99.4 Subd. 4. **Student performance data.** In developing policies and assessment processes  
99.5 to hold schools and districts accountable for high levels of academic standards under section  
99.6 120B.021, the commissioner shall aggregate and disaggregate student data over time to  
99.7 report summary student performance and growth levels and, under section 120B.11,  
99.8 subdivision 2, clause (2), student learning and outcome data measured at the school, school  
99.9 district, and statewide level. The commissioner shall use the student categories identified  
99.10 under the federal Elementary and Secondary Education Act, as most recently reauthorized,  
99.11 and student categories of:

99.12 (1) homelessness;

99.13 (2) ethnicity under section 120B.35, subdivision 3, paragraph (a), clause (2);

99.14 (3) race under section 120B.35, subdivision 3, paragraph (a), clause (2);

99.15 (4) home language;

99.16 (5) English learners under section 124D.59;

99.17 (6) free or reduced-price ~~lunch~~ meals; and

99.18 (7) other categories designated by federal law to organize and report the data so that  
99.19 state and local policy makers can understand the educational implications of changes in  
99.20 districts' demographic profiles over time as data are available.

99.21 Any report the commissioner disseminates containing summary data on student performance  
99.22 must integrate student performance and the demographic factors that strongly correlate with  
99.23 that performance.

99.24 Sec. 4. Minnesota Statutes 2020, section 120B.35, subdivision 3, is amended to read:

99.25 Subd. 3. **State growth ~~target~~ measures; other state measures.** (a)(1) The state's  
99.26 educational assessment system measuring individual students' educational growth is based  
99.27 on indicators of current achievement ~~growth~~ that show growth from an individual student's  
99.28 prior achievement. Indicators of achievement and prior achievement must be based on highly  
99.29 reliable statewide or districtwide assessments. Indicators that take into account a student's  
99.30 prior achievement must not be used to disregard a school's low achievement or to exclude  
99.31 a school from a program to improve low-achievement levels.

100.1 (2) For purposes of paragraphs (b), (c), and (d), the commissioner must analyze and  
100.2 report, as soon as practicable, separate categories of information using the student categories  
100.3 identified under the federal Elementary and Secondary Education Act, as most recently  
100.4 reauthorized, and, in addition to "other" for each race and ethnicity, and the Karen  
100.5 community, seven of the most populous Asian ~~and Pacific Islander~~ groups, three of the most  
100.6 populous Native groups, seven of the most populous Hispanic/Latino groups, and five of  
100.7 the most populous Black and African Heritage groups ~~as determined by the total Minnesota~~  
100.8 ~~population based on the most recent American Community Survey~~; These groups must be  
100.9 determined by a ten-year cycle using the American Community Survey of the total Minnesota  
100.10 population. The determination must be based on the most recent five-year dataset starting  
100.11 with the 2021-2025 dataset. Additional categories must include English learners under  
100.12 section 124D.59; home language; free or reduced-price ~~lunch~~ meals; and all students enrolled  
100.13 in a Minnesota public school who are currently or were previously in foster care, except  
100.14 that such disaggregation and cross tabulation is not required if the number of students in a  
100.15 category is insufficient to yield statistically reliable information or the results would reveal  
100.16 personally identifiable information about an individual student.

100.17 (b) The commissioner, in consultation with a stakeholder group that includes assessment  
100.18 and evaluation directors, district staff, experts in culturally responsive teaching, and  
100.19 researchers, must implement ~~a~~ an appropriate growth model that compares the difference  
100.20 in students' achievement scores over time, and includes criteria for identifying schools and  
100.21 school districts that demonstrate academic progress or progress toward English language  
100.22 proficiency. The model may be used to advance educators' professional development and  
100.23 replicate programs that succeed in meeting students' diverse learning needs. Data on  
100.24 individual teachers generated under the model are personnel data under section 13.43. The  
100.25 model must allow users to:

100.26 (1) report student growth consistent with this paragraph; and

100.27 (2) for all student categories, report and compare aggregated and disaggregated state  
100.28 student growth and, under section 120B.11, subdivision 2, clause (2), student learning and  
100.29 outcome data using the student categories identified under the federal Elementary and  
100.30 Secondary Education Act, as most recently reauthorized, and other student categories under  
100.31 paragraph (a), clause (2).

100.32 The commissioner must report measures of student growth and, under section 120B.11,  
100.33 subdivision 2, clause (2), student learning and outcome data, consistent with this paragraph,  
100.34 including the English language development, academic progress, and oral academic  
100.35 development of English learners and their native language development if the native language

101.1 is used as a language of instruction, and include data on all pupils enrolled in a Minnesota  
101.2 public school course or program who are currently or were previously counted as an English  
101.3 learner under section 124D.59.

101.4 (c) When reporting student performance under section 120B.36, subdivision 1, the  
101.5 commissioner annually, beginning July 1, 2011, must report two core measures indicating  
101.6 the extent to which current high school graduates are being prepared for postsecondary  
101.7 academic and career opportunities:

101.8 (1) a preparation measure indicating the number and percentage of high school graduates  
101.9 in the most recent school year who completed course work important to preparing them for  
101.10 postsecondary academic and career opportunities, consistent with the core academic subjects  
101.11 required for admission to Minnesota's public colleges and universities as determined by the  
101.12 Office of Higher Education under chapter 136A; and

101.13 (2) a rigorous coursework measure indicating the number and percentage of high school  
101.14 graduates in the most recent school year who successfully completed one or more  
101.15 college-level advanced placement, international baccalaureate, postsecondary enrollment  
101.16 options including concurrent enrollment, other rigorous courses of study under section  
101.17 120B.021, subdivision 1a, or industry certification courses or programs.

101.18 When reporting the core measures under clauses (1) and (2), the commissioner must also  
101.19 analyze and report separate categories of information using the student categories identified  
101.20 under the federal Elementary and Secondary Education Act, as most recently reauthorized,  
101.21 and other student categories under paragraph (a), clause (2).

101.22 (d) When reporting student performance under section 120B.36, subdivision 1, the  
101.23 commissioner annually, beginning July 1, 2014, must report summary data on school safety  
101.24 and students' engagement and connection at school, consistent with the student categories  
101.25 identified under paragraph (a), clause (2). The summary data under this paragraph are  
101.26 separate from and must not be used for any purpose related to measuring or evaluating the  
101.27 performance of classroom teachers. The commissioner, in consultation with qualified experts  
101.28 on student engagement and connection and classroom teachers, must identify highly reliable  
101.29 variables that generate summary data under this paragraph. The summary data may be used  
101.30 at school, district, and state levels only. Any data on individuals received, collected, or  
101.31 created that are used to generate the summary data under this paragraph are nonpublic data  
101.32 under section 13.02, subdivision 9.

101.33 (e) For purposes of statewide educational accountability, the commissioner must identify  
101.34 and report measures that demonstrate the success of learning year program providers under

102.1 sections 123A.05 and 124D.68, among other such providers, in improving students'  
102.2 graduation outcomes. The commissioner, beginning July 1, 2015, must annually report  
102.3 summary data on:

102.4 (1) the four- and six-year graduation rates of students under this paragraph;

102.5 (2) the percent of students under this paragraph whose progress and performance levels  
102.6 are meeting career and college readiness benchmarks under section 120B.30, subdivision  
102.7 1; and

102.8 (3) the success that learning year program providers experience in:

102.9 (i) identifying at-risk and off-track student populations by grade;

102.10 (ii) providing successful prevention and intervention strategies for at-risk students;

102.11 (iii) providing successful recuperative and recovery or reenrollment strategies for off-track  
102.12 students; and

102.13 (iv) improving the graduation outcomes of at-risk and off-track students.

102.14 The commissioner may include in the annual report summary data on other education  
102.15 providers serving a majority of students eligible to participate in a learning year program.

102.16 (f) The commissioner, in consultation with recognized experts with knowledge and  
102.17 experience in assessing the language proficiency and academic performance of all English  
102.18 learners enrolled in a Minnesota public school course or program who are currently or were  
102.19 previously counted as an English learner under section 124D.59, must identify and report  
102.20 appropriate and effective measures to improve current categories of language difficulty and  
102.21 assessments, and monitor and report data on students' English proficiency levels, program  
102.22 placement, and academic language development, including oral academic language.

102.23 (g) When reporting four- and six-year graduation rates, the commissioner or school  
102.24 district must disaggregate the data by student categories according to paragraph (a), clause  
102.25 (2).

102.26 (h) A school district must inform parents and guardians that volunteering information  
102.27 on student categories not required by the most recent reauthorization of the Elementary and  
102.28 Secondary Education Act is optional and will not violate the privacy of students or their  
102.29 families, parents, or guardians. The notice must state the purpose for collecting the student  
102.30 data.

103.1 **EFFECTIVE DATE.** This section is effective the day following final enactment. The  
 103.2 next update to the data used to determine the most populous groups must be implemented  
 103.3 in 2026 using the 2021-2025 dataset.

103.4 Sec. 5. Minnesota Statutes 2020, section 120B.36, subdivision 2, is amended to read:

103.5 Subd. 2. **Student progress and other data.** (a) All data the department receives, collects,  
 103.6 or creates under section 120B.11, governing the world's best workforce, or uses to determine  
 103.7 federal expectations under the most recently reauthorized Elementary and Secondary  
 103.8 Education Act, ~~set state growth targets,~~ and determine student growth, learning, and outcomes  
 103.9 under section 120B.35 are nonpublic data under section 13.02, subdivision 9, until the  
 103.10 commissioner publicly releases the data.

103.11 (b) Districts must provide parents sufficiently detailed summary data to permit parents  
 103.12 to appeal under the most recently reauthorized federal Elementary and Secondary Education  
 103.13 Act. The commissioner shall annually post federal expectations and state student growth,  
 103.14 learning, and outcome data to the department's public website no later than September 1,  
 103.15 except that in years when data or federal expectations reflect new performance standards,  
 103.16 the commissioner shall post data on federal expectations and state student growth data no  
 103.17 later than October 1.

103.18 Sec. 6. Minnesota Statutes 2020, section 123A.09, is amended to read:

103.19 **123A.09 DESIGNATING AND APPROVING A CENTER.**

103.20 The commissioner shall establish a process for state designation and approval of area  
 103.21 learning centers that meet the provisions of sections 123A.05 to 123A.08. Any process for  
 103.22 designating and approving an area learning center must emphasize the importance of having  
 103.23 the area learning center serve students who have dropped out of school, are homeless, are  
 103.24 eligible to receive free or ~~reduced-price lunch~~ reduced-price meals, have been suspended  
 103.25 or expelled, have been declared truant or are pregnant or parents.

103.26 Sec. 7. Minnesota Statutes 2020, section 124D.15, subdivision 15, is amended to read:

103.27 Subd. 15. **Eligibility.** A child is eligible to participate in a school readiness program if  
 103.28 the child:

103.29 (1) is at least three years old on September 1;

103.30 (2) has completed health and developmental screening within 90 days of program  
 103.31 enrollment under sections 121A.16 to 121A.19; and

104.1 (3) has one or more of the following risk factors:

104.2 (i) qualifies for free or reduced-price ~~lunch~~ meals;

104.3 (ii) is an English learner;

104.4 (iii) is homeless;

104.5 (iv) has an individualized education program (IEP) or standardized written plan;

104.6 (v) is identified, through health and developmental screenings under sections 121A.16

104.7 to 121A.19, with a potential risk factor that may influence learning; or

104.8 (vi) is defined as at risk by the school district.

104.9 Sec. 8. Minnesota Statutes 2020, section 124D.151, subdivision 5, is amended to read:

104.10 Subd. 5. **Application process; priority for high poverty schools.** (a) To qualify for  
104.11 program approval for fiscal year 2017, a district or charter school must submit an application  
104.12 to the commissioner by July 1, 2016. To qualify for program approval for fiscal year 2018  
104.13 and later, a district or charter school must submit an application to the commissioner by  
104.14 January 30 of the fiscal year prior to the fiscal year in which the program will be  
104.15 implemented. The application must include:

104.16 (1) a description of the proposed program, including the number of hours per week the  
104.17 program will be offered at each school site or mixed-delivery location;

104.18 (2) an estimate of the number of eligible children to be served in the program at each  
104.19 school site or mixed-delivery location; and

104.20 (3) a statement of assurances signed by the superintendent or charter school director that  
104.21 the proposed program meets the requirements of subdivision 2.

104.22 (b) The commissioner must review all applications submitted for fiscal year 2017 by  
104.23 August 1, 2016, and must review all applications submitted for fiscal year 2018 and later  
104.24 by March 1 of the fiscal year in which the applications are received and determine whether  
104.25 each application meets the requirements of paragraph (a).

104.26 (c) The commissioner must divide all applications for new or expanded voluntary  
104.27 prekindergarten programs under this section meeting the requirements of paragraph (a) and  
104.28 school readiness plus programs into four groups as follows: the Minneapolis and St. Paul  
104.29 school districts; other school districts located in the metropolitan equity region as defined  
104.30 in section 126C.10, subdivision 28; school districts located in the rural equity region as



105.1 defined in section 126C.10, subdivision 28; and charter schools. Within each group, the  
105.2 applications must be ordered by rank using a sliding scale based on the following criteria:

105.3 (1) concentration of kindergarten students eligible for free or reduced-price ~~lunches~~  
105.4 meals by school site on October 1 of the previous school year. A school site may contract  
105.5 to partner with a community-based provider or Head Start under subdivision 3 or establish  
105.6 an early childhood center and use the concentration of kindergarten students eligible for  
105.7 free or reduced-price meals from a specific school site as long as those eligible children are  
105.8 prioritized and guaranteed services at the mixed-delivery site or early education center. For  
105.9 school district programs to be operated at locations that do not have free and reduced-price  
105.10 ~~lunch~~ meal concentration data for kindergarten programs for October 1 of the previous  
105.11 school year, including mixed-delivery programs, the school district average concentration  
105.12 of kindergarten students eligible for free or reduced-price ~~lunches~~ meals must be used for  
105.13 the rank ordering;

105.14 (2) presence or absence of a three- or four-star Parent Aware rated program within the  
105.15 school district or close proximity of the district. School sites with the highest concentration  
105.16 of kindergarten students eligible for free or reduced-price ~~lunches~~ meals that do not have a  
105.17 three- or four-star Parent Aware program within the district or close proximity of the district  
105.18 shall receive the highest priority, and school sites with the lowest concentration of  
105.19 kindergarten students eligible for free or reduced-price ~~lunches~~ meals that have a three- or  
105.20 four-star Parent Aware rated program within the district or close proximity of the district  
105.21 shall receive the lowest priority; and

105.22 (3) whether the district has implemented a mixed delivery system.

105.23 (d) The limit on participation for the programs as specified in subdivision 6 must initially  
105.24 be allocated among the four groups based on each group's percentage share of the statewide  
105.25 kindergarten enrollment on October 1 of the previous school year. Within each group, the  
105.26 participation limit for fiscal years 2018 and 2019 must first be allocated to school sites  
105.27 approved for aid in the previous year to ensure that those sites are funded for the same  
105.28 number of participants as approved for the previous year. The remainder of the participation  
105.29 limit for each group must be allocated among school sites in priority order until that region's  
105.30 share of the participation limit is reached. If the participation limit is not reached for all  
105.31 groups, the remaining amount must be allocated to the highest priority school sites, as  
105.32 designated under this section, not funded in the initial allocation on a statewide basis. For  
105.33 fiscal year 2020 and later, the participation limit must first be allocated to school sites  
105.34 approved for aid in fiscal year 2017, and then to school sites approved for aid in fiscal year  
105.35 2018 based on the statewide rankings under paragraph (c).

106.1 (e) Once a school site or a mixed delivery site under subdivision 3 is approved for aid  
106.2 under this subdivision, it shall remain eligible for aid if it continues to meet program  
106.3 requirements, regardless of changes in the concentration of students eligible for free or  
106.4 reduced-price ~~lunches~~ meals.

106.5 (f) If the total number of participants approved based on applications submitted under  
106.6 paragraph (a) is less than the participation limit under subdivision 6, the commissioner must  
106.7 notify all school districts and charter schools of the amount that remains available within  
106.8 30 days of the initial application deadline under paragraph (a), and complete a second round  
106.9 of allocations based on applications received within 60 days of the initial application deadline.

106.10 (g) Procedures for approving applications submitted under paragraph (f) shall be the  
106.11 same as specified in paragraphs (a) to (d), except that the allocations shall be made to the  
106.12 highest priority school sites not funded in the initial allocation on a statewide basis.

106.13 Sec. 9. Minnesota Statutes 2020, section 124D.16, subdivision 2, is amended to read:

106.14 Subd. 2. **Amount of aid.** (a) A district is eligible to receive school readiness aid for  
106.15 eligible prekindergarten pupils enrolled in a school readiness program under section 124D.15  
106.16 if the biennial plan required by section 124D.15, subdivision 3a, has been approved by the  
106.17 commissioner.

106.18 (b) A district must receive school readiness aid equal to:

106.19 (1) the number of four-year-old children in the district on October 1 for the previous  
106.20 school year times the ratio of 50 percent of the total school readiness aid for that year to the  
106.21 total number of four-year-old children reported to the commissioner for the previous school  
106.22 year; plus

106.23 (2) the number of pupils enrolled in the school district from families eligible for the free  
106.24 or ~~reduced~~ reduced-price school ~~lunch~~ meal program for the previous school year times the  
106.25 ratio of 50 percent of the total school readiness aid for that year to the total number of pupils  
106.26 in the state from families eligible for the free or ~~reduced~~ reduced-price school ~~lunch~~ meal  
106.27 program for the previous school year.

106.28 (c) The total school readiness aid entitlement equals \$23,558,000 for fiscal year 2016  
106.29 and \$33,683,000 for fiscal year 2017 and later.

107.1 Sec. 10. Minnesota Statutes 2020, section 124D.231, subdivision 2, is amended to read:

107.2 Subd. 2. **Full-service community school program.** (a) The commissioner shall provide  
107.3 funding to eligible school sites to plan, implement, and improve full-service community  
107.4 schools. Eligible school sites must meet one of the following criteria:

107.5 (1) the school is on a development plan for continuous improvement under section  
107.6 120B.35, subdivision 2; or

107.7 (2) the school is in a district that has an achievement and integration plan approved by  
107.8 the commissioner of education under sections 124D.861 and 124D.862.

107.9 (b) An eligible school site may receive up to \$150,000 annually. School sites receiving  
107.10 funding under this section shall hire or contract with a partner agency to hire a site coordinator  
107.11 to coordinate services at each covered school site.

107.12 (c) Of grants awarded, implementation funding of up to \$20,000 must be available for  
107.13 up to one year for planning for school sites. At the end of this period, the school must submit  
107.14 a full-service community school plan, pursuant to paragraph (g). If the site decides not to  
107.15 use planning funds, the plan must be submitted with the application.

107.16 (d) The commissioner shall consider additional school factors when dispensing funds  
107.17 including: schools with significant populations of students receiving free or reduced-price  
107.18 ~~lunches~~ meals; significant homeless and highly mobile rates; and equity among urban,  
107.19 suburban, and greater Minnesota schools.

107.20 (e) A school site must establish a school leadership team responsible for developing  
107.21 school-specific programming goals, assessing program needs, and overseeing the process  
107.22 of implementing expanded programming at each covered site. The school leadership team  
107.23 shall have between 12 to 15 members and shall meet the following requirements:

107.24 (1) at least 30 percent of the members are parents and 30 percent of the members are  
107.25 teachers at the school site and must include the school principal and representatives from  
107.26 partner agencies; and

107.27 (2) the school leadership team must be responsible for overseeing the baseline analyses  
107.28 under paragraph (f). A school leadership team must have ongoing responsibility for  
107.29 monitoring the development and implementation of full-service community school operations  
107.30 and programming at the school site and shall issue recommendations to schools on a regular  
107.31 basis and summarized in an annual report. These reports shall also be made available to the  
107.32 public at the school site and on school and district websites.

- 108.1 (f) School sites must complete a baseline analysis prior to beginning programming as a  
108.2 full-service community school. The analysis shall include:
- 108.3 (1) a baseline analysis of needs at the school site, led by the school leadership team,  
108.4 which shall include the following elements:
- 108.5 (i) identification of challenges facing the school;
- 108.6 (ii) analysis of the student body, including:
- 108.7 (A) number and percentage of students with disabilities and needs of these students;
- 108.8 (B) number and percentage of students who are English learners and the needs of these  
108.9 students;
- 108.10 (C) number of students who are homeless or highly mobile; and
- 108.11 (D) number and percentage of students receiving free or reduced-price ~~lunch~~ meals and  
108.12 the needs of these students;
- 108.13 (iii) analysis of enrollment and retention rates for students with disabilities, English  
108.14 learners, homeless and highly mobile students, and students receiving free or reduced-price  
108.15 ~~lunch~~ meals;
- 108.16 (iv) analysis of suspension and expulsion data, including the justification for such  
108.17 disciplinary actions and the degree to which particular populations, including, but not limited  
108.18 to, students of color, students with disabilities, students who are English learners, and  
108.19 students receiving free or reduced-price ~~lunch~~ meals are represented among students subject  
108.20 to such actions;
- 108.21 (v) analysis of school achievement data disaggregated by major demographic categories,  
108.22 including, but not limited to, race, ethnicity, English learner status, disability status, and  
108.23 free or reduced-price ~~lunch~~ meals status;
- 108.24 (vi) analysis of current parent engagement strategies and their success; and
- 108.25 (vii) evaluation of the need for and availability of wraparound services, including, but  
108.26 not limited to:
- 108.27 (A) mechanisms for meeting students' social, emotional, and physical health needs,  
108.28 which may include coordination of existing services as well as the development of new  
108.29 services based on student needs; and

109.1 (B) strategies to create a safe and secure school environment and improve school climate  
109.2 and discipline, such as implementing a system of positive behavioral supports, and taking  
109.3 additional steps to eliminate bullying;

109.4 (2) a baseline analysis of community assets and a strategic plan for utilizing and aligning  
109.5 identified assets. This analysis should include, but is not limited to, a documentation of  
109.6 individuals in the community, faith-based organizations, community and neighborhood  
109.7 associations, colleges, hospitals, libraries, businesses, and social service agencies who may  
109.8 be able to provide support and resources; and

109.9 (3) a baseline analysis of needs in the community surrounding the school, led by the  
109.10 school leadership team, including, but not limited to:

109.11 (i) the need for high-quality, full-day child care and early childhood education programs;

109.12 (ii) the need for physical and mental health care services for children and adults; and

109.13 (iii) the need for job training and other adult education programming.

109.14 (g) Each school site receiving funding under this section must establish at least two of  
109.15 the following types of programming:

109.16 (1) early childhood:

109.17 (i) early childhood education; and

109.18 (ii) child care services;

109.19 (2) academic:

109.20 (i) academic support and enrichment activities, including expanded learning time;

109.21 (ii) summer or after-school enrichment and learning experiences;

109.22 (iii) job training, internship opportunities, and career counseling services;

109.23 (iv) programs that provide assistance to students who have been truant, suspended, or  
109.24 expelled; and

109.25 (v) specialized instructional support services;

109.26 (3) parental involvement:

109.27 (i) programs that promote parental involvement and family literacy;

109.28 (ii) parent leadership development activities; and

109.29 (iii) parenting education activities;

- 110.1 (4) mental and physical health:
- 110.2 (i) mentoring and other youth development programs, including peer mentoring and
- 110.3 conflict mediation;
- 110.4 (ii) juvenile crime prevention and rehabilitation programs;
- 110.5 (iii) home visitation services by teachers and other professionals;
- 110.6 (iv) developmentally appropriate physical education;
- 110.7 (v) nutrition services;
- 110.8 (vi) primary health and dental care; and
- 110.9 (vii) mental health counseling services;
- 110.10 (5) community involvement:
- 110.11 (i) service and service-learning opportunities;
- 110.12 (ii) adult education, including instruction in English as a second language; and
- 110.13 (iii) homeless prevention services;
- 110.14 (6) positive discipline practices; and
- 110.15 (7) other programming designed to meet school and community needs identified in the
- 110.16 baseline analysis and reflected in the full-service community school plan.
- 110.17 (h) The school leadership team at each school site must develop a full-service community
- 110.18 school plan detailing the steps the school leadership team will take, including:
- 110.19 (1) timely establishment and consistent operation of the school leadership team;
- 110.20 (2) maintenance of attendance records in all programming components;
- 110.21 (3) maintenance of measurable data showing annual participation and the impact of
- 110.22 programming on the participating children and adults;
- 110.23 (4) documentation of meaningful and sustained collaboration between the school and
- 110.24 community stakeholders, including local governmental units, civic engagement organizations,
- 110.25 businesses, and social service providers;
- 110.26 (5) establishment and maintenance of partnerships with institutions, such as universities,
- 110.27 hospitals, museums, or not-for-profit community organizations to further the development
- 110.28 and implementation of community school programming;
- 110.29 (6) ensuring compliance with the district nondiscrimination policy; and

111.1 (7) plan for school leadership team development.

111.2 Sec. 11. Minnesota Statutes 2020, section 124D.74, subdivision 1, is amended to read:

111.3 Subdivision 1. **Program described.** American Indian education programs are programs  
111.4 in public elementary and secondary schools, nonsectarian nonpublic, community, Tribal,  
111.5 charter, or alternative schools enrolling American Indian children designed to:

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

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

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

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

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

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

111.13 Program services designed to increase completion and graduation rates of American Indian  
111.14 students must emphasize academic achievement, retention, and attendance; development  
111.15 of support services for staff, including in-service training and technical assistance in methods  
111.16 of teaching American Indian pupils; research projects, including innovative teaching  
111.17 approaches and evaluation of methods of relating to American Indian pupils; provision of  
111.18 career counseling to American Indian pupils; modification of curriculum, instructional  
111.19 methods, and administrative procedures to meet the needs of American Indian pupils; and  
111.20 ~~supplemental~~ instruction in American Indian language, literature, history, and culture.

111.21 Districts offering programs may make contracts for the provision of program services by  
111.22 establishing cooperative liaisons with Tribal programs and American Indian social service  
111.23 agencies. These programs may also be provided as components of early childhood and  
111.24 family education programs.

111.25 Sec. 12. Minnesota Statutes 2020, section 124D.74, subdivision 3, is amended to read:

111.26 Subd. 3. **Enrollment of other children; shared time enrollment.** To the extent it is  
111.27 economically feasible, a district or participating school may make provision for the voluntary  
111.28 enrollment of non-American Indian children in the instructional components of an American  
111.29 Indian education program in order that they may acquire an understanding of the cultural  
111.30 heritage of the American Indian children for whom that particular program is designed.

111.31 However, in determining eligibility to participate in a program, priority must be given to

112.1 American Indian children. American Indian children ~~and other children~~ enrolled in an  
112.2 existing nonpublic school system may be enrolled on a shared time basis in American Indian  
112.3 education programs.

112.4 Sec. 13. Minnesota Statutes 2020, section 124D.74, subdivision 4, is amended to read:

112.5 Subd. 4. **Location of programs.** American Indian education programs must be located  
112.6 in facilities educational settings in which regular classes in a variety of subjects are offered  
112.7 on a daily basis, including district schools, charter schools, and Tribal contract schools that  
112.8 offer virtual learning environments. Programs may operate on an extended day or extended  
112.9 year basis.

112.10 Sec. 14. Minnesota Statutes 2020, section 124D.81, subdivision 2a, is amended to read:

112.11 Subd. 2a. **American Indian education aid.** (a) The American Indian education aid for  
112.12 an eligible district, charter school, or Tribal contract school equals the greater of (1) the  
112.13 sum of \$20,000 plus the product of \$358 times the difference between the number of  
112.14 American Indian students enrolled on October 1 of the previous school year and 20; or (2)  
112.15 if the district or school received a grant under this section for fiscal year 2015, the amount  
112.16 of the grant for fiscal year 2015.

112.17 (b) Notwithstanding paragraph (a), the American Indian education aid must not exceed  
112.18 the district, charter school, or Tribal contract school's actual expenditure according to the  
112.19 approved plan under subdivision 2.

112.20 Sec. 15. Minnesota Statutes 2020, section 124D.81, subdivision 5, is amended to read:

112.21 Subd. 5. **Records.** Participating schools and districts must keep records and afford access  
112.22 to them as the commissioner finds necessary to ensure that American Indian education  
112.23 programs are implemented in conformity with sections 124D.71 to 124D.82. Each school  
112.24 district or participating school must keep accurate, detailed, and separate revenue and  
112.25 expenditure accounts for ~~pilot~~ American Indian education programs funded under this  
112.26 section.

112.27 Sec. 16. Minnesota Statutes 2020, section 124D.81, is amended by adding a subdivision  
112.28 to read:

112.29 Subd. 8. **State-identified American Indian.** For the purposes of sections 124D.71 to  
112.30 124D.82, students who identify as American Indian or Alaska Native, as defined by the  
112.31 state of Minnesota on October 1 of the previous school year, will be used to determine the



113.1 state-identified American Indian student counts for districts, charter schools, and Tribal  
 113.2 contract schools for the subsequent school year.

113.3 Sec. 17. Minnesota Statutes 2020, section 124D.8957, subdivision 19, is amended to read:

113.4 Subd. 19. **Free or reduced-price ~~lunch~~ meal eligibility.** The parental right to opt a  
 113.5 child out of disclosing a child's eligibility for free or reduced-price ~~lunch~~ meals to the  
 113.6 Department of Education and the Department of Human Services is governed by section  
 113.7 124D.1115.

113.8 Sec. 18. Minnesota Statutes 2020, section 125A.76, subdivision 2a, is amended to read:

113.9 Subd. 2a. **Special education initial aid.** For fiscal year 2021 and later, a district's special  
 113.10 education initial aid equals the sum of:

113.11 (1) the least of 62 percent of the district's old formula special education expenditures  
 113.12 for the prior fiscal year, excluding pupil transportation expenditures, 50 percent of the  
 113.13 district's nonfederal special education expenditures for the prior year, excluding pupil  
 113.14 transportation expenditures, or 56 percent of the product of the sum of the following amounts,  
 113.15 computed using prior fiscal year data, and the program growth factor:

113.16 (i) the product of the district's average daily membership served and the sum of:

113.17 (A) \$460; plus

113.18 (B) \$405 times the ratio of the sum of the number of pupils enrolled on October 1 who  
 113.19 are eligible to receive free ~~lunch~~ meals plus one-half of the pupils enrolled on October 1  
 113.20 who are eligible to receive reduced-price ~~lunch~~ meals to the total October 1 enrollment;  
 113.21 plus

113.22 (C) .008 times the district's average daily membership served; plus

113.23 (ii) \$13,300 times the December 1 child count for the primary disability areas of autism  
 113.24 spectrum disorders, developmental delay, and severely multiply impaired; plus

113.25 (iii) \$19,200 times the December 1 child count for the primary disability areas of deaf  
 113.26 and hard-of-hearing and emotional or behavioral disorders; plus

113.27 (iv) \$25,200 times the December 1 child count for the primary disability areas of  
 113.28 developmentally cognitive mild-moderate, developmentally cognitive severe-profound,  
 113.29 physically impaired, visually impaired, and deafblind; plus

113.30 (2) the cost of providing transportation services for children with disabilities under  
 113.31 section 123B.92, subdivision 1, paragraph (b), clause (4).

114.1 Sec. 19. Minnesota Statutes 2021 Supplement, section 126C.05, subdivision 3, is amended  
114.2 to read:

114.3 Subd. 3. **Compensation revenue pupil units.** Compensation revenue pupil units must  
114.4 be computed according to this subdivision.

114.5 (a) The compensation revenue concentration percentage for each building in a district  
114.6 equals the product of 100 times the ratio of:

114.7 (1) the sum of the number of pupils enrolled in the building eligible to receive free ~~lunch~~  
114.8 meals plus one-half of the pupils eligible to receive ~~reduced-priced lunch~~ reduced-price  
114.9 meals on October 1 of the previous fiscal year; to

114.10 (2) the number of pupils enrolled in the building on October 1 of the previous fiscal  
114.11 year.

114.12 (b) The compensation revenue pupil weighting factor for a building equals the lesser of  
114.13 one or the quotient obtained by dividing the building's compensation revenue concentration  
114.14 percentage by 80.0.

114.15 (c) The compensation revenue pupil units for a building equals the product of:

114.16 (1) the sum of the number of pupils enrolled in the building eligible to receive free ~~lunch~~  
114.17 meals and one-half of the pupils eligible to receive ~~reduced-priced lunch~~ reduced-price  
114.18 meals on October 1 of the previous fiscal year; times

114.19 (2) the compensation revenue pupil weighting factor for the building; times

114.20 (3) .60.

114.21 (d) Notwithstanding paragraphs (a) to (c), for voluntary prekindergarten programs under  
114.22 section 124D.151, charter schools, and contracted alternative programs in the first year of  
114.23 operation, compensation revenue pupil units shall be computed using data for the current  
114.24 fiscal year. If the voluntary prekindergarten program, charter school, or contracted alternative  
114.25 program begins operation after October 1, compensatory revenue pupil units shall be  
114.26 computed based on pupils enrolled on an alternate date determined by the commissioner,  
114.27 and the compensation revenue pupil units shall be prorated based on the ratio of the number  
114.28 of days of student instruction to 170 days.

114.29 (e) Notwithstanding paragraphs (a) to (c), for voluntary prekindergarten seats discontinued  
114.30 in fiscal year 2024 due to the reduction in the participation limit under section 124D.151,  
114.31 subdivision 6, those discontinued seats must not be used to calculate compensation revenue  
114.32 pupil units for fiscal year 2024.

115.1 (f) The percentages in this subdivision must be based on the count of individual pupils  
115.2 and not on a building average or minimum.

115.3 Sec. 20. Minnesota Statutes 2020, section 126C.05, subdivision 16, is amended to read:

115.4 Subd. 16. **Free and reduced-price ~~lunches~~ meals.** The commissioner shall determine  
115.5 the number of children eligible to receive either a free or reduced-price ~~lunch~~ meals on  
115.6 October 1 each year. Children enrolled in a building on October 1 and determined to be  
115.7 eligible to receive free or reduced-price ~~lunch~~ meals by December 15 of that school year  
115.8 shall be counted as eligible on October 1 for purposes of subdivision 3. The commissioner  
115.9 may use federal definitions for these purposes and may adjust these definitions as appropriate.  
115.10 The commissioner may adopt reporting guidelines to assure accuracy of data counts and  
115.11 eligibility. Districts shall use any guidelines adopted by the commissioner.

115.12 Sec. 21. Minnesota Statutes 2020, section 136A.055, is amended to read:

115.13 **136A.055 DEVELOPMENTAL EDUCATION REPORTING.**

115.14 (a) The commissioner must report on the department's website the following summary  
115.15 data on students who graduated from a Minnesota high school and are attending a public  
115.16 postsecondary institution in Minnesota, limited to the most recent academic school year:

115.17 (1) the number of students placed in supplemental or developmental education;

115.18 (2) the number of students who complete supplemental or developmental education  
115.19 within one academic year;

115.20 (3) the number of students that complete gateway courses in one academic year; and

115.21 (4) time to complete a degree or certificate at a postsecondary institution.

115.22 (b) Summary data must be aggregated by school district, high school, and postsecondary  
115.23 institution. Summary data must be disaggregated by race, ethnicity, free or reduced-price  
115.24 ~~lunch~~ meal eligibility, and age.

115.25 (c) The commissioner must post the initial data on the department's website on or before  
115.26 February 15, 2018, and must update the data at least annually thereafter.

115.27 Sec. 22. Minnesota Statutes 2020, section 136A.861, subdivision 2, is amended to read:

115.28 Subd. 2. **Eligible students.** (a) Eligible students include students in grades six through  
115.29 12 who meet one or more of the following criteria:

116.1 (1) are counted under section 1124(c) of the Elementary and Secondary Education Act  
116.2 of 1965 (Title I);

116.3 (2) are eligible for free or reduced-price ~~lunch~~ meals under the National School Lunch  
116.4 Act;

116.5 (3) receive assistance under the Temporary Assistance for Needy Families Law (Title  
116.6 I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996); or

116.7 (4) are a member of a group traditionally underrepresented in higher education.

116.8 (b) Eligible undergraduate students include those who met the student eligibility criteria  
116.9 as 6th through 12th graders.

116.10 Sec. 23. Minnesota Statutes 2020, section 256.962, subdivision 3, is amended to read:

116.11 Subd. 3. **Application and assistance.** (a) The Minnesota health care programs application  
116.12 must be made available at provider offices, local human services agencies, school districts,  
116.13 public and private elementary schools in which 25 percent or more of the students receive  
116.14 free or ~~reduced-price lunches~~ reduced-price meals, community health offices, Women,  
116.15 Infants and Children (WIC) program sites, Head Start program sites, public housing councils,  
116.16 child care centers, early childhood education and preschool program sites, legal aid offices,  
116.17 and libraries. The commissioner shall ensure that applications are available in languages  
116.18 other than English.

116.19 (b) Local human service agencies, hospitals, and health care community clinics receiving  
116.20 state funds must provide direct assistance in completing the application form, including the  
116.21 free use of a copy machine and a drop box for applications. These locations must ensure  
116.22 that the drop box is checked at least weekly and any applications are submitted to the  
116.23 commissioner. The commissioner shall provide these entities with an identification number  
116.24 to stamp on each application to identify the entity that provided assistance. Other locations  
116.25 where applications are required to be available shall either provide direct assistance in  
116.26 completing the application form or provide information on where an applicant can receive  
116.27 application assistance.

116.28 (c) Counties must offer applications and application assistance when providing child  
116.29 support collection services.

116.30 (d) Local public health agencies and counties that provide immunization clinics must  
116.31 offer applications and application assistance during these clinics.

117.1 (e) The commissioner shall coordinate with the commissioner of health to ensure that  
 117.2 maternal and child health outreach efforts include information on Minnesota health care  
 117.3 programs and application assistance, when needed.

117.4 Sec. 24. Minnesota Statutes 2020, section 256L.05, subdivision 1, is amended to read:

117.5 Subdivision 1. **Application assistance and information availability.** (a) Applicants  
 117.6 may submit applications online, in person, by mail, or by phone in accordance with the  
 117.7 Affordable Care Act, and by any other means by which medical assistance applications may  
 117.8 be submitted. Applicants may submit applications through MNsure or through the  
 117.9 MinnesotaCare program. Applications and application assistance must be made available  
 117.10 at provider offices, local human services agencies, school districts, public and private  
 117.11 elementary schools in which 25 percent or more of the students receive free or ~~reduced-price~~  
 117.12 ~~lunches~~ reduced-price meals, community health offices, Women, Infants and Children  
 117.13 (WIC) program sites, Head Start program sites, public housing councils, crisis nurseries,  
 117.14 child care centers, early childhood education and preschool program sites, legal aid offices,  
 117.15 and libraries, and at any other locations at which medical assistance applications must be  
 117.16 made available. These sites may accept applications and forward the forms to the  
 117.17 commissioner or local county human services agencies that choose to participate as an  
 117.18 enrollment site. Otherwise, applicants may apply directly to the commissioner or to  
 117.19 participating local county human services agencies.

117.20 (b) Application assistance must be available for applicants choosing to file an online  
 117.21 application through MNsure.

117.22 Sec. 25. **EXPIRATION OF REPORT MANDATES.**

117.23 (a) If the submission of a report by the commissioner of education to the legislature is  
 117.24 mandated by statute and the enabling legislation does not include a date for the submission  
 117.25 of a final report, the mandate to submit the report shall expire in accordance with this section.

117.26 (b) If the mandate requires the submission of an annual report and the mandate was  
 117.27 enacted before January 1, 2022, the mandate shall expire on January 1, 2024. If the mandate  
 117.28 requires the submission of a biennial or less frequent report and the mandate was enacted  
 117.29 before January 1, 2022, the mandate shall expire on January 1, 2025.

117.30 (c) Any reporting mandate enacted on or after January 1, 2022, shall expire three years  
 117.31 after the date of enactment if the mandate requires the submission of an annual report and  
 117.32 shall expire five years after the date of enactment if the mandate requires the submission

118.1 of a biennial or less frequent report unless the enacting legislation provides for a different  
 118.2 expiration date.

118.3 (d) The commissioner shall submit a list to the chairs and ranking minority members of  
 118.4 the legislative committee with jurisdiction over education by February 15 of each year,  
 118.5 beginning February 15, 2022, of all reports set to expire during the following calendar year  
 118.6 in accordance with this section.

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

118.8 Sec. 26. **REVISOR INSTRUCTION.**

118.9 The revisor of statutes shall renumber each section of Minnesota Statutes listed in column  
 118.10 A with the number listed in column B. The revisor shall also make necessary cross-reference  
 118.11 changes consistent with the renumbering. The revisor shall also make any technical language  
 118.12 and other changes necessitated by the renumbering and cross-reference changes in this act.

<u>Column A</u>	<u>Column B</u>
<u>General Requirements Statewide Assessments</u>	
<u>120B.30, subdivision 1a, paragraph (h)</u>	<u>120B.30, subdivision 1</u>
<u>120B.30, subdivision 1, paragraph (q)</u>	<u>120B.30, subdivision 2</u>
<u>120B.30, subdivision 1a, paragraph (g)</u>	<u>120B.30, subdivision 3</u>
<u>120B.30, subdivision 1b</u>	<u>120B.30, subdivision 4</u>
<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.30, subdivision 5, paragraph (a)</u>
<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.30, subdivision 5, paragraph (b)</u>
<u>120B.30, subdivision 1a, paragraph (e)</u>	<u>120B.30, subdivision 6, paragraph (a)</u>
<u>120B.30, subdivision 2, paragraph (a)</u>	<u>120B.30, subdivision 6, paragraph (b)</u>
<u>120B.30, subdivision 2, paragraph (b),</u> <u>clauses (1) and (2)</u>	<u>120B.30, subdivision 6, paragraph (c)</u>
<u>120B.30, subdivision 2</u>	<u>120B.30, subdivision 6, paragraph (d)</u>
<u>120B.30, subdivision 4</u>	<u>120B.30, subdivision 7</u>
<u>120B.30, subdivision 5</u>	<u>120B.30, subdivision 8</u>
<u>120B.30, subdivision 6</u>	<u>120B.30, subdivision 9</u>
<u>120B.30, subdivision 1, paragraph (e)</u>	<u>120B.30, subdivision 10</u>
<u>General Requirements Test Design</u>	
<u>120B.30, subdivision 1a, paragraph (a),</u> <u>clauses (1) to (5)</u>	<u>120B.301, subdivision 1</u>
<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.301, subdivision 2</u>
<u>120B.30, subdivision 1, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (a)</u>
<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.301, subdivision 3, paragraph (b)</u>
<u>120B.30, subdivision 1a, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (c)</u>

119.1 120B.30, subdivision 1a, paragraph (c), 120B.301, subdivision 3, paragraph (d)  
 119.2 clauses (1) and (2)

119.3 Assessment Graduation Requirements

119.4 120B.30, subdivision 1, paragraph (c), 120B.304, subdivision 1  
 119.5 clauses (1) and (2)

119.6 120B.30, subdivision 1, paragraph (d) 120B.304, subdivision 2

119.7 120B.30, subdivision 1, paragraph (i) 120B.304, subdivision 3

119.8 Assessment Reporting Requirements

119.9 120B.30, subdivision 1a, paragraph (f), 120B.305, subdivision 1  
 119.10 clauses (1) to (3)

119.11 120B.30, subdivision 1a, paragraph (d), 120B.305, subdivision 2, paragraph (a)  
 119.12 clauses (1) to (4)

119.13 120B.30, subdivision 1, paragraph (m) 120B.305, subdivision 2, paragraph (b)

119.14 120B.30, subdivision 1, paragraph (n) 120B.305, subdivision 2, paragraph (c)

119.15 120B.30, subdivision 1, paragraph (o), 120B.305, subdivision 3, paragraph (a)  
 119.16 clauses (1) to (4)

119.17 120B.30, subdivision 3 120B.305, subdivision 3, paragraph (b)

119.18 District Assessment Requirements

119.19 120B.301, paragraphs (a) to (c) 120B.306, subdivision 1

119.20 120B.304, paragraphs (a) and (b) 120B.306, subdivision 2

119.21 College and Career Readiness

119.22 120B.30, subdivision 1, paragraph (p) 120B.307, subdivision 1

119.23 120B.30, subdivision 1, paragraph (d) 120B.307, subdivision 2

119.24 120B.30, subdivision 1, paragraph (f) 120B.307, subdivision 3

119.25 120B.30, subdivision 1, paragraph (g) 120B.307, subdivision 4, paragraph (a)

119.26 120B.30, subdivision 1, paragraph (h) 120B.307, subdivision 4, paragraph (b)

119.27 120B.30, subdivision 1, paragraph (j) 120B.307, subdivision 4, paragraph (c)

119.28 120B.30, subdivision 1, paragraph (k) 120B.307, subdivision 4, paragraph (d)

119.29 120B.30, subdivision 1, paragraph (l) 120B.307, subdivision 4, paragraph (e)

**120B.35 STUDENT ACADEMIC ACHIEVEMENT AND GROWTH.**

Subd. 5. **Improving graduation rates for students with emotional or behavioral disorders.** (a) A district must develop strategies in conjunction with parents of students with emotional or behavioral disorders and the county board responsible for implementing sections 245.487 to 245.4889 to keep students with emotional or behavioral disorders in school, when the district has a drop-out rate for students with an emotional or behavioral disorder in grades 9 through 12 exceeding 25 percent.

(b) A district must develop a plan in conjunction with parents of students with emotional or behavioral disorders and the local mental health authority to increase the graduation rates of students with emotional or behavioral disorders. A district with a drop-out rate for children with an emotional or behavioral disturbance in grades 9 through 12 that is in the top 25 percent of all districts shall submit a plan for review and oversight to the commissioner.