

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 978

(SENATE AUTHORS: TORRES RAY)

DATE	D-PG	OFFICIAL STATUS
03/04/2013	473	Introduction and first reading Referred to Education
03/20/2013		Comm report: To pass as amended and re-refer to Finance

A bill for an act

1.1 relating to education; modifying policies for early childhood through grade 12
1.2 education, including general education, education excellence, special programs,
1.3 libraries, and early childhood education; authorizing rulemaking; amending
1.4 Minnesota Statutes 2012, sections 15.059, subdivision 5b; 120A.41; 120B.02;
1.5 120B.021, subdivision 1; 120B.023; 120B.024; 120B.15; 120B.30, subdivision
1.6 1; 120B.31, subdivision 1; 123B.88, subdivision 22; 124D.10; 124D.122;
1.7 124D.79, subdivision 1, by adding a subdivision; 125A.27, subdivisions 8, 11,
1.8 14; 125A.28; 125A.29; 125A.30; 125A.32; 125A.33; 125A.35, subdivision 1;
1.9 125A.36; 125A.43; 126C.10, subdivision 14; 260A.02, subdivision 3; 260A.03;
1.10 260A.05, subdivision 1; 260A.07, subdivision 1; Laws 2011, First Special
1.11 Session chapter 11, article 7, section 2, subdivision 8, as amended; proposing
1.12 coding for new law in Minnesota Statutes, chapters 120B; 124D; repealing
1.13 Minnesota Statutes 2012, section 125A.35, subdivisions 4, 5; Minnesota Rules,
1.14 parts 3501.0505; 3501.0510; 3501.0515; 3501.0520; 3501.0525; 3501.0530;
1.15 3501.0535; 3501.0540; 3501.0545; 3501.0550.

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

ARTICLE 1

GENERAL EDUCATION

1.20 Section 1. Minnesota Statutes 2012, section 120A.41, is amended to read:

1.21 **120A.41 LENGTH OF SCHOOL YEAR; HOURS OF INSTRUCTION.**

1.22 A school board's annual school calendar must include at least 425 hours of
1.23 instruction for a kindergarten student without a disability, 935 hours of instruction for a
1.24 student in grades 1 through 6, and 1,020 hours of instruction for a student in grades 7
1.25 through 12, not including summer school. ~~Nothing in this section permits a school district~~
1.26 ~~to adopt~~ A school board's annual calendar must include at least 165 days of instruction
1.27 for a student in grades 1 through 11 unless a four-day week schedule unless
1.28 approved by the commissioner under section 124D.126.

2.1 Sec. 2. Minnesota Statutes 2012, section 123B.88, subdivision 22, is amended to read:

2.2 Subd. 22. **Postsecondary enrollment options pupils.** Districts may provide bus
2.3 transportation along school bus routes when space is available, for pupils attending
2.4 programs at a postsecondary institution under the postsecondary enrollment options
2.5 program. ~~The transportation is permitted only if it does not increase the district's~~
2.6 ~~expenditures for transportation.~~ Fees collected for this service under section 123B.36,
2.7 subdivision 1, paragraph (13), shall be subtracted from the authorized cost for nonregular
2.8 transportation for the purpose of section 123B.92.

2.9 Sec. 3. Minnesota Statutes 2012, section 126C.10, subdivision 14, is amended to read:

2.10 Subd. 14. **Uses of total operating capital revenue.** Total operating capital revenue
2.11 may be used only for the following purposes:

2.12 (1) to acquire land for school purposes;

2.13 (2) to acquire or construct buildings for school purposes;

2.14 (3) to rent or lease buildings, including the costs of building repair or improvement
2.15 that are part of a lease agreement;

2.16 (4) to improve and repair school sites and buildings, and equip or reequip school
2.17 buildings with permanent attached fixtures, including library media centers;

2.18 (5) for a surplus school building that is used substantially for a public nonschool
2.19 purpose;

2.20 (6) to eliminate barriers or increase access to school buildings by individuals with a
2.21 disability;

2.22 (7) to bring school buildings into compliance with the State Fire Code adopted
2.23 according to chapter 299F;

2.24 (8) to remove asbestos from school buildings, encapsulate asbestos, or make
2.25 asbestos-related repairs;

2.26 (9) to clean up and dispose of polychlorinated biphenyls found in school buildings;

2.27 (10) to clean up, remove, dispose of, and make repairs related to storing heating fuel
2.28 or transportation fuels such as alcohol, gasoline, fuel oil, and special fuel, as defined
2.29 in section 296A.01;

2.30 (11) for energy audits for school buildings and to modify buildings if the audit
2.31 indicates the cost of the modification can be recovered within ten years;

2.32 (12) to improve buildings that are leased according to section 123B.51, subdivision 4;

2.33 (13) to pay special assessments levied against school property but not to pay
2.34 assessments for service charges;

3.1 (14) to pay principal and interest on state loans for energy conservation according to
 3.2 section 216C.37 or loans made under the Douglas J. Johnson Economic Protection Trust
 3.3 Fund Act according to sections 298.292 to 298.298;

3.4 (15) to purchase or lease interactive telecommunications equipment;

3.5 (16) by board resolution, to transfer money into the debt redemption fund to: (i)
 3.6 pay the amounts needed to meet, when due, principal and interest payments on certain
 3.7 obligations issued according to chapter 475; or (ii) pay principal and interest on debt
 3.8 service loans or capital loans according to section 126C.70;

3.9 (17) to pay operating capital-related assessments of any entity formed under a
 3.10 cooperative agreement between two or more districts;

3.11 (18) to purchase or lease computers and related ~~materials~~ hardware, initial purchase
 3.12 of related software, but not annual licensing fees, copying machines, telecommunications
 3.13 equipment, and other noninstructional equipment;

3.14 (19) to purchase or lease assistive technology or equipment for instructional
 3.15 programs;

3.16 (20) to purchase textbooks as defined in section 123B.41, subdivision 2;

3.17 (21) to purchase new and replacement library media resources or technology;

3.18 (22) to lease or purchase vehicles;

3.19 (23) to purchase or lease telecommunications equipment, computers, and related
 3.20 equipment for integrated information management systems for:

3.21 (i) managing and reporting learner outcome information for all students under a
 3.22 results-oriented graduation rule;

3.23 (ii) managing student assessment, services, and achievement information required
 3.24 for students with individualized education programs; and

3.25 (iii) other classroom information management needs;

3.26 (24) to pay personnel costs directly related to the acquisition, operation, and
 3.27 maintenance of telecommunications systems, computers, related equipment, and network
 3.28 and applications software; and

3.29 (25) to pay the costs directly associated with closing a school facility, including
 3.30 moving and storage costs.

3.31 Sec. 4. Minnesota Statutes 2012, section 260A.02, subdivision 3, is amended to read:

3.32 Subd. 3. **Continuing truant.** "Continuing truant" means a child who is subject to the
 3.33 compulsory instruction requirements of section 120A.22 and is absent from instruction in a
 3.34 school, as defined in section 120A.05, without valid excuse within a single school year for:

3.35 (1) three days if the child is in elementary school; or

4.1 (2) three or more class periods on three days if the child is in middle school, junior
4.2 high school, or high school.

4.3 Nothing in this section shall prevent a school district or charter school from notifying
4.4 a truant child's parent or legal guardian of the child's truancy or otherwise addressing a
4.5 child's attendance problems prior to the child becoming a continuing truant.

4.6 Sec. 5. Minnesota Statutes 2012, section 260A.03, is amended to read:

4.7 **260A.03 NOTICE TO PARENT OR GUARDIAN WHEN CHILD IS A**
4.8 **CONTINUING TRUANT.**

4.9 Upon a child's initial classification as a continuing truant, the school attendance
4.10 officer or other designated school official shall notify the child's parent or legal guardian,
4.11 by first-class mail or other reasonable means, of the following:

4.12 (1) that the child is truant;

4.13 (2) that the parent or guardian should notify the school if there is a valid excuse
4.14 for the child's absences;

4.15 (3) that the parent or guardian is obligated to compel the attendance of the child
4.16 at school pursuant to section 120A.22 and parents or guardians who fail to meet this
4.17 obligation may be subject to prosecution under section 120A.34;

4.18 (4) that this notification serves as the notification required by section 120A.34;

4.19 (5) that alternative educational programs and services may be available in the child's
4.20 enrolling or resident district;

4.21 (6) that the parent or guardian has the right to meet with appropriate school personnel
4.22 to discuss solutions to the child's truancy;

4.23 (7) that if the child continues to be truant, the parent and child may be subject to
4.24 juvenile court proceedings under chapter 260C;

4.25 (8) that if the child is subject to juvenile court proceedings, the child may be subject
4.26 to suspension, restriction, or delay of the child's driving privilege pursuant to section
4.27 260C.201; and

4.28 (9) that it is recommended that the parent or guardian accompany the child to school
4.29 and attend classes with the child for one day.

4.30 Sec. 6. Minnesota Statutes 2012, section 260A.05, subdivision 1, is amended to read:

4.31 Subdivision 1. **Establishment.** A school district or charter school may establish
4.32 one or more school attendance review boards to exercise the powers and duties in this
4.33 section. The school district or charter school board shall appoint the members of the

5.1 school attendance review board and designate the schools within the board's jurisdiction.

5.2 Members of a school attendance review board may include:

5.3 (1) the superintendent of the school district or the superintendent's designee or
5.4 charter director or the director's designee;

5.5 (2) a principal and one or more other school officials from within the district or
5.6 charter school;

5.7 (3) parent representatives;

5.8 (4) representatives from community agencies that provide services for truant
5.9 students and their families;

5.10 (5) a juvenile probation officer;

5.11 (6) school counselors and attendance officers; and

5.12 (7) law enforcement officers.

5.13 Sec. 7. Minnesota Statutes 2012, section 260A.07, subdivision 1, is amended to read:

5.14 Subdivision 1. **Establishment; referrals.** A county attorney may establish a truancy
5.15 mediation program for the purpose of resolving truancy problems without court action. If
5.16 a student is in a school district or charter school that has established a school attendance
5.17 review board, the student may be referred to the county attorney under section 260A.06,
5.18 subdivision 3. If the student's school district or charter school has not established a board,
5.19 the student may be referred to the county attorney by the school district or charter school
5.20 if the student continues to be truant after the parent or guardian has been sent or conveyed
5.21 the notice under section 260A.03.

5.22 ARTICLE 2

5.23 EDUCATION EXCELLENCE

5.24 Section 1. **[120B.018] DEFINITIONS.**

5.25 Subdivision 1. **Scope.** The definitions in this section apply to this chapter.

5.26 Subd. 2. **Academic standard.** "Academic standard" means a summary description
5.27 of student learning in a required content area under section 120B.021 or elective content
5.28 area under section 120B.022.

5.29 Subd. 3. **Benchmark.** "Benchmark" means specific knowledge or skill that a
5.30 student must master to complete part of an academic standard by the end of the grade
5.31 level or grade band.

5.32 Subd. 4. **Credit.** "Credit" means the determination by the local school district
5.33 that a student has successfully completed an academic year of study or mastered the
5.34 applicable subject matter.

6.1 Subd. 5. **Elective standard.** "Elective standard" means a locally adopted
 6.2 expectation for student learning in career and technical education and world languages.

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

6.7 Subd. 7. **School site.** "School site" means a separate facility, or a separate program
 6.8 within a facility that a local school board recognizes as a school site for funding purposes.

6.9 Sec. 2. Minnesota Statutes 2012, section 120B.02, is amended to read:

6.10 **120B.02 EDUCATIONAL EXPECTATIONS AND GRADUATION**
 6.11 **REQUIREMENTS FOR MINNESOTA'S STUDENTS.**

6.12 Subdivision 1. **Educational expectations.** (a) The legislature is committed to
 6.13 establishing rigorous academic standards for Minnesota's public school students. To
 6.14 that end, the commissioner shall adopt in rule statewide academic standards. The
 6.15 commissioner shall not prescribe in rule or otherwise the delivery system, classroom
 6.16 assessments, or form of instruction that school sites must use. ~~For purposes of this chapter,~~
 6.17 ~~a school site is a separate facility, or a separate program within a facility that a local school~~
 6.18 ~~board recognizes as a school site for funding purposes.~~

6.19 (b) All commissioner actions regarding the rule must be premised on the following:

6.20 (1) the rule is intended to raise academic expectations for students, teachers, and
 6.21 schools;

6.22 (2) any state action regarding the rule must evidence consideration of school district
 6.23 autonomy; and

6.24 (3) the Department of Education, with the assistance of school districts, must make
 6.25 available information about all state initiatives related to the rule to students and parents,
 6.26 teachers, and the general public in a timely format that is appropriate, comprehensive, and
 6.27 readily understandable.

6.28 ~~(c) When fully implemented, the requirements for high school graduation in~~
 6.29 ~~Minnesota must require students to satisfactorily complete, as determined by the school~~
 6.30 ~~district, the course credit requirements under section 120B.024, all state academic~~
 6.31 ~~standards or local academic standards where state standards do not apply, and successfully~~
 6.32 ~~pass graduation examinations as required under section 120B.30.~~

6.33 ~~(d)~~ (c) The commissioner shall periodically review and report on the state's
 6.34 assessment process.

7.1 (e) (d) School districts are not required to adopt specific provisions of the federal
7.2 School-to-Work programs.

7.3 Subd. 2. Graduation requirements. The state minimum requirements for high
7.4 school graduation are satisfactorily completing the credit and academic standards
7.5 requirements under section 120B.024, as determined by the school district, and
7.6 successfully passing the graduation examinations under section 120B.30. A school district
7.7 must adopt graduation requirements that meet or exceed state graduation requirements
7.8 established in law or rule.

7.9 EFFECTIVE DATE. This section is effective August 1, 2013, and applies to
7.10 students entering 9th grade in the 2013-2014 school year and later.

7.11 Sec. 3. Minnesota Statutes 2012, section 120B.021, subdivision 1, is amended to read:

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

7.14 (1) language arts;

7.15 (2) mathematics;

7.16 (3) science;

7.17 (4) social studies, ~~including history, geography, economics, and government and~~
7.18 ~~citizenship;~~

7.19 (5) physical education;

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

7.21 (7) the arts, for which statewide or locally developed academic standards apply, as
7.22 determined by the school district. Public elementary and middle schools must offer at least
7.23 three and require at least two of the following four arts areas: dance; music; theater; and
7.24 visual arts. Public high schools must offer at least three and require at least one of the
7.25 following five arts areas: media arts; dance; music; theater; and visual arts.

7.26 ~~The commissioner must submit proposed standards in science and social studies to~~
7.27 ~~the legislature by February 1, 2004.~~

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

7.34 ~~A school district, no later than the 2007-2008 school year, must adopt graduation~~
7.35 ~~requirements that meet or exceed state graduation requirements established in law or rule.~~

8.1 ~~A school district that incorporates these state graduation requirements before the 2007-2008~~
 8.2 ~~school year must provide students who enter the 9th grade in or before the 2003-2004~~
 8.3 ~~school year the opportunity to earn a diploma based on existing locally established~~
 8.4 ~~graduation requirements in effect when the students entered the 9th grade. (c) District~~
 8.5 ~~efforts to develop, implement, or improve instruction or curriculum as a result of the~~
 8.6 ~~provisions of this section must be consistent with sections 120B.10, 120B.11, and 120B.20.~~

8.7 ~~The commissioner must include the contributions of Minnesota American Indian~~
 8.8 ~~tribes and communities as they relate to the academic standards during the review and~~
 8.9 ~~revision of the required academic standards.~~

8.10 Sec. 4. Minnesota Statutes 2012, section 120B.023, is amended to read:

8.11 **120B.023 BENCHMARKS.**

8.12 Subdivision 1. **Benchmarks implement, supplement statewide academic**
 8.13 **standards.** (a) The commissioner must supplement required state academic standards with
 8.14 grade-level benchmarks. High school benchmarks may cover more than one grade. The
 8.15 ~~benchmarks must implement statewide academic standards by specifying the academic~~
 8.16 ~~knowledge and skills that Schools must offer and students must achieve all benchmarks for~~
 8.17 ~~an academic standard to satisfactorily complete a that state standard. The commissioner~~
 8.18 ~~must publish benchmarks to inform and guide parents, teachers, school districts, and other~~
 8.19 ~~interested persons and to use in developing tests consistent with the benchmarks.~~

8.20 (b) The commissioner shall publish benchmarks in the State Register to inform and
 8.21 guide parents, teachers, school districts, and other interested persons and transmit the
 8.22 benchmarks in any other manner that makes them accessible to the general public. The
 8.23 commissioner must use benchmarks in developing tests under section 120B.30. The
 8.24 commissioner may charge a reasonable fee for publications.

8.25 (c) Once established, the commissioner may change the benchmarks only with
 8.26 specific legislative authorization and after completing a review under subdivision 2.

8.27 ~~(d) The commissioner must develop and implement a system for reviewing each~~
 8.28 ~~of the required academic standards and related benchmarks and elective standards on a~~
 8.29 ~~periodic cycle, consistent with subdivision 2.~~

8.30 ~~(e)~~ (d) The benchmarks are not subject to chapter 14 and section 14.386 does not
 8.31 apply.

8.32 Subd. 2. **Revisions and reviews required.** (a) The commissioner of education must
 8.33 revise and appropriately embed technology and information literacy standards consistent
 8.34 with recommendations from school media specialists into the state's academic standards
 8.35 and graduation requirements and implement a review cycle for state academic standards

9.1 and related benchmarks, consistent with this subdivision. During each review cycle, the
9.2 commissioner also must examine the alignment of each required academic standard and
9.3 related benchmark with the knowledge and skills students need for college readiness
9.4 and advanced work in the particular subject area. The commissioner must include the
9.5 contributions of Minnesota American Indian tribes and communities as they relate to the
9.6 academic standards during the review and revision of the required academic standards.

9.7 ~~(b) The commissioner in the 2006-2007 school year must revise and align the state's~~
9.8 ~~academic standards and high school graduation requirements in mathematics to require~~
9.9 ~~that students satisfactorily complete the revised mathematics standards, beginning in the~~
9.10 ~~2010-2011 school year. Under the revised standards:~~

9.11 ~~(1) students must satisfactorily complete an algebra I credit by the end of eighth~~
9.12 ~~grade; and~~

9.13 ~~(2) students scheduled to graduate in the 2014-2015 school year or later must~~
9.14 ~~satisfactorily complete an algebra II credit or its equivalent.~~

9.15 (b) The commissioner also must ensure that the statewide mathematics assessments
9.16 administered to students in grades 3 through 8 and 11 are aligned with the state academic
9.17 standards in mathematics, consistent with section 120B.30, subdivision 1, paragraph

9.18 (b). The commissioner must implement a review of the academic standards and related
9.19 benchmarks in mathematics beginning in the 2015-2016 school year.

9.20 ~~(c) The commissioner in the 2007-2008 school year must revise and align the state's~~
9.21 ~~academic standards and high school graduation requirements in the arts to require that~~
9.22 ~~students satisfactorily complete the revised arts standards beginning in the 2010-2011~~
9.23 ~~school year. The commissioner must implement a review of the academic standards and~~
9.24 ~~related benchmarks in arts beginning in the 2016-2017 school year.~~

9.25 ~~(d) The commissioner in the 2008-2009 school year must revise and align the state's~~
9.26 ~~academic standards and high school graduation requirements in science to require that~~
9.27 ~~students satisfactorily complete the revised science standards, beginning in the 2011-2012~~
9.28 ~~school year. Under the revised standards, students scheduled to graduate in the 2014-2015~~
9.29 ~~school year or later must satisfactorily complete a chemistry or physics credit or a career~~
9.30 ~~and technical education credit that meets standards underlying the chemistry, physics,~~
9.31 ~~or biology credit or a combination of those standards approved by the district. The~~
9.32 ~~commissioner must implement a review of the academic standards and related benchmarks~~
9.33 ~~in science beginning in the 2017-2018 school year.~~

9.34 ~~(e) The commissioner in the 2009-2010 school year must revise and align the state's~~
9.35 ~~academic standards and high school graduation requirements in language arts to require~~
9.36 ~~that students satisfactorily complete the revised language arts standards beginning in the~~

10.1 ~~2012-2013 school year.~~ The commissioner must implement a review of the academic
 10.2 standards and related benchmarks in language arts beginning in the 2018-2019 school year.

10.3 (f) The commissioner in the 2010-2011 school year must revise and align the state's
 10.4 academic standards and high school graduation requirements in social studies to require
 10.5 that students satisfactorily complete the revised social studies standards beginning in the
 10.6 2013-2014 school year. The commissioner must implement a review of the academic
 10.7 standards and related benchmarks in social studies beginning in the 2019-2020 school year.

10.8 (g) School districts and charter schools must revise and align local academic
 10.9 standards and high school graduation requirements in health, world languages, and career
 10.10 and technical education to require students to complete the revised standards beginning
 10.11 in a school year determined by the school district or charter school. School districts and
 10.12 charter schools must formally establish a periodic review cycle for the academic standards
 10.13 and related benchmarks in health, world languages, and career and technical education.

10.14 Sec. 5. Minnesota Statutes 2012, section 120B.024, is amended to read:

10.15 **120B.024 GRADUATION REQUIREMENTS; COURSE CREDITS.**

10.16 Subdivision 1. Graduation requirements. (a) Students beginning 9th grade in the
 10.17 2011-2012 school year and later must successfully complete the following high school
 10.18 level course credits for graduation:

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

10.21 (2) three credits of mathematics, ~~encompassing at least algebra, geometry, statistics,~~
 10.22 ~~and probability~~ including an algebra II credit or its equivalent, sufficient to satisfy all of
 10.23 the academic standard standards in mathematics;

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

10.26 (3) (4) three credits of science, including at least: ~~(i) one credit in~~ of biology; ~~and~~
 10.27 ~~(ii) one chemistry or physics credit or a career and technical education credit that meets~~
 10.28 ~~standards underlying the chemistry, physics, or biology credit or a combination of those~~
 10.29 ~~standards approved by the district, but meeting biology standards under this item does not~~
 10.30 ~~meet the biology requirement under item (i),~~ one credit of chemistry or physics, and one
 10.31 elective credit of science. The combination of credits under this clause must be sufficient
 10.32 to satisfy (i) all of the academic standards in either chemistry or physics and (ii) all other
 10.33 academic standards in science;

10.34 (4) (5) three and one-half credits of social studies, ~~encompassing at least United~~
 10.35 ~~States history, geography, government and citizenship, world history, and economics or~~

11.1 ~~three credits of social studies encompassing at least United States history, geography,~~
 11.2 ~~government and citizenship, and world history, and one-half credit of economics taught in~~
 11.3 ~~a school's social studies, agriculture education, or business department~~ sufficient to satisfy
 11.4 all of the academic standards in social studies;

11.5 ~~(5)~~ (6) one credit in of the arts sufficient to satisfy all of the state or local academic
 11.6 standards in the arts; and

11.7 ~~(6)~~ (7) a minimum of seven elective course credits.

11.8 ~~A course credit is equivalent to a student successfully completing an academic~~
 11.9 ~~year of study or a student mastering the applicable subject matter, as determined by the~~
 11.10 ~~local school district.~~

11.11 Subd. 2. Credit equivalencies. (a) A one-half credit of economics taught in a
 11.12 school's agriculture education or business department may fulfill a one-half credit in
 11.13 social studies under subdivision 1, clause (5), if the credit is sufficient to satisfy all of the
 11.14 academic standards in economics.

11.15 (b) An agriculture science course or career and technical education credit may fulfill a
 11.16 the elective science credit requirement other than the specified science credit in biology
 11.17 under paragraph (a), clause (3); subdivision 1, clause (4), if the course meets academic
 11.18 standards in science as approved by the district. An agriculture science or career and
 11.19 technical education credit may fulfill the credit in chemistry or physics required under
 11.20 subdivision 1, clause (4), if (1) the credit meets a combination of the chemistry, physics,
 11.21 and biology academic standards as approved by the district and (2) the student satisfies
 11.22 either all of the chemistry academic standards or all of the physics academic standards
 11.23 prior to graduation. An agriculture science or career and technical education credit may
 11.24 not fulfill the biology credit required under subdivision 1, clause (4).

11.25 (c) A career and technical education course credit may fulfill a mathematics or arts
 11.26 credit requirement or a science credit requirement other than the specified science credit in
 11.27 biology under paragraph (a) subdivision 1, clause (2), (3), or (5) (6).

11.28 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to
 11.29 students entering 9th grade in the 2013-2014 school year and later.

11.30 Sec. 6. Minnesota Statutes 2012, section 120B.15, is amended to read:

11.31 **120B.15 GIFTED AND TALENTED STUDENTS PROGRAMS.**

11.32 (a) School districts may identify students, locally develop programs addressing
 11.33 instructional and affective needs, provide staff development, and evaluate programs to
 11.34 provide gifted and talented students with challenging and appropriate educational programs.

12.1 (b) School districts ~~may~~ must adopt guidelines for assessing and identifying students
12.2 for participation in gifted and talented programs. The guidelines should include the use of:

12.3 (1) multiple and objective criteria; and

12.4 (2) assessments and procedures that are valid and reliable, fair, and based on current
12.5 theory and research. Assessments and procedures should be sensitive to underrepresented
12.6 groups, including, but not limited to, low-income, minority, twice-exceptional, and
12.7 English learners.

12.8 (c) School districts must adopt procedures for the academic acceleration of gifted
12.9 and talented students. These procedures must include how the district will:

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

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

12.13 (d) School districts must adopt procedures for early admission to kindergarten
12.14 or first grade of gifted and talented learners. The procedures must be sensitive to
12.15 underrepresented groups and must address how the district or charter school will:

12.16 (1) assess a child's readiness and motivation for accelerations;

12.17 (2) assess a child's cognitive abilities, achievement, and performance; and

12.18 (3) monitor the child's adjustment postacceleration.

12.19 The school district shall admit a gifted and talented child to kindergarten or first
12.20 grade who fails to meet the age requirement under section 120A.20, subdivision 1,
12.21 paragraph (b), provided the child completes the procedures and meets the criteria for early
12.22 entrance adopted by the school board under this subdivision.

12.23 Sec. 7. Minnesota Statutes 2012, section 120B.30, subdivision 1, is amended to read:

12.24 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts
12.25 with appropriate technical qualifications and experience and stakeholders, consistent with
12.26 subdivision 1a, shall include in the comprehensive assessment system, for each grade
12.27 level to be tested, state-constructed tests developed from and aligned with the state's
12.28 required academic standards under section 120B.021, include multiple choice questions,
12.29 and be administered annually to all students in grades 3 through 8. State-developed high
12.30 school tests aligned with the state's required academic standards under section 120B.021
12.31 and administered to all high school students in a subject other than writing must include
12.32 multiple choice questions. The commissioner shall establish one or more months during
12.33 which schools shall administer the tests to students each school year. For students enrolled
12.34 in grade 8 before the 2005-2006 school year, ~~Minnesota basic skills tests in reading,~~
12.35 ~~mathematics, and writing shall fulfill students' basic skills testing requirements for a~~

13.1 ~~passing state notation. The passing scores of basic skills tests in reading and mathematics~~
13.2 ~~are the equivalent of 75 percent correct for students entering grade 9 based on the~~
13.3 ~~first uniform test administered in February 1998. Students who have not successfully~~
13.4 ~~passed a Minnesota basic skills test by the end of the 2011-2012 school year must pass~~
13.5 ~~the graduation-required assessments for diploma under paragraph (c), except that for~~
13.6 ~~the 2012-2013 and 2013-2014 school years only, these students may satisfy the state's~~
13.7 ~~graduation test requirement for math by complying with paragraph (d), clauses (1) and (3).~~

13.8 (b) The state assessment system must be aligned to the most recent revision of
13.9 academic standards as described in section 120B.023 in the following manner:

13.10 (1) mathematics;

13.11 (i) grades 3 through 8 beginning in the 2010-2011 school year; and

13.12 (ii) high school level beginning in the 2013-2014 school year;

13.13 (2) science; grades 5 and 8 and at the high school level beginning in the 2011-2012
13.14 school year; and

13.15 (3) language arts and reading; grades 3 through 8 and high school level beginning in
13.16 the 2012-2013 school year.

13.17 (c) For students enrolled in grade 8 in the 2005-2006 school year and later, only the
13.18 following options shall fulfill students' state graduation test requirements:

13.19 (1) for reading and mathematics:

13.20 (i) obtaining an achievement level equivalent to or greater than proficient as
13.21 determined through a standard setting process on the Minnesota comprehensive
13.22 assessments in grade 10 for reading and grade 11 for mathematics or achieving a passing
13.23 score as determined through a standard setting process on the graduation-required
13.24 assessment for diploma in grade 10 for reading and grade 11 for mathematics or
13.25 subsequent retests;

13.26 (ii) achieving a passing score as determined through a standard setting process
13.27 on the state-identified language proficiency test in reading and the mathematics test for
13.28 English learners or the graduation-required assessment for diploma equivalent of those
13.29 assessments for students designated as English learners;

13.30 (iii) achieving an individual passing score on the graduation-required assessment for
13.31 diploma as determined by appropriate state guidelines for students with an individualized
13.32 education program or 504 plan;

13.33 (iv) obtaining achievement level equivalent to or greater than proficient as
13.34 determined through a standard setting process on the state-identified alternate assessment
13.35 or assessments in grade 10 for reading and grade 11 for mathematics for students with
13.36 an individualized education program; or

14.1 (v) achieving an individual passing score on the state-identified alternate assessment
14.2 or assessments as determined by appropriate state guidelines for students with an
14.3 individualized education program; and

14.4 (2) for writing:

14.5 (i) achieving a passing score on the graduation-required assessment for diploma;

14.6 (ii) achieving a passing score as determined through a standard setting process on
14.7 the state-identified language proficiency test in writing for students designated as English
14.8 learners;

14.9 (iii) achieving an individual passing score on the graduation-required assessment for
14.10 diploma as determined by appropriate state guidelines for students with an individualized
14.11 education program or 504 plan; or

14.12 (iv) achieving an individual passing score on the state-identified alternate assessment
14.13 or assessments as determined by appropriate state guidelines for students with an
14.14 individualized education program.

14.15 (d) Students enrolled in grade 8 in any school year from the 2005-2006 school
14.16 year to the 2009-2010 school year who do not pass the mathematics graduation-required
14.17 assessment for diploma under paragraph (c) are eligible to receive a high school diploma
14.18 if they:

14.19 (1) complete with a passing score or grade all state and local coursework and credits
14.20 required for graduation by the school board granting the students their diploma;

14.21 (2) participate in district-prescribed academic remediation in mathematics; and

14.22 (3) fully participate in at least two retests of the mathematics GRAD test or until
14.23 they pass the mathematics GRAD test, whichever comes first. A school, district, or charter
14.24 school must place on the high school transcript a student's current pass status for each
14.25 subject that has a required graduation assessment.

14.26 In addition, the school board granting the students their diplomas may formally
14.27 decide to include a notation of high achievement on the high school diplomas of those
14.28 graduating seniors who, according to established school board criteria, demonstrate
14.29 exemplary academic achievement during high school.

14.30 (e) The 3rd through 8th grade and high school test results shall be available to
14.31 districts for diagnostic purposes affecting student learning and district instruction and
14.32 curriculum, and for establishing educational accountability. The commissioner must
14.33 disseminate to the public the high school test results upon receiving those results.

14.34 (f) The 3rd through 8th grade and high school tests must be aligned with state
14.35 academic standards. The commissioner shall determine the testing process and the order

15.1 of administration. The statewide results shall be aggregated at the site and district level,
 15.2 consistent with subdivision 1a.

15.3 (g) In addition to the testing and reporting requirements under this section, the
 15.4 commissioner shall include the following components in the statewide public reporting
 15.5 system:

15.6 (1) uniform statewide testing of all students in grades 3 through 8 and at the high
 15.7 school level that provides appropriate, technically sound accommodations or alternate
 15.8 assessments;

15.9 (2) educational indicators that can be aggregated and compared across school
 15.10 districts and across time on a statewide basis, including average daily attendance, high
 15.11 school graduation rates, and high school drop-out rates by age and grade level;

15.12 (3) state results on the American College Test; and

15.13 (4) state results from participation in the National Assessment of Educational
 15.14 Progress so that the state can benchmark its performance against the nation and other
 15.15 states, and, where possible, against other countries, and contribute to the national effort
 15.16 to monitor achievement.

15.17 Sec. 8. Minnesota Statutes 2012, section 120B.31, subdivision 1, is amended to read:

15.18 Subdivision 1. **Educational accountability and public reporting.** Consistent
 15.19 with the direction to adopt statewide academic standards under section 120B.02, the
 15.20 department, in consultation with education and other system stakeholders, must establish a
 15.21 coordinated and comprehensive system of educational accountability and public reporting
 15.22 that promotes greater academic achievement, preparation for higher academic education,
 15.23 preparation for the world of work, citizenship ~~under sections 120B.021, subdivision 1,~~
 15.24 ~~clause (4), and 120B.024, paragraph (a), clause (4),~~ and the arts.

15.25 Sec. 9. Minnesota Statutes 2012, section 124D.10, is amended to read:

15.26 **124D.10 CHARTER SCHOOLS.**

15.27 Subdivision 1. **Purposes.** (a) The primary purpose of this section is to:

15.28 ~~(1) improve pupil learning and student achievement;~~ Additional purposes include to:

15.29 ~~(2) (1) increase learning opportunities for pupils;~~

15.30 ~~(3) (2) encourage the use of different and innovative teaching methods;~~

15.31 ~~(4) (3) measure learning outcomes and create different and innovative forms of~~
 15.32 measuring outcomes;

15.33 ~~(5) (4) establish new forms of accountability for schools; and or~~

16.1 ~~(6)~~ (5) create new professional opportunities for teachers, including the opportunity
16.2 to be responsible for the learning program at the school site.

16.3 (b) This section does not provide a means to keep open a school that a school board
16.4 decides to close. However, a school board may endorse or authorize the establishing of
16.5 a charter school to replace the school the board decided to close. Applicants seeking a
16.6 charter under this circumstance must demonstrate to the authorizer that the charter sought
16.7 is substantially different in purpose and program from the school the board closed and
16.8 that the proposed charter satisfies the requirements of this subdivision. If the school
16.9 board that closed the school authorizes the charter, it must document in its affidavit to the
16.10 commissioner that the charter is substantially different in program and purpose from
16.11 the school it closed.

16.12 An authorizer shall not approve an application submitted by a charter school
16.13 developer under subdivision 4, paragraph (a), if the application does not comply with this
16.14 subdivision. The commissioner shall not approve an affidavit submitted by an authorizer
16.15 under subdivision 4, paragraph (b), if the affidavit does not comply with this subdivision.

16.16 Subd. 2. **Applicability.** This section applies only to charter schools formed and
16.17 operated under this section.

16.18 Subd. 3. **Authorizer.** (a) For purposes of this section, the terms defined in this
16.19 subdivision have the meanings given them.

16.20 "Application" to receive approval as an authorizer means the proposal an eligible
16.21 authorizer submits to the commissioner under paragraph (c) before that authorizer is able
16.22 to submit any affidavit to charter to a school.

16.23 "Application" under subdivision 4 means the charter school business plan a
16.24 school developer submits to an authorizer for approval to establish a charter school that
16.25 documents the school developer's mission statement, school purposes, program design,
16.26 financial plan, governance and management structure, and background and experience,
16.27 plus any other information the authorizer requests. The application also shall include a
16.28 "statement of assurances" of legal compliance prescribed by the commissioner.

16.29 "Affidavit" means a written statement the authorizer submits to the commissioner
16.30 for approval to establish a charter school under subdivision 4 attesting to its review and
16.31 approval process before chartering a school.

16.32 (b) The following organizations may authorize one or more charter schools:

16.33 (1) a school board, intermediate school district school board, or education district
16.34 organized under sections 123A.15 to 123A.19;

16.35 (2) a charitable organization under section 501(c)(3) of the Internal Revenue Code
16.36 of 1986, excluding a nonpublic sectarian or religious institution; any person other than a

17.1 natural person that directly or indirectly, through one or more intermediaries, controls,
17.2 is controlled by, or is under common control with the nonpublic sectarian or religious
17.3 institution; and any other charitable organization under this clause that in the federal IRS
17.4 Form 1023, Part IV, describes activities indicating a religious purpose, that:

17.5 (i) is a member of the Minnesota Council of Nonprofits or the Minnesota Council on
17.6 Foundations;

17.7 (ii) is registered with the attorney general's office; and

17.8 (iii) is incorporated in the state of Minnesota and has been operating continuously
17.9 for at least five years but does not operate a charter school;

17.10 (3) a Minnesota private college, notwithstanding clause (2), that grants two- or
17.11 four-year degrees and is registered with the Minnesota Office of Higher Education under
17.12 chapter 136A; community college, state university, or technical college governed by the
17.13 Board of Trustees of the Minnesota State Colleges and Universities; or the University
17.14 of Minnesota;

17.15 (4) a nonprofit corporation subject to chapter 317A, described in section 317A.905,
17.16 and exempt from federal income tax under section 501(c)(6) of the Internal Revenue Code
17.17 of 1986, may authorize one or more charter schools if the charter school has operated
17.18 for at least three years under a different authorizer and if the nonprofit corporation has
17.19 existed for at least 25 years; or

17.20 (5) single-purpose authorizers that are charitable, nonsectarian organizations formed
17.21 under section 501(c)(3) of the Internal Revenue Code of 1986 and incorporated in the state
17.22 of Minnesota whose sole purpose is to charter schools. Eligible organizations interested
17.23 in being approved as an authorizer under this paragraph must submit a proposal to the
17.24 commissioner that includes the provisions of paragraph (c) and a five-year financial plan.
17.25 Such authorizers shall consider and approve charter school applications using the criteria
17.26 provided in subdivision 4 and shall not limit the applications it solicits, considers, or
17.27 approves to any single curriculum, learning program, or method.

17.28 (c) An eligible authorizer under this subdivision must apply to the commissioner for
17.29 approval as an authorizer before submitting any affidavit to the commissioner to charter
17.30 a school. The application for approval as a charter school authorizer must demonstrate
17.31 the applicant's ability to implement the procedures and satisfy the criteria for chartering a
17.32 school under this section. The commissioner must approve or disapprove an application
17.33 within 45 business days of the application deadline. If the commissioner disapproves
17.34 the application, the commissioner must notify the applicant of the specific deficiencies
17.35 in writing and the applicant then has 20 business days to address the deficiencies to the
17.36 commissioner's satisfaction. After the 20 business days expire, the commissioner has 15

18.1 business days to make a final decision to approve or disapprove the application. Failing to
18.2 address the deficiencies to the commissioner's satisfaction makes an applicant ineligible to
18.3 be an authorizer. The commissioner, in establishing criteria for approval, must consider
18.4 the applicant's:

18.5 (1) capacity and infrastructure;

18.6 (2) application criteria and process;

18.7 (3) contracting process;

18.8 (4) ongoing oversight and evaluation processes; and

18.9 (5) renewal criteria and processes.

18.10 (d) An applicant must include in its application to the commissioner to be an
18.11 approved authorizer at least the following:

18.12 (1) how chartering schools is a way for the organization to carry out its mission;

18.13 (2) a description of the capacity of the organization to serve as an authorizer,
18.14 including the personnel who will perform the authorizing duties, their qualifications, the
18.15 amount of time they will be assigned to this responsibility, and the financial resources
18.16 allocated by the organization to this responsibility;

18.17 (3) a description of the application and review process the authorizer will use to
18.18 make decisions regarding the granting of charters;

18.19 (4) a description of the type of contract it will arrange with the schools it charters
18.20 that meets the provisions of subdivision 6;

18.21 (5) the process to be used for providing ongoing oversight of the school consistent
18.22 with the contract expectations specified in clause (4) that assures that the schools chartered
18.23 are complying with both the provisions of applicable law and rules, and with the contract;

18.24 (6) a description of the criteria and process the authorizer will use to grant expanded
18.25 applications under subdivision 4, paragraph (j);

18.26 (7) the process for making decisions regarding the renewal or termination of
18.27 the school's charter based on evidence that demonstrates the academic, organizational,
18.28 and financial competency of the school, including its success in increasing student
18.29 achievement and meeting the goals of the charter school agreement; and

18.30 (8) an assurance specifying that the organization is committed to serving as an
18.31 authorizer for the full five-year term.

18.32 (e) A disapproved applicant under this section may resubmit an application during a
18.33 future application period.

18.34 (f) If the governing board of an approved authorizer votes to withdraw as an
18.35 approved authorizer for a reason unrelated to any cause under subdivision 23, the
18.36 authorizer must notify all its chartered schools and the commissioner in writing by July

19.1 15 of its intent to withdraw as an authorizer on June 30 in the next calendar year. The
 19.2 commissioner may approve the transfer of a charter school to a new authorizer under this
 19.3 paragraph after the new authorizer submits an affidavit to the commissioner.

19.4 (g) The authorizer must participate in department-approved training.

19.5 ~~(h) An authorizer that chartered a school before August 1, 2009, must apply by~~
 19.6 ~~June 30, 2012, to the commissioner for approval, under paragraph (c), to continue as an~~
 19.7 ~~authorizer under this section. For purposes of this paragraph, an authorizer that fails to~~
 19.8 ~~submit a timely application is ineligible to charter a school.~~

19.9 ~~(h)~~ (h) The commissioner shall review an authorizer's performance every five years
 19.10 in a manner and form determined by the commissioner and may review an authorizer's
 19.11 performance more frequently at the commissioner's own initiative or at the request of a
 19.12 charter school operator, charter school board member, or other interested party. The
 19.13 commissioner, after completing the review, shall transmit a report with findings to the
 19.14 authorizer. If, consistent with this section, the commissioner finds that an authorizer has
 19.15 not fulfilled the requirements of this section, the commissioner may subject the authorizer
 19.16 to corrective action, which may include terminating the contract with the charter school
 19.17 board of directors of a school it chartered. The commissioner must notify the authorizer
 19.18 in writing of any findings that may subject the authorizer to corrective action and
 19.19 the authorizer then has 15 business days to request an informal hearing before the
 19.20 commissioner takes corrective action. If the commissioner terminates a contract between
 19.21 an authorizer and a charter school under this paragraph, the commissioner may assist the
 19.22 charter school in acquiring a new authorizer.

19.23 ~~(i)~~ (i) The commissioner may at any time take corrective action against an authorizer,
 19.24 including terminating an authorizer's ability to charter a school for:

19.25 (1) failing to demonstrate the criteria under paragraph (c) under which the
 19.26 commissioner approved the authorizer;

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

19.29 (3) unsatisfactory performance as an approved authorizer; or

19.30 (4) any good cause shown that provides the commissioner a legally sufficient reason
 19.31 to take corrective action against an authorizer.

19.32 **Subd. 4. Formation of school.** (a) An authorizer, after receiving an application from
 19.33 a school developer, may charter a licensed teacher under section 122A.18, subdivision
 19.34 1, or a group of individuals that includes one or more licensed teachers under section
 19.35 122A.18, subdivision 1, to operate a school subject to the commissioner's approval of the
 19.36 authorizer's affidavit under paragraph (b). The school must be organized and operated as a

20.1 nonprofit corporation under chapter 317A and the provisions under the applicable chapter
20.2 shall apply to the school except as provided in this section.

20.3 Notwithstanding sections 465.717 and 465.719, a school district, subject to this
20.4 section and section 124D.11, may create a corporation for the purpose of establishing a
20.5 charter school.

20.6 (b) Before the operators may establish and operate a school, the authorizer must file
20.7 an affidavit with the commissioner stating its intent to charter a school. An authorizer
20.8 must file a separate affidavit for each school it intends to charter. The affidavit must state
20.9 the terms and conditions under which the authorizer would charter a school and how the
20.10 authorizer intends to oversee the fiscal and student performance of the charter school and to
20.11 comply with the terms of the written contract between the authorizer and the charter school
20.12 board of directors under subdivision 6. The commissioner must approve or disapprove the
20.13 authorizer's affidavit within 60 business days of receipt of the affidavit. If the commissioner
20.14 disapproves the affidavit, the commissioner shall notify the authorizer of the deficiencies
20.15 in the affidavit and the authorizer then has 20 business days to address the deficiencies.
20.16 If the authorizer does not address deficiencies to the commissioner's satisfaction, the
20.17 commissioner's disapproval is final. Failure to obtain commissioner approval precludes an
20.18 authorizer from chartering the school that is the subject of this affidavit.

20.19 (c) The authorizer may prevent an approved charter school from opening for
20.20 operation if, among other grounds, the charter school violates this section or does not meet
20.21 the ready-to-open standards that are part of the authorizer's oversight and evaluation
20.22 process or are stipulated in the charter school contract.

20.23 (d) The operators authorized to organize and operate a school, before entering into a
20.24 contract or other agreement for professional or other services, goods, or facilities, must
20.25 incorporate as a nonprofit corporation under chapter 317A and must establish a board of
20.26 directors composed of at least five members who are not related parties until a timely
20.27 election for members of the ongoing charter school board of directors is held according to
20.28 the school's articles and bylaws under paragraph (f). A charter school board of directors
20.29 must be composed of at least five members who are not related parties. Staff members
20.30 employed at the school, including teachers providing instruction under a contract with a
20.31 cooperative, and all parents or legal guardians of children enrolled in the school are the
20.32 voters eligible to elect the members of the school's board of directors. A charter school
20.33 must notify eligible voters of the school board election dates at least 30 days before the
20.34 election. Board of director meetings must comply with chapter 13D.

20.35 (e) A charter school shall publish and maintain on the school's official Web site: (1)
20.36 the minutes of meetings of the board of directors, and of members and committees having

21.1 any board-delegated authority, for at least one calendar year from the date of publication;
21.2 (2) directory information for members of the board of directors and committees having
21.3 board-delegated authority; and (3) identifying and contact information for the school's
21.4 authorizer. Identifying and contact information for the school's authorizer must be
21.5 included in other school materials made available to the public. Upon request of an
21.6 individual, the charter school must also make available in a timely fashion financial
21.7 statements showing all operations and transactions affecting income, surplus, and deficit
21.8 during the school's last annual accounting period; and a balance sheet summarizing assets
21.9 and liabilities on the closing date of the accounting period. A charter school also must ~~post~~
21.10 ~~on its official Web site information identifying its authorizer and indicate how to contact~~
21.11 ~~that authorizer and~~ include that same information about its authorizer in other school
21.12 materials that it makes available to the public.

21.13 (f) Every charter school board member shall attend ongoing training throughout
21.14 the member's term on board governance, including training on the board's role and
21.15 responsibilities, employment policies and practices, and financial management. A board
21.16 member who does not begin the required initial training within six months after being
21.17 seated and complete that training within 12 months of being seated on the board is
21.18 ineligible to continue to serve as a board member. The school shall include in its annual
21.19 report the training attended by each board member during the previous year.

21.20 (g) The ongoing board must be elected before the school completes its third year of
21.21 operation. Board elections must be held during the school year but may not be conducted
21.22 on days when the school is closed for holidays, breaks, or vacations. The charter school
21.23 board of directors shall be composed of at least five nonrelated members and include: (i)
21.24 at least one licensed teacher employed as a teacher at the school or ~~a licensed teacher~~
21.25 providing instruction under contract between the charter school and a cooperative; (ii) the
21.26 parent or legal guardian of a student enrolled in the charter school who is not an employee
21.27 of the charter school; and (iii) an interested community member who is not employed by
21.28 the charter school and does not have a child enrolled in the school. The board may be
21.29 a teacher majority board composed of teachers described in this paragraph. The chief
21.30 financial officer and the chief administrator may only serve as ex-officio nonvoting board
21.31 members ~~and may not serve as a voting member of the board~~. Charter school employees
21.32 shall not serve on the board unless item (i) applies. Contractors providing facilities, goods,
21.33 or services to a charter school shall not serve on the board of directors of the charter school.
21.34 Board bylaws shall outline the process and procedures for changing the board's governance
21.35 model, consistent with chapter 317A. A board may change its governance model only:

22.1 (1) by a majority vote of the board of directors and the licensed teachers employed
22.2 by the school, including licensed teachers providing instruction under a contract between
22.3 the school and a cooperative; and

22.4 (2) with the authorizer's approval.

22.5 Any change in board governance must conform with the board structure established
22.6 under this paragraph.

22.7 (h) The granting or renewal of a charter by an authorizer must not be conditioned
22.8 upon the bargaining unit status of the employees of the school.

22.9 (i) The granting or renewal of a charter school by an authorizer must not be
22.10 contingent on the charter school being required to contract, lease, or purchase services
22.11 from the authorizer. Any potential contract, ~~lease,~~ or purchase of service from an
22.12 authorizer must be disclosed to the commissioner, accepted through an open bidding
22.13 process, and be a separate contract from the charter contract. The school must document
22.14 the open bidding process. An authorizer must not enter into a contract to provide
22.15 management and financial services for a school that it authorizes, unless the school
22.16 documents that it received at least two competitive bids.

22.17 (j) An authorizer may permit the board of directors of a charter school to expand
22.18 the operation of the charter school to additional sites or ~~to add additional grades~~ at the
22.19 school beyond those described in the authorizer's original affidavit as approved by
22.20 the commissioner only after submitting a supplemental affidavit for approval to the
22.21 commissioner in a form and manner prescribed by the commissioner. The supplemental
22.22 affidavit must document that:

22.23 (1) the proposed expansion plan demonstrates need and projected enrollment;

22.24 (2) the expansion is warranted, at a minimum, by longitudinal data demonstrating
22.25 students' improved academic performance and growth on statewide assessments under
22.26 chapter 120B;

22.27 (3) the charter school is financially sound and the financing it needs to implement
22.28 the proposed expansion exists; and

22.29 (4) the charter school has the governance structure and management capacity to
22.30 carry out its expansion.

22.31 (k) The commissioner shall have 30 business days to review and comment on the
22.32 supplemental affidavit. The commissioner shall notify the authorizer of any deficiencies in
22.33 the supplemental affidavit and the authorizer then has 20 business days to address, to the
22.34 commissioner's satisfaction, any deficiencies in the supplemental affidavit. The school
22.35 may not expand grades or add sites until the commissioner has approved the supplemental
22.36 affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.

23.1 Subd. 4a. **Conflict of interest.** (a) An individual is prohibited from serving as a
 23.2 member of the charter school board of directors if the individual, an immediate family
 23.3 member, or the individual's partner is an owner, employee or agent of, or a contractor with a
 23.4 for-profit or nonprofit entity or individual with whom the charter school contracts, directly
 23.5 or indirectly, for professional services, goods, or facilities. A violation of this prohibition
 23.6 renders a contract voidable at the option of the commissioner or the charter school board
 23.7 of directors. A member of a charter school board of directors who violates this prohibition
 23.8 is individually liable to the charter school for any damage caused by the violation.

23.9 (b) No member of the board of directors, employee, officer, or agent of a charter
 23.10 school shall participate in selecting, awarding, or administering a contract if a conflict
 23.11 of interest exists. A conflict exists when:

- 23.12 (1) the board member, employee, officer, or agent;
 23.13 (2) the immediate family of the board member, employee, officer, or agent;
 23.14 (3) the partner of the board member, employee, officer, or agent; or
 23.15 (4) an organization that employs, or is about to employ any individual in clauses
 23.16 (1) to (3),

23.17 has a financial or other interest in the entity with which the charter school is contracting.
 23.18 A violation of this prohibition renders the contract void.

23.19 (c) Any employee, agent, or board member of the authorizer who participates
 23.20 in the initial review, approval, ongoing oversight, evaluation, or the charter renewal or
 23.21 nonrenewal process or decision is ineligible to serve on the board of directors of a school
 23.22 chartered by that authorizer.

23.23 (d) An individual may serve as a member of the board of directors if no conflict of
 23.24 interest under paragraph (a) exists.

23.25 (e) The conflict of interest provisions under this subdivision do not apply to
 23.26 compensation paid to a teacher employed as a teacher by the charter school ~~who~~ or a
 23.27 teacher who provides instructional services to the charter school through a cooperative
 23.28 formed under chapter 308A when the teacher also serves as a member of ~~on~~ the charter
 23.29 school board of directors.

23.30 ~~(f) The conflict of interest provisions under this subdivision do not apply to a teacher~~
 23.31 ~~who provides services to a charter school through a cooperative formed under chapter~~
 23.32 ~~308A when the teacher also serves on the charter school board of directors.~~

23.33 Subd. 5. **Conversion of existing schools.** A board of an independent or special
 23.34 school district may convert one or more of its existing schools to charter schools under
 23.35 this section if 60 percent of the full-time teachers at the school sign a petition seeking
 23.36 conversion. The conversion must occur at the beginning of an academic year.

24.1 Subd. 6. **Charter contract.** The authorization for a charter school must be in the
 24.2 form of a written contract signed by the authorizer and the board of directors of the charter
 24.3 school. The contract must be completed within 45 business days of the commissioner's
 24.4 approval of the authorizer's affidavit. The authorizer shall submit to the commissioner a
 24.5 copy of the signed charter contract within ten business days of its execution. The contract
 24.6 for a charter school must be in writing and contain at least the following:

24.7 (1) a declaration that the charter school will carry out the primary purpose in
 24.8 subdivision 1 and how the school will report its implementation of the primary purpose;

24.9 ~~(1)~~ (2) a declaration of the any additional purposes in subdivision 1 that the school
 24.10 intends to carry out and how the school will report its implementation of those purposes;

24.11 ~~(2)~~ (3) a description of the school program and the specific academic and
 24.12 nonacademic outcomes that pupils must achieve;

24.13 ~~(3)~~ (4) a statement of admission policies and procedures;

24.14 ~~(4)~~ (5) a governance, management, and administration plan for the school;

24.15 ~~(5)~~ (6) signed agreements from charter school board members to comply with all
 24.16 federal and state laws governing organizational, programmatic, and financial requirements
 24.17 applicable to charter schools;

24.18 ~~(6)~~ (7) the criteria, processes, and procedures that the authorizer will use for
 24.19 ongoing oversight of operational, financial, and academic performance to monitor and
 24.20 evaluate the fiscal, operational, and academic performance consistent with subdivision
 24.21 15, paragraphs (a) and (b);

24.22 ~~(7)~~ (8) for contract renewal, the formal written performance evaluation of the school
 24.23 that is a prerequisite for reviewing a charter contract under subdivision 15;

24.24 ~~(8)~~ (9) types and amounts of insurance liability coverage to be obtained by the
 24.25 charter school, consistent with subdivision 8, paragraph (k);

24.26 ~~(9)~~ (10) consistent with subdivision 25, paragraph (d), a provision to indemnify and
 24.27 hold harmless the authorizer and its officers, agents, and employees from any suit, claim,
 24.28 or liability arising from any operation of the charter school, and the commissioner and
 24.29 department officers, agents, and employees notwithstanding section 3.736;

24.30 ~~(10)~~ (11) the term of the initial contract, which may be up to five years plus an
 24.31 additional preoperational planning year, and up to five years for a renewed contract or a
 24.32 contract with a new authorizer after a transfer of authorizers, if warranted by the school's
 24.33 academic, financial, and operational performance;

24.34 ~~(11)~~ (12) how the board of directors or the operators of the charter school will
 24.35 provide special instruction and services for children with a disability under sections
 24.36 125A.03 to 125A.24, and 125A.65, a description of the financial parameters within

25.1 which the charter school will operate to provide the special instruction and services to
 25.2 children with a disability;

25.3 ~~(12) the process and criteria the authorizer intends to use to monitor and evaluate the~~
 25.4 ~~fiscal and student performance of the charter school, consistent with subdivision 15; and~~

25.5 (13) the specific conditions for contract renewal, which identify performance under
 25.6 the primary purpose of subdivision 1 as the most important factor in determining contract
 25.7 renewal; and

25.8 ~~(13)~~ (14) the plan for an orderly closing of the school under chapter 317A, if
 25.9 whether the closure is a termination for cause, a voluntary termination, or a nonrenewal
 25.10 of the contract, and that includes establishing the responsibilities of the school board of
 25.11 directors and the authorizer and notifying the commissioner, authorizer, school district in
 25.12 which the charter school is located, and parents of enrolled students about the closure,
 25.13 the transfer of student records to students' resident districts, and procedures for closing
 25.14 financial operations.

25.15 Subd. 6a. **Audit report.** (a) The charter school must submit an audit report to the
 25.16 commissioner and its authorizer by December 31 each year.

25.17 (b) The charter school, with the assistance of the auditor conducting the audit,
 25.18 must include with the report, as supplemental information, a copy of all charter school
 25.19 agreements for corporate management services, including parent company or other
 25.20 administrative, financial, and staffing services. If the entity that provides the professional
 25.21 services to the charter school is exempt from taxation under section 501 of the Internal
 25.22 Revenue Code of 1986, that entity must file with the commissioner by February 15 a copy
 25.23 of the annual return required under section 6033 of the Internal Revenue Code of 1986.

25.24 (c) A charter school independent audit report shall include audited financial data of
 25.25 an affiliated building corporation or other component unit.

25.26 ~~(e)~~ (d) If the audit report finds that a material weakness exists in the financial
 25.27 reporting systems of a charter school, the charter school must submit a written report to
 25.28 the commissioner explaining how the material weakness will be resolved. An auditor,
 25.29 as a condition of providing financial services to a charter school, must agree to make
 25.30 available information about a charter school's financial audit to the commissioner and
 25.31 authorizer upon request.

25.32 Subd. 7. **Public status; exemption from statutes and rules.** A charter school is
 25.33 a public school and is part of the state's system of public education. A charter school is
 25.34 exempt from all statutes and rules applicable to a school, school board, or school district
 25.35 unless a statute or rule is made specifically applicable to a charter school or is included
 25.36 in this section.

26.1 Subd. 8. **Federal, state, and local requirements.** (a) A charter school shall meet all
26.2 federal, state, and local health and safety requirements applicable to school districts.

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

26.5 (c) A school authorized by a school board may be located in any district, unless the
26.6 school board of the district of the proposed location disapproves by written resolution.

26.7 (d) A charter school must be nonsectarian in its programs, admission policies,
26.8 employment practices, and all other operations. An authorizer may not authorize a charter
26.9 school or program that is affiliated with a nonpublic sectarian school or a religious
26.10 institution. A charter school student must be released for religious instruction, consistent
26.11 with section 120A.22, subdivision 12, clause (3).

26.12 (e) Charter schools must not be used as a method of providing education or
26.13 generating revenue for students who are being home-schooled. This paragraph does not
26.14 apply to shared time aid under section 126C.19.

26.15 (f) The primary focus of a charter school must be to provide a comprehensive
26.16 program of instruction for at least one grade or age group from five through 18 years
26.17 of age. Instruction may be provided to people younger than five years and older than
26.18 18 years of age.

26.19 (g) A charter school may not charge tuition.

26.20 (h) A charter school is subject to and must comply with chapter 363A and section
26.21 121A.04.

26.22 (i) A charter school is subject to and must comply with the Pupil Fair Dismissal
26.23 Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections
26.24 123B.34 to 123B.39.

26.25 (j) A charter school is subject to the same financial audits, audit procedures, and
26.26 audit requirements as a district, except as required under subdivision 6a. Audits must be
26.27 conducted in compliance with generally accepted governmental auditing standards, the
26.28 federal Single Audit Act, if applicable, and section 6.65. A charter school is subject
26.29 to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04;
26.30 118A.05; 118A.06; 471.38; 471.391; 471.392; and 471.425. The audit must comply with
26.31 the requirements of sections 123B.75 to 123B.83, except to the extent deviations are
26.32 necessary because of the program at the school. Deviations must be approved by the
26.33 commissioner and authorizer. The Department of Education, state auditor, legislative
26.34 auditor, or authorizer may conduct financial, program, or compliance audits. A charter
26.35 school determined to be in statutory operating debt under sections 123B.81 to 123B.83
26.36 must submit a plan under section 123B.81, subdivision 4.

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

27.2 (l) A charter school must comply with chapters 13 and 13D; and sections 120A.22,
27.3 subdivision 7; 121A.75; and 260B.171, subdivisions 3 and 5.

27.4 (m) A charter school is subject to the Pledge of Allegiance requirement under
27.5 section 121A.11, subdivision 3.

27.6 (n) A charter school offering online courses or programs must comply with section
27.7 124D.095.

27.8 (o) A charter school and charter school board of directors are subject to chapter 181.

27.9 (p) A charter school must comply with section 120A.22, subdivision 7, governing
27.10 the transfer of students' educational records and sections 138.163 and 138.17 governing
27.11 the management of local records.

27.12 (q) A charter school that provides early childhood health and developmental
27.13 screening must comply with sections 121A.16 to 121A.19.

27.14 (r) A charter school that provides school-sponsored youth athletic activities must
27.15 comply with section 121A.38.

27.16 (s) A charter school is subject to and must comply with continuing truant notification
27.17 under section 260A.03.

27.18 Subd. 8a. **Aid reduction.** The commissioner may reduce a charter school's state aid
27.19 under section 127A.42 or 127A.43 if the charter school board fails to correct a violation
27.20 under this section.

27.21 Subd. 8b. **Aid reduction for violations.** The commissioner may reduce a charter
27.22 school's state aid by an amount not to exceed 60 percent of the charter school's basic
27.23 revenue for the period of time that a violation of law occurs.

27.24 Subd. 9. **Admission requirements.** (a) A charter school may limit admission to:

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

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

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

27.30 (b) A charter school shall enroll an eligible pupil who submits a timely application,
27.31 unless the number of applications exceeds the capacity of a program, class, grade level, or
27.32 building. In this case, pupils must be accepted by lot. The charter school must develop
27.33 and publish, including on its Web site, a lottery policy and process that it must use when
27.34 accepting pupils by lot.

28.1 (c) A charter school shall give enrollment preference to a sibling of an enrolled pupil
28.2 and to a foster child of that pupil's parents and may give preference for enrolling children
28.3 of the school's staff before accepting other pupils by lot.

28.4 (d) A person shall not be admitted to a charter school (1) as a kindergarten pupil,
28.5 unless the pupil is at least five years of age on September 1 of the calendar year in which
28.6 the school year for which the pupil seeks admission commences; or (2) as a first grade
28.7 student, unless the pupil is at least six years of age on September 1 of the calendar year in
28.8 which the school year for which the pupil seeks admission commences or has completed
28.9 kindergarten; except that a charter school may establish and publish on its Web site a
28.10 policy for admission of selected pupils at an earlier age, consistent with the enrollment
28.11 process in paragraphs (b) and (c).

28.12 (e) Except as permitted in paragraph (d), a charter school may not limit admission
28.13 to pupils on the basis of intellectual ability, measures of achievement or aptitude, or
28.14 athletic ability and may not establish any criteria or requirements for admission that are
28.15 inconsistent with this subdivision.

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

28.19 Subd. 10. **Pupil performance.** A charter school must design its programs to at
28.20 least meet the outcomes adopted by the commissioner for public school students. In
28.21 the absence of the commissioner's requirements, the school must meet the outcomes
28.22 contained in the contract with the authorizer. The achievement levels of the outcomes
28.23 contained in the contract may exceed the achievement levels of any outcomes adopted by
28.24 the commissioner for public school students.

28.25 Subd. 11. **Employment and other operating matters.** (a) A charter school must
28.26 employ or contract with necessary teachers, as defined by section 122A.15, subdivision 1,
28.27 who hold valid licenses to perform the particular service for which they are employed in
28.28 the school. The charter school's state aid may be reduced under section 127A.43 if the
28.29 school employs a teacher who is not appropriately licensed or approved by the board of
28.30 teaching. The school may employ necessary employees who are not required to hold
28.31 teaching licenses to perform duties other than teaching and may contract for other services.
28.32 The school may discharge teachers and nonlicensed employees. The charter school board
28.33 is subject to section 181.932. When offering employment to a prospective employee, a
28.34 charter school must give that employee a written description of the terms and conditions
28.35 of employment and the school's personnel policies.

29.1 (b) A person, without holding a valid administrator's license, may perform
 29.2 administrative, supervisory, or instructional leadership duties. The board of directors shall
 29.3 establish qualifications for persons that hold administrative, supervisory, or instructional
 29.4 leadership roles. The qualifications shall include at least the following areas: instruction
 29.5 and assessment; human resource and personnel management; financial management;
 29.6 legal and compliance management; effective communication; and board, authorizer, and
 29.7 community relationships. The board of directors shall use those qualifications as the basis
 29.8 for job descriptions, hiring, and performance evaluations of those who hold administrative,
 29.9 supervisory, or instructional leadership roles. The board of directors and an individual
 29.10 who does not hold a valid administrative license and who serves in an administrative,
 29.11 supervisory, or instructional leadership position shall develop a professional development
 29.12 plan. Documentation of the implementation of the professional development plan of these
 29.13 persons shall be included in the school's annual report.

29.14 (c) The board of directors also shall decide and be responsible for matters related to
 29.15 the operation of the school, including budgeting, curriculum and operating procedures.

29.16 Subd. 12. **Pupils with a disability.** A charter school must comply with sections
 29.17 125A.02, 125A.03 to 125A.24, and 125A.65 and rules relating to the education of pupils
 29.18 with a disability as though it were a district.

29.19 Subd. 13. **Length of school year.** A charter school must provide instruction each
 29.20 year for at least the number of hours required by section 120A.41. It may provide
 29.21 instruction throughout the year according to sections 124D.12 to 124D.127 or 124D.128.

29.22 Subd. 14. **Annual public reports.** A charter school must publish an annual report
 29.23 approved by the board of directors. The annual report must at least include information
 29.24 on school enrollment, student attrition, governance and management, staffing, finances,
 29.25 academic performance, ~~operational performance~~, innovative practices and implementation,
 29.26 and future plans. A charter school must post the annual report on the school's official Web
 29.27 site. The charter school must also distribute the annual report by publication, mail, or
 29.28 electronic means to the commissioner, its authorizer, school employees, and parents and
 29.29 legal guardians of students enrolled in the charter school ~~and must also post the report on~~
 29.30 ~~the charter school's official Web site.~~ The reports are public data under chapter 13.

29.31 Subd. 15. **Review and comment.** (a) The authorizer shall provide a formal written
 29.32 evaluation of the school's performance before the authorizer renews the charter contract.
 29.33 The department must review and comment on the authorizer's evaluation process at the
 29.34 time the authorizer submits its application for approval and each time the authorizer
 29.35 undergoes its five-year review under subdivision 3, paragraph (i).

30.1 (b) An authorizer shall monitor and evaluate the ~~fiscal~~, academic, financial, and
 30.2 ~~operational, and student~~ performance of the school, and may for this purpose annually
 30.3 assess a charter school a fee according to paragraph (c). The agreed-upon fee structure
 30.4 must be stated in the charter school contract.

30.5 (c) The fee that ~~each charter school pays to an authorizer each year~~ an authorizer
 30.6 may annually assess is the greater of:

30.7 (1) the basic formula allowance for that year; or

30.8 (2) the lesser of:

30.9 (i) the maximum fee factor times the basic formula allowance for that year; or

30.10 (ii) the fee factor times the basic formula allowance for that year times the charter
 30.11 school's adjusted marginal cost pupil units for that year. The fee factor equals ~~.005 in fiscal~~
 30.12 ~~year 2010, .01 in fiscal year 2011, .013 in fiscal year 2012, and .015 in fiscal years 2013~~
 30.13 ~~and later~~. The maximum fee factor equals ~~1.5 in fiscal year 2010, 2.0 in fiscal year 2011,~~
 30.14 ~~3.0 in fiscal year 2012, and 4.0 in fiscal years 2013 and later~~.

30.15 (d) An authorizer may not assess a fee for any required services other than as
 30.16 provided in this subdivision.

30.17 (e) For the preoperational planning period, after a school is chartered, the authorizer
 30.18 may assess a charter school a fee equal to the basic formula allowance.

30.19 (f) By September 30 of each year, an authorizer shall submit to the commissioner a
 30.20 statement of income and expenditures related to chartering activities during the previous
 30.21 school year ending June 30. A copy of the statement shall be given to all schools chartered
 30.22 by the authorizer.

30.23 Subd. 16. **Transportation.** (a) A charter school after its first fiscal year of operation
 30.24 by March 1 of each fiscal year and a charter school by July 1 of its first fiscal year of
 30.25 operation must notify the district in which the school is located and the Department of
 30.26 Education if it will provide its own transportation or use the transportation services of the
 30.27 district in which it is located for the fiscal year.

30.28 (b) If a charter school elects to provide transportation for pupils, the transportation
 30.29 must be provided by the charter school within the district in which the charter school is
 30.30 located. The state must pay transportation aid to the charter school according to section
 30.31 124D.11, subdivision 2.

30.32 For pupils who reside outside the district in which the charter school is located, the
 30.33 charter school is not required to provide or pay for transportation between the pupil's
 30.34 residence and the border of the district in which the charter school is located. A parent
 30.35 may be reimbursed by the charter school for costs of transportation from the pupil's
 30.36 residence to the border of the district in which the charter school is located if the pupil is

31.1 from a family whose income is at or below the poverty level, as determined by the federal
 31.2 government. The reimbursement may not exceed the pupil's actual cost of transportation
 31.3 or 15 cents per mile traveled, whichever is less. Reimbursement may not be paid for
 31.4 more than 250 miles per week.

31.5 At the time a pupil enrolls in a charter school, the charter school must provide the
 31.6 parent or guardian with information regarding the transportation.

31.7 (c) If a charter school does not elect to provide transportation, transportation for
 31.8 pupils enrolled at the school must be provided by the district in which the school is
 31.9 located, according to sections 123B.88, subdivision 6, and 124D.03, subdivision 8, for a
 31.10 pupil residing in the same district in which the charter school is located. Transportation
 31.11 may be provided by the district in which the school is located, according to sections
 31.12 123B.88, subdivision 6, and 124D.03, subdivision 8, for a pupil residing in a different
 31.13 district. If the district provides the transportation, the scheduling of routes, manner and
 31.14 method of transportation, control and discipline of the pupils, and any other matter relating
 31.15 to the transportation of pupils under this paragraph shall be within the sole discretion,
 31.16 control, and management of the district.

31.17 Subd. 17. **Leased space.** A charter school may lease space from an independent
 31.18 or special school board ~~eligible to be an authorizer~~, other public organization, private,
 31.19 nonprofit nonsectarian organization, private property owner, or a sectarian organization
 31.20 if the leased space is constructed as a school facility. The department must review and
 31.21 approve or disapprove leases in a timely manner.

31.22 Subd. 17a. **Affiliated nonprofit building corporation.** (a) Before a charter school
 31.23 may organize an affiliated nonprofit building corporation (i) to renovate or purchase an
 31.24 existing facility to serve as a school or (ii) to expand an existing building or construct
 31.25 a new school facility, an authorizer must submit an affidavit to the commissioner for
 31.26 approval in the form and manner the commissioner prescribes, and consistent with
 31.27 paragraphs (b) and (c) or (d).

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

31.29 (1) be incorporated under section 317A;

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

31.32 (3) submit to the commissioner each fiscal year a list of current board members
 31.33 and a copy of its annual audit; and

31.34 (4) comply with government data practices law under chapter 13.

31.35 An affiliated nonprofit building corporation must not serve as the leasing agent for
 31.36 property or facilities it does not own. A charter school that leases a facility from an

32.1 affiliated nonprofit building corporation that does not own the leased facility is ineligible
 32.2 to receive charter school lease aid. The state is immune from liability resulting from a
 32.3 contract between a charter school and an affiliated nonprofit building corporation.

32.4 (c) A charter school may organize an affiliated nonprofit building corporation to
 32.5 renovate or purchase an existing facility to serve as a school if the charter school:

32.6 (1) has been operating for at least five consecutive school years;

32.7 (2) has had a net positive unreserved general fund balance as of June 30 in the
 32.8 preceding five fiscal years;

32.9 (3) has a long-range strategic and financial plan;

32.10 (4) completes a feasibility study of available buildings;

32.11 (5) documents enrollment projections and the need to use an affiliated building
 32.12 corporation to renovate or purchase an existing facility to serve as a school; and

32.13 (6) has a plan for the renovation or purchase, which describes the parameters and
 32.14 budget for the project.

32.15 (d) A charter school may organize an affiliated nonprofit building corporation to
 32.16 expand an existing school facility or construct a new school facility if the charter school:

32.17 (1) demonstrates the lack of facilities available to serve as a school;

32.18 (2) has been operating for at least eight consecutive school years;

32.19 (3) has had a net positive unreserved general fund balance as of June 30 in the
 32.20 preceding five fiscal years;

32.21 (4) completes a feasibility study of facility options;

32.22 (5) has a long-range strategic and financial plan that includes enrollment projections
 32.23 and demonstrates the need for constructing a new school facility; and

32.24 (6) has a plan for the expansion or new school facility, which describes the
 32.25 parameters and budget for the project.

32.26 Subd. 17b. Positive review and comment. (e) A charter school or an affiliated
 32.27 nonprofit building corporation organized by a charter school must not initiate an
 32.28 installment contract for purchase, or a lease agreement, or solicit bids for new construction,
 32.29 expansion, or remodeling of an educational facility that requires an expenditure in
 32.30 excess of \$1,400,000, unless it meets the criteria in subdivision 17a, paragraph (b) and
 32.31 paragraph (c) or (d), as applicable, and receives a positive review and comment from
 32.32 the commissioner under section 123B.71.

32.33 Subd. 19. Disseminate information. (a) ~~The authorizer, the operators,~~ Authorizers
 32.34 and the department must disseminate information to the public on how to form and
 32.35 operate a charter school. Charter schools must disseminate information about how to

33.1 use the offerings of a charter school. Targeted groups include low-income families and
33.2 communities, students of color, and students who are at risk of academic failure.

33.3 (b) Authorizers, operators, and the department also may disseminate information
33.4 about the successful best practices in teaching and learning demonstrated by charter
33.5 schools.

33.6 Subd. 20. **Leave to teach in a charter school.** If a teacher employed by a district
33.7 makes a written request for an extended leave of absence to teach at a charter school,
33.8 the district must grant the leave. The district must grant a leave not to exceed a total of
33.9 five years. Any request to extend the leave shall be granted only at the discretion of the
33.10 school board. The district may require that the request for a leave or extension of leave
33.11 be made before February 1 in the school year preceding the school year in which the
33.12 teacher intends to leave, or February 1 of the calendar year in which the teacher's leave is
33.13 scheduled to terminate. Except as otherwise provided in this subdivision and except for
33.14 section 122A.46, subdivision 7, the leave is governed by section 122A.46, including, but
33.15 not limited to, reinstatement, notice of intention to return, seniority, salary, and insurance.

33.16 During a leave, the teacher may continue to aggregate benefits and credits in the
33.17 Teachers' Retirement Association account under chapters 354 and 354A, consistent with
33.18 subdivision 22.

33.19 Subd. 21. **Collective bargaining.** Employees of the board of directors of a charter
33.20 school may, if otherwise eligible, organize under chapter 179A and comply with its
33.21 provisions. The board of directors of a charter school is a public employer, for the
33.22 purposes of chapter 179A, upon formation of one or more bargaining units at the school.
33.23 Bargaining units at the school must be separate from any other units within an authorizing
33.24 district, except that bargaining units may remain part of the appropriate unit within an
33.25 authorizing district, if the employees of the school, the board of directors of the school,
33.26 the exclusive representative of the appropriate unit in the authorizing district, and the
33.27 board of the authorizing district agree to include the employees in the appropriate unit of
33.28 the authorizing district.

33.29 Subd. 22. **Teacher and other employee retirement.** (a) Teachers in a charter
33.30 school must be public school teachers for the purposes of chapters 354 and 354A.

33.31 (b) Except for teachers under paragraph (a), employees in a charter school must be
33.32 public employees for the purposes of chapter 353.

33.33 Subd. 23. **Causes for nonrenewal or termination of charter school contract.** (a)
33.34 The duration of the contract with an authorizer must be for the term contained in the
33.35 contract according to subdivision 6. The authorizer may or may not renew a contract at
33.36 the end of the term for any ground listed in paragraph (b). An authorizer may unilaterally

34.1 terminate a contract during the term of the contract for any ground listed in paragraph (b).
34.2 At least 60 business days before not renewing or terminating a contract, the authorizer
34.3 shall notify the board of directors of the charter school of the proposed action in writing.
34.4 The notice shall state the grounds for the proposed action in reasonable detail and that the
34.5 charter school's board of directors may request in writing an informal hearing before the
34.6 authorizer within 15 business days of receiving notice of nonrenewal or termination of
34.7 the contract. Failure by the board of directors to make a written request for an informal
34.8 hearing within the 15-business-day period shall be treated as acquiescence to the proposed
34.9 action. Upon receiving a timely written request for a hearing, the authorizer shall give ten
34.10 business days' notice to the charter school's board of directors of the hearing date. The
34.11 authorizer shall conduct an informal hearing before taking final action. The authorizer
34.12 shall take final action to renew or not renew a contract no later than 20 business days
34.13 before the proposed date for terminating the contract or the end date of the contract.

34.14 (b) A contract may be terminated or not renewed upon any of the following grounds:

34.15 (1) failure to ~~meet~~ demonstrate satisfactory academic achievement for all groups of
34.16 students, including the requirements for pupil performance contained in the contract;

34.17 (2) failure to meet generally accepted standards of fiscal management;

34.18 (3) violations of law; or

34.19 (4) other good cause shown.

34.20 If a contract is terminated or not renewed under this paragraph, the school must be
34.21 dissolved according to the applicable provisions of chapter 317A.

34.22 (c) If the authorizer and the charter school board of directors mutually agree to
34.23 terminate or not renew the contract, a change in authorizers is allowed if the commissioner
34.24 approves the change to a different eligible authorizer to authorize the charter school.

34.25 Both parties must jointly submit their intent in writing to the commissioner to mutually
34.26 terminate the contract. The authorizer that is a party to the existing contract must inform
34.27 the proposed authorizer about the fiscal and operational status and student performance
34.28 of the school. Before the commissioner determines whether to approve a change in
34.29 authorizer, the proposed authorizer must identify any outstanding issues in the proposed
34.30 charter contract that were unresolved in the previous charter contract and have the charter
34.31 school agree to resolve those issues. If no change in authorizer is approved, the school
34.32 must be dissolved according to applicable law and the terms of the contract.

34.33 (d) The commissioner, after providing reasonable notice to the board of directors of
34.34 a charter school and the existing authorizer, and after providing an opportunity for a public
34.35 hearing, may terminate the existing contract between the authorizer and the charter school
34.36 board if the charter school has a history of:

- 35.1 (1) failure to meet pupil performance requirements consistent with state law;
- 35.2 (2) financial mismanagement or failure to meet generally accepted standards of
- 35.3 fiscal management; or
- 35.4 (3) repeated or major violations of the law.

35.5 Subd. 23a. **Related party lease costs.** (a) A charter school is prohibited from

35.6 entering a lease of real property with a related party unless the lessor is a nonprofit

35.7 corporation under chapter 317A or a cooperative under chapter 308A, and the lease cost is

35.8 reasonable under section 124D.11, subdivision 4, clause (1).

35.9 (b) For purposes of this section and section 124D.11:

35.10 (1) "related party" means an affiliate or immediate relative of the other party in

35.11 question, an affiliate of an immediate relative, or an immediate relative of an affiliate;

35.12 (2) "affiliate" means a person that directly or indirectly, through one or more

35.13 intermediaries, controls, is controlled by, or is under common control with another person;

35.14 (3) "immediate family" means an individual whose relationship by blood, marriage,

35.15 adoption, or partnering is no more remote than first cousin;

35.16 (4) "person" means an individual or entity of any kind; and

35.17 (5) "control" means the ability to affect the management, operations, or policy

35.18 actions or decisions of a person, whether through ownership of voting securities, by

35.19 contract, or otherwise.

35.20 (c) A lease of real property to be used for a charter school, not excluded in paragraph

35.21 (a), must contain the following statement: "This lease is subject to Minnesota Statutes,

35.22 section 124D.10, subdivision 23a."

35.23 (d) If a charter school enters into as lessee a lease with a related party and the

35.24 charter school subsequently closes, the commissioner has the right to recover from the

35.25 lessor any lease payments in excess of those that are reasonable under section 124D.11,

35.26 subdivision 4, clause (1).

35.27 Subd. 24. **Pupil enrollment upon nonrenewal or termination of charter school**

35.28 **contract.** If a contract is not renewed or is terminated according to subdivision 23, a

35.29 pupil who attended the school, siblings of the pupil, or another pupil who resides in the

35.30 same place as the pupil may enroll in the resident district or may submit an application

35.31 to a nonresident district according to section 124D.03 at any time. Applications and

35.32 notices required by section 124D.03 must be processed and provided in a prompt manner.

35.33 The application and notice deadlines in section 124D.03 do not apply under these

35.34 circumstances. The closed charter school must transfer the student's educational records

35.35 within ten business days of closure to the student's school district of residence where the

35.36 records must be retained or transferred under section 120A.22, subdivision 7.

36.1 Subd. 25. **Extent of specific legal authority.** (a) The board of directors of a charter
36.2 school may sue and be sued.

36.3 (b) The board may not levy taxes or issue bonds.

36.4 (c) The commissioner, an authorizer, members of the board of an authorizer in
36.5 their official capacity, and employees of an authorizer are immune from civil or criminal
36.6 liability with respect to all activities related to a charter school they approve or authorize.
36.7 The board of directors shall obtain at least the amount of and types of insurance up to the
36.8 applicable tort liability limits under chapter 466. The charter school board must submit
36.9 a copy of the insurance policy to its authorizer ~~and the commissioner~~ before starting
36.10 operations. The charter school board must submit changes in its insurance carrier or policy
36.11 to its authorizer ~~and the commissioner~~ within 20 business days of the change.

36.12 (d) Notwithstanding section 3.736, the charter school shall assume full liability for
36.13 its activities and indemnify and hold harmless the authorizer and its officers, agents, and
36.14 employees from any suit, claim, or liability arising from any operation of the charter school
36.15 and the commissioner and department officers, agents, and employees. A charter school
36.16 is not required to indemnify or hold harmless a state employee if the state would not be
36.17 required to indemnify and hold the employee harmless under section 3.736, subdivision 9.

36.18 Subd. 27. **Collaboration between charter school and school district.** (a) A charter
36.19 school board may voluntarily enter into a two-year, renewable agreement for collaboration
36.20 to enhance student achievement with a school district within whose geographic boundary
36.21 it operates.

36.22 (b) A school district need not be an approved authorizer to enter into a collaboration
36.23 agreement with a charter school. A charter school need not be authorized by the school
36.24 district with which it seeks to collaborate.

36.25 (c) A charter school authorizer is prohibited from requiring a collaboration agreement
36.26 as a condition of entering into or renewing a charter contract as defined in subdivision 6.

36.27 (d) Nothing in this subdivision or in the collaboration agreement may impact in any
36.28 way the authority or autonomy of the charter school.

36.29 (e) Nothing in this subdivision or in the collaboration agreement shall cause the state
36.30 to pay twice for the same student, service, or facility or otherwise impact state funding, or
36.31 the flow thereof, to the school district or the charter school.

36.32 (f) The collaboration agreement may include, but need not be limited to,
36.33 collaboration regarding facilities, transportation, training, student achievement,
36.34 assessments, mutual performance standards, and other areas of mutual agreement.

37.1 (g) The school district may include the academic performance of the students of a
 37.2 collaborative charter school site operating within the geographic boundaries of the school
 37.3 district, for purposes of student assessment and reporting to the state.

37.4 (h) Districts, authorizers, or charter schools entering into a collaborative agreement
 37.5 are equally and collectively subject to the same state and federal accountability measures
 37.6 for student achievement, school performance outcomes, and school improvement
 37.7 strategies. The collaborative agreement and all accountability measures must be posted
 37.8 on the district, charter school, and authorizer Web sites.

37.9 Sec. 10. Minnesota Statutes 2012, section 124D.122, is amended to read:

37.10 **124D.122 ESTABLISHMENT OF FLEXIBLE LEARNING YEAR PROGRAM.**

37.11 The board of any district or a consortium of districts, with the approval of the
 37.12 commissioner, may establish and operate a flexible learning year program in one or
 37.13 more of the day or residential facilities for children with a disability within the district.

37.14 Consortiums may use a single application and evaluation process, though results, public
 37.15 hearings, and board approvals must be obtained for each district.

37.16 Sec. 11. Minnesota Statutes 2012, section 124D.79, subdivision 1, is amended to read:

37.17 Subdivision 1. **Community involvement.** The commissioner must provide for the
 37.18 maximum involvement of the state committees on American Indian education, parents
 37.19 of American Indian children, secondary students eligible to be served, American Indian
 37.20 language and culture education teachers, American Indian teachers, teachers' aides,
 37.21 representatives of community groups, and persons knowledgeable in the field of American
 37.22 Indian education, in the formulation of policy and procedures relating to the administration
 37.23 of sections 124D.71 to 124D.82. The commissioner must annually hold a field hearing on
 37.24 Indian education to gather input from American Indian educators, parents, and students on
 37.25 the state of American Indian education in Minnesota. Results of the hearing must be made
 37.26 available to all 11 tribal nations for review and comment.

37.27 Sec. 12. Minnesota Statutes 2012, section 124D.79, is amended by adding a
 37.28 subdivision to read:

37.29 **Subd. 4. Consultation with the tribal nations education committee.** (a) The
 37.30 commissioner shall seek consultation with the Tribal Nations Education Committee on all
 37.31 issues relating to American Indian education including:

37.32 (1) administration of the commissioner's duties under sections 124D.71 to 124D.82
 37.33 and other programs;

38.1 (2) administration of other programs for the education of American Indian people, as
 38.2 determined by the commissioner;

38.3 (3) awarding of scholarships to eligible American Indian students;

38.4 (4) administration of the commissioner's duties regarding awarding of American
 38.5 Indian postsecondary preparation grants to school districts; and

38.6 (5) recommendations of education policy changes for American Indians.

38.7 (b) Membership in the Tribal Nations Education Committee is the sole discretion
 38.8 of the committee and nothing in this subdivision gives the commissioner authority to
 38.9 dictate committee membership.

38.10 Sec. 13. **[124D.791] INDIAN EDUCATION DIRECTOR.**

38.11 Subdivision 1. **Appointment.** An Indian education director shall be appointed by
 38.12 the commissioner.

38.13 Subd. 2. **Qualifications.** The commissioner shall select the Indian education
 38.14 director on the basis of outstanding professional qualifications and knowledge of
 38.15 American Indian education, culture, practices, and beliefs. The Indian education director
 38.16 serves in the unclassified service. The commissioner may remove the Indian education
 38.17 director for cause. The commissioner is encouraged to seek qualified applicants who
 38.18 are enrolled members of a tribe.

38.19 Subd. 3. **Compensation.** Compensation of the Indian education director shall be
 38.20 established under chapter 15A.

38.21 Subd. 4. **Duties; powers.** (a) The Indian education director shall:

38.22 (1) serve as the liaison for the department with the Tribal Nations Education
 38.23 Committee, the 11 reservations, the Minnesota Chippewa tribe, the Minnesota Indian
 38.24 Affairs Council, and the urban advisory council;

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

38.26 (3) engage the tribal bodies, community groups, parents of children eligible to
 38.27 be served by Indian education programs, American Indian administrators and teachers,
 38.28 persons experienced in the training of teachers for American Indian education programs,
 38.29 the tribally controlled schools, and other persons knowledgeable in the field of American
 38.30 Indian education and seek their advice on policies that can improve the quality of
 38.31 American Indian education;

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

38.33 (i) issues facing American Indian students;

38.34 (ii) policies for American Indian education;

39.1 (iii) awarding scholarships to eligible American Indian students and in administering
 39.2 the commissioner's duties regarding awarding of American Indian postsecondary
 39.3 preparation grants to school districts; and

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

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

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

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

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

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

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

39.17 (v) increase American Indian student placement in postsecondary programs and
 39.18 the workforce;

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

39.21 Sec. 14. **REVISOR'S INSTRUCTION.**

39.22 The revisor of statutes shall renumber Minnesota Statutes, section 120B.023,
 39.23 subdivision 2, as Minnesota Statutes, section 120B.021, subdivision 4. The revisor shall
 39.24 make necessary cross-reference changes consistent with the renumbering.

39.25 Sec. 15. **REPEALER.**

39.26 Minnesota Rules, parts 3501.0505; 3501.0510; 3501.0515; 3501.0520; 3501.0525;
 39.27 3501.0530; 3501.0535; 3501.0540; 3501.0545; and 3501.0550, are repealed.

39.28 **ARTICLE 3**

39.29 **SPECIAL PROGRAMS**

39.30 Section 1. Minnesota Statutes 2012, section 15.059, subdivision 5b, is amended to read:

39.31 Subd. 5b. **Continuation dependent on federal law.** Notwithstanding this section,
 39.32 the following councils and committees do not expire unless federal law no longer requires
 39.33 the existence of the council or committee:

- 40.1 (1) Rehabilitation Council for the Blind, created in section 248.10;
- 40.2 (2) Juvenile Justice Advisory Committee, created in section 299A.72;
- 40.3 (3) Governor's Workforce Development Council, created in section 116L.665;
- 40.4 (4) local workforce councils, created in section 116L.666, subdivision 2;
- 40.5 (5) Rehabilitation Council, created in section 268A.02, subdivision 2; ~~and~~
- 40.6 (6) Statewide Independent Living Council, created in section 268A.02, subdivision
- 40.7 2; and
- 40.8 (7) Interagency Coordinating Council, created in section 125A.28.

40.9 Sec. 2. Minnesota Statutes 2012, section 125A.27, subdivision 8, is amended to read:

40.10 Subd. 8. **Eligibility for Part C.** "Eligibility for Part C" means eligibility for

40.11 ~~early childhood special education~~ infant and toddler intervention services under section

40.12 125A.02 and Minnesota Rules.

40.13 Sec. 3. Minnesota Statutes 2012, section 125A.27, subdivision 11, is amended to read:

40.14 Subd. 11. **Interagency child find systems.** "Interagency child find systems" means

40.15 activities developed on an interagency basis with the involvement of interagency early

40.16 intervention committees and other relevant community groups, including primary referral

40.17 sources included in Code of Federal Regulations, title 34, section 303.303(c), using

40.18 rigorous standards to actively seek out, identify, and refer infants and young children,

40.19 with, or at risk of, disabilities, and their families, ~~including a child~~ to reduce the need for

40.20 future services. The child find system must mandate referrals for a child under the age of

40.21 three who: (1) is ~~involved in the subject of~~ a substantiated case of abuse or neglect, or

40.22 (2) is identified as directly affected by illegal substance abuse, or withdrawal symptoms

40.23 resulting from prenatal drug exposure, to reduce the need for future services. The referral

40.24 procedures must specify that a referral must occur within seven calendar days from the

40.25 date of identification.

40.26 Sec. 4. Minnesota Statutes 2012, section 125A.27, subdivision 14, is amended to read:

40.27 Subd. 14. **Parent.** "Parent" means ~~the biological parent with parental rights,~~

40.28 ~~adoptive parent, legal guardian, or surrogate parent~~ "parent" as defined by Code of Federal

40.29 Regulations, title 34, section 303.27, or a surrogate parent appointed in accordance with

40.30 Code of Federal Regulations, title 34, section 303.422, or United States Code, title 20,

40.31 section 1439(a)(5).

41.1 Sec. 5. Minnesota Statutes 2012, section 125A.28, is amended to read:

41.2 **125A.28 STATE INTERAGENCY COORDINATING COUNCIL.**

41.3 An Interagency Coordinating Council of at least 17, but not more than 25 members
41.4 is established, in compliance with Public Law 108-446, section 641. The members must
41.5 be appointed by the governor and reasonably represent the population of Minnesota.

41.6 Council members must elect the council chair, who may not be a representative of the
41.7 Department of Education. ~~The representative of the commissioner may not serve as the~~

41.8 ~~chair.~~ The council must be composed of at least five parents, including persons of color,

41.9 of children with disabilities under age 12, including at least three parents of a child

41.10 with a disability under age seven, five representatives of public or private providers

41.11 of services for children with disabilities under age five, including a special education

41.12 director, county social service director, local Head Start director, and a community health

41.13 services or public health nursing administrator, one member of the senate, one member of

41.14 the house of representatives, one representative of teacher preparation programs in early

41.15 childhood-special education or other preparation programs in early childhood intervention,

41.16 at least one representative of advocacy organizations for children with disabilities under

41.17 age five, one physician who cares for young children with special health care needs, one

41.18 representative each from the commissioners of commerce, education, health, human

41.19 services, a representative from the state agency responsible for child care, foster care,

41.20 mental health, homeless coordinator of education of homeless children and youth, and a

41.21 representative from Indian health services or a tribal council. Section 15.059, subdivisions

41.22 2 to 5, apply to the council. The council must meet at least quarterly.

41.23 The council must address methods of implementing the state policy of developing
41.24 and implementing comprehensive, coordinated, multidisciplinary interagency programs of
41.25 early intervention services for children with disabilities and their families.

41.26 The duties of the council include recommending policies to ensure a comprehensive

41.27 and coordinated system of all state and local agency services for children under age five

41.28 with disabilities and their families. The policies must address how to incorporate each

41.29 agency's services into a unified state and local system of multidisciplinary assessment

41.30 practices, individual intervention plans, comprehensive systems to find children in need of

41.31 services, methods to improve public awareness, and assistance in determining the role of

41.32 interagency early intervention committees.

41.33 On the date that Minnesota Part C Annual Performance Report is submitted to the

41.34 federal Office of Special Education, the council must recommend to the governor and the

41.35 commissioners of education, health, human services, commerce, and employment and

41.36 economic development policies for a comprehensive and coordinated system.

42.1 On an annual basis, the council must prepare and submit an annual report to the
 42.2 governor and the secretary of the federal Department of Education on the status of early
 42.3 intervention services and programs for infants and toddlers with disabilities and their
 42.4 families under the Individuals with Disabilities Education Act, United States Code, title
 42.5 20, sections 1471 to 1485 (Part C, Public Law 102-119), as operated in Minnesota. The
 42.6 Minnesota Part C annual performance report may serve as the report.

42.7 Notwithstanding any other law to the contrary, the State Interagency Coordinating
 42.8 Council ~~expires on June 30, 2014~~ does not expire unless federal law no longer requires
 42.9 the existence of the council or committee.

42.10 Sec. 6. Minnesota Statutes 2012, section 125A.29, is amended to read:

42.11 **125A.29 RESPONSIBILITIES OF COUNTY BOARDS AND SCHOOL**
 42.12 **BOARDS.**

42.13 (a) It is the joint responsibility of county boards and school boards to coordinate,
 42.14 provide, and pay for appropriate services, and to facilitate payment for services from public
 42.15 and private sources. Appropriate services for children eligible under section 125A.02 must
 42.16 be determined in consultation with parents, physicians, and other educational, medical,
 42.17 health, and human services providers. The services provided must be in conformity with:

42.18 (1) an IFSP for each eligible infant and toddler from birth through age two and
 42.19 the infant's or toddler's family including:

42.20 (i) American Indian infants and toddlers with disabilities and their families residing
 42.21 on a reservation geographically located in the state;

42.22 (ii) infants and toddlers with disabilities who are homeless children and their
 42.23 families; and

42.24 (iii) infants and toddlers with disabilities who are wards of the state; or

42.25 (2) an individualized education program (IEP) or individual service plan (ISP) for
 42.26 each eligible child ages three through four.

42.27 (b) Appropriate early intervention services include ~~family education and~~
 42.28 ~~counseling, home visits, occupational and physical therapy, speech pathology, audiology,~~
 42.29 ~~psychological services, special instruction, nursing, respite, nutrition, assistive technology,~~
 42.30 ~~transportation and related costs, social work, vision services, case management~~ services
 42.31 provided in conformity with an IFSP that are designed to meet the special developmental
 42.32 needs of an eligible child and the needs of the child's family related to enhancing the
 42.33 child's development and that are selected in collaboration with the parent. These services
 42.34 include core early intervention services and additional early intervention services listed in
 42.35 this section and infant and toddler intervention services defined under United States Code,

43.1 title 20, sections 1431 to 1444 and Code of Federal Regulations, title 34, section 303,
 43.2 ~~including service coordination under section 125A.33, medical services for diagnostic and~~
 43.3 ~~evaluation purposes, early identification, and screening, assessment, and health services~~
 43.4 ~~necessary to enable children with disabilities to benefit from early intervention services.~~

43.5 (c) School and county boards shall coordinate early intervention services. In the
 43.6 absence of agreements established according to section 125A.39, service responsibilities
 43.7 for children birth through age two are as follows:

43.8 (1) school boards must provide, pay for, and facilitate payment for special education
 43.9 and related services required under sections 125A.03 and 125A.06;

43.10 (2) county boards must provide, pay for, and facilitate payment for noneducational
 43.11 services of social work, psychology, transportation and related costs, nursing, respite, and
 43.12 nutrition services not required under clause (1).

43.13 (d) School and county boards may develop an interagency agreement according
 43.14 to section 125A.39 to establish agency responsibility that assures early intervention
 43.15 services are coordinated, provided, paid for, and that payment is facilitated from public
 43.16 and private sources.

43.17 (e) County and school boards must jointly determine the primary agency in this
 43.18 cooperative effort and must notify the commissioner of the state lead agency of their
 43.19 decision.

43.20 Sec. 7. Minnesota Statutes 2012, section 125A.30, is amended to read:

43.21 **125A.30 INTERAGENCY EARLY INTERVENTION COMMITTEES.**

43.22 (a) A school district, group of districts, or special education cooperative, in
 43.23 cooperation with the health and human service agencies located in the county or counties
 43.24 in which the district or cooperative is located, must establish an Interagency Early
 43.25 Intervention Committee for children with disabilities under age five and their families
 43.26 under this section, and for children with disabilities ages three to 22 consistent with
 43.27 the requirements under sections 125A.023 and 125A.027. Committees must include
 43.28 representatives of local health, education, and county human service agencies, county
 43.29 boards, school boards, early childhood family education programs, Head Start, parents of
 43.30 young children with disabilities under age 12, child care resource and referral agencies,
 43.31 school readiness programs, current service providers, and may also include representatives
 43.32 from other private or public agencies and school nurses. The committee must elect a chair
 43.33 from among its members and must meet at least quarterly.

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

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

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

44.11 (3) establish and evaluate the identification, referral, ~~child~~ screening, evaluation,
44.12 child- and family-directed assessment systems, procedural safeguard process,
44.13 and community learning systems to recommend, where necessary, alterations and
44.14 improvements;

44.15 (4) assure the development of individualized family service plans for all eligible
44.16 infants and toddlers with disabilities from birth through age two, and their families,
44.17 and individualized education programs and individual service plans when necessary to
44.18 appropriately serve children with disabilities, age three and older, and their families and
44.19 recommend assignment of financial responsibilities to the appropriate agencies;

44.20 (5) implement a process for assuring that services involve cooperating agencies at all
44.21 steps leading to individualized programs;

44.22 (6) facilitate the development of a ~~transitional~~ transition plan ~~if a service provider is~~
44.23 ~~not recommended to continue to provide services~~ in the individual family service plan by
44.24 the time a child is two years and nine months old;

44.25 (7) identify the current services and funding being provided within the community
44.26 for children with disabilities under age five and their families;

44.27 (8) develop a plan for the allocation and expenditure of ~~additional state and federal~~
44.28 early intervention funds under United States Code, title 20, section 1471 et seq. (Part C,
44.29 Public Law 108-446) and United States Code, title 20, section 631, et seq. (Chapter I,
44.30 Public Law 89-313); and

44.31 (9) develop a policy that is consistent with section 13.05, subdivision 9, and federal
44.32 law to enable a member of an interagency early intervention committee to allow another
44.33 member access to data classified as not public.

44.34 (c) The local committee shall also:

45.1 (1) participate in needs assessments and program planning activities conducted by
 45.2 local social service, health and education agencies for young children with disabilities
 45.3 and their families; ~~and~~.

45.4 (2) ~~review and comment on the early intervention section of the total special~~
 45.5 ~~education system for the district, the county social service plan, the section or sections of~~
 45.6 ~~the community health services plan that address needs of and service activities targeted~~
 45.7 ~~to children with special health care needs, the section on children with special needs in~~
 45.8 ~~the county child care fund plan, sections in Head Start plans on coordinated planning and~~
 45.9 ~~services for children with special needs, any relevant portions of early childhood education~~
 45.10 ~~plans, such as early childhood family education or school readiness, or other applicable~~
 45.11 ~~coordinated school and community plans for early childhood programs and services, and~~
 45.12 ~~the section of the maternal and child health special project grants that address needs of and~~
 45.13 ~~service activities targeted to children with chronic illness and disabilities.~~

45.14 Sec. 8. Minnesota Statutes 2012, section 125A.32, is amended to read:

45.15 **125A.32 INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP).**

45.16 (a) A team must participate in IFSP meetings to develop the IFSP. The team shall
 45.17 include:

45.18 (1) a parent or parents of the child, as defined in Code of Federal Regulations,
 45.19 title 34, section 303.27;

45.20 (2) other family members, as requested by the parent, if feasible to do so;

45.21 (3) an advocate or person outside of the family, if the parent requests that the
 45.22 person participate;

45.23 (4) the service coordinator who has been working with the family since the
 45.24 initial referral, or who has been designated by the public agency to be responsible for
 45.25 implementation of the IFSP and coordination with other agencies including transition
 45.26 services; ~~and~~

45.27 (5) a person or persons involved in conducting evaluations and assessments; and

45.28 (6) as appropriate, persons who will be providing early intervention services under
 45.29 the plan to the child or family.

45.30 (b) The IFSP must include:

45.31 (1) information about the child's developmental status;

45.32 (2) family information, with the consent of the family;

45.33 (3) measurable results or major outcomes expected to be achieved by the child with
 45.34 the family's assistance, that include developmentally appropriate preliteracy and language
 45.35 skills for the child, and the criteria, procedures, and timelines;

46.1 (4) specific early intervention services based on peer-reviewed research, to the
 46.2 extent practicable, necessary to meet the unique needs of the child and the family to
 46.3 achieve the outcomes;

46.4 (5) payment arrangements, if any;

46.5 (6) medical and other services that the child needs, but that are not required under
 46.6 the Individual with Disabilities Education Act, United States Code, title 20, section 1471
 46.7 et seq. (Part C, Public Law 108-446) including funding sources to be used in paying for
 46.8 those services and the steps that will be taken to secure those services through public
 46.9 or private sources;

46.10 (7) dates and duration of early intervention services;

46.11 (8) name of the service coordinator;

46.12 (9) steps to be taken to support a child's transition from early infant and toddler
 46.13 intervention services to other appropriate services, including convening a transition
 46.14 conference at least 90 days or, at the discretion of all parties, not more than nine months
 46.15 before the child is eligible for preschool services; and

46.16 (10) ~~signature of the parent and~~ authorized signatures of the agencies responsible
 46.17 for providing, paying for, or facilitating payment, or any combination of these, for early
 46.18 infant and toddler intervention services.

46.19 Sec. 9. Minnesota Statutes 2012, section 125A.33, is amended to read:

46.20 **125A.33 SERVICE COORDINATION.**

46.21 (a) The team responsible for the initial evaluation and the child- and family-directed
 46.22 assessment and for developing the IFSP under section 125A.32, if appropriate, must
 46.23 select a service coordinator to carry out service coordination activities on an interagency
 46.24 basis. Service coordination must actively promote a family's capacity and competency
 46.25 to identify, obtain, coordinate, monitor, and evaluate resources and services to meet the
 46.26 family's needs. Service coordination activities include:

46.27 (1) coordinating the performance of evaluations and assessments;

46.28 (2) facilitating and participating in the development, review, and evaluation of
 46.29 individualized family service plans;

46.30 (3) assisting families in identifying available service providers;

46.31 (4) coordinating and monitoring the delivery of available services;

46.32 (5) informing families of the availability of advocacy services;

46.33 (6) coordinating with medical, health, and other service providers;

46.34 (7) facilitating the development of a transition plan to preschool, school, or if
 46.35 appropriate, to other services, at least 90 days before the time the child is no longer

47.1 eligible for ~~early~~ infant and toddler intervention services or, at the discretion of all parties,
 47.2 not more than nine months prior to the child's ~~eligibility for preschool services~~ third
 47.3 birthday, if appropriate;

47.4 (8) managing the early intervention record and submitting additional information to
 47.5 the local primary agency at the time of periodic review and annual evaluations; and

47.6 (9) notifying a local primary agency when disputes between agencies impact service
 47.7 delivery required by an IFSP.

47.8 (b) A service coordinator must be knowledgeable about children and families
 47.9 receiving services under this section, requirements of state and federal law, and services
 47.10 available in the interagency early childhood intervention system. The IFSP must include
 47.11 the name of the services coordinator from the profession most relevant to the child's or
 47.12 family's needs or who is otherwise qualified to carry out all applicable responsibilities
 47.13 under the Individuals with Disabilities Education Act, United States Code, title 20,
 47.14 sections 1471 to 1485 (Part C, Public Law 102-119), who will be responsible for
 47.15 implementing the early intervention services identified in the child's IFSP, including
 47.16 transition services, and coordination with other agencies and persons.

47.17 Sec. 10. Minnesota Statutes 2012, section 125A.35, subdivision 1, is amended to read:

47.18 Subdivision 1. **Lead agency; allocation of resources.** The state lead agency must
 47.19 administer the early intervention account that consists of federal allocations. The Part C
 47.20 state plan must state the amount of federal resources in the early intervention account
 47.21 available for use by local agencies. The state lead agency must distribute the funds to the
 47.22 local primary agency designated by an Interagency Early Intervention Committee based
 47.23 on a formula that includes a December 1 count of the prior year of Part C eligible children
 47.24 for the following purposes:

47.25 (1) as provided in Code of Federal Regulations, title 34, part ~~303.425~~ 303.430, to
 47.26 arrange for payment for early intervention services not elsewhere available, or to pay for
 47.27 services during the pendency of a conflict procedure, including mediation, complaints, due
 47.28 process hearings, and interagency disputes; and

47.29 (2) to support interagency child find system activities.

47.30 Sec. 11. Minnesota Statutes 2012, section 125A.36, is amended to read:

47.31 **125A.36 PAYMENT FOR SERVICES.**

47.32 Core early intervention services must be provided at public expense with no cost to
 47.33 parents. Parents must be requested to assist in the cost of additional early intervention
 47.34 services by using third-party payment sources ~~and applying for available resources.~~

48.1 Payment structures permitted under state law must be used to pay for additional early
 48.2 intervention services. Parental financial responsibility must be clearly defined in the
 48.3 IFSP. A parent's inability to pay must not prohibit a child from receiving needed early
 48.4 intervention services.

48.5 Sec. 12. Minnesota Statutes 2012, section 125A.43, is amended to read:

48.6 **125A.43 MEDIATION PROCEDURE.**

48.7 (a) The commissioner, or the commissioner's designee, of the state lead agency must
 48.8 use federal funds to provide mediation for the activities in paragraphs (b) and (c).

48.9 (b) A parent may resolve a dispute regarding issues in section 125A.42, paragraph
 48.10 (b), clause (5), through mediation. If the parent chooses mediation, mediation must be
 48.11 voluntary on the part of the parties. The parent and the public agencies must complete the
 48.12 mediation process within 30 calendar days of the date the ~~Office of Dispute Resolution~~
 48.13 Department of Education receives a parent's written request for mediation signed by
 48.14 the parent and the district. The mediation process may not be used to delay a parent's
 48.15 right to a due process hearing. The resolution of the mediation is ~~not~~ binding on ~~any~~
 48.16 party both parties.

48.17 (c) Resolution of a dispute through mediation, or other form of alternative dispute
 48.18 resolution, is not limited to formal disputes arising from the objection of a parent or
 48.19 guardian and is not limited to the period following a request for a due process hearing.

48.20 (d) The commissioner shall provide training and resources to school districts to
 48.21 facilitate early identification of disputes and access to mediation.

48.22 (e) The local primary agency may request mediation on behalf of involved agencies
 48.23 when there are disputes between agencies regarding responsibilities to coordinate, provide,
 48.24 pay for, or facilitate payment for early intervention services.

48.25 Sec. 13. **RULEMAKING AUTHORITY.**

48.26 The commissioner of education shall amend Minnesota Rules related to the provision
 48.27 of special education under Part C of the Individuals with Disabilities Education Act using
 48.28 the expedited rulemaking process in section 14.389. The commissioner shall amend rules
 48.29 in response to new federal regulations in Code of Federal Regulations, title 34, part 303,
 48.30 including definitions of and procedures related to evaluation and assessment, including
 48.31 assessment of the child and family, initial evaluation and assessment, native language,
 48.32 the use of informed clinical opinion as an independent basis to establish eligibility, and
 48.33 transition of a toddler from Part C consistent with Code of Federal Regulations, title
 48.34 34, sections 303.24, 303.25 and 303.321.

49.1 Sec. 14. **REPEALER.**49.2 Minnesota Statutes 2012, section 125A.35, subdivisions 4 and 5, are repealed.49.3 **ARTICLE 4**49.4 **LIBRARIES**49.5 Section 1. **REVISOR'S INSTRUCTION.**

49.6 In Minnesota Statutes and Minnesota Rules, the revisor of statutes shall substitute
 49.7 the term "Division of State Library Services" for "Library Development and Services,"
 49.8 "Office of Library Development and Services," or "LDS" where "LDS" stands for "Library
 49.9 Development and Services." The revisor shall also make grammatical changes related
 49.10 to the changes in terms.

49.11 **ARTICLE 5**49.12 **EARLY CHILDHOOD EDUCATION**

49.13 Section 1. Laws 2011, First Special Session chapter 11, article 7, section 2, subdivision
 49.14 8, as amended by Laws 2012, chapter 239, article 3, section 4, is amended to read:

49.15 Subd. 8. **Early childhood education scholarships.** For grants to early childhood
 49.16 education scholarships for public or private early childhood preschool programs for
 49.17 children ages 3 to 5:

49.18 § 2,000,000 2013

49.19 (a) All children whose parents or legal guardians meet the eligibility requirements
 49.20 of paragraph (b) established by the commissioner are eligible to receive early childhood
 49.21 education scholarships under this section.

49.22 (b) A parent or legal guardian is eligible for an early childhood education scholarship
 49.23 if the parent or legal guardian:

49.24 (1) has a child three or four years of age on September 1, beginning in calendar
 49.25 year 2012; and

49.26 (2)(i) has income equal to or less than 47 percent of the state median income in the
 49.27 current calendar year; or

49.28 (ii) can document their child's identification through another public funding
 49.29 eligibility process, including the Free and Reduced Price Lunch Program, National School
 49.30 Lunch Act, United States Code, title 42, section 1751, part 210; Head Start under federal
 49.31 Improving Head Start for School Readiness Act of 2007; Minnesota family investment
 49.32 program under chapter 256J; and child care assistance programs under chapter 119B.

50.1 Early childhood scholarships may not be counted as earned income for the purposes of
50.2 medical assistance, MinnesotaCare, MFIP, child care assistance, or Head Start programs.

50.3 Each year, if this appropriation is insufficient to provide early childhood education
50.4 scholarships to all eligible children, the Department of Education shall make scholarships
50.5 available on a first-come, first-served basis.

50.6 The commissioner of education shall submit a written report to the education
50.7 committees of the legislature by January 15, 2012, describing its plan for implementation
50.8 of scholarships under this subdivision for the 2012-2013 school year.

50.9 Any balance in the first year does not cancel but is available in the second year.

50.10 The base for this program is \$3,000,000 each year.

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125A.35 EARLY INTERVENTION SERVICE DOLLARS.

Subd. 4. **Expenditures; early intervention services.** Each county board must continue to spend for early intervention services under section 125A.27, subdivision 6, an amount equal to the total county expenditure during the period from January 1, 1993, to December 31, 1993, for these same services. The commissioner of human services, in consultation with the commissioner of health and the association of Minnesota counties, must establish a process for determining base year 1993 expenditures.

Subd. 5. **Increased costs.** County boards that have submitted base year 1993 expenditures as required under subdivision 4 are not required to pay any increased cost over the base year 1993 for early intervention services resulting from implementing the early intervention system. Increased costs to county boards may be paid for with early intervention service dollars.

3501.0505 KINDERGARTEN STANDARDS.

Subpart 1. **Reading and literature.** The student will listen to and begin to read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. The student will understand and apply knowledge of the sounds of the English language (phonemic awareness) and of the sound-symbol relationship (phonics).

B. Vocabulary expansion. The student will use a variety of strategies to develop and expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will listen to and understand the meaning of text.

D. Literature. The student will read or listen to a variety of texts.

Subp. 2. **Writing.** The student will write clearly and coherently to effectively communicate for a variety of audiences and purposes.

A. Types of writing. Writing is addressed in subpart 1, item A.

B. Elements of composition. Standards under this heading may be locally determined.

C. Spelling, grammar, and usage. The student will begin to recognize correct spelling and punctuation.

D. Research. Standards under this heading may be locally determined.

E. Handwriting and word processing. The student will form letters and numbers.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will communicate effectively through listening and speaking.

B. Viewing. The student will become familiar with the structure of printed material.

3501.0510 GRADE 1 STANDARDS.

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. The student will understand and apply knowledge of the sounds of the English language (phonemic awareness), the sound-symbol relationship (phonics), and word recognition strategies to read grade-level materials with accuracy and emerging fluency.

B. Vocabulary expansion. The student will use a variety of strategies to develop and expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will actively engage in the reading process and use a variety of comprehension strategies to understand the meaning of texts that have been read or listened to.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to communicate effectively for a variety of audiences and purposes.

A. Types of writing. The student will compose various pieces of writing.

B. Elements of composition. The student will demonstrate emerging knowledge of a writing process with attention to organization, topic, and quality of ideas.

C. Spelling, grammar, and usage. The student will demonstrate emerging knowledge of punctuation, spelling, and capitalization.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. The student will improve the student's handwriting.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will communicate effectively through listening and speaking.

B. Viewing. The student will become familiar with the structure of printed material.

3501.0515 GRADE 2 STANDARDS.

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. The student will understand and apply knowledge of the sounds of the English language (phonemic awareness), the sound-symbol relationship (phonics), and word recognition strategies to read grade-level materials with accuracy and fluency.

B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will actively engage in the reading process and use a variety of comprehension strategies to understand the meaning of texts that have been read.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to effectively communicate for a variety of audiences and purposes, demonstrating an emerging knowledge and application of skills.

A. Types of writing. The student will compose narrative and informational pieces of writing.

B. Elements of composition. The student will demonstrate increased emerging knowledge in a writing process, with attention to organization, focus, and quality of ideas.

C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. The student will begin to write legibly.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Viewing. The student will become familiar with the structure of printed material.

3501.0520 GRADE 3 STANDARDS.

Subpart 1. **Word recognition, analysis, and fluency.** The student will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. The student will apply word recognition strategies to decode unfamiliar multisyllabic words and will read grade-appropriate text with accuracy and fluency.

B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will understand the meaning of texts using a variety of comprehension strategies and will demonstrate literal, interpretive, and evaluative comprehension.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to communicate effectively for a variety of audiences and purposes.

A. Types of writing. The student will compose various pieces of writing.

B. Elements of composition. The student will engage in a writing process, with attention to organization, focus, and quality of ideas.

C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. The student will write legibly.

Subp. 3. **Speaking, listening, and viewing.**

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A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

3501.0525 GRADE 4 STANDARDS.

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. The student will decode unfamiliar words using phonetic and structural analysis and will read with fluency and expression.

B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will understand the meaning of texts, using a variety of strategies, and will demonstrate literal, interpretive, inferential, and evaluative comprehension.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to effectively communicate for a variety of audiences and purposes.

A. Types of writing. The student will compose various pieces of writing.

B. Elements of composition. The student will engage in writing, with attention to organization, focus, and quality of ideas.

C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. The student will write legibly and use a keyboard.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

3501.0530 GRADE 5 STANDARDS.

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. The student will decode unfamiliar words using phonetic and structural analysis and will read with fluency and expression.

B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will understand the meaning of texts, using a variety of strategies, and will demonstrate literal, interpretive, inferential, and evaluative comprehension.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to effectively communicate for a variety of audiences and purposes.

A. Types of writing. The student will compose various pieces of writing.

B. Elements of composition. The student will engage in a writing process, with attention to organization, focus, quality of ideas, audience, and a purpose.

C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. The student will write legibly and demonstrate effective keyboarding skills.

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Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

3501.0535 GRADE 6 STANDARDS.

Subpart 1. **Reading and literature.** Students will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. The student will read with accuracy and fluency.

B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will understand the meaning of informational, expository, or persuasive texts, using a variety of strategies, and will demonstrate literal, interpretive, inferential, and evaluative comprehension.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to effectively communicate for a variety of audiences and purposes.

A. Types of writing. The student will create informative, expressive, and persuasive writing.

B. Elements of composition. The student will engage in a writing process, with attention to organization, focus, quality of ideas, and a purpose.

C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. The student will write legibly and demonstrate effective keyboarding skills.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

3501.0540 GRADE 7 STANDARDS.

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. The student will read with accuracy and fluency.

B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will understand the meaning of texts, using a variety of strategies, and will demonstrate literal, interpretive, inferential, and evaluative comprehension.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently for a variety of audiences and purposes.

A. Types of writing. The student will create informative, expressive, and persuasive writing.

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- B. Elements of composition. The student will engage in a writing process, with attention to context, organization, focus, quality of ideas, and a purpose.
- C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.
- D. Research. The student will locate and use information in reference materials.
- E. Handwriting and word processing. The student will write legibly and demonstrate effective keyboarding skills.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

3501.0545 GRADE 8 STANDARDS.

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. Standards under this heading may be locally determined and based on the individual needs of the student.

B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will understand the meaning of texts using a variety of strategies and will demonstrate literal, interpretive, inferential, and evaluative comprehension.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to effectively communicate for a variety of audiences and purposes.

A. Types of writing. The student will create informative, expressive, and persuasive writing.

B. Elements of composition. The student will engage in a writing process with attention to context, organization, focus, quality of ideas, and a purpose.

C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. The student will write legibly and demonstrate effective keyboarding skills.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences, and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

3501.0550 GRADES 9 THROUGH 12 STANDARDS.

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. Standards under this heading may be locally determined.

B. Vocabulary expansion. The student will apply a variety of strategies to expand vocabulary.

C. Comprehension. The student will understand the meaning of informational, expository, or persuasive texts, using a variety of strategies and will demonstrate literal, interpretive, inferential, and evaluative comprehension.

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D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently for a variety of audiences and purposes.

A. Type of writing. The student will write in narrative, expository, descriptive, persuasive, and critical modes.

B. Elements of composition. The student will engage in a writing process with attention to audience, organization, focus, quality of ideas, and a purpose.

C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. Standards under this heading may be locally determined.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.