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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **3401**

02/14/2022 Authored by Richardson, Moran, Hassan, Davids and Boldon  
The bill was read for the first time and referred to the Committee on Education Policy  
03/28/2022 Adoption of Report: Amended and re-referred to the Committee on Education Finance

1.1 A bill for an act

1.2 relating to education; modifying provisions for prekindergarten through grade 12,  
1.3 including general education, education excellence, teachers, charter schools, health  
1.4 and safety, nutrition and libraries; requiring reports; amending Minnesota Statutes  
1.5 2020, sections 13.32, subdivision 3; 120A.22, subdivisions 7, 9; 120A.42;  
1.6 120B.018, subdivision 6; 120B.021, subdivisions 1, 2, 3, 4; 120B.022, subdivision  
1.7 1; 120B.024, subdivisions 1, 2; 120B.026; 120B.11, subdivisions 1, 1a, 2, 3;  
1.8 120B.15; 120B.30, subdivisions 1, 1a; 120B.301; 120B.31, subdivision 4; 120B.35,  
1.9 subdivision 3; 120B.36, subdivision 2; 121A.031, subdivisions 5, 6; 121A.41,  
1.10 subdivisions 2, 10, by adding subdivisions; 121A.425; 121A.45, subdivision 1;  
1.11 121A.46, subdivision 4, by adding a subdivision; 121A.47, subdivisions 2, 14;  
1.12 121A.53, subdivision 1; 121A.55; 121A.61, subdivisions 1, 3, by adding a  
1.13 subdivision; 122A.06, subdivision 6; 122A.091, subdivision 5; 122A.14, by adding  
1.14 a subdivision; 122A.181, subdivision 5; 122A.183, subdivision 1; 122A.184,  
1.15 subdivision 1; 122A.185, subdivision 1; 122A.40, subdivisions 3, 5, 8; 122A.41,  
1.16 subdivisions 2, 5, by adding a subdivision; 122A.50; 122A.635; 123A.09; 123B.04,  
1.17 subdivision 1; 123B.147, subdivision 3; 123B.195; 124D.09, subdivisions 3, 9,  
1.18 10, 12, 13; 124D.095, subdivisions 2, 3, 4, 7, by adding a subdivision; 124D.119;  
1.19 124D.128, subdivision 1; 124D.15, subdivision 15; 124D.151, subdivision 5;  
1.20 124D.16, subdivision 2; 124D.231, subdivision 2; 124D.59, subdivision 2a;  
1.21 124D.68, subdivision 2; 124D.73, by adding a subdivision; 124D.74, subdivisions  
1.22 1, 3, 4, by adding a subdivision; 124D.76; 124D.78; 124D.79, subdivision 2;  
1.23 124D.791, subdivision 4; 124D.81, subdivisions 1, 2a, 5, by adding a subdivision;  
1.24 124D.861, subdivision 2; 124D.8957, subdivision 19; 124E.02; 124E.03,  
1.25 subdivision 2, by adding a subdivision; 124E.05, subdivisions 4, 7; 124E.06,  
1.26 subdivisions 1, 4, 5; 124E.07, subdivision 3; 124E.11; 124E.13, subdivisions 1,  
1.27 3; 124E.16, subdivision 1; 124E.25, subdivision 1a; 125A.094; 125A.0942,  
1.28 subdivisions 1, 2, 3; 125A.15; 125A.51; 125A.515, subdivision 3; 125A.76,  
1.29 subdivision 2a; 126C.05, subdivision 16; 134.31, subdivisions 1, 4a; 134.32,  
1.30 subdivision 4; 134.34, subdivision 1; 136A.055; 136A.861, subdivision 2; 144.4165;  
1.31 256.962, subdivision 3; 256L.05, subdivision 1; Minnesota Statutes 2021  
1.32 Supplement, sections 122A.70; 126C.05, subdivision 3; proposing coding for new  
1.33 law in Minnesota Statutes, chapters 120B; 121A; 124D; repealing Minnesota  
1.34 Statutes 2020, section 120B.35, subdivision 5.

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

2.2 **ARTICLE 1**

2.3 **GENERAL EDUCATION**

2.4 Section 1. Minnesota Statutes 2020, section 120A.42, is amended to read:

2.5 **120A.42 CONDUCT OF SCHOOL ON CERTAIN HOLIDAYS.**

2.6 (a) The governing body of any district may contract with any of the teachers of the  
2.7 district for the conduct of schools, and may conduct schools, on either, or any, of the  
2.8 following holidays, provided that a clause to this effect is inserted in the teacher's contract:  
2.9 Martin Luther King's birthday, Lincoln's and Washington's birthdays, ~~Columbus Day~~  
2.10 Indigenous Peoples' Day, and Veterans' Day. On Martin Luther King's birthday, Washington's  
2.11 birthday, Lincoln's birthday, and Veterans' Day at least one hour of the school program  
2.12 must be devoted to a patriotic observance of the day. On Indigenous Peoples' Day, at least  
2.13 one hour of the school program must be devoted to observance of the day. As part of its  
2.14 observance of Indigenous Peoples' Day, a district may provide professional development  
2.15 to teachers and staff, or instruction to students, on the following topics:

2.16 (1) the history of treaties between the United States and Indigenous peoples;

2.17 (2) the history of federal boarding schools for Indigenous children;

2.18 (3) Indigenous languages;

2.19 (4) Indigenous traditional medicines and cultural or spiritual practices;

2.20 (5) the sovereignty of Tribal Nations;

2.21 (6) the contributions of Indigenous people to American culture, literature, and society;

2.22 and

2.23 (7) current issues affecting Indigenous communities.

2.24 (b) A district may conduct a school program to honor Constitution Day and Citizenship  
2.25 Day by providing opportunities for students to learn about the principles of American  
2.26 democracy, the American system of government, American citizens' rights and  
2.27 responsibilities, American history, and American geography, symbols, and holidays. Among  
2.28 other activities under this paragraph, districts may administer to students the test questions  
2.29 United States Citizenship and Immigration Services officers pose to applicants for  
2.30 naturalization.

3.1 Sec. 2. Minnesota Statutes 2020, section 123B.04, subdivision 1, is amended to read:

3.2 Subdivision 1. **Definition.** "Education site" means a separate facility. ~~A or program~~  
3.3 within a facility or within a district ~~is an education site~~ if the school board recognizes it as  
3.4 a site.

3.5 Sec. 3. Minnesota Statutes 2020, section 123B.195, is amended to read:

3.6 **123B.195 BOARD MEMBERS' RIGHT TO EMPLOYMENT.**

3.7 Notwithstanding section 471.88, subdivision 5, a school board member may be newly  
3.8 employed or may continue to be employed by a school district as an employee only if there  
3.9 is a reasonable expectation at the beginning of the fiscal year or at the time the contract is  
3.10 entered into or extended that the amount to be earned by that officer under that contract or  
3.11 employment relationship will not exceed ~~\$8,000~~ \$20,000 in that fiscal year. Notwithstanding  
3.12 section 122A.40 or 122A.41 or other law, if the officer does not receive majority approval  
3.13 to be initially employed or to continue in employment at a meeting at which all board  
3.14 members are present, that employment is immediately terminated and that officer has no  
3.15 further rights to employment while serving as a school board member in the district.

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

3.17 Sec. 4. Minnesota Statutes 2020, section 124D.095, subdivision 2, is amended to read:

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

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

3.23 (b) "Blended learning" is a form of digital learning that occurs when a student learns  
3.24 part time in a supervised physical setting and part time through digital delivery of instruction,  
3.25 or a student learns in a supervised physical setting where technology is used as a primary  
3.26 method to deliver instruction.

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

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

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

4.6 ~~(e)~~ (f) "Student" is a Minnesota resident enrolled in a school under section 120A.22,  
4.7 subdivision 4, or in a school authorized to receive Tribal contract or grant aid under section  
4.8 124D.83, in kindergarten through grade 12.

4.9 ~~(f)~~ (g) "Supplemental online learning student" is a student enrolled in ~~an~~ a supplemental  
4.10 online learning course or program delivered by an a supplemental online learning provider  
4.11 under paragraph ~~(d)~~ (e).

4.12 (h) "Teacher" is a public employee as defined in section 179A.03, subdivision 18,  
4.13 employed by a charter school or district providing online instruction. The contract of a  
4.14 teacher employed by a charter school or district must meet the requirements of section  
4.15 122A.40 or 122A.41 and a charter school must employ or contract with a licensed teacher  
4.16 as defined in section 122A.06, subdivision 2. A teacher must perform all duties described  
4.17 in Minnesota Rules, part 8710.0310, defining teacher of record.

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

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

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

4.26 (j) "Online learning course syllabus" is a written document that ~~an~~ a supplemental online  
4.27 learning provider transmits to the enrolling district using a format prescribed by the  
4.28 commissioner to identify the state academic standards embedded in an online course, the  
4.29 course content outline, required course assessments, expectations for actual teacher contact  
4.30 time and other student-to-teacher communications, and the academic support available to  
4.31 the online learning student.

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

5.1 Sec. 5. Minnesota Statutes 2020, section 124D.095, subdivision 3, is amended to read:

5.2 Subd. 3. **Authorization; notice; limitations on enrollment.** (a) An enrolling district  
5.3 may offer digital learning, blended learning, or online learning as instructional modalities  
5.4 to enrolled students. Digital learning, blended learning, or online learning do not generate  
5.5 online learning funds under this section. An enrolling district that offers digital learning,  
5.6 blended learning, or online learning only to its enrolled students is not subject to the reporting  
5.7 requirements or review criteria under subdivision 7, unless the enrolling district is a  
5.8 supplemental online learning provider. A teacher providing instruction via digital learning,  
5.9 blended learning, or online learning must hold the appropriate Minnesota license as defined  
5.10 in section 124D.095, subdivision 2, paragraph (h). Digital learning, blended learning, and  
5.11 online learning courses must be reported and identified in the Minnesota Common Course  
5.12 Catalog.

5.13 ~~(a) A~~ (b) Any student may apply for ~~full-time~~ supplemental online enrollment in an  
5.14 approved supplemental online learning program ~~under section 124D.03 or 124D.08 or~~  
5.15 ~~chapter 124E. Notwithstanding sections 124D.03 and 124D.08 and chapter 124E, procedures~~  
5.16 ~~for enrolling in supplemental online learning are as provided in this subdivision.~~ A student  
5.17 age 17 or younger must have the written consent of a parent or guardian to apply. ~~No school~~  
5.18 ~~district or charter school may prohibit a student from applying to enroll in online learning.~~  
5.19 In order to enroll in online learning, the student and the student's parents must submit an  
5.20 application to the supplemental online learning provider ~~and identify the student's reason~~  
5.21 ~~for enrolling.~~ A supplemental online learning provider that accepts a student under this  
5.22 section must notify the student and the enrolling district in writing within ten days if the  
5.23 enrolling district is not the supplemental online learning provider. The student and the  
5.24 student's parent must notify the supplemental online learning provider of the student's intent  
5.25 to enroll in online learning within ten days of being accepted, at which time the student and  
5.26 the student's parent must sign a statement indicating that they have reviewed the online  
5.27 course or program and understand the expectations of enrolling in online learning. The  
5.28 supplemental online learning provider must use a form provided by the department to notify  
5.29 the enrolling district of the student's application to enroll in online learning.

5.30 ~~(b) (c)~~ (c) The supplemental online learning notice to the enrolling district when a student  
5.31 applies to the supplemental online learning provider ~~will~~ must include the courses or program,  
5.32 credits to be awarded, and the start date of the online course or program. ~~An~~ A supplemental  
5.33 online learning provider must make available the supplemental online course syllabus to  
5.34 the enrolling district. ~~Within 15 days after the online learning provider makes information~~  
5.35 ~~in this paragraph available to the enrolling district, the enrolling district must notify the~~

6.1 ~~online provider whether the student, the student's parent, and the enrolling district agree or~~  
6.2 ~~disagree that the course meets the enrolling district's graduation requirements. A supplemental~~  
6.3 ~~online learning provider that accepts a student under this section must notify the student~~  
6.4 ~~and the enrolling district in writing within ten days if the enrolling district is not the~~  
6.5 ~~supplemental online learning provider.~~ A student may enroll in a supplemental online  
6.6 learning course up to the midpoint of the enrolling district's term. The enrolling district may  
6.7 waive this requirement for special circumstances and with the agreement of the online  
6.8 provider. ~~An online learning course or program that meets or exceeds a graduation standard~~  
6.9 ~~or the grade progression requirement of the enrolling district as described in the provider's~~  
6.10 ~~online course syllabus meets the corresponding graduation requirements applicable to the~~  
6.11 ~~student in the enrolling district. If the enrolling district does not agree that the course or~~  
6.12 ~~program meets its graduation requirements, then:~~

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

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

6.17 ~~(c) An online learning provider must notify the commissioner that it is delivering online~~  
6.18 ~~learning and report the number of online learning students it accepts and the online learning~~  
6.19 ~~courses and programs it delivers.~~

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

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

6.26 ~~(f) The online provider must report or make available information on an individual~~  
6.27 ~~student's progress and accumulated credit to the student, the student's parent, and the enrolling~~  
6.28 ~~district in a manner specified by the commissioner unless the enrolling district and the online~~  
6.29 ~~provider agree to a different form of notice and notify the commissioner. The enrolling~~  
6.30 ~~district must designate a contact person to help facilitate and monitor the student's academic~~  
6.31 ~~progress and accumulated credits towards graduation.~~

6.32 ~~(d) A school district or charter school must allow an enrolled student to apply to enroll~~  
6.33 ~~in supplemental online learning. A supplemental online learning provider must notify the~~  
6.34 ~~enrolling district that the student has been accepted into the supplemental online learning~~

7.1 program. Within 15 days of receiving the notification from the supplemental online learning  
7.2 program, the enrolling district must notify the supplemental online provider whether the  
7.3 student, the student's parent, and the enrolling district agree or disagree that the proposed  
7.4 course meets the enrolling district's graduation requirements.

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

7.9 (f) An online learning course or program that meets or exceeds a graduation standard  
7.10 or the grade progression requirement of the enrolling district as described in the supplemental  
7.11 online provider's online course syllabus meets the corresponding graduation requirements  
7.12 applicable to the student in the enrolling district. The enrolling district must use the same  
7.13 criteria for accepting online learning credits or courses as it does for accepting credits or  
7.14 courses for transfer students under section 124D.03, subdivision 9. If the enrolling district  
7.15 does not agree that the course or program meets its graduation requirements, then:

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

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

7.21 (g) An enrolling district may reduce a supplemental online learning student's regular  
7.22 classroom instructional enrollment in proportion to the student's enrollment in online learning  
7.23 courses.

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

7.25 Sec. 6. Minnesota Statutes 2020, section 124D.095, subdivision 4, is amended to read:

7.26 Subd. 4. **Online learning parameters.** (a) ~~An~~ A supplemental online learning student  
7.27 must receive academic credit for completing the requirements of an online learning course  
7.28 or program. Secondary credits granted to ~~an~~ a supplemental online learning student count  
7.29 toward the graduation and credit requirements of the enrolling district. ~~The enrolling district~~  
7.30 ~~must apply the same graduation requirements to all students, including online learning~~  
7.31 ~~students, and must continue to provide nonacademic services to online learning students.~~

7.32 If a student completes an online learning course or program that meets or exceeds a  
7.33 graduation standard or the grade progression requirement at the enrolling district, that

8.1 standard or requirement is met. ~~The enrolling district must use the same criteria for accepting~~  
8.2 ~~online learning credits or courses as it does for accepting credits or courses for transfer~~  
8.3 ~~students under section 124D.03, subdivision 9. The enrolling district may reduce the course~~  
8.4 ~~schedule of an online learning student in proportion to the number of online learning courses~~  
8.5 ~~the student takes from an online learning provider that is not the enrolling district.~~

8.6 (b) ~~An~~ A supplemental online learning student may:

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

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

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

8.16 (c) An online learning student has the same access to ~~the~~ computer hardware and  
8.17 education software available in a school as all other students in the enrolling district. ~~An~~  
8.18 ~~online learning provider must assist an online learning student whose family qualifies for~~  
8.19 ~~the education tax credit under section 290.0674 to acquire computer hardware and educational~~  
8.20 ~~software for online learning purposes.~~ Supplemental online learning students may use the  
8.21 enrolling district's computer hardware and educational software to access supplemental  
8.22 online courses. Supplemental online learning students may participate in supplemental  
8.23 online courses from a scheduled study hall or other suitable location in the district in which  
8.24 the student is enrolled if the enrolling district is able to provide a space and supervision.

8.25 (d) ~~An enrolling district may offer digital learning to its enrolled students. Such digital~~  
8.26 ~~learning does not generate online learning funds under this section. An enrolling district~~  
8.27 ~~that offers digital learning only to its enrolled students is not subject to the reporting~~  
8.28 ~~requirements or review criteria under subdivision 7, unless the enrolling district is a full-time~~  
8.29 ~~online learning provider. A teacher with a Minnesota license must assemble and deliver~~  
8.30 ~~instruction to enrolled students receiving online learning from an enrolling district. The~~  
8.31 ~~delivery of instruction occurs when the student interacts with the computer or the teacher~~  
8.32 ~~and receives ongoing assistance and assessment of learning. The instruction may include~~  
8.33 ~~curriculum developed by persons other than a teacher holding a Minnesota license.~~



9.1 (d) A supplemental online learning provider must assist a supplemental online learning  
9.2 student whose family qualifies for the education tax credit under section 290.0674 to acquire  
9.3 computer hardware and educational software for online learning purposes and must provide  
9.4 information about broadband connectivity options and programs.

9.5 (e) A supplemental online learning provider may limit enrollment if the provider's school  
9.6 board or board of directors adopts by resolution specific standards for accepting and rejecting  
9.7 students' applications.

9.8 (f) A supplemental online learning provider must report or make available information  
9.9 on an individual student's progress and accumulated credit to the student, the student's  
9.10 parent, and the enrolling district in a manner specified by the commissioner unless the  
9.11 enrolling district and the supplemental online learning provider agree to a different form of  
9.12 reporting and notify the commissioner.

9.13 (g) An enrolling district must apply the same graduation requirements to all students,  
9.14 including supplemental online learning students, and must continue to provide nonacademic  
9.15 services to supplemental online learning students. An enrolling district must designate a  
9.16 contact person to help facilitate and monitor the academic progress and accumulated credits  
9.17 toward graduation for each supplemental online learning student enrolled in the district.

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

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

9.30 ~~(f) To enroll in more than 50 percent of the student's full schedule of courses per term~~  
9.31 ~~in online learning, the student must qualify to exceed the supplemental online learning~~  
9.32 ~~registration limit under paragraph (b) or apply to enroll in an approved full-time online~~  
9.33 ~~learning program, consistent with subdivision 3, paragraph (a). Full-time online learning~~

10.1 ~~students may enroll in classes at a local school under a contract for instructional services~~  
 10.2 ~~between the online learning provider and the school district.~~

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

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

10.5 Subd. 7. **Department of Education.** (a) The department must review and approve or  
 10.6 disapprove supplemental online learning providers applications within 90 calendar days of  
 10.7 receiving ~~an~~ a supplemental online learning provider's completed application. The  
 10.8 commissioner, using research-based standards of quality for online learning programs, must  
 10.9 review all approved supplemental online learning providers on a cyclical three-year basis.  
 10.10 Approved supplemental online learning providers annually must submit program data to,  
 10.11 confirm statements of assurances for, and provide program updates including a current  
 10.12 course list to the commissioner.

10.13 (b) A supplemental online learning provider must notify the commissioner that it is  
 10.14 delivering online learning and must report the number of online learning students it accepts  
 10.15 and the online learning courses and programs it delivers.

10.16 (c) An enrolling district that offers online learning under section 124D.095, subdivision  
 10.17 2, paragraph (c), must create an online site or sites that are classified as online learning sites  
 10.18 and report student enrollments in the online school site or sites. Online and blended learning  
 10.19 courses must be reported in the Minnesota Common Course Catalog.

10.20 ~~(b)~~ (d) The online learning courses and programs must be rigorous, aligned with state  
 10.21 academic standards, and contribute to grade progression in a single subject. The supplemental  
 10.22 online learning provider, ~~other than a digital learning provider offering digital learning to~~  
 10.23 ~~its enrolled students only under subdivision 4, paragraph (d),~~ must give the commissioner  
 10.24 written assurance that: (1) all courses meet state academic standards; and (2) the online  
 10.25 learning curriculum, instruction, and assessment, expectations for actual teacher-contact  
 10.26 time or other student-to-teacher communication, and academic support meet nationally  
 10.27 recognized professional standards and are described as such in an online learning course  
 10.28 syllabus that meets the commissioner's requirements. Once ~~an~~ a supplemental online learning  
 10.29 provider is approved under this paragraph, all of its online learning course offerings are  
 10.30 eligible for payment under this section unless a course is successfully challenged by an  
 10.31 enrolling district or the department under paragraph ~~(e)~~ (e).

10.32 ~~(e)~~ (e) An enrolling district may challenge the validity of a course offered by ~~an~~ a  
 10.33 supplemental online learning provider. The department must review such challenges based

11.1 on the approval procedures under paragraph ~~(b)~~ (d). The department may initiate its own  
 11.2 review of the validity of an online learning course offered by ~~an~~ a supplemental online  
 11.3 learning provider.

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

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

11.8 ~~(f)~~ (h) The department may review a complaint about ~~an~~ a supplemental online learning  
 11.9 provider, or a complaint about a provider based on the provider's response to notice of a  
 11.10 violation. If the department determines that ~~an~~ a supplemental online learning provider  
 11.11 violated a law or rule, the department may:

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

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

11.14 The department must notify ~~an~~ a supplemental online learning provider in writing about  
 11.15 withholding funds and provide detailed calculations.

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

11.17 Sec. 8. Minnesota Statutes 2020, section 124D.095, is amended by adding a subdivision  
 11.18 to read:

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

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

11.26 (c) "Crisis online learning plan" means a plan adopted by a school board or board of  
 11.27 directors that describes the implementation of crisis online learning and how critical  
 11.28 components of education are provided during the crisis learning period. Critical components  
 11.29 of education include but are not limited to nutrition services in accordance with United  
 11.30 States Department of Agriculture regulations, how teachers will be accessible online and  
 11.31 by telephone during regular school hours each crisis online learning day to assist students,  
 11.32 accommodations for students without Internet access or insufficient digital device access

12.1 in a household, and accessible options for students with disabilities under chapter 125A and  
 12.2 the Individuals with Disabilities Education Act. A crisis online learning plan may only be  
 12.3 adopted by a school district after consulting with the exclusive representative of the teachers  
 12.4 or by a charter school after consulting with its teachers, and may include up to one  
 12.5 instructional day to prepare for crisis online learning and one instructional day upon the  
 12.6 conclusion of the crisis online learning period, not to exceed four days per school year  
 12.7 without approval from the commissioner. Students and families must be notified of the  
 12.8 crisis online learning plan before the beginning of the school year. Consistent with applicable  
 12.9 labor agreements, districts must utilize available staff who are able to work during the crisis  
 12.10 online learning period.

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

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

12.17 Sec. 9. Minnesota Statutes 2020, section 124D.59, subdivision 2a, is amended to read:

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

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

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

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

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

12.28 ~~and~~

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

13.1 Sec. 10. Minnesota Statutes 2020, section 124D.68, subdivision 2, is amended to read:

13.2 Subd. 2. **Eligible pupils.** (a) A pupil under the age of 21 or who meets the requirements  
13.3 of section 120A.20, subdivision 1, paragraph (c), is eligible to participate in the graduation  
13.4 incentives program, if the pupil:

13.5 (1) performs substantially below the performance level for pupils of the same age in a  
13.6 locally determined achievement test;

13.7 (2) is behind in satisfactorily completing coursework or obtaining credits for graduation;

13.8 (3) is pregnant or is a parent;

13.9 (4) has been assessed as chemically dependent;

13.10 (5) has been excluded or expelled according to sections 121A.40 to 121A.56;

13.11 (6) has been referred by a school district for enrollment in an eligible program or a  
13.12 program pursuant to section 124D.69;

13.13 (7) is a victim of physical or sexual abuse;

13.14 (8) has experienced mental health problems;

13.15 (9) has experienced homelessness sometime within six months before requesting a  
13.16 transfer to an eligible program;

13.17 (10) speaks English as a second language or is an English learner;

13.18 (11) has withdrawn from school or has been chronically truant; or

13.19 (12) is being treated in a hospital in the seven-county metropolitan area for cancer or  
13.20 other life threatening illness or is the sibling of an eligible pupil who is being currently  
13.21 treated, and resides with the pupil's family at least 60 miles beyond the outside boundary  
13.22 of the seven-county metropolitan area.

13.23 (b) ~~A pupil otherwise qualifying under paragraph (a) who is at least 21 years of age and~~  
13.24 ~~not yet 22 years of age, and is an English learner with an interrupted formal education~~  
13.25 ~~according to section 124D.59, subdivision 2a,~~ is eligible to participate in the graduation  
13.26 incentives program under section 124D.68 and in concurrent enrollment courses offered  
13.27 under section 124D.09, subdivision 10, and is funded in the same manner as other pupils  
13.28 under this section: if the pupil otherwise qualifies under paragraph (a), is at least 21 years  
13.29 of age and not yet 22 years of age, and:

13.30 (1) is an English learner with a limited or interrupted formal education according to  
13.31 section 124D.59, subdivision 2a; or

14.1 (2) meets three of the following four requirements:

14.2 (i) comes from a home where the language usually spoken is other than English, or  
14.3 usually speaks a language other than English;

14.4 (ii) enters school in the United States after grade 6;

14.5 (iii) functions at least two years below expected grade level in reading and mathematics;  
14.6 and

14.7 (iv) may be preliterate in the English learner's native language.

14.8 Sec. 11. Minnesota Statutes 2020, section 124D.73, is amended by adding a subdivision  
14.9 to read:

14.10 Subd. 5. **American Indian student.** "American Indian student" means a student who  
14.11 identifies as American Indian or Alaska Native, using the state definition in effect on October  
14.12 1 of the previous school year.

14.13 Sec. 12. Minnesota Statutes 2020, section 124D.79, subdivision 2, is amended to read:

14.14 Subd. 2. **Technical assistance.** The commissioner shall provide technical assistance,  
14.15 including an annual report of American Indian student data using the state count, to districts,  
14.16 schools and postsecondary institutions for preservice and in-service training for teachers,  
14.17 American Indian education teachers and paraprofessionals specifically designed to implement  
14.18 culturally responsive teaching methods, culturally based curriculum development, testing  
14.19 and testing mechanisms, and the development of materials for American Indian education  
14.20 programs.

14.21 Sec. 13. Minnesota Statutes 2020, section 124D.81, subdivision 1, is amended to read:

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

15.1 Sec. 14. Minnesota Statutes 2020, section 124D.81, is amended by adding a subdivision  
15.2 to read:

15.3 Subd. 8. **State-identified American Indian.** For the purposes of sections 124D.71 to  
15.4 124D.82, students who identify as American Indian or Alaska Native, as defined by the  
15.5 state of Minnesota on October 1 of the previous school year, will be used to determine the  
15.6 state-identified American Indian student counts for districts, charter schools, and Tribal  
15.7 contract schools for the subsequent school year.

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

15.9 **125A.15 PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.**

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

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

15.16 (b) If a district other than the resident district places a pupil for care and treatment, the  
15.17 district placing the pupil must notify and give the resident district an opportunity to participate  
15.18 in the placement decision. When an immediate emergency placement of a pupil is necessary  
15.19 and time constraints foreclose a resident district from participating in the emergency  
15.20 placement decision, the district in which the pupil is temporarily placed must notify the  
15.21 resident district of the emergency placement within 15 days. The resident district has up to  
15.22 five business days after receiving notice of the emergency placement to request an  
15.23 opportunity to participate in the placement decision, which the placing district must then  
15.24 provide.

15.25 (c) When a child is temporarily placed for care and treatment in a day program located  
15.26 in another district and the child continues to live within the district of residence during the  
15.27 care and treatment, the district of residence is responsible for providing transportation to  
15.28 and from the care and treatment program and an appropriate educational program for the  
15.29 child. The resident district may establish reasonable restrictions on transportation, except  
15.30 if a Minnesota court or agency orders the child placed at a day care and treatment program  
15.31 and the resident district receives a copy of the order, then the resident district must provide  
15.32 transportation to and from the program unless the court or agency orders otherwise.  
15.33 Transportation shall only be provided by the resident district during regular operating hours

16.1 of the resident district. The resident district may provide the educational program at a school  
16.2 within the district of residence, at the child's residence, or in the district in which the day  
16.3 treatment center is located by paying tuition to that district. A district or charter school may  
16.4 utilize online learning under section 124D.095 to fulfill its educational program responsibility  
16.5 under this chapter if the child, or the child's parent or guardian for a pupil under the age of  
16.6 18, agrees to that form of instruction.

16.7 (d) When a child is temporarily placed in a residential program for care and treatment,  
16.8 the nonresident district in which the child is placed is responsible for providing an appropriate  
16.9 educational program for the child and necessary transportation while the child is attending  
16.10 the educational program; and must bill the district of the child's residence for the actual cost  
16.11 of providing the program, as outlined in section 125A.11, except as provided in paragraph  
16.12 (e). However, the board, lodging, and treatment costs incurred in behalf of a child with a  
16.13 disability placed outside of the school district of residence by the commissioner of human  
16.14 services or the commissioner of corrections or their agents, for reasons other than providing  
16.15 for the child's special educational needs must not become the responsibility of either the  
16.16 district providing the instruction or the district of the child's residence. For the purposes of  
16.17 this section, the state correctional facilities operated on a fee-for-service basis are considered  
16.18 to be residential programs for care and treatment. A district or charter school may utilize  
16.19 online learning under section 124D.095 to fulfill its educational program responsibility  
16.20 under this chapter if the child, or the child's parent or guardian for a pupil under the age of  
16.21 18, agrees to that form of instruction.

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

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



17.1 Sec. 16. Minnesota Statutes 2020, section 125A.51, is amended to read:

17.2 **125A.51 PLACEMENT OF CHILDREN WITHOUT DISABILITIES; EDUCATION**  
17.3 **AND TRANSPORTATION.**

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

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

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

17.14 (c) Before the placement of a pupil for care and treatment, the district of residence must  
17.15 be notified and provided an opportunity to participate in the placement decision. When an  
17.16 immediate emergency placement is necessary and time does not permit resident district  
17.17 participation in the placement decision, the district in which the pupil is temporarily placed,  
17.18 if different from the district of residence, must notify the district of residence of the  
17.19 emergency placement within 15 days of the placement. When a nonresident district makes  
17.20 an emergency placement without first consulting with the resident district, the resident  
17.21 district has up to five business days after receiving notice of the emergency placement to  
17.22 request an opportunity to participate in the placement decision, which the placing district  
17.23 must then provide.

17.24 (d) When a pupil without a disability is temporarily placed for care and treatment in a  
17.25 day program and the pupil continues to live within the district of residence during the care  
17.26 and treatment, the district of residence must provide instruction and necessary transportation  
17.27 to and from the care and treatment program for the pupil. The resident district may establish  
17.28 reasonable restrictions on transportation, except if a Minnesota court or agency orders the  
17.29 child placed at a day care and treatment program and the resident district receives a copy  
17.30 of the order, then the resident district must provide transportation to and from the program  
17.31 unless the court or agency orders otherwise. Transportation shall only be provided by the  
17.32 resident district during regular operating hours of the resident district. The resident district  
17.33 may provide the instruction at a school within the district of residence, at the pupil's residence,  
17.34 through an online learning program under section 124D.095, provided by the pupil's resident

18.1 district, district of open enrollment under section 124D.03, or charter school of enrollment  
18.2 under section 124E.11, or in the case of a placement outside of the resident district, in the  
18.3 district in which the day treatment program is located by paying tuition to that district. A  
18.4 district or charter school may provide the instruction through an online learning program  
18.5 if the pupil, or the pupil's parent or guardian for a pupil under the age of 18, agrees to that  
18.6 form of instruction. The district of placement may contract with a facility to provide  
18.7 instruction by teachers licensed by the Professional Educator Licensing and Standards  
18.8 Board.

18.9 (e) When a pupil without a disability is temporarily placed in a residential program for  
18.10 care and treatment, the district in which the pupil is placed must provide instruction for the  
18.11 pupil and necessary transportation while the pupil is receiving instruction, and in the case  
18.12 of a placement outside of the district of residence, the nonresident district must bill the  
18.13 district of residence for the actual cost of providing the instruction for the regular school  
18.14 year and for summer school, excluding transportation costs. A district or charter school may  
18.15 utilize online learning under section 124D.095 to fulfill its educational program responsibility  
18.16 under this chapter if the pupil, or the pupil's parent or guardian for a pupil under the age of  
18.17 18, agrees to that form of instruction.

18.18 (f) Notwithstanding paragraph (e), if the pupil is homeless and placed in a public or  
18.19 private homeless shelter, then the district that enrolls the pupil under section 120A.20,  
18.20 subdivision 2, paragraph (b), shall provide the transportation, unless the district that enrolls  
18.21 the pupil and the district in which the pupil is temporarily placed agree that the district in  
18.22 which the pupil is temporarily placed shall provide transportation. When a pupil without a  
18.23 disability is temporarily placed in a residential program outside the district of residence,  
18.24 the administrator of the court placing the pupil must send timely written notice of the  
18.25 placement to the district of residence. The district of placement may contract with a  
18.26 residential facility to provide instruction by teachers licensed by the Professional Educator  
18.27 Licensing and Standards Board. For purposes of this section, the state correctional facilities  
18.28 operated on a fee-for-service basis are considered to be residential programs for care and  
18.29 treatment.

18.30 (g) The district of residence must include the pupil in its residence count of pupil units  
18.31 and pay tuition as provided in section 123A.488 to the district providing the instruction.  
18.32 Transportation costs must be paid by the district providing the transportation and the state  
18.33 must pay transportation aid to that district. For purposes of computing state transportation  
18.34 aid, pupils governed by this subdivision must be included in the disabled transportation

19.1 category if the pupils cannot be transported on a regular school bus route without special  
19.2 accommodations.

19.3 Sec. 17. Minnesota Statutes 2020, section 125A.515, subdivision 3, is amended to read:

19.4 Subd. 3. **Responsibilities for providing education.** (a) The district in which the children's  
19.5 residential facility is located must provide education services, including special education  
19.6 if eligible, to all students placed in a facility. If a child's district of residence, district of open  
19.7 enrollment under section 124D.03, or charter school of enrollment under section 124E.11  
19.8 is a state-approved online learning provider under section 124D.095, subdivision 2, paragraph  
19.9 (d), the district in which the children's residential facility is located may utilize that  
19.10 state-approved online learning program in fulfilling its education services responsibility  
19.11 under this section. A district or charter school may provide the instruction through an online  
19.12 learning program if the child or child's parent or guardian, for a child under the age of 18,  
19.13 agrees to that form of instruction.

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

## 19.17 ARTICLE 2

### 19.18 EDUCATION EXCELLENCE

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

19.20 Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision  
19.21 5, educational data is private data on individuals and shall not be disclosed except as follows:

19.22 (a) pursuant to section 13.05;

19.23 (b) pursuant to a valid court order;

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

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

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

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

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

20.7 (h) to the appropriate school district officials to the extent necessary under subdivision  
20.8 6, annually to indicate the extent and content of remedial instruction, including the results  
20.9 of assessment testing and academic performance at a postsecondary institution during the  
20.10 previous academic year by a student who graduated from a Minnesota school district within  
20.11 two years before receiving the remedial instruction;

20.12 (i) to appropriate authorities as provided in United States Code, title 20, section  
20.13 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the  
20.14 system to effectively serve, prior to adjudication, the student whose records are released;  
20.15 provided that the authorities to whom the data are released submit a written request for the  
20.16 data that certifies that the data will not be disclosed to any other person except as authorized  
20.17 by law without the written consent of the parent of the student and the request and a record  
20.18 of the release are maintained in the student's file;

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

20.22 (k) to provide student recruiting information, from educational data held by colleges  
20.23 and universities, as required by and subject to Code of Federal Regulations, title 32, section  
20.24 216;

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

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

20.32 (n) to the commissioner of education for purposes of an assessment or investigation of  
20.33 a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request

21.1 by the commissioner of education, data that are relevant to a report of maltreatment and are  
 21.2 from charter school and school district investigations of alleged maltreatment of a student  
 21.3 must be disclosed to the commissioner, including, but not limited to, the following:

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

21.5 (2) information regarding student and employee witnesses;

21.6 (3) information regarding the alleged perpetrator; and

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

21.9 (o) when the disclosure is of the final results of a disciplinary proceeding on a charge  
 21.10 of a crime of violence or nonforcible sex offense to the extent authorized under United  
 21.11 States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title  
 21.12 34, sections 99.31 (a)(13) and (14);

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

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

21.25 (r) with Tribal Nations about Tribally enrolled or descendant students so that the Tribal  
 21.26 Nation and school district or charter school can support the educational attainment of the  
 21.27 student.

21.28 Sec. 2. Minnesota Statutes 2020, section 120A.22, subdivision 7, is amended to read:

21.29 Subd. 7. **Education records.** (a) A district, a charter school, or a nonpublic school that  
 21.30 receives services or aid under sections 123B.40 to 123B.48 from which a student is  
 21.31 transferring must transmit the student's educational records, within ten business days of a  
 21.32 request, to the district, the charter school, or the nonpublic school in which the student is

22.1 enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under  
22.2 sections 123B.40 to 123B.48 must make reasonable efforts to determine the district, the  
22.3 charter school, or the nonpublic school in which a transferring student is next enrolling in  
22.4 order to comply with this subdivision.

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

22.8 (c) A school district, a charter school, or a nonpublic school that receives services or aid  
22.9 under sections 123B.40 to 123B.48 that transmits a student's educational records to another  
22.10 school district or other educational entity, charter school, or nonpublic school to which the  
22.11 student is transferring must include in the transmitted records information about any formal  
22.12 suspension, expulsion, and exclusion disciplinary action, as well as pupil withdrawals, under  
22.13 sections 121A.40 to 121A.56. The transmitted records must include services a pupil needs  
22.14 to prevent the inappropriate behavior from recurring. The district, the charter school, or the  
22.15 nonpublic school that receives services or aid under sections 123B.40 to 123B.48 must  
22.16 provide notice to a student and the student's parent or guardian that formal disciplinary  
22.17 records will be transferred as part of the student's educational record, in accordance with  
22.18 data practices under chapter 13 and the Family Educational Rights and Privacy Act of 1974,  
22.19 United States Code, title 20, section 1232(g).

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

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

22.30 Sec. 3. Minnesota Statutes 2020, section 120A.22, subdivision 9, is amended to read:

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

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

- 23.1 (2) mathematics and science;
- 23.2 (3) social studies including history, geography, economics, government, and citizenship;
- 23.3 ~~and~~
- 23.4 (4) health and physical education; and
- 23.5 (5) ethnic studies.

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

23.8 Sec. 4. Minnesota Statutes 2020, section 120B.018, subdivision 6, is amended to read:

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

23.13 Sec. 5. Minnesota Statutes 2020, section 120B.021, subdivision 1, is amended to read:

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

- 23.16 (1) language arts;
- 23.17 (2) mathematics;
- 23.18 (3) science;
- 23.19 (4) social studies, including history, geography, economics, and government and  
 23.20 citizenship that includes civics consistent with section 120B.02, subdivision 3;
- 23.21 (5) physical education;
- 23.22 (6) health, for which locally developed academic standards apply; and
- 23.23 (7) the arts, ~~for which statewide or locally developed academic standards apply, as~~  
 23.24 ~~determined by the school district.~~ Public elementary and middle schools must offer at least  
 23.25 three and require at least two of the following ~~four~~ five arts areas: media arts, dance, music,  
 23.26 theater, and visual arts. Public high schools must offer at least three and require at least  
 23.27 one of the following five arts areas: media arts, dance, music, theater, and visual arts.

23.28 (b) For purposes of applicable federal law, the academic standards for language arts,  
 23.29 mathematics, and science apply to all public school students, except the very few students  
 23.30 with extreme cognitive or physical impairments for whom an individualized education

24.1 program team has determined that the required academic standards are inappropriate. An  
24.2 individualized education program team that makes this determination must establish  
24.3 alternative standards.

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

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

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

24.23 Sec. 6. Minnesota Statutes 2020, section 120B.021, subdivision 2, is amended to read:

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

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

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

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



- 25.1 (4) faculty teaching core subjects at postsecondary institutions in Minnesota; ~~and~~
- 25.2 (5) representatives of the Minnesota business community;
- 25.3 (6) representatives from the Tribal Nations Education Committee and Minnesota's Tribal
- 25.4 Nations and communities, including both Anishinaabe and Dakota;
- 25.5 (7) youth currently enrolled in kindergarten through grade 12 school districts and charter
- 25.6 schools in Minnesota; and
- 25.7 (8) other stakeholders that represent the ethnic, racial, and geographic diversity of
- 25.8 Minnesota, including diversity of gender and sexual orientation, immigrant status, and
- 25.9 religious and linguistic background.

25.10 (b) Academic standards must:

- 25.11 (1) be clear, concise, objective, measurable, and grade-level appropriate;
- 25.12 (2) not require a specific teaching methodology or curriculum; and
- 25.13 (3) be consistent with the Constitutions of the United States and the state of Minnesota.

25.14 Sec. 7. Minnesota Statutes 2020, section 120B.021, subdivision 3, is amended to read:

25.15 Subd. 3. **Rulemaking.** The commissioner, consistent with the requirements of this section

25.16 and section 120B.022, must adopt statewide rules under section 14.389 for implementing

25.17 statewide rigorous core academic standards in language arts, mathematics, science, social

25.18 studies, physical education, and the arts. After the rules authorized under this subdivision

25.19 are initially adopted, the commissioner may not amend or repeal these rules nor adopt new

25.20 rules on the same topic without specific legislative authorization unless done pursuant to

25.21 subdivision 4.

25.22 Sec. 8. Minnesota Statutes 2020, section 120B.021, subdivision 4, is amended to read:

25.23 Subd. 4. **Revisions and reviews required.** (a) The commissioner of education must

25.24 revise and ~~appropriately~~ embed Indigenous education standards that include the contributions

25.25 of American Indian Tribes and communities into the state's academic standards and

25.26 graduation requirements. These standards must be consistent with recommendations from

25.27 the Tribal Nations Education Committee.

25.28 (b) The commissioner of education must revise and embed technology and information

25.29 literacy standards consistent with recommendations from school media specialists into the

25.30 state's academic standards and graduation requirements and implement a ten-year cycle to

25.31 review and, consistent with the review, revise state academic standards and related

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

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

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

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

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

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

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

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

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

27.1 Sec. 9. Minnesota Statutes 2020, section 120B.022, subdivision 1, is amended to read:

27.2 Subdivision 1. **Elective standards.** A district must establish and regularly review its  
27.3 own standards in for career and technical education programs. Standards must align with  
27.4 Minnesota career and technical education frameworks, standards developed by national  
27.5 career and technical education organizations, or recognized industry standards. A district  
27.6 must use the current world languages standards developed by the American Council on the  
27.7 Teaching of Foreign Languages. A school district must offer courses in all elective subject  
27.8 areas.

27.9 Sec. 10. Minnesota Statutes 2020, section 120B.024, subdivision 1, is amended to read:

27.10 Subdivision 1. **Graduation requirements.** (a) Students ~~beginning 9th grade in the~~  
27.11 ~~2011-2012 school year and later~~ must successfully complete the following high school level  
27.12 credits for graduation:

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

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

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

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

27.23 (5) three and one-half credits of social studies, including credit for a course in government  
27.24 and citizenship in either 11th or 12th grade for students beginning 9th grade in the 2023-2024  
27.25 school year and later or an advanced placement, international baccalaureate, or other rigorous  
27.26 course on government and citizenship under section 120B.021, subdivision 1a, and a  
27.27 combination of other credits encompassing at least United States history, geography,  
27.28 government and citizenship, world history, and economics sufficient to satisfy all of the  
27.29 academic standards in social studies;

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

27.32 (7) a minimum of seven elective credits.

28.1 (b) A school district is encouraged to offer a course for credit in government and  
28.2 citizenship to 11th or 12th grade students who begin 9th grade in the 2020-2021 school year  
28.3 and later, that satisfies the government and citizenship requirement in paragraph (a), clause  
28.4 (5). A school district must offer the course starting in the 2023-2024 school year.

28.5 (c) A student beginning 9th grade in the 2023-2024 school year and later must  
28.6 successfully complete a personal finance course for credit during the student's senior year  
28.7 of high school. The course must include but is not limited to the following topics: creating  
28.8 a household budget; taking out loans and accruing debt, including how interest works; home  
28.9 mortgages; how to file taxes; the impact of student loan debt; and how to read a paycheck  
28.10 and payroll deductions. A district may provide a personal finance course through in-person  
28.11 instruction, distance instruction, or a combination of in-person and distance instruction.

28.12 Sec. 11. Minnesota Statutes 2020, section 120B.024, subdivision 2, is amended to read:

28.13 Subd. 2. **Credit equivalencies.** (a) A one-half credit of economics taught in a school's  
28.14 ~~agriculture~~ agricultural, food, and natural resources education or business ~~department~~  
28.15 education program may fulfill a one-half credit in social studies under subdivision 1, clause  
28.16 (5), if the credit is sufficient to satisfy all of the academic standards in economics.

28.17 (b) An agriculture science or career and technical education credit may fulfill the elective  
28.18 science credit required under subdivision 1, clause (4), if the credit meets the state physical  
28.19 science, life science, earth and space science, chemistry, or physics academic standards or  
28.20 a combination of these academic standards as approved by the district. An agriculture or  
28.21 career and technical education credit may fulfill the credit in chemistry or physics required  
28.22 under subdivision 1, clause (4), if the credit meets the state chemistry or physics academic  
28.23 standards as approved by the district. A student must satisfy either all of the chemistry  
28.24 academic standards or all of the physics academic standards prior to graduation. An  
28.25 agriculture science or career and technical education credit may not fulfill the required  
28.26 biology credit under subdivision 1, clause (4).

28.27 (c) A career and technical education credit may fulfill a mathematics or arts credit  
28.28 requirement under subdivision 1, clause (2) or (6).

28.29 (d) An ~~agriculture~~ agricultural, food, and natural resources education teacher is not  
28.30 required to meet the requirements of Minnesota Rules, part 3505.1150, subpart ~~1~~ 2, item  
28.31 B, to meet the credit equivalency requirements of paragraph (b) above.

28.32 (e) A computer science credit may fulfill a mathematics credit requirement under  
28.33 subdivision 1, clause (2), if the credit meets state academic standards in mathematics.

29.1 (f) A Project Lead the Way credit may fulfill a science or mathematics credit requirement  
29.2 under subdivision 1, clause (2) or (4), if the credit meets the state academic standards in  
29.3 science or mathematics.

29.4 Sec. 12. **[120B.025] ETHNIC STUDIES CURRICULUM.**

29.5 "Ethnic studies curriculum" means the critical and interdisciplinary study of race,  
29.6 ethnicity, and indigeneity with a focus on the experiences and perspectives of people of  
29.7 color within and beyond the United States. Ethnic studies analyzes the ways in which race  
29.8 and racism have been and continue to be powerful social, cultural, and political forces, and  
29.9 the connections of race to the stratification of other groups, including stratification based  
29.10 on gender, class, sexual orientation, gender identity, disability, and legal status. The ethnic  
29.11 studies curriculum may be integrated into existing curricular opportunities or provided  
29.12 through additional curricular offerings.

29.13 Sec. 13. Minnesota Statutes 2020, section 120B.026, is amended to read:

29.14 **120B.026 PHYSICAL EDUCATION; ~~EXCLUSION~~ EXCUSAL FROM CLASS;**  
29.15 **RECESS.**

29.16 A student may be excused from a physical education class if the student submits written  
29.17 information signed by a physician stating that physical activity will jeopardize the student's  
29.18 health. A student may be excused from a physical education class if being excused meets  
29.19 the child's unique and individualized needs according to the child's individualized education  
29.20 program, federal 504 plan, or individualized health plan. A student may be excused if a  
29.21 parent or guardian requests an exemption on religious grounds. A student with a disability  
29.22 must be provided with modifications or adaptations that allow physical education class to  
29.23 meet their needs. ~~Schools are strongly encouraged not to exclude students in kindergarten~~  
29.24 ~~through grade 5 from recess due to punishment or disciplinary action.~~

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

29.26 Sec. 14. Minnesota Statutes 2020, section 120B.11, subdivision 1, is amended to read:

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

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

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

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

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

30.13 (e) "Ethnic studies curriculum" means the critical and interdisciplinary study of race,  
30.14 ethnicity, and indigeneity with a focus on the experiences and perspectives of People of  
30.15 Color within and beyond the United States. Ethnic studies analyzes the ways in which race  
30.16 and racism have been and continue to be powerful social, cultural, and political forces, and  
30.17 the connection of race to the stratification of other groups, including stratification based on  
30.18 gender, class, sexual orientation, gender identity, disability, and legal status. The ethnic  
30.19 studies curriculum may be integrated into existing curricular opportunities or provided  
30.20 through additional curricular offerings.

30.21 (f) "Antiracist" means actively working to identify and eliminate racism in all forms so  
30.22 that power and resources are redistributed and shared equitably among racial groups.

30.23 (g) "Culturally sustaining" means integrating content and practices that infuse the culture  
30.24 and language of Black, Indigenous, and People of Color communities who have been and  
30.25 continue to be harmed and erased through schooling.

30.26 (h) "Institutional racism" means structures, policies, and practices within and across  
30.27 institutions that produce outcomes that chronically favor white people and disadvantage  
30.28 those who are Black, Indigenous, and People of Color.

30.29 (i) "On track for graduation" means that at the end of grade 9, a student has earned at  
30.30 least five credits and has received no more than one failing grade in a term in a language  
30.31 arts, mathematics, science, or social studies course that fulfills a credit requirement under  
30.32 section 120B.024. A student is off track for graduation if the student fails to meet either of  
30.33 these criteria.

31.1 Sec. 15. Minnesota Statutes 2020, section 120B.11, subdivision 1a, is amended to read:

31.2 Subd. 1a. **Performance measures.** (a) Measures to determine school district and school  
31.3 site progress in striving to create the world's best workforce must include at least:

31.4 (1) the size of the academic achievement gap, rigorous course taking under section  
31.5 120B.35, subdivision 3, paragraph (c), clause (2), participation in honors or gifted and  
31.6 talented programming, and enrichment experiences by student subgroup;

31.7 (2) student performance on the Minnesota Comprehensive Assessments;

31.8 (3) high school graduation rates; ~~and~~

31.9 (4) career and college readiness under section 120B.30, subdivision 1; and

31.10 (5) the number and percentage of students, by student subgroup, who are on track for  
31.11 graduation.

31.12 (b) A school district that offers advanced placement, international baccalaureate, or dual  
31.13 enrollment programs must report on the following performance measures starting in the  
31.14 2023-2024 school year:

31.15 (1) participation in postsecondary enrollment options and concurrent enrollment programs;

31.16 (2) the number of students who took an advanced placement exam and the number of  
31.17 students who passed the exam; and

31.18 (3) the number of students who took the international baccalaureate exam and the number  
31.19 of students who passed the exam.

31.20 (c) Performance measures under this subdivision must be reported for all student  
31.21 subgroups identified in section 120B.35, subdivision 3, paragraph (b), clause (2).

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

31.23 Sec. 16. Minnesota Statutes 2020, section 120B.11, subdivision 2, is amended to read:

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

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

32.1 (2) a process to assess and evaluate each student's progress toward meeting state and  
32.2 local academic standards; assess and identify students to participate in gifted and talented  
32.3 programs and accelerate their instruction, ~~and~~; adopt early-admission procedures consistent  
32.4 with section 120B.15; assess ethnic studies curriculum needs to determine priorities for  
32.5 integrating ethnic studies into existing courses or developing new courses; and identifying  
32.6 identify the strengths and weaknesses of instruction in pursuit of student and school success  
32.7 and curriculum affecting students' progress and growth toward career and college readiness  
32.8 and leading to the world's best workforce;

32.9 (3) a system to periodically review and evaluate the effectiveness of all instruction and  
32.10 curriculum, including ethnic studies curriculum, taking into account strategies and best  
32.11 practices, student outcomes, school principal evaluations under section 123B.147, subdivision  
32.12 3, students' access to effective teachers who are members of populations underrepresented  
32.13 among the licensed teachers in the district or school and who reflect the diversity of enrolled  
32.14 students under section 120B.35, subdivision 3, paragraph (b), clause (2), and teacher  
32.15 evaluations under section 122A.40, subdivision 8, or 122A.41, subdivision 5;

32.16 (4) strategies for improving instruction, curriculum, and student achievement, including:

32.17 (i) the English and, where practicable, the native language development and the academic  
32.18 achievement of English learners; and

32.19 (ii) access to ethnic studies curriculum using culturally responsive methodologies for  
32.20 all learners;

32.21 (5) a process to examine the equitable distribution of teachers and strategies to ensure  
32.22 children in low-income and minority families, children in families of people of color, and  
32.23 children in American Indian families are not taught at higher rates than other children by  
32.24 inexperienced, ineffective, or out-of-field teachers;

32.25 (6) education effectiveness practices that:

32.26 (i) integrate high-quality instruction, ~~rigorous curriculum~~, technology, and curriculum  
32.27 that is rigorous, accurate, antiracist, and culturally sustaining;

32.28 (ii) ensure learning and work environments validate, affirm, embrace, and integrate  
32.29 cultural and community strengths for all students, families, and employees; and

32.30 (iii) provide a collaborative professional culture that develops and supports seeks to  
32.31 retain qualified, racially and ethnically diverse staff effective at working with diverse students  
32.32 while developing and supporting teacher quality, performance, and effectiveness; and

32.33 (7) an annual budget for continuing to implement the district plan; and



33.1 (8) identifying a list of suggested and required materials, resources, sample curricula,  
33.2 and pedagogical skills for use in kindergarten through grade 12 that accurately reflect the  
33.3 diversity of the state of Minnesota.

33.4 **EFFECTIVE DATE.** This section is effective for all strategic plans reviewed and  
33.5 updated after June 30, 2023.

33.6 Sec. 17. Minnesota Statutes 2020, section 120B.11, subdivision 3, is amended to read:

33.7 Subd. 3. **District advisory committee.** Each school board ~~shall~~ must establish an advisory  
33.8 committee to ensure active community participation in all phases of planning and improving  
33.9 the instruction and curriculum affecting state and district academic standards, consistent  
33.10 with subdivision 2. A district advisory committee, to the extent possible, ~~shall~~ must reflect  
33.11 the diversity of the district and its school sites, include teachers, parents, support staff,  
33.12 students, and other community residents, and provide translation to the extent appropriate  
33.13 and practicable. The district advisory committee ~~shall~~ must pursue community support to  
33.14 accelerate the academic and native literacy and achievement of English learners with varied  
33.15 needs, from young children to adults, consistent with section 124D.59, subdivisions 2 and  
33.16 2a. The district may establish site teams as subcommittees of the district advisory committee  
33.17 under subdivision 4. The district advisory committee ~~shall~~ must recommend to the school  
33.18 board: rigorous academic standards; student achievement goals and measures consistent  
33.19 with subdivision 1a and sections 120B.022, subdivisions 1a and 1b, and 120B.35; district  
33.20 assessments; means to improve students' equitable access to effective and more diverse  
33.21 teachers; strategies to ensure the curriculum is rigorous, accurate, antiracist, and culturally  
33.22 sustaining; strategies to ensure that curriculum and learning and work environments validate,  
33.23 affirm, embrace, and integrate the cultural and community strengths of all racial and ethnic  
33.24 groups; and program evaluations. School sites may expand upon district evaluations of  
33.25 instruction, curriculum, assessments, or programs. Whenever possible, parents and other  
33.26 community residents ~~shall~~ must comprise at least two-thirds of advisory committee members.

33.27 Sec. 18. **[120B.113] CLOSING EDUCATIONAL OPPORTUNITY GAPS GRANTS.**

33.28 Subdivision 1. **Grant program established.** The commissioner of education must  
33.29 establish a grant program to support implementation of world's best workforce strategies  
33.30 under section 120B.11, subdivision 2, clauses (4) and (6), and collaborative efforts that  
33.31 address opportunity gaps resulting from curricular, environmental, and structural inequities  
33.32 in schools experienced by students, families, and staff who are of color or who are American  
33.33 Indian.

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

34.3 (b) "Antiracist" means actively working to identify and eliminate racism in all forms so  
34.4 that power and resources are redistributed and shared equitably among racial groups.

34.5 (c) "Curricular" means curriculum resources used and content taught as well as access  
34.6 to levels of coursework or types of learning opportunities.

34.7 (d) "Environmental" means relating to the climate and culture of a school.

34.8 (e) "Equitable" means fairness by providing curriculum, instruction, support, and other  
34.9 resources for learning based on the needs of individual students and groups of students to  
34.10 succeed at school rather than treating all students the same despite the students having  
34.11 different needs.

34.12 (f) "Institutional racism" means policies and practices within and across institutions that  
34.13 produce outcomes that chronically favor white people and disadvantage those who are  
34.14 Black, Indigenous, and People of Color.

34.15 (g) "Opportunity gap" means the inequitable distribution of resources that impacts  
34.16 inequitable opportunities that contribute to or perpetuate learning gaps for certain groups  
34.17 of students.

34.18 (h) "Structural" means relating to the organization and systems of a school that have  
34.19 been created to manage a school.

34.20 Subd. 3. **Applications and grant awards.** The commissioner must determine application  
34.21 procedures and deadlines, select districts and charter schools to participate in the grant  
34.22 program, and determine the award amount and payment process of the grants. To the extent  
34.23 that there are sufficient applications, the commissioner must award an approximately equal  
34.24 number of grants between districts in greater Minnesota and those in the Twin Cities  
34.25 metropolitan area. If there are an insufficient number of applications received for either  
34.26 geographic area, then the commissioner may award grants to meet the requests for funds  
34.27 wherever a district is located.

34.28 Subd. 4. **Description.** The grant program must provide funding that supports collaborative  
34.29 efforts that close opportunity gaps by:

34.30 (1) ensuring school environments and curriculum validate, affirm, embrace, and integrate  
34.31 cultural and community strengths of students, families, and employees from all racial and  
34.32 ethnic backgrounds; and

35.1 (2) addressing institutional racism with equitable school policies, structures, practices,  
35.2 and curricular offerings, consistent with the requirements for long-term plans under section  
35.3 124D.861, subdivision 2, paragraph (c).

35.4 Subd. 5. **Report.** Grant recipients must annually report to the commissioner by a date  
35.5 and in a form and manner determined by the commissioner on efforts planned and  
35.6 implemented that engaged students, families, educators, and community members of diverse  
35.7 racial and ethnic backgrounds in making improvements to school climate and curriculum.  
35.8 The report must assess the impact of those efforts as perceived by racially and ethnically  
35.9 diverse stakeholders, and must identify any areas needed for further continuous improvement.  
35.10 The commissioner must publish a report for the public summarizing the activities of grant  
35.11 recipients and what was done to promote sharing of effective practices among grant recipients  
35.12 and potential grant applicants.

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

35.14 Sec. 19. Minnesota Statutes 2020, section 120B.15, is amended to read:

35.15 **120B.15 GIFTED AND TALENTED STUDENTS PROGRAMS AND SERVICES.**

35.16 (a) School districts may identify students, locally develop programs and services  
35.17 addressing instructional and affective needs, provide staff development, and evaluate  
35.18 programs and services to provide gifted and talented students with challenging and  
35.19 appropriate educational programs and services.

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

35.23 (1) multiple and objective criteria; and

35.24 (2) assessments and procedures that are valid and reliable, fair, and based on current  
35.25 theory and research. Assessments and procedures ~~should~~ must be sensitive and equitable  
35.26 to underrepresented groups, including, but not limited to, low-income students, ~~minority~~  
35.27 students of color and American Indian students, twice-exceptional students, students with  
35.28 504 plans, and English learners. Assessments and procedures must be coordinated to allow  
35.29 for optimal identification of programs or services for underrepresented groups.

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

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

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

36.4 (d) School districts must adopt procedures consistent with section 124D.02, subdivision  
36.5 1, for early admission to kindergarten or first grade of gifted and talented learners consistent  
36.6 with section 120B.11, subdivision 2, clause (2). The procedures must be sensitive to  
36.7 underrepresented groups.

36.8 Sec. 20. Minnesota Statutes 2020, section 120B.30, subdivision 1, is amended to read:

36.9 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts with  
36.10 appropriate technical qualifications and experience and stakeholders, consistent with  
36.11 subdivision 1a, must include in the comprehensive assessment system, for each grade level  
36.12 to be tested, state-constructed tests developed as computer-adaptive reading and mathematics  
36.13 assessments for students that are aligned with the state's required academic standards under  
36.14 section 120B.021, include multiple choice questions, and are administered annually to all  
36.15 students in grades 3 through 8. State-developed high school tests aligned with the state's  
36.16 required academic standards under section 120B.021 and administered to all high school  
36.17 students in a subject other than writing must include multiple choice questions. The  
36.18 commissioner must establish a testing period as late as possible each school year during  
36.19 which schools must administer the Minnesota Comprehensive Assessments to students. The  
36.20 commissioner must publish the testing schedule at least two years before the beginning of  
36.21 the testing period.

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

36.24 (1) mathematics;

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

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

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

36.29 (3) language arts and reading; grades 3 through 8 and high school level beginning in the  
36.30 2012-2013 school year.

36.31 (c) For students enrolled in grade 8 in the 2012-2013 school year and later, students'  
36.32 state graduation requirements, based on a longitudinal, systematic approach to student

37.1 education and career planning, assessment, instructional support, and evaluation, include  
37.2 the following:

37.3 (1) achievement and career and college readiness in mathematics, reading, and writing,  
37.4 consistent with paragraph (k) and to the extent available, to monitor students' continuous  
37.5 development of and growth in requisite knowledge and skills; analyze students' progress  
37.6 and performance levels, identifying students' academic strengths and diagnosing areas where  
37.7 students require curriculum or instructional adjustments, targeted interventions, or  
37.8 remediation; and, based on analysis of students' progress and performance data, determine  
37.9 students' learning and instructional needs and the instructional tools and best practices that  
37.10 support academic rigor for the student; and

37.11 (2) consistent with this paragraph and section 120B.125, age-appropriate exploration  
37.12 and planning activities and career assessments to encourage students to identify personally  
37.13 relevant career interests and aptitudes and help students and their families develop a regularly  
37.14 reexamined transition plan for postsecondary education or employment without need for  
37.15 postsecondary remediation.

37.16 Based on appropriate state guidelines, students with an individualized education program  
37.17 may satisfy state graduation requirements by achieving an individual score on the  
37.18 state-identified alternative assessments.

37.19 (d) Expectations of schools, districts, and the state for career or college readiness under  
37.20 this subdivision must be comparable in rigor, clarity of purpose, and rates of student  
37.21 completion.

37.22 A student under paragraph (c), clause (1), must receive targeted, relevant, academically  
37.23 rigorous, and resourced instruction, which may include a targeted instruction and intervention  
37.24 plan focused on improving the student's knowledge and skills in core subjects so that the  
37.25 student has a reasonable chance to succeed in a career or college without need for  
37.26 postsecondary remediation. Consistent with sections 120B.13, 124D.09, 124D.091, 124D.49,  
37.27 and related sections, an enrolling school or district must actively encourage a student in  
37.28 grade 11 or 12 who is identified as academically ready for a career or college to participate  
37.29 in courses and programs awarding college credit to high school students. Students are not  
37.30 required to achieve a specified score or level of proficiency on an assessment under this  
37.31 subdivision to graduate from high school.

37.32 (e) Though not a high school graduation requirement, students are encouraged to  
37.33 participate in a nationally recognized college entrance exam. To the extent state funding  
37.34 for college entrance exam fees is available, a district must pay the cost, one time, for an

38.1 interested student in grade 11 or 12 who is eligible for a free or reduced-price meal, to take  
38.2 a nationally recognized college entrance exam before graduating. A student must be able  
38.3 to take the exam under this paragraph at the student's high school during the school day and  
38.4 at any one of the multiple exam administrations available to students in the district. A district  
38.5 may administer the ACT or SAT or both the ACT and SAT to comply with this paragraph.  
38.6 If the district administers only one of these two tests and a free or reduced-price meal eligible  
38.7 student opts not to take that test and chooses instead to take the other of the two tests, the  
38.8 student may take the other test at a different time or location and remains eligible for the  
38.9 examination fee reimbursement. Notwithstanding sections 123B.34 to 123B.39, a school  
38.10 district may require a student that is not eligible for a free or reduced-price meal to pay the  
38.11 cost of taking a nationally recognized college entrance exam. The district must waive the  
38.12 cost for a student unable to pay.

38.13 (f) The commissioner and the chancellor of the Minnesota State Colleges and Universities  
38.14 must collaborate in aligning instruction and assessments for adult basic education students  
38.15 and English learners to provide the students with diagnostic information about any targeted  
38.16 interventions, accommodations, modifications, and supports they need so that assessments  
38.17 and other performance measures are accessible to them and they may seek postsecondary  
38.18 education or employment without need for postsecondary remediation. When administering  
38.19 formative or summative assessments used to measure the academic progress, including the  
38.20 oral academic development, of English learners and inform their instruction, schools must  
38.21 ensure that the assessments are accessible to the students and students have the modifications  
38.22 and supports they need to sufficiently understand the assessments.

38.23 (g) Districts and schools, on an annual basis, must use career exploration elements to  
38.24 help students, beginning no later than grade 9, and their families explore and plan for  
38.25 postsecondary education or careers based on the students' interests, aptitudes, and aspirations.  
38.26 Districts and schools must use timely regional labor market information and partnerships,  
38.27 among other resources, to help students and their families successfully develop, pursue,  
38.28 review, and revise an individualized plan for postsecondary education or a career. This  
38.29 process must help increase students' engagement in and connection to school, improve  
38.30 students' knowledge and skills, and deepen students' understanding of career pathways as  
38.31 a sequence of academic and career courses that lead to an industry-recognized credential,  
38.32 an associate's degree, or a bachelor's degree and are available to all students, whatever their  
38.33 interests and career goals.

38.34 (h) A student who demonstrates attainment of required state academic standards, which  
38.35 include career and college readiness benchmarks, on high school assessments under

39.1 subdivision 1a is academically ready for a career or college and is encouraged to participate  
39.2 in courses awarding college credit to high school students. Such courses and programs may  
39.3 include sequential courses of study within broad career areas and technical skill assessments  
39.4 that extend beyond course grades.

39.5 (i) As appropriate, students through grade 12 must continue to participate in targeted  
39.6 instruction, intervention, or remediation and be encouraged to participate in courses awarding  
39.7 college credit to high school students.

39.8 (j) In developing, supporting, and improving students' academic readiness for a career  
39.9 or college, schools, districts, and the state must have a continuum of empirically derived,  
39.10 clearly defined benchmarks focused on students' attainment of knowledge and skills so that  
39.11 students, their parents, and teachers know how well students must perform to have a  
39.12 reasonable chance to succeed in a career or college without need for postsecondary  
39.13 remediation. The commissioner, in consultation with local school officials and educators,  
39.14 and Minnesota's public postsecondary institutions must ensure that the foundational  
39.15 knowledge and skills for students' successful performance in postsecondary employment  
39.16 or education and an articulated series of possible targeted interventions are clearly identified  
39.17 and satisfy Minnesota's postsecondary admissions requirements.

39.18 (k) For students in grade 8 in the 2012-2013 school year and later, a school, district, or  
39.19 charter school must record on the high school transcript a student's progress toward career  
39.20 and college readiness, and for other students as soon as practicable.

39.21 (l) The school board granting students their diplomas may formally decide to include a  
39.22 notation of high achievement on the high school diplomas of those graduating seniors who,  
39.23 according to established school board criteria, demonstrate exemplary academic achievement  
39.24 during high school.

39.25 (m) The 3rd through 8th grade computer-adaptive assessment results and high school  
39.26 test results must be available to districts for diagnostic purposes affecting student learning  
39.27 and district instruction and curriculum, and for establishing educational accountability. The  
39.28 commissioner, in consultation with the chancellor of the Minnesota State Colleges and  
39.29 Universities, must establish empirically derived benchmarks on the high school tests that  
39.30 reveal a trajectory toward career and college readiness consistent with section 136F.302,  
39.31 subdivision 1a. The commissioner must disseminate to the public the computer-adaptive  
39.32 assessments and high school test results upon receiving those results.

39.33 (n) The grades 3 through 8 computer-adaptive assessments and high school tests must  
39.34 be aligned with state academic standards. The commissioner must determine the testing

40.1 process and the order of administration. The statewide results must be aggregated at the site  
40.2 and district level, consistent with subdivision 1a.

40.3 (o) The commissioner must include the following components in the statewide public  
40.4 reporting system:

40.5 (1) uniform statewide computer-adaptive assessments of all students in grades 3 through  
40.6 8 and testing at the high school levels that provides appropriate, technically sound  
40.7 accommodations or alternate assessments;

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

40.11 (3) state results on the ~~American College Test~~ ACT test; and

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

40.16 (p) For purposes of statewide accountability, "career and college ready" means a high  
40.17 school graduate has the knowledge, skills, and competencies to successfully pursue a career  
40.18 pathway, including postsecondary credit leading to a degree, diploma, certificate, or  
40.19 industry-recognized credential and employment. Students who are career and college ready  
40.20 are able to successfully complete credit-bearing coursework at a two- or four-year college  
40.21 or university or other credit-bearing postsecondary program without need for remediation.

40.22 (q) For purposes of statewide accountability, "cultural competence," "cultural  
40.23 competency," or "culturally competent" means the ability of families and educators to  
40.24 interact effectively with people of different cultures, native languages, and socioeconomic  
40.25 backgrounds.

40.26 Sec. 21. Minnesota Statutes 2020, section 120B.30, subdivision 1a, is amended to read:

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

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

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



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

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

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

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

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

41.25 (1) annual computer-adaptive reading and mathematics assessments in grades 3 through  
41.26 8, and high school reading, writing, and mathematics tests; and

41.27 (2) annual science assessments in one grade in the grades 3 through 5 span, the grades  
41.28 6 through 8 span, and a life sciences assessment in the grades 9 through 12 span, and the  
41.29 commissioner must not require students to achieve a passing score on high school science  
41.30 assessments as a condition of receiving a high school diploma.

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

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

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

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

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

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

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

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

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

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

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

42.25 ~~(h)~~ (f) A school, school district, and charter school must administer statewide assessments  
42.26 under this section, as the assessments become available, to evaluate student progress toward  
42.27 career and college readiness in the context of the state's academic standards. A school,  
42.28 school district, or charter school may use a student's performance on a statewide assessment  
42.29 as one of multiple criteria to determine grade promotion or retention. A school, school  
42.30 district, or charter school may use a high school student's performance on a statewide  
42.31 assessment as a percentage of the student's final grade in a course, or place a student's  
42.32 assessment score on the student's transcript.

43.1 Sec. 22. Minnesota Statutes 2020, section 120B.301, is amended to read:

43.2 **120B.301 LIMITS ON LOCAL TESTING.**

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

43.9 (b) A district or charter school is exempt from the requirements of paragraph (a), if the  
43.10 district or charter school, in consultation with the exclusive representative of the teachers  
43.11 or other teachers if there is no exclusive representative of the teachers, decides to exceed a  
43.12 time limit in paragraph (a) and includes the information in the report required under section  
43.13 120B.11, subdivision 5.

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

43.20 Sec. 23. Minnesota Statutes 2020, section 120B.35, subdivision 3, is amended to read:

43.21 Subd. 3. **State growth ~~target~~ measures; other state measures.** (a)(1) The state's  
43.22 educational assessment system measuring individual students' educational growth is based  
43.23 on indicators of current achievement growth that show growth from an individual student's  
43.24 prior achievement. Indicators of achievement and prior achievement must be based on highly  
43.25 reliable statewide or districtwide assessments. Indicators that take into account a student's  
43.26 prior achievement must not be used to disregard a school's low achievement or to exclude  
43.27 a school from a program to improve low-achievement levels.

43.28 (2) For purposes of paragraphs (b), (c), and (d), the commissioner must analyze and  
43.29 report, as soon as practicable, separate categories of information using the student categories  
43.30 identified under the federal Elementary and Secondary Education Act, as most recently  
43.31 reauthorized, and, in addition to "other" for each race and ethnicity, and the Karen  
43.32 community, seven of the most populous Asian ~~and Pacific Islander~~ groups, three of the most  
43.33 populous Native groups, seven of the most populous Hispanic/Latino groups, and five of

44.1 the most populous Black and African Heritage groups ~~as determined by the total Minnesota~~  
44.2 ~~population based on the most recent American Community Survey~~; These groups must be  
44.3 determined by a ten-year cycle using the American Community Survey of the total Minnesota  
44.4 population. The determination must be based on the most recent five-year dataset starting  
44.5 with the 2021-2025 dataset. Additional categories must include English learners under  
44.6 section 124D.59; home language; free or reduced-price ~~lunch~~ meals; and all students enrolled  
44.7 in a Minnesota public school who are currently or were previously in foster care, except  
44.8 that such disaggregation and cross tabulation is not required if the number of students in a  
44.9 category is insufficient to yield statistically reliable information or the results would reveal  
44.10 personally identifiable information about an individual student.

44.11 (b) The commissioner, in consultation with a stakeholder group that includes assessment  
44.12 and evaluation directors, district staff, experts in culturally responsive teaching, and  
44.13 researchers, must implement ~~a~~ an appropriate growth model that compares the difference  
44.14 in students' achievement scores over time, and includes criteria for identifying schools and  
44.15 school districts that demonstrate academic progress or progress toward English language  
44.16 proficiency. The model may be used to advance educators' professional development and  
44.17 replicate programs that succeed in meeting students' diverse learning needs. Data on  
44.18 individual teachers generated under the model are personnel data under section 13.43. The  
44.19 model must allow users to:

44.20 (1) report student growth consistent with this paragraph; and

44.21 (2) for all student categories, report and compare aggregated and disaggregated state  
44.22 student growth and, under section 120B.11, subdivision 2, clause (2), student learning and  
44.23 outcome data using the student categories identified under the federal Elementary and  
44.24 Secondary Education Act, as most recently reauthorized, and other student categories under  
44.25 paragraph (a), clause (2).

44.26 The commissioner must report measures of student growth and, under section 120B.11,  
44.27 subdivision 2, clause (2), student learning and outcome data, consistent with this paragraph,  
44.28 including the English language development, academic progress, and oral academic  
44.29 development of English learners and their native language development if the native language  
44.30 is used as a language of instruction, and include data on all pupils enrolled in a Minnesota  
44.31 public school course or program who are currently or were previously counted as an English  
44.32 learner under section 124D.59.

44.33 (c) When reporting student performance under section 120B.36, subdivision 1, the  
44.34 commissioner annually, beginning July 1, 2011, must report two core measures indicating

45.1 the extent to which current high school graduates are being prepared for postsecondary  
45.2 academic and career opportunities:

45.3 (1) a preparation measure indicating the number and percentage of high school graduates  
45.4 in the most recent school year who completed course work important to preparing them for  
45.5 postsecondary academic and career opportunities, consistent with the core academic subjects  
45.6 required for admission to Minnesota's public colleges and universities as determined by the  
45.7 Office of Higher Education under chapter 136A; and

45.8 (2) a rigorous coursework measure indicating the number and percentage of high school  
45.9 graduates in the most recent school year who successfully completed one or more  
45.10 college-level advanced placement, international baccalaureate, postsecondary enrollment  
45.11 options including concurrent enrollment, other rigorous courses of study under section  
45.12 120B.021, subdivision 1a, or industry certification courses or programs.

45.13 When reporting the core measures under clauses (1) and (2), the commissioner must also  
45.14 analyze and report separate categories of information using the student categories identified  
45.15 under the federal Elementary and Secondary Education Act, as most recently reauthorized,  
45.16 and other student categories under paragraph (a), clause (2).

45.17 (d) When reporting student performance under section 120B.36, subdivision 1, the  
45.18 commissioner annually, beginning July 1, 2014, must report summary data on school safety  
45.19 and students' engagement and connection at school, consistent with the student categories  
45.20 identified under paragraph (a), clause (2). The summary data under this paragraph are  
45.21 separate from and must not be used for any purpose related to measuring or evaluating the  
45.22 performance of classroom teachers. The commissioner, in consultation with qualified experts  
45.23 on student engagement and connection and classroom teachers, must identify highly reliable  
45.24 variables that generate summary data under this paragraph. The summary data may be used  
45.25 at school, district, and state levels only. Any data on individuals received, collected, or  
45.26 created that are used to generate the summary data under this paragraph are nonpublic data  
45.27 under section 13.02, subdivision 9.

45.28 (e) For purposes of statewide educational accountability, the commissioner must identify  
45.29 and report measures that demonstrate the success of learning year program providers under  
45.30 sections 123A.05 and 124D.68, among other such providers, in improving students'  
45.31 graduation outcomes. The commissioner, beginning July 1, 2015, must annually report  
45.32 summary data on:

45.33 (1) the four- and six-year graduation rates of students under this paragraph;

46.1 (2) the percent of students under this paragraph whose progress and performance levels  
46.2 are meeting career and college readiness benchmarks under section 120B.30, subdivision  
46.3 1; and

46.4 (3) the success that learning year program providers experience in:

46.5 (i) identifying at-risk and off-track student populations by grade;

46.6 (ii) providing successful prevention and intervention strategies for at-risk students;

46.7 (iii) providing successful recuperative and recovery or reenrollment strategies for off-track  
46.8 students; and

46.9 (iv) improving the graduation outcomes of at-risk and off-track students.

46.10 The commissioner may include in the annual report summary data on other education  
46.11 providers serving a majority of students eligible to participate in a learning year program.

46.12 (f) The commissioner, in consultation with recognized experts with knowledge and  
46.13 experience in assessing the language proficiency and academic performance of all English  
46.14 learners enrolled in a Minnesota public school course or program who are currently or were  
46.15 previously counted as an English learner under section 124D.59, must identify and report  
46.16 appropriate and effective measures to improve current categories of language difficulty and  
46.17 assessments, and monitor and report data on students' English proficiency levels, program  
46.18 placement, and academic language development, including oral academic language.

46.19 (g) When reporting four- and six-year graduation rates, the commissioner or school  
46.20 district must disaggregate the data by student categories according to paragraph (a), clause  
46.21 (2).

46.22 (h) A school district must inform parents and guardians that volunteering information  
46.23 on student categories not required by the most recent reauthorization of the Elementary and  
46.24 Secondary Education Act is optional and will not violate the privacy of students or their  
46.25 families, parents, or guardians. The notice must state the purpose for collecting the student  
46.26 data.

46.27 **EFFECTIVE DATE.** This section is effective the day following final enactment. The  
46.28 next update to the data used to determine the most populous groups must be implemented  
46.29 in 2026 using the 2021-2025 dataset.

46.30 Sec. 24. Minnesota Statutes 2020, section 120B.36, subdivision 2, is amended to read:

46.31 Subd. 2. **Student progress and other data.** (a) All data the department receives, collects,  
46.32 or creates under section 120B.11, governing the world's best workforce, or uses to determine

47.1 federal expectations under the most recently reauthorized Elementary and Secondary  
47.2 Education Act, ~~set state growth targets~~, and determine student growth, learning, and outcomes  
47.3 under section 120B.35 are nonpublic data under section 13.02, subdivision 9, until the  
47.4 commissioner publicly releases the data.

47.5 (b) Districts must provide parents sufficiently detailed summary data to permit parents  
47.6 to appeal under the most recently reauthorized federal Elementary and Secondary Education  
47.7 Act. The commissioner shall annually post federal expectations and state student growth,  
47.8 learning, and outcome data to the department's public website no later than September 1,  
47.9 except that in years when data or federal expectations reflect new performance standards,  
47.10 the commissioner shall post data on federal expectations and state student growth data no  
47.11 later than October 1.

47.12 Sec. 25. [121A.041] AMERICAN INDIAN MASCOTS PROHIBITED.

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

47.17 (b) A public school may seek an exemption to paragraph (a) by submitting a request in  
47.18 writing to the Tribal Nations Education Committee and the Indian Affairs Council, which  
47.19 jointly shall have discretion to grant such an exemption. A public school that has a mascot  
47.20 prohibited by this section must request an exemption by January 1, 2023.

47.21 Subd. 2. Definitions. (a) For purposes of this section, the following terms have the  
47.22 meanings given.

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

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

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

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

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

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

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

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

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

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

48.6 (e) "Public school" or "school" means a public school under section 120A.05, subdivisions  
48.7 9, 11, 13, and 17, and a charter school under chapter 124E.

48.8 Sec. 26. **[121A.201] MULTI-TIERED SYSTEM OF SUPPORT.**

48.9 The Minnesota Multi-Tiered System of Supports (MnMTSS) is a systemic, continuous  
48.10 improvement framework for ensuring positive social, emotional, behavioral, developmental,  
48.11 and academic outcomes for every student. MnMTSS provides access to layered tiers of  
48.12 culturally and linguistically responsive, evidence-based practices. The MnMTSS framework  
48.13 relies on the understanding and belief that every student can learn and thrive, and it engages  
48.14 an anti-racist approach to examining policies and practices and ensuring equitable distribution  
48.15 of resources and opportunity. This systemic framework requires:

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

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

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

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

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

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



49.1 Sec. 27. Minnesota Statutes 2020, section 121A.41, subdivision 2, is amended to read:

49.2 Subd. 2. **Dismissal.** "Dismissal" means the denial of the current educational program to  
49.3 any pupil, including exclusion, expulsion, and out-of-school suspension. ~~It~~ Dismissal does  
49.4 not include removal from class.

49.5 Sec. 28. Minnesota Statutes 2020, section 121A.41, subdivision 10, is amended to read:

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

49.11 (b) "Out-of-school suspension" means an action by the school administration, under  
49.12 rules promulgated by the school board, prohibiting a pupil from attending school for a period  
49.13 of no more than ten school days. If a suspension is longer than five days, the suspending  
49.14 administrator must provide the superintendent with a reason for the longer suspension. This  
49.15 definition does not apply to dismissal from school for ~~one school day or less~~ than one school  
49.16 day, except as provided in federal law for a student with a disability. Each suspension action  
49.17 may include a readmission plan. The readmission plan shall include, where appropriate, a  
49.18 provision for implementing alternative educational services upon readmission and may not  
49.19 be used to extend the current suspension. Consistent with section 125A.091, subdivision 5,  
49.20 the readmission plan must not obligate a parent to provide a sympathomimetic medication  
49.21 for the parent's child as a condition of readmission. The school administration may not  
49.22 impose consecutive suspensions against the same pupil for the same course of conduct, or  
49.23 incident of misconduct, except where the pupil will create an immediate and substantial  
49.24 danger to self or to surrounding persons or property, or where the district is in the process  
49.25 of initiating an expulsion, in which case the school administration may extend the suspension  
49.26 to a total of 15 school days.

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

49.28 Sec. 29. Minnesota Statutes 2020, section 121A.41, is amended by adding a subdivision  
49.29 to read:

49.30 Subd. 12. **Nonexclusionary disciplinary policies and practices; alternatives to pupil**  
49.31 **removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means  
49.32 policies and practices that are alternatives to removing a pupil from class or dismissing a  
49.33 pupil from school, including evidence-based positive behavior interventions and supports,

50.1 social and emotional services, school-linked mental health services, counseling services,  
50.2 social work services, referrals for special education or 504 evaluations, academic screening  
50.3 for Title 1 services or reading interventions, and alternative education services.

50.4 Nonexclusionary disciplinary policies and practices require school officials to intervene in,  
50.5 redirect, and support a pupil's behavior before removing a pupil from class or beginning  
50.6 dismissal proceedings. Nonexclusionary disciplinary policies and practices include but are  
50.7 not limited to the policies and practices under sections 120B.12; 121A.575, clauses (1) and  
50.8 (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph  
50.9 (r); and 122A.627, clause (3).

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

50.11 Sec. 30. Minnesota Statutes 2020, section 121A.41, is amended by adding a subdivision  
50.12 to read:

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

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

50.19 Sec. 31. Minnesota Statutes 2020, section 121A.425, is amended to read:

50.20 **121A.425 FULL AND EQUITABLE PARTICIPATION IN ~~PRESCHOOL AND~~**  
50.21 **~~PREKINDERGARTEN~~ EARLY LEARNING.**

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

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

50.28 (2) kindergarten through grade 3.

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

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

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

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

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

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

51.12 Sec. 32. Minnesota Statutes 2020, section 121A.45, subdivision 1, is amended to read:

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

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

51.19 Sec. 33. Minnesota Statutes 2020, section 121A.46, subdivision 4, is amended to read:

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

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

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

52.1 Sec. 34. Minnesota Statutes 2020, section 121A.46, is amended by adding a subdivision  
52.2 to read:

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

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

52.12 Sec. 35. Minnesota Statutes 2020, section 121A.47, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

52.27 (3) present evidence; and

52.28 (4) confront and cross-examine witnesses.

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

53.1 Sec. 36. Minnesota Statutes 2020, section 121A.47, subdivision 14, is amended to read:

53.2 Subd. 14. **Admission or readmission plan.** (a) A school administrator ~~shall~~ must prepare  
53.3 and enforce an admission or readmission plan for any pupil who is excluded or expelled  
53.4 from school. The plan ~~may~~ must include measures to improve the pupil's behavior, ~~including~~  
53.5 which may include completing a character education program, consistent with section  
53.6 120B.232, subdivision 1, ~~and~~ social and emotional learning, counseling, social work services,  
53.7 mental health services, referrals for special education or 504 evaluation, and evidence-based  
53.8 academic interventions. The plan must require parental involvement in the admission or  
53.9 readmission process, and may indicate the consequences to the pupil of not improving the  
53.10 pupil's behavior.

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

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

53.24 Sec. 37. Minnesota Statutes 2020, section 121A.53, subdivision 1, is amended to read:

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

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

54.2 Sec. 38. Minnesota Statutes 2020, section 121A.55, is amended to read:

54.3 **121A.55 POLICIES TO BE ESTABLISHED.**

54.4 (a) The commissioner of education ~~shall~~ must promulgate guidelines to assist each school  
54.5 board. Each school board ~~shall~~ must establish uniform criteria for dismissal and adopt written  
54.6 policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies  
54.7 ~~shall~~ must include nonexclusionary disciplinary policies and practices consistent with section  
54.8 121A.41, subdivision 12, and must emphasize preventing dismissals through early detection  
54.9 of problems and shall. The policies must be designed to address students' inappropriate  
54.10 behavior from recurring.

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

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

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

54.19 (1) a school district's continuing responsibility includes reviewing the pupil's school  
54.20 work and grades on a quarterly basis to ensure the pupil is on track for readmission with  
54.21 the pupil's peers. School districts must communicate on a regular basis with the pupil's  
54.22 parent or guardian to ensure the pupil is completing the work assigned through the alternative  
54.23 educational services;

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

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

54.30 ~~(b)~~ (e) An area learning center under section 123A.05 may not prohibit an expelled or  
54.31 excluded pupil from enrolling solely because a district expelled or excluded the pupil. The

55.1 board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to  
55.2 exclude a pupil or to require an admission plan.

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

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

55.7 Sec. 39. Minnesota Statutes 2020, section 121A.61, subdivision 1, is amended to read:

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

55.18 Sec. 40. Minnesota Statutes 2020, section 121A.61, subdivision 3, is amended to read:

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

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

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

55.22 (c) the authority of the classroom teacher to remove students from the classroom pursuant  
55.23 to procedures and rules established in the district's policy;

55.24 (d) the procedures for removal of a student from a class by a teacher, school administrator,  
55.25 or other school district employee;

55.26 (e) the period of time for which a student may be removed from a class, which may not  
55.27 exceed five class periods for a violation of a rule of conduct;

55.28 (f) provisions relating to the responsibility for and custody of a student removed from  
55.29 a class;

55.30 (g) the procedures for return of a student to the specified class from which the student  
55.31 has been removed;

56.1 (h) the procedures for notifying a student and the student's parents or guardian of  
56.2 violations of the rules of conduct and of resulting disciplinary actions;

56.3 (i) any procedures determined appropriate for encouraging early involvement of parents  
56.4 or guardians in attempts to improve a student's behavior;

56.5 (j) any procedures determined appropriate for encouraging early detection of behavioral  
56.6 problems;

56.7 (k) any procedures determined appropriate for referring a student in need of special  
56.8 education services to those services;

56.9 (l) any procedures determined appropriate for ensuring victims of bullying who respond  
56.10 with behavior not allowed under the school's behavior policies have access to a remedial  
56.11 response, consistent with section 121A.031;

56.12 ~~(m)~~ (m) the procedures for consideration of whether there is a need for a further assessment  
56.13 or of whether there is a need for a review of the adequacy of a current individualized  
56.14 education program of a student with a disability who is removed from class;

56.15 ~~(n)~~ (n) procedures for detecting and addressing chemical abuse problems of a student  
56.16 while on the school premises;

56.17 ~~(o)~~ (o) the minimum consequences for violations of the code of conduct;

56.18 ~~(p)~~ (p) procedures for immediate and appropriate interventions tied to violations of the  
56.19 code;

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

56.23 ~~(r)~~ (r) an agreement regarding procedures to coordinate crisis services to the extent funds  
56.24 are available with the county board responsible for implementing sections 245.487 to  
56.25 245.4889 for students with a serious emotional disturbance or other students who have an  
56.26 individualized education program whose behavior may be addressed by crisis intervention;  
56.27 ~~and~~

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



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

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

57.5 Sec. 41. Minnesota Statutes 2020, section 121A.61, is amended by adding a subdivision  
57.6 to read:

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

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

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

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

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

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

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

58.1 Sec. 42. [121A.611] RECESS.

58.2 A teacher, school employee, or other agent of a district or charter school must not exclude  
58.3 a student in elementary school from participation in recess to punish or otherwise discipline  
58.4 the student.

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

58.6 Sec. 43. Minnesota Statutes 2020, section 124D.09, subdivision 3, is amended to read:

58.7 Subd. 3. **Definitions.** For purposes of this section, the following terms have the meanings  
58.8 given to them.

58.9 (a) "Eligible institution" means a Minnesota public postsecondary institution, a private,  
58.10 nonprofit two-year trade and technical school granting associate degrees, an opportunities  
58.11 industrialization center accredited by an accreditor recognized by the United States  
58.12 Department of Education, or a private, residential, two-year or four-year, liberal arts,  
58.13 degree-granting college or university located in Minnesota. An eligible institution cannot  
58.14 require a faith statement during the application process or base any part of the admission  
58.15 decision on a student's race, creed, ethnicity, disability, gender, or sexual orientation or  
58.16 religious beliefs or affiliations.

58.17 (b) "Course" means a course or program.

58.18 (c) "Concurrent enrollment" means nonsectarian courses in which an eligible pupil under  
58.19 subdivision 5 or 5b enrolls to earn both secondary and postsecondary credits, are taught by  
58.20 a secondary teacher or a postsecondary faculty member, and are offered at a high school  
58.21 for which the district is eligible to receive concurrent enrollment program aid under section  
58.22 124D.091.

58.23 Sec. 44. Minnesota Statutes 2020, section 124D.09, subdivision 9, is amended to read:

58.24 Subd. 9. **Enrollment priority.** (a) A postsecondary institution must give priority to its  
58.25 postsecondary students when enrolling pupils in grades 10, 11, and 12 in its courses. A  
58.26 postsecondary institution may provide information about its programs to a secondary school  
58.27 or to a pupil or parent and it may advertise or otherwise recruit or solicit a secondary pupil  
58.28 to enroll in its programs ~~on educational and programmatic grounds only except,~~  
58.29 ~~notwithstanding other law to the contrary, and for the 2014-2015 through 2019-2020 school~~  
58.30 ~~years only, an eligible postsecondary institution may advertise or otherwise recruit or solicit~~  
58.31 ~~a secondary pupil residing in a school district with 700 students or more in grades 10, 11,~~  
58.32 ~~and 12, to enroll in its programs on educational, programmatic, or financial grounds.~~

59.1 (b) An institution must not enroll secondary pupils, for postsecondary enrollment options  
59.2 purposes, in remedial, developmental, or other courses that are not college level except  
59.3 when a student eligible to participate and enrolled in the graduation incentives program  
59.4 under section 124D.68 enrolls full time in a middle or early college program. A middle or  
59.5 early college program must be specifically designed to allow the student to earn dual high  
59.6 school and college credit with a well-defined pathway to allow the student to earn a  
59.7 postsecondary degree or credential. In this case, the student must receive developmental  
59.8 college credit and not college credit for completing remedial or developmental courses.

59.9 (c) Once a pupil has been enrolled in any postsecondary course under this section, the  
59.10 pupil must not be displaced by another student.

59.11 (d) If a postsecondary institution enrolls a secondary school pupil in a course under this  
59.12 section, the postsecondary institution also must enroll in the same course an otherwise  
59.13 enrolled and qualified postsecondary student who qualifies as a veteran under section  
59.14 197.447, and demonstrates to the postsecondary institution's satisfaction that the institution's  
59.15 established enrollment timelines were not practicable for that student.

59.16 (e) A postsecondary institution must allow secondary pupils to enroll in online courses  
59.17 under this section consistent with the institution's policy regarding postsecondary pupil  
59.18 enrollment in online courses.

59.19 Sec. 45. Minnesota Statutes 2020, section 124D.09, subdivision 10, is amended to read:

59.20 Subd. 10. **Courses according to agreements.** (a) An eligible pupil, according to  
59.21 subdivision 5, may enroll in a nonsectarian course taught by a secondary teacher or a  
59.22 postsecondary faculty member and offered at a secondary school, or another location,  
59.23 according to an agreement between a public school board and the governing body of an  
59.24 eligible public postsecondary system or an eligible private postsecondary institution, as  
59.25 defined in subdivision 3. All provisions of this section apply to a pupil, public school board,  
59.26 district, and the governing body of a postsecondary institution, except as otherwise provided.  
59.27 A secondary school or a postsecondary institution that enrolls eligible pupils in courses  
59.28 according to agreements must annually report to the commissioner the participation rates  
59.29 of pupils enrolled in courses according to agreements, including the number of pupils  
59.30 enrolled and the number of courses taken for postsecondary credit.

59.31 (b) To encourage students, especially American Indian students and students of color,  
59.32 to consider teaching as a profession, participating schools, school districts, and postsecondary  
59.33 institutions are encouraged to develop and offer an "Introduction to Teaching" or  
59.34 "Introduction to Education" course under this subdivision. For the purpose of applying for

60.1 grants under this paragraph, "eligible institution" includes schools and districts that partner  
60.2 with an accredited college or university in addition to postsecondary institutions identified  
60.3 in subdivision 3, paragraph (a). Grant recipients under this paragraph must annually report  
60.4 to the commissioner in a form and manner determined by the commissioner on the  
60.5 participation rates of students in courses under this paragraph, including the number of  
60.6 students who apply for admission to colleges or universities with teacher preparation  
60.7 programs and the number of students of color and American Indian students who earned  
60.8 postsecondary credit. Grant recipients must also describe recruiting efforts intended to  
60.9 ensure that the percentage of participating students who are of color or American Indian  
60.10 meets or exceeds the overall percentage of students of color or American Indian students  
60.11 in the school.

60.12 Sec. 46. Minnesota Statutes 2020, section 124D.09, subdivision 12, is amended to read:

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

60.15 (b) A district shall grant academic credit to a pupil enrolled in a course for secondary  
60.16 credit if the pupil successfully completes the course. Seven quarter or four semester college  
60.17 credits equal at least one full year of high school credit. Fewer college credits may be  
60.18 prorated. A district must also grant academic credit to a pupil enrolled in a course for  
60.19 postsecondary credit if secondary credit is requested by a pupil. If no comparable course is  
60.20 offered by the district, the district must, as soon as possible, notify the commissioner, who  
60.21 shall determine the number of credits that shall be granted to a pupil who successfully  
60.22 completes a course. If a comparable course is offered by the district, the school board shall  
60.23 grant a comparable number of credits to the pupil. If there is a dispute between the district  
60.24 and the pupil regarding the number of credits granted for a particular course, the pupil may  
60.25 appeal the board's decision to the commissioner. The commissioner's decision regarding  
60.26 the number of credits shall be final.

60.27 (c) A school board must adopt a policy regarding weighted grade point averages for any  
60.28 high school or dual enrollment course. A school board must adopt an identical policy  
60.29 regarding weighted grade point averages for credits earned via postsecondary coursework  
60.30 as it gives to credits earned via concurrent enrollment coursework. The policy must state  
60.31 whether the district offers weighted grades. A school board must annually publish on its  
60.32 website a list of courses for which a student may earn a weighted grade.

60.33 (d) The secondary credits granted to a pupil must be counted toward the graduation  
60.34 requirements and subject area requirements of the district. Evidence of successful completion

61.1 of each course and secondary credits granted must be included in the pupil's secondary  
61.2 school record. A pupil shall provide the school with a copy of the pupil's grade in each  
61.3 course taken for secondary credit under this section. Upon the request of a pupil, the pupil's  
61.4 secondary school record must also include evidence of successful completion and credits  
61.5 granted for a course taken for postsecondary credit. In either case, the record must indicate  
61.6 that the credits were earned at a postsecondary institution.

61.7 (e) If a pupil enrolls in a postsecondary institution after leaving secondary school, the  
61.8 postsecondary institution must award postsecondary credit for any course successfully  
61.9 completed for secondary credit at that institution. Other postsecondary institutions may  
61.10 award, after a pupil leaves secondary school, postsecondary credit for any courses  
61.11 successfully completed under this section. An institution may not charge a pupil for the  
61.12 award of credit.

61.13 (f) The Board of Trustees of the Minnesota State Colleges and Universities and the  
61.14 Board of Regents of the University of Minnesota must, and private nonprofit and proprietary  
61.15 postsecondary institutions should, award postsecondary credit for any successfully completed  
61.16 courses in a program certified by the National Alliance of Concurrent Enrollment Partnerships  
61.17 offered according to an agreement under subdivision 10. Consistent with section 135A.101,  
61.18 subdivision 3, all MnSCU institutions must give full credit to a secondary pupil who  
61.19 completes for postsecondary credit a postsecondary course or program that is part or all of  
61.20 a goal area or a transfer curriculum at a MnSCU institution when the pupil enrolls in a  
61.21 MnSCU institution after leaving secondary school. Once one MnSCU institution certifies  
61.22 as completed a secondary student's postsecondary course or program that is part or all of a  
61.23 goal area or a transfer curriculum, every MnSCU institution must consider the student's  
61.24 course or program for that goal area or the transfer curriculum as completed.

61.25 Sec. 47. Minnesota Statutes 2020, section 124D.09, subdivision 13, is amended to read:

61.26 Subd. 13. **Financial arrangements.** For a pupil enrolled in a course under this section,  
61.27 the department must make payments according to this subdivision for courses that were  
61.28 taken for secondary credit.

61.29 The department must not make payments to a school district or postsecondary institution  
61.30 for a course taken for postsecondary credit only. The department must not make payments  
61.31 to a postsecondary institution for a course from which a student officially withdraws during  
61.32 the first ~~14~~ ten business days of the postsecondary institution's quarter or semester or who  
61.33 has been absent from the postsecondary institution for the first ~~15 consecutive school~~ ten

62.1 business days of the postsecondary institution's quarter or semester and is not receiving  
62.2 instruction in the home or hospital.

62.3 A postsecondary institution shall receive the following:

62.4 (1) for an institution granting quarter credit, the reimbursement per credit hour shall be  
62.5 an amount equal to 88 percent of the product of the formula allowance minus \$425, multiplied  
62.6 by 1.2, and divided by 45; or

62.7 (2) for an institution granting semester credit, the reimbursement per credit hour shall  
62.8 be an amount equal to 88 percent of the product of the general revenue formula allowance  
62.9 minus \$425, multiplied by 1.2, and divided by 30.

62.10 The department must pay to each postsecondary institution 100 percent of the amount  
62.11 in clause (1) or (2) within 45 days of receiving initial enrollment information each quarter  
62.12 or semester. If changes in enrollment occur during a quarter or semester, the change shall  
62.13 be reported by the postsecondary institution at the time the enrollment information for the  
62.14 succeeding quarter or semester is submitted. At any time the department notifies a  
62.15 postsecondary institution that an overpayment has been made, the institution shall promptly  
62.16 remit the amount due.

62.17 Sec. 48. Minnesota Statutes 2020, section 124D.128, subdivision 1, is amended to read:

62.18 Subdivision 1. **Program established.** A learning year program provides instruction  
62.19 throughout the year on an extended year calendar, extended school day calendar, or both.  
62.20 ~~A pupil may participate in the program and accelerate attainment of grade level requirements~~  
62.21 ~~or graduation requirements.~~ A learning year program may begin after the close of the regular  
62.22 school year in June. The program may be for students in one or more grade levels from  
62.23 kindergarten through grade 12.

62.24 Sec. 49. Minnesota Statutes 2020, section 124D.74, subdivision 1, is amended to read:

62.25 Subdivision 1. **Program described.** American Indian education programs are programs  
62.26 in public elementary and secondary schools, nonsectarian nonpublic, community, Tribal,  
62.27 charter, or alternative schools enrolling American Indian children designed to:

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

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

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

- 63.1 (4) provide positive reinforcement of the self-image of American Indian pupils;
- 63.2 (5) develop intercultural awareness among pupils, parents, and staff; and
- 63.3 (6) supplement, not supplant, state and federal educational and cocurricular programs.

63.4 Program services designed to increase completion and graduation rates of American Indian  
63.5 students must emphasize academic achievement, retention, and attendance; development  
63.6 of support services for staff, including in-service training and technical assistance in methods  
63.7 of teaching American Indian pupils; research projects, including innovative teaching  
63.8 approaches and evaluation of methods of relating to American Indian pupils; provision of  
63.9 career counseling to American Indian pupils; modification of curriculum, instructional  
63.10 methods, and administrative procedures to meet the needs of American Indian pupils; and  
63.11 ~~supplemental~~ instruction in American Indian language, literature, history, and culture.  
63.12 Districts offering programs may make contracts for the provision of program services by  
63.13 establishing cooperative liaisons with Tribal programs and American Indian social service  
63.14 agencies. These programs may also be provided as components of early childhood and  
63.15 family education programs.

63.16 Sec. 50. Minnesota Statutes 2020, section 124D.74, subdivision 3, is amended to read:

63.17 Subd. 3. **Enrollment of other children; shared time enrollment.** To the extent it is  
63.18 economically feasible, a district or participating school may make provision for the voluntary  
63.19 enrollment of non-American Indian children in the instructional components of an American  
63.20 Indian education program in order that they may acquire an understanding of the cultural  
63.21 heritage of the American Indian children for whom that particular program is designed.  
63.22 However, in determining eligibility to participate in a program, priority must be given to  
63.23 American Indian children. American Indian children ~~and other children~~ enrolled in an  
63.24 existing nonpublic school system may be enrolled on a shared time basis in American Indian  
63.25 education programs.

63.26 Sec. 51. Minnesota Statutes 2020, section 124D.74, subdivision 4, is amended to read:

63.27 Subd. 4. **Location of programs.** American Indian education programs must be located  
63.28 ~~in facilities~~ educational settings in which regular classes in a variety of subjects are offered  
63.29 on a daily basis, including district schools, charter schools, and Tribal contract schools that  
63.30 offer virtual learning environments. Programs may operate on an extended day or extended  
63.31 year basis.

64.1 Sec. 52. Minnesota Statutes 2020, section 124D.74, is amended by adding a subdivision  
64.2 to read:

64.3 Subd. 7. **American Indian culture and language classes.** Any district or participating  
64.4 school that conducts American Indian education programs pursuant to sections 124D.71 to  
64.5 124D.82 and serves 100 or more state-identified American Indian students enrolled in the  
64.6 district must provide American Indian culture and language classes.

64.7 Sec. 53. Minnesota Statutes 2020, section 124D.76, is amended to read:

64.8 ~~124D.76 COMMUNITY COORDINATORS, INDIAN HOME/SCHOOL LIAISONS~~  
64.9 ~~AMERICAN INDIAN EDUCATION PROGRAM COORDINATORS,~~  
64.10 ~~PARAPROFESSIONALS.~~

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

64.15 Any district or participating school ~~which~~ that conducts American Indian education  
64.16 programs pursuant to sections 124D.71 to 124D.82 must employ one or more full-time or  
64.17 part-time ~~community coordinators or Indian home/school liaisons if there are~~ dedicated  
64.18 American Indian education program coordinators in a district with 100 or more  
64.19 state-identified American Indian students enrolled in the district. ~~Community coordinators~~  
64.20 ~~shall~~ A dedicated American Indian education program coordinator must promote  
64.21 communication, understanding, and cooperation between the schools and the community  
64.22 and shall must visit the homes of children who are to be enrolled in an American Indian  
64.23 education program in order to convey information about the program.

64.24 Sec. 54. Minnesota Statutes 2020, section 124D.78, is amended to read:

64.25 **124D.78 PARENT AND COMMUNITY PARTICIPATION.**

64.26 Subdivision 1. **Parent committee.** School districts, charter schools, Tribal contract  
64.27 schools, and their respective school boards ~~and American Indian schools~~ must provide for  
64.28 the maximum involvement of parents of American Indian children enrolled in American  
64.29 Indian education programs, programs for elementary and secondary grades, special education  
64.30 programs, and support services. Accordingly, ~~the board of a school district~~ districts, charter  
64.31 schools, and Tribal contract schools in which there are ten or more state-identified American  
64.32 Indian students enrolled ~~and each American Indian school~~ must establish an American  
64.33 Indian ~~education~~ Parent Advisory Committee. If a committee whose membership consists



65.1 of a majority of parents of American Indian children has been or is established according  
65.2 to federal, tribal, or other state law, that committee may serve as the committee required by  
65.3 this section and is subject to, at least, the requirements of this subdivision and subdivision  
65.4 2.

65.5 The American Indian ~~education~~ Parent Advisory Committee must develop its  
65.6 recommendations in consultation with the curriculum advisory committee required by  
65.7 section 120B.11, subdivision 3. This committee must afford parents the necessary information  
65.8 and the opportunity effectively to express their views concerning all aspects of American  
65.9 Indian education and the educational needs of the American Indian children enrolled in the  
65.10 school or program. ~~The school board or American Indian school~~ Districts, charter schools,  
65.11 and Tribal contract schools must ensure that programs are planned, operated, and evaluated  
65.12 with the involvement of and in consultation with parents of the American Indian students  
65.13 served by the programs.

65.14 Subd. 2. ~~Resolution of concurrence~~ Annual compliance. Prior to March 1 of each  
65.15 year, ~~the school board or American Indian school must submit to the department a copy of~~  
65.16 ~~a resolution adopted by the American Indian education Parent Advisory Committee. The~~  
65.17 ~~copy must be signed by the chair of the committee and must state whether the committee~~  
65.18 ~~concurs with the educational programs for American Indian students offered by the school~~  
65.19 ~~board or American Indian school. If the committee does not concur with the educational~~  
65.20 ~~programs, the reasons for nonconcurrence and recommendations shall be submitted directly~~  
65.21 ~~to the school board with the resolution. By resolution, the board must respond in writing~~  
65.22 ~~within 60 days, in cases of nonconcurrence, to each recommendation made by the committee~~  
65.23 ~~and state its reasons for not implementing the recommendations.~~ must meet to discuss  
65.24 whether or not they concur with the educational offerings that have been extended by the  
65.25 district to American Indian students. If the committee finds that the district, charter school,  
65.26 Tribal contract school, and the school board have been meeting the needs of American  
65.27 Indian students, the committee must issue a vote and resolution of concurrence. If the  
65.28 committee finds that the needs of American Indian students are not being met, the committee  
65.29 must issue a vote and resolution of nonconcurrence. The vote and resolution must be  
65.30 presented to the school board by one or more members of the American Indian Parent  
65.31 Advisory Committee. The vote must be formally reflected on documentation provided by  
65.32 the Department of Education and must be submitted annually on March 1. If the vote is one  
65.33 of nonconcurrence, the committee must provide written recommendations for improvement  
65.34 to the school board at the time of the presentation. In the case of nonconcurrence, the school  
65.35 board is given 60 days in which to respond, in writing, to the committee's recommendations.

66.1 The board response must be signed by the entire school board and submitted to both the  
66.2 American Indian Parent Advisory Committee and to the Department of Education.

66.3 Subd. 3. **Membership.** The American Indian ~~education~~ Parent Advisory Committee  
66.4 must be composed of parents or guardians of American Indian children eligible to be enrolled  
66.5 in American Indian education programs; American Indian secondary students ~~eligible to~~  
66.6 ~~be served~~; American Indian family members of students eligible to be enrolled in American  
66.7 Indian education programs; American Indian language and culture education teachers and  
66.8 paraprofessionals; American Indian teachers; American Indian district employees; American  
66.9 Indian counselors; adult American Indian people enrolled in educational programs; and  
66.10 ~~representatives from community groups~~ American Indian community members. ~~A~~ The  
66.11 majority of each committee must be parents or guardians of American Indian children  
66.12 enrolled or eligible to be enrolled in the programs. ~~The number of parents of American~~  
66.13 ~~Indian and non-American Indian children shall reflect approximately the proportion of~~  
66.14 ~~children of those groups enrolled in the programs.~~

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

66.19 Subd. 5. **State-identified American Indian.** For the purposes of sections 124D.71 to  
66.20 124D.82, students who identify as American Indian or Alaska Native, using the state  
66.21 definition in effect on October 1 of the previous school year, will be used to determine the  
66.22 state-identified American Indian student counts for districts, charter schools, and Tribal  
66.23 contract schools for the subsequent school year.

66.24 Sec. 55. Minnesota Statutes 2020, section 124D.791, subdivision 4, is amended to read:

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

66.26 (1) ~~serve as the liaison for the department~~ work collaboratively and in conjunction with  
66.27 the Tribal Liaison, the Tribal Nations Education Committee, the 11 Tribal communities  
66.28 Nations in Minnesota, the Minnesota Chippewa Tribe, and the Minnesota Indian Affairs  
66.29 Council;

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

66.31 (3) engage the tribal bodies, community groups, parents of children eligible to be served  
66.32 by American Indian education programs, American Indian administrators and teachers,  
66.33 persons experienced in the training of teachers for American Indian education programs,

67.1 the tribally controlled schools, and other persons knowledgeable in the field of American  
67.2 Indian education and seek their advice on policies that can improve the quality of American  
67.3 Indian education;

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

67.5 (i) issues facing American Indian students;

67.6 (ii) policies for American Indian education;

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

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

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

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

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

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

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

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

67.23 (v) increase American Indian student placement in postsecondary programs and the  
67.24 workforce; and

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

67.27 **Sec. 56. [124D.792] GRADUATION CEREMONIES; TRIBAL REGALIA AND**  
67.28 **OBJECTS OF CULTURAL SIGNIFICANCE.**

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

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

68.2 Sec. 57. Minnesota Statutes 2020, section 124D.81, subdivision 2a, is amended to read:

68.3 Subd. 2a. **American Indian education aid.** (a) The American Indian education aid for  
68.4 an eligible district, charter school, or Tribal contract school equals the greater of (1) the  
68.5 sum of \$20,000 plus the product of \$358 times the difference between the number of  
68.6 American Indian students enrolled on October 1 of the previous school year and 20; or (2)  
68.7 if the district or school received a grant under this section for fiscal year 2015, the amount  
68.8 of the grant for fiscal year 2015.

68.9 (b) Notwithstanding paragraph (a), the American Indian education aid must not exceed  
68.10 the district, charter school, or Tribal contract school's actual expenditure according to the  
68.11 approved plan under subdivision 2.

68.12 Sec. 58. Minnesota Statutes 2020, section 124D.81, subdivision 5, is amended to read:

68.13 Subd. 5. **Records.** Participating schools and districts must keep records and afford access  
68.14 to them as the commissioner finds necessary to ensure that American Indian education  
68.15 programs are implemented in conformity with sections 124D.71 to 124D.82. Each school  
68.16 district or participating school must keep accurate, detailed, and separate revenue and  
68.17 expenditure accounts for ~~pilot~~ American Indian education programs funded under this  
68.18 section.

68.19 Sec. 59. Minnesota Statutes 2020, section 124D.861, subdivision 2, is amended to read:

68.20 Subd. 2. **Plan implementation; components.** (a) The school board of each eligible  
68.21 district must formally develop and implement a long-term plan under this section. The plan  
68.22 must be incorporated into the district's comprehensive strategic plan under section 120B.11.  
68.23 ~~Plan components may include: innovative and integrated prekindergarten through grade 12~~  
68.24 ~~learning environments that offer students school enrollment choices; family engagement~~  
68.25 ~~initiatives that involve families in their students' academic life and success; professional~~  
68.26 ~~development opportunities for teachers and administrators focused on improving the academic~~  
68.27 ~~achievement of all students, including teachers and administrators who are members of~~  
68.28 ~~populations underrepresented among the licensed teachers or administrators in the district~~  
68.29 ~~or school and who reflect the diversity of students under section 120B.35, subdivision 3,~~  
68.30 ~~paragraph (b), clause (2), who are enrolled in the district or school; increased programmatic~~  
68.31 ~~opportunities and effective and more diverse instructors focused on rigor and college and~~  
68.32 ~~career readiness for underserved students, including students enrolled in alternative learning~~

69.1 ~~centers under section 123A.05, public alternative programs under section 126C.05,~~  
69.2 ~~subdivision 15, and contract alternative programs under section 124D.69, among other~~  
69.3 ~~underserved students; or recruitment and retention of teachers and administrators with~~  
69.4 ~~diverse racial and ethnic backgrounds.~~

69.5 (b) The plan must contain goals for:

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

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

69.11 (c) The plan must include strategies to validate, affirm, embrace, and integrate cultural  
69.12 and community strengths of all students, families, and employees in the district's curriculum  
69.13 as well as learning and work environments. The plan must address issues of institutional  
69.14 racism as defined in section 120B.11, subdivision 1, in schools that create opportunity and  
69.15 achievement gaps for students, families, and staff who are of color or who are American  
69.16 Indian. Examples of institutional racism experienced by students who are of color or who  
69.17 are American Indian include policies and practices that intentionally or unintentionally  
69.18 result in disparate discipline referrals and suspension, inequitable access to advanced  
69.19 coursework, overrepresentation in lower-level coursework, inequitable participation in  
69.20 cocurricular activities, inequitable parent involvement, and lack of equitable access to  
69.21 racially and ethnically diverse teachers who reflect the racial or ethnic diversity of students  
69.22 because it has not been a priority to hire or retain such teachers.

69.23 (d) School districts must use local data, to the extent practicable, to develop plan  
69.24 components and strategies. Plans may include:

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

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

69.29 (3) opportunities for students, families, staff, and community members who are of color  
69.30 or American Indian to share their experiences in the school setting with school staff and  
69.31 administration and to inform the development of specific proposals for making school  
69.32 environments more validating, affirming, embracing, and integrating of their cultural and  
69.33 community strengths;

70.1 (4) professional development opportunities for teachers and administrators focused on  
70.2 improving the academic achievement of all students, including knowledge, skills, and  
70.3 dispositions needed to be antiracist and culturally sustaining as defined in section 120B.11,  
70.4 subdivision 1, for serving students who are from racially and ethnically diverse backgrounds;

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

70.9 (6) collection, examination, and evaluation of academic and discipline data for  
70.10 institutional racism as defined in section 120B.11, subdivision 1, in structures, policies, and  
70.11 practices that result in the education disparities, in order to propose antiracist changes as  
70.12 defined in section 120B.11, subdivision 1, that increase access, meaningful participation,  
70.13 representation, and positive outcomes for students of color and American Indian students;

70.14 (7) increased programmatic opportunities and effective and more diverse instructors  
70.15 focused on rigor and college and career readiness for students who are impacted by racial,  
70.16 gender, linguistic, and economic disparities, including students enrolled in area learning  
70.17 centers or alternative learning programs under section 123A.05, state-approved alternative  
70.18 programs under section 126C.05, subdivision 15, and contract alternative programs under  
70.19 section 124D.69, among other underserved students;

70.20 (8) ethnic studies curriculum as defined in section 120B.11, subdivision 1, to provide  
70.21 all students with opportunities to learn about their own and others' cultures and historical  
70.22 experiences; or

70.23 (9) examination and revision of district curricula in all subjects to be inclusive of diverse  
70.24 racial and ethnic groups while meeting state academic standards and being culturally  
70.25 sustaining as defined in section 120B.11, subdivision 1, ensuring content being studied  
70.26 about any group is accurate and based in knowledge from that group.

70.27 ~~(b)~~ (c) Among other requirements, an eligible district must implement effective,  
70.28 research-based interventions that include formative multiple measures of assessment practices  
70.29 and engagement in order to reduce the eliminate academic disparities in student academic  
70.30 performance among the specific categories of students as measured by student progress and  
70.31 growth on state reading and math assessments and for students impacted by racial, gender,  
70.32 linguistic, and economic inequities as aligned with section 120B.11.

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

71.4 **EFFECTIVE DATE.** This section is effective for all plans reviewed and updated after  
 71.5 the day following final enactment.

71.6 Sec. 60. Minnesota Statutes 2020, section 125A.094, is amended to read:

71.7 **125A.094 RESTRICTIVE PROCEDURES FOR CHILDREN WITH**  
 71.8 **DISABILITIES.**

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

71.11 Sec. 61. Minnesota Statutes 2020, section 125A.0942, subdivision 1, is amended to read:

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

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

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

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

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

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

71.25 (ii) convening an oversight committee to undertake a quarterly review of the use of  
 71.26 restrictive procedures based on patterns or problems indicated by similarities in the time of  
 71.27 day, day of the week, duration of the use of a procedure, the individuals involved, or other  
 71.28 factors associated with the use of restrictive procedures; the number of times a restrictive  
 71.29 procedure is used schoolwide and for individual children; the number and types of injuries,  
 71.30 if any, resulting from the use of restrictive procedures; whether restrictive procedures are  
 71.31 used in nonemergency situations; the need for additional staff training; the use of restrictive

72.1 procedures for disproportionality, racial disparities, in the usage of restrictive procedures;  
72.2 the usage of school resource officer's handling of the behaviors; student documentation to  
72.3 determine if the staff followed the standards for using restrictive procedures and if there is  
72.4 updated information about whether the restrictive procedures are contraindicated for the  
72.5 particular student; and proposed actions to minimize the use of restrictive procedures; and

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

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

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

72.11 (2) an expert in positive behavior strategies;

72.12 (3) a special education administrator; and

72.13 (4) a general education administrator.

72.14 Sec. 62. Minnesota Statutes 2020, section 125A.0942, subdivision 2, is amended to read:

72.15 Subd. 2. **Restrictive procedures.** (a) Restrictive procedures may be used only by a  
72.16 licensed special education teacher, school social worker, school psychologist, behavior  
72.17 analyst certified by the National Behavior Analyst Certification Board, a person with a  
72.18 master's degree in behavior analysis, other licensed education professional, paraprofessional  
72.19 under section 120B.363, or mental health professional under section 245.4871, subdivision  
72.20 27, who has completed the training program under subdivision 5.

72.21 (b) A school shall make reasonable efforts to notify the parent on the same day a  
72.22 restrictive procedure is used on the child, or if the school is unable to provide same-day  
72.23 notice, notice is sent within two days by written or electronic means or as otherwise indicated  
72.24 by the child's parent under paragraph (f).

72.25 (c) The district must hold a meeting of the individualized education program team, if  
72.26 the student is a student with a disability, or a meeting of relevant members of the student's  
72.27 team, including the parent, if the student is not a student with a disability, conduct or review  
72.28 a functional behavioral analysis, review data, consider developing additional or revised  
72.29 positive behavioral interventions and supports, consider actions to reduce the use of restrictive  
72.30 procedures, and modify the individualized education program or behavior intervention plan  
72.31 as appropriate. The district must hold the meeting: within ten calendar days after district  
72.32 staff use restrictive procedures on two separate school days within 30 calendar days or a



73.1 pattern of use emerges and the child's individualized education program or behavior  
73.2 intervention plan does not provide for using restrictive procedures in an emergency; or at  
73.3 the request of a parent or the district after restrictive procedures are used. The district must  
73.4 review use of restrictive procedures at a child's annual individualized education program  
73.5 meeting when the child's individualized education program provides for using restrictive  
73.6 procedures in an emergency.

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

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

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

73.26 Sec. 63. Minnesota Statutes 2020, section 125A.0942, subdivision 3, is amended to read:

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

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

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

- 74.1 (3) physical holding or seclusion ends when the threat of harm ends and the staff  
74.2 determines the child can safely return to the classroom or activity;
- 74.3 (4) staff directly observes the child while physical holding or seclusion is being used;
- 74.4 (5) each time physical holding or seclusion is used, the staff person who implements or  
74.5 oversees the physical holding or seclusion documents, as soon as possible after the incident  
74.6 concludes, the following information:
- 74.7 (i) a description of the incident that led to the physical holding or seclusion;
- 74.8 (ii) why a less restrictive measure failed or was determined by staff to be inappropriate  
74.9 or impractical;
- 74.10 (iii) the time the physical holding or seclusion began and the time the child was released;
- 74.11 ~~and~~
- 74.12 (iv) a brief record of the child's behavioral and physical status; and
- 74.13 (v) a brief description of the post-use debriefing process that occurred following the use  
74.14 of the restrictive procedure;
- 74.15 (6) the room used for seclusion must:
- 74.16 (i) be at least six feet by five feet;
- 74.17 (ii) be well lit, well ventilated, adequately heated, and clean;
- 74.18 (iii) have a window that allows staff to directly observe a child in seclusion;
- 74.19 (iv) have tamperproof fixtures, electrical switches located immediately outside the door,  
74.20 and secure ceilings;
- 74.21 (v) have doors that open out and are unlocked, locked with keyless locks that have  
74.22 immediate release mechanisms, or locked with locks that have immediate release mechanisms  
74.23 connected with a fire and emergency system; and
- 74.24 (vi) not contain objects that a child may use to injure the child or others; and
- 74.25 (7) before using a room for seclusion, a school must:
- 74.26 (i) receive written notice from local authorities that the room and the locking mechanisms  
74.27 comply with applicable building, fire, and safety codes; and
- 74.28 (ii) register the room with the commissioner, who may view that room.
- 74.29 (b) By February 1, 2015, and annually thereafter, stakeholders may, as necessary,  
74.30 recommend to the commissioner specific and measurable implementation and outcome

75.1 goals for reducing the use of restrictive procedures and the commissioner must submit to  
75.2 the legislature a report on districts' progress in reducing the use of restrictive procedures  
75.3 that recommends how to further reduce these procedures and eliminate the use of seclusion.  
75.4 The statewide plan includes the following components: measurable goals; the resources,  
75.5 training, technical assistance, mental health services, and collaborative efforts needed to  
75.6 significantly reduce districts' use of seclusion; and recommendations to clarify and improve  
75.7 the law governing districts' use of restrictive procedures. The commissioner must consult  
75.8 with interested stakeholders when preparing the report, including representatives of advocacy  
75.9 organizations, special education directors, teachers, paraprofessionals, intermediate school  
75.10 districts, school boards, day treatment providers, county social services, state human services  
75.11 department staff, mental health professionals, and autism experts. Beginning with the  
75.12 2016-2017 school year, in a form and manner determined by the commissioner, districts  
75.13 must report data quarterly to the department by January 15, April 15, July 15, and October  
75.14 15 about individual students who have been secluded. By July 15 each year, districts must  
75.15 report summary data on their use of restrictive procedures to the department for the prior  
75.16 school year, July 1 through June 30, in a form and manner determined by the commissioner.  
75.17 The summary data must include information about the use of restrictive procedures, including  
75.18 use of reasonable force under section 121A.582.

75.19 Sec. 64. Minnesota Statutes 2020, section 144.4165, is amended to read:

75.20 **144.4165 TOBACCO PRODUCTS PROHIBITED IN PUBLIC SCHOOLS.**

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

75.27 (b) Nothing in this section shall prohibit the lighting of tobacco by an adult as a part of  
75.28 a traditional Indian spiritual or cultural ceremony. An American Indian student may carry  
75.29 a medicine pouch containing loose tobacco intended in observance of traditional spiritual  
75.30 or cultural practices. For purposes of this section, an American Indian is a person ~~who is a~~  
75.31 ~~member of an Indian tribe as defined in section 260.755, subdivision 12~~ having origins in  
75.32 any of the original peoples of North America who maintain cultural identification through  
75.33 Tribal affiliation or community recognition.

76.1 **Sec. 65. NATIONAL AND INTERNATIONAL EDUCATION COMPARISONS.**

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

76.11 **Sec. 66. REVISOR INSTRUCTION.**

76.12 The revisor of statutes shall renumber each section of Minnesota Statutes listed in column  
 76.13 A with the number listed in column B. The revisor shall also make necessary cross-reference  
 76.14 changes consistent with the renumbering. The revisor shall also make any technical language  
 76.15 and other changes necessitated by the renumbering and cross-reference changes in this act.

<u>Column A</u>	<u>Column B</u>
<u>General Requirements Statewide Assessments</u>	
<u>120B.30, subdivision 1a, paragraph (h)</u>	<u>120B.30, subdivision 1</u>
<u>120B.30, subdivision 1, paragraph (q)</u>	<u>120B.30, subdivision 2</u>
<u>120B.30, subdivision 1a, paragraph (g)</u>	<u>120B.30, subdivision 3</u>
<u>120B.30, subdivision 1b</u>	<u>120B.30, subdivision 4</u>
<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.30, subdivision 5, paragraph (a)</u>
<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.30, subdivision 5, paragraph (b)</u>
<u>120B.30, subdivision 1a, paragraph (e)</u>	<u>120B.30, subdivision 6, paragraph (a)</u>
<u>120B.30, subdivision 2, paragraph (a)</u>	<u>120B.30, subdivision 6, paragraph (b)</u>
<u>120B.30, subdivision 2, paragraph (b),</u> <u>clauses (1) and (2)</u>	<u>120B.30, subdivision 6, paragraph (c)</u>
<u>120B.30, subdivision 2</u>	<u>120B.30, subdivision 6, paragraph (d)</u>
<u>120B.30, subdivision 4</u>	<u>120B.30, subdivision 7</u>
<u>120B.30, subdivision 5</u>	<u>120B.30, subdivision 8</u>
<u>120B.30, subdivision 6</u>	<u>120B.30, subdivision 9</u>
<u>120B.30, subdivision 1, paragraph (e)</u>	<u>120B.30, subdivision 10</u>
<u>General Requirements Test Design</u>	
<u>120B.30, subdivision 1a, paragraph (a),</u> <u>clauses (1) to (5)</u>	<u>120B.301, subdivision 1</u>
<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.301, subdivision 2</u>

77.1	<u>120B.30, subdivision 1, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (a)</u>
77.2	<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.301, subdivision 3, paragraph (b)</u>
77.3	<u>120B.30, subdivision 1a, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (c)</u>
77.4	<u>120B.30, subdivision 1a, paragraph (c),</u>	<u>120B.301, subdivision 3, paragraph (d)</u>
77.5	<u>clauses (1) and (2)</u>	
77.6	<u>Assessment Graduation Requirements</u>	
77.7	<u>120B.30, subdivision 1, paragraph (c),</u>	<u>120B.304, subdivision 1</u>
77.8	<u>clauses (1) and (2)</u>	
77.9	<u>120B.30, subdivision 1, paragraph (d)</u>	<u>120B.304, subdivision 2</u>
77.10	<u>120B.30, subdivision 1, paragraph (i)</u>	<u>120B.304, subdivision 3</u>
77.11	<u>Assessment Reporting Requirements</u>	
77.12	<u>120B.30, subdivision 1a, paragraph (f),</u>	<u>120B.305, subdivision 1</u>
77.13	<u>clauses (1) to (3)</u>	
77.14	<u>120B.30, subdivision 1a, paragraph (d),</u>	<u>120B.305, subdivision 2, paragraph (a)</u>
77.15	<u>clauses (1) to (4)</u>	
77.16	<u>120B.30, subdivision 1, paragraph (m)</u>	<u>120B.305, subdivision 2, paragraph (b)</u>
77.17	<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.305, subdivision 2, paragraph (c)</u>
77.18	<u>120B.30, subdivision 1, paragraph (o),</u>	<u>120B.305, subdivision 3, paragraph (a)</u>
77.19	<u>clauses (1) to (4)</u>	
77.20	<u>120B.30, subdivision 3</u>	<u>120B.305, subdivision 3, paragraph (b)</u>
77.21	<u>District Assessment Requirements</u>	
77.22	<u>120B.301, paragraphs (a) to (c)</u>	<u>120B.306, subdivision 1</u>
77.23	<u>120B.304, paragraphs (a) and (b)</u>	<u>120B.306, subdivision 2</u>
77.24	<u>College and Career Readiness</u>	
77.25	<u>120B.30, subdivision 1, paragraph (p)</u>	<u>120B.307, subdivision 1</u>
77.26	<u>120B.30, subdivision 1, paragraph (d)</u>	<u>120B.307, subdivision 2</u>
77.27	<u>120B.30, subdivision 1, paragraph (f)</u>	<u>120B.307, subdivision 3</u>
77.28	<u>120B.30, subdivision 1, paragraph (g)</u>	<u>120B.307, subdivision 4, paragraph (a)</u>
77.29	<u>120B.30, subdivision 1, paragraph (h)</u>	<u>120B.307, subdivision 4, paragraph (b)</u>
77.30	<u>120B.30, subdivision 1, paragraph (j)</u>	<u>120B.307, subdivision 4, paragraph (c)</u>
77.31	<u>120B.30, subdivision 1, paragraph (k)</u>	<u>120B.307, subdivision 4, paragraph (d)</u>
77.32	<u>120B.30, subdivision 1, paragraph (l)</u>	<u>120B.307, subdivision 4, paragraph (e)</u>

77.33 **Sec. 67. REPEALER.**

77.34 Minnesota Statutes 2020, section 120B.35, subdivision 5, is repealed.

78.1

**ARTICLE 3**

78.2

**TEACHERS**78.3 Section 1. **[120B.117] INCREASING PERCENTAGE OF TEACHERS OF COLOR**78.4 **AND AMERICAN INDIAN TEACHERS IN MINNESOTA.**

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

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

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

78.21 Subd. 4. **Reporting.** Beginning in 2022 and every even-numbered year thereafter, the  
78.22 Professional Educator Licensing and Standards Board must collaborate with the Department  
78.23 of Education and the Office of Higher Education to publish a summary report of each of  
78.24 the programs they administer and any other programs receiving state appropriations that  
78.25 have or include an explicit purpose of increasing the racial and ethnic diversity of the state's  
78.26 teacher workforce to more closely reflect the diversity of students. The report must include  
78.27 programs under sections 122A.59, 122A.63, 122A.635, 122A.70, 122A.73, 124D.09,  
78.28 124D.861, 136A.1274, 136A.1276, and 136A.1791, along with any other programs or  
78.29 initiatives that receive state appropriations to address the shortage of teachers of color and  
78.30 American Indian teachers. The board must, in coordination with the Office of Higher  
78.31 Education and Department of Education, provide policy and funding recommendations  
78.32 related to state-funded programs to increase the recruitment, preparation, licensing, hiring,  
78.33 and retention of racially and ethnically diverse teachers and the state's progress toward  
78.34 meeting or exceeding the goals of this section. The report must include recommendations

79.1 for state policy and funding needed to achieve the goals of this section, plans for sharing  
79.2 the report and activities of grant recipients, and opportunities among grant recipients of  
79.3 various programs to share effective practices with each other. The 2022 report must include  
79.4 a recommendation of whether a state advisory council should be established to address the  
79.5 shortage of racially and ethnically diverse teachers and what the composition and charge  
79.6 of such an advisory council would be if established. The board must consult with the Indian  
79.7 Affairs Council and other ethnic councils along with other community partners, including  
79.8 students of color and American Indian students, in developing the report. By November 1  
79.9 of each even-numbered year, the board must submit the report to the chairs and ranking  
79.10 minority members of the legislative committees with jurisdiction over education and higher  
79.11 education policy and finance. The report must be available to the public on the board's  
79.12 website.

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

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

79.15 A school board must adopt a written policy that prohibits discrimination or discipline  
79.16 for a teacher or principal on the basis of incorporating into curriculum contributions by  
79.17 persons in a federally protected class or protected class under sections 121A.031 and  
79.18 363A.13, consistent with local collective bargaining agreements and sections 121A.41 to  
79.19 121A.56.

79.20 **Sec. 3.** Minnesota Statutes 2020, section 122A.06, subdivision 6, is amended to read:

79.21 **Subd. 6. Shortage area.** "Shortage area" means:

79.22 (1) licensure fields and economic development regions reported by the commissioner  
79.23 of education or the Professional Educator Licensing and Standards Board as experiencing  
79.24 a teacher shortage and includes the number of assignments a school district is unable to fill  
79.25 with a licensed teacher by November 1 of every even-numbered year, the number of  
79.26 out-of-field permissions issued, and the number of Tier 1 licenses issued in license fields  
79.27 with board-approved preparation programs; and

79.28 (2) economic development regions where there is a shortage of licensed teachers who  
79.29 reflect the racial or ethnic diversity of students in the region.

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

80.1 Sec. 4. Minnesota Statutes 2020, section 122A.091, subdivision 5, is amended to read:

80.2 Subd. 5. **Survey of districts.** (a) The Professional Educator Licensing and Standards  
80.3 Board must survey the state's school districts and teacher preparation programs and report  
80.4 to the education committees of the legislature by February 1, 2019, and each odd-numbered  
80.5 year thereafter, on the status of teacher early retirement patterns, the access to effective and  
80.6 more diverse teachers who reflect the students under section 120B.35, subdivision 3,  
80.7 paragraph (b), clause (2), enrolled in a district or school, the teacher shortage, and the  
80.8 substitute teacher shortage, including patterns and shortages in licensure field areas and the  
80.9 economic development regions of the state.

80.10 (b) The report must also include:

80.11 (1) aggregate data on teachers' self-reported race and ethnicity;

80.12 (2) data on how districts are making progress in hiring teachers and substitute teachers  
80.13 in the areas of shortage, including the number of teachers hired in the preceding two years,  
80.14 the number of teachers hired holding a license at each tier level, the number of assignments  
80.15 the school district was unable to fill with a licensed teacher, and licenses and permissions  
80.16 for license fields without a board-approved preparation program by economic development  
80.17 regions; and

80.18 (3) a five-year projection of teacher demand for each district, taking into account the  
80.19 students under section 120B.35, subdivision 3, paragraph (b), clause (2), expected to enroll  
80.20 in the district during that five-year period.

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

80.22 Sec. 5. Minnesota Statutes 2020, section 122A.14, is amended by adding a subdivision to  
80.23 read:

80.24 Subd. 11. **Mental illness.** The board must adopt rules that require all school administrators  
80.25 renewing a license to include in the renewal requirements at least two hours of mental illness  
80.26 training. The training must include at least one hour of suicide prevention training in each  
80.27 licensure renewal period that is a nationally recognized evidence-based program. At least  
80.28 one additional hour of training must include understanding the key warning signs of  
80.29 early-onset mental illness in children and adolescents, trauma, accommodations for students'  
80.30 mental illness, parents' roles in addressing students' mental illness, fetal alcohol spectrum  
80.31 disorders, autism, and de-escalation methods, among other similar topics.



81.1 Sec. 6. Minnesota Statutes 2020, section 122A.181, subdivision 5, is amended to read:

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

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

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

81.9 Sec. 7. Minnesota Statutes 2020, section 122A.183, subdivision 1, is amended to read:

81.10 Subdivision 1. **Requirements.** (a) The Professional Educator Licensing and Standards  
81.11 Board must issue a Tier 3 license to a candidate who provides information sufficient to  
81.12 demonstrate all of the following:

81.13 (1) the candidate meets the educational or professional requirements in paragraphs (b)  
81.14 and (c);

81.15 (2) the candidate has obtained a passing score on the required licensure exams under  
81.16 section 122A.185; and

81.17 (3) the candidate has completed the coursework required under subdivision 2.

81.18 (b) A candidate for a Tier 3 license must have a bachelor's degree to teach a class or  
81.19 course outside a career and technical education or career pathways course of study.

81.20 (c) A candidate for a Tier 3 license must have one of the following credentials in a  
81.21 relevant content area to teach a class or course in a career and technical education or career  
81.22 pathways course of study:

81.23 (1) an associate's degree;

81.24 (2) a professional certification; or

81.25 (3) five years of relevant work experience.

81.26 In consultation with the governor's Workforce Development Board established under section  
81.27 116L.665, the board must establish a list of qualifying certifications, and may add additional  
81.28 professional certifications in consultation with school administrators, teachers, and other  
81.29 stakeholders.

82.1 (d) The board must issue a Tier 3 license to a candidate who provides information  
 82.2 sufficient to demonstrate the following, regardless of whether the candidate meets other  
 82.3 requirements in this section:

82.4 (1) the candidate has completed a teacher preparation program from a culturally specific  
 82.5 Minority Serving Institution in the United States, such as Historically Black Colleges and  
 82.6 Universities, Tribal Colleges and Universities, or Hispanic-Serving Institutions, including  
 82.7 those in Puerto Rico, and is eligible for a teacher license in another state; or

82.8 (2) the candidate has completed a university teacher preparation program in another  
 82.9 country and has taught at least two years.

82.10 The candidate must have completed student teaching comparable to the student teaching  
 82.11 expectations in Minnesota.

82.12 Sec. 8. Minnesota Statutes 2020, section 122A.184, subdivision 1, is amended to read:

82.13 Subdivision 1. **Requirements.** The Professional Educator Licensing and Standards  
 82.14 Board must issue a Tier 4 license to a candidate who provides information sufficient to  
 82.15 demonstrate all of the following:

82.16 (1) the candidate meets all requirements for a Tier 3 license under section 122A.183,  
 82.17 and has completed a teacher preparation program under section 122A.183, subdivision 2,  
 82.18 clause (1) or (2);

82.19 (2) the candidate has at least three years of teaching experience in Minnesota or another  
 82.20 state;

82.21 (3) the candidate has obtained a passing score on all required licensure exams under  
 82.22 section 122A.185; and

82.23 (4) the candidate's most recent summative teacher evaluation did not result in placing  
 82.24 or otherwise keeping the teacher in an improvement process pursuant to section 122A.40,  
 82.25 subdivision 8, or 122A.41, subdivision 5.

82.26 Sec. 9. Minnesota Statutes 2020, section 122A.185, subdivision 1, is amended to read:

82.27 Subdivision 1. **Tests.** ~~(a) The Professional Educator Licensing and Standards Board~~  
 82.28 ~~must adopt rules requiring a candidate to demonstrate a passing score on a board-adopted~~  
 82.29 ~~examination of skills in reading, writing, and mathematics before being granted a Tier 4~~  
 82.30 ~~teaching license under section 122A.184 to provide direct instruction to pupils in elementary,~~  
 82.31 ~~secondary, or special education programs. Candidates may obtain a Tier 1, Tier 2, or Tier~~

83.1 ~~3 license to provide direct instruction to pupils in elementary, secondary, or special education~~  
83.2 ~~programs if candidates meet the other requirements in section 122A.181, 122A.182, or~~  
83.3 ~~122A.183, respectively.~~

83.4 ~~(b)~~ (a) The board must adopt and revise rules requiring ~~candidates~~ applicants for Tier 3  
83.5 and Tier 4 licenses to pass an examination or performance assessment of general pedagogical  
83.6 knowledge and examinations of licensure field specific content: if the applicant has not  
83.7 completed a board-approved preparation program assuring that candidates from the program  
83.8 recommended for licensure meet content and pedagogy licensure standards in Minnesota.  
83.9 Candidates who have satisfactorily completed board-approved programs in Minnesota with  
83.10 required coursework and clinical field experiences that include learning opportunities and  
83.11 assessments aligned to content and pedagogy licensure standards are not additionally required  
83.12 to pass content and pedagogy exams for Tier 3 licensure. Applicants who have satisfactorily  
83.13 completed a preparation program in another state and passed licensure examinations in that  
83.14 state are not additionally required to pass similar examinations required in Minnesota. The  
83.15 content examination requirement does not apply if no relevant content exam exists.

83.16 ~~(e)~~ (b) Candidates for initial Tier 3 and Tier 4 licenses to teach elementary students must  
83.17 pass test items assessing the candidates' knowledge, skill, and ability in comprehensive,  
83.18 scientifically based reading instruction under section 122A.06, subdivision 4, knowledge  
83.19 and understanding of the foundations of reading development, development of reading  
83.20 comprehension and reading assessment and instruction, and the ability to integrate that  
83.21 knowledge and understanding into instruction strategies under section 122A.06, subdivision  
83.22 4.

83.23 (c) All testing centers in the state must provide monthly opportunities for untimed content  
83.24 and pedagogy examinations. These opportunities must be advertised on the test registration  
83.25 website. The board must require the exam vendor to provide other equitable opportunities  
83.26 to pass exams, including:

83.27 (1) waiving testing fees for test takers who qualify for federal grants;

83.28 (2) providing free, multiple, full-length practice tests for each exam and free,  
83.29 comprehensive study guides on the test registration website;

83.30 (3) making content and pedagogy exams available in languages other than English for  
83.31 teachers seeking licensure to teach in language immersion programs; and

83.32 (4) providing free, detailed exam results analysis by test objective to assist candidates  
83.33 who do not pass an exam in identifying areas for improvement.

84.1 Any candidate who has not passed a required exam after two attempts must be allowed to  
84.2 retake the exam, including new versions of the exam, without being charged an additional  
84.3 fee.

84.4 (d) The requirement to pass a board-adopted reading, writing, and mathematics skills  
84.5 examination does not apply to nonnative English speakers, as verified by qualified Minnesota  
84.6 school district personnel or Minnesota higher education faculty, who, after meeting the  
84.7 content and pedagogy requirements under this subdivision, apply for a teaching license to  
84.8 provide direct instruction in their native language or world language instruction under section  
84.9 120B.022, subdivision 1.

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

84.11 Sec. 10. Minnesota Statutes 2020, section 122A.40, subdivision 3, is amended to read:

84.12 Subd. 3. **Hiring, dismissing.** (a) School boards must hire or dismiss teachers at duly  
84.13 called meetings. Where a husband and wife, brother and sister, or two brothers or sisters,  
84.14 constitute a quorum, no contract employing a teacher shall be made or authorized except  
84.15 upon the unanimous vote of the full board. A teacher related by blood or marriage, within  
84.16 the fourth degree, computed by the civil law, to a board member shall not be employed  
84.17 except by a unanimous vote of the full board. The initial employment of the teacher in the  
84.18 district must be by written contract, signed by the teacher and by the chair and clerk. All  
84.19 subsequent employment of the teacher in the district must be by written contract, signed by  
84.20 the teacher and by the chair and clerk, except where there is a master agreement covering  
84.21 the employment of the teacher. Contracts for teaching or supervision of teaching can be  
84.22 made only with qualified teachers. A teacher shall not be required to reside within the  
84.23 employing district as a condition to teaching employment or continued teaching employment.

84.24 (b) A school district must report all new teacher hires and terminations, including layoffs,  
84.25 by race and ethnicity annually to the Professional Educator Licensing and Standards Board.  
84.26 The report must not include data that would personally identify individuals.

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

84.28 Sec. 11. Minnesota Statutes 2020, section 122A.40, subdivision 5, is amended to read:

84.29 Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's first  
84.30 teaching experience in Minnesota in a single district is deemed to be a probationary period  
84.31 of employment, and, the probationary period in each district in which the teacher is thereafter  
84.32 employed shall be one year. The school board must adopt a plan for written evaluation of

85.1 teachers during the probationary period that is consistent with subdivision 8. Evaluation  
85.2 must occur at least three times periodically throughout each school year for a teacher  
85.3 performing services during that school year; the first evaluation must occur within the first  
85.4 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops,  
85.5 and other staff development opportunities and days on which a teacher is absent from school  
85.6 must not be included in determining the number of school days on which a teacher performs  
85.7 services. Except as otherwise provided in paragraph (b), during the probationary period any  
85.8 annual contract with any teacher may or may not be renewed as the school board shall see  
85.9 fit. However, the board must give any such teacher whose contract it declines to renew for  
85.10 the following school year written notice to that effect before July 1. If the teacher requests  
85.11 reasons for any nonrenewal of a teaching contract, the board must give the teacher its reason  
85.12 in writing, including a statement that appropriate supervision was furnished describing the  
85.13 nature and the extent of such supervision furnished the teacher during the employment by  
85.14 the board, within ten days after receiving such request. The school board may, after a hearing  
85.15 held upon due notice, discharge a teacher during the probationary period for cause, effective  
85.16 immediately, under section 122A.44.

85.17 (b) A board must discharge a probationary teacher, effective immediately, upon receipt  
85.18 of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has  
85.19 been revoked due to a conviction for child abuse or sexual abuse.

85.20 (c) A probationary teacher whose first three years of consecutive employment are  
85.21 interrupted for active military service and who promptly resumes teaching consistent with  
85.22 federal reemployment timelines for uniformed service personnel under United States Code,  
85.23 title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes  
85.24 of paragraph (a).

85.25 (d) A probationary teacher whose first three years of consecutive employment are  
85.26 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12  
85.27 months of when the leave began is considered to have a consecutive teaching experience  
85.28 for purposes of paragraph (a) if the probationary teacher completes a combined total of  
85.29 three years of teaching service immediately before and after the leave.

85.30 (e) A probationary teacher must complete at least 120 days of teaching service each year  
85.31 during the probationary period. Days devoted to parent-teacher conferences, teachers'  
85.32 workshops, and other staff development opportunities and days on which a teacher is absent  
85.33 from school do not count as days of teaching service under this paragraph.

86.1 (f) Notwithstanding any law to the contrary, a teacher who has taught for three  
86.2 consecutive years in a single school district or charter school in Minnesota or another state  
86.3 must serve a probationary period no longer than one year in a Minnesota school district.

86.4 **EFFECTIVE DATE.** This section is effective for collective bargaining agreements  
86.5 effective July 1, 2023, and thereafter.

86.6 Sec. 12. Minnesota Statutes 2020, section 122A.40, subdivision 8, is amended to read:

86.7 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**  
86.8 **teachers.** (a) To improve student learning and success, a school board and an exclusive  
86.9 representative of the teachers in the district, consistent with paragraph (b), may develop a  
86.10 teacher evaluation and peer review process for probationary and continuing contract teachers  
86.11 through joint agreement. If a school board and the exclusive representative of the teachers  
86.12 do not agree to an annual teacher evaluation and peer review process, then the school board  
86.13 and the exclusive representative of the teachers must implement the state teacher evaluation  
86.14 plan under paragraph (c). The process must include having trained observers serve as peer  
86.15 coaches or having teachers participate in professional learning communities, consistent with  
86.16 paragraph (b).

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

86.21 (1) must, for probationary teachers, provide for all evaluations required under subdivision  
86.22 5;

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

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

- 87.1 (4) must coordinate staff development activities under sections 122A.60 and 122A.61  
87.2 with this evaluation process and teachers' evaluation outcomes;
- 87.3 (5) may provide time during the school day and school year for peer coaching and teacher  
87.4 collaboration;
- 87.5 (6) may include job-embedded learning opportunities such as professional learning  
87.6 communities;
- 87.7 (7) may include mentoring and induction programs for teachers, including teachers who  
87.8 are members of populations underrepresented among the licensed teachers in the district or  
87.9 school and who reflect the diversity of students under section 120B.35, subdivision 3,  
87.10 paragraph (b), clause (2), who are enrolled in the district or school;
- 87.11 (8) must include an option for teachers to develop and present a portfolio demonstrating  
87.12 evidence of reflection and professional growth, consistent with section 122A.187, subdivision  
87.13 3, and include teachers' own performance assessment based on student work samples and  
87.14 examples of teachers' work, which may include video among other activities for the  
87.15 summative evaluation;
- 87.16 (9) must use data from valid and reliable assessments aligned to state and local academic  
87.17 standards and must use state and local measures of student growth and literacy that may  
87.18 include value-added models or student learning goals to determine 35 percent of teacher  
87.19 evaluation results;
- 87.20 (10) must use longitudinal data on student engagement and connection, and other student  
87.21 outcome measures explicitly aligned with the elements of curriculum for which teachers  
87.22 are responsible, including academic literacy, oral academic language, and achievement of  
87.23 content areas of English learners;
- 87.24 (11) must require qualified and trained evaluators such as school administrators to  
87.25 perform summative evaluations and ensure school districts and charter schools provide for  
87.26 effective evaluator training specific to teacher development and evaluation;
- 87.27 (12) must give teachers not meeting professional teaching standards under clauses (3)  
87.28 through (11) support to improve through a teacher improvement process that includes  
87.29 established goals and timelines; and
- 87.30 (13) must discipline a teacher for not making adequate progress in the teacher  
87.31 improvement process under clause (12) that may include a last chance warning, termination,  
87.32 discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline  
87.33 a school administrator determines is appropriate.

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

88.4 (c) The department, in consultation with parents who may represent parent organizations  
88.5 and teacher and administrator representatives appointed by their respective organizations,  
88.6 representing the Professional Educator Licensing and Standards Board, the Minnesota  
88.7 Association of School Administrators, the Minnesota School Boards Association, the  
88.8 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and  
88.9 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,  
88.10 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with  
88.11 research expertise in teacher evaluation, must create and publish a teacher evaluation process  
88.12 that complies with the requirements in paragraph (b) and applies to all teachers under this  
88.13 section and section 122A.41 for whom no agreement exists under paragraph (a) for an annual  
88.14 teacher evaluation and peer review process. The teacher evaluation process created under  
88.15 this subdivision does not create additional due process rights for probationary teachers under  
88.16 subdivision 5.

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

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

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

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

88.31 Sec. 13. Minnesota Statutes 2020, section 122A.41, subdivision 2, is amended to read:

88.32 Subd. 2. **Probationary period; discharge or demotion.** (a) All teachers in the public  
88.33 schools in cities of the first class during the first three years of consecutive employment



89.1 shall be deemed to be in a probationary period of employment during which period any  
89.2 annual contract with any teacher may, or may not, be renewed as the school board, after  
89.3 consulting with the peer review committee charged with evaluating the probationary teachers  
89.4 under subdivision 3, shall see fit. The school site management team or the school board if  
89.5 there is no school site management team, shall adopt a plan for a written evaluation of  
89.6 teachers during the probationary period according to subdivisions 3 and 5. Evaluation by  
89.7 the peer review committee charged with evaluating probationary teachers under subdivision  
89.8 3 shall occur at least three times periodically throughout each school year for a teacher  
89.9 performing services during that school year; the first evaluation must occur within the first  
89.10 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops,  
89.11 and other staff development opportunities and days on which a teacher is absent from school  
89.12 shall not be included in determining the number of school days on which a teacher performs  
89.13 services. The school board may, during such probationary period, discharge or demote a  
89.14 teacher for any of the causes as specified in this code. A written statement of the cause of  
89.15 such discharge or demotion shall be given to the teacher by the school board at least 30  
89.16 days before such removal or demotion shall become effective, and the teacher so notified  
89.17 shall have no right of appeal therefrom.

89.18 (b) A probationary teacher whose first three years of consecutive employment are  
89.19 interrupted for active military service and who promptly resumes teaching consistent with  
89.20 federal reemployment timelines for uniformed service personnel under United States Code,  
89.21 title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes  
89.22 of paragraph (a).

89.23 (c) A probationary teacher whose first three years of consecutive employment are  
89.24 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12  
89.25 months of when the leave began is considered to have a consecutive teaching experience  
89.26 for purposes of paragraph (a) if the probationary teacher completes a combined total of  
89.27 three years of teaching service immediately before and after the leave.

89.28 (d) A probationary teacher must complete at least 120 days of teaching service each year  
89.29 during the probationary period. Days devoted to parent-teacher conferences, teachers'  
89.30 workshops, and other staff development opportunities and days on which a teacher is absent  
89.31 from school do not count as days of teaching service under this paragraph.

89.32 (e) Notwithstanding any law to the contrary, a teacher who has taught for three  
89.33 consecutive years in a single school district or charter school in Minnesota or another state  
89.34 must serve a probationary period no longer than one year in a Minnesota school district.

90.1 **EFFECTIVE DATE.** This section is effective for collective bargaining agreements  
90.2 effective July 1, 2023, and thereafter.

90.3 Sec. 14. Minnesota Statutes 2020, section 122A.41, subdivision 5, is amended to read:

90.4 Subd. 5. **Development, evaluation, and peer coaching for continuing contract**  
90.5 **teachers.** (a) To improve student learning and success, a school board and an exclusive  
90.6 representative of the teachers in the district, consistent with paragraph (b), may develop an  
90.7 annual teacher evaluation and peer review process for probationary and nonprobationary  
90.8 teachers through joint agreement. If a school board and the exclusive representative of the  
90.9 teachers in the district do not agree to an annual teacher evaluation and peer review process,  
90.10 then the school board and the exclusive representative of the teachers must implement the  
90.11 state teacher evaluation plan developed under paragraph (c). The process must include  
90.12 having trained observers serve as peer coaches or having teachers participate in professional  
90.13 learning communities, consistent with paragraph (b).

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

90.18 (1) must, for probationary teachers, provide for all evaluations required under subdivision  
90.19 2;

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

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

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

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

91.1 (6) may include job-embedded learning opportunities such as professional learning  
91.2 communities;

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

91.7 (8) must include an option for teachers to develop and present a portfolio demonstrating  
91.8 evidence of reflection and professional growth, consistent with section 122A.187, subdivision  
91.9 3, and include teachers' own performance assessment based on student work samples and  
91.10 examples of teachers' work, which may include video among other activities for the  
91.11 summative evaluation;

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

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

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

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

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

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

92.1 (c) The department, in consultation with parents who may represent parent organizations  
92.2 and teacher and administrator representatives appointed by their respective organizations,  
92.3 representing the Professional Educator Licensing and Standards Board, the Minnesota  
92.4 Association of School Administrators, the Minnesota School Boards Association, the  
92.5 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and  
92.6 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,  
92.7 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with  
92.8 research expertise in teacher evaluation, must create and publish a teacher evaluation process  
92.9 that complies with the requirements in paragraph (b) and applies to all teachers under this  
92.10 section and section 122A.40 for whom no agreement exists under paragraph (a) for an annual  
92.11 teacher evaluation and peer review process. The teacher evaluation process created under  
92.12 this subdivision does not create additional due process rights for probationary teachers under  
92.13 subdivision 2.

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

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

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

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

92.28 Sec. 15. Minnesota Statutes 2020, section 122A.41, is amended by adding a subdivision  
92.29 to read:

92.30 Subd. 16. **Hiring and dismissal.** A school district must report all new teacher hires and  
92.31 terminations, including layoffs, by race and ethnicity annually to the Professional Educator  
92.32 Licensing and Standards Board. The report must not include data that would personally  
92.33 identify individuals.

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

93.2 Sec. 16. Minnesota Statutes 2020, section 122A.50, is amended to read:

93.3 **122A.50 PREPARATION TIME.**

93.4 **Subdivision 1. Preparation time.** Beginning with agreements effective July 1, 1995,  
93.5 and thereafter, all collective bargaining agreements for teachers provided for under chapter  
93.6 179A, must include provisions for preparation time or a provision indicating that the parties  
93.7 to the agreement chose not to include preparation time in the contract.

93.8 If the parties cannot agree on preparation time the following provision shall apply and  
93.9 be incorporated as part of the agreement: "Within the student day for every 25 minutes of  
93.10 classroom instructional time, a minimum of five additional minutes of preparation time  
93.11 shall be provided to each licensed teacher. Preparation time shall be provided in one or two  
93.12 uninterrupted blocks during the student day. Exceptions to this may be made by mutual  
93.13 agreement between the district and the exclusive representative of the teachers."

93.14 **Subd. 2. Due process forms and procedures time.** (a) Beginning with the 2022-2023  
93.15 school year, all collective bargaining agreements for teachers provided for under chapter  
93.16 179A must include provisions for due process forms and procedures time for educators  
93.17 assigned to teach or provide services to students with individualized family service plans  
93.18 or individualized education programs. This time is in addition to the preparation time under  
93.19 subdivision 1.

93.20 (b) If the parties cannot agree on due process forms and procedures time, the following  
93.21 provisions shall apply and be incorporated as part of the agreement: "Within the student  
93.22 day and over the course of the week, special educators must receive an average of 60 minutes  
93.23 per day as time for due process forms and procedures duties in addition to the required  
93.24 preparation time."

93.25 (c) If the collective bargaining agreement already provides an amount of time equivalent  
93.26 to 300 minutes for due process forms and procedures plus the required preparation time in  
93.27 subdivision 1, the district shall not be required to add additional due process forms and  
93.28 procedures time.

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

94.1 Sec. 17. Minnesota Statutes 2020, section 122A.635, is amended to read:

94.2 **122A.635 COLLABORATIVE URBAN AND GREATER MINNESOTA**  
94.3 **EDUCATORS OF COLOR GRANT PROGRAM.**

94.4 Subdivision 1. **Establishment.** The Professional Educator Licensing and Standards  
94.5 Board must award competitive grants to increase the number of teacher candidates who are  
94.6 of color or who are American Indian, complete teacher preparation programs, and meet the  
94.7 requirements for a Tier 3 license under section 122A.183. Eligibility for a grant under this  
94.8 section is limited to public or private higher education institutions that offer a teacher  
94.9 preparation program approved by the Professional Educator Licensing and Standards Board.

94.10 Subd. 2. **Competitive grants.** (a) The Professional Educator Licensing and Standards  
94.11 Board must award competitive grants to a variety of higher education institution types under  
94.12 this section. The board must require an applicant institution to submit a plan describing how  
94.13 it would use grant funds to increase the number of teachers who are of color or who are  
94.14 American Indian, and must award grants based on the following criteria, listed in descending  
94.15 order of priority:

94.16 ~~(1) the number of teacher candidates being supported in the program who are of color~~  
94.17 ~~or who are American Indian;~~

94.18 ~~(2) (1) program outcomes, including graduation or program completion rates; and~~  
94.19 ~~licensure recommendation rates; and placement rates for candidates who are of color or~~  
94.20 ~~who are American Indian compared to all candidates enrolled in a teacher preparation~~  
94.21 ~~program at the institution and, for each outcome measure, the number of those teacher~~  
94.22 ~~candidates who are of color or who are American Indian; and~~

94.23 ~~(3) the percent of racially and ethnically diverse teacher candidates enrolled in the~~  
94.24 ~~institution compared to:~~

94.25 ~~(i) the total percent of students of color and American Indian students enrolled at the~~  
94.26 ~~institution, regardless of major; and~~

94.27 ~~(ii) the percent of underrepresented racially and ethnically diverse teachers in the~~  
94.28 ~~economic development region of the state where the institution is located and where a~~  
94.29 ~~shortage of diverse teachers exists, as reported under section 122A.091, subdivision 5.~~

94.30 (2) the extent to which an institution's plan is clear in describing how the institution  
94.31 would use grant funds for implementing explicit research-based practices to provide  
94.32 programmatic support to teacher candidates who are of color or who are American Indian.  
94.33 Plans for grant funds may include:

- 95.1 (i) recruiting more racially and ethnically diverse candidates for admission to teacher  
95.2 preparation programs;
- 95.3 (ii) providing differentiated advising, mentoring, or other supportive community-building  
95.4 activities in addition to what the institution provides to all candidates enrolled in the  
95.5 institution;
- 95.6 (iii) providing academic tutoring or support to help teacher candidates pass required  
95.7 assessments; and
- 95.8 (iv) providing for program staffing expenses;
- 95.9 (3) an institution's plan to provide direct financial assistance as scholarships or stipends  
95.10 within the allowable dollar range determined by the board under subdivision 3, paragraph  
95.11 (b), to teacher candidates who are of color or who are American Indian;
- 95.12 ~~(b) The board must give priority in awarding grants under this section to institutions that~~  
95.13 ~~received grants under Laws 2017, First Special Session chapter 5, article 2, section 57,~~  
95.14 ~~subdivision 27, and have demonstrated continuing success at recruiting, retaining, graduating,~~  
95.15 ~~and inducting~~ (4) whether the institution has previously received a competitive grant under  
95.16 this section and has demonstrated positive outcomes from the use of grant funds for efforts  
95.17 helping teacher candidates who are of color or who are American Indian; to enroll in and  
95.18 successfully complete teacher preparation programs and be recommended for licensure;
- 95.19 (5) geographic diversity among the institutions. In order to expand the number of grant  
95.20 recipients throughout the state, whenever there is at least a 20 percent increase in the base  
95.21 appropriation for this grant program, the board must prioritize awarding grants to institutions  
95.22 outside of the Twin Cities metropolitan area. If the board awards a competitive grant based  
95.23 on the criteria in paragraph (a) to a program that has not previously received funding, the  
95.24 board must thereafter give priority to the program equivalent to other programs given priority  
95.25 under this paragraph, that have received grants and demonstrated positive outcomes; and
- 95.26 (6) the percentage of racially and ethnically diverse teacher candidates enrolled in the  
95.27 institution compared to:
- 95.28 (i) the aggregate percentage of students of color and American Indian students enrolled  
95.29 in the institution, regardless of major; and
- 95.30 (ii) the percentage of underrepresented racially and ethnically diverse teachers in the  
95.31 economic development region of the state where the institution is located and where a  
95.32 shortage of diverse teachers exists, as reported under section 122A.091, subdivision 5.

96.1 (b) The board must not penalize an applicant institution in the grant review process for  
96.2 using grant funds only to provide direct financial support to teacher candidates if that is the  
96.3 institution's priority and the institution uses other resources to provide programmatic support  
96.4 to candidates.

96.5 (c) The board must determine award amounts for development, maintenance and, or  
96.6 expansion of programs based only on the degree to which applicants meet the criteria in  
96.7 this subdivision, the number of candidates who are of color or who are American Indian  
96.8 supported by an applicant program, ~~sustaining support for those candidates,~~ and funds  
96.9 available.

96.10 (d) The board must determine grant awards in part by multiplying the number of teacher  
96.11 candidates to be provided direct financial assistance by the average amount the institution  
96.12 proposes per candidate that is within the allowable dollar range. After assessing an  
96.13 institution's adherence to grant criteria and funds available, the board may grant an institution  
96.14 a lower average amount per candidate and the institution may decide to award less per  
96.15 candidate or provide financial assistance to fewer candidates within the allowable range.  
96.16 Additionally, an institution may use up to 25 percent of the awarded grant funds to provide  
96.17 programmatic support as described in paragraph (a), clause (3). If the board does not award  
96.18 an applicant institution's full request, the board must allow the institution to modify how it  
96.19 uses grant funds to maximize program outcomes consistent with the requirements of this  
96.20 section.

96.21 Subd. 3. **Grant program administration.** (a) The Professional Educator Licensing and  
96.22 Standards Board may enter into an interagency agreement with the Office of Higher  
96.23 Education. The agreement may include a transfer of funds to the Office of Higher Education  
96.24 to help establish and administer the competitive grant process. The board must award grants  
96.25 to institutions located in various economic development regions throughout the state, but  
96.26 must not predetermine the number of institutions to be awarded grants under this section  
96.27 or set a limit for the amount that any one institution may receive as part of the competitive  
96.28 grant application process.

96.29 (b) The board must establish a standard allowable dollar range for the amount of direct  
96.30 financial assistance an applicant institution may provide to each candidate. To determine  
96.31 the range, the board may collect de-identified data from institutions that received a grant  
96.32 during the previous grant period and calculate the average scholarship amount awarded to  
96.33 all candidates across all institutions using the most recent fiscal year data available. The  
96.34 calculation may be used to determine a scholarship range that is no more than 25 percent  
96.35 than this amount and no less than half the average of this amount. The purpose of direct



97.1 financial assistance is to assist candidates matriculating through completing licensure  
 97.2 programs if they demonstrate financial need after considering other grants and scholarships  
 97.3 provided.

97.4 (c) All grants must be awarded by August 15 of the fiscal year in which the grants are  
 97.5 to be used ~~except that, for initial competitive grants awarded for fiscal year 2020, grants~~  
 97.6 ~~must be awarded by September 15.~~ An institution that receives a grant under this section  
 97.7 may use the grant funds over a two- to four-year period to sustain support for teacher  
 97.8 candidates at any stage from recruitment and program admission to graduation and licensure  
 97.9 application.

97.10 Subd. 4. **Report.** (a) By ~~January~~ July 15 of each year, an institution awarded a grant  
 97.11 under this section must prepare for the legislature and the board a detailed report regarding  
 97.12 the expenditure of grant funds, including the amounts used to recruit, retain, and ~~instruct~~  
 97.13 support teacher candidates of color or who are American Indian teacher candidates to  
 97.14 complete programs and be recommended for licensure. The report must include:

97.15 (1) the total number of teacher candidates of color, disaggregated by race or ethnic group,  
 97.16 who and American Indian teacher candidates who:

97.17 (i) are enrolled in the institution;

97.18 (ii) are supported by grant funds with direct financial assistance during the academic  
 97.19 reporting year;

97.20 (iii) are supported with other programmatic supports;

97.21 (iv) are recruited to the institution, are and newly admitted to the a licensure program,  
 97.22 are enrolled in the;

97.23 (v) are enrolled in a licensure program;

97.24 (vi) have completed a licensure program, have completed student teaching, have  
 97.25 graduated, are licensed, and are newly employed as Minnesota teachers in their licensure  
 97.26 field. A grant recipient must report; and

97.27 (vii) were recommended for licensure in the field for which they were prepared;

97.28 (2) the total number of teacher candidates of color or who are American Indian teacher  
 97.29 candidates at each stage from recruitment program admission to licensed teaching licensure  
 97.30 recommendation as a percentage of total all candidates seeking the same licensure at the  
 97.31 institution; and

98.1 (3) a brief narrative describing the successes and challenges of efforts proposed in the  
 98.2 grant application to support candidates with grant funds, and lessons learned for future  
 98.3 efforts.

98.4 (b) By September 1 of each year, the board must post a report on its website summarizing  
 98.5 the activities and outcomes of grant recipients and results that promote sharing of effective  
 98.6 practices and lessons learned among grant recipients.

98.7 Sec. 18. Minnesota Statutes 2021 Supplement, section 122A.70, is amended to read:

98.8 **122A.70 TEACHER MENTORSHIP AND RETENTION OF EFFECTIVE**  
 98.9 **TEACHERS.**

98.10 Subdivision 1. **Teacher mentoring, induction, and retention programs.** (a) School  
 98.11 districts must develop teacher mentoring programs for teachers new to the profession or  
 98.12 district, including teaching residents, teachers of color, teachers who are American Indian,  
 98.13 teachers in license shortage areas, teachers with special needs, or experienced teachers in  
 98.14 need of peer coaching.

98.15 (b) Teacher mentoring programs must be included in or aligned with districts' teacher  
 98.16 evaluation and peer review processes under sections 122A.40, subdivision 8, and 122A.41,  
 98.17 subdivision 5. A district may use staff development revenue under section 122A.61, special  
 98.18 grant programs established by the legislature, or another funding source to pay a stipend to  
 98.19 a mentor who may be a current or former teacher who has taught at least three years and is  
 98.20 not on an improvement plan. ~~Other initiatives using such funds or funds available under~~  
 98.21 ~~sections 124D.861 and 124D.862 may include:~~

98.22 ~~(1) additional stipends as incentives to mentors of color or who are American Indian;~~

98.23 ~~(2) financial supports for professional learning community affinity groups across schools~~  
 98.24 ~~within and between districts for teachers from underrepresented racial and ethnic groups to~~  
 98.25 ~~come together throughout the school year. For purposes of this section, "affinity groups"~~  
 98.26 ~~are groups of educators who share a common racial or ethnic identity in society as persons~~  
 98.27 ~~of color or who are American Indian;~~

98.28 ~~(3) programs for induction aligned with the district or school mentorship program during~~  
 98.29 ~~the first three years of teaching, especially for teachers from underrepresented racial and~~  
 98.30 ~~ethnic groups; or~~

98.31 ~~(4) grants supporting licensed and nonlicensed educator participation in professional~~  
 98.32 ~~development, such as workshops and graduate courses, related to increasing student~~

99.1 ~~achievement for students of color and American Indian students in order to close opportunity~~  
 99.2 ~~and achievement gaps.~~

99.3 ~~(c) A school or district that receives a grant must negotiate additional retention strategies~~  
 99.4 ~~or protection from unrequested leave of absences in the beginning years of employment for~~  
 99.5 ~~teachers of color and teachers who are American Indian. Retention strategies may include~~  
 99.6 ~~providing financial incentives for teachers of color and teachers who are American Indian~~  
 99.7 ~~to work in the school or district for at least five years and placing American Indian educators~~  
 99.8 ~~at sites with other American Indian educators and educators of color at sites with other~~  
 99.9 ~~educators of color to reduce isolation and increase opportunity for collegial support.~~

99.10 Subd. 2. **Board grants.** The Professional Educator Licensing and Standards Board must  
 99.11 make grant application forms available to sites interested in developing, sustaining, or  
 99.12 expanding a mentorship program. A school district; a or group of school districts; a coalition  
 99.13 of districts, teachers, and teacher education institutions; or, a school or coalition of schools,  
 99.14 or a coalition of teachers, or nonlicensed educators may apply for a program grant. A higher  
 99.15 education institution or nonprofit organization may partner with a grant applicant but is not  
 99.16 eligible as a sole applicant for grant funds. The Professional Educator Licensing and  
 99.17 Standards Board, in consultation with the teacher mentoring task force, must approve or  
 99.18 disapprove the applications. To the extent possible, the approved applications must reflect  
 99.19 effective mentoring, professional development, and retention components, and be  
 99.20 geographically distributed throughout the state. The Professional Educator Licensing and  
 99.21 Standards Board must encourage the selected sites to consider the use of its assessment  
 99.22 procedures.

99.23 Subd. 2a. **Funded work.** (a) Grant funds may be used for the following:

99.24 (1) additional stipends as incentives to mentors who are of color or who are American  
 99.25 Indian;

99.26 (2) financial supports for professional learning community affinity groups across schools  
 99.27 within and between districts for educators from underrepresented racial and ethnic groups  
 99.28 to come together throughout the school year. For purposes of this section, "affinity groups"  
 99.29 mean groups of licensed and nonlicensed educators who share a common racial or ethnic  
 99.30 identity in society as persons who are of color or who are American Indian;

99.31 (3) programs for induction aligned with the district or school mentorship program during  
 99.32 the first three years of teaching, especially for teachers from underrepresented racial and  
 99.33 ethnic groups;

100.1 (4) professional development focused on ways to close opportunity and achievement  
100.2 gaps for students of color and American Indian students; or

100.3 (5) for teachers of color and American Indian teachers, graduate courses toward a first  
100.4 master's degree in a field related to their licensure or toward an additional license.

100.5 (b) A charter school or district that receives a grant must negotiate additional retention  
100.6 strategies or protection from unrequested leaves of absence in the beginning years of  
100.7 employment for teachers who are of color or who are American Indian. Retention strategies  
100.8 may include providing financial incentives for teachers of color and teachers who are  
100.9 American Indian to work in the school or district for at least five years and placing American  
100.10 Indian educators at sites with other American Indian educators and educators of color at  
100.11 sites with other educators of color to reduce isolation and increase opportunity for collegial  
100.12 support.

100.13 **Subd. 3. Criteria for selection.** (a) At a minimum, applicants for grants under subdivision  
100.14 2 must express commitment to:

100.15 (1) allow staff participation;

100.16 (2) assess skills of both beginning and mentor teachers;

100.17 (3) provide appropriate in-service to needs identified in the assessment;

100.18 (4) provide leadership to the effort;

100.19 (5) cooperate with higher education institutions or teacher educators;

100.20 (6) provide facilities and other resources;

100.21 (7) share findings, materials, and techniques with other school districts; and

100.22 (8) retain teachers of color and teachers who are American Indian.

100.23 (b) The Professional Educator Licensing and Standards Board must give priority to  
100.24 applications to fund programs to induct, mentor, and retain Tier 2 or Tier 3 teachers who  
100.25 are of color or who are American Indian, and Tier 2 or Tier 3 teachers in licensure shortage  
100.26 areas within the applicant's economic development region.

100.27 **Subd. 4. Additional funding.** Grant applicants must seek additional funding and  
100.28 assistance from sources such as school districts, postsecondary institutions, foundations,  
100.29 and the private sector.

100.30 **Subd. 5. Program implementation.** A grant recipient may use grant funds on  
100.31 implementing activities over a period of time up to 24 months. New and expanding

101.1 mentorship sites that receive a board grant under subdivision 2 to design, develop, implement,  
101.2 and evaluate their program must participate in activities that support program development  
101.3 and implementation.

101.4 Subd. 6. **Report.** By ~~June~~ September 30 of each year after receiving a grant, recipients  
101.5 must submit a report to the Professional Educator Licensing and Standards Board on program  
101.6 efforts that describes mentoring and induction activities and assesses the impact of these  
101.7 programs on teacher effectiveness and retention.

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

101.9 Sec. 19. Minnesota Statutes 2020, section 123B.147, subdivision 3, is amended to read:

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

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

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

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

101.29 ~~(2)~~ (3) include formative and summative evaluations based on multiple measures of  
101.30 student progress toward career and college readiness;

101.31 ~~(3)~~ (4) be consistent with a principal's job description, a district's long-term plans and  
101.32 goals, and the principal's own professional multiyear growth plans and goals, all of which

102.1 must support the principal's leadership behaviors and practices, rigorous curriculum, school  
102.2 performance, and high-quality instruction;

102.3 ~~(4)~~ (5) include on-the-job observations and previous evaluations;

102.4 ~~(5)~~ (6) allow surveys to help identify a principal's effectiveness, leadership skills and  
102.5 processes, and strengths and weaknesses in exercising leadership in pursuit of school success;

102.6 ~~(6)~~ (7) use longitudinal data on student academic growth as 35 percent of the evaluation  
102.7 and incorporate district achievement goals and targets;

102.8 ~~(7)~~ (8) be linked to professional development that emphasizes improved teaching and  
102.9 learning, curriculum and instruction, student learning, culturally responsive leadership  
102.10 practices, and a collaborative professional culture; and

102.11 ~~(8)~~ (9) for principals not meeting standards of professional practice or other criteria  
102.12 under this subdivision, implement a plan to improve the principal's performance and specify  
102.13 the procedure and consequence if the principal's performance is not improved.

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

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

102.18 Sec. 20. **TEACHER SUPPLY AND DEMAND REPORT.**

102.19 (a) By February 1, 2023, the Professional Educator Licensing and Standards Board must  
102.20 include in the report required under Minnesota Statutes, section 122A.091, subdivision 5,  
102.21 the number of teacher openings, by school district, for teachers with licenses in the following  
102.22 fields:

102.23 (1) English as a second language;

102.24 (2) early childhood;

102.25 (3) special education;

102.26 (4) career and technical education;

102.27 (5) science, technology, engineering, arts, and math; and

102.28 (6) world languages.

103.1 (b) For each field listed in paragraph (a), the report must also include the number of  
103.2 teachers hired, by school district, at each license tier level, and the number of teacher  
103.3 assignments the school district was unable to fill with a licensed teacher.

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

103.5 **ARTICLE 4**  
103.6 **CHARTER SCHOOLS**

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

103.8 **124E.02 DEFINITIONS.**

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

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

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

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

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

103.22 (f) "Education management organization" means any for-profit entity that contracts with  
103.23 a charter school board of directors to provide, manage, or oversee all or substantially all of  
103.24 the charter school's educational program design or implementation, or the charter school's  
103.25 administrative, financial, business, or operational functions.

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

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

103.30 (1) current and projected demographic information of student populations in the  
103.31 geographic area;

- 104.1 (2) current student enrollment patterns in the geographic area;
- 104.2 (3) information on existing schools and types of educational programs currently available;
- 104.3 (4) documentation of the plan for outreach to diverse and underrepresented populations;
- 104.4 (5) information on the availability of properly zoned and classified facilities; and
- 104.5 (6) quantification of existing demand for the new school or site expansion.
- 104.6 (i) "Online education service provider" means an organization that provides the online
- 104.7 learning management system, virtual learning environment, or online student management
- 104.8 system and services for the implementation and operation of the online education program.
- 104.9 ~~(f)~~ (j) "Person" means an individual or entity of any kind.
- 104.10 ~~(g)~~ (k) "Related party" means an affiliate or immediate relative of the other interested
- 104.11 party, an affiliate of an immediate relative who is the other interested party, or an immediate
- 104.12 relative of an affiliate who is the other interested party.
- 104.13 ~~(h)~~ (l) For purposes of this chapter, the terms defined in section 120A.05 have the same
- 104.14 meanings.
- 104.15 Sec. 2. Minnesota Statutes 2020, section 124E.03, subdivision 2, is amended to read:
- 104.16 Subd. 2. **Certain federal, state, and local requirements.** (a) A charter school shall
- 104.17 meet all federal, state, and local health and safety requirements applicable to school districts.
- 104.18 (b) A school must comply with statewide accountability requirements governing standards
- 104.19 and assessments in chapter 120B.
- 104.20 (c) A charter school must comply with the Minnesota Public School Fee Law, sections
- 104.21 123B.34 to 123B.39.
- 104.22 (d) A charter school is a district for the purposes of tort liability under chapter 466.
- 104.23 (e) A charter school must comply with the Pledge of Allegiance requirement under
- 104.24 section 121A.11, subdivision 3.
- 104.25 (f) A charter school and charter school board of directors must comply with chapter 181
- 104.26 governing requirements for employment.
- 104.27 (g) A charter school must comply with continuing truant notification under section
- 104.28 260A.03.
- 104.29 (h) A charter school must develop and implement a teacher evaluation and peer review
- 104.30 process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (13), and place



105.1 students in classrooms in accordance with section 122A.40, subdivision 8, paragraph (d).

105.2 The teacher evaluation process in this paragraph does not create any additional employment  
105.3 rights for teachers.

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

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

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

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

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

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

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

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

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

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

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

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

105.29 (7) the process for renewing or terminating the school's charter based on evidence  
105.30 showing the academic, organizational, and financial competency of the school, including

106.1 its success in increasing student achievement and meeting the goals of the charter school  
106.2 agreement; and

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

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

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

106.13 Sec. 5. Minnesota Statutes 2020, section 124E.05, subdivision 7, is amended to read:

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

106.23 Sec. 6. Minnesota Statutes 2020, section 124E.06, subdivision 1, is amended to read:

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

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

106.32 (1) the school developer's:

- 107.1 (i) mission statement;
- 107.2 (ii) school purposes;
- 107.3 (iii) program design;
- 107.4 (iv) market need and demand study;
- 107.5 ~~(iv)~~ (v) financial plan;
- 107.6 ~~(v)~~ (vi) governance and management structure; and
- 107.7 ~~(vi)~~ (vii) background and experience; and
- 107.8 (2) any other information the authorizer requests; ~~and~~.
- 107.9 ~~(3) a "statement of assurances" of legal compliance prescribed by the commissioner.~~
- 107.10 (c) An authorizer shall not approve an application submitted by a charter school developer
- 107.11 under paragraph (a) if the application does not comply with subdivision 3, paragraph (e),
- 107.12 and section 124E.01, subdivision 1. The commissioner shall not approve an affidavit
- 107.13 submitted by an authorizer under subdivision 4 if the affidavit does not comply with
- 107.14 subdivision 3, paragraph (e), and section 124E.01, subdivision 1.
- 107.15 Sec. 7. Minnesota Statutes 2020, section 124E.06, subdivision 4, is amended to read:
- 107.16 **Subd. 4. Authorizer's affidavit; approval process.** (a) Before an operator may establish
- 107.17 and operate a school, the authorizer must file an affidavit with the commissioner stating its
- 107.18 intent to charter a school. An authorizer must file a separate affidavit for each school it
- 107.19 intends to charter. An authorizer must file an affidavit at least 14 months before July 1 of
- 107.20 the year the new charter school plans to serve students. The affidavit must state:
- 107.21 (1) the terms and conditions under which the authorizer would charter a school, including
- 107.22 the market need and demand study; and
- 107.23 (2) how the authorizer intends to oversee:
- 107.24 (i) the fiscal and student performance of the charter school; and
- 107.25 (ii) compliance with the terms of the written contract between the authorizer and the
- 107.26 charter school board of directors under section 124E.10, subdivision 1.
- 107.27 (b) The commissioner must approve or disapprove the authorizer's affidavit within 60
- 107.28 business days of receiving the affidavit. If the commissioner disapproves the affidavit, the
- 107.29 commissioner shall notify the authorizer of the deficiencies in the affidavit and the authorizer
- 107.30 then has 20 business days to address the deficiencies. The commissioner must notify the

108.1 authorizer of the commissioner's final approval or final disapproval within 15 business days  
108.2 after receiving the authorizer's response to the deficiencies in the affidavit. If the authorizer  
108.3 does not address deficiencies to the commissioner's satisfaction, the commissioner's  
108.4 disapproval is final. An authorizer who fails to obtain the commissioner's approval is  
108.5 precluded from chartering the school that is the subject of this affidavit.

108.6 Sec. 8. Minnesota Statutes 2020, section 124E.06, subdivision 5, is amended to read:

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

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

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

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

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

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

108.24 (b) The commissioner shall have 30 business days to review and comment on the  
108.25 supplemental affidavit. The commissioner shall notify the authorizer in writing of any  
108.26 deficiencies in the supplemental affidavit and the authorizer then has 20 business days to  
108.27 address any deficiencies in the supplemental affidavit to the commissioner's satisfaction.  
108.28 The commissioner must notify the authorizer of final approval or final disapproval within  
108.29 15 business days after receiving the authorizer's response to the deficiencies in the affidavit.  
108.30 The school may not add grades or sites until the commissioner has approved the supplemental  
108.31 affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.

109.1 Sec. 9. Minnesota Statutes 2020, section 124E.07, subdivision 3, is amended to read:

109.2 Subd. 3. **Membership criteria.** (a) The ongoing charter school board of directors shall  
109.3 have at least five nonrelated members and include: (1) at least one licensed teacher, as  
109.4 defined in section 122A.06, subdivision 2, who is employed as a teacher at the school or  
109.5 provides instruction under contract between the charter school and a cooperative; (2) at  
109.6 least one parent or legal guardian of a student enrolled in the charter school who is not an  
109.7 employee of the charter school; and (3) at least one interested community member who  
109.8 resides in Minnesota, is not employed by the charter school, and does not have a child  
109.9 enrolled in the school. The board structure may include a majority of teachers under this  
109.10 paragraph or parents or community members, or it may have no clear majority. The chief  
109.11 financial officer and the chief administrator may only serve as ex-officio nonvoting board  
109.12 members. No charter school employees shall serve on the board other than teachers under  
109.13 clause (1). Contractors providing facilities, goods, or services to a charter school shall not  
109.14 serve on the board of directors of the charter school.

109.15 (b) An individual is prohibited from serving as a member of the charter school board of  
109.16 directors if: (1) the individual, an immediate family member, or the individual's partner is  
109.17 a full or part owner or principal with a for-profit or nonprofit entity or independent contractor  
109.18 with whom the charter school contracts, directly or indirectly, for professional services,  
109.19 goods, or facilities; or (2) an immediate family member is an employee of the school. An  
109.20 individual may serve as a member of the board of directors if no conflict of interest exists  
109.21 under this paragraph, consistent with this section.

109.22 (c) A violation of paragraph (b) renders a contract voidable at the option of the  
109.23 commissioner or the charter school board of directors. A member of a charter school board  
109.24 of directors who violates paragraph (b) is individually liable to the charter school for any  
109.25 damage caused by the violation.

109.26 (d) Any employee, agent, or board member of the authorizer who participates in initially  
109.27 reviewing, approving, overseeing, evaluating, renewing, or not renewing the charter school  
109.28 is ineligible to serve on the board of directors of a school chartered by that authorizer.

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

109.30 **124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.**

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

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

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

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

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

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

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

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

110.30 (e) Except as permitted in ~~paragraph~~ paragraphs (d) and (i), a charter school, including  
110.31 its preschool or prekindergarten program established under section 124E.06, subdivision  
110.32 3, paragraph (b), may not limit admission to pupils on the basis of intellectual ability,  
110.33 measures of achievement or aptitude, or athletic ability and may not establish any criteria  
110.34 or requirements for admission that are inconsistent with this section.

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

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

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

111.18 (i) A charter school serving at least 90 percent of enrolled students who are eligible for  
111.19 special education services and have a primary disability of deaf, hard-of-hearing, or deafblind  
111.20 may give enrollment preference to students who are eligible for special education services  
111.21 and have a primary disability of deaf, hard-of-hearing, or deafblind. The charter school may  
111.22 not limit admission based on the student's eligibility for additional special education services.

111.23 Sec. 11. Minnesota Statutes 2020, section 124E.13, subdivision 1, is amended to read:

111.24 Subdivision 1. **Leased space.** A charter school may lease space from: an independent  
111.25 or special school board; other public organization; private, nonprofit, nonsectarian  
111.26 organization; private property owner; or a sectarian organization if the leased space is  
111.27 constructed as a school facility. The owner of the space must be the lessor. The commissioner  
111.28 must review and approve or disapprove leases in a timely manner to determine eligibility  
111.29 for lease aid under section 124E.22.

111.30 **EFFECTIVE DATE.** This section is effective for leases effective July 1, 2022, and  
111.31 thereafter.

112.1 Sec. 12. Minnesota Statutes 2020, section 124E.13, subdivision 3, is amended to read:

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

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

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

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

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

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

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

112.15 (1) be incorporated under section 317A;

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

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

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

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

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

112.30 (d) The board of directors of the charter school must ensure the affiliated nonprofit  
112.31 building corporation complies with all applicable legal requirements. The charter school's



113.1 authorizer must oversee the efforts of the board of directors of the charter school to ensure  
113.2 legal compliance of the affiliated building corporation. A school's board of directors that  
113.3 fails to ensure the affiliated nonprofit building corporation's compliance violates its  
113.4 responsibilities and an authorizer must consider that failure when evaluating the charter  
113.5 school.

113.6 Sec. 13. Minnesota Statutes 2020, section 124E.16, subdivision 1, is amended to read:

113.7 Subdivision 1. **Audit report.** (a) A charter school is subject to the same financial audits,  
113.8 audit procedures, and audit requirements as a district, except as required under this  
113.9 subdivision. Audits must be conducted in compliance with generally accepted governmental  
113.10 auditing standards, the federal Single Audit Act, if applicable, and section 6.65 governing  
113.11 auditing procedures. A charter school is subject to and must comply with sections 15.054;  
113.12 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06 governing government property  
113.13 and financial investments; and sections 471.38; 471.391; 471.392; and 471.425 governing  
113.14 municipal contracting. The audit must comply with the requirements of sections 123B.75  
113.15 to 123B.83 governing school district finance, except when the commissioner and authorizer  
113.16 approve a deviation made necessary because of school program finances. The commissioner,  
113.17 state auditor, legislative auditor, or authorizer may conduct financial, program, or compliance  
113.18 audits. A charter school in statutory operating debt under sections 123B.81 to 123B.83 must  
113.19 submit a plan under section 123B.81, subdivision 4.

113.20 (b) The charter school must submit an audit report to the commissioner and its authorizer  
113.21 annually by December 31. The charter school's charter management organization or  
113.22 educational management organization must submit an audit report to the commissioner  
113.23 annually by December 31.

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

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

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

114.10 Sec. 14. Minnesota Statutes 2020, section 124E.25, subdivision 1a, is amended to read:

114.11 Subd. 1a. **School closures; payments.** (a) Notwithstanding subdivision 1 and section  
114.12 127A.45, for a charter school ceasing operation on or before June 30, for the payment periods  
114.13 occurring after the school ceases serving students, the commissioner shall withhold the  
114.14 estimated state aid owed the school. The charter school board of directors and authorizer  
114.15 must submit to the commissioner a closure plan under chapter ~~308A~~ or 317A, and financial  
114.16 information about the school's liabilities and assets. After receiving the closure plan, financial  
114.17 information, an audit of pupil counts, and documented lease expenditures from the charter  
114.18 school and monitoring special education expenditures, the commissioner may release cash  
114.19 withheld and may continue regular payments up to the current year payment percentages  
114.20 if further amounts are owed. If, based on audits and monitoring, the school received state  
114.21 aid in excess of the amount owed, the commissioner shall retain aid withheld sufficient to  
114.22 eliminate the aid overpayment.

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

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

## ARTICLE 5

## HEALTH AND SAFETY

Section 1. [120B.239] SUBSTANCE MISUSE AWARENESS AND PREVENTION.

Subdivision 1. Definitions. (a) For the purposes of this section, the terms defined in this subdivision have the meanings given.

(b) "Public school" means a school district or charter school.

(c) "Substance misuse" has the meaning given in section 254A.02, subdivision 6a.

Subd. 2. School instruction requirements. (a) A public school is strongly encouraged to provide substance misuse awareness and prevention instruction at least once to students in grades 6 through 8. A public school must use age-appropriate substance misuse prevention instructional materials. Substance misuse awareness and prevention instruction must include the role of social media in substance misuse and in the distribution of illegal drugs. The instruction may be provided as part of a public school's locally developed health standards and curriculum.

(b) A public school is strongly encouraged to provide substance misuse awareness and prevention instruction to students in grades 9 through 12.

(c) A public school is encouraged to use a peer-to-peer education program to provide substance misuse awareness and prevention instruction.

(d) Instruction provided under this section, including a peer-to-peer education program, must be evidence-based.

Sec. 2. Minnesota Statutes 2020, section 121A.031, subdivision 5, is amended to read:

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

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

- 116.1 (1) engage all students in creating a safe and supportive school environment;
- 116.2 (2) partner with parents and other community members to develop and implement  
116.3 prevention and intervention programs;
- 116.4 (3) engage all students and adults in integrating education, intervention, and other  
116.5 remedial responses into the school environment;
- 116.6 (4) train student bystanders to intervene in and report incidents of prohibited conduct to  
116.7 the school's primary contact person;
- 116.8 (5) teach students to advocate for themselves and others;
- 116.9 (6) prevent inappropriate referrals to special education of students who may engage in  
116.10 prohibited conduct; and
- 116.11 (7) foster student collaborations that foster a safe and supportive school climate.

116.12 Sec. 3. Minnesota Statutes 2020, section 121A.031, subdivision 6, is amended to read:

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

- 116.19 (1) define prohibited conduct, consistent with this section;
- 116.20 (2) apply the prohibited conduct policy components in this section;
- 116.21 (3) for a child with a disability, whenever an evaluation by an individualized education  
116.22 program team or a section 504 team indicates that the child's disability affects the child's  
116.23 social skills development or the child is vulnerable to prohibited conduct because of the  
116.24 child's disability, the child's individualized education program or section 504 plan may  
116.25 address the skills and proficiencies the child needs to not engage in and respond to such  
116.26 conduct; and
- 116.27 (4) encourage violence prevention and character development education programs under  
116.28 section 120B.232, subdivision 1.

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

- 116.30 (1) periodically reviewing district and school programs and policies for compliance with  
116.31 this section, including evidence-based social-emotional learning;

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

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

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

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

117.13 (e) The commissioner must develop and adopt state-level social-emotional learning  
117.14 standards.

117.15 **Sec. 4. [121A.0312] MALICIOUS AND SADISTIC CONDUCT.**

117.16 (a) A school board must adopt a written policy to address malicious and sadistic conduct  
117.17 involving race, gender, religion, disability, sexual harassment, sexual orientation, and sexual  
117.18 exploitation by a district or school staff member or student enrolled in a public or charter  
117.19 school against another staff member or student that occurs as described in section 121A.031,  
117.20 subdivision 1.

117.21 (b) The policy shall apply to students, teachers, administrators, and other school  
117.22 personnel, and include at a minimum the components under section 121A.031, subdivision  
117.23 4, paragraph (a), and disciplinary actions that will be taken for violation of the policy.  
117.24 Disciplinary actions must conform with collective bargaining agreements and sections  
117.25 121A.41 to 121A.56.

117.26 (c) The policy must be conspicuously posted throughout each school building, given to  
117.27 each district employee and independent contractor at the time of entering into the person's  
117.28 employment contract, and included in each school's student handbook on school policies.  
117.29 Each school must develop a process for discussing the school's policy addressing malicious  
117.30 and sadistic conduct involving race, gender, religion, disability, sexual harassment, sexual  
117.31 orientation, and sexual exploitation with students, parents of students, and school employees.

117.32 (d) For purposes of this section, "malicious and sadistic conduct" means creating a hostile  
117.33 learning environment by acting with the intent to cause harm by intentionally injuring

118.1 another without just cause or reason or engaging in extreme or excessive cruelty or delighting  
118.2 in cruelty.

118.3 **Sec. 5. [121A.07] CHILD ABUSE HOTLINE NUMBER.**

118.4 (a) To the extent funds or in-kind contributions are available under paragraph (b), a  
118.5 school board or charter school must display in a conspicuous place in each school building  
118.6 an easily readable durable poster of the national child abuse hotline number or otherwise  
118.7 communicate to students notice of the national child abuse hotline number.

118.8 (b) A school board or charter school may accept nonpublic funds or in-kind contributions  
118.9 to implement this section.

118.10 **Sec. 6. [121A.224] OPIATE ANTAGONISTS.**

118.11 (a) A school district or charter school must maintain a supply of opiate antagonists, as  
118.12 defined in section 604A.04, subdivision 1, at each school site to be administered in  
118.13 compliance with section 151.37, subdivision 12.

118.14 (b) A school district or charter school may enter into arrangements with suppliers of  
118.15 opiate antagonists to obtain opiate antagonists at fair market, free, or reduced prices. A third  
118.16 party, other than a supplier, may pay for a school's supply of opiate antagonists.

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

118.18

## ARTICLE 6

118.19

### NUTRITION AND LIBRARIES

118.20 Section 1. Minnesota Statutes 2020, section 120B.31, subdivision 4, is amended to read:

118.21 **Subd. 4. Student performance data.** In developing policies and assessment processes  
118.22 to hold schools and districts accountable for high levels of academic standards under section  
118.23 120B.021, the commissioner shall aggregate and disaggregate student data over time to  
118.24 report summary student performance and growth levels and, under section 120B.11,  
118.25 subdivision 2, clause (2), student learning and outcome data measured at the school, school  
118.26 district, and statewide level. The commissioner shall use the student categories identified  
118.27 under the federal Elementary and Secondary Education Act, as most recently reauthorized,  
118.28 and student categories of:

118.29 (1) homelessness;

118.30 (2) ethnicity under section 120B.35, subdivision 3, paragraph (a), clause (2);

119.1 (3) race under section 120B.35, subdivision 3, paragraph (a), clause (2);

119.2 (4) home language;

119.3 (5) English learners under section 124D.59;

119.4 (6) free or reduced-price ~~lunch~~ meals; and

119.5 (7) other categories designated by federal law to organize and report the data so that  
119.6 state and local policy makers can understand the educational implications of changes in  
119.7 districts' demographic profiles over time as data are available.

119.8 Any report the commissioner disseminates containing summary data on student performance  
119.9 must integrate student performance and the demographic factors that strongly correlate with  
119.10 that performance.

119.11 Sec. 2. Minnesota Statutes 2020, section 123A.09, is amended to read:

119.12 **123A.09 DESIGNATING AND APPROVING A CENTER.**

119.13 The commissioner shall establish a process for state designation and approval of area  
119.14 learning centers that meet the provisions of sections 123A.05 to 123A.08. Any process for  
119.15 designating and approving an area learning center must emphasize the importance of having  
119.16 the area learning center serve students who have dropped out of school, are homeless, are  
119.17 eligible to receive free or ~~reduced-priced lunch~~ reduced-price meals, have been suspended  
119.18 or expelled, have been declared truant or are pregnant or parents.

119.19 Sec. 3. Minnesota Statutes 2020, section 124D.119, is amended to read:

119.20 **124D.119 SUMMER FOOD SERVICE ~~REPLACEMENT AID~~ PROGRAM AND**  
119.21 **CHILD AND ADULT CARE FOOD PROGRAM.**

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

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

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

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

120.12 Sec. 4. Minnesota Statutes 2020, section 124D.15, subdivision 15, is amended to read:

120.13 Subd. 15. **Eligibility.** A child is eligible to participate in a school readiness program if  
120.14 the child:

120.15 (1) is at least three years old on September 1;

120.16 (2) has completed health and developmental screening within 90 days of program  
120.17 enrollment under sections 121A.16 to 121A.19; and

120.18 (3) has one or more of the following risk factors:

120.19 (i) qualifies for free or reduced-price ~~lunch~~ meals;

120.20 (ii) is an English learner;

120.21 (iii) is homeless;

120.22 (iv) has an individualized education program (IEP) or standardized written plan;

120.23 (v) is identified, through health and developmental screenings under sections 121A.16  
120.24 to 121A.19, with a potential risk factor that may influence learning; or

120.25 (vi) is defined as at risk by the school district.

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

120.27 Subd. 5. **Application process; priority for high poverty schools.** (a) To qualify for  
120.28 program approval for fiscal year 2017, a district or charter school must submit an application  
120.29 to the commissioner by July 1, 2016. To qualify for program approval for fiscal year 2018  
120.30 and later, a district or charter school must submit an application to the commissioner by



121.1 January 30 of the fiscal year prior to the fiscal year in which the program will be  
121.2 implemented. The application must include:

121.3 (1) a description of the proposed program, including the number of hours per week the  
121.4 program will be offered at each school site or mixed-delivery location;

121.5 (2) an estimate of the number of eligible children to be served in the program at each  
121.6 school site or mixed-delivery location; and

121.7 (3) a statement of assurances signed by the superintendent or charter school director that  
121.8 the proposed program meets the requirements of subdivision 2.

121.9 (b) The commissioner must review all applications submitted for fiscal year 2017 by  
121.10 August 1, 2016, and must review all applications submitted for fiscal year 2018 and later  
121.11 by March 1 of the fiscal year in which the applications are received and determine whether  
121.12 each application meets the requirements of paragraph (a).

121.13 (c) The commissioner must divide all applications for new or expanded voluntary  
121.14 prekindergarten programs under this section meeting the requirements of paragraph (a) and  
121.15 school readiness plus programs into four groups as follows: the Minneapolis and St. Paul  
121.16 school districts; other school districts located in the metropolitan equity region as defined  
121.17 in section 126C.10, subdivision 28; school districts located in the rural equity region as  
121.18 defined in section 126C.10, subdivision 28; and charter schools. Within each group, the  
121.19 applications must be ordered by rank using a sliding scale based on the following criteria:

121.20 (1) concentration of kindergarten students eligible for free or reduced-price ~~lunches~~  
121.21 meals by school site on October 1 of the previous school year. A school site may contract  
121.22 to partner with a community-based provider or Head Start under subdivision 3 or establish  
121.23 an early childhood center and use the concentration of kindergarten students eligible for  
121.24 free or reduced-price meals from a specific school site as long as those eligible children are  
121.25 prioritized and guaranteed services at the mixed-delivery site or early education center. For  
121.26 school district programs to be operated at locations that do not have free and reduced-price  
121.27 ~~lunch~~ meal concentration data for kindergarten programs for October 1 of the previous  
121.28 school year, including mixed-delivery programs, the school district average concentration  
121.29 of kindergarten students eligible for free or reduced-price ~~lunches~~ meals must be used for  
121.30 the rank ordering;

121.31 (2) presence or absence of a three- or four-star Parent Aware rated program within the  
121.32 school district or close proximity of the district. School sites with the highest concentration  
121.33 of kindergarten students eligible for free or reduced-price ~~lunches~~ meals that do not have a  
121.34 three- or four-star Parent Aware program within the district or close proximity of the district

122.1 shall receive the highest priority, and school sites with the lowest concentration of  
122.2 kindergarten students eligible for free or reduced-price ~~lunches~~ meals that have a three- or  
122.3 four-star Parent Aware rated program within the district or close proximity of the district  
122.4 shall receive the lowest priority; and

122.5 (3) whether the district has implemented a mixed delivery system.

122.6 (d) The limit on participation for the programs as specified in subdivision 6 must initially  
122.7 be allocated among the four groups based on each group's percentage share of the statewide  
122.8 kindergarten enrollment on October 1 of the previous school year. Within each group, the  
122.9 participation limit for fiscal years 2018 and 2019 must first be allocated to school sites  
122.10 approved for aid in the previous year to ensure that those sites are funded for the same  
122.11 number of participants as approved for the previous year. The remainder of the participation  
122.12 limit for each group must be allocated among school sites in priority order until that region's  
122.13 share of the participation limit is reached. If the participation limit is not reached for all  
122.14 groups, the remaining amount must be allocated to the highest priority school sites, as  
122.15 designated under this section, not funded in the initial allocation on a statewide basis. For  
122.16 fiscal year 2020 and later, the participation limit must first be allocated to school sites  
122.17 approved for aid in fiscal year 2017, and then to school sites approved for aid in fiscal year  
122.18 2018 based on the statewide rankings under paragraph (c).

122.19 (e) Once a school site or a mixed delivery site under subdivision 3 is approved for aid  
122.20 under this subdivision, it shall remain eligible for aid if it continues to meet program  
122.21 requirements, regardless of changes in the concentration of students eligible for free or  
122.22 reduced-price ~~lunches~~ meals.

122.23 (f) If the total number of participants approved based on applications submitted under  
122.24 paragraph (a) is less than the participation limit under subdivision 6, the commissioner must  
122.25 notify all school districts and charter schools of the amount that remains available within  
122.26 30 days of the initial application deadline under paragraph (a), and complete a second round  
122.27 of allocations based on applications received within 60 days of the initial application deadline.

122.28 (g) Procedures for approving applications submitted under paragraph (f) shall be the  
122.29 same as specified in paragraphs (a) to (d), except that the allocations shall be made to the  
122.30 highest priority school sites not funded in the initial allocation on a statewide basis.

122.31 Sec. 6. Minnesota Statutes 2020, section 124D.16, subdivision 2, is amended to read:

122.32 Subd. 2. **Amount of aid.** (a) A district is eligible to receive school readiness aid for  
122.33 eligible prekindergarten pupils enrolled in a school readiness program under section 124D.15

123.1 if the biennial plan required by section 124D.15, subdivision 3a, has been approved by the  
123.2 commissioner.

123.3 (b) A district must receive school readiness aid equal to:

123.4 (1) the number of four-year-old children in the district on October 1 for the previous  
123.5 school year times the ratio of 50 percent of the total school readiness aid for that year to the  
123.6 total number of four-year-old children reported to the commissioner for the previous school  
123.7 year; plus

123.8 (2) the number of pupils enrolled in the school district from families eligible for the free  
123.9 or ~~reduced~~ reduced-price school ~~lunch~~ meal program for the previous school year times the  
123.10 ratio of 50 percent of the total school readiness aid for that year to the total number of pupils  
123.11 in the state from families eligible for the free or ~~reduced~~ reduced-price school ~~lunch~~ meal  
123.12 program for the previous school year.

123.13 (c) The total school readiness aid entitlement equals \$23,558,000 for fiscal year 2016  
123.14 and \$33,683,000 for fiscal year 2017 and later.

123.15 Sec. 7. Minnesota Statutes 2020, section 124D.231, subdivision 2, is amended to read:

123.16 Subd. 2. **Full-service community school program.** (a) The commissioner shall provide  
123.17 funding to eligible school sites to plan, implement, and improve full-service community  
123.18 schools. Eligible school sites must meet one of the following criteria:

123.19 (1) the school is on a development plan for continuous improvement under section  
123.20 120B.35, subdivision 2; or

123.21 (2) the school is in a district that has an achievement and integration plan approved by  
123.22 the commissioner of education under sections 124D.861 and 124D.862.

123.23 (b) An eligible school site may receive up to \$150,000 annually. School sites receiving  
123.24 funding under this section shall hire or contract with a partner agency to hire a site coordinator  
123.25 to coordinate services at each covered school site.

123.26 (c) Of grants awarded, implementation funding of up to \$20,000 must be available for  
123.27 up to one year for planning for school sites. At the end of this period, the school must submit  
123.28 a full-service community school plan, pursuant to paragraph (g). If the site decides not to  
123.29 use planning funds, the plan must be submitted with the application.

123.30 (d) The commissioner shall consider additional school factors when dispensing funds  
123.31 including: schools with significant populations of students receiving free or reduced-price

124.1 ~~lunches~~ meals; significant homeless and highly mobile rates; and equity among urban,  
124.2 suburban, and greater Minnesota schools.

124.3 (e) A school site must establish a school leadership team responsible for developing  
124.4 school-specific programming goals, assessing program needs, and overseeing the process  
124.5 of implementing expanded programming at each covered site. The school leadership team  
124.6 shall have between 12 to 15 members and shall meet the following requirements:

124.7 (1) at least 30 percent of the members are parents and 30 percent of the members are  
124.8 teachers at the school site and must include the school principal and representatives from  
124.9 partner agencies; and

124.10 (2) the school leadership team must be responsible for overseeing the baseline analyses  
124.11 under paragraph (f). A school leadership team must have ongoing responsibility for  
124.12 monitoring the development and implementation of full-service community school operations  
124.13 and programming at the school site and shall issue recommendations to schools on a regular  
124.14 basis and summarized in an annual report. These reports shall also be made available to the  
124.15 public at the school site and on school and district websites.

124.16 (f) School sites must complete a baseline analysis prior to beginning programming as a  
124.17 full-service community school. The analysis shall include:

124.18 (1) a baseline analysis of needs at the school site, led by the school leadership team,  
124.19 which shall include the following elements:

124.20 (i) identification of challenges facing the school;

124.21 (ii) analysis of the student body, including:

124.22 (A) number and percentage of students with disabilities and needs of these students;

124.23 (B) number and percentage of students who are English learners and the needs of these  
124.24 students;

124.25 (C) number of students who are homeless or highly mobile; and

124.26 (D) number and percentage of students receiving free or reduced-price ~~lunch~~ meals and  
124.27 the needs of these students;

124.28 (iii) analysis of enrollment and retention rates for students with disabilities, English  
124.29 learners, homeless and highly mobile students, and students receiving free or reduced-price  
124.30 ~~lunch~~ meals;

124.31 (iv) analysis of suspension and expulsion data, including the justification for such  
124.32 disciplinary actions and the degree to which particular populations, including, but not limited

125.1 to, students of color, students with disabilities, students who are English learners, and  
125.2 students receiving free or reduced-price ~~lunch~~ meals are represented among students subject  
125.3 to such actions;

125.4 (v) analysis of school achievement data disaggregated by major demographic categories,  
125.5 including, but not limited to, race, ethnicity, English learner status, disability status, and  
125.6 free or reduced-price ~~lunch~~ meals status;

125.7 (vi) analysis of current parent engagement strategies and their success; and

125.8 (vii) evaluation of the need for and availability of wraparound services, including, but  
125.9 not limited to:

125.10 (A) mechanisms for meeting students' social, emotional, and physical health needs,  
125.11 which may include coordination of existing services as well as the development of new  
125.12 services based on student needs; and

125.13 (B) strategies to create a safe and secure school environment and improve school climate  
125.14 and discipline, such as implementing a system of positive behavioral supports, and taking  
125.15 additional steps to eliminate bullying;

125.16 (2) a baseline analysis of community assets and a strategic plan for utilizing and aligning  
125.17 identified assets. This analysis should include, but is not limited to, a documentation of  
125.18 individuals in the community, faith-based organizations, community and neighborhood  
125.19 associations, colleges, hospitals, libraries, businesses, and social service agencies who may  
125.20 be able to provide support and resources; and

125.21 (3) a baseline analysis of needs in the community surrounding the school, led by the  
125.22 school leadership team, including, but not limited to:

125.23 (i) the need for high-quality, full-day child care and early childhood education programs;

125.24 (ii) the need for physical and mental health care services for children and adults; and

125.25 (iii) the need for job training and other adult education programming.

125.26 (g) Each school site receiving funding under this section must establish at least two of  
125.27 the following types of programming:

125.28 (1) early childhood:

125.29 (i) early childhood education; and

125.30 (ii) child care services;

125.31 (2) academic:

- 126.1 (i) academic support and enrichment activities, including expanded learning time;
- 126.2 (ii) summer or after-school enrichment and learning experiences;
- 126.3 (iii) job training, internship opportunities, and career counseling services;
- 126.4 (iv) programs that provide assistance to students who have been truant, suspended, or
- 126.5 expelled; and
- 126.6 (v) specialized instructional support services;
- 126.7 (3) parental involvement:
- 126.8 (i) programs that promote parental involvement and family literacy;
- 126.9 (ii) parent leadership development activities; and
- 126.10 (iii) parenting education activities;
- 126.11 (4) mental and physical health:
- 126.12 (i) mentoring and other youth development programs, including peer mentoring and
- 126.13 conflict mediation;
- 126.14 (ii) juvenile crime prevention and rehabilitation programs;
- 126.15 (iii) home visitation services by teachers and other professionals;
- 126.16 (iv) developmentally appropriate physical education;
- 126.17 (v) nutrition services;
- 126.18 (vi) primary health and dental care; and
- 126.19 (vii) mental health counseling services;
- 126.20 (5) community involvement:
- 126.21 (i) service and service-learning opportunities;
- 126.22 (ii) adult education, including instruction in English as a second language; and
- 126.23 (iii) homeless prevention services;
- 126.24 (6) positive discipline practices; and
- 126.25 (7) other programming designed to meet school and community needs identified in the
- 126.26 baseline analysis and reflected in the full-service community school plan.
- 126.27 (h) The school leadership team at each school site must develop a full-service community
- 126.28 school plan detailing the steps the school leadership team will take, including:

- 127.1 (1) timely establishment and consistent operation of the school leadership team;
- 127.2 (2) maintenance of attendance records in all programming components;
- 127.3 (3) maintenance of measurable data showing annual participation and the impact of
- 127.4 programming on the participating children and adults;
- 127.5 (4) documentation of meaningful and sustained collaboration between the school and
- 127.6 community stakeholders, including local governmental units, civic engagement organizations,
- 127.7 businesses, and social service providers;
- 127.8 (5) establishment and maintenance of partnerships with institutions, such as universities,
- 127.9 hospitals, museums, or not-for-profit community organizations to further the development
- 127.10 and implementation of community school programming;
- 127.11 (6) ensuring compliance with the district nondiscrimination policy; and
- 127.12 (7) plan for school leadership team development.

127.13 Sec. 8. Minnesota Statutes 2020, section 124D.8957, subdivision 19, is amended to read:

127.14 Subd. 19. **Free or reduced-price ~~lunch~~ meal eligibility.** The parental right to opt a

127.15 child out of disclosing a child's eligibility for free or reduced-price ~~lunch~~ meals to the

127.16 Department of Education and the Department of Human Services is governed by section

127.17 124D.1115.

127.18 Sec. 9. **[124D.901] SCHOOL LIBRARIES AND MEDIA CENTERS.**

127.19 A school district or charter school library or school library media center provides equitable

127.20 and free access to students, teachers, and administrators. A school library or school library

127.21 media center is defined as having the following characteristics:

127.22 (1) ensures every student has equitable access to resources and is able to locate, access,

127.23 and use resources that are organized and cataloged;

127.24 (2) has a collection development plan that includes but is not limited to materials selection

127.25 and de-selection, a challenged materials procedure, and an intellectual and academic freedom

127.26 statement;

127.27 (3) is housed in a central location that provides an environment for expanded learning

127.28 and supports a variety of student interests;

127.29 (4) has technology and Internet access; and

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

128.1 Sec. 10. Minnesota Statutes 2020, section 125A.76, subdivision 2a, is amended to read:

128.2 Subd. 2a. **Special education initial aid.** For fiscal year 2021 and later, a district's special  
128.3 education initial aid equals the sum of:

128.4 (1) the least of 62 percent of the district's old formula special education expenditures  
128.5 for the prior fiscal year, excluding pupil transportation expenditures, 50 percent of the  
128.6 district's nonfederal special education expenditures for the prior year, excluding pupil  
128.7 transportation expenditures, or 56 percent of the product of the sum of the following amounts,  
128.8 computed using prior fiscal year data, and the program growth factor:

128.9 (i) the product of the district's average daily membership served and the sum of:

128.10 (A) \$460; plus

128.11 (B) \$405 times the ratio of the sum of the number of pupils enrolled on October 1 who  
128.12 are eligible to receive free ~~lunch~~ meals plus one-half of the pupils enrolled on October 1  
128.13 who are eligible to receive reduced-price ~~lunch~~ meals to the total October 1 enrollment;  
128.14 plus

128.15 (C) .008 times the district's average daily membership served; plus

128.16 (ii) \$13,300 times the December 1 child count for the primary disability areas of autism  
128.17 spectrum disorders, developmental delay, and severely multiply impaired; plus

128.18 (iii) \$19,200 times the December 1 child count for the primary disability areas of deaf  
128.19 and hard-of-hearing and emotional or behavioral disorders; plus

128.20 (iv) \$25,200 times the December 1 child count for the primary disability areas of  
128.21 developmentally cognitive mild-moderate, developmentally cognitive severe-profound,  
128.22 physically impaired, visually impaired, and deafblind; plus

128.23 (2) the cost of providing transportation services for children with disabilities under  
128.24 section 123B.92, subdivision 1, paragraph (b), clause (4).

128.25 Sec. 11. Minnesota Statutes 2021 Supplement, section 126C.05, subdivision 3, is amended  
128.26 to read:

128.27 Subd. 3. **Compensation revenue pupil units.** Compensation revenue pupil units must  
128.28 be computed according to this subdivision.

128.29 (a) The compensation revenue concentration percentage for each building in a district  
128.30 equals the product of 100 times the ratio of:



129.1 (1) the sum of the number of pupils enrolled in the building eligible to receive free ~~lunch~~  
129.2 meals plus one-half of the pupils eligible to receive ~~reduced-priced lunch~~ reduced-price  
129.3 meals on October 1 of the previous fiscal year; to

129.4 (2) the number of pupils enrolled in the building on October 1 of the previous fiscal  
129.5 year.

129.6 (b) The compensation revenue pupil weighting factor for a building equals the lesser of  
129.7 one or the quotient obtained by dividing the building's compensation revenue concentration  
129.8 percentage by 80.0.

129.9 (c) The compensation revenue pupil units for a building equals the product of:

129.10 (1) the sum of the number of pupils enrolled in the building eligible to receive free ~~lunch~~  
129.11 meals and one-half of the pupils eligible to receive ~~reduced-priced lunch~~ reduced-price  
129.12 meals on October 1 of the previous fiscal year; times

129.13 (2) the compensation revenue pupil weighting factor for the building; times

129.14 (3) .60.

129.15 (d) Notwithstanding paragraphs (a) to (c), for voluntary prekindergarten programs under  
129.16 section 124D.151, charter schools, and contracted alternative programs in the first year of  
129.17 operation, compensation revenue pupil units shall be computed using data for the current  
129.18 fiscal year. If the voluntary prekindergarten program, charter school, or contracted alternative  
129.19 program begins operation after October 1, compensatory revenue pupil units shall be  
129.20 computed based on pupils enrolled on an alternate date determined by the commissioner,  
129.21 and the compensation revenue pupil units shall be prorated based on the ratio of the number  
129.22 of days of student instruction to 170 days.

129.23 (e) Notwithstanding paragraphs (a) to (c), for voluntary prekindergarten seats discontinued  
129.24 in fiscal year 2024 due to the reduction in the participation limit under section 124D.151,  
129.25 subdivision 6, those discontinued seats must not be used to calculate compensation revenue  
129.26 pupil units for fiscal year 2024.

129.27 (f) The percentages in this subdivision must be based on the count of individual pupils  
129.28 and not on a building average or minimum.

129.29 Sec. 12. Minnesota Statutes 2020, section 126C.05, subdivision 16, is amended to read:

129.30 Subd. 16. **Free and reduced-price ~~lunches~~ meals.** The commissioner shall determine  
129.31 the number of children eligible to receive either a free or reduced-price ~~lunch~~ meals on  
129.32 October 1 each year. Children enrolled in a building on October 1 and determined to be

130.1 eligible to receive free or reduced-price ~~lunch~~ meals by December 15 of that school year  
130.2 shall be counted as eligible on October 1 for purposes of subdivision 3. The commissioner  
130.3 may use federal definitions for these purposes and may adjust these definitions as appropriate.  
130.4 The commissioner may adopt reporting guidelines to assure accuracy of data counts and  
130.5 eligibility. Districts shall use any guidelines adopted by the commissioner.

130.6 Sec. 13. Minnesota Statutes 2020, section 134.31, subdivision 1, is amended to read:

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

130.12 Sec. 14. Minnesota Statutes 2020, section 134.31, subdivision 4a, is amended to read:

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

130.18 Sec. 15. Minnesota Statutes 2020, section 134.32, subdivision 4, is amended to read:

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

130.24 Sec. 16. Minnesota Statutes 2020, section 134.34, subdivision 1, is amended to read:

130.25 Subdivision 1. **Local support levels.** (a) Regional library basic system support aid shall  
130.26 be provided to any regional public library system where there are at least three participating  
130.27 counties and where each participating city and county is providing for public library service  
130.28 support the lesser of (a) an amount equivalent to .82 percent of the average of the adjusted  
130.29 net tax capacity of the taxable property of that city or county, as determined by the  
130.30 commissioner of revenue for the second, third, and fourth year preceding that calendar year  
130.31 or (b) a per capita amount calculated under the provisions of this subdivision. The per capita

131.1 amount is established for calendar year 1993 as \$7.62. In succeeding calendar years, the  
131.2 per capita amount shall be increased by a percentage equal to one-half of the percentage by  
131.3 which the total state adjusted net tax capacity of property as determined by the commissioner  
131.4 of revenue for the second year preceding that calendar year increases over that total adjusted  
131.5 net tax capacity for the third year preceding that calendar year.

131.6 (b) The minimum level of support specified under this subdivision or subdivision 4 shall  
131.7 be certified annually to the participating cities and counties by the Department of Education.  
131.8 If a city or county chooses to reduce its local support in accordance with subdivision 4,  
131.9 paragraph (b) or (c), it shall notify its regional public library system. The regional public  
131.10 library system shall notify the Department of Education that a revised certification is required.  
131.11 The revised minimum level of support shall be certified to the city or county by the  
131.12 Department of Education.

131.13 (c) A city which is a part of a regional public library system shall not be required to  
131.14 provide this level of support if the property of that city is already taxable by the county for  
131.15 the support of that regional public library system. In no event shall the Department of  
131.16 Education require any city or county to provide a higher level of support than the level of  
131.17 support specified in this section in order for a system to qualify for regional library basic  
131.18 system support aid. This section shall not be construed to prohibit a city or county from  
131.19 providing a higher level of support for public libraries than the level of support specified  
131.20 in this section.

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

131.23 Sec. 17. Minnesota Statutes 2020, section 136A.055, is amended to read:

131.24 **136A.055 DEVELOPMENTAL EDUCATION REPORTING.**

131.25 (a) The commissioner must report on the department's website the following summary  
131.26 data on students who graduated from a Minnesota high school and are attending a public  
131.27 postsecondary institution in Minnesota, limited to the most recent academic school year:

131.28 (1) the number of students placed in supplemental or developmental education;

131.29 (2) the number of students who complete supplemental or developmental education  
131.30 within one academic year;

131.31 (3) the number of students that complete gateway courses in one academic year; and

131.32 (4) time to complete a degree or certificate at a postsecondary institution.

132.1 (b) Summary data must be aggregated by school district, high school, and postsecondary  
132.2 institution. Summary data must be disaggregated by race, ethnicity, free or reduced-price  
132.3 ~~lunch~~ meal eligibility, and age.

132.4 (c) The commissioner must post the initial data on the department's website on or before  
132.5 February 15, 2018, and must update the data at least annually thereafter.

132.6 Sec. 18. Minnesota Statutes 2020, section 136A.861, subdivision 2, is amended to read:

132.7 Subd. 2. **Eligible students.** (a) Eligible students include students in grades six through  
132.8 12 who meet one or more of the following criteria:

132.9 (1) are counted under section 1124(c) of the Elementary and Secondary Education Act  
132.10 of 1965 (Title I);

132.11 (2) are eligible for free or reduced-price ~~lunch~~ meals under the National School Lunch  
132.12 Act;

132.13 (3) receive assistance under the Temporary Assistance for Needy Families Law (Title  
132.14 I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996); or

132.15 (4) are a member of a group traditionally underrepresented in higher education.

132.16 (b) Eligible undergraduate students include those who met the student eligibility criteria  
132.17 as 6th through 12th graders.

132.18 Sec. 19. Minnesota Statutes 2020, section 256.962, subdivision 3, is amended to read:

132.19 Subd. 3. **Application and assistance.** (a) The Minnesota health care programs application  
132.20 must be made available at provider offices, local human services agencies, school districts,  
132.21 public and private elementary schools in which 25 percent or more of the students receive  
132.22 free or ~~reduced-price lunches~~ reduced-price meals, community health offices, Women,  
132.23 Infants and Children (WIC) program sites, Head Start program sites, public housing councils,  
132.24 child care centers, early childhood education and preschool program sites, legal aid offices,  
132.25 and libraries. The commissioner shall ensure that applications are available in languages  
132.26 other than English.

132.27 (b) Local human service agencies, hospitals, and health care community clinics receiving  
132.28 state funds must provide direct assistance in completing the application form, including the  
132.29 free use of a copy machine and a drop box for applications. These locations must ensure  
132.30 that the drop box is checked at least weekly and any applications are submitted to the  
132.31 commissioner. The commissioner shall provide these entities with an identification number

133.1 to stamp on each application to identify the entity that provided assistance. Other locations  
133.2 where applications are required to be available shall either provide direct assistance in  
133.3 completing the application form or provide information on where an applicant can receive  
133.4 application assistance.

133.5 (c) Counties must offer applications and application assistance when providing child  
133.6 support collection services.

133.7 (d) Local public health agencies and counties that provide immunization clinics must  
133.8 offer applications and application assistance during these clinics.

133.9 (e) The commissioner shall coordinate with the commissioner of health to ensure that  
133.10 maternal and child health outreach efforts include information on Minnesota health care  
133.11 programs and application assistance, when needed.

133.12 Sec. 20. Minnesota Statutes 2020, section 256L.05, subdivision 1, is amended to read:

133.13 Subdivision 1. **Application assistance and information availability.** (a) Applicants  
133.14 may submit applications online, in person, by mail, or by phone in accordance with the  
133.15 Affordable Care Act, and by any other means by which medical assistance applications may  
133.16 be submitted. Applicants may submit applications through MNsure or through the  
133.17 MinnesotaCare program. Applications and application assistance must be made available  
133.18 at provider offices, local human services agencies, school districts, public and private  
133.19 elementary schools in which 25 percent or more of the students receive free or ~~reduced-price~~  
133.20 ~~lunches~~ reduced-price meals, community health offices, Women, Infants and Children  
133.21 (WIC) program sites, Head Start program sites, public housing councils, crisis nurseries,  
133.22 child care centers, early childhood education and preschool program sites, legal aid offices,  
133.23 and libraries, and at any other locations at which medical assistance applications must be  
133.24 made available. These sites may accept applications and forward the forms to the  
133.25 commissioner or local county human services agencies that choose to participate as an  
133.26 enrollment site. Otherwise, applicants may apply directly to the commissioner or to  
133.27 participating local county human services agencies.

133.28 (b) Application assistance must be available for applicants choosing to file an online  
133.29 application through MNsure.

**120B.35 STUDENT ACADEMIC ACHIEVEMENT AND GROWTH.**

Subd. 5. **Improving graduation rates for students with emotional or behavioral disorders.** (a) A district must develop strategies in conjunction with parents of students with emotional or behavioral disorders and the county board responsible for implementing sections 245.487 to 245.4889 to keep students with emotional or behavioral disorders in school, when the district has a drop-out rate for students with an emotional or behavioral disorder in grades 9 through 12 exceeding 25 percent.

(b) A district must develop a plan in conjunction with parents of students with emotional or behavioral disorders and the local mental health authority to increase the graduation rates of students with emotional or behavioral disorders. A district with a drop-out rate for children with an emotional or behavioral disturbance in grades 9 through 12 that is in the top 25 percent of all districts shall submit a plan for review and oversight to the commissioner.