

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-NINTH SESSION**

**S.F. No. 162**

(SENATE AUTHORS: KOENEN, Westrom, Brown, Newman and Ingebrigtsen)

DATE	D-PG	OFFICIAL STATUS
01/20/2015	83	Introduction and first reading Referred to Education See SF1495, Art. 2, Sec. 42-45

1.1 A bill for an act  
 1.2 relating to education; authorizing school boards to implement flexible learning  
 1.3 year programs without approval by the commissioner of education; amending  
 1.4 Minnesota Statutes 2014, sections 120A.41; 124D.121; 124D.122; 124D.126,  
 1.5 subdivision 1; 124D.127; repealing Minnesota Rules, part 3500.1000.

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

1.7 Section 1. Minnesota Statutes 2014, section 120A.41, is amended to read:

1.8 **120A.41 LENGTH OF SCHOOL YEAR; HOURS OF INSTRUCTION.**

1.9 A school board's annual school calendar must include at least 425 hours of  
 1.10 instruction for a kindergarten student without a disability, 935 hours of instruction for a  
 1.11 student in grades 1 through 6, and 1,020 hours of instruction for a student in grades 7  
 1.12 through 12, not including summer school. The school calendar for all-day kindergarten  
 1.13 must include at least 850 hours of instruction for the school year. A school board's annual  
 1.14 calendar must include at least 165 days of instruction for a student in grades 1 through  
 1.15 11 unless a four-day week schedule has been approved by the ~~commissioner~~ board under  
 1.16 section ~~124D.126~~ 124D.122.

1.17 Sec. 2. Minnesota Statutes 2014, section 124D.121, is amended to read:

1.18 **124D.121 DEFINITION OF FLEXIBLE LEARNING YEAR PROGRAM.**

1.19 "Flexible learning year program" means any district plan ~~approved by the~~  
 1.20 ~~commissioner~~ that utilizes buildings and facilities during the entire year or that provides  
 1.21 forms of optional scheduling of pupils and personnel during the learning year in  
 1.22 elementary and secondary schools or residential facilities for children with a disability.

2.1 Sec. 3. Minnesota Statutes 2014, section 124D.122, is amended to read:

2.2 **124D.122 ESTABLISHMENT OF FLEXIBLE LEARNING YEAR PROGRAM.**

2.3 The board of any district or a consortium of districts, ~~with the approval of the~~  
 2.4 ~~commissioner,~~ may establish and operate a flexible learning year program in one or more of  
 2.5 the day or residential facilities for children with a disability within the district. Consortiums  
 2.6 may use a single ~~application and~~ evaluation process, though results, public hearings, and  
 2.7 board approvals must be obtained for each district as required under appropriate sections.

2.8 Sec. 4. Minnesota Statutes 2014, section 124D.126, subdivision 1, is amended to read:

2.9 Subdivision 1. **Powers and duties.** The commissioner must:

2.10 ~~(1) promulgate rules necessary to the operation of sections 124D.12 to 124D.127;~~

2.11 ~~(2) (1) cooperate with and provide supervision of flexible learning year programs~~  
 2.12 ~~to determine compliance with the provisions of sections 124D.12 to 124D.127, the~~  
 2.13 ~~commissioner's standards and qualifications, and the proposed program as submitted~~  
 2.14 ~~and approved;~~

2.15 ~~(3) (2) provide any necessary adjustments of (a) attendance and membership~~  
 2.16 ~~computations and (b) the dates and percentages of apportionment of state aids; and~~

2.17 ~~(4) (3) consistent with the definition of "average daily membership" in section~~  
 2.18 ~~126C.05, subdivision 8, furnish the board of a district implementing a flexible learning~~  
 2.19 ~~year program with a formula for computing average daily membership. This formula must~~  
 2.20 ~~be computed so that tax levies to be made by the district, state aids to be received by the~~  
 2.21 ~~district, and any and all other formulas based upon average daily membership are not~~  
 2.22 ~~affected solely as a result of adopting this plan of instruction.~~

2.23 Sec. 5. Minnesota Statutes 2014, section 124D.127, is amended to read:

2.24 **124D.127 TERMINATION OF FLEXIBLE LEARNING YEAR PROGRAM.**

2.25 The board of any district, ~~with the approval of the commissioner of education,~~ may  
 2.26 terminate a flexible learning year program in one or more of the day or residential facilities  
 2.27 for children with a disability within the district. This section shall not be construed to  
 2.28 permit an exception to section 120A.22, 127A.41, subdivision 7, or 127A.43.

2.29 Sec. 6. **REPEALER.**

2.30 Minnesota Rules, part 3500.1000, is repealed.

**3500.1000 EXPERIMENTAL AND FLEXIBLE SCHOOL YEAR PROGRAMS.**

Subpart 1. **Request.** A district may request approval from the commissioner of education for an experimental program of study, a four-day school week, or a flexible school year program. They shall be designed to accomplish at least one of the following:

- A. improve instructional quality;
- B. increase cost-effectiveness;
- C. make better use of community resources or available technology; or
- D. establish an alternative eligibility criteria intended to identify pupils in need of special education services.

Subp. 2. **Exemption from state rules.** If the proposed program is approved, the commissioner of education shall provide an exemption to state rules that otherwise would apply.

Subp. 3. **Contents of proposal.** The proposal shall include: specific state rules from which the district requests exemption, the goals and objectives of the program, the activities to be used to accomplish the objectives, a definite time limit which may not exceed three years, and the evaluation procedures to be used.

Subp. 4. **Participation and approval.** The district shall provide evidence that the district staff, pupils, and parents who would be affected, participated in the development and will participate in the annual review of the proposal, and that the proposal has the approval of the district school board.

Parents whose children will be involved shall be fully informed at the IEP meeting and shall have the opportunity to approve or disapprove placement in the experimental program.

Subp. 5. **Criteria for continuation.** If the commissioner of education finds that the program has met the proposed goals and objectives, the commissioner shall authorize continuation of the program and specify the state rules from which the program is exempt and the period of time the program will be continued.