

This Document can be made available  
in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **4300**

03/14/2022 Authored by Davnie, Lee, Vang and Moran  
The bill was read for the first time and referred to the Committee on Education Finance  
04/07/2022 Adoption of Report: Amended and re-referred to the Committee on Taxes  
04/19/2022 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act

1.2 relating to education finance; modifying provisions for prekindergarten through

1.3 grade 12 education including general education, education excellence, teachers,

1.4 charter schools, special education, health and safety, facilities, nutrition and

1.5 libraries, early education, community education and lifelong learning, and state

1.6 agencies; making forecast adjustments to funding for general education, education

1.7 excellence, special education, facilities, nutrition, early education, and community

1.8 education and lifelong learning; requiring reports; authorizing rulemaking;

1.9 appropriating money; amending Minnesota Statutes 2020, sections 13.32,

1.10 subdivision 3; 120A.20, subdivision 1; 120A.22, subdivisions 7, 9; 120A.41;

1.11 120A.42; 120B.018, subdivision 6; 120B.021, subdivisions 1, 2, 3, 4; 120B.022,

1.12 subdivision 1; 120B.024, subdivisions 1, 2; 120B.026; 120B.11, subdivisions 1,

1.13 1a, 2, 3; 120B.12; 120B.15; 120B.30, subdivisions 1, 1a; 120B.301; 120B.35,

1.14 subdivision 3; 120B.36, subdivision 2; 121A.031, subdivisions 5, 6; 121A.19;

1.15 121A.21; 121A.41, subdivisions 2, 10, by adding subdivisions; 121A.425; 121A.45,

1.16 subdivision 1; 121A.46, subdivision 4, by adding a subdivision; 121A.47,

1.17 subdivisions 2, 14; 121A.53, subdivision 1; 121A.55; 121A.61, subdivisions 1, 3,

1.18 by adding a subdivision; 122A.06, subdivisions 4, 6; 122A.091, subdivision 5;

1.19 122A.14, by adding a subdivision; 122A.181, subdivision 5; 122A.183, subdivision

1.20 1; 122A.184, subdivision 1; 122A.185, subdivision 1; 122A.187, by adding a

1.21 subdivision; 122A.31, subdivision 1; 122A.40, subdivisions 3, 5, 8; 122A.41,

1.22 subdivisions 2, 5, by adding a subdivision; 122A.415, subdivision 4, by adding

1.23 subdivisions; 122A.50; 122A.635; 122A.76; 123A.485, subdivision 2; 123B.04,

1.24 subdivision 1; 123B.147, subdivision 3; 123B.195; 123B.44, subdivisions 1, 5, 6;

1.25 123B.595; 123B.86, subdivision 3; 124D.09, subdivisions 3, 9, 10, 12, 13;

1.26 124D.095, subdivisions 2, 3, 4, 7, 8, by adding subdivisions; 124D.119; 124D.128,

1.27 subdivision 1; 124D.151, as amended; 124D.2211; 124D.4531, subdivisions 1,

1.28 1a, 1b; 124D.531, subdivisions 1, 4; 124D.55; 124D.59, subdivisions 2, 2a;

1.29 124D.65, subdivision 5; 124D.68, subdivision 2; 124D.73, by adding a subdivision;

1.30 124D.74, subdivisions 1, 3, 4, by adding a subdivision; 124D.76; 124D.78;

1.31 124D.79, subdivision 2; 124D.791, subdivision 4; 124D.81, subdivisions 1, 2, 2a,

1.32 5, by adding a subdivision; 124D.83, subdivision 2, by adding a subdivision;

1.33 124D.861, subdivision 2; 124D.98, by adding a subdivision; 124E.02; 124E.03,

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

1.35 subdivisions 1, 4, 5; 124E.07, subdivision 3; 124E.11; 124E.13, subdivisions 1,

1.36 3; 124E.16, subdivision 1; 124E.25, subdivision 1a; 125A.03; 125A.08; 125A.094;

1.37 125A.0942, subdivisions 1, 2, 3; 125A.15; 125A.51; 125A.515, subdivision 3;

1.38 125A.71, subdivision 1; 125A.76, subdivision 2e; 126C.05, subdivision 19;

2.1 126C.10, subdivisions 2a, 4, 13, 13a, 14, 18a; 126C.15, subdivisions 1, 2; 126C.19,  
 2.2 by adding a subdivision; 127A.353, subdivision 2; 127A.45, subdivisions 12a, 13;  
 2.3 134.31, subdivisions 1, 4a; 134.32, subdivision 4; 134.34, subdivision 1; 134.355,  
 2.4 subdivisions 5, 6, 7; 144.4165; 179A.03, subdivision 19; Minnesota Statutes 2021  
 2.5 Supplement, sections 122A.70; 126C.05, subdivisions 1, 3; 126C.10, subdivisions  
 2.6 2d, 2e; 127A.353, subdivision 4; Laws 2021, First Special Session chapter 13,  
 2.7 article 1, sections 9; 10, subdivisions 2, 3, 4, 5, 6, 7, 9, 11; article 2, section 4,  
 2.8 subdivisions 2, 3, 4, 7, 12, 15, 22, 27; article 3, sections 7, subdivisions 3, 4, 5, 6,  
 2.9 7; 8, subdivision 2; article 5, section 3, subdivisions 2, 3, 4, 5; article 7, section 2,  
 2.10 subdivisions 2, 3; article 8, section 3, subdivisions 2, 3, 4, 6; article 9, section 4,  
 2.11 subdivisions 3, 5, 6, 12; article 10, section 1, subdivisions 2, 5, 8, 9; article 11,  
 2.12 sections 4, subdivision 2; 7, subdivision 1; proposing coding for new law in  
 2.13 Minnesota Statutes, chapters 120B; 121A; 124D; 125A; 127A; repealing Minnesota  
 2.14 Statutes 2020, sections 120B.35, subdivision 5; 124D.151, subdivision 5;  
 2.15 124D.4531, subdivision 3a; Minnesota Statutes 2021 Supplement, section  
 2.16 124D.151, subdivision 6.

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

2.18 **ARTICLE 1**

2.19 **GENERAL EDUCATION**

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

2.21 **120A.42 CONDUCT OF SCHOOL ON CERTAIN HOLIDAYS.**

2.22 (a) The governing body of any district may contract with any of the teachers of the  
 2.23 district for the conduct of schools, and may conduct schools, on either, or any, of the  
 2.24 following holidays, provided that a clause to this effect is inserted in the teacher's contract:  
 2.25 Martin Luther King's birthday, Lincoln's and Washington's birthdays, ~~Columbus Day~~  
 2.26 Indigenous Peoples' Day, and Veterans' Day. On Martin Luther King's birthday, Washington's  
 2.27 birthday, Lincoln's birthday, and Veterans' Day at least one hour of the school program  
 2.28 must be devoted to a patriotic observance of the day. On Indigenous Peoples' Day, at least  
 2.29 one hour of the school program must be devoted to observance of the day. As part of its  
 2.30 observance of Indigenous Peoples' Day, a district may provide professional development  
 2.31 to teachers and staff, or instruction to students, on the following topics:

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

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

2.34 (3) Indigenous languages;

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

2.36 (5) the sovereignty of Tribal Nations;

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

2.38 and

3.1 (7) current issues affecting Indigenous communities.

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

3.9 Sec. 2. Minnesota Statutes 2020, section 121A.21, is amended to read:

3.10 **121A.21 SCHOOL HEALTH SERVICES.**

3.11 Subdivision 1. School health services required. (a) Every school board must provide  
3.12 services to promote the health of its pupils.

3.13 (b) The board of a district with 1,000 pupils or more in average daily membership in  
3.14 early childhood family education, preschool disabled, elementary, and secondary programs  
3.15 must comply with the requirements of this paragraph. It may use one or a combination of  
3.16 the following methods:

3.17 (1) employ personnel, including at least one full-time equivalent licensed school nurse;

3.18 (2) contract with a public or private health organization or another public agency for  
3.19 personnel during the regular school year, determined appropriate by the board, who are  
3.20 currently licensed under chapter 148 and who are certified public health nurses; or

3.21 (3) enter into another arrangement approved by the commissioner.

3.22 Subd. 2. Access to menstrual products. A school district or charter school must provide  
3.23 students access to menstrual products at no charge. The products must be available in  
3.24 restrooms used by students in grades 4 to 12. For purposes of this section, "menstrual  
3.25 products" means pads, tampons, or other similar products used in connection with the  
3.26 menstrual cycle.

3.27 Sec. 3. Minnesota Statutes 2020, section 123A.485, subdivision 2, is amended to read:

3.28 Subd. 2. **Aid.** (a) For school districts consolidating after June 30, 2020, consolidation  
3.29 transition aid is equal to ~~\$200~~ \$400 times the number of resident pupil units in the newly  
3.30 created district in the year of consolidation and ~~\$100~~ \$300 times the number of resident  
3.31 pupil units in the first year following the year of consolidation. The number of pupil units

4.1 used to calculate aid in either year shall not exceed 1,000 for districts consolidating July 1,  
4.2 1994, and 1,500 for districts consolidating July 1, 1995, and thereafter.

4.3 (b) If the total appropriation for consolidation transition aid for any fiscal year, plus any  
4.4 amount transferred under section 127A.41, subdivision 8, is insufficient to pay all districts  
4.5 the full amount of aid earned, the department must first pay the districts in the first year  
4.6 following the year of consolidation the full amount of aid earned and distribute any remaining  
4.7 funds to the newly created districts in the first year of consolidation.

4.8 **EFFECTIVE DATE.** This section is effective for consolidations occurring after June  
4.9 30, 2020.

4.10 Sec. 4. Minnesota Statutes 2020, section 123B.04, subdivision 1, is amended to read:

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

4.14 Sec. 5. Minnesota Statutes 2020, section 123B.195, is amended to read:

4.15 **123B.195 BOARD MEMBERS' RIGHT TO EMPLOYMENT.**

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

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

4.26 Sec. 6. Minnesota Statutes 2020, section 123B.44, subdivision 1, is amended to read:

4.27 Subdivision 1. **Provided services.** The commissioner of education shall promulgate  
4.28 rules under the provisions of chapter 14 requiring each district or other intermediary service  
4.29 area: (a) to provide each year upon formal request by a specific date by or on behalf of a  
4.30 nonpublic school pupil enrolled in a nonpublic school located in that district or area, the  
4.31 same specific health services as are provided for public school pupils by the district where

5.1 the nonpublic school is located; and (b) to provide each year upon formal request by a  
5.2 specific date by or on behalf of a nonpublic school elementary or secondary pupil enrolled  
5.3 in a nonpublic school located in that district or area, ~~the same specific~~ guidance and  
5.4 counseling services ~~as are provided for public school secondary pupils by the district where~~  
5.5 ~~the nonpublic school is located~~. The district where the nonpublic school is located must  
5.6 provide the necessary transportation within the district boundaries between the nonpublic  
5.7 school and a public school or neutral site for nonpublic school pupils who are provided  
5.8 pupil support services under this section if the district elects to provide pupil support services  
5.9 at a site other than the nonpublic school. Each request for pupil support services must set  
5.10 forth the guidance and counseling or health services requested by or on behalf of all eligible  
5.11 nonpublic school pupils enrolled in a given nonpublic school. No district or intermediary  
5.12 service area must not expend an amount for these pupil support services which exceeds the  
5.13 amount allotted to it under this section.

5.14 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2022 and later.

5.15 Sec. 7. Minnesota Statutes 2020, section 123B.44, subdivision 5, is amended to read:

5.16 Subd. 5. **Guidance and counseling services; allotment.** Each school year the  
5.17 commissioner shall allot to the school districts or intermediary service areas for the provision  
5.18 of guidance and counseling services pursuant to this section the actual cost of the services  
5.19 provided for the pupils in each respective nonpublic school for that school year. The allotment  
5.20 for guidance and counseling services for the elementary pupils in each nonpublic school  
5.21 must not exceed the average expenditure per public school elementary pupil for these services  
5.22 by those Minnesota public schools that provide these services to their elementary pupils,  
5.23 multiplied by the number of elementary pupils in that particular nonpublic school who  
5.24 request these services and who are enrolled as of September 15 of the current school year.  
5.25 The allotment for guidance and counseling services for the secondary pupils in each  
5.26 nonpublic school must not exceed the average expenditure per public school secondary  
5.27 pupil for these services by those Minnesota public schools ~~which~~ that provide these services  
5.28 to their secondary pupils, multiplied by the number of secondary pupils in that particular  
5.29 nonpublic school who request these services and who are enrolled as of September 15 of  
5.30 the current school year.

5.31 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2022 and later.

6.1 Sec. 8. Minnesota Statutes 2020, section 123B.44, subdivision 6, is amended to read:

6.2 Subd. 6. **Computation of maximum allotments.** For purposes of computing maximum  
6.3 allotments for each school year pursuant to this section, the average public school expenditure  
6.4 per pupil for health services and the average public school expenditure per elementary and  
6.5 secondary pupil for guidance and counseling services shall be computed and established  
6.6 by the department by February 1 of the preceding school year from the most recent public  
6.7 school year data then available.

6.8 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2022 and later.

6.9 Sec. 9. Minnesota Statutes 2020, section 123B.86, subdivision 3, is amended to read:

6.10 Subd. 3. **Board control.** (a) When transportation is provided, the scheduling of routes,  
6.11 manner and method of transportation, control and discipline of school children and any  
6.12 other matter relating thereto shall be within the sole discretion, control and management of  
6.13 the board.

6.14 (b) A school board and a nonpublic school may mutually agree to a written plan for the  
6.15 board to provide nonpublic pupil transportation to nonpublic school students.

6.16 (1) A school board that provides pupil transportation through its employees may transport  
6.17 nonpublic school students according to the plan and retain the nonpublic pupil transportation  
6.18 aid attributable to that plan. A nonpublic school may make a payment to the school district  
6.19 to cover additional transportation services agreed to in the written plan for nonpublic pupil  
6.20 transportation services not required under sections 123B.84 to 123B.87.

6.21 (2) A school board that contracts for pupil transportation services may enter into a  
6.22 contractual arrangement with a school bus contractor according to the written plan adopted  
6.23 by the school board and the nonpublic school to transport nonpublic school students and  
6.24 retain the nonpublic pupil transportation aid attributable to that plan for purposes of paying  
6.25 the school bus contractor. A nonpublic school may make a payment to the school district  
6.26 to cover additional transportation services agreed to in the written plan for nonpublic pupil  
6.27 transportation services included in the contract that are not required under sections 123B.84  
6.28 to 123B.87.

6.29 (c) The school district must report the number of nonpublic school students transported  
6.30 and the nonpublic pupil transportation expenditures incurred under paragraph (b) in the  
6.31 form and manner specified by the commissioner.

7.1 Sec. 10. Minnesota Statutes 2020, section 124D.095, subdivision 2, is amended to read:

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

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

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

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

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

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

7.21 ~~(e)~~ (f) "Student" is a Minnesota resident enrolled in a school under section 120A.22,  
7.22 subdivision 4, or in a school authorized to receive Tribal contract or grant aid under section  
7.23 124D.83, in kindergarten through grade 12.

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

7.27 (h) "Teacher" is a public employee as defined in section 179A.03, subdivision 18,  
7.28 employed by a charter school or district providing online instruction. The contract of a  
7.29 teacher employed by a charter school or district must meet the requirements of section  
7.30 122A.40 or 122A.41 and a charter school must employ or contract with a licensed teacher  
7.31 as defined in section 122A.06, subdivision 2. A teacher must perform all duties described  
7.32 in Minnesota Rules, part 8710.0310, defining teacher of record.

8.1 ~~(g)~~ (i) "Enrolling district" means the school district or charter school in which a student  
8.2 is enrolled under section 120A.22, subdivision 4, for purposes of compulsory attendance.

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

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

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

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

8.15 Sec. 11. Minnesota Statutes 2020, section 124D.095, subdivision 3, is amended to read:

8.16 Subd. 3. **Authorization; notice; limitations on enrollment.** (a) An enrolling district  
8.17 may offer digital learning, blended learning, or online learning as instructional modalities  
8.18 to enrolled students. Digital learning, blended learning, or online learning do not generate  
8.19 online learning funds under this section. An enrolling district that offers digital learning,  
8.20 blended learning, or online learning only to its enrolled students is not subject to the reporting  
8.21 requirements or review criteria under subdivision 7, unless the enrolling district is a  
8.22 supplemental online learning provider. A teacher providing instruction via digital learning,  
8.23 blended learning, or online learning must hold the appropriate Minnesota license as defined  
8.24 in section 124D.095, subdivision 2, paragraph (h). Digital learning, blended learning, and  
8.25 online learning courses must be reported and identified in the Minnesota Common Course  
8.26 Catalog.

8.27 ~~(a)~~ (b) Any student may apply for ~~full-time~~ supplemental online enrollment in an  
8.28 approved supplemental online learning program ~~under section 124D.03 or 124D.08 or~~  
8.29 ~~chapter 124E. Notwithstanding sections 124D.03 and 124D.08 and chapter 124E, procedures~~  
8.30 ~~for enrolling in supplemental online learning are as provided in this subdivision.~~ A student  
8.31 age 17 or younger must have the written consent of a parent or guardian to apply. ~~No school~~  
8.32 ~~district or charter school may prohibit a student from applying to enroll in online learning.~~  
8.33 In order to enroll in online learning, the student and the student's parents must submit an

9.1 application to the supplemental online learning provider ~~and identify the student's reason~~  
9.2 ~~for enrolling.~~ A supplemental online learning provider that accepts a student under this  
9.3 section must notify the student and the enrolling district in writing within ten days if the  
9.4 enrolling district is not the supplemental online learning provider. The student and the  
9.5 student's parent must notify the supplemental online learning provider of the student's intent  
9.6 to enroll in online learning within ten days of being accepted, at which time the student and  
9.7 the student's parent must sign a statement indicating that they have reviewed the online  
9.8 course or program and understand the expectations of enrolling in online learning. The  
9.9 supplemental online learning provider must use a form provided by the department to notify  
9.10 the enrolling district of the student's application to enroll in online learning.

9.11 ~~(b)~~ (c) The supplemental online learning notice to the enrolling district when a student  
9.12 applies to the supplemental online learning provider ~~will~~ must include the courses or program,  
9.13 credits to be awarded, and the start date of the online course or program. ~~An~~ A supplemental  
9.14 online learning provider must make available the supplemental online course syllabus to  
9.15 the enrolling district. ~~Within 15 days after the online learning provider makes information~~  
9.16 ~~in this paragraph available to the enrolling district, the enrolling district must notify the~~  
9.17 ~~online provider whether the student, the student's parent, and the enrolling district agree or~~  
9.18 ~~disagree that the course meets the enrolling district's graduation requirements.~~ A supplemental  
9.19 online learning provider that accepts a student under this section must notify the student  
9.20 and the enrolling district in writing within ten days if the enrolling district is not the  
9.21 supplemental online learning provider. A student may enroll in a supplemental online  
9.22 learning course up to the midpoint of the enrolling district's term. The enrolling district may  
9.23 waive this requirement for special circumstances and with the agreement of the online  
9.24 provider. ~~An online learning course or program that meets or exceeds a graduation standard~~  
9.25 ~~or the grade progression requirement of the enrolling district as described in the provider's~~  
9.26 ~~online course syllabus meets the corresponding graduation requirements applicable to the~~  
9.27 ~~student in the enrolling district. If the enrolling district does not agree that the course or~~  
9.28 ~~program meets its graduation requirements, then:~~

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

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

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

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

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

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

10.13 (d) A school district or charter school must allow an enrolled student to apply to enroll  
10.14 in supplemental online learning. A supplemental online learning provider must notify the  
10.15 enrolling district that the student has been accepted into the supplemental online learning  
10.16 program. Within 15 days of receiving the notification from the supplemental online learning  
10.17 program, the enrolling district must notify the supplemental online provider whether the  
10.18 student, the student's parent, and the enrolling district agree or disagree that the proposed  
10.19 course meets the enrolling district's graduation requirements.

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

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

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

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

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

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

11.8 Sec. 12. Minnesota Statutes 2020, section 124D.095, subdivision 4, is amended to read:

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

11.15 If a student completes an online learning course or program that meets or exceeds a  
 11.16 graduation standard or the grade progression requirement at the enrolling district, that  
 11.17 standard or requirement is met. ~~The enrolling district must use the same criteria for accepting~~  
 11.18 ~~online learning credits or courses as it does for accepting credits or courses for transfer~~  
 11.19 ~~students under section 124D.03, subdivision 9. The enrolling district may reduce the course~~  
 11.20 ~~schedule of an online learning student in proportion to the number of online learning courses~~  
 11.21 ~~the student takes from an online learning provider that is not the enrolling district.~~

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

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

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

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

11.32 (c) An online learning student has the same access to ~~the~~ computer hardware and  
 11.33 education software available in a school as all other students in the enrolling district. ~~An~~

12.1 ~~online learning provider must assist an online learning student whose family qualifies for~~  
12.2 ~~the education tax credit under section 290.0674 to acquire computer hardware and educational~~  
12.3 ~~software for online learning purposes.~~ Supplemental online learning students may use the  
12.4 enrolling district's computer hardware and educational software to access supplemental  
12.5 online courses. Supplemental online learning students may participate in supplemental  
12.6 online courses from a scheduled study hall or other suitable location in the district in which  
12.7 the student is enrolled if the enrolling district is able to provide a space and supervision.

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

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

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

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

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

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

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

13.13 ~~(f) To enroll in more than 50 percent of the student's full schedule of courses per term~~  
13.14 ~~in online learning, the student must qualify to exceed the supplemental online learning~~  
13.15 ~~registration limit under paragraph (b) or apply to enroll in an approved full-time online~~  
13.16 ~~learning program, consistent with subdivision 3, paragraph (a). Full-time online learning~~  
13.17 ~~students may enroll in classes at a local school under a contract for instructional services~~  
13.18 ~~between the online learning provider and the school district.~~

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

13.20 Sec. 13. Minnesota Statutes 2020, section 124D.095, subdivision 7, is amended to read:

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

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

13.32 (c) An enrolling district that offers online learning under section 124D.095, subdivision  
13.33 2, paragraph (c), must create an online site or sites that are classified as online learning sites

14.1 and report student enrollments in the online school site or sites. Online and blended learning  
14.2 courses must be reported in the Minnesota Common Course Catalog.

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

14.15 ~~(e)~~ (e) An enrolling district may challenge the validity of a course offered by ~~an~~ a  
14.16 supplemental online learning provider. The department must review such challenges based  
14.17 on the approval procedures under paragraph ~~(b)~~ (d). The department may initiate its own  
14.18 review of the validity of an online learning course offered by ~~an~~ a supplemental online  
14.19 learning provider.

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

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

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

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

14.29 (2) withhold funds from the provider under sections 124D.095, 124E.25, and 127A.42.  
14.30 The department must notify ~~an~~ a supplemental online learning provider in writing about  
14.31 withholding funds and provide detailed calculations.

14.32 (i) An online learning program fee administration account is created in the special revenue  
14.33 fund. Funds retained under paragraph (d) shall be deposited in the account. Money in the

15.1 account is appropriated to the commissioner for costs associated with administering and  
15.2 monitoring online and digital learning programs.

15.3 **EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later,  
15.4 except that paragraph (i) is effective July 1, 2022.

15.5 Sec. 14. Minnesota Statutes 2020, section 124D.095, subdivision 8, is amended to read:

15.6 Subd. 8. **Financial arrangements.** (a) For a student enrolled in an online learning course,  
15.7 the department must calculate average daily membership and make payments according to  
15.8 this subdivision.

15.9 (b) The initial online learning average daily membership equals 1/12 for each semester  
15.10 course or a proportionate amount for courses of different lengths. The adjusted online  
15.11 learning average daily membership equals the initial online learning average daily  
15.12 membership times .88.

15.13 (c) No online learning average daily membership shall be generated if: (1) the student  
15.14 does not complete the online learning course, or (2) the student is enrolled in online learning  
15.15 provided by the enrolling district.

15.16 (d) Online learning average daily membership under this subdivision for a student  
15.17 currently enrolled in a Minnesota public school or in a Tribal contract or grant school  
15.18 authorized to receive aid under section 124D.83 shall be used only for computing average  
15.19 daily membership according to section 126C.05, subdivision 19, paragraph (a), clause (2),  
15.20 and for computing online learning aid according to section 124D.096.

15.21 Sec. 15. Minnesota Statutes 2020, section 124D.095, is amended by adding a subdivision  
15.22 to read:

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

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

15.30 (c) "Crisis online learning plan" means a plan adopted by a school board or board of  
15.31 directors that describes the implementation of crisis online learning and how critical  
15.32 components of education are provided during the crisis learning period. Critical components

16.1 of education include but are not limited to nutrition services in accordance with United  
16.2 States Department of Agriculture regulations, how teachers will be accessible online and  
16.3 by telephone during regular school hours each crisis online learning day to assist students,  
16.4 accommodations for students without Internet access or insufficient digital device access  
16.5 in a household, and accessible options for students with disabilities under chapter 125A and  
16.6 the Individuals with Disabilities Education Act. A crisis online learning plan may only be  
16.7 adopted by a school district after consulting with the exclusive representative of the teachers  
16.8 or by a charter school after consulting with its teachers, and may include up to one  
16.9 instructional day to prepare for crisis online learning and one instructional day upon the  
16.10 conclusion of the crisis online learning period, not to exceed four days per school year  
16.11 without approval from the commissioner. Students and families must be notified of the  
16.12 crisis online learning plan before the beginning of the school year. Consistent with applicable  
16.13 labor agreements, districts must utilize available staff who are able to work during the crisis  
16.14 online learning period.

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

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

16.21 Sec. 16. Minnesota Statutes 2020, section 124D.095, is amended by adding a subdivision  
16.22 to read:

16.23 Subd. 12. **Asynchronous learning.** Any approved online learning provider offering an  
16.24 asynchronous course as part of its online learning program, and has offered the asynchronous  
16.25 online learning course for three or more years prior to the effective date of this act, may  
16.26 continue to offer asynchronous online learning courses.

16.27 Sec. 17. Minnesota Statutes 2020, section 124D.4531, subdivision 1, is amended to read:

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

16.32 (1) salaries paid to essential, licensed personnel providing direct instructional services  
16.33 to students in that fiscal year, including extended contracts, for services rendered in the

17.1 district's approved career and technical education programs, excluding salaries reimbursed  
17.2 by another school district under clause (2);

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

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

17.8 (4) necessary travel between instructional sites by licensed career and technical education  
17.9 personnel and district-encumbered student travel between instructional and placement sites  
17.10 in state-approved work-based learning programs;

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

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

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

17.18 (8) specialized ~~vocational~~ career and technical education instructional supplies.

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

17.21 ~~(c) The amount of the revenue calculated under this subdivision may not exceed~~  
17.22 ~~\$17,850,000 for taxes payable in 2012, \$15,520,000 for taxes payable in 2013, and~~  
17.23 ~~\$20,657,000 for taxes payable in 2014.~~

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

17.27 Sec. 18. Minnesota Statutes 2020, section 124D.4531, subdivision 1a, is amended to read:

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

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

18.6 Sec. 19. Minnesota Statutes 2020, section 124D.4531, subdivision 1b, is amended to read:

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

18.11 Sec. 20. **[124D.4532] CAREER AND TECHNICAL STUDENT TRANSPORTATION**  
18.12 **AID.**

18.13 A district that provides student travel between instructional and placement sites in  
18.14 state-approved work-based learning programs is eligible for state aid to reimburse the  
18.15 additional costs of transportation during the preceding fiscal year.

18.16 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2024 and later.

18.17 Sec. 21. Minnesota Statutes 2020, section 124D.59, subdivision 2, is amended to read:

18.18 Subd. 2. **English learner.** (a) "English learner" means a pupil in kindergarten through  
18.19 grade 12; an early childhood special education student under Part B, section 619 of the  
18.20 Individuals with Disabilities Education Act, United States Code, title 20, section 1419; or  
18.21 a prekindergarten student enrolled in an approved voluntary prekindergarten program under  
18.22 section 124D.151 or a school readiness plus program who meets the requirements under  
18.23 subdivision 2a or the following requirements:

18.24 (1) the pupil, as declared by a parent or guardian first learned a language other than  
18.25 English, comes from a home where the language usually spoken is other than English, or  
18.26 usually speaks a language other than English; and

18.27 (2) the pupil is determined by a valid assessment measuring the pupil's English language  
18.28 proficiency and by developmentally appropriate measures, which might include observations,  
18.29 teacher judgment, parent recommendations, or developmentally appropriate assessment  
18.30 instruments, to lack the necessary English skills to participate fully in academic classes  
18.31 taught in English.

19.1 (b) A pupil enrolled in a Minnesota public school in any grade 4 through 12 who in the  
 19.2 previous school year took a commissioner-provided assessment measuring the pupil's  
 19.3 emerging academic English, shall be counted as an English learner in calculating English  
 19.4 learner pupil units under section 126C.05, subdivision 17, and shall generate state English  
 19.5 learner aid under section 124D.65, subdivision 5, if the pupil scored below the state cutoff  
 19.6 score or is otherwise counted as a nonproficient participant on the assessment measuring  
 19.7 the pupil's emerging academic English, or, in the judgment of the pupil's classroom teachers,  
 19.8 consistent with section 124D.61, clause (1), the pupil is unable to demonstrate academic  
 19.9 language proficiency in English, including oral academic language, sufficient to successfully  
 19.10 and fully participate in the general core curriculum in the regular classroom.

19.11 (c) Notwithstanding paragraphs (a) and (b), a pupil in early childhood special education  
 19.12 or prekindergarten under section 124D.151, through grade 12 shall not be counted as an  
 19.13 English learner in calculating English learner pupil units under section 126C.05, subdivision  
 19.14 17, and shall not generate state English learner aid under section 124D.65, subdivision 5,  
 19.15 if:

19.16 (1) the pupil is not enrolled during the current fiscal year in an educational program for  
 19.17 English learners under sections 124D.58 to 124D.64; or

19.18 (2) the pupil has generated seven or more years of average daily membership in Minnesota  
 19.19 public schools since July 1, 1996.

19.20 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

19.21 Sec. 22. Minnesota Statutes 2020, section 124D.59, subdivision 2a, is amended to read:

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

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

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

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

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

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

20.2 Sec. 23. Minnesota Statutes 2020, section 124D.65, subdivision 5, is amended to read:

20.3 Subd. 5. **School district EL revenue.** (a) The English learner programs initial allowance  
20.4 equals \$704 for fiscal years 2021 and 2022. The English learner programs initial allowance  
20.5 equals \$1,000 for fiscal year 2023. The English learner programs initial allowance for fiscal  
20.6 year 2024 and later equals the product of \$1,000 times the ratio of the formula allowance  
20.7 under section 126C.10, subdivision 2, for the current fiscal year to the formula allowance  
20.8 under section 126C.10, subdivision 2, for fiscal year 2023.

20.9 (b) The English learner programs concentration allowance equals \$250 for fiscal years  
20.10 2021 and 2022. The English learner programs concentration allowance for fiscal year 2023  
20.11 and later equals the product of \$250 times the ratio of the formula allowance under section  
20.12 126C.10, subdivision 2, for the current fiscal year to the formula allowance under section  
20.13 126C.10, subdivision 2, for fiscal year 2023.

20.14 ~~(a)~~ (c) A district's English learner programs initial revenue equals the product of (1)  
20.15 \$704 the English learner programs initial allowance times (2) the greater of 20 or the adjusted  
20.16 average daily membership of eligible English learners enrolled in the district during the  
20.17 current fiscal year.

20.18 (d) A district's English learner programs concentration revenue equals the product of  
20.19 the English learner programs concentration allowance times the English learner pupil units  
20.20 under section 126C.05, subdivision 17.

20.21 (e) A district's English learner cross subsidy aid equals:

20.22 (1) 40 percent of the district's English learner cross subsidy for fiscal year 2023;

20.23 (2) 50 percent of the district's English learner cross subsidy for fiscal year 2024;

20.24 (3) 75 percent of the district's English learner cross subsidy for fiscal year 2025; and

20.25 (4) 100 percent of the district's English learner cross subsidy for fiscal years 2026 and  
20.26 later.

20.27 (f) A district's English learner programs revenue equals the sum of:

20.28 (1) the initial revenue under paragraph (c);

20.29 (2) the concentration revenue under paragraph (d); and

20.30 (3) a district's English learner cross subsidy aid under paragraph (e).

21.1 (g) A district's English learner cross subsidy equals the greater of zero or the difference  
 21.2 between the district's expenditure for qualifying services for the second previous year and  
 21.3 the district's English learner revenue for the second previous year.

21.4 ~~(b)~~ (h) A pupil ceases to generate state English learner aid in the school year following  
 21.5 the school year in which the pupil attains the state cutoff score on a commissioner-provided  
 21.6 assessment that measures the pupil's emerging academic English.

21.7 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

21.8 Sec. 24. Minnesota Statutes 2020, section 124D.68, subdivision 2, is amended to read:

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

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

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

21.15 (3) is pregnant or is a parent;

21.16 (4) has been assessed as chemically dependent;

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

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

21.20 ~~(7)~~ (6) is a victim of physical or sexual abuse;

21.21 ~~(8)~~ (7) has experienced mental health problems;

21.22 ~~(9)~~ (8) has experienced homelessness sometime within six months before requesting a  
 21.23 transfer to an eligible program;

21.24 ~~(10)~~ (9) speaks English as a second language or is an English learner;

21.25 ~~(11)~~ (10) has withdrawn from school or has been chronically truant; or

21.26 ~~(12)~~ (11) is being treated in a hospital in the seven-county metropolitan area for cancer  
 21.27 or other life threatening illness or is the sibling of an eligible pupil who is being currently  
 21.28 treated, and resides with the pupil's family at least 60 miles beyond the outside boundary  
 21.29 of the seven-county metropolitan area.

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

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

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

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

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

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

22.15 and

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

22.17 Sec. 25. Minnesota Statutes 2020, section 124D.73, is amended by adding a subdivision  
22.18 to read:

22.19 Subd. 5. **American Indian student.** "American Indian student" means a student who  
22.20 identifies as American Indian or Alaska Native, using the state definition in effect on October  
22.21 1 of the previous school year.

22.22 Sec. 26. Minnesota Statutes 2020, section 124D.79, subdivision 2, is amended to read:

22.23 Subd. 2. **Technical assistance.** The commissioner shall provide technical assistance,  
22.24 including an annual report of American Indian student data using the state count, to districts,  
22.25 schools and postsecondary institutions for preservice and in-service training for teachers,  
22.26 American Indian education teachers and paraprofessionals specifically designed to implement  
22.27 culturally responsive teaching methods, culturally based curriculum development, testing  
22.28 and testing mechanisms, and the development of materials for American Indian education  
22.29 programs.

23.1 Sec. 27. Minnesota Statutes 2020, section 124D.81, is amended by adding a subdivision  
23.2 to read:

23.3 Subd. 8. **State-identified American Indian.** For the purposes of sections 124D.71 to  
23.4 124D.82, the number of students who identify as American Indian or Alaska Native, as  
23.5 defined by the state of Minnesota on October 1 of the previous school year, will be used to  
23.6 determine the state-identified American Indian student counts for districts, charter schools,  
23.7 and Tribal contract schools for the subsequent school year.

23.8 Sec. 28. Minnesota Statutes 2020, section 124D.83, is amended by adding a subdivision  
23.9 to read:

23.10 Subd. 3a. **Supplemental online learning.** A pupil attending a Tribal contract school  
23.11 under this section may participate in a supplemental online learning program offered by a  
23.12 school district. The serving school district may include the pupil's time spent in the  
23.13 supplemental online learning program in its pupil count.

23.14 Sec. 29. Minnesota Statutes 2020, section 125A.15, is amended to read:

23.15 **125A.15 PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.**

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

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

23.22 (b) If a district other than the resident district places a pupil for care and treatment, the  
23.23 district placing the pupil must notify and give the resident district an opportunity to participate  
23.24 in the placement decision. When an immediate emergency placement of a pupil is necessary  
23.25 and time constraints foreclose a resident district from participating in the emergency  
23.26 placement decision, the district in which the pupil is temporarily placed must notify the  
23.27 resident district of the emergency placement within 15 days. The resident district has up to  
23.28 five business days after receiving notice of the emergency placement to request an  
23.29 opportunity to participate in the placement decision, which the placing district must then  
23.30 provide.

23.31 (c) When a child is temporarily placed for care and treatment in a day program located  
23.32 in another district and the child continues to live within the district of residence during the

24.1 care and treatment, the district of residence is responsible for providing transportation to  
24.2 and from the care and treatment program and an appropriate educational program for the  
24.3 child. The resident district may establish reasonable restrictions on transportation, except  
24.4 if a Minnesota court or agency orders the child placed at a day care and treatment program  
24.5 and the resident district receives a copy of the order, then the resident district must provide  
24.6 transportation to and from the program unless the court or agency orders otherwise.

24.7 Transportation shall only be provided by the resident district during regular operating hours  
24.8 of the resident district. The resident district may provide the educational program at a school  
24.9 within the district of residence, at the child's residence, or in the district in which the day  
24.10 treatment center is located by paying tuition to that district. A district or charter school may  
24.11 utilize online learning under section 124D.095 to fulfill its educational program responsibility  
24.12 under this chapter if the child, or the child's parent or guardian for a pupil under the age of  
24.13 18, agrees to that form of instruction.

24.14 (d) When a child is temporarily placed in a residential program for care and treatment,  
24.15 the nonresident district in which the child is placed is responsible for providing an appropriate  
24.16 educational program for the child and necessary transportation while the child is attending  
24.17 the educational program; and must bill the district of the child's residence for the actual cost  
24.18 of providing the program, as outlined in section 125A.11, except as provided in paragraph  
24.19 (e). However, the board, lodging, and treatment costs incurred in behalf of a child with a  
24.20 disability placed outside of the school district of residence by the commissioner of human  
24.21 services or the commissioner of corrections or their agents, for reasons other than providing  
24.22 for the child's special educational needs must not become the responsibility of either the  
24.23 district providing the instruction or the district of the child's residence. For the purposes of  
24.24 this section, the state correctional facilities operated on a fee-for-service basis are considered  
24.25 to be residential programs for care and treatment. A district or charter school may utilize  
24.26 online learning under section 124D.095 to fulfill its educational program responsibility  
24.27 under this chapter if the child, or the child's parent or guardian for a pupil under the age of  
24.28 18, agrees to that form of instruction.

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

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

25.6 Sec. 30. Minnesota Statutes 2020, section 125A.51, is amended to read:

25.7 **125A.51 PLACEMENT OF CHILDREN WITHOUT DISABILITIES; EDUCATION**  
25.8 **AND TRANSPORTATION.**

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

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

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

25.19 (c) Before the placement of a pupil for care and treatment, the district of residence must  
25.20 be notified and provided an opportunity to participate in the placement decision. When an  
25.21 immediate emergency placement is necessary and time does not permit resident district  
25.22 participation in the placement decision, the district in which the pupil is temporarily placed,  
25.23 if different from the district of residence, must notify the district of residence of the  
25.24 emergency placement within 15 days of the placement. When a nonresident district makes  
25.25 an emergency placement without first consulting with the resident district, the resident  
25.26 district has up to five business days after receiving notice of the emergency placement to  
25.27 request an opportunity to participate in the placement decision, which the placing district  
25.28 must then provide.

25.29 (d) When a pupil without a disability is temporarily placed for care and treatment in a  
25.30 day program and the pupil continues to live within the district of residence during the care  
25.31 and treatment, the district of residence must provide instruction and necessary transportation  
25.32 to and from the care and treatment program for the pupil. The resident district may establish  
25.33 reasonable restrictions on transportation, except if a Minnesota court or agency orders the

26.1 child placed at a day care and treatment program and the resident district receives a copy  
26.2 of the order, then the resident district must provide transportation to and from the program  
26.3 unless the court or agency orders otherwise. Transportation shall only be provided by the  
26.4 resident district during regular operating hours of the resident district. The resident district  
26.5 may provide the instruction at a school within the district of residence, at the pupil's residence,  
26.6 through an online learning program under section 124D.095, provided by the pupil's resident  
26.7 district, district of open enrollment under section 124D.03, or charter school of enrollment  
26.8 under section 124E.11, or in the case of a placement outside of the resident district, in the  
26.9 district in which the day treatment program is located by paying tuition to that district. A  
26.10 district or charter school may provide the instruction through an online learning program  
26.11 if the pupil, or the pupil's parent or guardian for a pupil under the age of 18, agrees to that  
26.12 form of instruction. The district of placement may contract with a facility to provide  
26.13 instruction by teachers licensed by the Professional Educator Licensing and Standards  
26.14 Board.

26.15 (e) When a pupil without a disability is temporarily placed in a residential program for  
26.16 care and treatment, the district in which the pupil is placed must provide instruction for the  
26.17 pupil and necessary transportation while the pupil is receiving instruction, and in the case  
26.18 of a placement outside of the district of residence, the nonresident district must bill the  
26.19 district of residence for the actual cost of providing the instruction for the regular school  
26.20 year and for summer school, excluding transportation costs. A district or charter school may  
26.21 utilize online learning under section 124D.095 to fulfill its educational program responsibility  
26.22 under this chapter if the pupil, or the pupil's parent or guardian for a pupil under the age of  
26.23 18, agrees to that form of instruction.

26.24 (f) Notwithstanding paragraph (e), if the pupil is homeless and placed in a public or  
26.25 private homeless shelter, then the district that enrolls the pupil under section 120A.20,  
26.26 subdivision 2, paragraph (b), shall provide the transportation, unless the district that enrolls  
26.27 the pupil and the district in which the pupil is temporarily placed agree that the district in  
26.28 which the pupil is temporarily placed shall provide transportation. When a pupil without a  
26.29 disability is temporarily placed in a residential program outside the district of residence,  
26.30 the administrator of the court placing the pupil must send timely written notice of the  
26.31 placement to the district of residence. The district of placement may contract with a  
26.32 residential facility to provide instruction by teachers licensed by the Professional Educator  
26.33 Licensing and Standards Board. For purposes of this section, the state correctional facilities  
26.34 operated on a fee-for-service basis are considered to be residential programs for care and  
26.35 treatment.

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

27.8 Sec. 31. Minnesota Statutes 2020, section 125A.515, subdivision 3, is amended to read:

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

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

27.22 Sec. 32. Minnesota Statutes 2020, section 126C.05, subdivision 19, is amended to read:

27.23 Subd. 19. **Online learning students.** (a) The average daily membership for a public  
27.24 school pupil or a pupil enrolled in a school authorized to receive Tribal contract or grant  
27.25 aid under section 124D.83 generating online learning average daily membership according  
27.26 to section 124D.095, subdivision 8, paragraph (b), equals the sum of: (1) the ratio of the  
27.27 sum of the number of instructional hours the pupil is enrolled in a regular classroom setting  
27.28 at the enrolling school to the actual number of instructional hours in the school year at the  
27.29 enrolling school, plus (2) .12 times the initial online learning average daily membership  
27.30 according to section 124D.095, subdivision 8, paragraph (b).

27.31 (b) When the sum of the average daily membership under paragraph (a) and the adjusted  
27.32 online learning average daily membership under section 124D.095, subdivision 8, paragraph  
27.33 (b), exceeds the maximum allowed for the student under subdivision 8 or 15, as applicable,

28.1 the average daily membership under paragraph (a) shall be reduced by the excess over the  
28.2 maximum, but shall not be reduced below .12. The adjusted online learning average daily  
28.3 membership according to section 124D.095, subdivision 8, paragraph (b), shall be reduced  
28.4 by any remaining excess over the maximum.

28.5 Sec. 33. Minnesota Statutes 2020, section 126C.10, subdivision 2a, is amended to read:

28.6 Subd. 2a. **Extended time revenue.** (a) The extended time allowance is \$5,117 for fiscal  
28.7 years 2022 and 2023. For fiscal year 2024 and later, the extended time allowance equals  
28.8 the product of \$5,117 times the ratio of the formula allowance under subdivision 2 for the  
28.9 current fiscal year to the formula allowance under subdivision 2 for fiscal year 2023.

28.10 ~~(a)~~ (b) A school district's extended time revenue is equal to the product of ~~\$5,117~~ the  
28.11 extended time allowance and the sum of the adjusted pupil units of the district for each pupil  
28.12 in average daily membership in excess of 1.0 and less than 1.2 according to section 126C.05,  
28.13 subdivision 8.

28.14 ~~(b)~~ (c) Extended time revenue for pupils placed in an on-site education program at the  
28.15 Prairie Lakes Education Center or the Lake Park School, located within the borders of  
28.16 Independent School District No. 347, Willmar, for instruction provided after the end of the  
28.17 preceding regular school year and before the beginning of the following regular school year  
28.18 equals membership hours divided by the minimum annual instructional hours in section  
28.19 126C.05, subdivision 15, not to exceed 0.20, times the pupil unit weighting in section  
28.20 126C.05, subdivision 1, times ~~\$5,117~~ the extended time allowance.

28.21 (d) A school district's summer residential care and treatment extended time revenue  
28.22 equals the product of the extended time allowance times the sum of the resident summer  
28.23 residential care and treatment extended time average daily membership, times the pupil unit  
28.24 weighting in section 126C.05, subdivision 1.

28.25 (e) Summer residential care and treatment extended time average daily membership for  
28.26 resident pupils placed in a residential program for care and treatment, excluding those in  
28.27 paragraph (b) for instruction after the end of the preceding regular school year and before  
28.28 the beginning of the following regular school year, equals membership hours divided by  
28.29 the minimum annual instructional hours in section 126C.05, subdivision 15, not to exceed  
28.30 0.20.

28.31 (f) For fiscal year 2023 and later, the amount of extended time revenue calculated under  
28.32 this paragraph may not exceed \$1,000,000 for each fiscal year.

29.1 (e) (g) A school district's extended time revenue may be used for extended day programs,  
29.2 extended week programs, summer school, vacation break academies such as spring break  
29.3 academies and summer term academies, and other programming authorized under the  
29.4 learning year program.

29.5 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

29.6 Sec. 34. Minnesota Statutes 2021 Supplement, section 126C.10, subdivision 2e, is amended  
29.7 to read:

29.8 Subd. 2e. **Local optional revenue.** (a) For fiscal year 2021 and later, local optional  
29.9 revenue for a school district equals the sum of the district's first tier local optional revenue  
29.10 and second tier local optional revenue. A district's first tier local optional revenue equals  
29.11 \$300 times the adjusted pupil units of the district for that school year. A district's second  
29.12 tier local optional revenue equals \$424 times the adjusted pupil units of the district for that  
29.13 school year.

29.14 (b) For fiscal year 2021 and later, a district's local optional levy equals the sum of the  
29.15 first tier local optional levy and the second tier local optional levy.

29.16 (c) A district's first tier local optional levy equals the district's first tier local optional  
29.17 revenue times the lesser of one or the ratio of the district's referendum market value per  
29.18 resident pupil unit to \$880,000.

29.19 (d) For fiscal year 2022, a district's second tier local optional levy equals the district's  
29.20 second tier local optional revenue times the lesser of one or the ratio of the district's  
29.21 referendum market value per resident pupil unit to \$510,000. For fiscal year 2023, a district's  
29.22 second tier local optional levy equals the district's second tier local optional revenue times  
29.23 the lesser of one or the ratio of the district's referendum market value per resident pupil unit  
29.24 to ~~\$548,842~~ \$703,865. For fiscal year 2024 ~~and later~~, a district's second tier local optional  
29.25 levy equals the district's second tier local optional revenue times the lesser of one or the  
29.26 ratio of the district's referendum market value per resident pupil unit to ~~\$510,000~~ \$572,600.  
29.27 For fiscal year 2025 and later, a district's second tier local optional levy equals the district's  
29.28 second tier local optional revenue times the lesser of one or the ratio of the district's  
29.29 referendum market value per resident pupil unit to \$664,812.

29.30 (e) The local optional levy must be spread on referendum market value. A district may  
29.31 levy less than the permitted amount.

30.1 (f) A district's local optional aid equals its local optional revenue minus its local optional  
 30.2 levy. If a district's actual levy for first or second tier local optional revenue is less than its  
 30.3 maximum levy limit for that tier, its aid must be proportionately reduced.

30.4 Sec. 35. Minnesota Statutes 2020, section 126C.10, subdivision 4, is amended to read:

30.5 Subd. 4. **Basic skills revenue.** A school district's basic skills revenue equals the sum  
 30.6 of:

30.7 (1) compensatory revenue under subdivision 3; plus

30.8 (2) English learner revenue under section 124D.65, subdivision 5; ~~plus, paragraph (e).~~

30.9 ~~(3) \$250 times the English learner pupil units under section 126C.05, subdivision 17.~~

30.10 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

30.11 Sec. 36. Minnesota Statutes 2020, section 126C.10, subdivision 13, is amended to read:

30.12 Subd. 13. **Total operating capital revenue.** (a) Total operating capital revenue for a  
 30.13 district equals the ~~amount determined under paragraph (b) or (c), plus~~ sum of:

30.14 (1) \$79 times the adjusted pupil units for the school year;

30.15 (2) the product of \$109, the district's maintenance cost index, and its adjusted pupil units  
 30.16 for the school year plus the amount computed under paragraph (c); and

30.17 (3) \$2 times the adjusted pupil units for the school year for the purposes of supplying  
 30.18 menstrual products under subdivision 14, clause (26).

30.19 (b) The revenue under this subdivision must be placed in a reserved account in the  
 30.20 general fund and may only be used according to subdivision 14.

30.21 ~~(b) Capital revenue for a district equals \$109 times the district's maintenance cost index~~  
 30.22 ~~times its adjusted pupil units for the school year.~~

30.23 (c) The revenue under paragraph (a), clause (2), for a district that operates a program  
 30.24 under section 124D.128, is increased by an amount equal to \$31 times the number of adjusted  
 30.25 pupil units served at the site where the program is implemented.

30.26 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

30.27 Sec. 37. Minnesota Statutes 2020, section 126C.10, subdivision 13a, is amended to read:

30.28 Subd. 13a. **Operating capital levy.** To obtain operating capital revenue, a district may  
 30.29 levy an amount not more than the product of its operating capital revenue for the fiscal year

31.1 times the lesser of one or the ratio of its adjusted net tax capacity per adjusted pupil unit to  
31.2 the operating capital equalizing factor. The operating capital equalizing factor equals ~~\$23,902~~  
31.3 ~~for fiscal year 2020, \$23,885 for fiscal year 2021, and \$22,912 for fiscal year 2022 and,~~  
31.4 \$22,912 for fiscal year 2023, \$25,490 for fiscal year 2024, and \$23,353 for fiscal year 2025  
31.5 and later.

31.6 Sec. 38. Minnesota Statutes 2020, section 126C.10, subdivision 14, is amended to read:

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

31.9 (1) to acquire land for school purposes;

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

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

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

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

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

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

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

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

31.23 (10) to clean up, remove, dispose of, and make repairs related to storing heating fuel or  
31.24 transportation fuels such as alcohol, gasoline, fuel oil, and special fuel, as defined in section  
31.25 296A.01;

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

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

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

32.1 (14) to pay principal and interest on state loans for energy conservation according to  
32.2 section 216C.37 or loans made under the Douglas J. Johnson Economic Protection Trust  
32.3 Fund Act according to sections 298.292 to ~~298.298~~ 298.297;

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

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

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

32.11 (18) to purchase or lease computers and related hardware, software, and annual licensing  
32.12 fees, copying machines, telecommunications equipment, and other noninstructional  
32.13 equipment;

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

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

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

32.17 (22) to lease or purchase vehicles;

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

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

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

32.24 (iii) other classroom information management needs;

32.25 (24) to pay personnel costs directly related to the acquisition, operation, and maintenance  
32.26 of telecommunications systems, computers, related equipment, and network and applications  
32.27 software; ~~and~~

32.28 (25) to pay the costs directly associated with closing a school facility, including moving  
32.29 and storage costs; and

32.30 (26) to pay the costs of supplies and equipment necessary to provide access to menstrual  
32.31 products at no charge to students in restrooms and as otherwise needed in school facilities.

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

33.2 Sec. 39. Minnesota Statutes 2020, section 126C.10, subdivision 18a, is amended to read:

33.3 Subd. 18a. **Pupil transportation adjustment.** (a) An independent, common, or special  
33.4 school district's transportation sparsity revenue under subdivision 18 is increased by the  
33.5 greater of zero or ~~18.2~~ 39.5 percent of the difference between:

33.6 (1) the lesser of the district's total cost for regular and excess pupil transportation under  
33.7 section 123B.92, subdivision 1, paragraph (b), including depreciation, for the previous fiscal  
33.8 year or 105 percent of the district's total cost for the second previous fiscal year; and

33.9 (2) the sum of:

33.10 (i) 4.66 percent of the district's basic revenue for the previous fiscal year;

33.11 (ii) transportation sparsity revenue under subdivision 18 for the previous fiscal year;

33.12 (iii) the district's charter school transportation adjustment for the previous fiscal year;

33.13 and

33.14 (iv) the district's reimbursement for transportation provided under section 123B.92,  
33.15 subdivision 1, paragraph (b), clause (1), item (vi).

33.16 (b) A charter school's pupil transportation adjustment equals the school district per pupil  
33.17 adjustment under paragraph (a).

33.18 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

33.19 Sec. 40. Minnesota Statutes 2020, section 126C.15, subdivision 1, is amended to read:

33.20 Subdivision 1. **Use of revenue.** The basic skills revenue under section 126C.10,  
33.21 subdivision 4, must be reserved and used to meet the educational needs of pupils who enroll  
33.22 under-prepared to learn and whose progress toward meeting state or local content or  
33.23 performance standards is below the level that is appropriate for learners of their age. Basic  
33.24 skills revenue may also be used for programs designed to prepare children and their families  
33.25 for entry into school whether the student first enrolls in kindergarten or first grade. Any of  
33.26 the following may be provided to meet these learners' needs:

33.27 (1) direct instructional services under the assurance of mastery program according to  
33.28 section 124D.66;

33.29 (2) remedial instruction in reading, language arts, mathematics, other content areas, or  
33.30 study skills to improve the achievement level of these learners;

34.1 (3) additional teachers and teacher aides to provide more individualized instruction to  
34.2 these learners through individual tutoring, lower instructor-to-learner ratios, or team teaching;

34.3 (4) a longer school day or week during the regular school year ~~or through a summer~~  
34.4 ~~program that may be offered directly by the site or under a performance-based contract with~~  
34.5 ~~a community-based organization;~~

34.6 (5) comprehensive and ongoing staff development consistent with district and site plans  
34.7 according to section 122A.60 and to implement plans under section 120B.12, subdivision  
34.8 4a, for teachers, teacher aides, principals, and other personnel to improve their ability to  
34.9 identify the needs of these learners and provide appropriate remediation, intervention,  
34.10 accommodations, or modifications;

34.11 (6) instructional materials, digital learning, and technology appropriate for meeting the  
34.12 individual needs of these learners;

34.13 (7) programs to reduce truancy, encourage completion of high school, enhance  
34.14 self-concept, provide health services, provide nutrition services, provide a safe and secure  
34.15 learning environment, provide coordination for pupils receiving services from other  
34.16 governmental agencies, provide psychological services to determine the level of social,  
34.17 emotional, cognitive, and intellectual development, and provide counseling services, guidance  
34.18 services, and social work services;

34.19 (8) bilingual programs, bicultural programs, and programs for English learners;

34.20 ~~(9) all-day kindergarten;~~

34.21 ~~(10)~~ (9) early education programs, parent-training programs, school readiness programs,  
34.22 ~~kindergarten~~ voluntary prekindergarten programs for four-year-olds, voluntary home visits  
34.23 under section 124D.13, subdivision 4, and other outreach efforts designed to prepare children  
34.24 for kindergarten;

34.25 ~~(11)~~ (10) extended school day and extended school year programs, including summer  
34.26 programs that may be offered directly by the site or under a performance-based contract  
34.27 with a community-based organization; and

34.28 ~~(12)~~ (11) substantial parent involvement in developing and implementing remedial  
34.29 education or intervention plans for a learner, including learning contracts between the school,  
34.30 the learner, and the parent that establish achievement goals and responsibilities of the learner  
34.31 and the learner's parent or guardian.

34.32 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

35.1 Sec. 41. Minnesota Statutes 2020, section 126C.15, subdivision 2, is amended to read:

35.2 Subd. 2. **Building allocation.** (a) A district or cooperative must allocate at least 80  
35.3 percent of its compensatory revenue to each school building in the district or cooperative  
35.4 where the children who have generated the revenue are served unless the school district or  
35.5 cooperative has received permission under Laws 2005, First Special Session chapter 5,  
35.6 article 1, section 50, to allocate compensatory revenue according to student performance  
35.7 measures developed by the school board.

35.8 (b) ~~Notwithstanding paragraph (a),~~ A district or cooperative may allocate up to 50 no  
35.9 more than 20 percent of the amount of compensatory revenue that the district receives to  
35.10 school sites according to a plan adopted by the school board. The money reallocated under  
35.11 this paragraph must be spent for the purposes listed in subdivision 1, but may be spent on  
35.12 students in any grade, including students attending school readiness or other prekindergarten  
35.13 programs.

35.14 (c) For the purposes of this section and section 126C.05, subdivision 3, "building" means  
35.15 education site as defined in section 123B.04, subdivision 1.

35.16 (d) Notwithstanding section 123A.26, subdivision 1, compensatory revenue generated  
35.17 by students served at a cooperative unit shall be paid to the cooperative unit.

35.18 (e) A district or cooperative with school building openings, school building closings,  
35.19 changes in attendance area boundaries, or other changes in programs or student demographics  
35.20 between the prior year and the current year may reallocate compensatory revenue among  
35.21 sites to reflect these changes. A district or cooperative must report to the department any  
35.22 adjustments it makes according to this paragraph and the department must use the adjusted  
35.23 compensatory revenue allocations in preparing the report required under section 123B.76,  
35.24 subdivision 3, paragraph (c).

35.25 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

35.26 Sec. 42. Minnesota Statutes 2020, section 126C.19, is amended by adding a subdivision  
35.27 to read:

35.28 Subd. 1a. **Supplemental online learning.** A shared time pupil may participate in a  
35.29 school district's supplemental online learning program in the same manner as the student  
35.30 may participate in other shared time programs.

36.1 Sec. 43. Minnesota Statutes 2020, section 127A.45, subdivision 12a, is amended to read:

36.2 Subd. 12a. **Forward shifted aid payments.** One hundred percent of the state aid in  
 36.3 fiscal years 2003 and later received under ~~section~~ sections 124D.87 and 124D.4532 must  
 36.4 be paid by the state to the recipient school district on August 30 of that year. The recipient  
 36.5 school district must recognize this aid in the previous fiscal year.

36.6 Sec. 44. Laws 2021, First Special Session chapter 13, article 1, section 9, is amended to  
 36.7 read:

36.8 **Sec. 9. ENGLISH LEARNER CROSS SUBSIDY REDUCTION AID.**

36.9 (a) Notwithstanding Minnesota Statutes, section 124D.65, English learner aid is increased  
 36.10 by \$2,000,000 ~~per year~~ for fiscal ~~years~~ year 2022, 2023, 2024, and 2025. The commissioner  
 36.11 must allocate the aid to each school district and charter school based on the school district's  
 36.12 or charter school's proportionate share of English learner and concentration revenue under  
 36.13 Minnesota Statutes, section 126C.10, subdivision 4, clauses (2) and (3), for the preceding  
 36.14 fiscal year.

36.15 (b) Revenue under this section must be used and reserved as basic skills revenue  
 36.16 according to Minnesota Statutes, section 126C.15.

36.17 Sec. 45. Laws 2021, First Special Session chapter 13, article 1, section 9, the effective  
 36.18 date, is amended to read:

36.19 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2022 ~~and~~  
 36.20 ~~expires at the end of fiscal year 2025.~~

36.21 Sec. 46. Laws 2021, First Special Session chapter 13, article 1, section 10, subdivision 2,  
 36.22 is amended to read:

36.23 Subd. 2. **General education aid.** For general education aid under Minnesota Statutes,  
 36.24 section 126C.13, subdivision 4:

36.25	<del>7,569,266,000</del>		
36.26	\$ <u>7,484,917,000</u>	.....	2022
36.27	<del>7,804,527,000</del>		
36.28	\$ <u>7,859,192,000</u>	.....	2023

36.29 The 2022 appropriation includes \$717,326,000 for 2021 and ~~\$6,851,940,000~~  
 36.30 \$6,767,591,000 for 2022.

37.1 The 2023 appropriation includes ~~\$734,520,000~~ \$751,955,000 for 2022 and  
 37.2 ~~\$7,070,007,000~~ \$7,107,237,000 for 2023.

37.3 Sec. 47. Laws 2021, First Special Session chapter 13, article 1, section 10, subdivision 5,  
 37.4 is amended to read:

37.5 Subd. 5. **Consolidation transition aid.** (a) For districts consolidating under Minnesota  
 37.6 Statutes, section 123A.485:

37.7 \$ 309,000 ..... 2022

37.8 ~~373,000~~

37.9 \$ 1,182,000 ..... 2023

37.10 (b) The 2022 appropriation includes \$30,000 for 2021 and \$279,000 for 2022.

37.11 (c) The 2023 appropriation includes \$31,000 for 2022 and ~~\$342,000~~ \$1,151,000 for  
 37.12 2023.

37.13 (d) The 2023 appropriation includes 100 percent of the amount necessary to make the  
 37.14 adjustment required under section 3.

37.15 Sec. 48. Laws 2021, First Special Session chapter 13, article 1, section 10, subdivision 6,  
 37.16 is amended to read:

37.17 Subd. 6. **Nonpublic pupil education aid.** For nonpublic pupil education aid under  
 37.18 Minnesota Statutes, sections 123B.40 to 123B.43 and 123B.87:

37.19 ~~16,991,000~~

37.20 \$ 17,224,000 ..... 2022

37.21 ~~17,450,000~~

37.22 \$ 20,706,000 ..... 2023

37.23 The 2022 appropriation includes \$1,903,000 for 2021 and ~~\$15,088,000~~ \$15,321,000 for  
 37.24 2022.

37.25 The 2023 appropriation includes ~~\$1,676,000~~ \$1,702,000 for 2022 and ~~\$15,774,000~~  
 37.26 \$19,004,000 for 2023.

37.27 Sec. 49. Laws 2021, First Special Session chapter 13, article 1, section 10, subdivision 7,  
 37.28 is amended to read:

37.29 Subd. 7. **Nonpublic pupil transportation.** For nonpublic pupil transportation aid under  
 37.30 Minnesota Statutes, section 123B.92, subdivision 9:

38.1 ~~19,770,000~~  
 38.2 \$ 19,143,000 ..... 2022  
 38.3 ~~19,906,000~~  
 38.4 \$ 19,796,000 ..... 2023

38.5 The 2022 appropriation includes \$1,910,000 for 2021 and ~~\$17,860,000~~ \$17,233,000 for  
 38.6 2022.

38.7 The 2023 appropriation includes ~~\$1,984,000~~ \$1,915,000 for 2022 and ~~\$17,922,000~~  
 38.8 \$17,881,000 for 2023.

38.9 Sec. 50. Laws 2021, First Special Session chapter 13, article 1, section 10, subdivision 9,  
 38.10 is amended to read:

38.11 Subd. 9. **Career and technical aid** For career and technical aid under Minnesota Statutes,  
 38.12 section 124D.4531, subdivision 1b:

38.13 ~~2,668,000~~  
 38.14 \$ 2,582,000 ..... 2022  
 38.15 ~~2,279,000~~  
 38.16 \$ 2,123,000 ..... 2023

38.17 The 2022 appropriation includes \$323,000 for 2021 and ~~\$2,345,000~~ \$2,259,000 for  
 38.18 2022.

38.19 The 2023 appropriation includes ~~\$260,000~~ \$251,000 for 2022 and ~~\$2,019,000~~ \$1,872,000  
 38.20 for 2023.

38.21 Sec. 51. Laws 2021, First Special Session chapter 13, article 1, section 10, subdivision  
 38.22 11, is amended to read:

38.23 Subd. 11. **English learner cross subsidy reduction aid.** ~~(a)~~ For English learner cross  
 38.24 subsidy reduction aid under section 9:

38.25 \$ 2,000,000 ..... 2022  
 38.26 \$ ~~2,000,000~~ ..... ~~2023~~

38.27 ~~(b) The base for English learner cross subsidy reduction aid is \$2,000,000 for fiscal year~~  
 38.28 ~~2024, \$2,000,000 for fiscal year 2025, and \$0 for fiscal year 2026 and later.~~

39.1        **Sec. 52. LEGISLATIVE WORKING GROUP ON IDENTIFYING THE**  
39.2        **APPROPRIATE STUDENT ELIGIBILITY METRIC FOR CALCULATING**  
39.3        **COMPENSATORY REVENUE.**

39.4        Subdivision 1. **Membership; chair.** (a) The legislative working group on compensatory  
39.5        revenue must consist of eight members as follows:

39.6        (1) four members of the house of representatives, two members appointed by the speaker  
39.7        of the house and two members appointed by the minority leader of the house of  
39.8        representatives; and

39.9        (2) four members of the senate, two members appointed by the senate majority leader  
39.10       and two members appointed by the senate minority leader.

39.11       (b) Appointing authorities must make appointments by June 15, 2022.

39.12       (c) If a vacancy occurs, the appointing authority for the vacated position must fill the  
39.13       vacancy.

39.14       (d) The speaker of the house and the senate majority leader must each designate one  
39.15       working group member from each respective body to serve as chair. The chair must rotate  
39.16       after each meeting. The person appointed as chair by the speaker of the house must convene  
39.17       the first meeting of the working group by June 30, 2022.

39.18       (e) The working group is subject to Minnesota Statutes, section 3.055.

39.19       Subd. 2. **Duties.** (a) The working group must study requirements and practices to identify  
39.20       students whose families qualify as low income for purposes of calculating compensatory  
39.21       revenue.

39.22       (b) The working group must solicit input from the state demographer, the Department  
39.23       of Education, the Children's Cabinet, the Department of Human Services, the Department  
39.24       of Revenue, school districts and charter schools, county program managers implementing  
39.25       MNBenefits, and other interested stakeholders as to the best methods to provide a direct  
39.26       match for qualifying families.

39.27       (c) For purposes of calculating compensatory revenue, the working group must consider  
39.28       the benefits and disadvantages to the yearly application for free or reduced-price meals and  
39.29       whether eligibility may be determined throughout the school year.

39.30       (d) The working group must examine the effect of the Community Eligibility Provision  
39.31       program participation on students' reported free and reduced-price meal eligibility. The

40.1 working group must also consider whether a simplified eligibility form could be used by  
40.2 students who attend Community Eligibility Provision program sites.

40.3 Subd. 3. **Assistance.** (a) To the extent practicable, the Department of Education must  
40.4 provide the working group with data necessary to analyze proposals altering the way that  
40.5 students are counted for purposes of calculating compensatory revenue.

40.6 (b) The Legislative Coordinating Commission must provide technical and administrative  
40.7 assistance to the working group upon request.

40.8 Subd. 4. **Recommendations; report.** The working group must issue a report to the  
40.9 governor and chairs and ranking minority members of the legislative committees with  
40.10 jurisdiction over kindergarten through grade 12 education by June 30, 2023.

40.11 Subd. 5. **Expiration.** The working group expires July 1, 2023.

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

40.13 Sec. 53. **APPROPRIATION; COMPENSATORY REVENUE LEGISLATIVE**  
40.14 **WORKING GROUP.**

40.15 \$23,000 in fiscal year 2023 is appropriated from the general fund to the director of the  
40.16 Legislative Coordinating Commission for purposes of section 51.

40.17 Sec. 54. **APPROPRIATION; DECLINING ENROLLMENT AID.**

40.18 (a) \$25,000,000 in fiscal year 2023 is appropriated from the general fund to the  
40.19 commissioner of education for declining enrollment aid.

40.20 (b) A public school's decline in enrollment equals the greater of zero or the difference  
40.21 between the fall 2020 enrollment and the fall 2021 enrollment.

40.22 (c) A public school's declining enrollment aid equals the ratio of the school's decline in  
40.23 enrollment in paragraph (b) to the statewide decline in enrollment times the amount  
40.24 appropriated in paragraph (a).

40.25 (d) For purposes of this section, "public school" means a school district, charter school,  
40.26 or cooperative unit under Minnesota Statutes, section 123A.24, subdivision 2.

40.27 (e) This aid is 100 percent payable in fiscal year 2023.

40.28 Sec. 55. **REPEALER.**

40.29 Minnesota Statutes 2020, section 124D.4531, subdivision 3a, is repealed.

## ARTICLE 2

## EDUCATION EXCELLENCE

41.1

41.2

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

41.4 Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision  
41.5 5, educational data is private data on individuals and shall not be disclosed except as follows:

41.6 (a) pursuant to section 13.05;

41.7 (b) pursuant to a valid court order;

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

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

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

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

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

41.21 (h) to the appropriate school district officials to the extent necessary under subdivision  
41.22 6, annually to indicate the extent and content of remedial instruction, including the results  
41.23 of assessment testing and academic performance at a postsecondary institution during the  
41.24 previous academic year by a student who graduated from a Minnesota school district within  
41.25 two years before receiving the remedial instruction;

41.26 (i) to appropriate authorities as provided in United States Code, title 20, section  
41.27 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the  
41.28 system to effectively serve, prior to adjudication, the student whose records are released;  
41.29 provided that the authorities to whom the data are released submit a written request for the  
41.30 data that certifies that the data will not be disclosed to any other person except as authorized  
41.31 by law without the written consent of the parent of the student and the request and a record  
41.32 of the release are maintained in the student's file;

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

42.4 (k) to provide student recruiting information, from educational data held by colleges  
42.5 and universities, as required by and subject to Code of Federal Regulations, title 32, section  
42.6 216;

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

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

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

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

42.20 (2) information regarding student and employee witnesses;

42.21 (3) information regarding the alleged perpetrator; and

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

42.24 (o) when the disclosure is of the final results of a disciplinary proceeding on a charge  
42.25 of a crime of violence or nonforcible sex offense to the extent authorized under United  
42.26 States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title  
42.27 34, sections 99.31 (a)(13) and (14);

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

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

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

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

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

43.12 Subd. 7. **Education records.** (a) A district, a charter school, or a nonpublic school that  
43.13 receives services or aid under sections 123B.40 to 123B.48 from which a student is  
43.14 transferring must transmit the student's educational records, within ten business days of a  
43.15 request, to the district, the charter school, or the nonpublic school in which the student is  
43.16 enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under  
43.17 sections 123B.40 to 123B.48 must make reasonable efforts to determine the district, the  
43.18 charter school, or the nonpublic school in which a transferring student is next enrolling in  
43.19 order to comply with this subdivision.

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

43.23 (c) A school district, a charter school, or a nonpublic school that receives services or aid  
43.24 under sections 123B.40 to 123B.48 that transmits a student's educational records to another  
43.25 school district or other educational entity, charter school, or nonpublic school to which the  
43.26 student is transferring must include in the transmitted records information about any formal  
43.27 suspension, expulsion, and exclusion disciplinary action, as well as pupil withdrawals, under  
43.28 sections 121A.40 to 121A.56. The transmitted records must include services a pupil needs  
43.29 to prevent the inappropriate behavior from recurring. The district, the charter school, or the  
43.30 nonpublic school that receives services or aid under sections 123B.40 to 123B.48 must  
43.31 provide notice to a student and the student's parent or guardian that formal disciplinary  
43.32 records will be transferred as part of the student's educational record, in accordance with  
43.33 data practices under chapter 13 and the Family Educational Rights and Privacy Act of 1974,  
43.34 United States Code, title 20, section 1232(g).

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

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

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

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

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

44.15 (2) mathematics and science;

44.16 (3) social studies including history, geography, economics, government, and citizenship;  
44.17 ~~and~~

44.18 (4) health and physical education; and

44.19 (5) ethnic studies.

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

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

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

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

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

44.30 (1) language arts;

- 45.1 (2) mathematics;
- 45.2 (3) science;
- 45.3 (4) social studies, including history, geography, economics, and government and  
45.4 citizenship that includes civics consistent with section 120B.02, subdivision 3;
- 45.5 (5) physical education;
- 45.6 (6) health, for which locally developed academic standards apply; and
- 45.7 (7) the arts, ~~for which statewide or locally developed academic standards apply, as~~  
45.8 ~~determined by the school district.~~ Public elementary and middle schools must offer at least  
45.9 three and require at least two of the following ~~four~~ five arts areas: media arts, dance, music,  
45.10 theater, and visual arts. Public high schools must offer at least three and require at least  
45.11 one of the following five arts areas: media arts, dance, music, theater, and visual arts.
- 45.12 (b) For purposes of applicable federal law, the academic standards for language arts,  
45.13 mathematics, and science apply to all public school students, except the very few students  
45.14 with extreme cognitive or physical impairments for whom an individualized education  
45.15 program team has determined that the required academic standards are inappropriate. An  
45.16 individualized education program team that makes this determination must establish  
45.17 alternative standards.
- 45.18 (c) The department must adopt the most recent SHAPE America (Society of Health and  
45.19 Physical Educators) kindergarten through grade 12 standards and benchmarks for physical  
45.20 education as the required physical education academic standards. The department may  
45.21 modify and adapt the national standards to accommodate state interest. The modification  
45.22 and adaptations must maintain the purpose and integrity of the national standards. The  
45.23 department must make available sample assessments, which school districts may use as an  
45.24 alternative to local assessments, to assess students' mastery of the physical education  
45.25 standards beginning in the 2018-2019 school year.
- 45.26 (d) A school district may include child sexual abuse prevention instruction in a health  
45.27 curriculum, consistent with paragraph (a), clause (6). Child sexual abuse prevention  
45.28 instruction may include age-appropriate instruction on recognizing sexual abuse and assault,  
45.29 boundary violations, and ways offenders groom or desensitize victims, as well as strategies  
45.30 to promote disclosure, reduce self-blame, and mobilize bystanders. A school district may  
45.31 provide instruction under this paragraph in a variety of ways, including at an annual assembly  
45.32 or classroom presentation. A school district may also provide parents information on the  
45.33 warning signs of child sexual abuse and available resources.

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

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

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

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

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

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

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

46.16 (5) representatives of the Minnesota business community;

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

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

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

46.24 (b) Academic standards must:

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

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

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

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

46.29 Subd. 3. **Rulemaking.** The commissioner, consistent with the requirements of this section  
46.30 and section 120B.022, must adopt statewide rules under section 14.389 for implementing

47.1 statewide rigorous core academic standards in language arts, mathematics, science, social  
47.2 studies, physical education, and the arts. After the rules authorized under this subdivision  
47.3 are initially adopted, the commissioner may not amend or repeal these rules nor adopt new  
47.4 rules on the same topic without specific legislative authorization unless done pursuant to  
47.5 subdivision 4.

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

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

47.12 (b) The commissioner of education must revise and embed technology and information  
47.13 literacy standards consistent with recommendations from school media specialists into the  
47.14 state's academic standards and graduation requirements and implement a ten-year cycle to  
47.15 review and, consistent with the review, revise state academic standards and related  
47.16 benchmarks, consistent with this subdivision. During each ten-year review and revision  
47.17 cycle, the commissioner also must examine the alignment of each required academic standard  
47.18 and related benchmark with the knowledge and skills students need for career and college  
47.19 readiness and advanced work in the particular subject area.

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

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

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

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

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

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

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

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

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

48.17       Subdivision 1. **Elective standards.** A district must establish and regularly review its  
48.18 own standards ~~in~~ for career and technical education programs. Standards must align with  
48.19 Minnesota career and technical education frameworks, standards developed by national  
48.20 career and technical education organizations, or recognized industry standards. A district  
48.21 must use the current world languages standards developed by the American Council on the  
48.22 Teaching of Foreign Languages. A school district must offer courses in all elective subject  
48.23 areas.

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

48.25       Subdivision 1. **Graduation requirements.** (a) Students ~~beginning 9th grade in the~~  
48.26 ~~2011-2012 school year and later~~ must successfully complete the following high school level  
48.27 credits for graduation:

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

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

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

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

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

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

49.16 (7) a minimum of seven elective credits.

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

49.21 (c) A student beginning 9th grade in the 2023-2024 school year and later must  
49.22 successfully complete a personal finance course for one-half credit during the student's  
49.23 senior year of high school. The course must include but is not limited to the following topics:  
49.24 creating a household budget; taking out loans and accruing debt, including how interest  
49.25 works; home mortgages; how to file taxes; the impact of student loan debt; and how to read  
49.26 a paycheck and payroll deductions. A district may provide a personal finance course through  
49.27 in-person instruction, distance instruction, or a combination of in-person and distance  
49.28 instruction. The personal finance course may satisfy a social studies requirement, a career  
49.29 and technical education requirement in accordance with local standards, or other credit  
49.30 requirement, as determined by the school board.

49.31 **EFFECTIVE DATE.** This section is effective July 1, 2022. The addition of ethnic  
49.32 studies to the social studies credit requirement is effective for students entering grade 9 in  
49.33 the 2024-2025 school year.

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

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

50.6 (b) An agriculture science or career and technical education credit may fulfill the elective  
50.7 science credit required under subdivision 1, clause (4), if the credit meets the state physical  
50.8 science, life science, earth and space science, chemistry, or physics academic standards or  
50.9 a combination of these academic standards as approved by the district. An agriculture or  
50.10 career and technical education credit may fulfill the credit in chemistry or physics required  
50.11 under subdivision 1, clause (4), if the credit meets the state chemistry or physics academic  
50.12 standards as approved by the district. A student must satisfy either all of the chemistry  
50.13 academic standards or all of the physics academic standards prior to graduation. An  
50.14 agriculture science or career and technical education credit may not fulfill the required  
50.15 biology credit under subdivision 1, clause (4).

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

50.18 (d) An ~~agriculture~~ agricultural, food, and natural resources education teacher is not  
50.19 required to meet the requirements of Minnesota Rules, part 3505.1150, subpart ~~4~~ 2, item  
50.20 B, to meet the credit equivalency requirements of paragraph (b) above.

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

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

50.26 Sec. 12. [120B.025] ETHNIC STUDIES CURRICULUM.

50.27 (a) "Ethnic studies" means the critical and interdisciplinary study of race, ethnicity, and  
50.28 indigeneity with a focus on the experiences and perspectives of people of color within and  
50.29 beyond the United States. Ethnic studies analyzes the ways in which race and racism have  
50.30 been and continue to be powerful social, cultural, and political forces, and the connections  
50.31 of race to the stratification of other groups, including stratification based on gender, class,  
50.32 sexual orientation, gender identity, disability, and legal status.

51.1 (b) Ethnic studies curriculum may be integrated into existing curricular opportunities  
51.2 or provided through additional curricular offerings.

51.3 Sec. 13. [120B.0251] ETHNIC STUDIES.

51.4 Subdivision 1. **Definition.** "Ethnic studies" has the meaning provided in section 120B.025.

51.5 Subd. 2. **Requirements.** (a) A student beginning grade 9 in the 2024-2025 school year  
51.6 and later must successfully complete a semester-long ethnic studies course to graduate from  
51.7 high school. The course must meet the minimum requirements of the model curriculum  
51.8 under subdivision 6. A district or charter school must offer an ethnic studies course that  
51.9 fulfills the requirements of this paragraph without increasing the number of credits required  
51.10 for graduation under section 120B.024.

51.11 (b) School districts and charter schools must provide ethnic studies instruction in  
51.12 elementary schools and middle schools by the 2025-2026 school year in accordance with  
51.13 Department of Education rules on ethnic studies.

51.14 (c) Ethnic studies instruction must meet statewide academic standards for ethnic studies  
51.15 curriculum.

51.16 (d) An ethnic studies course may focus specifically on a particular group of national or  
51.17 ethnic origin, including Hmong Studies or Somali Studies.

51.18 Subd. 3. **Rulemaking.** The commissioner of education must adopt rules for statewide  
51.19 academic standards for ethnic studies curriculum to be required for all kindergarten through  
51.20 grade 12 students. The rules must include a process for implementing standards statewide.

51.21 Subd. 4. **School needs assessment.** (a) A school district or charter school must conduct  
51.22 an ethnic studies school needs assessment with students, parents or guardians, and community  
51.23 members to determine the priorities for course selection, implementation, and timeline. The  
51.24 ethnic studies school needs assessment must include qualitative and quantitative components.  
51.25 Qualitative priorities must include a schoolwide listening session or feedback forum with  
51.26 students, parents or guardians, and community members. Quantitative priorities must include  
51.27 a school survey.

51.28 (b) A school district or charter school must annually evaluate the implementation of  
51.29 ethnic studies instruction by seeking feedback from students, parents or guardians, and  
51.30 community members. A school district or charter school must report to the commissioner  
51.31 of education in the form and manner determined by the commissioner on plans to modify  
51.32 implementation based on the annual evaluation.

52.1 Subd. 5. Department of Education. (a) The Department of Education must hire dedicated  
52.2 ethnic studies staff sufficient to fulfill the following department duties:

52.3 (1) monitor school district and charter school implementation of ethnic studies courses  
52.4 that fulfill ethnic studies standards;

52.5 (2) support school districts and charter schools in providing training for teachers and  
52.6 school district staff to successfully implement ethnic studies standards;

52.7 (3) require each school district or charter school to annually evaluate the implementation  
52.8 of the ethnic studies requirements by seeking feedback from students, parents or guardians,  
52.9 and community members;

52.10 (4) encourage school districts and charter schools to hire a dedicated coordinator for  
52.11 ethnic studies implementation with support from the Department of Education; and

52.12 (5) make available to school districts and charter schools the following:

52.13 (i) an ethnic studies school survey for each school district and charter school to use as  
52.14 part of a school needs assessment;

52.15 (ii) a list of recommended materials, resources, sample curricula, and pedagogical skills  
52.16 for use in kindergarten through grade 12 that accurately reflect the diversity of the state of  
52.17 Minnesota;

52.18 (iii) training materials for teachers, district staff, and school staff, including an ethnic  
52.19 studies coordinator, to implement ethnic studies requirements, including a school needs  
52.20 assessment; and

52.21 (iv) other resources to assist districts and charter schools in successfully implementing  
52.22 ethnic studies standards.

52.23 (b) The commissioner must review and revise the ethnic studies standards, once adopted,  
52.24 every ten years. Review and revision of the state standards must include robust community  
52.25 engagement and consultation with stakeholders.

52.26 Subd. 6. Model curriculum. (a) The Department of Education must encourage school  
52.27 districts and charter schools to use the model curriculum identified by the Ethnic Studies  
52.28 Task Force and to use materials authored by members of the community that is the subject  
52.29 of the course. The model curriculum must:

52.30 (1) use various forms of pedagogy to meet all students' needs, including participatory  
52.31 or research-based models for real-world connections to the current society;

53.1 (2) include a power, race, class, and gender analysis as part of the course via literature,  
 53.2 discussion, classwork, and homework as it relates to ethnic studies courses; and

53.3 (3) include an intersectional analysis of climate, health, food, housing, education, and  
 53.4 policy.

53.5 (b) The model ethnic studies curriculum must include the following topics:

53.6 (1) Latinx studies;

53.7 (2) African American studies;

53.8 (3) Asian American studies;

53.9 (4) Indigenous or First Nation studies; or

53.10 (5) introduction to ethnic studies.

53.11 **EFFECTIVE DATE.** This section is effective July 1, 2022, except subdivision 3, which  
 53.12 is effective the day following final enactment.

53.13 Sec. 14. Minnesota Statutes 2020, section 120B.026, is amended to read:

53.14 **120B.026 PHYSICAL EDUCATION; ~~EXCLUSION~~ EXCUSAL FROM CLASS;**  
 53.15 **RECESS.**

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

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

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

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

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

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

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

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

54.16 (e) "Ethnic studies" has the meaning provided in section 120B.025.

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

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

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

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

54.30 Sec. 16. Minnesota Statutes 2020, section 120B.11, subdivision 1a, is amended to read:

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

55.1 (1) the size of the academic achievement gap, rigorous course taking under section  
 55.2 120B.35, subdivision 3, paragraph (c), clause (2), participation in honors or gifted and  
 55.3 talented programming, and enrichment experiences by student subgroup;

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

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

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

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

55.9 (b) A school district that offers advanced placement, international baccalaureate, or dual  
 55.10 enrollment programs must report on the following performance measures starting in the  
 55.11 2023-2024 school year:

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

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

55.15 (3) the number of students who took the international baccalaureate exam and the number  
 55.16 of students who passed the exam.

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

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

55.20 Sec. 17. Minnesota Statutes 2020, section 120B.11, subdivision 2, is amended to read:

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

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

55.27 (2) a process to assess and evaluate each student's progress toward meeting state and  
 55.28 local academic standards; assess and identify students to participate in gifted and talented  
 55.29 programs and accelerate their instruction; ~~and;~~ adopt early-admission procedures consistent  
 55.30 with section 120B.15; assess ethnic studies curriculum needs to determine priorities for  
 55.31 integrating ethnic studies into existing courses or developing new courses; and identifying

56.1 identify the strengths and weaknesses of instruction in pursuit of student and school success  
56.2 and curriculum affecting students' progress and growth toward career and college readiness  
56.3 and leading to the world's best workforce;

56.4 (3) a system to periodically review and evaluate the effectiveness of all instruction and  
56.5 curriculum, including ethnic studies curriculum, taking into account strategies and best  
56.6 practices, student outcomes, school principal evaluations under section 123B.147, subdivision  
56.7 3, students' access to effective teachers who are members of populations underrepresented  
56.8 among the licensed teachers in the district or school and who reflect the diversity of enrolled  
56.9 students under section 120B.35, subdivision 3, paragraph (b), clause (2), and teacher  
56.10 evaluations under section 122A.40, subdivision 8, or 122A.41, subdivision 5;

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

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

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

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

56.20 (6) education effectiveness practices that:

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

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

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

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

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

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

57.3 Sec. 18. Minnesota Statutes 2020, section 120B.11, subdivision 3, is amended to read:

57.4 Subd. 3. **District advisory committee.** Each school board ~~shall~~ must establish an advisory  
57.5 committee to ensure active community participation in all phases of planning and improving  
57.6 the instruction and curriculum affecting state and district academic standards, consistent  
57.7 with subdivision 2. A district advisory committee, to the extent possible, ~~shall~~ must reflect  
57.8 the diversity of the district and its school sites, include teachers, parents, support staff,  
57.9 students, and other community residents, and provide translation to the extent appropriate  
57.10 and practicable. The district advisory committee ~~shall~~ must pursue community support to  
57.11 accelerate the academic and native literacy and achievement of English learners with varied  
57.12 needs, from young children to adults, consistent with section 124D.59, subdivisions 2 and  
57.13 2a. The district may establish site teams as subcommittees of the district advisory committee  
57.14 under subdivision 4. The district advisory committee ~~shall~~ must recommend to the school  
57.15 board: rigorous academic standards; student achievement goals and measures consistent  
57.16 with subdivision 1a and sections 120B.022, subdivisions 1a and 1b, and 120B.35; district  
57.17 assessments; means to improve students' equitable access to effective and more diverse  
57.18 teachers; strategies to ensure the curriculum is rigorous, accurate, antiracist, and culturally  
57.19 sustaining; strategies to ensure that curriculum and learning and work environments validate,  
57.20 affirm, embrace, and integrate the cultural and community strengths of all racial and ethnic  
57.21 groups; and program evaluations. School sites may expand upon district evaluations of  
57.22 instruction, curriculum, assessments, or programs. Whenever possible, parents and other  
57.23 community residents ~~shall~~ must comprise at least two-thirds of advisory committee members.

57.24 Sec. 19. **[120B.113] CLOSING EDUCATIONAL OPPORTUNITY GAPS GRANTS.**

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

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

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

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

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

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

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

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

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

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

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

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

58.31 (2) addressing institutional racism with equitable school policies, structures, practices,  
58.32 and curricular offerings, consistent with the requirements for long-term plans under section  
58.33 124D.861, subdivision 2, paragraph (c).

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

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

59.11 Sec. 20. Minnesota Statutes 2020, section 120B.12, is amended to read:

59.12 **120B.12 READING PROFICIENTLY NO LATER THAN THE END OF GRADE**  
 59.13 **3.**

59.14 Subdivision 1. **Literacy goal.** The legislature seeks to have every child reading at or  
 59.15 above grade level beginning in kindergarten and no later than the end of grade 3, including  
 59.16 English learners, and that teachers provide ~~comprehensive, scientifically based~~  
 59.17 evidence-based reading instruction through a multitiered system of support and based in  
 59.18 the science of reading by 2027. Instruction must focus on student mastery of the foundational  
 59.19 reading skills of phonemic awareness, phonics, and fluency, as well as the development of  
 59.20 oral language and vocabulary and reading comprehension skills. Students must receive  
 59.21 evidenced-based instruction based in the science of reading that is proven to effectively  
 59.22 teach children to read consistent with section 122A.06, subdivision 4.

59.23 Subd. 2. **Identification; report.** (a) Each school district must identify before the end of  
 59.24 kindergarten, grade 1, and grade 2 all students who are not ~~reading at grade level~~  
 59.25 demonstrating mastery of foundational reading skills, including phonemic awareness,  
 59.26 phonics, decoding, and fluency, using a screening tool approved by the Department of  
 59.27 Education. Students identified as not ~~reading at grade level~~ demonstrating mastery of  
 59.28 foundational reading skills by the end of kindergarten, grade 1, and grade 2 must be screened,  
 59.29 ~~in a locally determined manner~~ using a tool approved by the Department of Education, for  
 59.30 characteristics of dyslexia and screening data must be submitted to the Department of  
 59.31 Education in the form and manner prescribed by the commissioner.

59.32 (b) Students in grade 3 or higher who demonstrate a reading difficulty to a classroom  
 59.33 teacher must be screened, ~~in a locally determined manner~~ using a tool approved by the

60.1 Department of Education, for deficits in foundational reading skills and characteristics of  
60.2 dyslexia, unless a different reason for the reading difficulty has been identified.

60.3 (c) Reading assessments in English, and in the predominant languages of district students  
60.4 where practicable, must identify and evaluate students' areas of academic need related to  
60.5 literacy. The district also must monitor the progress and provide reading instruction  
60.6 appropriate to the specific needs of English learners. The district must use ~~a locally adopted,~~  
60.7 tools approved by the Department of Education that are developmentally appropriate, and  
60.8 culturally responsive ~~assessment~~ assessments and annually report summary assessment  
60.9 results to the commissioner by July 1.

60.10 (d) The district also must annually report to the commissioner by December 15 and July  
60.11 1 a summary of the district's efforts to screen and identify students who demonstrate  
60.12 characteristics of dyslexia using screening tools approved by the Department of Education  
60.13 such as those recommended by the department's dyslexia specialist. With respect to students  
60.14 screened or identified under paragraph (a), the report must include:

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

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

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

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

60.20 Subd. 2a. **Parent notification and involvement.** Schools, ~~at least annually~~ on a quarterly  
60.21 basis, must give the parent of each student who is not reading at or above grade level timely  
60.22 information about:

60.23 (1) the student's reading proficiency, including student performance on foundational  
60.24 reading skills and whether the student has been identified as demonstrating characteristics  
60.25 of dyslexia, as measured by a ~~locally adopted assessment~~ tool approved by the Department  
60.26 of Education;

60.27 (2) reading-related services currently being provided within a multitiered system of  
60.28 support framework to the student, specific curricula being used, the training and licensure  
60.29 of the teacher providing these services, how these services address identified skill deficits,  
60.30 and how the student's progress will be monitored; and

60.31 (3) strategies for parents to use at home in helping their student succeed in becoming  
60.32 grade-level proficient in reading in English and in their native language.

61.1 A district may not use this section to deny a student's right to a special education  
61.2 evaluation.

61.3 Subd. 3. **Intervention.** (a) For each student identified under subdivision 2, the district  
61.4 shall provide reading intervention to accelerate student growth and reach the goal of reading  
61.5 at or above grade level by the end of the current grade and school year. If a student does  
61.6 not read at or above grade level by the end of ~~grade 3~~ the current school year, the district  
61.7 must continue to provide reading intervention until the student reads at grade level. District  
61.8 intervention methods ~~shall encourage~~ must include family engagement and, where possible,  
61.9 collaboration with appropriate school and community programs that specialize in  
61.10 evidence-based instructional practices based in the science of reading and emphasis on  
61.11 mastery of foundational reading skills, including phonemic awareness, phonics, decoding,  
61.12 and fluency. Intervention methods must be taught by a certified or licensed reading specialist  
61.13 and may include, but are not limited to, requiring attendance in summer school, intensified  
61.14 reading instruction that may require that the student be removed from the regular classroom  
61.15 for part of the school day, extended-day programs, or programs that strengthen students'  
61.16 cultural connections.

61.17 (b) A school district or charter school ~~is strongly encouraged to~~ must provide a personal  
61.18 learning plan for a student who is unable to demonstrate grade-level proficiency, as measured  
61.19 ~~by the statewide reading assessment in grade 3~~ state-approved progress monitoring tools in  
61.20 kindergarten through grade 3. The district or charter school must determine the format of  
61.21 the personal learning plan in collaboration with the student's educators and other appropriate  
61.22 professionals. The school must develop the learning plan in consultation with the student's  
61.23 parent or guardian. The personal learning plan must address knowledge gaps and skill  
61.24 deficiencies through strategies such as specific exercises and practices during and outside  
61.25 of the regular school day, periodic assessments, and reasonable timelines. ~~The personal~~  
61.26 ~~learning plan may include grade retention, if it is in the student's best interest.~~ A school  
61.27 must maintain and regularly update and modify the personal learning plan until the student  
61.28 reads at grade level. This paragraph does not apply to a student under an individualized  
61.29 education program.

61.30 Subd. 4. **Staff development.** Each district shall use the data under subdivision 2 to  
61.31 identify the staff development needs so that:

61.32 (1) elementary teachers and early childhood educators, where appropriate, are able to  
61.33 implement comprehensive, scientifically based reading and oral language instruction based  
61.34 in the science of reading. Instruction provided by elementary teachers must include explicit,  
61.35 systematic instruction in the five reading areas of phonemic awareness, phonics, fluency,

62.1 vocabulary, and comprehension as defined in section 122A.06, subdivision 4, and other  
62.2 literacy-related areas including writing until the student achieves grade-level reading  
62.3 proficiency. Instruction provided by early childhood educators must include explicit,  
62.4 systematic instruction in phonological and phonemic awareness, oral language, including  
62.5 listening comprehension and vocabulary, and letter-sound correspondence;

62.6 (2) elementary teachers and early childhood educators, where appropriate, have sufficient  
62.7 training to provide comprehensive, scientifically based reading and oral language instruction  
62.8 based in the science of reading that meets students' developmental, linguistic, and literacy  
62.9 needs, including foundational reading skills, using the intervention methods or programs  
62.10 selected by the district for the identified students;

62.11 (3) ~~licensed teachers employed by the district have regular opportunities to improve~~  
62.12 ~~reading and writing instruction~~ by July 1, 2027, all public school kindergarten through grade  
62.13 3 teachers and support staff employed by the school district must be offered training and  
62.14 provided ongoing coaching in the science of reading using a training program approved by  
62.15 the Department of Education and must be funded with literacy incentive aid received annually  
62.16 by districts under section 124D.98;

62.17 (4) licensed teachers recognize students' diverse needs in cross-cultural settings and are  
62.18 able to serve the oral language and linguistic needs of students who are English learners by  
62.19 maximizing strengths in their native languages in order to cultivate students' English language  
62.20 development, including oral academic language development, and build academic literacy;  
62.21 and

62.22 (5) licensed teachers are well trained in culturally responsive pedagogy that enables  
62.23 students to master content, develop skills to access content, and build relationships.

62.24 Subd. 4a. **Local literacy plan.** (a) Consistent with this section, a school district must  
62.25 ~~adopt~~ submit a local literacy plan using the template provided by the Department of  
62.26 Education, to have every child in kindergarten through grade 3 developing early literacy  
62.27 skills and reading at or above grade level no later than the end of grade 3, including English  
62.28 learners. The plan must be consistent with section 122A.06, subdivision 4, and include the  
62.29 following:

62.30 (1) a process within a multitiered system of support framework to assess students' level  
62.31 of reading proficiency and ~~data to support the effectiveness of an assessment used to screen~~  
62.32 ~~and identify a student's level of reading proficiency~~ foundational reading skills that are  
62.33 characteristic of dyslexia;

63.1 (2) a process to notify and ~~involve~~ partner with parents to promote developmentally  
 63.2 appropriate and culturally relevant language and literacy support at home;

63.3 (3) a description of the data-based decision-making process within the multitiered system  
 63.4 of support framework for how schools in the district will determine the ~~proper~~ appropriate  
 63.5 reading instruction and intervention strategy for a student to meet the identified student's  
 63.6 needs and the progress monitoring process for intensifying or modifying the reading strategy,  
 63.7 instruction and intervention in order to obtain measurable reading progress;

63.8 (4) a process within a multitiered system of support framework to implement explicit,  
 63.9 systematic, evidence-based intervention methods based in the science of reading for students  
 63.10 who demonstrate foundational reading skills deficits or are not reading at or above grade  
 63.11 level and progress monitoring to provide information on the effectiveness of the intervention.  
 63.12 Intervention methods may not include the three-cueing system. Progress monitoring must  
 63.13 be completed to provide information on the effectiveness of the intervention; and

63.14 (5) a process to screen and identify students with characteristics of dyslexia as required  
 63.15 by section 120B.12; and

63.16 ~~(5)~~ (6) identification of staff development needs, including a program plan to meet those  
 63.17 needs.

63.18 (b) The district must post its literacy plan on the official school district website.

63.19 Subd. 5. **Commissioner.** The commissioner shall ~~recommend to districts multiple~~  
 63.20 ~~assessment tools~~ provide a menu of state-approved assessment tools that are aligned to the  
 63.21 English language arts state academic standards and to early childhood indicators of progress  
 63.22 to assist districts and teachers with identifying students under subdivision 2. The  
 63.23 commissioner shall also make available examples of nationally recognized and research-based  
 63.24 instructional methods or programs to districts to provide opportunities for teachers to be  
 63.25 trained in the science of reading in order to ensure the instruction being provided is  
 63.26 comprehensive, scientifically based reading instruction and intervention under this section.

63.27 Sec. 21. Minnesota Statutes 2020, section 120B.15, is amended to read:

63.28 **120B.15 GIFTED AND TALENTED STUDENTS PROGRAMS AND SERVICES.**

63.29 (a) School districts may identify students, locally develop programs and services  
 63.30 addressing instructional and affective needs, provide staff development, and evaluate  
 63.31 programs and services to provide gifted and talented students with challenging and  
 63.32 appropriate educational programs and services.

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

64.4 (1) multiple and objective criteria; and

64.5 (2) assessments and procedures that are valid and reliable, fair, and based on current  
64.6 theory and research. Assessments and procedures ~~should~~ must be sensitive and equitable  
64.7 to underrepresented groups, including, but not limited to, low-income students, ~~minority~~  
64.8 students of color and American Indian students, twice-exceptional students, students with  
64.9 504 plans, and English learners. Assessments and procedures must be coordinated to allow  
64.10 for optimal identification of programs or services for underrepresented groups.

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

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

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

64.17 (d) School districts must adopt procedures consistent with section 124D.02, subdivision  
64.18 1, for early admission to kindergarten or first grade of gifted and talented learners consistent  
64.19 with section 120B.11, subdivision 2, clause (2). The procedures must be sensitive to  
64.20 underrepresented groups.

64.21 Sec. 22. Minnesota Statutes 2020, section 120B.30, subdivision 1, is amended to read:

64.22 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts with  
64.23 appropriate technical qualifications and experience and stakeholders, consistent with  
64.24 subdivision 1a, must include in the comprehensive assessment system, for each grade level  
64.25 to be tested, state-constructed tests developed as computer-adaptive reading and mathematics  
64.26 assessments for students that are aligned with the state's required academic standards under  
64.27 section 120B.021, include multiple choice questions, and are administered annually to all  
64.28 students in grades 3 through 8. State-developed high school tests aligned with the state's  
64.29 required academic standards under section 120B.021 and administered to all high school  
64.30 students in a subject other than writing must include multiple choice questions. The  
64.31 commissioner must establish a testing period as late as possible each school year during  
64.32 which schools must administer the Minnesota Comprehensive Assessments to students. The

65.1 commissioner must publish the testing schedule at least two years before the beginning of  
65.2 the testing period.

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

65.5 (1) mathematics;

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

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

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

65.10 (3) language arts and reading; grades 3 through 8 and high school level beginning in the  
65.11 2012-2013 school year.

65.12 (c) For students enrolled in grade 8 in the 2012-2013 school year and later, students'  
65.13 state graduation requirements, based on a longitudinal, systematic approach to student  
65.14 education and career planning, assessment, instructional support, and evaluation, include  
65.15 the following:

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

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

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

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

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

66.14 (e) Though not a high school graduation requirement, students are encouraged to  
66.15 participate in a nationally recognized college entrance exam. To the extent state funding  
66.16 for college entrance exam fees is available, a district must pay the cost, one time, for an  
66.17 interested student in grade 11 or 12 who is eligible for a free or reduced-price meal, to take  
66.18 a nationally recognized college entrance exam before graduating. A student must be able  
66.19 to take the exam under this paragraph at the student's high school during the school day and  
66.20 at any one of the multiple exam administrations available to students in the district. A district  
66.21 may administer the ACT or SAT or both the ACT and SAT to comply with this paragraph.  
66.22 If the district administers only one of these two tests and a free or reduced-price meal eligible  
66.23 student opts not to take that test and chooses instead to take the other of the two tests, the  
66.24 student may take the other test at a different time or location and remains eligible for the  
66.25 examination fee reimbursement. Notwithstanding sections 123B.34 to 123B.39, a school  
66.26 district may require a student that is not eligible for a free or reduced-price meal to pay the  
66.27 cost of taking a nationally recognized college entrance exam. The district must waive the  
66.28 cost for a student unable to pay.

66.29 (f) The commissioner and the chancellor of the Minnesota State Colleges and Universities  
66.30 must collaborate in aligning instruction and assessments for adult basic education students  
66.31 and English learners to provide the students with diagnostic information about any targeted  
66.32 interventions, accommodations, modifications, and supports they need so that assessments  
66.33 and other performance measures are accessible to them and they may seek postsecondary  
66.34 education or employment without need for postsecondary remediation. When administering  
66.35 formative or summative assessments used to measure the academic progress, including the

67.1 oral academic development, of English learners and inform their instruction, schools must  
67.2 ensure that the assessments are accessible to the students and students have the modifications  
67.3 and supports they need to sufficiently understand the assessments.

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

67.15 (h) A student who demonstrates attainment of required state academic standards, which  
67.16 include career and college readiness benchmarks, on high school assessments under  
67.17 subdivision 1a is academically ready for a career or college and is encouraged to participate  
67.18 in courses awarding college credit to high school students. Such courses and programs may  
67.19 include sequential courses of study within broad career areas and technical skill assessments  
67.20 that extend beyond course grades.

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

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

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

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

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

68.16 (n) The grades 3 through 8 computer-adaptive assessments and high school tests must  
68.17 be aligned with state academic standards. The commissioner must determine the testing  
68.18 process and the order of administration. The statewide results must be aggregated at the site  
68.19 and district level, consistent with subdivision 1a.

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

68.22 (1) uniform statewide computer-adaptive assessments of all students in grades 3 through  
68.23 8 and testing at the high school levels that provides appropriate, technically sound  
68.24 accommodations or alternate assessments;

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

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

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

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

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

69.11 Sec. 23. Minnesota Statutes 2020, section 120B.30, subdivision 1a, is amended to read:

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

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

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

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

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

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

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

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

70.9 (1) annual computer-adaptive reading and mathematics assessments in grades 3 through  
70.10 8, and high school reading, writing, and mathematics tests; and

70.11 (2) annual science assessments in one grade in the grades 3 through 5 span, the grades  
70.12 6 through 8 span, and a life sciences assessment in the grades 9 through 12 span, and the  
70.13 commissioner must not require students to achieve a passing score on high school science  
70.14 assessments as a condition of receiving a high school diploma.

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

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

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

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

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

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

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

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

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

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

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

71.8 ~~(h)~~ (f) A school, school district, and charter school must administer statewide assessments  
71.9 under this section, as the assessments become available, to evaluate student progress toward  
71.10 career and college readiness in the context of the state's academic standards. A school,  
71.11 school district, or charter school may use a student's performance on a statewide assessment  
71.12 as one of multiple criteria to determine grade promotion or retention. A school, school  
71.13 district, or charter school may use a high school student's performance on a statewide  
71.14 assessment as a percentage of the student's final grade in a course, or place a student's  
71.15 assessment score on the student's transcript.

71.16 Sec. 24. Minnesota Statutes 2020, section 120B.301, is amended to read:

71.17 **120B.301 LIMITS ON LOCAL TESTING.**

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

71.24 (b) A district or charter school is exempt from the requirements of paragraph (a), if the  
71.25 district or charter school, in consultation with the exclusive representative of the teachers  
71.26 or other teachers if there is no exclusive representative of the teachers, decides to exceed a  
71.27 time limit in paragraph (a) and includes the information in the report required under section  
71.28 120B.11, subdivision 5.

71.29 (c) A district or charter school, ~~before the first day of each school year,~~ must publish on  
71.30 its website a comprehensive calendar of standardized tests to be administered in the district  
71.31 or charter school during that school year. The calendar must provide the rationale for  
71.32 administering each assessment and indicate whether the assessment is a local option or

72.1 required by state or federal law. The calendar must be published at least one week prior to  
72.2 any eligible assessments being administered and no later than October 1.

72.3 Sec. 25. Minnesota Statutes 2020, section 120B.35, subdivision 3, is amended to read:

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

72.11 (2) For purposes of paragraphs (b), (c), and (d), the commissioner must analyze and  
72.12 report, as soon as practicable, separate categories of information using the student categories  
72.13 identified under the federal Elementary and Secondary Education Act, as most recently  
72.14 reauthorized, and, in addition to "other" for each race and ethnicity, and the Karen  
72.15 community, seven of the most populous Asian ~~and Pacific Islander~~ groups, three of the most  
72.16 populous Native groups, seven of the most populous Hispanic/Latino groups, and five of  
72.17 the most populous Black and African Heritage groups ~~as determined by the total Minnesota~~  
72.18 ~~population based on the most recent American Community Survey;~~ These groups must be  
72.19 determined by a ten-year cycle using the American Community Survey of the total Minnesota  
72.20 population. The determination must be based on the most recent five-year dataset starting  
72.21 with the 2021-2025 dataset. Additional categories must include English learners under  
72.22 section 124D.59; home language; free or reduced-price ~~lunch~~ meals; and all students enrolled  
72.23 in a Minnesota public school who are currently or were previously in foster care, except  
72.24 that such disaggregation and cross tabulation is not required if the number of students in a  
72.25 category is insufficient to yield statistically reliable information or the results would reveal  
72.26 personally identifiable information about an individual student.

72.27 (b) The commissioner, in consultation with a stakeholder group that includes assessment  
72.28 and evaluation directors, district staff, experts in culturally responsive teaching, and  
72.29 researchers, must implement a an appropriate growth model that compares the difference  
72.30 in students' achievement scores over time, and includes criteria for identifying schools and  
72.31 school districts that demonstrate academic progress or progress toward English language  
72.32 proficiency. The model may be used to advance educators' professional development and  
72.33 replicate programs that succeed in meeting students' diverse learning needs. Data on

73.1 individual teachers generated under the model are personnel data under section 13.43. The  
73.2 model must allow users to:

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

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

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

73.16 (c) When reporting student performance under section 120B.36, subdivision 1, the  
73.17 commissioner annually, beginning July 1, 2011, must report two core measures indicating  
73.18 the extent to which current high school graduates are being prepared for postsecondary  
73.19 academic and career opportunities:

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

73.25 (2) a rigorous coursework measure indicating the number and percentage of high school  
73.26 graduates in the most recent school year who successfully completed one or more  
73.27 college-level advanced placement, international baccalaureate, postsecondary enrollment  
73.28 options including concurrent enrollment, other rigorous courses of study under section  
73.29 120B.021, subdivision 1a, or industry certification courses or programs.

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

74.1 (d) When reporting student performance under section 120B.36, subdivision 1, the  
74.2 commissioner annually, beginning July 1, 2014, must report summary data on school safety  
74.3 and students' engagement and connection at school, consistent with the student categories  
74.4 identified under paragraph (a), clause (2). The summary data under this paragraph are  
74.5 separate from and must not be used for any purpose related to measuring or evaluating the  
74.6 performance of classroom teachers. The commissioner, in consultation with qualified experts  
74.7 on student engagement and connection and classroom teachers, must identify highly reliable  
74.8 variables that generate summary data under this paragraph. The summary data may be used  
74.9 at school, district, and state levels only. Any data on individuals received, collected, or  
74.10 created that are used to generate the summary data under this paragraph are nonpublic data  
74.11 under section 13.02, subdivision 9.

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

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

74.18 (2) the percent of students under this paragraph whose progress and performance levels  
74.19 are meeting career and college readiness benchmarks under section 120B.30, subdivision  
74.20 1; and

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

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

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

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

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

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

74.29 (f) The commissioner, in consultation with recognized experts with knowledge and  
74.30 experience in assessing the language proficiency and academic performance of all English  
74.31 learners enrolled in a Minnesota public school course or program who are currently or were  
74.32 previously counted as an English learner under section 124D.59, must identify and report  
74.33 appropriate and effective measures to improve current categories of language difficulty and

75.1 assessments, and monitor and report data on students' English proficiency levels, program  
75.2 placement, and academic language development, including oral academic language.

75.3 (g) When reporting four- and six-year graduation rates, the commissioner or school  
75.4 district must disaggregate the data by student categories according to paragraph (a), clause  
75.5 (2).

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

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

75.14 Sec. 26. Minnesota Statutes 2020, section 120B.36, subdivision 2, is amended to read:

75.15 Subd. 2. **Student progress and other data.** (a) All data the department receives, collects,  
75.16 or creates under section 120B.11, governing the world's best workforce, or uses to determine  
75.17 federal expectations under the most recently reauthorized Elementary and Secondary  
75.18 Education Act, ~~set state growth targets,~~ and determine student growth, learning, and outcomes  
75.19 under section 120B.35 are nonpublic data under section 13.02, subdivision 9, until the  
75.20 commissioner publicly releases the data.

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

75.28 Sec. 27. **[121A.041] AMERICAN INDIAN MASCOTS PROHIBITED.**

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

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

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

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

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

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

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

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

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

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

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

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

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

76.20 (e) "Public school" or "school" means a public school under section 120A.05, subdivisions  
76.21 9, 11, 13, and 17, and a charter school under chapter 124E.

76.22 **Sec. 28. [121A.201] MULTI-TIERED SYSTEM OF SUPPORT.**

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

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

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

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

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

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

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

77.17 Sec. 29. Minnesota Statutes 2020, section 121A.41, subdivision 2, is amended to read:

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

77.21 Sec. 30. Minnesota Statutes 2020, section 121A.41, subdivision 10, is amended to read:

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

77.27 (b) "Out-of-school suspension" means an action by the school administration, under  
 77.28 rules promulgated by the school board, prohibiting a pupil from attending school for a period  
 77.29 of no more than ten school days. If a suspension is longer than five days, the suspending  
 77.30 administrator must provide the superintendent with a reason for the longer suspension. This  
 77.31 definition does not apply to dismissal from school for ~~one school day or less~~ than one school  
 77.32 day, except as provided in federal law for a student with a disability. Each suspension action

78.1 may include a readmission plan. The readmission plan shall include, where appropriate, a  
78.2 provision for implementing alternative educational services upon readmission and may not  
78.3 be used to extend the current suspension. Consistent with section 125A.091, subdivision 5,  
78.4 the readmission plan must not obligate a parent to provide a sympathomimetic medication  
78.5 for the parent's child as a condition of readmission. The school administration may not  
78.6 impose consecutive suspensions against the same pupil for the same course of conduct, or  
78.7 incident of misconduct, except where the pupil will create an immediate and substantial  
78.8 danger to self or to surrounding persons or property, or where the district is in the process  
78.9 of initiating an expulsion, in which case the school administration may extend the suspension  
78.10 to a total of 15 school days.

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

78.12 Sec. 31. Minnesota Statutes 2020, section 121A.41, is amended by adding a subdivision  
78.13 to read:

78.14 **Subd. 12. Nonexclusionary disciplinary policies and practices; alternatives to pupil**  
78.15 **removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means  
78.16 policies and practices that are alternatives to removing a pupil from class or dismissing a  
78.17 pupil from school, including evidence-based positive behavior interventions and supports,  
78.18 social and emotional services, school-linked mental health services, counseling services,  
78.19 social work services, referrals for special education or 504 evaluations, academic screening  
78.20 for Title 1 services or reading interventions, and alternative education services.  
78.21 Nonexclusionary disciplinary policies and practices require school officials to intervene in,  
78.22 redirect, and support a pupil's behavior before removing a pupil from class or beginning  
78.23 dismissal proceedings. Nonexclusionary disciplinary policies and practices include but are  
78.24 not limited to the policies and practices under sections 120B.12; 121A.575, clauses (1) and  
78.25 (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph  
78.26 (r); and 122A.627, clause (3).

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

78.28 Sec. 32. Minnesota Statutes 2020, section 121A.41, is amended by adding a subdivision  
78.29 to read:

78.30 **Subd. 13. Pupil withdrawal agreement.** "Pupil withdrawal agreement" means a verbal  
78.31 or written agreement between a school administrator or district administrator and a pupil's  
78.32 parent to withdraw a student from the school district to avoid expulsion or exclusion dismissal

79.1 proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month  
79.2 period.

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

79.4 Sec. 33. Minnesota Statutes 2020, section 121A.425, is amended to read:

79.5 **121A.425 FULL AND EQUITABLE PARTICIPATION IN ~~PRESCHOOL AND~~**  
79.6 **PREKINDERGARTEN EARLY LEARNING.**

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

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

79.13 (2) kindergarten through grade 3.

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

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

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

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

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

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

79.28 Sec. 34. Minnesota Statutes 2020, section 121A.45, subdivision 1, is amended to read:

79.29 Subdivision 1. **Provision of alternative programs.** No school shall dismiss any pupil  
79.30 without attempting to ~~provide alternative educational services~~ use nonexclusionary

80.1 disciplinary policies and practices before dismissal proceedings or pupil withdrawal  
80.2 agreements, except where it appears that the pupil will create an immediate and substantial  
80.3 danger to self or to surrounding persons or property.

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

80.5 Sec. 35. Minnesota Statutes 2020, section 121A.46, subdivision 4, is amended to read:

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

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

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

80.14 Sec. 36. Minnesota Statutes 2020, section 121A.46, is amended by adding a subdivision  
80.15 to read:

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

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

80.25 Sec. 37. Minnesota Statutes 2020, section 121A.47, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

81.10 (3) present evidence; and

81.11 (4) confront and cross-examine witnesses.

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

81.13 Sec. 38. Minnesota Statutes 2020, section 121A.47, subdivision 14, is amended to read:

81.14 Subd. 14. **Admission or readmission plan.** (a) A school administrator ~~shall~~ must prepare  
81.15 and enforce an admission or readmission plan for any pupil who is excluded or expelled  
81.16 from school. The plan ~~may~~ must include measures to improve the pupil's behavior, ~~including~~  
81.17 which may include completing a character education program, consistent with section  
81.18 120B.232, subdivision 1, ~~and~~ social and emotional learning, counseling, social work services,  
81.19 mental health services, referrals for special education or 504 evaluation, and evidence-based  
81.20 academic interventions. The plan must require parental involvement in the admission or  
81.21 readmission process, and may indicate the consequences to the pupil of not improving the  
81.22 pupil's behavior.

81.23 (b) The definition of suspension under section 121A.41, subdivision 10, does not apply  
81.24 to a student's dismissal from school for ~~one school day or less~~ less than one school day, except  
81.25 as provided under federal law for a student with a disability. Each suspension action may  
81.26 include a readmission plan. A readmission plan must provide, where appropriate, alternative  
81.27 education services, which must not be used to extend the student's current suspension period.  
81.28 Consistent with section 125A.091, subdivision 5, a readmission plan must not obligate a  
81.29 parent or guardian to provide psychotropic drugs to their student as a condition of  
81.30 readmission. School officials must not use the refusal of a parent or guardian to consent to  
81.31 the administration of psychotropic drugs to their student or to consent to a psychiatric  
81.32 evaluation, screening or examination of the student as a ground, by itself, to prohibit the

82.1 student from attending class or participating in a school-related activity, or as a basis of a  
82.2 charge of child abuse, child neglect or medical or educational neglect.

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

82.4 Sec. 39. Minnesota Statutes 2020, section 121A.53, subdivision 1, is amended to read:

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

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

82.16 Sec. 40. Minnesota Statutes 2020, section 121A.55, is amended to read:

82.17 **121A.55 POLICIES TO BE ESTABLISHED.**

82.18 (a) The commissioner of education ~~shall~~ must promulgate guidelines to assist each school  
82.19 board. Each school board ~~shall~~ must establish uniform criteria for dismissal and adopt written  
82.20 policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies  
82.21 ~~shall~~ must include nonexclusionary disciplinary policies and practices consistent with section  
82.22 121A.41, subdivision 12, and must emphasize preventing dismissals through early detection  
82.23 of problems ~~and shall.~~ The policies must be designed to address students' inappropriate  
82.24 behavior from recurring.

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

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

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

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

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

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

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

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

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

83.20 Sec. 41. Minnesota Statutes 2020, section 121A.61, subdivision 1, is amended to read:

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

83.31 Sec. 42. Minnesota Statutes 2020, section 121A.61, subdivision 3, is amended to read:

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

- 84.1 (a) rules governing student conduct and procedures for informing students of the rules;
- 84.2 (b) the grounds for removal of a student from a class;
- 84.3 (c) the authority of the classroom teacher to remove students from the classroom pursuant
- 84.4 to procedures and rules established in the district's policy;
- 84.5 (d) the procedures for removal of a student from a class by a teacher, school administrator,
- 84.6 or other school district employee;
- 84.7 (e) the period of time for which a student may be removed from a class, which may not
- 84.8 exceed five class periods for a violation of a rule of conduct;
- 84.9 (f) provisions relating to the responsibility for and custody of a student removed from
- 84.10 a class;
- 84.11 (g) the procedures for return of a student to the specified class from which the student
- 84.12 has been removed;
- 84.13 (h) the procedures for notifying a student and the student's parents or guardian of
- 84.14 violations of the rules of conduct and of resulting disciplinary actions;
- 84.15 (i) any procedures determined appropriate for encouraging early involvement of parents
- 84.16 or guardians in attempts to improve a student's behavior;
- 84.17 (j) any procedures determined appropriate for encouraging early detection of behavioral
- 84.18 problems;
- 84.19 (k) any procedures determined appropriate for referring a student in need of special
- 84.20 education services to those services;
- 84.21 (l) any procedures determined appropriate for ensuring victims of bullying who respond
- 84.22 with behavior not allowed under the school's behavior policies have access to a remedial
- 84.23 response, consistent with section 121A.031;
- 84.24 ~~(m)~~ (m) the procedures for consideration of whether there is a need for a further assessment
- 84.25 or of whether there is a need for a review of the adequacy of a current individualized
- 84.26 education program of a student with a disability who is removed from class;
- 84.27 ~~(n)~~ (n) procedures for detecting and addressing chemical abuse problems of a student
- 84.28 while on the school premises;
- 84.29 ~~(o)~~ (o) the minimum consequences for violations of the code of conduct;
- 84.30 ~~(p)~~ (p) procedures for immediate and appropriate interventions tied to violations of the
- 84.31 code;

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

85.4 ~~(q)~~ (r) an agreement regarding procedures to coordinate crisis services to the extent funds  
85.5 are available with the county board responsible for implementing sections 245.487 to  
85.6 245.4889 for students with a serious emotional disturbance or other students who have an  
85.7 individualized education program whose behavior may be addressed by crisis intervention;  
85.8 ~~and~~

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

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

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

85.17 Sec. 43. Minnesota Statutes 2020, section 121A.61, is amended by adding a subdivision  
85.18 to read:

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

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

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

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

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

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

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

86.11 **Sec. 44. [121A.611] RECESS AND OTHER BREAKS.**

86.12 (a) "Recess detention" as used in this chapter means excluding or excessively delaying  
86.13 a student from participating in a scheduled recess period as a consequence for student  
86.14 behavior. Recess detention does not include, among other things, providing alternative  
86.15 recess at the student's choice.

86.16 (b) A school district or charter school is encouraged to ensure student access to structured  
86.17 breaks from the demands of school and to support teachers, principals, and other school  
86.18 staff in their efforts to use evidence-based approaches to reduce exclusionary forms of  
86.19 discipline.

86.20 (c) A school district or charter school must not use recess detention unless:

86.21 (1) a student causes or is likely to cause serious physical harm to other students or staff;

86.22 (2) the student's parent or guardian specifically consents to the use of recess detention;

86.23 or

86.24 (3) for students receiving special education services, the student's individualized education  
86.25 program team has determined that withholding recess is appropriate based on the  
86.26 individualized needs of the student.

86.27 (d) A school district or charter school must require school staff to make a reasonable  
86.28 attempt to notify a parent or guardian within 24 hours of using recess detention.

86.29 (e) A school district or charter school must compile information on each recess detention  
86.30 at the end of each school year, including the student's age, grade, gender, race or ethnicity,  
86.31 and special education status. A school district or charter school is encouraged to use the

87.1 data in professional development promoting the use of nonexclusionary discipline. This  
87.2 information must be available to the public upon request.

87.3 (f) A school district must not withhold or excessively delay a student's participation in  
87.4 scheduled mealtimes. This section does not alter a district's existing responsibilities under  
87.5 section 124D.111 or other state or federal law.

87.6 Sec. 45. Minnesota Statutes 2020, section 122A.06, subdivision 4, is amended to read:

87.7 Subd. 4. **Comprehensive, scientifically based reading instruction.** (a) "Comprehensive,  
87.8 scientifically based reading instruction" includes a program or collection of instructional  
87.9 practices that is based on valid, replicable evidence showing that when these programs or  
87.10 practices are used, students can be expected to achieve, at a minimum, satisfactory reading  
87.11 progress. The program or collection of practices must include, at a minimum, effective,  
87.12 ~~balanced~~ explicit, systematic instruction based in the science of reading with instruction in  
87.13 all five areas of reading: phonemic awareness, phonics, fluency, vocabulary development,  
87.14 and reading comprehension.

87.15 Comprehensive, scientifically based reading instruction also occurs within a multitiered  
87.16 system of support framework. A multitiered system of support includes and integrates  
87.17 instructional strategies for continuously assessing, evaluating, and communicating the  
87.18 student's reading progress and needs in order to design and implement ongoing instruction  
87.19 and interventions based in the science of reading so that students of all ages and proficiency  
87.20 levels can read and comprehend text, write, and apply higher level thinking skills. Instruction  
87.21 within a multitiered system of support framework includes core, supplemental, and intensive  
87.22 reading instruction used at each grade level, including prekindergarten through third grade,  
87.23 and must be designed around teaching the five foundational reading skills based in the  
87.24 science of reading. For English learners developing literacy skills, districts are encouraged  
87.25 to use strategies that teach reading and writing in the students' native language and English  
87.26 at the same time.

87.27 (b) For the purposes of this subdivision, the following terms have the meanings given:

87.28 ~~(b)~~ (1) "Fluency" is means the ability of students to read text with speed, accuracy, and  
87.29 proper expression.

87.30 ~~(c)~~ (2) "Phonemic awareness" is means the ability of students to notice, think about, and  
87.31 manipulate individual sounds in spoken syllables and words.

88.1 (3) "Phonics instruction" means the explicit, systematic, and direct instruction of the  
88.2 relationships between letters and the sounds they represent and the application of this  
88.3 knowledge in reading and spelling.

88.4 ~~(d)~~ (4) "Phonics" is means the understanding that there are systematic and predictable  
88.5 relationships between written letters and spoken words. Phonics instruction is a way of  
88.6 teaching reading that stresses learning how letters correspond to sounds and how to apply  
88.7 this knowledge in reading and spelling.

88.8 ~~(e)~~ (5) "Reading comprehension" is means an active process that requires intentional  
88.9 thinking during which meaning is constructed through interactions between text and reader.  
88.10 Comprehension skills are taught explicitly by demonstrating, explaining, modeling, and  
88.11 implementing specific cognitive strategies to help beginning readers derive meaning through  
88.12 intentional, problem-solving thinking processes.

88.13 ~~(f)~~ (6) "Vocabulary development" is means the process of teaching vocabulary both  
88.14 directly and indirectly, with repetition and multiple exposures to vocabulary items. Learning  
88.15 in rich contexts, incidental learning, and use of computer technology enhance the acquiring  
88.16 of vocabulary.

88.17 (7) "Foundational reading skills" means phonological and phonemic awareness, phonics  
88.18 or decoding, and fluency. Foundational reading skills appropriate to each grade level must  
88.19 be mastered in kindergarten, grade 1, and grade 2. Struggling readers in grade 3 and higher  
88.20 who demonstrate deficits in foundational reading skills may require explicit, systematic  
88.21 instruction to reach mastery.

88.22 (8) A "multitiered system of support" means a systematic preventative approach that  
88.23 addresses the academic, behavioral, and social-emotional needs of all students at the core  
88.24 (universal), targeted (Tier I), and intensive (Tier II) levels. Through a multitiered system  
88.25 of support a teacher must provide high quality, scientifically based or evidence-based  
88.26 instruction and intervention that is matched to a student's needs; uses a method monitoring  
88.27 progress frequently to inform decisions about instruction and goals; and applies data literacy  
88.28 skills to educational decision making.

88.29 (c) Beginning in the 2022-2023 school year, a public school district or charter school  
88.30 must transition away from a program of instruction for students in kindergarten through  
88.31 grade 2 that is based in any practice or intervention program that uses:

88.32 (1) visual memory as the primary basis for teaching word recognition; or

89.1 (2) the three-cueing system model of reading based on meaning, structure and syntax,  
 89.2 and visual, which is also known as "MSV."

89.3 ~~(g)~~ (d) Nothing in this subdivision limits the authority of a school district to select a  
 89.4 school's reading program or curriculum.

89.5 Sec. 46. Minnesota Statutes 2020, section 124D.09, subdivision 3, is amended to read:

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

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

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

89.17 (c) "Concurrent enrollment" means nonsectarian courses in which an eligible pupil under  
 89.18 subdivision 5 or 5b enrolls to earn both secondary and postsecondary credits, are taught by  
 89.19 a secondary teacher or a postsecondary faculty member, and are offered at a high school  
 89.20 for which the district is eligible to receive concurrent enrollment program aid under section  
 89.21 124D.091.

89.22 Sec. 47. Minnesota Statutes 2020, section 124D.09, subdivision 9, is amended to read:

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

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

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

90.11 (d) If a postsecondary institution enrolls a secondary school pupil in a course under this  
90.12 section, the postsecondary institution also must enroll in the same course an otherwise  
90.13 enrolled and qualified postsecondary student who qualifies as a veteran under section  
90.14 197.447, and demonstrates to the postsecondary institution's satisfaction that the institution's  
90.15 established enrollment timelines were not practicable for that student.

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

90.19 Sec. 48. Minnesota Statutes 2020, section 124D.09, subdivision 10, is amended to read:

90.20 Subd. 10. **Courses according to agreements.** (a) An eligible pupil, according to  
90.21 subdivision 5, may enroll in a nonsectarian course taught by a secondary teacher or a  
90.22 postsecondary faculty member and offered at a secondary school, or another location,  
90.23 according to an agreement between a public school board and the governing body of an  
90.24 eligible public postsecondary system or an eligible private postsecondary institution, as  
90.25 defined in subdivision 3. All provisions of this section apply to a pupil, public school board,  
90.26 district, and the governing body of a postsecondary institution, except as otherwise provided.  
90.27 A secondary school or a postsecondary institution that enrolls eligible pupils in courses  
90.28 according to agreements must annually report to the commissioner the participation rates  
90.29 of pupils enrolled in courses according to agreements, including the number of pupils  
90.30 enrolled and the number of courses taken for postsecondary credit.

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

91.1 grants under this paragraph, "eligible institution" includes schools and districts that partner  
91.2 with an accredited college or university in addition to postsecondary institutions identified  
91.3 in subdivision 3, paragraph (a). Grant recipients under this paragraph must annually report  
91.4 to the commissioner in a form and manner determined by the commissioner on the  
91.5 participation rates of students in courses under this paragraph, including the number of  
91.6 students who apply for admission to colleges or universities with teacher preparation  
91.7 programs and the number of students of color and American Indian students who earned  
91.8 postsecondary credit. Grant recipients must also describe recruiting efforts intended to  
91.9 ensure that the percentage of participating students who are of color or American Indian  
91.10 meets or exceeds the overall percentage of students of color or American Indian students  
91.11 in the school.

91.12 Sec. 49. Minnesota Statutes 2020, section 124D.09, subdivision 12, is amended to read:

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

91.15 (b) A district shall grant academic credit to a pupil enrolled in a course for secondary  
91.16 credit if the pupil successfully completes the course. Seven quarter or four semester college  
91.17 credits equal at least one full year of high school credit. Fewer college credits may be  
91.18 prorated. A district must also grant academic credit to a pupil enrolled in a course for  
91.19 postsecondary credit if secondary credit is requested by a pupil. If no comparable course is  
91.20 offered by the district, the district must, as soon as possible, notify the commissioner, who  
91.21 shall determine the number of credits that shall be granted to a pupil who successfully  
91.22 completes a course. If a comparable course is offered by the district, the school board shall  
91.23 grant a comparable number of credits to the pupil. If there is a dispute between the district  
91.24 and the pupil regarding the number of credits granted for a particular course, the pupil may  
91.25 appeal the board's decision to the commissioner. The commissioner's decision regarding  
91.26 the number of credits shall be final.

91.27 (c) A school board must adopt a policy regarding weighted grade point averages for any  
91.28 high school or dual enrollment course. A school board must adopt an identical policy  
91.29 regarding weighted grade point averages for credits earned via postsecondary coursework  
91.30 as for credits earned via concurrent enrollment coursework. The policy must state whether  
91.31 the district offers weighted grades. A school board must annually publish on its website a  
91.32 list of courses for which a student may earn a weighted grade.

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

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

92.7 (e) If a pupil enrolls in a postsecondary institution after leaving secondary school, the  
92.8 postsecondary institution must award postsecondary credit for any course successfully  
92.9 completed for secondary credit at that institution. Other postsecondary institutions may  
92.10 award, after a pupil leaves secondary school, postsecondary credit for any courses  
92.11 successfully completed under this section. An institution may not charge a pupil for the  
92.12 award of credit.

92.13 (f) The Board of Trustees of the Minnesota State Colleges and Universities and the  
92.14 Board of Regents of the University of Minnesota must, and private nonprofit and proprietary  
92.15 postsecondary institutions should, award postsecondary credit for any successfully completed  
92.16 courses in a program certified by the National Alliance of Concurrent Enrollment Partnerships  
92.17 offered according to an agreement under subdivision 10. Consistent with section 135A.101,  
92.18 subdivision 3, all MnSCU institutions must give full credit to a secondary pupil who  
92.19 completes for postsecondary credit a postsecondary course or program that is part or all of  
92.20 a goal area or a transfer curriculum at a MnSCU institution when the pupil enrolls in a  
92.21 MnSCU institution after leaving secondary school. Once one MnSCU institution certifies  
92.22 as completed a secondary student's postsecondary course or program that is part or all of a  
92.23 goal area or a transfer curriculum, every MnSCU institution must consider the student's  
92.24 course or program for that goal area or the transfer curriculum as completed.

92.25 Sec. 50. Minnesota Statutes 2020, section 124D.09, subdivision 13, is amended to read:

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

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

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

93.3 A postsecondary institution shall receive the following:

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

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

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

93.17 Sec. 51. Minnesota Statutes 2020, section 124D.128, subdivision 1, is amended to read:

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

93.24 Sec. 52. Minnesota Statutes 2020, section 124D.2211, is amended to read:

93.25 **124D.2211 AFTER-SCHOOL COMMUNITY LEARNING PROGRAMS.**

93.26 Subdivision 1. **Establishment.** A competitive statewide after-school community learning  
 93.27 grant program is established to provide grants to ~~community or nonprofit organizations,~~  
 93.28 ~~political subdivisions, for-profit or nonprofit child care centers, or school-based programs~~  
 93.29 ~~that serve youth after school or during nonschool hours~~ organizations that offer academic  
 93.30 and enrichment activities for elementary and secondary school students during nonschool  
 93.31 hours. Grants must be used to offer a broad array of enrichment activities that promote  
 93.32 positive after-school activities, including art, music, community engagement, literacy,

94.1 science, technology, engineering, math, health, and recreation programs. The commissioner  
 94.2 ~~shall~~ must develop criteria for after-school community learning programs. The commissioner  
 94.3 may award grants under this section to community or nonprofit organizations, Minnesota  
 94.4 Tribal governments, political subdivisions, public libraries, for-profit or nonprofit child care  
 94.5 centers, or school-based programs that serve youth after school or during nonschool hours.

94.6 Subd. 2. ~~Program outcomes~~ Objectives. The ~~expected outcomes~~ objectives of the  
 94.7 after-school community learning programs are to ~~increase~~:

94.8 ~~(1) school connectedness of participants;~~

94.9 ~~(2) academic achievement of participating students in one or more core academic areas;~~

94.10 ~~(3) the capacity of participants to become productive adults; and~~

94.11 ~~(4) prevent truancy from school and prevent juvenile crime.~~

94.12 (1) increase access to protective factors that build young people's capacity to become  
 94.13 productive adults, such as through connections to a caring adult in order to promote healthy  
 94.14 behavior, attitudes, and relationships;

94.15 (2) develop skills and behaviors necessary to succeed in postsecondary education or  
 94.16 career opportunities;

94.17 (3) encourage school attendance and improve academic performance in accordance with  
 94.18 the state's world's best workforce goals under section 120B.11; and

94.19 (4) expand program access in underserved communities.

94.20 Subd. 3. **Grants.** (a) An applicant ~~shall~~ must submit an after-school community learning  
 94.21 program proposal to the commissioner. The submitted ~~plan~~ proposal must include:

94.22 (1) collaboration with and leverage of existing community resources that have  
 94.23 demonstrated effectiveness;

94.24 (2) outreach to children and youth; ~~and~~

94.25 ~~(3) involvement of local governments, including park and recreation boards or schools,~~  
 94.26 ~~unless no government agency is appropriate.~~

94.27 ~~Proposals will be reviewed and approved by the commissioner.~~

94.28 (3) an explanation of how the proposal will support the objectives identified in subdivision  
 94.29 2; and

94.30 (4) a plan to implement effective after-school practices and provide staff access to  
 94.31 professional development opportunities.

95.1 (b) The commissioner must review proposals and award grants to programs that:

95.2 (1) primarily serve low-income and underserved students; and

95.3 (2) provide opportunities for academic enrichment, and a broad array of additional  
 95.4 services and activities to meet program objectives.

95.5 (c) To the extent practicable, the commissioner must award grants equitably among the  
 95.6 geographic areas of Minnesota, including rural, suburban, and urban communities.

95.7 (d) The commissioner must award grants without giving preference to any particular  
 95.8 grade of students served by an applicant program.

95.9 Subd. 4. **Technical assistance and continuous improvement.** (a) The commissioner  
 95.10 must monitor and evaluate the performance of grant recipients to assess the effectiveness  
 95.11 of after-school community learning programs in meeting the objectives identified in  
 95.12 subdivision 2.

95.13 (b) The commissioner must contract with a nonprofit organization serving as the statewide  
 95.14 after-school network to provide capacity building, professional development, and continuous  
 95.15 program improvement supports to grant recipients, including guidance on effective practices  
 95.16 for after-school programs.

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

95.18 Sec. 53. Minnesota Statutes 2020, section 124D.74, subdivision 1, is amended to read:

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

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

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

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

95.26 (4) provide positive reinforcement of the self-image of American Indian pupils;

95.27 (5) develop intercultural awareness among pupils, parents, and staff; and

95.28 (6) supplement, not supplant, state and federal educational and cocurricular programs.

95.29 Program services designed to increase completion and graduation rates of American Indian  
 95.30 students must emphasize academic achievement, retention, and attendance; development

96.1 of support services for staff, including in-service training and technical assistance in methods  
96.2 of teaching American Indian pupils; research projects, including innovative teaching  
96.3 approaches and evaluation of methods of relating to American Indian pupils; provision of  
96.4 career counseling to American Indian pupils; modification of curriculum, instructional  
96.5 methods, and administrative procedures to meet the needs of American Indian pupils; and  
96.6 ~~supplemental~~ instruction in American Indian language, literature, history, and culture.

96.7 Districts offering programs may make contracts for the provision of program services by  
96.8 establishing cooperative liaisons with Tribal programs and American Indian social service  
96.9 agencies. These programs may also be provided as components of early childhood and  
96.10 family education programs.

96.11 Sec. 54. Minnesota Statutes 2020, section 124D.74, subdivision 3, is amended to read:

96.12 Subd. 3. **Enrollment of other children; shared time enrollment.** To the extent ~~it is~~  
96.13 ~~economically feasible~~ that the unique educational and culturally related academic needs of  
96.14 American Indian people are met and American Indian student accountability factors are the  
96.15 same or higher than their non-American Indian peers, a district or participating school may  
96.16 make provision for the voluntary enrollment of non-American Indian children in the  
96.17 instructional components of an American Indian education program in order that they may  
96.18 acquire an understanding of the cultural heritage of the American Indian children for whom  
96.19 that particular program is designed. However, in determining eligibility to participate in a  
96.20 program, priority must be given to American Indian children. American Indian children  
96.21 ~~and other children~~ enrolled in an existing nonpublic school system may be enrolled on a  
96.22 shared time basis in American Indian education programs.

96.23 Sec. 55. Minnesota Statutes 2020, section 124D.74, subdivision 4, is amended to read:

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

96.29 Sec. 56. Minnesota Statutes 2020, section 124D.74, is amended by adding a subdivision  
96.30 to read:

96.31 Subd. 7. **American Indian culture and language classes.** Any district or participating  
96.32 school that conducts American Indian education programs pursuant to sections 124D.71 to

97.1 124D.82 and serves 100 or more state-identified American Indian students enrolled in the  
 97.2 district must provide American Indian culture and language classes.

97.3 Sec. 57. Minnesota Statutes 2020, section 124D.76, is amended to read:

97.4 **124D.76 COMMUNITY COORDINATORS, INDIAN HOME/SCHOOL LIAISONS**  
 97.5 **AMERICAN INDIAN EDUCATION PROGRAM COORDINATORS,**  
 97.6 **PARAPROFESSIONALS.**

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

97.11 Any district or participating school ~~which~~ that conducts American Indian education  
 97.12 programs pursuant to sections 124D.71 to 124D.82 must employ one or more full-time or  
 97.13 part-time ~~community coordinators or Indian home/school liaisons if there are~~ dedicated  
 97.14 American Indian education program coordinators in a district with 100 or more  
 97.15 state-identified American Indian students enrolled in the district. ~~Community coordinators~~  
 97.16 ~~shall~~ A dedicated American Indian education program coordinator must promote  
 97.17 communication, understanding, and cooperation between the schools and the community  
 97.18 and shall must visit the homes of children who are to be enrolled in an American Indian  
 97.19 education program in order to convey information about the program.

97.20 Sec. 58. Minnesota Statutes 2020, section 124D.78, is amended to read:

97.21 **124D.78 PARENT AND COMMUNITY PARTICIPATION.**

97.22 Subdivision 1. **Parent committee.** School districts, charter schools, Tribal contract  
 97.23 schools, and their respective school boards and American Indian schools must provide for  
 97.24 the maximum involvement of parents of American Indian children enrolled in American  
 97.25 Indian education programs, programs for elementary and secondary grades, special education  
 97.26 programs, and support services. Accordingly, ~~the board of a school district~~ districts, charter  
 97.27 schools, and Tribal contract schools in which there are ten or more state-identified American  
 97.28 Indian students enrolled ~~and each American Indian school~~ must establish an American  
 97.29 Indian ~~education~~ Parent Advisory Committee. If a committee whose membership consists  
 97.30 of a majority of parents of American Indian children has been or is established according  
 97.31 to federal, tribal, or other state law, that committee may serve as the committee required by  
 97.32 this section and is subject to, at least, the requirements of this subdivision and subdivision  
 97.33 2.

98.1 The American Indian ~~education~~ Parent Advisory Committee must develop its  
98.2 recommendations in consultation with the curriculum advisory committee required by  
98.3 section 120B.11, subdivision 3. This committee must afford parents the necessary information  
98.4 and the opportunity effectively to express their views concerning all aspects of American  
98.5 Indian education and the educational needs of the American Indian children enrolled in the  
98.6 school or program. ~~The school board or American Indian school~~ Districts, charter schools,  
98.7 and Tribal contract schools must ensure that programs are planned, operated, and evaluated  
98.8 with the involvement of and in consultation with parents of the American Indian students  
98.9 served by the programs.

98.10 Subd. 2. ~~Resolution of concurrence~~ **Annual compliance.** Prior to March 1 of each  
98.11 year, the school board or American Indian school must submit to the department a copy of  
98.12 a resolution adopted by the American Indian education Parent Advisory Committee. The  
98.13 copy must be signed by the chair of the committee and must state whether the committee  
98.14 concur with the educational programs for American Indian students offered by the school  
98.15 board or American Indian school. If the committee does not concur with the educational  
98.16 programs, the reasons for nonconcurrence and recommendations shall be submitted directly  
98.17 to the school board with the resolution. By resolution, the board must respond in writing  
98.18 within 60 days, in cases of nonconcurrence, to each recommendation made by the committee  
98.19 and state its reasons for not implementing the recommendations. must meet to discuss  
98.20 whether or not they concur with the educational offerings that have been extended by the  
98.21 district to American Indian students. If the committee finds that the district, charter school,  
98.22 Tribal contract school, and the school board have been meeting the needs of American  
98.23 Indian students, the committee must issue a vote and resolution of concurrence. If the  
98.24 committee finds that the needs of American Indian students are not being met, the committee  
98.25 must issue a vote and resolution of nonconcurrence. The vote and resolution must be  
98.26 presented to the school board by one or more members of the American Indian Parent  
98.27 Advisory Committee. The vote must be formally reflected on documentation provided by  
98.28 the Department of Education and must be submitted annually on March 1. If the vote is one  
98.29 of nonconcurrence, the committee must provide written recommendations for improvement  
98.30 to the school board at the time of the presentation. In the case of nonconcurrence, the school  
98.31 board is given 60 days in which to respond, in writing, to the committee's recommendations.  
98.32 The board response must be signed by the entire school board and submitted to both the  
98.33 American Indian Parent Advisory Committee and to the Department of Education.

98.34 Subd. 3. **Membership.** The American Indian ~~education~~ Parent Advisory Committee  
98.35 must be composed of parents or guardians of American Indian children eligible to be enrolled

99.1 in American Indian education programs; American Indian secondary students ~~eligible to~~  
 99.2 ~~be served~~; American Indian family members of students eligible to be enrolled in American  
 99.3 Indian education programs; American Indian language and culture education teachers and  
 99.4 paraprofessionals; American Indian teachers; American Indian district employees; American  
 99.5 Indian counselors; adult American Indian people enrolled in educational programs; and  
 99.6 ~~representatives from community groups~~ American Indian community members. ~~A~~ The  
 99.7 majority of each committee must be parents or guardians of American Indian children  
 99.8 enrolled or eligible to be enrolled in the programs. ~~The number of parents of American~~  
 99.9 ~~Indian and non-American Indian children shall reflect approximately the proportion of~~  
 99.10 ~~children of those groups enrolled in the programs.~~

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

99.15 Subd. 5. **State-identified American Indian.** For the purposes of sections 124D.71 to  
 99.16 124D.82, students who identify as American Indian or Alaska Native, using the state  
 99.17 definition in effect on October 1 of the previous school year, will be used to determine the  
 99.18 state-identified American Indian student counts for districts, charter schools, and Tribal  
 99.19 contract schools for the subsequent school year.

99.20 Sec. 59. Minnesota Statutes 2020, section 124D.791, subdivision 4, is amended to read:

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

99.22 (1) ~~serve as the liaison for the department~~ work collaboratively and in conjunction with  
 99.23 the Tribal Liaison, the Tribal Nations Education Committee, the 11 Tribal communities  
 99.24 Nations in Minnesota, the Minnesota Chippewa Tribe, and the Minnesota Indian Affairs  
 99.25 Council;

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

99.27 (3) engage the tribal bodies, community groups, parents of children eligible to be served  
 99.28 by American Indian education programs, American Indian administrators and teachers,  
 99.29 persons experienced in the training of teachers for American Indian education programs,  
 99.30 the tribally controlled schools, and other persons knowledgeable in the field of American  
 99.31 Indian education and seek their advice on policies that can improve the quality of American  
 99.32 Indian education;

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

- 100.1 (i) issues facing American Indian students;
- 100.2 (ii) policies for American Indian education;
- 100.3 (iii) awarding scholarships to eligible American Indian students and in administering
- 100.4 the commissioner's duties regarding awarding of American Indian education grants to school
- 100.5 districts; and
- 100.6 (iv) administration of the commissioner's duties under sections 124D.71 to 124D.82 and
- 100.7 other programs for the education of American Indian people;
- 100.8 (5) propose to the commissioner legislative changes that will improve the quality of
- 100.9 American Indian education;
- 100.10 (6) develop a strategic plan and a long-term framework for American Indian education,
- 100.11 in conjunction with the Minnesota Indian Affairs Council, that is updated every five years
- 100.12 and implemented by the commissioner, with goals to:
- 100.13 (i) increase American Indian student achievement, including increased levels of
- 100.14 proficiency and growth on statewide accountability assessments;
- 100.15 (ii) increase the number of American Indian teachers in public schools;
- 100.16 (iii) close the achievement gap between American Indian students and their more
- 100.17 advantaged peers;
- 100.18 (iv) increase the statewide graduation rate for American Indian students; and
- 100.19 (v) increase American Indian student placement in postsecondary programs and the
- 100.20 workforce; and
- 100.21 (7) keep the American Indian community informed about the work of the department
- 100.22 by reporting to the Tribal Nations Education Committee at each committee meeting.

100.23 **Sec. 60. [124D.792] GRADUATION CEREMONIES; TRIBAL REGALIA AND**

100.24 **OBJECTS OF CULTURAL SIGNIFICANCE.**

100.25 A school district or charter school must not prohibit an American Indian student from

100.26 wearing American Indian regalia, Tribal regalia, or objects of cultural significance at

100.27 graduation ceremonies.

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

101.1 Sec. 61. Minnesota Statutes 2020, section 124D.81, subdivision 1, is amended to read:

101.2 Subdivision 1. **Procedures.** A school district, charter school, or American  
101.3 Indian-controlled Tribal contract or grant school enrolling at least 20 American Indian  
101.4 students identified by the state count on October 1 of the previous school year ~~and operating~~  
101.5 ~~an American Indian education program according to section 124D.74~~ is eligible for American  
101.6 Indian education aid if it meets the requirements of this section. Programs may provide for  
101.7 contracts for the provision of program components by nonsectarian nonpublic, community,  
101.8 Tribal, charter, or alternative schools. The commissioner shall prescribe the form and manner  
101.9 of application for aids, and no aid shall be made for a program not complying with the  
101.10 requirements of sections 124D.71 to 124D.82.

101.11 Sec. 62. Minnesota Statutes 2020, section 124D.81, subdivision 2, is amended to read:

101.12 Subd. 2. **Plans.** To ~~qualify for~~ receive aid, an eligible district, charter school, or Tribal  
101.13 contract school must develop and submit a plan for approval by the Indian education director  
101.14 that shall:

101.15 (a) Identify the measures to be used to meet the requirements of sections 124D.71 to  
101.16 124D.82;

101.17 (b) Identify the activities, methods and programs to meet the identified educational needs  
101.18 of the children to be enrolled in the program;

101.19 (c) Describe how district goals and objectives as well as the objectives of sections  
101.20 124D.71 to 124D.82 are to be achieved;

101.21 (d) Demonstrate that required and elective courses as structured do not have a  
101.22 discriminatory effect within the meaning of section 124D.74, subdivision 5;

101.23 (e) Describe how each school program will be organized, staffed, coordinated, and  
101.24 monitored; and

101.25 (f) Project expenditures for programs under sections 124D.71 to 124D.82.

101.26 Sec. 63. Minnesota Statutes 2020, section 124D.81, subdivision 2a, is amended to read:

101.27 Subd. 2a. **American Indian education aid.** (a) The American Indian education aid  
101.28 allowance equals \$358 for fiscal years 2022 and 2023. The American Indian education aid  
101.29 allowance for fiscal year 2024 and later equals the product of \$358 times the ratio of the  
101.30 formula allowance under section 126C.10, subdivision 2, for the current fiscal year to the  
101.31 formula allowance under section 126C.10, subdivision 2, for fiscal year 2023.

102.1 (b) The American Indian education aid minimum equals \$20,000 for fiscal years 2022.  
102.2 The American Indian education aid minimum equals \$40,000 for fiscal year 2023. The  
102.3 American Indian education aid minimum for fiscal year 2024 and later equals the product  
102.4 of \$40,000 times the ratio of the formula allowance under section 126C.10, subdivision 2,  
102.5 for the current fiscal year to the formula allowance under section 126C.10, subdivision 2,  
102.6 for fiscal year 2023.

102.7 ~~(a)~~ (c) The American Indian education aid for an eligible district, charter school, or  
102.8 Tribal contract school equals the greater of (1) the sum of ~~\$20,000~~ the American Indian  
102.9 education aid minimum plus the product of ~~\$358~~ the American Indian education aid  
102.10 allowance times the difference between the number of American Indian students enrolled  
102.11 on October 1 of the previous school year and 20; or (2) if the district or school received a  
102.12 grant under this section for fiscal year 2015, the amount of the grant for fiscal year 2015.

102.13 ~~(b)~~ (d) Notwithstanding paragraph ~~(a)~~ (c), the American Indian education aid must not  
102.14 exceed the district, charter school, or Tribal contract school's actual expenditure according  
102.15 to the approved plan under subdivision 2.

102.16 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

102.17 Sec. 64. Minnesota Statutes 2020, section 124D.81, subdivision 5, is amended to read:

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

102.24 Sec. 65. Minnesota Statutes 2020, section 124D.83, subdivision 2, is amended to read:

102.25 Subd. 2. **Revenue amount.** An American Indian-controlled tribal contract or grant school  
102.26 that is located on a reservation within the state and that complies with the requirements in  
102.27 subdivision 1 is eligible to receive tribal contract or grant school aid. The amount of aid is  
102.28 derived by:

102.29 (1) multiplying the formula allowance under section 126C.10, subdivision 2, ~~less \$170,~~  
102.30 times the difference between (i) the resident pupil units as defined in section 126C.05,  
102.31 subdivision 6, in average daily membership, excluding section 126C.05, subdivision 13,  
102.32 and (ii) the number of pupils for the current school year, weighted according to section

103.1 126C.05, subdivision 1, receiving benefits under section 123B.42 or 123B.44 or for which  
103.2 the school is receiving reimbursement under section 124D.69;

103.3 (2) adding to the result in clause (1) an amount equal to the product of the formula  
103.4 allowance under section 126C.10, subdivision 2, less \$300 times the tribal contract  
103.5 compensation revenue pupil units;

103.6 (3) subtracting from the result in clause (2) the amount of money allotted to the school  
103.7 by the federal government through Indian School Equalization Program of the Bureau of  
103.8 Indian Affairs, according to Code of Federal Regulations, title 25, part 39, subparts A to E,  
103.9 for the basic program as defined by section 39.11, paragraph (b), for the base rate as applied  
103.10 to kindergarten through twelfth grade, excluding small school adjustments and additional  
103.11 weighting, but not money allotted through subparts F to L for contingency funds, school  
103.12 board training, student training, interim maintenance and minor repair, interim administration  
103.13 cost, prekindergarten, and operation and maintenance, and the amount of money that is  
103.14 received according to section 124D.69;

103.15 (4) dividing the result in clause (3) by the sum of the resident pupil units in average daily  
103.16 membership, excluding section 126C.05, subdivision 13, plus the tribal contract compensation  
103.17 revenue pupil units; and

103.18 (5) multiplying the sum of the resident pupil units, including section 126C.05, subdivision  
103.19 13, in average daily membership plus the tribal contract compensation revenue pupil units  
103.20 by the lesser of ~~\$3,230 for fiscal year 2019~~ and 51.17 percent of the formula allowance for  
103.21 fiscal year years 2020, 2021, and 2022, and 52 percent of the formula allowance for fiscal  
103.22 year 2023 and later or the result in clause (4).

103.23 **EFFECTIVE DATE.** This section is effective for state aid for fiscal year 2023 and  
103.24 later.

103.25 Sec. 66. Minnesota Statutes 2020, section 124D.861, subdivision 2, is amended to read:

103.26 Subd. 2. **Plan implementation; components.** (a) The school board of each eligible  
103.27 district must formally develop and implement a long-term plan under this section. The plan  
103.28 must be incorporated into the district's comprehensive strategic plan under section 120B.11.  
103.29 ~~Plan components may include: innovative and integrated prekindergarten through grade 12~~  
103.30 ~~learning environments that offer students school enrollment choices; family engagement~~  
103.31 ~~initiatives that involve families in their students' academic life and success; professional~~  
103.32 ~~development opportunities for teachers and administrators focused on improving the academic~~  
103.33 ~~achievement of all students, including teachers and administrators who are members of~~

104.1 ~~populations underrepresented among the licensed teachers or administrators in the district~~  
104.2 ~~or school and who reflect the diversity of students under section 120B.35, subdivision 3,~~  
104.3 ~~paragraph (b), clause (2), who are enrolled in the district or school; increased programmatic~~  
104.4 ~~opportunities and effective and more diverse instructors focused on rigor and college and~~  
104.5 ~~career readiness for underserved students, including students enrolled in alternative learning~~  
104.6 ~~centers under section 123A.05, public alternative programs under section 126C.05,~~  
104.7 ~~subdivision 15, and contract alternative programs under section 124D.69, among other~~  
104.8 ~~underserved students; or recruitment and retention of teachers and administrators with~~  
104.9 ~~diverse racial and ethnic backgrounds.~~

104.10 (b) The plan must contain goals for:

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

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

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

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

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

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

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

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

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

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

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

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

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

105.32 ~~(b)~~ (e) Among other requirements, an eligible district must implement effective,  
105.33 research-based interventions that include formative multiple measures of assessment practices  
105.34 and engagement in order to reduce the eliminate academic disparities in student academic

106.1 ~~performance among the specific categories of students as measured by student progress and~~  
106.2 ~~growth on state reading and math assessments and~~ for students impacted by racial, gender,  
106.3 linguistic, and economic inequities as aligned with section 120B.11.

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

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

106.9 Sec. 67. Minnesota Statutes 2020, section 124D.98, is amended by adding a subdivision  
106.10 to read:

106.11 **Subd. 5. Literacy incentive aid uses.** Beginning July 1, 2022, literacy incentive aid  
106.12 must be used to support comprehensive literacy reform efforts in public schools as follows:

106.13 (1) for public school prekindergarten through grade 3 teachers and support staff to be  
106.14 trained in the science of reading using a training program approved by the Department of  
106.15 Education no later than July 1, 2027, unless the commissioner of education grants an  
106.16 extension;

106.17 (2) to hire a licensed reading and dyslexia specialist who is trained in the science of  
106.18 reading as determined by the commissioner of education and oversees a school district's or  
106.19 charter school's implementation of required components under section 120B.12 no later  
106.20 than July 1, 2027, unless the commissioner of education grants an extension;

106.21 (3) for the most underperforming schools, defined as those at 25 percent or below  
106.22 proficiency on grade 3 reading on the Minnesota Comprehensive Assessments, to hire  
106.23 literacy coaches trained in the science of reading to support teachers and multitiered systems  
106.24 of support implementation; and

106.25 (4) to provide materials, training, and ongoing coaching to ensure alternate instruction  
106.26 under section 125A.56, subdivision 1, is based in the science of reading.

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

107.1 Sec. 68. Minnesota Statutes 2020, section 125A.094, is amended to read:

107.2 **125A.094 RESTRICTIVE PROCEDURES FOR CHILDREN WITH**  
107.3 **DISABILITIES.**

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

107.6 Sec. 69. Minnesota Statutes 2020, section 125A.0942, subdivision 1, is amended to read:

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

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

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

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

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

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

107.20 (ii) convening an oversight committee to undertake a quarterly review of the use of  
107.21 restrictive procedures based on patterns or problems indicated by similarities in the time of  
107.22 day, day of the week, duration of the use of a procedure, the individuals involved, or other  
107.23 factors associated with the use of restrictive procedures; the number of times a restrictive  
107.24 procedure is used schoolwide and for individual children; the number and types of injuries,  
107.25 if any, resulting from the use of restrictive procedures; whether restrictive procedures are  
107.26 used in nonemergency situations; the need for additional staff training; the use of restrictive  
107.27 procedures for disproportionality, racial disparities, in the usage of restrictive procedures;  
107.28 the usage of school resource officer's handling of the behaviors; student documentation to  
107.29 determine if the staff followed the standards for using restrictive procedures and if there is  
107.30 updated information about whether the restrictive procedures are contraindicated for the  
107.31 particular student; and proposed actions to minimize the use of restrictive procedures; and

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

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

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

108.6 (2) an expert in positive behavior strategies;

108.7 (3) a special education administrator; and

108.8 (4) a general education administrator.

108.9 Sec. 70. Minnesota Statutes 2020, section 125A.0942, subdivision 2, is amended to read:

108.10 Subd. 2. **Restrictive procedures.** (a) Restrictive procedures may be used only by a  
108.11 licensed special education teacher, school social worker, school psychologist, behavior  
108.12 analyst certified by the National Behavior Analyst Certification Board, a person with a  
108.13 master's degree in behavior analysis, other licensed education professional, paraprofessional  
108.14 under section 120B.363, or mental health professional under section 245.4871, subdivision  
108.15 27, who has completed the training program under subdivision 5.

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

108.20 (c) The district must hold a meeting of the individualized education program team, if  
108.21 the student is a student with a disability, or a meeting of relevant members of the student's  
108.22 team, including the parent, if the student is not a student with a disability, conduct or review  
108.23 a functional behavioral analysis, review data, consider developing additional or revised  
108.24 positive behavioral interventions and supports, consider actions to reduce the use of restrictive  
108.25 procedures, and modify the individualized education program or behavior intervention plan  
108.26 as appropriate. The district must hold the meeting: within ten calendar days after district  
108.27 staff use restrictive procedures on two separate school days within 30 calendar days or a  
108.28 pattern of use emerges and the child's individualized education program or behavior  
108.29 intervention plan does not provide for using restrictive procedures in an emergency; or at  
108.30 the request of a parent or the district after restrictive procedures are used. The district must  
108.31 review use of restrictive procedures at a child's annual individualized education program  
108.32 meeting when the child's individualized education program provides for using restrictive  
108.33 procedures in an emergency.

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

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

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

109.20 Sec. 71. Minnesota Statutes 2020, section 125A.0942, subdivision 3, is amended to read:

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

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

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

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

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

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

- 110.1 (i) a description of the incident that led to the physical holding or seclusion;
- 110.2 (ii) why a less restrictive measure failed or was determined by staff to be inappropriate  
110.3 or impractical;
- 110.4 (iii) the time the physical holding or seclusion began and the time the child was released;
- 110.5 ~~and~~
- 110.6 (iv) a brief record of the child's behavioral and physical status; and
- 110.7 (v) a brief description of the post-use debriefing process that occurred following the use  
110.8 of the restrictive procedure;
- 110.9 (6) the room used for seclusion must:
- 110.10 (i) be at least six feet by five feet;
- 110.11 (ii) be well lit, well ventilated, adequately heated, and clean;
- 110.12 (iii) have a window that allows staff to directly observe a child in seclusion;
- 110.13 (iv) have tamperproof fixtures, electrical switches located immediately outside the door,  
110.14 and secure ceilings;
- 110.15 (v) have doors that open out and are unlocked, locked with keyless locks that have  
110.16 immediate release mechanisms, or locked with locks that have immediate release mechanisms  
110.17 connected with a fire and emergency system; and
- 110.18 (vi) not contain objects that a child may use to injure the child or others; and
- 110.19 (7) before using a room for seclusion, a school must:
- 110.20 (i) receive written notice from local authorities that the room and the locking mechanisms  
110.21 comply with applicable building, fire, and safety codes; and
- 110.22 (ii) register the room with the commissioner, who may view that room.
- 110.23 (b) By February 1, 2015, and annually thereafter, stakeholders may, as necessary,  
110.24 recommend to the commissioner specific and measurable implementation and outcome  
110.25 goals for reducing the use of restrictive procedures and the commissioner must submit to  
110.26 the legislature a report on districts' progress in reducing the use of restrictive procedures  
110.27 that recommends how to further reduce these procedures and eliminate the use of seclusion.  
110.28 The statewide plan includes the following components: measurable goals; the resources,  
110.29 training, technical assistance, mental health services, and collaborative efforts needed to  
110.30 significantly reduce districts' use of seclusion; and recommendations to clarify and improve  
110.31 the law governing districts' use of restrictive procedures. The commissioner must consult

111.1 with interested stakeholders when preparing the report, including representatives of advocacy  
 111.2 organizations, special education directors, teachers, paraprofessionals, intermediate school  
 111.3 districts, school boards, day treatment providers, county social services, state human services  
 111.4 department staff, mental health professionals, and autism experts. Beginning with the  
 111.5 2016-2017 school year, in a form and manner determined by the commissioner, districts  
 111.6 must report data quarterly to the department by January 15, April 15, July 15, and October  
 111.7 15 about individual students who have been secluded. By July 15 each year, districts must  
 111.8 report summary data on their use of restrictive procedures to the department for the prior  
 111.9 school year, July 1 through June 30, in a form and manner determined by the commissioner.  
 111.10 The summary data must include information about the use of restrictive procedures, including  
 111.11 use of reasonable force under section 121A.582.

111.12 Sec. 72. Minnesota Statutes 2020, section 144.4165, is amended to read:

111.13 **144.4165 TOBACCO PRODUCTS PROHIBITED IN PUBLIC SCHOOLS.**

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

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

111.27 Sec. 73. Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 2,  
 111.28 is amended to read:

111.29 Subd. 2. **Achievement and integration aid.** For achievement and integration aid under  
 111.30 Minnesota Statutes, section 124D.862:

111.31		<del>84,057,000</del>		
111.32	\$	<u>80,310,000</u>	.....	2022
111.33		<del>83,431,000</del>		
111.34	\$	<u>82,750,000</u>	.....	2023

112.1 The 2022 appropriation includes \$8,868,000 for 2021 and ~~\$75,189,000~~ \$71,442,000 for  
 112.2 2022.

112.3 The 2023 appropriation includes ~~\$8,353,000~~ \$7,938,000 for 2022 and ~~\$75,078,000~~  
 112.4 \$74,812,000 for 2023.

112.5 Sec. 74. Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 3,  
 112.6 is amended to read:

112.7 Subd. 3. **American Indian education aid.** For American Indian education aid under  
 112.8 Minnesota Statutes, section 124D.81, subdivision 2a:

112.9		<del>11,351,000</del>		
112.10	\$	<u>11,436,000</u>	.....	2022
112.11		<del>11,775,000</del>		
112.12	\$	<u>15,009,000</u>	.....	2023

112.13 The 2022 appropriation includes \$1,102,000 for 2021 and ~~\$10,249,000~~ \$10,334,000 for  
 112.14 2022.

112.15 The 2023 appropriation includes ~~\$1,138,000~~ \$1,148,000 for 2022 and ~~\$10,637,000~~  
 112.16 \$13,861,000 for 2023.

112.17 Sec. 75. Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 4,  
 112.18 is amended to read:

112.19 Subd. 4. **Charter school building lease aid.** For building lease aid under Minnesota  
 112.20 Statutes, section 124E.22:

112.21		<del>93,547,000</del>		
112.22	\$	<u>89,499,000</u>	.....	2022
112.23		<del>99,819,000</del>		
112.24	\$	<u>96,340,000</u>	.....	2023

112.25 The 2022 appropriation includes \$8,617,000 for 2021 and ~~\$84,930,000~~ \$80,882,000 for  
 112.26 2022.

112.27 The 2023 appropriation includes ~~\$9,436,000~~ 8,987,000 for 2022 and ~~\$90,383,000~~  
 112.28 \$87,353,000 for 2023.

112.29 Sec. 76. Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 7,  
 112.30 is amended to read:

112.31 Subd. 7. **Concurrent enrollment aid.** (a) For concurrent enrollment aid under Minnesota  
 112.32 Statutes, section 124D.091:

113.1 \$ 4,000,000 ..... 2022

113.2 ~~4,000,000~~

113.3 \$ 9,000,000 ..... 2023

113.4 (b) If the appropriation is insufficient, the commissioner must proportionately reduce  
113.5 the aid payment to each school district.

113.6 (c) Any balance in the first year does not cancel but is available in the second year.

113.7 (d) The base for fiscal year 2024 is \$8,000,000. The base for fiscal year 2025 is

113.8 \$9,000,000.

113.9 Sec. 77. Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 15,  
113.10 is amended to read:

113.11 Subd. 15. **Minnesota math corps program.** (a) For the Minnesota math corps program  
113.12 under Minnesota Statutes, section 124D.42, subdivision 9:

113.13 \$ 1,000,000 ..... 2022

113.14 \$ 1,000,000 ..... 2023

113.15 (b) Any balance in the first year does not cancel but is available in the second year.

113.16 (c) The base for fiscal year 2024 and later is ~~\$500,000~~ \$1,000,000.

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

113.18 Sec. 78. Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 22,  
113.19 is amended to read:

113.20 Subd. 22. **Sanneh Foundation.** (a) For grants to the Sanneh Foundation for purposes  
113.21 of paragraph (b):

113.22 \$ 1,500,000 ..... 2022

113.23 ~~1,500,000~~

113.24 \$ 850,000 ..... 2023

113.25 (b) The grants to the Sanneh Foundation must be directed toward programs for  
113.26 low-performing and chronically absent students with a focus on low-income students and  
113.27 students of color. The goals of the grants include decreasing absenteeism, encouraging  
113.28 school engagement, improving grades, and improving graduation rates. The grants may be  
113.29 used to:

113.30 (1) provide all-day, in-school academic and behavioral interventions and social and  
113.31 emotional learning throughout the school year;

114.1 (2) provide year-round, out-of-school behavioral, social, and emotional learning  
 114.2 interventions and enrichment activities;

114.3 (3) enhance career exploration opportunities, including exposure to businesses and  
 114.4 business activities; and

114.5 (4) develop pathways in cooperation with businesses or higher education partners for  
 114.6 participants to pursue careers in education and youth development.

114.7 (c) Any balance in the first year does not cancel but is available in the second year.

114.8 (d) The base for fiscal year 2024 is \$0.

114.9 Sec. 79. Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 27,  
 114.10 is amended to read:

114.11 Subd. 27. **Tribal contract school aid.** For Tribal contract school aid under Minnesota  
 114.12 Statutes, section 124D.83:

114.13		<del>2,743,000</del>		
114.14	\$	<u>2,808,000</u>	.....	2022
114.15		<del>3,160,000</del>		
114.16	\$	<u>3,253,000</u>	.....	2023

114.17 The 2022 appropriation includes \$240,000 for 2021 and ~~\$2,503,000~~ \$2,568,000 for  
 114.18 2022.

114.19 The 2023 appropriation includes ~~\$278,000~~ \$285,000 for 2022 and ~~\$2,882,000~~ \$2,968,000  
 114.20 for 2023.

114.21 Sec. 80. **NATIONAL AND INTERNATIONAL EDUCATION COMPARISONS.**

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

115.1 **Sec. 81. ETHNIC STUDIES TASK FORCE.**

115.2 **Subdivision 1. Task force established.** (a) The Ethnic Studies Task Force is established  
115.3 to advise the commissioner of education on ethnic studies standards, curriculum, and  
115.4 resources necessary to implement ethnic studies requirements under Minnesota Statutes,  
115.5 section 120B.0251. The commissioner must appoint members of the task force by July 1,  
115.6 2022, with input from the Minnesota Ethnic Studies Coalition.

115.7 **(b) The Ethnic Studies Task Force must have 25 members, as follows:**

115.8 **(1) five community members with a demonstrated commitment to ethnic studies;**

115.9 **(2) three public school students in grades 9 to 12;**

115.10 **(3) two public school students in grades 6 to 8;**

115.11 **(4) three parents or guardians of public kindergarten through grade 12 students;**

115.12 **(5) three Minnesota-based, college-level faculty experts in ethnic studies;**

115.13 **(6) three ethnic studies high school teachers;**

115.14 **(7) three ethnic studies grades 6 to 8 teachers; and**

115.15 **(8) three ethnic studies kindergarten to grade 5 teachers.**

115.16 **(c) Demographics of the task force must be inclusive and represent the diversity of the**  
115.17 **state, including racial, ethnic, and geographic diversity, and diversity related to gender and**  
115.18 **sexual orientation, immigrant status, and religious and linguistic background.**

115.19 **Subd. 2. Duties.** (a) The task force must review available ethnic studies curricular and  
115.20 instructional resources in order to:

115.21 **(1) develop state ethnic studies standards to propose to the commissioner for adoption;**

115.22 **(2) recommend professional learning requirements for educators and staff to facilitate**  
115.23 **the successful implementation of ethnic studies courses;**

115.24 **(3) recommend resources and materials school districts and charter schools may use to**  
115.25 **implement ethnic studies standards; and**

115.26 **(4) identify or develop model ethnic studies curriculum that school districts and charter**  
115.27 **schools may use in accordance with section 120B.0251.**

115.28 **(b) The task force must provide to the commissioner of education the ethnic studies**  
115.29 **standards and recommendations by October 31, 2023, and the model ethnic studies curriculum**  
115.30 **by July 1, 2024.**

116.1 Subd. 3. **Meetings and compensation.** (a) The task force must convene on at least a  
116.2 bimonthly basis and must hold the first meeting no later than October 15, 2022.

116.3 (b) Members of the task force shall receive a stipend of \$250 per month for their time,  
116.4 work, and expertise.

116.5 Subd. 4. **Administration.** The commissioner must provide meeting space and technical  
116.6 assistance for the task force.

116.7 Subd. 5. **Statewide academic standards.** The commissioner must adopt the academic  
116.8 standards for ethnic studies curriculum developed by the task force using the expedited  
116.9 rulemaking process in Minnesota Statutes, section 14.389.

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

116.11 Sec. 82. **COMPUTER SCIENCE EDUCATION FOUNDATIONAL BLUEPRINT.**

116.12 Subdivision 1. **Foundational blueprint.** (a) The commissioner of education must, in  
116.13 consultation with the Computer Science Education Task Force established under this section,  
116.14 develop a foundational blueprint for a statewide computer science program for elementary  
116.15 and secondary schools that includes the following components:

116.16 (1) a statement of purpose that defines computer science consistent with the definition  
116.17 found in the K-12 Computer Science Framework, describes the objectives and goals of a  
116.18 computer science education program, identifies strategies and resources needed to achieve  
116.19 these goals, and establishes a timeline for achieving these goals;

116.20 (2) an assessment of the current state landscape for kindergarten through grade 12  
116.21 computer science education, including teacher licensure and assignments, and data on  
116.22 enrollment in computer science courses, disaggregated by the student groups under Minnesota  
116.23 Statutes, section 120B.35, subdivision 3, paragraph (b), clause (2);

116.24 (3) a plan for expanding computer science education opportunities to every district school  
116.25 site and charter school within five years;

116.26 (4) a plan to develop comprehensive and foundational kindergarten through grade 12  
116.27 computer science academic standards that local districts may adopt at their discretion under  
116.28 Minnesota Statutes, section 120B.022;

116.29 (5) a plan for professional development opportunities to prepare current teachers to teach  
116.30 computer science;

117.1 (6) a plan relating to teacher licensure, including developing a computer science  
117.2 endorsement or other computer science credential for teachers who are already licensed,  
117.3 and a plan to develop a teacher preparation program for licensure in computer science;

117.4 (7) a plan for the Department of Education to regularly evaluate progress toward the  
117.5 blueprint goals, including annually reporting disaggregated data on enrollment in computer  
117.6 science courses; and

117.7 (8) recommendations to ensure the long-term sustainability of the blueprint.

117.8 (b) The commissioner must submit a copy of the foundational blueprint for computer  
117.9 science to the chairs and ranking members of the legislative committees having jurisdiction  
117.10 over kindergarten through grade 12 education by January 31, 2023, in accordance with  
117.11 Minnesota Statutes, section 3.195.

117.12 Subd. 2. **Task force.** (a) The commissioner of education must convene an advisory task  
117.13 force, facilitated by the state computer science specialist, to advise the commissioner on  
117.14 the development of the foundational blueprint for computer science.

117.15 (b) Members of the task force must include:

117.16 (1) one member of the house of representatives appointed by the speaker of the house  
117.17 and one member appointed by the minority leader of the house of representatives;

117.18 (2) one senator appointed by the senate majority leader and one senator appointed by  
117.19 the senate minority leader;

117.20 (3) one member appointed by the governor;

117.21 (4) the commissioner of education or the commissioner's designee;

117.22 (5) the commissioner of higher education or the commissioner's designee;

117.23 (6) one representative of the Professional Educator Licensing and Standards Board;

117.24 (7) one representative of the Computer Science Teachers' Association MN;

117.25 (8) one representative from the business community;

117.26 (9) one representative from a nonprofit organization working with students and teachers  
117.27 on computer science;

117.28 (10) one representative from the Minnesota Association for School Administrators;

117.29 (11) one representative from Education Minnesota;

118.1 (12) one representative from the Minnesota Association of Colleges for Teacher  
118.2 Education;

118.3 (13) one representative from CSforAll Minnesota;

118.4 (14) one computer science teacher from the seven-county metropolitan area and one  
118.5 computer science teacher from outside the seven-county metropolitan area;

118.6 (15) a career and technical education teacher;

118.7 (16) one school administrator from the seven-county metropolitan area who oversees  
118.8 computer science education in a district, and one school administrator from outside the  
118.9 seven-county metropolitan area who oversees computer science education in a district; and

118.10 (17) one representative from the Technology Advisory Council.

118.11 (c) Appointments to the task force must be made by June 1, 2022. Appointments to the  
118.12 task force must represent the diverse populations within the state of Minnesota, including  
118.13 diversity based on race, ethnicity, gender, and disability status. The commissioner of  
118.14 education must provide administrative support and meeting space for the task force.

118.15 (d) Public members of the task force may be compensated and reimbursed for expenses  
118.16 in accordance with Minnesota Statutes, section 15.059, subdivision 3.

118.17 (e) Meetings of the task force are subject to the Minnesota Open Meeting Law under  
118.18 Minnesota Statutes, chapter 13D.

118.19 (f) The task force expires on January 31, 2024.

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

118.21 **Sec. 83. APPROPRIATIONS; DEPARTMENT OF EDUCATION.**

118.22 Subdivision 1. **Department of Education.** The sums indicated in this section are  
118.23 appropriated from the general fund to the Department of Education for the fiscal years  
118.24 designated.

118.25 Subd. 2. **After-school community learning programs.** (a) For grants for after-school  
118.26 community learning programs in accordance with Minnesota Statutes, section 124D.2211:

118.27 §     25,000,000     ..... 2023

118.28 (b) The commissioner of education may use up to four percent of the appropriation to  
118.29 assess the effectiveness of after-school community learning programs in accordance with  
118.30 Minnesota Statutes, section 124D.2211, subdivision 4, paragraph (a). The commissioner  
118.31 must use three percent of the appropriation to contract with the nonprofit organization

119.1 serving as the statewide after-school network in accordance with Minnesota Statutes, section  
 119.2 124D.2211, subdivision 4, paragraph (b).

119.3 (c) This appropriation is available until June 30, 2025. The base for fiscal year 2026 and  
 119.4 later is \$10,000,000.

119.5 Subd. 3. **BOLD literacy.** (a) For the Minnesota BOLD statewide literacy plan to increase  
 119.6 the equitable access to effective literacy experiences for all students by ensuring school  
 119.7 leaders and educators are trained in the science of reading; supporting effective  
 119.8 implementation and measurement of instructional practices aligned to state standards through  
 119.9 the multitiered systems of support framework; and utilizing data literacy to inform instruction,  
 119.10 inform educator development, evaluate resource deployment and policy, and employ  
 119.11 intentional family and community engagement strategies.

119.12 \$ 0 ..... 2022

119.13 \$ 4,750,000 ..... 2023

119.14 (b) Of this amount, \$1,750,000 is for the Department of Education to establish science  
 119.15 of reading academies to be provided at no cost to educators who work in Minnesota school  
 119.16 districts and charter schools to complete Language Essentials for Teachers of Reading and  
 119.17 Spelling (LETRS) professional development. Educators who have completed LETRS may  
 119.18 have the opportunity to become LETRS facilitators through a train-the-trainer model.

119.19 (c) Of this amount, \$800,000 is to maintain a literacy unit at the Department of Education.

119.20 (d) Of this amount, \$1,200,000 is to expand literacy and dyslexia data collection and  
 119.21 reporting systems at the Department of Education in order to collect and analyze  
 119.22 prekindergarten through grade 3 data, including foundational reading skills, dyslexia  
 119.23 screening data, and screening results of multilingual learners.

119.24 (e) Of this amount, \$1,000,000 is for state library services grants to support  
 119.25 evidence-based early literacy practices rooted in the science of reading in school and  
 119.26 community libraries.

119.27 (f) Funds may be used for grant administration costs.

119.28 Subd. 4. **Closing educational opportunity gaps grants.** (a) To support schools in their  
 119.29 efforts to close opportunity gaps under Minnesota Statutes, section 120B.113:

119.30 \$ 5,000,000 ..... 2023

119.31 (b) The department may retain up to five percent of this appropriation to administer the  
 119.32 grant program.

120.1 Subd. 5. **Computer Science Advisory Task Force.** For the Computer Science Advisory  
 120.2 Task Force:

120.3 \$ 20,000 ..... 2023

120.4 Subd. 6. **Culturally specific learning opportunities.** (a) For grants to school districts,  
 120.5 charter schools, intermediate school districts, and cooperatives to create and offer culturally  
 120.6 specific learning opportunities, including to form partnerships between community  
 120.7 organizations and schools that offer critical thinking and engagement in learning. "Culturally  
 120.8 specific learning opportunities" means programming that is culturally responsive,  
 120.9 evidence-based, and comprehensive, and that responds to the academic and social-emotional  
 120.10 needs of historically underserved students.

120.11 \$ 0 ..... 2022

120.12 \$ 5,000,000 ..... 2023

120.13 (b) Grants may be awarded in an amount up to \$200,000 per recipient.

120.14 (c) To the extent practicable, the commissioner must award grants equitably among the  
 120.15 geographic areas of Minnesota, including rural, suburban, and urban communities.

120.16 (d) Up to five percent of this appropriation may be retained for administration costs.

120.17 Subd. 7. **Ethnic studies implementation.** (a) For requirements related to ethnic studies  
 120.18 under Minnesota Statutes, section 120B.0251, and the Ethnic Studies Task Force under  
 120.19 section 81:

120.20 \$ 576,000 ..... 2023

120.21 (b) The base for fiscal year 2024 is \$474,000 and \$451,000 in fiscal year 2025.

120.22 Subd. 8. **Ethnic studies school grants.** (a) For competitive grants to school districts  
 120.23 and charter schools to develop and implement ethnic studies courses:

120.24 \$ 0 ..... 2023

120.25 (b) The commissioner must consult with the Ethnic Studies Task Force to develop criteria  
 120.26 for the grants.

120.27 (c) The base for fiscal year 2024 and later is \$500,000.

120.28 Subd. 9. **Expanding rigorous coursework for Black students, Indigenous students,**  
 120.29 **students of color, and students in greater Minnesota.** (a) For grants to expand rigorous  
 120.30 coursework primarily for but not limited to disadvantaged and underrepresented students  
 120.31 and students in greater Minnesota, such as through advanced placement courses, international  
 120.32 baccalaureate programs, career and technical education, and concurrent enrollment courses:

121.1           \$                   0     ..... 2022

121.2           \$                   5,000,000     ..... 2023

121.3           (b) Of this amount, \$1,800,000 is for grants to districts and charter schools for regional  
 121.4 partnerships and statewide programs in order to support professional development and  
 121.5 incentives for high school teachers to develop and expand course offerings approved by the  
 121.6 state. Compensation for teachers to teach courses beyond the contract day or year is an  
 121.7 allowable expenditure. Funds may supplement, but not replace, current state and federal  
 121.8 program funds. Grants may be awarded in an amount up to \$50,000 per recipient.

121.9           (c) Of this amount, \$3,200,000 is for matching grants to school districts and charter  
 121.10 schools to support rigorous course expansion and statewide career and technical education  
 121.11 program quality improvements. The department shall provide technical support and guidance.  
 121.12 Funds may supplement, but not replace, current state and federal program funds. Grants  
 121.13 may be awarded in an amount up to \$100,000 per recipient.

121.14           (d) Eligible grantees include school districts, charter schools, intermediate school districts,  
 121.15 and cooperative units as defined in Minnesota Statutes, section 123A.24, subdivision 2.

121.16           (e) The department must require an applicant for grant funds to submit a plan that  
 121.17 describes how the applicant would use grant funds to increase participation by disadvantaged  
 121.18 and underrepresented students in rigorous coursework. The department must consider an  
 121.19 applicant's goals, strategies, and capacity to increase participation by disadvantaged and  
 121.20 underrepresented students when awarding funds.

121.21           (f) At least 50 percent of the funds in this subdivision must be awarded to grant recipients  
 121.22 in greater Minnesota.

121.23           (g) Up to five percent of this appropriation may be retained for administration costs.

121.24           Subd. 10. Full-service community schools. (a) For comprehensive program support  
 121.25 for full-service community schools:

121.26           \$                   50,000,000     ..... 2023

121.27           (b) Of this amount, priority must be given to programs in the following order:

121.28           (1) current grant recipients issued under Minnesota Statutes, section 124D.231;

121.29           (2) schools identified as low-performing under the Federal Every Student Succeeds Act;  
 121.30 and

121.31           (3) any other applicants.

122.1 (c) This appropriation is available until June 30, 2025. The base for fiscal year 2024 and  
122.2 2025 is \$0. The base for fiscal year 2026 and later is \$20,000,000.

122.3 Subd. 11. Minnesota Association of Alternative Programs. (a) For a grant to the  
122.4 Minnesota Association of Alternative Programs STARS Chapter to help students in  
122.5 alternative programs develop employment, academic, and social skills and support student  
122.6 participation in trainings and conferences:

122.7 \$ 45,000 ..... 2023

122.8 (b) This appropriation is available until June 30, 2025. The base for fiscal year 2024 and  
122.9 later is \$0.

122.10 Subd. 12. Minnesota Council on Economic Education. (a) For a grant to the Minnesota  
122.11 Council on Economic Education:

122.12 \$ 150,000 ..... 2023

122.13 (b) The grant funds must be used to:

122.14 (1) provide professional development to Minnesota's kindergarten through grade 12  
122.15 teachers implementing state graduation standards in learning areas related to economic  
122.16 education;

122.17 (2) support the direct-to-student ancillary economic and personal finance programs that  
122.18 Minnesota teachers supervise and coach; and

122.19 (3) provide support to affiliated higher education-based centers for economic education  
122.20 currently based at: (i) Minnesota State University, Mankato; (ii) Minnesota State University,  
122.21 Moorhead; (iii) St. Cloud State University; (iv) St. Catherine University; and (v) the  
122.22 University of St. Thomas as the higher education centers' work relates to the activities  
122.23 described in clauses (1) and (2).

122.24 (c) By February 15 of each year following the receipt of a grant, the Minnesota Council  
122.25 on Economic Education must report to the commissioner of education on the number and  
122.26 type of in-person and online teacher professional development opportunities provided by  
122.27 the Minnesota Council on Economic Education or its affiliated state centers for economic  
122.28 education. The report must include a description of the content, length, and location of the  
122.29 programs; the number of preservice and licensed teachers receiving professional development  
122.30 through each of these opportunities; and a summary of evaluations of teacher professional  
122.31 opportunities.

123.1 (d) The Department of Education must pay the full amount of the grant to the Minnesota  
 123.2 Council on Economic Education by August 15 of each fiscal year. The Minnesota Council  
 123.3 on Economic Education must submit its fiscal reporting in the form and manner specified  
 123.4 by the commissioner. The commissioner may request additional information as necessary.

123.5 (e) This appropriation is in addition to any other appropriation for this purpose.

123.6 (f) The base for fiscal year 2024 and later is \$150,000.

123.7 Subd. 13. **Multitiered systems of support.** (a) For implementation of multitiered systems  
 123.8 of support, a systematic continuous improvement framework that addresses the academic,  
 123.9 behavioral, and social-emotional needs of all students at the universal, targeted, and intensive  
 123.10 levels. Through multitiered systems of support, teachers must provide high quality,  
 123.11 evidence-based instruction and intervention that is matched to a student's needs, use a method  
 123.12 of monitoring progress regularly to inform decisions about instruction and goals, and apply  
 123.13 data-based decision making to key educational efforts.

123.14 \$ 0 ..... 2022

123.15 \$ 21,250,000 ..... 2023

123.16 (b) Of this amount, \$2,600,000 is for the Department of Education to support  
 123.17 implementation. Funds may be used to support increased capacity at the six Regional Centers  
 123.18 of Excellence, the Early Childhood Special Education Centers of Excellence, and Minnesota  
 123.19 Service Cooperatives.

123.20 (c) Of this amount, \$9,400,000 is reserved for grants to school districts, charter schools,  
 123.21 and cooperative units as defined in Minnesota Statutes, section 123A.24, subdivision 2, for  
 123.22 implementation of multitiered systems of support, including hiring local multitiered systems  
 123.23 of support coordinators and deferring costs for personnel to participate in cohort activities.  
 123.24 Up to five percent of this amount is available for program and grant administration.

123.25 (d) Of this amount, \$1,250,000 is for Language Essentials for Teachers of Reading and  
 123.26 Spelling training for educators to ensure multitiered systems of support core, supplemental,  
 123.27 and intervention literacy instructional practices are based in the science of reading. Up to  
 123.28 five percent of this amount is available for program and grant administration.

123.29 (e) Of this amount, \$4,000,000 is for a grant to the Building Assets, Reducing Risks  
 123.30 Center to provide access to services to all multitiered systems of support grantees under  
 123.31 this subdivision. Up to five percent of this amount is available for program and grant  
 123.32 administration.

124.1 (f) Of this amount, \$2,000,000 is for Tribal-state relations training for school staff  
 124.2 engaged in the statewide implementation of multitiered systems of support framework. Up  
 124.3 to five percent of this amount is available for program and grant administration.

124.4 (g) Of this amount, \$2,000,000 is for the University of Minnesota Center for Applied  
 124.5 Research and Educational Improvement to support implementation and evaluation of the  
 124.6 multitiered systems of support framework. Up to five percent of this amount is available  
 124.7 for program and grant administration.

124.8 (h) Support for school districts, charter schools, and cooperative units under this  
 124.9 subdivision may include but is not limited to:

124.10 (1) providing training, guidance, and implementation resources for a statewide multitiered  
 124.11 system of support model, including a universal screening process approved by the Department  
 124.12 of Education to identify students who may be at risk of experiencing academic, behavioral,  
 124.13 and social-emotional development difficulties;

124.14 (2) providing guidance to convene school-based teams to analyze data provided by  
 124.15 screenings under clause (1) and resources for related identification, instruction, and  
 124.16 intervention methods;

124.17 (3) dyslexia screening and intervention based in the science of reading;

124.18 (4) requiring school districts and charter schools to provide parents of students identified  
 124.19 in the screenings under clauses (1) and (3) with notice of screening findings and related  
 124.20 support information;

124.21 (5) requiring districts and charter schools to provide at-risk students with interventions  
 124.22 and to monitor the effectiveness of these interventions and student progress; and

124.23 (6) developing and annually reporting findings regarding the implementation of the  
 124.24 statewide multitiered systems of support.

124.25 (i) The base for fiscal year 2024 and later is \$21,620,000. Of this amount, \$1,620,000  
 124.26 is for Language Essentials for Teachers of Reading and Spelling training.

124.27 Subd. 14. **Network for the Development of Children of African Descent.** (a) For a  
 124.28 grant to the Network for the Development of Children of African Descent to expand the  
 124.29 organization's holistic, evidence-based programming that has been proven to address disparate  
 124.30 literacy, education, and family stabilization outcomes for African American children and  
 124.31 their families, breaking generational cycles of poverty.

124.32 \$ 1,000,000 ..... 2023

125.1 (b) Program and expansion activities must include:

125.2 (1) providing holistic programming for parents, caregivers, and children in  
125.3 prekindergarten through grade 8 using a two-generation or whole-family approach to support  
125.4 healthy child development through programming that is culturally responsive and focused  
125.5 on building foundational literacy, self-determination, and self-reliance;

125.6 (2) expanding the organization's family-centered home learning curricula and materials  
125.7 that support learning at home and school;

125.8 (3) providing training and consulting services to education and human service providers  
125.9 on improving culturally responsive services to children and families who are experiencing  
125.10 disparate outcomes; and

125.11 (4) scaling or replicating the organization's proven models in the seven-county  
125.12 metropolitan area and in other regions of Minnesota outside of the seven-county metropolitan  
125.13 area.

125.14 (c) This appropriation is available until June 30, 2025. The base for fiscal year 2024 and  
125.15 later is \$0.

125.16 Subd. 15. **Wilderness Inquiry.** (a) For a grant to Wilderness Inquiry for credit recovery  
125.17 programs, capital expenses, and a fellowship program:

125.18 \$            494,000    ..... 2023

125.19 (b) Of this amount, up to \$290,000 is for credit recovery activities.

125.20 (c) Of this amount, up to \$15,000 is for accessibility equipment for youth with disabilities.

125.21 (d) Of this amount, up to \$145,000 is for transportation needs.

125.22 (e) Of this amount, up to \$44,000 is for a fellowship program.

125.23 (f) Wilderness Inquiry must form at least four partnerships with school district or charter  
125.24 school programs to deliver services in partnership with the schools that will enhance credit  
125.25 recovery programs. Two of the districts must be outside of the 11-county metropolitan area.  
125.26 Each partnership agreement must provide a plan for integrating Wilderness Inquiry  
125.27 programming into credit recovery activities within the district.

125.28 (g) This appropriation is available until June 30, 2025.

125.29 (h) The grant recipient must submit a report describing the programs offered using grant  
125.30 funds and the effectiveness of program outcomes. The report must be submitted to the

126.1 commissioner of education and to the chairs and ranking minority members of the legislative  
 126.2 committees with jurisdiction over kindergarten through grade 12 education.

126.3 Subd. 16. **Sanneh Foundation.** For a grant to the Sanneh Foundation for the purposes  
 126.4 of Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 22:

126.5 §           650,000     ..... 2023

126.6 This appropriation is available until June 30, 2025.

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

126.8 Sec. 84. **REVISOR INSTRUCTION.**

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

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

127.1	<u>120B.30, subdivision 1a, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (c)</u>
127.2	<u>120B.30, subdivision 1a, paragraph (c),</u>	<u>120B.301, subdivision 3, paragraph (d)</u>
127.3	<u>clauses (1) and (2)</u>	
127.4	<u>Assessment Graduation Requirements</u>	
127.5	<u>120B.30, subdivision 1, paragraph (c),</u>	<u>120B.304, subdivision 1</u>
127.6	<u>clauses (1) and (2)</u>	
127.7	<u>120B.30, subdivision 1, paragraph (d)</u>	<u>120B.304, subdivision 2</u>
127.8	<u>120B.30, subdivision 1, paragraph (i)</u>	<u>120B.304, subdivision 3</u>
127.9	<u>Assessment Reporting Requirements</u>	
127.10	<u>120B.30, subdivision 1a, paragraph (f),</u>	<u>120B.305, subdivision 1</u>
127.11	<u>clauses (1) to (3)</u>	
127.12	<u>120B.30, subdivision 1a, paragraph (d),</u>	<u>120B.305, subdivision 2, paragraph (a)</u>
127.13	<u>clauses (1) to (4)</u>	
127.14	<u>120B.30, subdivision 1, paragraph (m)</u>	<u>120B.305, subdivision 2, paragraph (b)</u>
127.15	<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.305, subdivision 2, paragraph (c)</u>
127.16	<u>120B.30, subdivision 1, paragraph (o),</u>	<u>120B.305, subdivision 3, paragraph (a)</u>
127.17	<u>clauses (1) to (4)</u>	
127.18	<u>120B.30, subdivision 3</u>	<u>120B.305, subdivision 3, paragraph (b)</u>
127.19	<u>District Assessment Requirements</u>	
127.20	<u>120B.301, paragraphs (a) to (c)</u>	<u>120B.306, subdivision 1</u>
127.21	<u>120B.304, paragraphs (a) and (b)</u>	<u>120B.306, subdivision 2</u>
127.22	<u>College and Career Readiness</u>	
127.23	<u>120B.30, subdivision 1, paragraph (p)</u>	<u>120B.307, subdivision 1</u>
127.24	<u>120B.30, subdivision 1, paragraph (d)</u>	<u>120B.307, subdivision 2</u>
127.25	<u>120B.30, subdivision 1, paragraph (f)</u>	<u>120B.307, subdivision 3</u>
127.26	<u>120B.30, subdivision 1, paragraph (g)</u>	<u>120B.307, subdivision 4, paragraph (a)</u>
127.27	<u>120B.30, subdivision 1, paragraph (h)</u>	<u>120B.307, subdivision 4, paragraph (b)</u>
127.28	<u>120B.30, subdivision 1, paragraph (j)</u>	<u>120B.307, subdivision 4, paragraph (c)</u>
127.29	<u>120B.30, subdivision 1, paragraph (k)</u>	<u>120B.307, subdivision 4, paragraph (d)</u>
127.30	<u>120B.30, subdivision 1, paragraph (l)</u>	<u>120B.307, subdivision 4, paragraph (e)</u>

127.31 **Sec. 85. REPEALER.**

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

128.1

**ARTICLE 3**

128.2

**TEACHERS**

128.3

Section 1. [120B.117] INCREASING THE PERCENTAGE OF TEACHERS OF

128.4

COLOR AND AMERICAN INDIAN TEACHERS IN MINNESOTA.

128.5

Subdivision 1. **Purpose.** This section sets short-term and long-term attainment goals for

128.6

increasing the percentage of teachers of color and who are American Indian teachers in

128.7

Minnesota and for ensuring all students have equitable access to effective and racially and

128.8

ethnically diverse teachers who reflect the diversity of students. The goals and report required

128.9

under this section are important for meeting attainment goals for the world's best workforce

128.10

under section 120B.11, achievement and integration under section 124D.861, and higher

128.11

education attainment under section 135A.012, all of which have been established to close

128.12

persistent opportunity and achievement gaps that limit students' success in school and life

128.13

and impede the state's economic growth.

128.14

Subd. 2. **Equitable access to racially and ethnically diverse teachers.** The percentage

128.15

of teachers in Minnesota who are of color or who are American Indian should increase at

128.16

least two percentage points per year to have a teaching workforce that more closely reflects

128.17

the state's increasingly diverse student population and to ensure all students have equitable

128.18

access to effective and diverse teachers by 2040.

128.19

Subd. 3. **Rights not created.** The attainment goal in this section is not to the exclusion

128.20

of any other goals and does not confer a right or create a claim for any person.

128.21

Subd. 4. **Reporting.** Beginning in 2022 and every even-numbered year thereafter, the

128.22

Professional Educator Licensing and Standards Board must collaborate with the Department

128.23

of Education and the Office of Higher Education to publish a summary report of each of

128.24

the programs they administer and any other programs receiving state appropriations that

128.25

have or include an explicit purpose of increasing the racial and ethnic diversity of the state's

128.26

teacher workforce to more closely reflect the diversity of students. The report must include

128.27

programs under sections 122A.59, 122A.63, 122A.635, 122A.70, 122A.73, 124D.09,

128.28

124D.861, 136A.1274, 136A.1276, and 136A.1791, along with any other programs or

128.29

initiatives that receive state appropriations to address the shortage of teachers of color and

128.30

American Indian teachers. The board must, in coordination with the Office of Higher

128.31

Education and Department of Education, provide policy and funding recommendations

128.32

related to state-funded programs to increase the recruitment, preparation, licensing, hiring,

128.33

and retention of racially and ethnically diverse teachers and the state's progress toward

128.34

meeting or exceeding the goals of this section. The report must include recommendations

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

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

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

129.15 A school board must adopt a written policy that prohibits discrimination or discipline  
129.16 for a teacher or principal on the basis of incorporating into curriculum contributions by  
129.17 persons in a federally protected class or protected class under sections 121A.031 and  
129.18 363A.13, consistent with local collective bargaining agreements and sections 121A.41 to  
129.19 121A.56.

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

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

129.22 (1) licensure fields and economic development regions reported by the commissioner  
129.23 of education or the Professional Educator Licensing and Standards Board as experiencing  
129.24 a teacher shortage, including the number of assignments a school district is unable to fill  
129.25 with a licensed teacher by November 1 of every even-numbered year; and

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

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

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

129.30 Subd. 5. **Survey of districts.** (a) The Professional Educator Licensing and Standards  
129.31 Board must survey the state's school districts and teacher preparation programs and report

130.1 to the education committees of the legislature by February 1, 2019, and each odd-numbered  
130.2 year thereafter, on the status of teacher early retirement patterns, the access to effective and  
130.3 more diverse teachers who reflect the students under section 120B.35, subdivision 3,  
130.4 paragraph (b), clause (2), enrolled in a district or school, the teacher shortage, and the  
130.5 substitute teacher shortage, including patterns and shortages in licensure field areas and the  
130.6 economic development regions of the state.

130.7 (b) The report must also include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

131.19 (1) an associate's degree;

131.20 (2) a professional certification; or

131.21 (3) five years of relevant work experience.

131.22 In consultation with the governor's Workforce Development Board established under section  
131.23 116L.665, the board must establish a list of qualifying certifications, and may add additional  
131.24 professional certifications in consultation with school administrators, teachers, and other  
131.25 stakeholders.

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

131.29 (1) the candidate has completed a teacher preparation program from a culturally specific  
131.30 Minority Serving Institution in the United States, such as Historically Black Colleges and

132.1 Universities, Tribal Colleges and Universities, or Hispanic-Serving Institutions, including  
132.2 those in Puerto Rico, and is eligible for a teacher license in another state; or

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

132.5 The candidate must have completed student teaching comparable to the student teaching  
132.6 expectations in Minnesota.

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

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

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

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

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

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

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

132.22 Subdivision 1. **Tests.** ~~(a) The Professional Educator Licensing and Standards Board~~  
132.23 ~~must adopt rules requiring a candidate to demonstrate a passing score on a board-adopted~~  
132.24 ~~examination of skills in reading, writing, and mathematics before being granted a Tier 4~~  
132.25 ~~teaching license under section 122A.184 to provide direct instruction to pupils in elementary,~~  
132.26 ~~secondary, or special education programs. Candidates may obtain a Tier 1, Tier 2, or Tier~~  
132.27 ~~3 license to provide direct instruction to pupils in elementary, secondary, or special education~~  
132.28 ~~programs if candidates meet the other requirements in section 122A.181, 122A.182, or~~  
132.29 ~~122A.183, respectively.~~

132.30 ~~(b)~~ (a) The board must adopt and revise rules requiring ~~candidates~~ applicants for Tier 3  
132.31 and Tier 4 licenses to pass an examination or performance assessment of general pedagogical

133.1 knowledge and examinations of licensure field specific content: if the applicant has not  
133.2 completed a board-approved preparation program assuring that candidates from the program  
133.3 recommended for licensure meet content and pedagogy licensure standards in Minnesota.  
133.4 Candidates who have satisfactorily completed board-approved programs in Minnesota with  
133.5 required coursework and clinical field experiences that include learning opportunities and  
133.6 assessments aligned to content and pedagogy licensure standards are not additionally required  
133.7 to pass content and pedagogy exams for Tier 3 licensure. Applicants who have satisfactorily  
133.8 completed a preparation program in another state and passed licensure examinations in that  
133.9 state are not additionally required to pass similar examinations required in Minnesota. The  
133.10 content examination requirement does not apply if no relevant content exam exists.

133.11 ~~(e)~~ (b) Candidates for initial Tier 3 and Tier 4 licenses to teach elementary students must  
133.12 pass test items assessing the candidates' knowledge, skill, and ability in comprehensive,  
133.13 scientifically based reading instruction under section 122A.06, subdivision 4, knowledge  
133.14 and understanding of the foundations of reading development, development of reading  
133.15 comprehension and reading assessment and instruction, and the ability to integrate that  
133.16 knowledge and understanding into instruction strategies under section 122A.06, subdivision  
133.17 4.

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

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

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

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

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

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

133.32 (d) The requirement to pass a board-adopted reading, writing, and mathematics skills  
133.33 examination does not apply to nonnative English speakers, as verified by qualified Minnesota

134.1 school district personnel or Minnesota higher education faculty, who, after meeting the  
134.2 content and pedagogy requirements under this subdivision, apply for a teaching license to  
134.3 provide direct instruction in their native language or world language instruction under section  
134.4 120B.022, subdivision 1.

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

134.6 Sec. 10. Minnesota Statutes 2020, section 122A.187, is amended by adding a subdivision  
134.7 to read:

134.8 Subd. 7. **American Indian history and culture.** The Professional Educator Licensing  
134.9 and Standards Board must adopt rules that require all licensed teachers renewing their license  
134.10 under sections 122A.181 to 122A.184 to include in the renewal requirements professional  
134.11 development in the cultural heritage and contemporary contributions of American Indians,  
134.12 with particular emphasis on Minnesota Tribal Nations.

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

134.14 Sec. 11. Minnesota Statutes 2020, section 122A.40, subdivision 3, is amended to read:

134.15 Subd. 3. **Hiring, dismissing.** (a) School boards must hire or dismiss teachers at duly  
134.16 called meetings. Where a husband and wife, brother and sister, or two brothers or sisters,  
134.17 constitute a quorum, no contract employing a teacher shall be made or authorized except  
134.18 upon the unanimous vote of the full board. A teacher related by blood or marriage, within  
134.19 the fourth degree, computed by the civil law, to a board member shall not be employed  
134.20 except by a unanimous vote of the full board. The initial employment of the teacher in the  
134.21 district must be by written contract, signed by the teacher and by the chair and clerk. All  
134.22 subsequent employment of the teacher in the district must be by written contract, signed by  
134.23 the teacher and by the chair and clerk, except where there is a master agreement covering  
134.24 the employment of the teacher. Contracts for teaching or supervision of teaching can be  
134.25 made only with qualified teachers. A teacher shall not be required to reside within the  
134.26 employing district as a condition to teaching employment or continued teaching employment.

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

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

135.1 Sec. 12. Minnesota Statutes 2020, section 122A.40, subdivision 5, is amended to read:

135.2 Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's first  
135.3 teaching experience in Minnesota in a single district is deemed to be a probationary period  
135.4 of employment, and, the probationary period in each district in which the teacher is thereafter  
135.5 employed shall be one year. The school board must adopt a plan for written evaluation of  
135.6 teachers during the probationary period that is consistent with subdivision 8. Evaluation  
135.7 must occur at least three times periodically throughout each school year for a teacher  
135.8 performing services during that school year; the first evaluation must occur within the first  
135.9 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops,  
135.10 and other staff development opportunities and days on which a teacher is absent from school  
135.11 must not be included in determining the number of school days on which a teacher performs  
135.12 services. Except as otherwise provided in paragraph (b), during the probationary period any  
135.13 annual contract with any teacher may or may not be renewed as the school board shall see  
135.14 fit. However, the board must give any such teacher whose contract it declines to renew for  
135.15 the following school year written notice to that effect before July 1. If the teacher requests  
135.16 reasons for any nonrenewal of a teaching contract, the board must give the teacher its reason  
135.17 in writing, including a statement that appropriate supervision was furnished describing the  
135.18 nature and the extent of such supervision furnished the teacher during the employment by  
135.19 the board, within ten days after receiving such request. The school board may, after a hearing  
135.20 held upon due notice, discharge a teacher during the probationary period for cause, effective  
135.21 immediately, under section 122A.44.

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

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

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

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

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

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

136.10 Sec. 13. Minnesota Statutes 2020, section 122A.40, subdivision 8, is amended to read:

136.11 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**  
 136.12 **teachers.** (a) To improve student learning and success, a school board and an exclusive  
 136.13 representative of the teachers in the district, consistent with paragraph (b), may develop a  
 136.14 teacher evaluation and peer review process for probationary and continuing contract teachers  
 136.15 through joint agreement. If a school board and the exclusive representative of the teachers  
 136.16 do not agree to an annual teacher evaluation and peer review process, then the school board  
 136.17 and the exclusive representative of the teachers must implement the state teacher evaluation  
 136.18 plan under paragraph (c). The process must include having trained observers serve as peer  
 136.19 coaches or having teachers participate in professional learning communities, consistent with  
 136.20 paragraph (b).

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

136.25 (1) must, for probationary teachers, provide for all evaluations required under subdivision  
 136.26 5;

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

136.32 (3) ~~must be based on professional teaching standards established in rule~~ create, adopt,  
 136.33 or revise a rubric of performance standards for teacher practice that (i) is based on

137.1 professional teaching standards established in rule, (ii) includes culturally responsive  
137.2 methodologies, and (iii) provides common descriptions of effectiveness using at least three  
137.3 levels of performance;

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

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

137.8 (6) may include job-embedded learning opportunities such as professional learning  
137.9 communities;

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

137.14 (8) must include an option for teachers to develop and present a portfolio demonstrating  
137.15 evidence of reflection and professional growth, consistent with section 122A.187, subdivision  
137.16 3, and include teachers' own performance assessment based on student work samples and  
137.17 examples of teachers' work, which may include video among other activities for the  
137.18 summative evaluation;

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

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

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

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

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

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

138.8 (c) The department, in consultation with parents who may represent parent organizations  
138.9 and teacher and administrator representatives appointed by their respective organizations,  
138.10 representing the Professional Educator Licensing and Standards Board, the Minnesota  
138.11 Association of School Administrators, the Minnesota School Boards Association, the  
138.12 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and  
138.13 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,  
138.14 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with  
138.15 research expertise in teacher evaluation, must create and publish a teacher evaluation process  
138.16 that complies with the requirements in paragraph (b) and applies to all teachers under this  
138.17 section and section 122A.41 for whom no agreement exists under paragraph (a) for an annual  
138.18 teacher evaluation and peer review process. The teacher evaluation process created under  
138.19 this subdivision does not create additional due process rights for probationary teachers under  
138.20 subdivision 5.

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

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

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

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

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

139.2 Sec. 14. Minnesota Statutes 2020, section 122A.41, subdivision 2, is amended to read:

139.3 Subd. 2. **Probationary period; discharge or demotion.** (a) All teachers in the public  
139.4 schools in cities of the first class during the first three years of consecutive employment  
139.5 shall be deemed to be in a probationary period of employment during which period any  
139.6 annual contract with any teacher may, or may not, be renewed as the school board, after  
139.7 consulting with the peer review committee charged with evaluating the probationary teachers  
139.8 under subdivision 3, shall see fit. The school site management team or the school board if  
139.9 there is no school site management team, shall adopt a plan for a written evaluation of  
139.10 teachers during the probationary period according to subdivisions 3 and 5. Evaluation by  
139.11 the peer review committee charged with evaluating probationary teachers under subdivision  
139.12 3 shall occur at least three times periodically throughout each school year for a teacher  
139.13 performing services during that school year; the first evaluation must occur within the first  
139.14 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops,  
139.15 and other staff development opportunities and days on which a teacher is absent from school  
139.16 shall not be included in determining the number of school days on which a teacher performs  
139.17 services. The school board may, during such probationary period, discharge or demote a  
139.18 teacher for any of the causes as specified in this code. A written statement of the cause of  
139.19 such discharge or demotion shall be given to the teacher by the school board at least 30  
139.20 days before such removal or demotion shall become effective, and the teacher so notified  
139.21 shall have no right of appeal therefrom.

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

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

139.32 (d) A probationary teacher must complete at least 120 days of teaching service each year  
139.33 during the probationary period. Days devoted to parent-teacher conferences, teachers'

140.1 workshops, and other staff development opportunities and days on which a teacher is absent  
140.2 from school do not count as days of teaching service under this paragraph.

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

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

140.8 Sec. 15. Minnesota Statutes 2020, section 122A.41, subdivision 5, is amended to read:

140.9 **Subd. 5. Development, evaluation, and peer coaching for continuing contract**  
140.10 **teachers.** (a) To improve student learning and success, a school board and an exclusive  
140.11 representative of the teachers in the district, consistent with paragraph (b), may develop an  
140.12 annual teacher evaluation and peer review process for probationary and nonprobationary  
140.13 teachers through joint agreement. If a school board and the exclusive representative of the  
140.14 teachers in the district do not agree to an annual teacher evaluation and peer review process,  
140.15 then the school board and the exclusive representative of the teachers must implement the  
140.16 state teacher evaluation plan developed under paragraph (c). The process must include  
140.17 having trained observers serve as peer coaches or having teachers participate in professional  
140.18 learning communities, consistent with paragraph (b).

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

140.23 (1) must, for probationary teachers, provide for all evaluations required under subdivision  
140.24 2;

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

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

- 141.1 (4) must coordinate staff development activities under sections 122A.60 and 122A.61  
141.2 with this evaluation process and teachers' evaluation outcomes;
- 141.3 (5) may provide time during the school day and school year for peer coaching and teacher  
141.4 collaboration;
- 141.5 (6) may include job-embedded learning opportunities such as professional learning  
141.6 communities;
- 141.7 (7) may include mentoring and induction programs for teachers, including teachers who  
141.8 are members of populations underrepresented among the licensed teachers in the district or  
141.9 school and who reflect the diversity of students under section 120B.35, subdivision 3,  
141.10 paragraph (b), clause (2), who are enrolled in the district or school;
- 141.11 (8) must include an option for teachers to develop and present a portfolio demonstrating  
141.12 evidence of reflection and professional growth, consistent with section 122A.187, subdivision  
141.13 3, and include teachers' own performance assessment based on student work samples and  
141.14 examples of teachers' work, which may include video among other activities for the  
141.15 summative evaluation;
- 141.16 (9) must use data from valid and reliable assessments aligned to state and local academic  
141.17 standards and must use state and local measures of student growth and literacy that may  
141.18 include value-added models or student learning goals to determine 35 percent of teacher  
141.19 evaluation results;
- 141.20 (10) must use longitudinal data on student engagement and connection and other student  
141.21 outcome measures explicitly aligned with the elements of curriculum for which teachers  
141.22 are responsible, including academic literacy, oral academic language, and achievement of  
141.23 English learners;
- 141.24 (11) must require qualified and trained evaluators such as school administrators to  
141.25 perform summative evaluations and ensure school districts and charter schools provide for  
141.26 effective evaluator training specific to teacher development and evaluation;
- 141.27 (12) must give teachers not meeting professional teaching standards under clauses (3)  
141.28 through (11) support to improve through a teacher improvement process that includes  
141.29 established goals and timelines; and
- 141.30 (13) must discipline a teacher for not making adequate progress in the teacher  
141.31 improvement process under clause (12) that may include a last chance warning, termination,  
141.32 discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline  
141.33 a school administrator determines is appropriate.

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

142.4 (c) The department, in consultation with parents who may represent parent organizations  
142.5 and teacher and administrator representatives appointed by their respective organizations,  
142.6 representing the Professional Educator Licensing and Standards Board, the Minnesota  
142.7 Association of School Administrators, the Minnesota School Boards Association, the  
142.8 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and  
142.9 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,  
142.10 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with  
142.11 research expertise in teacher evaluation, must create and publish a teacher evaluation process  
142.12 that complies with the requirements in paragraph (b) and applies to all teachers under this  
142.13 section and section 122A.40 for whom no agreement exists under paragraph (a) for an annual  
142.14 teacher evaluation and peer review process. The teacher evaluation process created under  
142.15 this subdivision does not create additional due process rights for probationary teachers under  
142.16 subdivision 2.

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

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

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

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

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

143.1 Sec. 16. Minnesota Statutes 2020, section 122A.41, is amended by adding a subdivision  
143.2 to read:

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

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

143.8 Sec. 17. Minnesota Statutes 2020, section 122A.415, subdivision 4, is amended to read:

143.9 Subd. 4. **Basic alternative teacher compensation aid.** (a) The basic alternative teacher  
143.10 compensation aid for a school with a plan approved under section 122A.414, subdivision  
143.11 2b, equals 65 percent of the alternative teacher compensation revenue under subdivision 1.  
143.12 The basic alternative teacher compensation aid for a charter school with a plan approved  
143.13 under section 122A.414, subdivisions 2a and 2b, equals \$260 times the number of pupils  
143.14 enrolled in the school on October 1 of the previous year, or on October 1 of the current year  
143.15 for a charter school in the first year of operation, times the ratio of the sum of the alternative  
143.16 teacher compensation aid and alternative teacher compensation levy for all participating  
143.17 school districts to the maximum alternative teacher compensation revenue for those districts  
143.18 under subdivision 1.

143.19 (b) Notwithstanding paragraph (a) and subdivision 1, the state total basic alternative  
143.20 teacher compensation aid entitlement must not exceed ~~\$75,840,000 for fiscal year 2016 and~~  
143.21 ~~\$88,118,000 for fiscal year 2017~~ 2022, \$88,951,000 for fiscal year 2023, and \$89,161,000  
143.22 for fiscal year 2024 and later. The commissioner must limit the amount of alternative teacher  
143.23 compensation aid approved under this section so as not to exceed these limits by not  
143.24 approving new participants or by prorating the aid among participating districts, intermediate  
143.25 school districts, school sites, and charter schools. The commissioner may also reallocate a  
143.26 portion of the allowable aid for the biennium from the second year to the first year to meet  
143.27 the needs of approved participants.

143.28 (c) Basic alternative teacher compensation aid for an intermediate district or other  
143.29 cooperative unit equals \$3,000 times the number of licensed teachers employed by the  
143.30 intermediate district or cooperative unit on October 1 of the previous school year.

143.31 **EFFECTIVE DATE.** This section is effective for the entitlement for fiscal year 2023.

144.1 Sec. 18. Minnesota Statutes 2020, section 122A.415, is amended by adding a subdivision  
144.2 to read:

144.3 Subd. 7. **Revenue uses.** (a) Alternative teacher compensation revenue received under  
144.4 this section must be used for purposes directly aligned with the implementation of the  
144.5 approved plan under section 122A.414, subdivisions 2, paragraph (b), and 2a, if the applicant  
144.6 is a charter school or cooperative.

144.7 (b) No more than five percent of the total amount of revenue may be spent on  
144.8 administrative costs.

144.9 Sec. 19. Minnesota Statutes 2020, section 122A.415, is amended by adding a subdivision  
144.10 to read:

144.11 Subd. 8. **Revenue reserved.** Alternative teacher compensation revenue received under  
144.12 this section must be reserved and used only for the programs authorized in this section.

144.13 Sec. 20. Minnesota Statutes 2020, section 122A.50, is amended to read:

144.14 **122A.50 PREPARATION TIME.**

144.15 Subdivision 1. **Preparation time.** Beginning with agreements effective July 1, 1995,  
144.16 and thereafter, all collective bargaining agreements for teachers provided for under chapter  
144.17 179A, must include provisions for preparation time or a provision indicating that the parties  
144.18 to the agreement chose not to include preparation time in the contract.

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

144.25 Subd. 2. **Due process forms and procedures time.** (a) Beginning with the 2022-2023  
144.26 school year, a school district must use the revenue under this subdivision to provide time  
144.27 for teachers to complete due process forms and procedures in accordance with the plan  
144.28 developed under paragraph (c). This time is in addition to the preparation time under  
144.29 subdivision 1. For purposes of this subdivision, "school district" includes a charter school  
144.30 where teachers have an exclusive representative for purposes of collective bargaining.

144.31 (b) For fiscal year 2023, the due process revenue for a school district is equal to \$19  
144.32 times the adjusted pupil units for the current fiscal year. For fiscal year 2023, the due process

145.1 revenue for a school district that is a member of an intermediate school district or other  
145.2 cooperative unit that enrolls students is equal to \$3.75 times the adjusted pupil units for the  
145.3 current fiscal year. For fiscal year 2024 and later, the due process revenue for a school  
145.4 district equals \$7.40 times the adjusted pupil units for the current fiscal year. For fiscal year  
145.5 2024 and later, the due process revenue for a school district that is a member of an  
145.6 intermediate school district or other cooperative unit that enrolls students equals \$1.50 times  
145.7 the adjusted pupil units for the current fiscal year. If a district is a member of more than one  
145.8 cooperative unit that enrolls students, the revenue must be allocated among the cooperative  
145.9 units.

145.10 (c) A district must meet and negotiate an agreement with the exclusive representative  
145.11 of teachers in the district containing a plan to use the revenue authorized under this  
145.12 subdivision. The plan must provide teachers that provide direct services to students with  
145.13 individualized education programs or individualized family services plans time to complete  
145.14 due process forms and procedures. Examples of allowed uses for the revenue include:

145.15 (1) twenty hours of paid time for each teacher providing direct special education services,  
145.16 with the time paid at a rate proportional to the teacher's annual salary, in addition to the  
145.17 wages provided under applicable collective bargaining agreements and memoranda between  
145.18 the school board and exclusive representative of teachers;

145.19 (2) the costs of necessary substitute teachers;

145.20 (3) innovative flexible learning days or weeks that provide teachers time during the  
145.21 regularly scheduled duty day to complete forms and procedures; and

145.22 (4) due process clerks or other staff dedicated to assisting teachers with due process  
145.23 forms and procedures.

145.24 (d) If the district and exclusive representative cannot reach agreement on a plan to use  
145.25 the revenue, the agreement must require the revenue to be used for the use identified in  
145.26 paragraph (c), clause (1). The parties may agree to reduce the number of paid hours if they  
145.27 agree on another use for the revenue, including another use identified in paragraph (c).

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

146.1 Sec. 21. Minnesota Statutes 2020, section 122A.635, is amended to read:

146.2 **122A.635 COLLABORATIVE URBAN AND GREATER MINNESOTA**  
146.3 **EDUCATORS OF COLOR GRANT PROGRAM.**

146.4 Subdivision 1. **Establishment.** The Professional Educator Licensing and Standards  
146.5 Board must award competitive grants to increase the number of teacher candidates who are  
146.6 of color or who are American Indian, complete teacher preparation programs, and meet the  
146.7 requirements for a Tier 3 license under section 122A.183. Eligibility for a grant under this  
146.8 section is limited to public or private higher education institutions that offer a teacher  
146.9 preparation program approved by the Professional Educator Licensing and Standards Board.

146.10 Subd. 2. **Competitive grants.** (a) The Professional Educator Licensing and Standards  
146.11 Board must award competitive grants to a variety of higher education institution types under  
146.12 this section. The board must require an applicant institution to submit a plan describing how  
146.13 it would use grant funds to increase the number of teachers who are of color or who are  
146.14 American Indian, and must award grants based on the following criteria, listed in descending  
146.15 order of priority:

146.16 ~~(1) the number of teacher candidates being supported in the program who are of color~~  
146.17 ~~or who are American Indian;~~

146.18 ~~(2) (1) program outcomes, including graduation or program completion rates; and~~  
146.19 ~~licensure recommendation rates; and placement rates for candidates who are of color or~~  
146.20 ~~who are American Indian compared to all candidates enrolled in a teacher preparation~~  
146.21 ~~program at the institution and, for each outcome measure, the number of those teacher~~  
146.22 ~~candidates who are of color or who are American Indian; and~~

146.23 ~~(3) the percent of racially and ethnically diverse teacher candidates enrolled in the~~  
146.24 ~~institution compared to:~~

146.25 ~~(i) the total percent of students of color and American Indian students enrolled at the~~  
146.26 ~~institution, regardless of major; and~~

146.27 ~~(ii) the percent of underrepresented racially and ethnically diverse teachers in the~~  
146.28 ~~economic development region of the state where the institution is located and where a~~  
146.29 ~~shortage of diverse teachers exists, as reported under section 122A.091, subdivision 5.~~

146.30 (2) the extent to which an institution's plan is clear in describing how the institution  
146.31 would use grant funds for implementing explicit research-based practices to provide  
146.32 programmatic support to teacher candidates who are of color or who are American Indian.  
146.33 Plans for grant funds may include:

147.1 (i) recruiting more racially and ethnically diverse candidates for admission to teacher  
147.2 preparation programs;

147.3 (ii) providing differentiated advising, mentoring, or other supportive community-building  
147.4 activities in addition to what the institution provides to all candidates enrolled in the  
147.5 institution;

147.6 (iii) providing academic tutoring or support to help teacher candidates pass required  
147.7 assessments; and

147.8 (iv) providing for program staffing expenses;

147.9 (3) an institution's plan to provide direct financial assistance as scholarships or stipends  
147.10 within the allowable dollar range determined by the board under subdivision 3, paragraph  
147.11 (b), to teacher candidates who are of color or who are American Indian;

147.12 ~~(b) The board must give priority in awarding grants under this section to institutions that~~  
147.13 ~~received grants under Laws 2017, First Special Session chapter 5, article 2, section 57,~~  
147.14 ~~subdivision 27, and have demonstrated continuing success at recruiting, retaining, graduating,~~  
147.15 ~~and inducting~~ (4) whether the institution has previously received a competitive grant under  
147.16 this section and has demonstrated positive outcomes from the use of grant funds for efforts  
147.17 helping teacher candidates who are of color or who are American Indian; to enroll in and  
147.18 successfully complete teacher preparation programs and be recommended for licensure;

147.19 (5) geographic diversity among the institutions. In order to expand the number of grant  
147.20 recipients throughout the state, whenever there is at least a 20 percent increase in the base  
147.21 appropriation for this grant program, the board must prioritize awarding grants to institutions  
147.22 outside of the Twin Cities metropolitan area. If the board awards a competitive grant based  
147.23 on the criteria in paragraph (a) to a program that has not previously received funding, the  
147.24 board must thereafter give priority to the program equivalent to other programs given priority  
147.25 under this paragraph, that have received grants and demonstrated positive outcomes; and

147.26 (6) the percentage of racially and ethnically diverse teacher candidates enrolled in the  
147.27 institution compared to:

147.28 (i) the aggregate percentage of students of color and American Indian students enrolled  
147.29 in the institution, regardless of major; and

147.30 (ii) the percentage of underrepresented racially and ethnically diverse teachers in the  
147.31 economic development region of the state where the institution is located and where a  
147.32 shortage of diverse teachers exists, as reported under section 122A.091, subdivision 5.

148.1 (b) The board must not penalize an applicant institution in the grant review process for  
148.2 using grant funds only to provide direct financial support to teacher candidates if that is the  
148.3 institution's priority and the institution uses other resources to provide programmatic support  
148.4 to candidates.

148.5 (c) The board must determine award amounts for development, maintenance and, or  
148.6 expansion of programs based only on the degree to which applicants meet the criteria in  
148.7 this subdivision, the number of candidates who are of color or who are American Indian  
148.8 supported by an applicant program, ~~sustaining support for those candidates,~~ and funds  
148.9 available.

148.10 (d) The board must determine grant awards in part by multiplying the number of teacher  
148.11 candidates to be provided direct financial assistance by the average amount the institution  
148.12 proposes per candidate that is within the allowable dollar range. After assessing an  
148.13 institution's adherence to grant criteria and funds available, the board may grant an institution  
148.14 a lower average amount per candidate and the institution may decide to award less per  
148.15 candidate or provide financial assistance to fewer candidates within the allowable range.  
148.16 Additionally, an institution may use up to 25 percent of the awarded grant funds to provide  
148.17 programmatic support as described in paragraph (a), clause (3). If the board does not award  
148.18 an applicant institution's full request, the board must allow the institution to modify how it  
148.19 uses grant funds to maximize program outcomes consistent with the requirements of this  
148.20 section.

148.21 **Subd. 3. Grant program administration.** (a) The Professional Educator Licensing and  
148.22 Standards Board may enter into an interagency agreement with the Office of Higher  
148.23 Education. The agreement may include a transfer of funds to the Office of Higher Education  
148.24 to help establish and administer the competitive grant process. The board must award grants  
148.25 to institutions located in various economic development regions throughout the state, but  
148.26 must not predetermine the number of institutions to be awarded grants under this section  
148.27 or set a limit for the amount that any one institution may receive as part of the competitive  
148.28 grant application process.

148.29 (b) The board must establish a standard allowable dollar range for the amount of direct  
148.30 financial assistance an applicant institution may provide to each candidate. To determine  
148.31 the range, the board may collect de-identified data from institutions that received a grant  
148.32 during the previous grant period and calculate the average scholarship amount awarded to  
148.33 all candidates across all institutions using the most recent fiscal year data available. The  
148.34 calculation may be used to determine a scholarship range that is no more than 25 percent  
148.35 than this amount and no less than half the average of this amount. The purpose of direct

149.1 financial assistance is to assist candidates matriculating through completing licensure  
 149.2 programs if they demonstrate financial need after considering other grants and scholarships  
 149.3 provided.

149.4 (c) All grants must be awarded by August 15 of the fiscal year in which the grants are  
 149.5 to be used ~~except that, for initial competitive grants awarded for fiscal year 2020, grants~~  
 149.6 ~~must be awarded by September 15.~~ An institution that receives a grant under this section  
 149.7 may use the grant funds over a two- to four-year period to sustain support for teacher  
 149.8 candidates at any stage from recruitment and program admission to graduation and licensure  
 149.9 application.

149.10 Subd. 4. **Report.** (a) By ~~January~~ July 15 of each year, an institution awarded a grant  
 149.11 under this section must prepare for the legislature and the board a detailed report regarding  
 149.12 the expenditure of grant funds, including the amounts used to recruit, retain, and ~~in~~  
 149.13 support teacher candidates of color or who are American Indian teacher candidates to  
 149.14 complete programs and be recommended for licensure. The report must include:

149.15 (1) the total number of teacher candidates of color, disaggregated by race or ethnic group,  
 149.16 who and American Indian teacher candidates who:

149.17 (i) are enrolled in the institution;

149.18 (ii) are supported by grant funds with direct financial assistance during the academic  
 149.19 reporting year;

149.20 (iii) are supported with other programmatic supports;

149.21 (iv) are recruited to the institution, are and newly admitted to the a licensure program,  
 149.22 are enrolled in the;

149.23 (v) are enrolled in a licensure program;

149.24 (vi) have completed a licensure program, have completed student teaching, have  
 149.25 graduated, are licensed, and are newly employed as Minnesota teachers in their licensure  
 149.26 field. A grant recipient must report; and

149.27 (vii) were recommended for licensure in the field for which they were prepared;

149.28 (2) the total number of teacher candidates of color or who are American Indian teacher  
 149.29 candidates at each stage from recruitment program admission to licensed teaching licensure  
 149.30 recommendation as a percentage of total all candidates seeking the same licensure at the  
 149.31 institution; and

150.1 (3) a brief narrative describing the successes and challenges of efforts proposed in the  
 150.2 grant application to support candidates with grant funds, and lessons learned for future  
 150.3 efforts.

150.4 (b) By September 1 of each year, the board must post a report on its website summarizing  
 150.5 the activities and outcomes of grant recipients and results that promote sharing of effective  
 150.6 practices and lessons learned among grant recipients.

150.7 Sec. 22. Minnesota Statutes 2021 Supplement, section 122A.70, is amended to read:

150.8 **122A.70 TEACHER MENTORSHIP AND RETENTION OF EFFECTIVE**  
 150.9 **TEACHERS.**

150.10 Subdivision 1. **Teacher mentoring, induction, and retention programs.** (a) School  
 150.11 districts must develop teacher mentoring programs for teachers new to the profession or  
 150.12 district, including teaching residents, teachers of color, teachers who are American Indian,  
 150.13 teachers in license shortage areas, teachers with special needs, or experienced teachers in  
 150.14 need of peer coaching.

150.15 (b) Teacher mentoring programs must be included in or aligned with districts' teacher  
 150.16 evaluation and peer review processes under sections 122A.40, subdivision 8, and 122A.41,  
 150.17 subdivision 5. A district may use staff development revenue under section 122A.61, special  
 150.18 grant programs established by the legislature, or another funding source to pay a stipend to  
 150.19 a mentor who may be a current or former teacher who has taught at least three years and is  
 150.20 not on an improvement plan. ~~Other initiatives using such funds or funds available under~~  
 150.21 ~~sections 124D.861 and 124D.862 may include:~~

150.22 ~~(1) additional stipends as incentives to mentors of color or who are American Indian;~~

150.23 ~~(2) financial supports for professional learning community affinity groups across schools~~  
 150.24 ~~within and between districts for teachers from underrepresented racial and ethnic groups to~~  
 150.25 ~~come together throughout the school year. For purposes of this section, "affinity groups"~~  
 150.26 ~~are groups of educators who share a common racial or ethnic identity in society as persons~~  
 150.27 ~~of color or who are American Indian;~~

150.28 ~~(3) programs for induction aligned with the district or school mentorship program during~~  
 150.29 ~~the first three years of teaching, especially for teachers from underrepresented racial and~~  
 150.30 ~~ethnic groups; or~~

150.31 ~~(4) grants supporting licensed and nonlicensed educator participation in professional~~  
 150.32 ~~development, such as workshops and graduate courses, related to increasing student~~

151.1 ~~achievement for students of color and American Indian students in order to close opportunity~~  
 151.2 ~~and achievement gaps.~~

151.3 ~~(c) A school or district that receives a grant must negotiate additional retention strategies~~  
 151.4 ~~or protection from unrequested leave of absences in the beginning years of employment for~~  
 151.5 ~~teachers of color and teachers who are American Indian. Retention strategies may include~~  
 151.6 ~~providing financial incentives for teachers of color and teachers who are American Indian~~  
 151.7 ~~to work in the school or district for at least five years and placing American Indian educators~~  
 151.8 ~~at sites with other American Indian educators and educators of color at sites with other~~  
 151.9 ~~educators of color to reduce isolation and increase opportunity for collegial support.~~

151.10 Subd. 2. **Board grants.** The Professional Educator Licensing and Standards Board must  
 151.11 make grant application forms available to sites interested in developing, sustaining, or  
 151.12 expanding a mentorship program. A school district; a or group of school districts; a coalition  
 151.13 ~~of districts, teachers, and teacher education institutions; or,~~ a school or coalition of schools,  
 151.14 or a coalition of teachers, or nonlicensed educators may apply for a program grant. A higher  
 151.15 education institution or nonprofit organization may partner with a grant applicant but is not  
 151.16 eligible as a sole applicant for grant funds. The Professional Educator Licensing and  
 151.17 Standards Board, in consultation with the teacher mentoring task force, must approve or  
 151.18 disapprove the applications. To the extent possible, the approved applications must reflect  
 151.19 effective mentoring, professional development, and retention components, and be  
 151.20 geographically distributed throughout the state. The Professional Educator Licensing and  
 151.21 Standards Board must encourage the selected sites to consider the use of its assessment  
 151.22 procedures.

151.23 Subd. 2a. **Funded work.** (a) Grant funds may be used for the following:

151.24 (1) additional stipends as incentives to mentors who are of color or who are American  
 151.25 Indian;

151.26 (2) financial supports for professional learning community affinity groups across schools  
 151.27 within and between districts for educators from underrepresented racial and ethnic groups  
 151.28 to come together throughout the school year. For purposes of this section, "affinity groups"  
 151.29 mean groups of licensed and nonlicensed educators who share a common racial or ethnic  
 151.30 identity in society as persons who are of color or who are American Indian;

151.31 (3) programs for induction aligned with the district or school mentorship program during  
 151.32 the first three years of teaching, especially for teachers from underrepresented racial and  
 151.33 ethnic groups;

152.1 (4) professional development focused on ways to close opportunity and achievement  
152.2 gaps for students of color and American Indian students; or

152.3 (5) for teachers of color and American Indian teachers, graduate courses toward a first  
152.4 master's degree in a field related to their licensure or toward an additional license.

152.5 (b) A charter school or district that receives a grant must negotiate additional retention  
152.6 strategies or protection from unrequested leaves of absence in the beginning years of  
152.7 employment for teachers who are of color or who are American Indian. Retention strategies  
152.8 may include providing financial incentives for teachers of color and teachers who are  
152.9 American Indian to work in the school or district for at least five years and placing American  
152.10 Indian educators at sites with other American Indian educators and educators of color at  
152.11 sites with other educators of color to reduce isolation and increase opportunity for collegial  
152.12 support.

152.13 **Subd. 3. Criteria for selection.** (a) At a minimum, applicants for grants under subdivision  
152.14 2 must express commitment to:

152.15 (1) allow staff participation;

152.16 (2) assess skills of both beginning and mentor teachers;

152.17 (3) provide appropriate in-service to needs identified in the assessment;

152.18 (4) provide leadership to the effort;

152.19 (5) cooperate with higher education institutions or teacher educators;

152.20 (6) provide facilities and other resources;

152.21 (7) share findings, materials, and techniques with other school districts; and

152.22 (8) retain teachers of color and teachers who are American Indian.

152.23 (b) The Professional Educator Licensing and Standards Board must give priority to  
152.24 applications to fund programs to induct, mentor, and retain Tier 2 or Tier 3 teachers who  
152.25 are of color or who are American Indian, and Tier 2 or Tier 3 teachers in licensure shortage  
152.26 areas within the applicant's economic development region.

152.27 **Subd. 4. Additional funding.** Grant applicants must seek additional funding and  
152.28 assistance from sources such as school districts, postsecondary institutions, foundations,  
152.29 and the private sector.

152.30 **Subd. 5. Program implementation.** A grant recipient may use grant funds on  
152.31 implementing activities over a period of time up to 24 months. New and expanding

153.1 mentorship sites that receive a board grant under subdivision 2 to design, develop, implement,  
 153.2 and evaluate their program must participate in activities that support program development  
 153.3 and implementation.

153.4 Subd. 6. **Report.** By ~~June~~ September 30 of each year after receiving a grant, recipients  
 153.5 must submit a report to the Professional Educator Licensing and Standards Board on program  
 153.6 efforts that describes mentoring and induction activities and assesses the impact of these  
 153.7 programs on teacher effectiveness and retention.

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

153.9 Sec. 23. Minnesota Statutes 2020, section 122A.76, is amended to read:

153.10 **122A.76 STATEWIDE CONCURRENT ENROLLMENT TEACHER TRAINING**  
 153.11 **PROGRAM PARTNERSHIP.**

153.12 Subdivision 1. **Definition.** (a) For purposes of this section, the following terms have the  
 153.13 meanings given them.

153.14 (b) ~~"Northwest Regional Partnership"~~ "Concurrent Enrollment Teacher Partnership"  
 153.15 means a voluntary association of the Lakes Country Service Cooperative, the Northwest  
 153.16 Service Cooperative, ~~and the Metropolitan Education Cooperative Service Unit, Minnesota~~  
 153.17 State University-Moorhead, and other interested colleges and universities operated by the  
 153.18 Minnesota State system or the University of Minnesota that works work together to provide  
 153.19 coordinated higher learning opportunities for teachers.

153.20 ~~(c) "State Partnership" means a voluntary association of the Northwest Regional~~  
 153.21 ~~Partnership and the Metropolitan Educational Cooperative Service Unit.~~

153.22 ~~(d)~~ (c) "Eligible postsecondary institution" means a public or private postsecondary  
 153.23 institution that awards graduate credits.

153.24 ~~(e)~~ (d) "Eligible teacher" means a licensed secondary teacher of secondary school courses  
 153.25 for postsecondary credit interested in teaching or currently teaching concurrent enrollment  
 153.26 courses.

153.27 Subd. 1a. **Fiscal host.** Lakes Country Service Cooperative is the fiscal host for the  
 153.28 Concurrent Enrollment Teacher Partnership.

153.29 Subd. 2. **Establishment.** (a) ~~Lakes Country Service Cooperative, in consultation with~~  
 153.30 ~~the Northwest Service Cooperative,~~ The Concurrent Enrollment Teacher Partnership may  
 153.31 develop a ~~continuing education~~ program to allow eligible teachers to attain the requisite

154.1 graduate credits necessary to be qualified to teach ~~secondary school courses for postsecondary~~  
 154.2 ~~credit~~ concurrent enrollment courses.

154.3 (b) ~~If established, the State Partnership~~ The Concurrent Enrollment Teacher Partnership  
 154.4 must contract with one or more eligible postsecondary institutions to establish a ~~continuing~~  
 154.5 ~~education credit~~ program to allow eligible teachers to attain sufficient graduate credits to  
 154.6 qualify to teach ~~secondary school~~ concurrent enrollment courses for ~~postsecondary credit~~.  
 154.7 Members of the ~~State~~ Concurrent Enrollment Teacher Partnership must work to eliminate  
 154.8 duplication of service and develop the ~~continuing education credit~~ program efficiently and  
 154.9 cost-effectively.

154.10 Subd. 3. **Curriculum development.** The ~~continuing education~~ program must use flexible  
 154.11 delivery models, such as an online education curriculum, that allow eligible secondary  
 154.12 school teachers to attain graduate credit at a reduced credit rate. Information about the  
 154.13 curriculum, including course length and course requirements, must be posted on the website  
 154.14 of the eligible institution offering the course at least two weeks before eligible teachers are  
 154.15 required to register for courses ~~in the continuing education program.~~

154.16 Subd. 4. **Funding for course participation; course development; scholarships;**  
 154.17 **stipends participation incentives.** (a) Lakes Country Service Cooperative, in consultation  
 154.18 with the other members of the ~~Northwest Regional~~ Concurrent Enrollment Teacher  
 154.19 Partnership, ~~shall:~~ must

154.20 ~~(1) provide funding for course development~~ eligible teachers to participate in the program  
 154.21 for up to 18 credits in applicable postsecondary subject areas;

154.22 ~~(2) provide scholarships for eligible teachers to enroll in the continuing education~~  
 154.23 ~~program; and~~

154.24 ~~(3) develop criteria for awarding educator stipends on a per-credit basis to incentivize~~  
 154.25 ~~participation in the continuing education program.~~

154.26 (b) ~~If established, the State Partnership must:~~

154.27 ~~(1) provide funding for course development for up to 18 credits in applicable~~  
 154.28 ~~postsecondary subject areas;~~

154.29 ~~(2) provide scholarships for eligible teachers to enroll in the continuing education~~  
 154.30 ~~program; and~~

154.31 ~~(3) develop criteria for awarding educator stipends on a per-credit basis to incentivize~~  
 154.32 ~~participation in the continuing education program.~~

155.1 (b) The Concurrent Enrollment Teacher Partnership may:

155.2 (1) provide funding for course development in applicable postsecondary subject areas;

155.3 (2) work with school districts to develop incentives for teachers to participate in the  
155.4 program; and

155.5 (3) enroll college faculty, as space permits, and provide financial assistance if state aid  
155.6 remains available.

155.7 Subd. 5. **Private funding.** The partnerships may receive private resources to supplement  
155.8 the available public money. ~~All money received in fiscal year 2017 shall be administered~~  
155.9 ~~by the Lakes Country Service Cooperative. All money received in fiscal year 2018 and later~~  
155.10 ~~shall be administered by the State Partnership.~~

155.11 Subd. 6. **Report required.** ~~(a) The Northwest Regional Partnership must submit a report~~  
155.12 ~~by January 15, 2018, on the progress of its activities to the legislature, commissioner of~~  
155.13 ~~education, and Board of Trustees of the Minnesota State Colleges and Universities. The~~  
155.14 ~~report shall contain a financial report for the preceding year.~~

155.15 ~~(b) If established, the State~~ The Concurrent Enrollment Teacher Partnership must submit  
155.16 an annual joint report to the legislature and the Office of Higher Education by January 15  
155.17 of each year on the progress of its activities. The report must include the number of teachers  
155.18 participating in the program, the geographic location of the teachers, the number of credits  
155.19 earned, and the subject areas of the courses in which participants earned credit. The report  
155.20 must include a financial report for the preceding year.

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

155.22 Sec. 24. Minnesota Statutes 2020, section 123B.147, subdivision 3, is amended to read:

155.23 Subd. 3. **Duties; evaluation.** (a) The principal shall provide administrative, supervisory,  
155.24 and instructional leadership services, under the supervision of the superintendent of schools  
155.25 of the district and according to the policies, rules, and regulations of the school board, for  
155.26 the planning, management, operation, and evaluation of the education program of the building  
155.27 or buildings to which the principal is assigned.

155.28 (b) To enhance a principal's culturally responsive leadership skills and support and  
155.29 improve teaching practices, school performance, and student achievement for diverse student  
155.30 populations, including at-risk students, children with disabilities, English learners, and gifted  
155.31 students, among others, a district must develop and implement a performance-based system  
155.32 for annually evaluating school principals assigned to supervise a school building within the

156.1 district. The evaluation must be designed to improve teaching and learning by supporting  
156.2 the principal in shaping the school's professional environment and developing teacher  
156.3 quality, performance, and effectiveness. The annual evaluation must:

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

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

156.10 ~~(2)~~ (3) include formative and summative evaluations based on multiple measures of  
156.11 student progress toward career and college readiness;

156.12 ~~(3)~~ (4) be consistent with a principal's job description, a district's long-term plans and  
156.13 goals, and the principal's own professional multiyear growth plans and goals, all of which  
156.14 must support the principal's leadership behaviors and practices, rigorous curriculum, school  
156.15 performance, and high-quality instruction;

156.16 ~~(4)~~ (5) include on-the-job observations and previous evaluations;

156.17 ~~(5)~~ (6) allow surveys to help identify a principal's effectiveness, leadership skills and  
156.18 processes, and strengths and weaknesses in exercising leadership in pursuit of school success;

156.19 ~~(6)~~ (7) use longitudinal data on student academic growth as 35 percent of the evaluation  
156.20 and incorporate district achievement goals and targets;

156.21 ~~(7)~~ (8) be linked to professional development that emphasizes improved teaching and  
156.22 learning, curriculum and instruction, student learning, culturally responsive leadership  
156.23 practices, and a collaborative professional culture; and

156.24 ~~(8)~~ (9) for principals not meeting standards of professional practice or other criteria  
156.25 under this subdivision, implement a plan to improve the principal's performance and specify  
156.26 the procedure and consequence if the principal's performance is not improved.

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

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

157.1 Sec. 25. Minnesota Statutes 2020, section 179A.03, subdivision 19, is amended to read:

157.2 Subd. 19. **Terms and conditions of employment.** "Terms and conditions of employment"  
 157.3 means the hours of employment, the compensation therefor including fringe benefits except  
 157.4 retirement contributions or benefits other than employer payment of, or contributions to,  
 157.5 premiums for group insurance coverage of retired employees or severance pay, class sizes  
 157.6 in school districts and charter schools, student testing, student to personnel ratios in school  
 157.7 districts, and the employer's personnel policies affecting the working conditions of the  
 157.8 employees. In the case of professional employees the term does not mean educational  
 157.9 policies of a school district. "Terms and conditions of employment" is subject to section  
 157.10 179A.07.

157.11 Sec. 26. Laws 2021, First Special Session chapter 13, article 3, section 7, subdivision 3,  
 157.12 is amended to read:

157.13 Subd. 3. **Statewide Concurrent enrollment teacher training program.** (a) For the  
 157.14 concurrent enrollment teacher partnership under Minnesota Statutes, section 122A.76:

157.15	\$	375,000	.....	2022
157.16		<del>375,000</del>		
157.17	\$	<u>1,000,000</u>	.....	2023

157.18 (b) Any balance in the first year does not cancel but is available in the second year.

157.19 (c) Any balance in the second year does not cancel but is available until June 30, 2025.

157.20 Sec. 27. Laws 2021, First Special Session chapter 13, article 3, section 7, subdivision 4,  
 157.21 is amended to read:

157.22 Subd. 4. **Grow Your Own.** (a) For grants to develop, continue, or expand Grow Your  
 157.23 Own new teacher programs under Minnesota Statutes, section 122A.73:

157.24	\$	6,500,000	.....	2022
157.25		<del>6,500,000</del>		
157.26	\$	<u>68,000,000</u>	.....	2023

157.27 (b) This appropriation is subject to the requirements under Minnesota Statutes, section  
 157.28 122A.73, subdivision 5.

157.29 (c) Any balance in the first year does not cancel but is available in the second year.

157.30 (d) The base for fiscal years 2024 and 2025 is \$6,500,000. The base for fiscal year 2026  
 157.31 is \$27,000,000.

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

158.1 Sec. 28. Laws 2021, First Special Session chapter 13, article 3, section 7, subdivision 5,  
158.2 is amended to read:

158.3 Subd. 5. **Nonexclusionary discipline.** (a) For grants to school districts and charter  
158.4 schools to provide training for school staff on nonexclusionary disciplinary practices:

158.5 \$ 1,750,000 ..... 2022

158.6 ~~500,000~~

158.7 \$ 5,000,000 ..... 2023

158.8 (b) Grants are to develop training and to work with schools to train staff on  
158.9 nonexclusionary disciplinary practices that maintain the respect, trust, and attention of  
158.10 students and help keep students in classrooms. These funds may also be used for grant  
158.11 administration.

158.12 (c) Eligible grantees include school districts, charter schools, intermediate school districts,  
158.13 and cooperative units as defined in section 123A.24, subdivision 2.

158.14 (d) Any balance in the first year does not cancel but is available in the second year.

158.15 (e) The base for fiscal year 2024 and later is ~~\$0~~ \$5,000,000.

158.16 Sec. 29. Laws 2021, First Special Session chapter 13, article 3, section 7, subdivision 6,  
158.17 is amended to read:

158.18 Subd. 6. **Expanded concurrent enrollment grants.** (a) For grants to institutions offering  
158.19 "Introduction to Teaching" or "Introduction to Education" college in the schools courses  
158.20 under Minnesota Statutes, section 124D.09, subdivision 10, paragraph (b):

158.21 \$ 500,000 ..... 2022

158.22 ~~500,000~~

158.23 \$ 1,000,000 ..... 2023

158.24 (b) The department may retain up to five percent of the appropriation amount to monitor  
158.25 and administer the grant program.

158.26 (c) Any balance in the first year does not cancel but is available in the second year.

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

158.28 Sec. 30. Laws 2021, First Special Session chapter 13, article 3, section 7, subdivision 7,  
158.29 is amended to read:

158.30 Subd. 7. **Alternative teacher compensation aid.** (a) For alternative teacher compensation  
158.31 aid under Minnesota Statutes, section 122A.415, subdivision 4:

159.1 ~~88,896,000~~  
 159.2 \$ 88,559,000 ..... 2022  
 159.3 ~~88,898,000~~  
 159.4 \$ 89,234,000 ..... 2023

159.5 (b) The 2022 appropriation includes \$8,877,000 for 2021 and ~~\$80,019,000~~ \$79,682,000  
 159.6 for 2022.

159.7 (c) The 2023 appropriation includes ~~\$8,891,000~~ \$8,854,000 for 2022 and ~~\$80,007,000~~  
 159.8 \$80,380,000 for 2023.

159.9 Sec. 31. Laws 2021, First Special Session chapter 13, article 3, section 8, subdivision 2,  
 159.10 is amended to read:

159.11 Subd. 2. **Collaborative urban and greater Minnesota educators of color grants.** (a)  
 159.12 For collaborative urban and greater Minnesota educators of color grants under Minnesota  
 159.13 Statutes, section 122A.635:

159.14 \$ 1,000,000 ..... 2022  
 159.15 ~~1,000,000~~  
 159.16 \$ 3,000,000 ..... 2023

159.17 (b) The board may retain up to \$30,000 of the appropriation amount in each fiscal year  
 159.18 to monitor and administer the grant program and a portion of these funds may be transferred  
 159.19 to the Office of Higher Education as determined by the executive director of the board and  
 159.20 the commissioner to support the administration of the program.

159.21 (c) Any balance in the first year does not cancel but is available in the second year.

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

159.23 Sec. 32. **TEACHER SUPPLY AND DEMAND REPORT.**

159.24 (a) By February 1, 2023, the Professional Educator Licensing and Standards Board must  
 159.25 include in the report required under Minnesota Statutes, section 122A.091, subdivision 5,  
 159.26 the number of teacher openings, by school district, for teachers with licenses in the following  
 159.27 fields:

159.28 (1) English as a second language;

159.29 (2) early childhood;

159.30 (3) special education;

159.31 (4) career and technical education;

160.1 (5) science, technology, engineering, arts, and math; and

160.2 (6) world languages.

160.3 (b) For each field listed in paragraph (a), the report must also include the number of  
 160.4 teachers hired, by school district, at each license tier level, and the number of teacher  
 160.5 assignments the school district was unable to fill with a licensed teacher.

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

160.7 Sec. 33. **TEMPORARY INCREASE IN TEACHERS RETIREMENT ASSOCIATION**  
 160.8 **EARNINGS LIMITATION.**

160.9 For fiscal years 2023, 2024, and 2025, notwithstanding Minnesota Statutes, section  
 160.10 354.44, subdivision 5, the applicable earnings limitation for an individual collecting a  
 160.11 retirement annuity is \$92,000.

160.12 Sec. 34. **APPROPRIATIONS.**

160.13 Subdivision 1. **Department of Education.** The sums indicated in this section are  
 160.14 appropriated from the general fund to the Department of Education for the fiscal years  
 160.15 designated.

160.16 Subd. 2. **American Indian history and culture.** (a) For implementation of the American  
 160.17 Indian history and culture relicensure requirement under Minnesota Statutes, section  
 160.18 122A.187, subdivision 7. The commissioner may transfer funds to the Professional Educator  
 160.19 Licensing and Standards Board as necessary:

160.20 \$ 0 ..... 2022

160.21 \$ 0 ..... 2023

160.22 (b) The base is \$86,000,000 for fiscal year 2024 and \$60,000 for fiscal year 2025.

160.23 Subd. 3. **Due process aid.** (a) For special education teacher due process aid under section  
 160.24 122A.50 not otherwise reimbursed as special education aid:

160.25 \$ 18,230,000 ..... 2023

160.26 (b) The base is \$8,227,000 for fiscal year 2024 and \$8,605,000 for fiscal year 2025.

160.27 Subd. 4. **Science teachers.** (a) For a grant to the Minnesota Science Teachers Association:

160.28 \$ 611,000 ..... 2023

160.29 (b) Grant funds must be used to provide pedagogical and content professional  
 160.30 development to implement the 2019 revised science standards, including for current high

161.1 school teachers to prepare to take the content test for additional licensure in earth science,  
 161.2 and to provide pedagogical and content professional development to 6th grade and high  
 161.3 school teachers to be effective teachers of earth and space science. Professional development  
 161.4 must be offered at multiple locations across the state, including outside the seven-county  
 161.5 metropolitan area as well as online.

161.6 (c) This appropriation is available until June 30, 2025. Up to five percent of this  
 161.7 appropriation may be used for administrative costs incurred by the Department of Education.

161.8 Subd. 5. **Teacher retention bonuses.** (a) For providing retention bonuses to teachers  
 161.9 who are new to the profession:

161.10 \$ 0 ..... 2022

161.11 \$ 11,250,000 ..... 2023

161.12 (b) The commissioner must establish a process to identify eligible teachers to receive  
 161.13 retention bonuses in this program.

161.14 (c) The commissioner must prioritize teachers of color and American Indian teachers,  
 161.15 teachers filling licensure shortage areas, and teachers from low-income backgrounds.

161.16 (d) The employer of the eligible teacher must offer the stipend and request reimbursement  
 161.17 from the department using a process established by the department.

161.18 (e) A retention bonus must be in addition to the local salary agreement.

161.19 (f) Reimbursements for eligible teachers must meet the following requirements:

161.20 (1) \$1,000 awarded to first-year teachers who successfully complete their first year of  
 161.21 employment and are returning for a second year.

161.22 (2) \$2,000 awarded to the same cohort of teachers who successfully complete their  
 161.23 second year of employment and are returning for a third year.

161.24 (3) \$4,500 awarded to the same cohort of teachers who successfully complete their third  
 161.25 year of employment and are returning for a fourth year.

161.26 (g) This appropriation is available until June 30, 2025.

161.27 (h) The department may retain up to five percent of the appropriation amount to monitor  
 161.28 and administer the program.

162.1

**ARTICLE 4**

162.2

**CHARTER SCHOOLS**

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

162.4 **124E.02 DEFINITIONS.**

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

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

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

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

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

162.18 (f) "Education management organization" means any for-profit entity that contracts with  
162.19 a charter school board of directors to provide, manage, or oversee all or substantially all of  
162.20 the charter school's educational program design or implementation, or the charter school's  
162.21 administrative, financial, business, and operational functions.

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

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

162.26 (1) current and projected demographic information of student populations in the  
162.27 geographic area;

162.28 (2) current student enrollment patterns in the geographic area;

162.29 (3) information on existing schools and types of educational programs currently available;

162.30 (4) documentation of the plan for outreach to diverse and underrepresented populations;

162.31 (5) information on the availability of properly zoned and classified facilities; and

163.1 (6) quantification of existing demand for the new school or site expansion.

163.2 (i) "Online education service provider" means an organization that provides the online  
163.3 learning management system, virtual learning environment, or online student management  
163.4 system and services for the implementation and operation of the online education program.

163.5 ~~(f)~~ (j) "Person" means an individual or entity of any kind.

163.6 ~~(g)~~ (k) "Related party" means an affiliate or immediate relative of the other interested  
163.7 party, an affiliate of an immediate relative who is the other interested party, or an immediate  
163.8 relative of an affiliate who is the other interested party.

163.9 ~~(h)~~ (l) For purposes of this chapter, the terms defined in section 120A.05 have the same  
163.10 meanings.

163.11 Sec. 2. Minnesota Statutes 2020, section 124E.03, subdivision 2, is amended to read:

163.12 Subd. 2. **Certain federal, state, and local requirements.** (a) A charter school shall  
163.13 meet all federal, state, and local health and safety requirements applicable to school districts.

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

163.16 (c) A charter school must comply with the Minnesota Public School Fee Law, sections  
163.17 123B.34 to 123B.39.

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

163.19 (e) A charter school must comply with the Pledge of Allegiance requirement under  
163.20 section 121A.11, subdivision 3.

163.21 (f) A charter school and charter school board of directors must comply with chapter 181  
163.22 governing requirements for employment.

163.23 (g) A charter school must comply with continuing truant notification under section  
163.24 260A.03.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

164.30 (8) an assurance specifying that the organization is committed to serving as an authorizer  
164.31 for the full five-year term until the organization formally withdraws as an approved authorizer

165.1 under subdivision 7 or the commissioner terminates the organization's ability to authorize  
165.2 charter schools under subdivision 6.

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

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

165.9 Sec. 5. Minnesota Statutes 2020, section 124E.05, subdivision 7, is amended to read:

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

165.19 Sec. 6. Minnesota Statutes 2020, section 124E.06, subdivision 1, is amended to read:

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

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

165.28 (1) the school developer's:

165.29 (i) mission statement;

165.30 (ii) school purposes;

165.31 (iii) program design;

166.1 (iv) market need and demand study;

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

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

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

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

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

166.7 (c) An authorizer shall not approve an application submitted by a charter school developer  
 166.8 under paragraph (a) if the application does not comply with subdivision 3, paragraph (e),  
 166.9 and section 124E.01, subdivision 1. The commissioner shall not approve an affidavit  
 166.10 submitted by an authorizer under subdivision 4 if the affidavit does not comply with  
 166.11 subdivision 3, paragraph (e), and section 124E.01, subdivision 1.

166.12 Sec. 7. Minnesota Statutes 2020, section 124E.06, subdivision 4, is amended to read:

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

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

166.20 (2) how the authorizer intends to oversee:

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

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

166.24 (b) The commissioner must approve or disapprove the authorizer's affidavit within 60  
 166.25 business days of receiving the affidavit. If the commissioner disapproves the affidavit, the  
 166.26 commissioner shall notify the authorizer of the deficiencies in the affidavit and the authorizer  
 166.27 then has 20 business days to address the deficiencies. The commissioner must notify the  
 166.28 authorizer of the commissioner's final approval or final disapproval within 15 business days  
 166.29 after receiving the authorizer's response to the deficiencies in the affidavit. If the authorizer  
 166.30 does not address deficiencies to the commissioner's satisfaction, the commissioner's

167.1 disapproval is final. An authorizer who fails to obtain the commissioner's approval is  
167.2 precluded from chartering the school that is the subject of this affidavit.

167.3 Sec. 8. Minnesota Statutes 2020, section 124E.06, subdivision 5, is amended to read:

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

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

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

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

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

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

167.21 (b) The commissioner shall have 30 business days to review and comment on the  
167.22 supplemental affidavit. The commissioner shall notify the authorizer in writing of any  
167.23 deficiencies in the supplemental affidavit and the authorizer then has 20 business days to  
167.24 address any deficiencies in the supplemental affidavit to the commissioner's satisfaction.  
167.25 The commissioner must notify the authorizer of final approval or final disapproval within  
167.26 15 business days after receiving the authorizer's response to the deficiencies in the affidavit.  
167.27 The school may not add grades or sites until the commissioner has approved the supplemental  
167.28 affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.

167.29 Sec. 9. Minnesota Statutes 2020, section 124E.07, subdivision 3, is amended to read:

167.30 Subd. 3. **Membership criteria.** (a) The ongoing charter school board of directors shall  
167.31 have at least five nonrelated members and include: (1) at least one licensed teacher, as  
167.32 defined in section 122A.06, subdivision 2, who is employed as a teacher at the school or

168.1 provides instruction under contract between the charter school and a cooperative; (2) at  
168.2 least one parent or legal guardian of a student enrolled in the charter school who is not an  
168.3 employee of the charter school; and (3) at least one interested community member who  
168.4 resides in Minnesota, is not employed by the charter school, and does not have a child  
168.5 enrolled in the school. The board structure may include a majority of teachers under this  
168.6 paragraph or parents or community members, or it may have no clear majority. The chief  
168.7 financial officer and the chief administrator may only serve as ex-officio nonvoting board  
168.8 members. No charter school employees shall serve on the board other than teachers under  
168.9 clause (1). Contractors providing facilities, goods, or services to a charter school shall not  
168.10 serve on the board of directors of the charter school.

168.11 (b) An individual is prohibited from serving as a member of the charter school board of  
168.12 directors if: (1) the individual, an immediate family member, or the individual's partner is  
168.13 a full or part owner or principal with a for-profit or nonprofit entity or independent contractor  
168.14 with whom the charter school contracts, directly or indirectly, for professional services,  
168.15 goods, or facilities; or (2) an immediate family member is an employee of the school. An  
168.16 individual may serve as a member of the board of directors if no conflict of interest exists  
168.17 under this paragraph, consistent with this section.

168.18 (c) A violation of paragraph (b) renders a contract voidable at the option of the  
168.19 commissioner or the charter school board of directors. A member of a charter school board  
168.20 of directors who violates paragraph (b) is individually liable to the charter school for any  
168.21 damage caused by the violation.

168.22 (d) Any employee, agent, or board member of the authorizer who participates in initially  
168.23 reviewing, approving, overseeing, evaluating, renewing, or not renewing the charter school  
168.24 is ineligible to serve on the board of directors of a school chartered by that authorizer.

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

168.26 **124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.**

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

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

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

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

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

169.7 (c) Admission to a charter school is free to any person who resides within the state of  
169.8 Minnesota and Minnesota students have enrollment preference over out-of-state residents.  
169.9 A charter school shall give enrollment preference to a sibling of an enrolled pupil and to a  
169.10 foster child of that pupil's parents and may give preference for enrolling children of the  
169.11 school's staff before accepting other pupils by lot. A charter school that is located in Duluth  
169.12 township in St. Louis County and admits students in kindergarten through grade 6 must  
169.13 give enrollment preference to students residing within a five-mile radius of the school and  
169.14 to the siblings of enrolled children. ~~A charter school may give enrollment preference to~~  
169.15 ~~children currently enrolled in the school's free preschool or prekindergarten program under~~  
169.16 ~~section 124E.06, subdivision 3, paragraph (b), who are eligible to enroll in kindergarten in~~  
169.17 ~~the next school year.~~

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

169.26 (e) Except as permitted in ~~paragraph~~ paragraphs (d) and (i), a charter school, including  
169.27 its preschool or prekindergarten program established under section 124E.06, subdivision  
169.28 3, paragraph (b), may not limit admission to pupils on the basis of intellectual ability,  
169.29 measures of achievement or aptitude, or athletic ability and may not establish any criteria  
169.30 or requirements for admission that are inconsistent with this section.

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

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

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

170.15 (i) A charter school serving at least 90 percent of enrolled students who are eligible for  
170.16 special education services and have a primary disability of deaf, hard-of-hearing, or deafblind  
170.17 may give enrollment preference to students who are eligible for special education services  
170.18 and have a primary disability of deaf, hard-of-hearing, or deafblind. The charter school may  
170.19 not limit admission based on the student's eligibility for additional special education services.

170.20 Sec. 11. Minnesota Statutes 2020, section 124E.13, subdivision 1, is amended to read:

170.21 Subdivision 1. **Leased space.** A charter school may lease space from: an independent  
170.22 or special school board; other public organization; private, nonprofit, nonsectarian  
170.23 organization; private property owner; or a sectarian organization if the leased space is  
170.24 constructed as a school facility. The owner of the space must be the lessor. The commissioner  
170.25 must review and approve or disapprove leases in a timely manner to determine eligibility  
170.26 for lease aid under section 124E.22.

170.27 **EFFECTIVE DATE.** This section is effective for leases effective July 1, 2022, and  
170.28 thereafter.

170.29 Sec. 12. Minnesota Statutes 2020, section 124E.13, subdivision 3, is amended to read:

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

- 171.1 (1) has operated for at least six consecutive years;
- 171.2 (2) as of June 30, has a net positive unreserved general fund balance in the preceding  
171.3 three fiscal years;
- 171.4 (3) has long-range strategic and financial plans that include enrollment projections for  
171.5 at least five years;
- 171.6 (4) completes a feasibility study of facility options that outlines the benefits and costs  
171.7 of each option; and
- 171.8 (5) has a plan that describes project parameters and budget.
- 171.9 (b) An affiliated nonprofit building corporation under this subdivision must:
- 171.10 (1) be incorporated under section 317A;
- 171.11 (2) comply with applicable Internal Revenue Service regulations, including regulations  
171.12 for "supporting organizations" as defined by the Internal Revenue Service;
- 171.13 (3) post on the school website the name, mailing address, bylaws, minutes of board  
171.14 meetings, and names of the current board of directors of the affiliated nonprofit building  
171.15 corporation;
- 171.16 (4) submit to the commissioner a copy of its annual audit by December 31 of each year;  
171.17 and
- 171.18 (5) comply with government data practices law under chapter 13.
- 171.19 (c) An affiliated nonprofit building corporation must not serve as the leasing agent for  
171.20 property ~~or~~ and facilities it does not own. A charter school that leases property and a facility  
171.21 from an affiliated nonprofit building corporation that does not own the leased facility property  
171.22 and building is ineligible to receive charter school lease aid. The state is immune from  
171.23 liability resulting from a contract between a charter school and an affiliated nonprofit building  
171.24 corporation.
- 171.25 (d) The board of directors of the charter school must ensure the affiliated nonprofit  
171.26 building corporation complies with all applicable legal requirements. The charter school's  
171.27 authorizer must oversee the efforts of the board of directors of the charter school to ensure  
171.28 legal compliance of the affiliated building corporation. A school's board of directors that  
171.29 fails to ensure the affiliated nonprofit building corporation's compliance violates its  
171.30 responsibilities and an authorizer must consider that failure when evaluating the charter  
171.31 school.

172.1 Sec. 13. Minnesota Statutes 2020, section 124E.16, subdivision 1, is amended to read:

172.2 Subdivision 1. **Audit report.** (a) A charter school is subject to the same financial audits,  
172.3 audit procedures, and audit requirements as a district, except as required under this  
172.4 subdivision. Audits must be conducted in compliance with generally accepted governmental  
172.5 auditing standards, the federal Single Audit Act, if applicable, and section 6.65 governing  
172.6 auditing procedures. A charter school is subject to and must comply with sections 15.054;  
172.7 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06 governing government property  
172.8 and financial investments; and sections 471.38; 471.391; 471.392; and 471.425 governing  
172.9 municipal contracting. The audit must comply with the requirements of sections 123B.75  
172.10 to 123B.83 governing school district finance, except when the commissioner and authorizer  
172.11 approve a deviation made necessary because of school program finances. The commissioner,  
172.12 state auditor, legislative auditor, or authorizer may conduct financial, program, or compliance  
172.13 audits. A charter school in statutory operating debt under sections 123B.81 to 123B.83 must  
172.14 submit a plan under section 123B.81, subdivision 4.

172.15 (b) The charter school must submit an audit report to the commissioner and its authorizer  
172.16 annually by December 31. The charter school's charter management organization or  
172.17 educational management organization must submit an audit report to the commissioner  
172.18 annually by December 31.

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

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

172.32 (e) If the audit report finds that a material weakness exists in the financial reporting  
172.33 systems of a charter school, the charter school must submit a written report to the  
172.34 commissioner explaining how the charter school will resolve that material weakness. An

173.1 auditor, as a condition of providing financial services to a charter school, must agree to  
173.2 make available information about a charter school's financial audit to the commissioner and  
173.3 authorizer upon request.

173.4 Sec. 14. Minnesota Statutes 2020, section 124E.25, subdivision 1a, is amended to read:

173.5 Subd. 1a. **School closures; payments.** (a) Notwithstanding subdivision 1 and section  
173.6 127A.45, for a charter school ceasing operation on or before June 30, for the payment periods  
173.7 occurring after the school ceases serving students, the commissioner shall withhold the  
173.8 estimated state aid owed the school. The charter school board of directors and authorizer  
173.9 must submit to the commissioner a closure plan under chapter ~~308A~~ or 317A, and financial  
173.10 information about the school's liabilities and assets. After receiving the closure plan, financial  
173.11 information, an audit of pupil counts, and documented lease expenditures from the charter  
173.12 school and monitoring special education expenditures, the commissioner may release cash  
173.13 withheld and may continue regular payments up to the current year payment percentages  
173.14 if further amounts are owed. If, based on audits and monitoring, the school received state  
173.15 aid in excess of the amount owed, the commissioner shall retain aid withheld sufficient to  
173.16 eliminate the aid overpayment.

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

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

## 173.27 ARTICLE 5

### 173.28 SPECIAL EDUCATION

173.29 Section 1. Minnesota Statutes 2020, section 122A.31, subdivision 1, is amended to read:

173.30 Subdivision 1. **Requirements for American sign language/English interpreters.** (a)  
173.31 In addition to any other requirements that a school district establishes, any person employed  
173.32 to provide American sign language/English interpreting or sign transliterating services on  
173.33 a full-time or part-time basis for a school district ~~after July 1, 2000~~, must:

174.1 (1) hold current interpreter ~~and~~ or transliterator certificates awarded by the Registry of  
174.2 Interpreters for the Deaf (RID), or the general level interpreter proficiency certificate awarded  
174.3 by the National Association of the Deaf (NAD), or a comparable state certification from  
174.4 the commissioner of education; ~~and~~

174.5 ~~(2)~~ satisfactorily complete an interpreter/transliterator training program affiliated with  
174.6 an accredited educational institution; ~~or~~

174.7 (2) hold a certified deaf interpreter certification issued by RID.

174.8 (b) New graduates of an interpreter/transliterator program affiliated with an accredited  
174.9 education institution or deaf interpreters shall be granted a two-year provisional certificate  
174.10 by the commissioner. During the two-year provisional period, the interpreter/transliterator  
174.11 must develop and implement an education plan in collaboration with a mentor under  
174.12 paragraph (c).

174.13 (c) A mentor of a provisionally certified interpreter/transliterator must be an  
174.14 interpreter/transliterator who has either NAD level IV or V certification or RID certified  
174.15 interpreter and certified transliterator certification and have at least three years of  
174.16 interpreting/transliterating experience in any educational setting. The mentor, in collaboration  
174.17 with the provisionally certified interpreter/transliterator, shall develop and implement an  
174.18 education plan designed to meet the requirements of paragraph (a), clause (1), and include  
174.19 a weekly on-site mentoring process.

174.20 (d) Consistent with the requirements of this paragraph, a person holding a provisional  
174.21 certificate may apply to the commissioner for one time-limited extension. The commissioner,  
174.22 in consultation with the Commission of the Deaf, DeafBlind and Hard of Hearing, must  
174.23 grant the person a time-limited extension of the provisional certificate based on the following  
174.24 documentation:

174.25 (1) letters of support from the person's mentor, a parent of a pupil the person serves, the  
174.26 special education director of the district in which the person is employed, and a representative  
174.27 from the regional service center of the deaf and hard-of-hearing;

174.28 (2) records of the person's formal education, training, experience, and progress on the  
174.29 person's education plan; and

174.30 (3) an explanation of why the extension is needed.

174.31 As a condition of receiving the extension, the person must comply with a plan and the  
174.32 accompanying ~~time-line~~ timeline for meeting the requirements of this subdivision. A  
174.33 committee composed of the deaf and hard-of-hearing state specialist, a representative of

175.1 the Minnesota Association of Deaf Citizens, a representative of the Minnesota Registry of  
175.2 Interpreters ~~of~~ for the Deaf, and other appropriate ~~persons~~ committee members selected by  
175.3 the commissioner must develop the plan and ~~time-line~~ timeline for the person receiving the  
175.4 extension.

175.5 (e) A school district may employ only an interpreter/transliterator who has been certified  
175.6 under paragraph (a) or (b), or for whom a time-limited extension has been granted under  
175.7 paragraph (d).

175.8 (f) An interpreter who meets the requirements of paragraph (a) is "essential personnel"  
175.9 as defined in section 125A.76, subdivision 1.

175.10 Sec. 2. Minnesota Statutes 2020, section 125A.03, is amended to read:

175.11 **125A.03 SPECIAL INSTRUCTION FOR CHILDREN WITH A DISABILITY.**

175.12 (a) As defined in paragraph (b), every district must provide special instruction and  
175.13 services, either within the district or in another district, for all children with a disability,  
175.14 including providing required services under Code of Federal Regulations, title 34, section  
175.15 300.121, paragraph (d), to those children suspended or expelled from school for more than  
175.16 ten school days in that school year, who are residents of the district and who are disabled  
175.17 as set forth in section 125A.02. For purposes of state and federal special education laws,  
175.18 the phrase "special instruction and services" in the state Education Code means a free and  
175.19 appropriate public education provided to an eligible child with disabilities. "Free appropriate  
175.20 public education" means special education and related services that:

175.21 (1) are provided at public expense, under public supervision and direction, and without  
175.22 charge;

175.23 (2) meet the standards of the state, including the requirements of the Individuals with  
175.24 Disabilities Education Act, Part B or C;

175.25 (3) include an appropriate preschool, elementary school, or secondary school education;  
175.26 and

175.27 (4) are provided to children ages three through 21 in conformity with an individualized  
175.28 education program that meets the requirements of the Individuals with Disabilities Education  
175.29 Act, subpart A, sections 300.320 to 300.324, and provided to infants and toddlers in  
175.30 conformity with an individualized family service plan that meets the requirements of the  
175.31 Individuals with Disabilities Education Act, subpart A, sections 303.300 to 303.346.

176.1 (b) Notwithstanding any age limits in laws to the contrary, special instruction and services  
176.2 must be provided from birth until ~~July 1~~ after the child with a disability becomes ~~21~~ 22  
176.3 years old but shall not extend beyond secondary school or its equivalent, except as provided  
176.4 in section 124D.68, subdivision 2. For the 2022-2023 school year only, special instruction  
176.5 and services must be provided until a child with a disability becomes 23 years old, but shall  
176.6 not extend beyond secondary school or its equivalent, except as provided in section 124D.68,  
176.7 subdivision 2. Local health, education, and social service agencies must refer children under  
176.8 age five who are known to need or suspected of needing special instruction and services to  
176.9 the school district. Districts with less than the minimum number of eligible children with a  
176.10 disability as determined by the commissioner must cooperate with other districts to maintain  
176.11 a full range of programs for education and services for children with a disability. This section  
176.12 does not alter the compulsory attendance requirements of section 120A.22.

176.13 (c) At the board's discretion, a school district that participates in a reciprocity agreement  
176.14 with a neighboring state under section 124D.041 may enroll and provide special instruction  
176.15 and services to a child from an adjoining state whose family resides at a Minnesota address  
176.16 as assigned by the United States Postal Service if the district has completed child  
176.17 identification procedures for that child to determine the child's eligibility for special education  
176.18 services, and the child has received developmental screening under sections 121A.16 to  
176.19 121A.19.

176.20 Sec. 3. Minnesota Statutes 2020, section 125A.08, is amended to read:

176.21 **125A.08 INDIVIDUALIZED EDUCATION PROGRAMS.**

176.22 (a) At the beginning of each school year, each school district shall have in effect, for  
176.23 each child with a disability, an individualized education program.

176.24 (b) As defined in this section, every district must ensure the following:

176.25 (1) all students with disabilities are provided the special instruction and services which  
176.26 are appropriate to their needs. Where the individualized education program team has  
176.27 determined appropriate goals and objectives based on the student's needs, including the  
176.28 extent to which the student can be included in the least restrictive environment, and where  
176.29 there are essentially equivalent and effective instruction, related services, or assistive  
176.30 technology devices available to meet the student's needs, cost to the district may be among  
176.31 the factors considered by the team in choosing how to provide the appropriate services,  
176.32 instruction, or devices that are to be made part of the student's individualized education  
176.33 program. The individualized education program team shall consider and may authorize  
176.34 services covered by medical assistance according to section 256B.0625, subdivision 26.

177.1 Before a school district evaluation team makes a determination of other health disability  
177.2 under Minnesota Rules, part 3525.1335, subparts 1 and 2, item A, subitem (1), the evaluation  
177.3 team must seek written documentation of the student's medically diagnosed chronic or acute  
177.4 health condition signed by a licensed physician or a licensed health care provider acting  
177.5 within the scope of the provider's practice. The student's needs and the special education  
177.6 instruction and services to be provided must be agreed upon through the development of  
177.7 an individualized education program. The program must address the student's need to develop  
177.8 skills to live and work as independently as possible within the community. The individualized  
177.9 education program team must consider positive behavioral interventions, strategies, and  
177.10 supports that address behavior needs for children. During grade 9, the program must address  
177.11 the student's needs for transition from secondary services to postsecondary education and  
177.12 training, employment, community participation, recreation, and leisure and home living. In  
177.13 developing the program, districts must inform parents of the full range of transitional goals  
177.14 and related services that should be considered. The program must include a statement of  
177.15 the needed transition services, including a statement of the interagency responsibilities or  
177.16 linkages or both before secondary services are concluded. If the individualized education  
177.17 program meets the plan components in section 120B.125, the individualized education  
177.18 program satisfies the requirement and no additional transition plan is needed;

177.19 (2) children with a disability under age five and their families are provided special  
177.20 instruction and services appropriate to the child's level of functioning and needs;

177.21 (3) children with a disability and their parents or guardians are guaranteed procedural  
177.22 safeguards and the right to participate in decisions involving identification, assessment  
177.23 including assistive technology assessment, and educational placement of children with a  
177.24 disability;

177.25 (4) eligibility and needs of children with a disability are determined by an initial  
177.26 evaluation or reevaluation, which may be completed using existing data under United States  
177.27 Code, title 20, section 33, et seq.;

177.28 (5) to the maximum extent appropriate, children with a disability, including those in  
177.29 public or private institutions or other care facilities, are educated with children who are not  
177.30 disabled, and that special classes, separate schooling, or other removal of children with a  
177.31 disability from the regular educational environment occurs only when and to the extent that  
177.32 the nature or severity of the disability is such that education in regular classes with the use  
177.33 of supplementary services cannot be achieved satisfactorily;

178.1 (6) in accordance with recognized professional standards, testing and evaluation materials,  
178.2 and procedures used for the purposes of classification and placement of children with a  
178.3 disability are selected and administered so as not to be racially or culturally discriminatory;  
178.4 and

178.5 (7) the rights of the child are protected when the parents or guardians are not known or  
178.6 not available, or the child is a ward of the state.

178.7 (c) For all paraprofessionals employed to work in programs whose role in part is to  
178.8 provide direct support to students with disabilities, the school board in each district shall  
178.9 ensure that:

178.10 (1) before or beginning at the time of employment, each paraprofessional must develop  
178.11 sufficient knowledge and skills in emergency procedures, building orientation, roles and  
178.12 responsibilities, confidentiality, vulnerability, and reportability, among other things, to begin  
178.13 meeting the needs, especially disability-specific and behavioral needs, of the students with  
178.14 whom the paraprofessional works;

178.15 (2) before beginning work alone with an individual student with a disability, the assigned  
178.16 paraprofessional must be either given paid time, or time during the school day, to review a  
178.17 student's individualized education program or be briefed on the student's specific needs by  
178.18 appropriate staff;

178.19 ~~(2)~~ (3) annual training opportunities are required to enable the paraprofessional to  
178.20 continue to further develop the knowledge and skills that are specific to the students with  
178.21 whom the paraprofessional works, including understanding disabilities, the unique and  
178.22 individual needs of each student according to the student's disability and how the disability  
178.23 affects the student's education and behavior, following lesson plans, and implementing  
178.24 follow-up instructional procedures and activities; ~~and~~

178.25 (4) a minimum of 20 hours of paid orientation or professional development must be  
178.26 provided annually to all paraprofessionals, Title I aides, and other instructional support  
178.27 staff. Eight of the 20 hours must be completed before the first instructional day of the school  
178.28 year or within 30 days of hire. The orientation or professional development must be relevant  
178.29 to the employee's occupation and may include collaboration time with classroom teachers  
178.30 and planning for the school year. For paraprofessionals who provide direct support to  
178.31 students, at least 50 percent of the professional development or orientation must be dedicated  
178.32 to meeting the requirements of this section. Professional development for paraprofessionals  
178.33 may also address the requirements of section 120B.363, subdivision 3. A school administrator

179.1 must provide an annual certification of compliance with this requirement to the commissioner;  
179.2 and

179.3 ~~(3)~~ (5) a districtwide process obligates each paraprofessional to work under the ongoing  
179.4 direction of a licensed teacher and, where appropriate and possible, the supervision of a  
179.5 school nurse.

179.6 (d) A school district may conduct a functional behavior assessment as defined in  
179.7 Minnesota Rules, part 3525.0210, subpart 22, as a stand-alone evaluation without conducting  
179.8 a comprehensive evaluation of the student in accordance with prior written notice provisions  
179.9 in section 125A.091, subdivision 3a. A parent or guardian may request that a school district  
179.10 conduct a comprehensive evaluation of the parent's or guardian's student.

179.11 Sec. 4. [125A.755] PARAPROFESSIONAL TRAINING AID.

179.12 Beginning in fiscal year 2023, each school district, charter school, and cooperative  
179.13 organization serving pupils is eligible for paraprofessional training aid. Paraprofessional  
179.14 training aid equals \$196 times the number of paraprofessionals, Title I aides, and other  
179.15 instructional support staff employed by the school district, charter school, or cooperative  
179.16 organization during the previous school year. A school district must reserve paraprofessional  
179.17 training aid and spend it only on the training required in section 125A.08.

179.18 **EFFECTIVE DATE.** This section is effective for fiscal year 2023 and later.

179.19 Sec. 5. Minnesota Statutes 2020, section 125A.76, subdivision 2e, is amended to read:

179.20 Subd. 2e. **Cross subsidy reduction aid.** (a) A school district's annual cross subsidy  
179.21 reduction aid equals the school district's initial special education cross subsidy for the  
179.22 previous fiscal year times the cross subsidy aid factor for that fiscal year.

179.23 (b) The cross subsidy aid factor equals ~~2.6 percent for fiscal year 2020 and~~ 6.43 percent  
179.24 for fiscal year 2021 and fiscal year 2022 and 55 percent for fiscal year 2023 and later.

179.25 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

179.26 Sec. 6. Minnesota Statutes 2020, section 127A.45, subdivision 13, is amended to read:

179.27 Subd. 13. **Aid payment percentage.** Except as provided in subdivisions 11, 12, 12a,  
179.28 and 14, each fiscal year, all education aids and credits in this chapter and chapters 120A,  
179.29 120B, 121A, 122A, 123A, 123B, 124D, 124E, 125A, 125B, 126C, 134, and section 273.1392,  
179.30 shall be paid at the current year aid payment percentage of the estimated entitlement during  
179.31 the fiscal year of the entitlement. ~~For the purposes of this subdivision, a district's estimated~~

180.1 ~~entitlement for special education aid under section 125A.76 for fiscal year 2014 and later~~  
 180.2 ~~equals 97.4 percent of the district's entitlement for the current fiscal year.~~ The final adjustment  
 180.3 payment, according to subdivision 9, must be the amount of the actual entitlement, after  
 180.4 adjustment for actual data, minus the payments made during the fiscal year of the entitlement.

180.5 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

180.6 Sec. 7. Laws 2021, First Special Session chapter 13, article 5, section 3, subdivision 2, is  
 180.7 amended to read:

180.8 Subd. 2. **Special education; regular.** For special education aid under Minnesota Statutes,  
 180.9 section 125A.75:

180.10		<del>1,822,998,000</del>		
180.11	\$	<u>1,748,169,000</u>	.....	2022
180.12		<del>1,945,533,000</del>		
180.13	\$	<u>2,353,589,000</u>	.....	2023

180.14 The 2022 appropriation includes \$215,125,000 for 2021 and ~~\$1,607,873,000~~  
 180.15 \$1,533,044,000 for 2022.

180.16 The 2023 appropriation includes ~~\$226,342,000~~ \$215,808,000 for 2022 and  
 180.17 ~~\$1,719,191,000~~ \$2,183,251,000 for 2023.

180.18 Sec. 8. **LEGISLATIVE WORKING GROUP ON SPECIAL EDUCATION TUITION**  
 180.19 **BILLING.**

180.20 Subdivision 1. **Membership; chair.** (a) The legislative working group on special  
 180.21 education tuition billing must consist of eight members as follows:

180.22 (1) four members of the house of representatives, two members appointed by the speaker  
 180.23 of the house and two members appointed by the minority leader of the house of  
 180.24 representatives; and

180.25 (2) four members of the senate, two members appointed by the senate majority leader  
 180.26 and two members appointed by the senate minority leader.

180.27 (b) Appointing authorities must make appointments by June 15, 2022.

180.28 (c) If a vacancy occurs, the appointing authority for the vacated position must fill the  
 180.29 vacancy.

180.30 (d) The speaker and the majority leader must each designate one working group member  
 180.31 from each respective body to serve as chair. The chair must rotate after each meeting. The

181.1 person appointed as chair by the speaker must convene the first meeting of the working  
181.2 group by June 30, 2022.

181.3 Subd. 2. **Duties.** (a) The working group must study requirements and practices relating  
181.4 to tuition billing for special education and general education services provided to a student  
181.5 with a disability by a nonresident school district; cooperative as defined in Minnesota  
181.6 Statutes, section 123A.24, subdivision 2; or charter school, including a charter school that  
181.7 serves a high percentage of students with individualized education programs. The billing  
181.8 costs considered must include special education costs, general education costs, facility costs,  
181.9 and access fees charged by a cooperative to a nonmember school district. The working  
181.10 group must review data from the Department of Education relating to special education  
181.11 services billed to resident school districts, third-party billing data, and other relevant data  
181.12 provided by school districts, cooperatives, charter schools, and families of children with  
181.13 individualized education programs.

181.14 (b) The working group must solicit input from the Department of Education, including  
181.15 the School Finance Division, school districts, cooperatives, charter schools, special education  
181.16 school administrators, families of children with individualized education programs, and  
181.17 other interested stakeholders.

181.18 (c) The working group must determine what statutory changes to special education  
181.19 billing are necessary to adequately and equitably fund school districts, cooperatives, and  
181.20 charter schools in meeting the needs of students with individualized education programs.

181.21 Subd. 3. **Assistance.** (a) The Department of Education must provide the working group  
181.22 with all available data necessary to analyze special education billing costs to school districts,  
181.23 including the effect of potential changes to special education billing requirements.

181.24 (b) The Legislative Coordinating Commission must provide technical and administrative  
181.25 assistance to the working group upon request.

181.26 Subd. 4. **Recommendations; report.** The working group must issue a report to the  
181.27 governor and chairs and ranking minority members of the legislative committees with  
181.28 jurisdiction over kindergarten through grade 12 education by January 31, 2023.

181.29 Subd. 5. **Expiration.** The working group expires February 1, 2023.

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

182.1 **Sec. 9. SPECIFIC LEARNING DISABILITY; RULEMAKING.**

182.2 (a) The commissioner of education must begin the rulemaking process to amend  
182.3 Minnesota Rules, part 3525.1341, and establish a stakeholder workgroup to review current  
182.4 specific learning disabilities criteria by December 31, 2022. By June 20, 2023, the workgroup  
182.5 must make recommendations aligned with related state and federal requirements, including:

182.6 (1) removing discrepancies from criteria;

182.7 (2) developing a plan to operationalize changes to criteria to align with current best  
182.8 practices and address concerns of multiple stakeholder groups, including but not limited to  
182.9 administrators, parents, educators, researchers, related services staff, advocates, lawyers,  
182.10 and minority and immigrant groups;

182.11 (3) providing definitions and clarification of terms and procedures within existing  
182.12 requirements;

182.13 (4) establishing the accountability process, including procedures and targets, for districts  
182.14 and cooperatives to use in evaluating their progress toward implementation of the amended  
182.15 rule; and

182.16 (5) developing an evaluation framework for measuring intended and unintended results  
182.17 of amended criteria. Intended and unintended results may include overidentification and  
182.18 underidentification of minorities, delays to referral and identification, transitioning from  
182.19 developmental delay to specific learning disability, consistency of identification across  
182.20 districts and the state, adding unnecessary paperwork, limiting team decision making, or  
182.21 limiting access and progress with intensive and individualized special education support.

182.22 (b) Following the development of recommendations from the stakeholder workgroup,  
182.23 the commissioner must proceed with the rulemaking process and recommended alignment  
182.24 with other existing state and federal law completed by June 30, 2024.

182.25 (c) Concurrent with rulemaking, the commissioner must establish technical assistance  
182.26 and training capacity on the amended criteria, and training and capacity building must begin  
182.27 upon final approval of the amended rule through June 30, 2029.

182.28 (d) The amended rule must go into full effect no later than five years after the proposed  
182.29 revised rules are approved by the administrative law judge.

182.30 **Sec. 10. APPROPRIATION.**

182.31 Subdivision 1. **Department of Education.** The sums in this section are appropriated  
182.32 from the general fund to the commissioner of education in the fiscal years designated.

183.1 Subd. 2. **Paraprofessional training.** For compensation associated with paid orientation  
 183.2 and professional development for paraprofessionals under Minnesota Statutes, sections  
 183.3 125A.08 and 125A.755:

183.4 § 20,352,000 ..... 2023

183.5 Sec. 11. **LEGISLATIVE WORKING GROUP.**

183.6 \$23,000 in fiscal year 2023 is appropriated from the general fund to the director of the  
 183.7 Legislative Coordinating Commission for purposes of section 8.

## 183.8 **ARTICLE 6**

### 183.9 **HEALTH AND SAFETY**

183.10 Section 1. **[120B.239] SUBSTANCE MISUSE AWARENESS AND PREVENTION.**

183.11 Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms defined in this  
 183.12 subdivision have the meanings given.

183.13 (b) "Public school" means a school district or charter school.

183.14 (c) "Substance misuse" has the meaning given in section 254A.02, subdivision 6a.

183.15 Subd. 2. **School instruction requirements.** (a) A public school is strongly encouraged  
 183.16 to provide substance misuse awareness and prevention instruction at least once to students  
 183.17 in grades 6 through 8. A public school must use age-appropriate substance misuse prevention  
 183.18 instructional materials. Substance misuse awareness and prevention instruction must include  
 183.19 the role of social media in substance misuse and in the distribution of illegal drugs. The  
 183.20 instruction may be provided as part of a public school's locally developed health standards  
 183.21 and curriculum.

183.22 (b) A public school is strongly encouraged to provide substance misuse awareness and  
 183.23 prevention instruction to students in grades 9 through 12.

183.24 (c) A public school is encouraged to use a peer-to-peer education program to provide  
 183.25 substance misuse awareness and prevention instruction.

183.26 (d) Instruction provided under this section, including a peer-to-peer education program,  
 183.27 must be evidence-based.

183.28 Sec. 2. Minnesota Statutes 2020, section 121A.031, subdivision 5, is amended to read:

183.29 Subd. 5. **Safe and supportive schools programming.** (a) ~~Distriets and schools are~~  
 183.30 ~~encouraged to provide developmentally appropriate programmatic instruction to help students~~

184.1 ~~identify, prevent, and reduce prohibited conduct; value diversity in school and society;~~  
 184.2 ~~develop and improve students' knowledge and skills for solving problems, managing conflict,~~  
 184.3 ~~engaging in civil discourse, and recognizing, responding to, and reporting prohibited conduct;~~  
 184.4 ~~and make effective prevention and intervention programs available to students. Upon request,~~  
 184.5 ~~the school safety technical assistance center under section 127A.052 must assist a district~~  
 184.6 ~~or school in helping students understand social media and cyberbullying. Districts and~~  
 184.7 schools must establish strategies for creating a positive school climate and use evidence-based  
 184.8 social-emotional learning to prevent and reduce discrimination and other improper conduct.

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

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

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

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

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

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

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

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

184.21 Sec. 3. Minnesota Statutes 2020, section 121A.031, subdivision 6, is amended to read:

184.22 Subd. 6. **State model policy.** (a) The commissioner, in consultation with the  
 184.23 commissioner of human rights, shall develop and maintain a state model policy. A district  
 184.24 or school that does not adopt and implement a local policy under subdivisions 3 to 5 must  
 184.25 implement and may supplement the provisions of the state model policy. The commissioner  
 184.26 must assist districts and schools under this subdivision to implement the state policy. The  
 184.27 state model policy must:

184.28 (1) define prohibited conduct, consistent with this section;

184.29 (2) apply the prohibited conduct policy components in this section;

184.30 (3) for a child with a disability, whenever an evaluation by an individualized education  
 184.31 program team or a section 504 team indicates that the child's disability affects the child's

185.1 social skills development or the child is vulnerable to prohibited conduct because of the  
185.2 child's disability, the child's individualized education program or section 504 plan may  
185.3 address the skills and proficiencies the child needs to not engage in and respond to such  
185.4 conduct; and

185.5 (4) encourage violence prevention and character development education programs under  
185.6 section 120B.232, subdivision 1.

185.7 (b) The commissioner shall develop and post departmental procedures for:

185.8 (1) periodically reviewing district and school programs and policies for compliance with  
185.9 this section, including evidence-based social-emotional learning;

185.10 (2) investigating, reporting, and responding to noncompliance with this section, which  
185.11 may include an annual review of plans to improve and provide a safe and supportive school  
185.12 climate; and

185.13 (3) allowing students, parents, and educators to file a complaint about noncompliance  
185.14 with the commissioner.

185.15 (c) The commissioner must post on the department's website information indicating that  
185.16 when districts and schools allow non-curriculum-related student groups access to school  
185.17 facilities, the district or school must give all student groups equal access to the school  
185.18 facilities regardless of the content of the group members' speech.

185.19 (d) The commissioner must develop and maintain resources to assist a district or school  
185.20 in implementing strategies for creating a positive school climate and use evidence-based,  
185.21 social-emotional learning to prevent and reduce discrimination and other improper conduct.

185.22 (e) The commissioner must develop and adopt state-level social-emotional learning  
185.23 standards.

185.24 Sec. 4. **[121A.0312] MALICIOUS AND SADISTIC CONDUCT.**

185.25 (a) A school board must adopt a written policy to address malicious and sadistic conduct  
185.26 involving race, gender, religion, disability, sexual harassment, sexual orientation, and sexual  
185.27 exploitation by a district or school staff member or student enrolled in a public or charter  
185.28 school against another staff member or student that occurs as described in section 121A.031,  
185.29 subdivision 1.

185.30 (b) The policy shall apply to students, teachers, administrators, and other school  
185.31 personnel, and include at a minimum the components under section 121A.031, subdivision  
185.32 4, paragraph (a), and disciplinary actions that will be taken for violation of the policy.

186.1 Disciplinary actions must conform with collective bargaining agreements and sections  
186.2 121A.41 to 121A.56.

186.3 (c) The policy must be conspicuously posted throughout each school building, given to  
186.4 each district employee and independent contractor at the time of entering into the person's  
186.5 employment contract, and included in each school's student handbook on school policies.  
186.6 Each school must develop a process for discussing the school's policy addressing malicious  
186.7 and sadistic conduct involving race, gender, religion, disability, sexual harassment, sexual  
186.8 orientation, and sexual exploitation with students, parents of students, and school employees.

186.9 (d) For purposes of this section, "malicious and sadistic conduct" means creating a hostile  
186.10 learning environment by acting with the intent to cause harm by intentionally injuring  
186.11 another without just cause or reason or engaging in extreme or excessive cruelty or delighting  
186.12 in cruelty.

186.13 **Sec. 5. [121A.07] CHILD ABUSE HOTLINE NUMBER.**

186.14 (a) To the extent funds or in-kind contributions are available under paragraph (b), a  
186.15 school board or charter school must display in a conspicuous place in each school building  
186.16 an easily readable durable poster of the national child abuse hotline number or otherwise  
186.17 communicate to students notice of the national child abuse hotline number.

186.18 (b) A school board or charter school may accept nonpublic funds or in-kind contributions  
186.19 to implement this section.

186.20 **Sec. 6. [121A.224] OPIATE ANTAGONISTS.**

186.21 (a) A school district or charter school may maintain a supply of opiate antagonists, as  
186.22 defined in section 604A.04, subdivision 1, at each school site to be administered in  
186.23 compliance with section 151.37, subdivision 12.

186.24 (b) A school district or charter school may enter into arrangements with suppliers of  
186.25 opiate antagonists to obtain opiate antagonists at fair-market, free, or reduced prices. A third  
186.26 party, other than a supplier, may pay for a school's supply of opiate antagonists.

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

186.28 **Sec. 7. [121A.245] MENTAL HEALTH SCREENING.**

186.29 Subdivision 1. **Screening required.** A school district or charter school must develop a  
186.30 plan to conduct evidence-based mental health screenings on students in kindergarten through

187.1 grade 12. This requirement applies to a district or charter school that has received funding  
187.2 under section 124D.901 to hire student support services personnel.

187.3 Subd. 2. **Parent notice.** (a) A district or charter school must notify a student's parent of  
187.4 the plan to conduct the screening, including the purpose of the screening and when the  
187.5 screening will be conducted. A district or charter school must not conduct a mental health  
187.6 screening on a student whose parent has not consented to the screening. "Parent" as used  
187.7 in this section has the meaning provided in section 120A.22, subdivision 3.

187.8 (b) If the results of a student's screening indicate a potential mental health condition, the  
187.9 district or charter school must notify the student's parent of the results and provide the parent  
187.10 a copy of the results and a list of resources available to the student in the school or  
187.11 community.

187.12 Subd. 3. **Commissioner assistance.** The commissioner of education may provide districts  
187.13 or charter schools with sample mental health screenings and other resources to assist them  
187.14 with implementing mental health screenings under this section.

187.15 Subd. 4. **Screening data.** (a) A school district or charter school must not use the results  
187.16 of mental health screenings to make any decision relating to the student's instruction,  
187.17 academic opportunities, or student discipline.

187.18 (b) Records relating to mental health screenings must be maintained in accordance with  
187.19 the Data Practices Act under chapter 13 and the Family Educational Rights and Privacy Act  
187.20 of 1974, United States Code, title 20, section 1232(g).

187.21 (c) Notwithstanding section 138.17, mental health screening data collected by a school  
187.22 district or charter school under this section must be destroyed the earlier of:

187.23 (1) the district or charter school notifying the student's parent of the results and resources  
187.24 available to the student in the school or community in accordance with subdivision 2; or

187.25 (2) 60 days from the date of collection.

187.26 Subd. 5. **Intermediate school districts and other cooperative units.** For purposes of  
187.27 this section, "school district" includes programs serving school-age children operated by  
187.28 an intermediate school district or other cooperative unit defined in section 123A.24,  
187.29 subdivision 2.

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

188.1 **Sec. 8. [124D.901] STUDENT SUPPORT PERSONNEL AID.**

188.2 **Subdivision 1. Definitions.** For the purposes of this section, the following terms have  
188.3 the meanings given:

188.4 (1) "new position" means a student support services personnel full-time or part-time  
188.5 position not under contract by a school district, charter school, or cooperative unit at the  
188.6 start of the 2021-2022 school year; and

188.7 (2) "student support services personnel" means an individual licensed to serve as a school  
188.8 counselor, school psychologist, school social worker, school nurse, or chemical dependency  
188.9 counselor in Minnesota.

188.10 **Subd. 2. Purpose.** The purpose of student support personnel aid is to:

188.11 (1) address shortages of student support services personnel within Minnesota schools;

188.12 (2) decrease caseloads for existing student support services personnel to ensure effective  
188.13 services;

188.14 (3) ensure that students receive effective student support services and integrated and  
188.15 comprehensive services to improve prekindergarten through grade 12 academic, physical,  
188.16 social, and emotional outcomes supporting career and college readiness and effective school  
188.17 mental health services;

188.18 (4) ensure that student support services personnel serve within the scope and practice  
188.19 of their training and licensure;

188.20 (5) fully integrate learning supports, instruction, assessment, data-based decision making,  
188.21 and family and community engagement within a comprehensive approach that facilitates  
188.22 interdisciplinary collaboration; and

188.23 (6) improve student health, school safety, and school climate to support academic success  
188.24 and career and college readiness.

188.25 **Subd. 3. Aid eligibility and application.** A school district, charter school, intermediate  
188.26 school district, or other cooperative unit is eligible to apply for student support personnel  
188.27 aid under this section. The commissioner must prescribe the form and manner of the  
188.28 application, which must include a plan describing how the aid will be used.

188.29 **Subd. 4. Student support personnel aid.** (a) The initial student support personnel aid  
188.30 for a school district equals the greater of \$100 times the adjusted pupil units at the district  
188.31 for the current fiscal year or \$50,000. The initial student support personnel aid for a charter

189.1 school equals \$100 times the adjusted pupil units at the charter school for the current fiscal  
189.2 year.

189.3 (b) The cooperative student support personnel aid for a school district that is a member  
189.4 of an intermediate school district or other cooperative unit that enrolls students equals \$6  
189.5 times the adjusted pupil units at the district for the current fiscal year. If a district is a member  
189.6 of more than one cooperative unit that enrolls students, the revenue must be allocated among  
189.7 the cooperative units.

189.8 (c) Notwithstanding paragraphs (a) and (b), the student support personnel aid must not  
189.9 exceed the district or cooperative unit's actual expenditure according to the approved plan  
189.10 under subdivision 3.

189.11 Subd. 5. **Allowed uses; match requirements.** (a) Cooperative student support personnel  
189.12 aid must be transferred to the intermediate district or other cooperative unit of which the  
189.13 district is a member and used to hire new positions for student support services personnel  
189.14 at the intermediate district or cooperative unit.

189.15 (b) If a school district, charter school, or cooperative unit does not receive at least two  
189.16 applications and is not able to hire a new full-time equivalent position with student support  
189.17 personnel aid, the aid may be used for contracted services from individuals licensed to serve  
189.18 as a school counselor, school psychologist, school social worker, school nurse, or chemical  
189.19 dependency counselor in Minnesota.

189.20 Subd. 6. **Support personnel pipeline.** An account is established in the special revenue  
189.21 fund known as the "school support personnel pipeline account." Funds appropriated for the  
189.22 school support personnel pipeline program must be transferred to the school support personnel  
189.23 pipeline account in the special revenue fund. Money in the account is appropriated to the  
189.24 commissioner for developing a student support personnel workforce pipeline focused on  
189.25 workforce development strategies to increase providers of color and Indigenous providers,  
189.26 professional respecialization, recruitment, and retention; to increase the number of student  
189.27 support personnel providing school-based services; and to provide a licensed school nurse  
189.28 position at the Department of Education.

189.29 Subd. 7. **Report required.** By February 1 following any fiscal year in which student  
189.30 support personnel aid was received, a school district, charter school, or cooperative unit  
189.31 must submit a written report to the commissioner indicating how the new position affected  
189.32 two or more of the following measures:

189.33 (1) school climate;

190.1 (2) student health;

190.2 (3) attendance rates;

190.3 (4) academic achievement;

190.4 (5) career and college readiness; and

190.5 (6) postsecondary completion rates.

190.6 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

190.7 **Sec. 9. [127A.21] COMPREHENSIVE SCHOOL MENTAL HEALTH SERVICES**

190.8 **LEADS.**

190.9 Subdivision 1. **Lead position established.** The department must employ two leads to  
190.10 serve as a source of information and support for schools in addressing the mental health  
190.11 needs of students, teachers, and school staff, and developing comprehensive school mental  
190.12 health systems in school districts and charter schools. One lead must work on addressing  
190.13 the mental health needs of students and the other lead must work on addressing the mental  
190.14 health needs of teachers and other school staff.

190.15 Subd. 2. **Assistance to districts.** (a) The leads must, upon request, assist schools in  
190.16 assessing the quality of their comprehensive school mental health systems and developing  
190.17 improvement plans to implement evidence-based mental health resources, tools, and practices  
190.18 in school districts and charter schools throughout Minnesota.

190.19 (b) The leads must establish a clearinghouse and provide information and resources for  
190.20 school districts, charter schools, teachers, and families to support students', teachers', and  
190.21 school staff's mental health needs.

190.22 (c) The leads must work with school districts and charter schools to improve mental  
190.23 health infrastructure support by:

190.24 (1) developing guidance and sharing resources on improving the quality of comprehensive  
190.25 school mental health systems;

190.26 (2) developing and sharing resources on evidence-based strategies, behavioral  
190.27 interventions, and practices or techniques for addressing mental health needs, including  
190.28 implementing a comprehensive approach to suicide prevention;

190.29 (3) facilitating coordination and cooperation to enable school districts and charter schools  
190.30 to share strategies, challenges, and successes associated with supporting the mental health  
190.31 needs of students, teachers, and staff;

191.1 (4) providing advice, upon request, to schools on implementing trauma-informed and  
 191.2 culturally responsive school-based programs that provide prevention or intervention services  
 191.3 to students, teachers, and staff;

191.4 (5) aligning resources among the different state agencies, including the Department of  
 191.5 Education, Department of Human Services, and Department of Health, to ensure school  
 191.6 mental health systems can efficiently access state resources; and

191.7 (6) maintaining a comprehensive list of resources on the Department of Education website  
 191.8 that schools may use to address students', teachers', and staff's mental health needs, including  
 191.9 grant opportunities; community-based prevention and intervention services; model policies;  
 191.10 written publications that schools may distribute to students, teachers, and staff; professional  
 191.11 development opportunities; best practices; and other resources for mental health education  
 191.12 under section 120B.21.

191.13 (d) The leads may report to the legislature as necessary regarding students', teachers',  
 191.14 and school staff's mental health needs, challenges in developing comprehensive school  
 191.15 mental health services, successful strategies and outcomes, and recommendations for  
 191.16 integrating mental health services and supports in schools.

191.17 Subd. 3. **Coordination with other agencies.** The comprehensive school mental health  
 191.18 services lead must consult with the Regional Centers of Excellence, the Department of  
 191.19 Health, the Department of Human Services, the Minnesota School Safety Center, and other  
 191.20 federal, state, and local agencies as necessary to identify or develop information, training,  
 191.21 and resources to help school districts and charter schools support students', teachers', and  
 191.22 school staff's mental health needs.

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

191.24 Sec. 10. **APPROPRIATIONS.**

191.25 Subdivision 1. **Department of Education.** The sum indicated in this section is  
 191.26 appropriated from the general fund to the Department of Education for the fiscal year  
 191.27 designated.

191.28 Subd. 2. **Comprehensive school mental health services leads.** (a) For the comprehensive  
 191.29 school mental health services lead under Minnesota Statutes, section 127A.21:

191.30 §            226,000    ..... 2023

191.31 (b) The base for fiscal year 2024 and later is \$301,000.

192.1 Subd. 3. Level 4 special education sites mental health grants. (a) For transfer to the  
192.2 commissioner of human services for additional school-linked mental health grants:

192.3 \$ 9,000,000 ..... 2023

192.4 (b) Of the appropriations in paragraph (a), up to \$3,500,000 is for grants to eligible  
192.5 providers for programs established under Laws 2017, First Special Session chapter 5, article  
192.6 2, section 56.

192.7 (c) Up to \$5,500,000 is for grants to eligible providers serving students in other federal  
192.8 instructional setting level 4 special education sites.

192.9 (d) If any funds remain, the commissioner of human services may increase grant awards  
192.10 under paragraph (b) and award additional grants to other eligible providers for school-linked  
192.11 mental health services.

192.12 (e) The commissioner of human services may designate a portion of the awards granted  
192.13 under this subdivision for school staff development activities for licensed and unlicensed  
192.14 staff supporting families in meeting their children's needs, including assistance navigating  
192.15 the health care, social service, and juvenile justice systems.

192.16 (f) The annual budget base for this program is \$9,000,000.

192.17 Subd. 4. Student support personnel pipeline. (a) For the school support personnel  
192.18 pipeline program under section 124D.901:

192.19 \$ 9,000,000 ..... 2023

192.20 (b) The base for fiscal year 2024 and 2025 is \$1,500,000.

192.21 Subd. 5. Student support personnel aid. (a) For aid to support schools in addressing  
192.22 students' social, emotional, and physical health under Minnesota Statutes, section 124D.901:

192.23 \$ 95,862,000 ..... 2023

192.24 (b) The 2023 appropriation includes \$95,862,000 for 2023. This is based on an entitlement  
192.25 of \$106,513,000.

192.26 (c) The base for fiscal year 2024 and later is \$106,336,000.

193.1

**ARTICLE 7**

193.2

**FACILITIES**

193.3 Section 1. Minnesota Statutes 2020, section 123B.595, is amended to read:

193.4 **123B.595 LONG-TERM FACILITIES MAINTENANCE REVENUE.**

193.5 Subdivision 1. **Long-term facilities maintenance revenue.** ~~(a) For fiscal year 2017~~  
193.6 ~~only, long-term facilities maintenance revenue equals the greater of (1) the sum of (i) \$193~~  
193.7 ~~times the district's adjusted pupil units times the lesser of one or the ratio of the district's~~  
193.8 ~~average building age to 35 years, plus the cost approved by the commissioner for indoor~~  
193.9 ~~air quality, fire alarm and suppression, and asbestos abatement projects under section~~  
193.10 ~~123B.57, subdivision 6, with an estimated cost of \$100,000 or more per site, plus (ii) for a~~  
193.11 ~~school district with an approved voluntary prekindergarten program under section 124D.151,~~  
193.12 ~~the cost approved by the commissioner for remodeling existing instructional space to~~  
193.13 ~~accommodate prekindergarten instruction, or (2) the sum of (i) the amount the district would~~  
193.14 ~~have qualified for under Minnesota Statutes 2014, section 123B.57, Minnesota Statutes~~  
193.15 ~~2014, section 123B.59, and Minnesota Statutes 2014, section 123B.591, and (ii) for a school~~  
193.16 ~~district with an approved voluntary prekindergarten program under section 124D.151, the~~  
193.17 ~~cost approved by the commissioner for remodeling existing instructional space to~~  
193.18 ~~accommodate prekindergarten instruction.~~

193.19 ~~(b) For fiscal year 2018 only, long-term facilities maintenance revenue equals the greater~~  
193.20 ~~of (1) the sum of (i) \$292 times the district's adjusted pupil units times the lesser of one or~~  
193.21 ~~the ratio of the district's average building age to 35 years, plus (ii) the cost approved by the~~  
193.22 ~~commissioner for indoor air quality, fire alarm and suppression, and asbestos abatement~~  
193.23 ~~projects under section 123B.57, subdivision 6, with an estimated cost of \$100,000 or more~~  
193.24 ~~per site, plus (iii) for a school district with an approved voluntary prekindergarten program~~  
193.25 ~~under section 124D.151, the cost approved by the commissioner for remodeling existing~~  
193.26 ~~instructional space to accommodate prekindergarten instruction, or (2) the sum of (i) the~~  
193.27 ~~amount the district would have qualified for under Minnesota Statutes 2014, section 123B.57,~~  
193.28 ~~Minnesota Statutes 2014, section 123B.59, and Minnesota Statutes 2014, section 123B.591,~~  
193.29 ~~and (ii) for a school district with an approved voluntary prekindergarten program under~~  
193.30 ~~section 124D.151, the cost approved by the commissioner for remodeling existing~~  
193.31 ~~instructional space to accommodate prekindergarten instruction.~~

193.32 ~~(e)~~ (a) For fiscal year ~~2019~~ 2022 and later, long-term facilities maintenance revenue  
193.33 equals the greater of (1) the sum of (i) ~~\$380~~ the long-term facilities maintenance allowance  
193.34 times the district's adjusted pupil units times the ~~lesser of one or the ratio of the district's~~

194.1 ~~average building age to 35 years, plus~~ district's building age index, (ii) the cost approved  
194.2 by the commissioner for indoor air quality, fire alarm and suppression, and asbestos  
194.3 abatement projects under section 123B.57, subdivision 6, with an estimated cost of \$100,000  
194.4 or more per site, ~~plus and~~ (iii) for a school district with an approved voluntary prekindergarten  
194.5 program under section 124D.151, the cost approved by the commissioner for remodeling  
194.6 existing instructional space to accommodate prekindergarten instruction, or (2) the sum of  
194.7 (i) the amount the district would have qualified for under Minnesota Statutes 2014, section  
194.8 123B.57, Minnesota Statutes 2014, section 123B.59, and Minnesota Statutes 2014, section  
194.9 123B.591, and (ii) for a school district with an approved voluntary prekindergarten program  
194.10 under section 124D.151, the cost approved by the commissioner for remodeling existing  
194.11 instructional space to accommodate prekindergarten instruction.

194.12 ~~(d) (b)~~ Notwithstanding ~~paragraphs paragraph~~ paragraph (a), (b), and (c), a school district that  
194.13 qualified for eligibility under Minnesota Statutes 2014, section 123B.59, subdivision 1,  
194.14 paragraph (a), for fiscal year 2010 remains eligible for funding under this section as a district  
194.15 that would have qualified for eligibility under Minnesota Statutes 2014, section 123B.59,  
194.16 subdivision 1, paragraph (a), for fiscal year 2017 and later.

194.17 (c) For purposes of this section, a district's building age index for fiscal years 2022 and  
194.18 2023 equals the lesser of one or the ratio of the district's average building age to 35. For  
194.19 fiscal year 2024 and later, a district's building age index equals one.

194.20 (d) The long-term facilities maintenance allowance is \$380 for fiscal years 2022 and  
194.21 2023. For fiscal year 2024 and later, the long-term facilities maintenance allowance equals  
194.22 the product of \$380 times the ratio of the formula allowance under section 126C.10,  
194.23 subdivision 2, for the current fiscal year to the formula allowance under section 126C.10,  
194.24 subdivision 2, for fiscal year 2023.

194.25 **Subd. 2. Long-term facilities maintenance revenue for a charter school.** ~~(a) For fiscal~~  
194.26 ~~year 2017 only, long-term facilities maintenance revenue for a charter school equals \$34~~  
194.27 ~~times the adjusted pupil units.~~

194.28 ~~(b) For fiscal year 2018 only, long-term facilities maintenance revenue for a charter~~  
194.29 ~~school equals \$85 times the adjusted pupil units.~~

194.30 ~~(c) For fiscal year 2019 and later,~~ (a) Long-term facilities maintenance revenue for a  
194.31 charter school equals \$132 charter school long-term facilities maintenance allowance times  
194.32 the adjusted pupil units.

194.33 (b) The charter school long-term facilities maintenance allowance is \$132 for fiscal  
194.34 years 2022 and 2023. For fiscal year 2024 and later, the charter school long-term facilities

195.1 maintenance allowance equals the product of \$132 times the ratio of the formula allowance  
195.2 under section 126C.10, subdivision 2, for the current fiscal year to the formula allowance  
195.3 under section 126C.10, subdivision 2, for fiscal year 2023.

195.4 Subd. 3. **Intermediate districts and other cooperative units.** Upon approval through  
195.5 the adoption of a resolution by each member district school board of an intermediate district  
195.6 or other cooperative units under section 123A.24, subdivision 2, and the approval of the  
195.7 commissioner of education, a school district may include in its authority under this section  
195.8 a proportionate share of the long-term maintenance costs of the intermediate district or  
195.9 cooperative unit. The cooperative unit may issue bonds to finance the project costs or levy  
195.10 for the costs, using long-term maintenance revenue transferred from member districts to  
195.11 make debt service payments or pay project costs. Authority under this subdivision is in  
195.12 addition to the authority for individual district projects under subdivision 1.

195.13 Subd. 4. **Facilities plans.** (a) To qualify for revenue under this section, a school district  
195.14 or intermediate district, not including a charter school, must have a ten-year facility plan  
195.15 adopted by the school board and approved by the commissioner. The plan must include  
195.16 provisions for implementing a health and safety program that complies with health, safety,  
195.17 and environmental regulations and best practices, including indoor air quality management  
195.18 and remediation of lead hazards.

195.19 (b) The district must annually update the plan, submit the plan to the commissioner for  
195.20 approval by July 31, and indicate whether the district will issue bonds to finance the plan  
195.21 or levy for the costs.

195.22 (c) For school districts issuing bonds to finance the plan, the plan must include a debt  
195.23 service schedule demonstrating that the debt service revenue required to pay the principal  
195.24 and interest on the bonds each year will not exceed the projected long-term facilities revenue  
195.25 for that year.

195.26 Subd. 5. **Bond authorization.** (a) A school district may issue general obligation bonds  
195.27 under this section to finance facilities plans approved by its board and the commissioner.  
195.28 Chapter 475, except sections 475.58 and 475.59, must be complied with. The authority to  
195.29 issue bonds under this section is in addition to any bonding authority authorized by this  
195.30 chapter or other law. The amount of bonding authority authorized under this section must  
195.31 be disregarded in calculating the bonding or net debt limits of this chapter, or any other law  
195.32 other than section 475.53, subdivision 4.

196.1 (b) At least 20 days before the earliest of the issuance of bonds or the final certification  
 196.2 of levies under subdivision 6, the district must publish notice of the intended projects, the  
 196.3 amount of the bond issue, and the total amount of district indebtedness.

196.4 (c) The portion of revenue under this section for bonded debt must be recognized in the  
 196.5 debt service fund.

196.6 Subd. 6. **Levy authorization.** A district may levy for costs related to an approved plan  
 196.7 under subdivision 4 as follows:

196.8 (1) if the district has indicated to the commissioner that bonds will be issued, the district  
 196.9 may levy for the principal and interest payments on outstanding bonds issued under  
 196.10 subdivision 5 after reduction for any aid receivable under subdivision 9;

196.11 (2) if the district has indicated to the commissioner that the plan will be funded through  
 196.12 levy, the district may levy according to the schedule approved in the plan after reduction  
 196.13 for any aid receivable under subdivision 9; or

196.14 (3) if the debt service revenue for a district required to pay the principal and interest on  
 196.15 bonds issued under subdivision 5 exceeds the district's long-term facilities maintenance  
 196.16 revenue for the same fiscal year, the district's general fund levy must be reduced by the  
 196.17 amount of the excess.

196.18 Subd. 7. **Long-term facilities maintenance equalization revenue.** ~~(a) For fiscal year~~  
 196.19 ~~2017 only, a district's long-term facilities maintenance equalization revenue equals the lesser~~  
 196.20 ~~of (1) \$193 times the adjusted pupil units or (2) the district's revenue under subdivision 1.~~

196.21 ~~(b) For fiscal year 2018 only, a district's long-term facilities maintenance equalization~~  
 196.22 ~~revenue equals the lesser of (1) \$292 times the adjusted pupil units or (2) the district's~~  
 196.23 ~~revenue under subdivision 1.~~

196.24 ~~(c)~~ (a) For fiscal year ~~2019~~ 2022 and later, a district's long-term facilities maintenance  
 196.25 equalization revenue equals the lesser of (1) ~~\$380~~ the long-term facilities maintenance  
 196.26 allowance times the adjusted pupil units or (2) the district's revenue under subdivision 1.

196.27 ~~(d)~~ (b) Notwithstanding ~~paragraphs~~ paragraph (a) ~~to (c)~~, a district's long-term facilities  
 196.28 maintenance equalization revenue must not be less than the lesser of the district's long-term  
 196.29 facilities maintenance revenue or the amount of aid the district received for fiscal year 2015  
 196.30 under Minnesota Statutes 2014, section 123B.59, subdivision 6.

196.31 Subd. 8. **Long-term facilities maintenance equalized levy.** (a) ~~For fiscal year 2017~~  
 196.32 ~~and later,~~ A district's long-term facilities maintenance equalized levy equals the district's  
 196.33 long-term facilities maintenance equalization revenue minus the greater of:

197.1 (1) the lesser of the district's long-term facilities maintenance equalization revenue or  
197.2 the amount of aid the district received for fiscal year 2015 under Minnesota Statutes 2014,  
197.3 section 123B.59, subdivision 6; or

197.4 (2) the district's long-term facilities maintenance equalization revenue times the greater  
197.5 of (i) zero or (ii) one minus the ratio of its adjusted net tax capacity per adjusted pupil unit  
197.6 in the year preceding the year the levy is certified to ~~123~~ 128.7 percent of the state average  
197.7 adjusted net tax capacity per adjusted pupil unit for all school districts in the year preceding  
197.8 the year the levy is certified.

197.9 (b) For purposes of this subdivision, "adjusted net tax capacity" means the value described  
197.10 in section 126C.01, subdivision 2, paragraph (b).

197.11 Subd. 8a. **Long-term facilities maintenance unequalized levy.** ~~For fiscal year 2017~~  
197.12 ~~and later,~~ A district's long-term facilities maintenance unequalized levy equals the difference  
197.13 between the district's revenue under subdivision 1 and the district's equalization revenue  
197.14 under subdivision 7.

197.15 Subd. 9. **Long-term facilities maintenance equalized aid.** ~~For fiscal year 2017 and~~  
197.16 ~~later,~~ A district's long-term facilities maintenance equalized aid equals its long-term facilities  
197.17 maintenance equalization revenue minus its long-term facilities maintenance equalized levy  
197.18 times the ratio of the actual equalized amount levied to the permitted equalized levy.

197.19 Subd. 10. **Allowed uses for long-term facilities maintenance revenue.** (a) A district  
197.20 may use revenue under this section for any of the following:

197.21 (1) deferred capital expenditures and maintenance projects necessary to prevent further  
197.22 erosion of facilities;

197.23 (2) increasing accessibility of school facilities;

197.24 (3) health and safety capital projects under section 123B.57; ~~or~~

197.25 (4) by board resolution, to transfer money from the general fund reserve for long-term  
197.26 facilities maintenance to the debt redemption fund to pay the amounts needed to meet, when  
197.27 due, principal and interest on general obligation bonds issued under subdivision 5; or

197.28 (5) by annual board resolution, to transfer money from the general fund reserve for  
197.29 long-term facilities maintenance to the reserve for operating capital.

197.30 (b) A charter school may use revenue under this section for any purpose related to the  
197.31 school.

198.1 Subd. 11. **Restrictions on long-term facilities maintenance revenue.** Notwithstanding  
 198.2 subdivision 10, long-term facilities maintenance revenue may not be used:

198.3 (1) for the construction of new facilities, remodeling of existing facilities, or the purchase  
 198.4 of portable classrooms;

198.5 (2) to finance a lease purchase agreement, installment purchase agreement, or other  
 198.6 deferred payments agreement;

198.7 (3) for energy-efficiency projects under section 123B.65, for a building or property or  
 198.8 part of a building or property used for postsecondary instruction or administration, or for a  
 198.9 purpose unrelated to elementary and secondary education; or

198.10 (4) for violence prevention and facility security, ergonomics, or emergency  
 198.11 communication devices.

198.12 Subd. 12. **Reserve account.** The portion of long-term facilities maintenance revenue  
 198.13 not recognized under subdivision 5, paragraph (c), must be maintained in a reserve account  
 198.14 within the general fund.

198.15 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2024 and later.

198.16 Sec. 2. Laws 2021, First Special Session chapter 13, article 7, section 2, subdivision 3, is  
 198.17 amended to read:

198.18 Subd. 3. **Long-term facilities maintenance equalized aid.** For long-term facilities  
 198.19 maintenance equalized aid under Minnesota Statutes, section 123B.595, subdivision 9:

198.20		<del>108,582,000</del>		
198.21	\$	<u>107,837,000</u>	.....	2022
198.22		<del>111,077,000</del>		
198.23	\$	<u>110,014,000</u>	.....	2023

198.24 The 2022 appropriation includes \$10,660,000 for 2021 and ~~\$97,922,000~~ \$97,177,000  
 198.25 for 2022.

198.26 The 2023 appropriation includes ~~\$10,880,000~~ \$10,797,000 for 2022 and ~~\$100,197,000~~  
 198.27 \$99,217,000 for 2023.

198.28 Sec. 3. **FUND TRANSFER; BURNSVILLE-EAGAN-SAVAGE SCHOOL DISTRICT.**

198.29 (a) Notwithstanding Minnesota Statutes, section 123B.51, subdivision 4, paragraph (b),  
 198.30 or any law to the contrary, any remaining net proceeds received by Independent School  
 198.31 District No. 191, Burnsville-Eagan-Savage, in connection with a lease of real property that  
 198.32 is not needed for school purposes, or part of the property that is not needed for school

199.1 purposes permitted under Minnesota Statutes, section 123B.51, subdivision 4, paragraph  
199.2 (a), which property the school board of the district has specifically identified in its open  
199.3 facilities action plan, may be deposited in the district's general unrestricted fund following  
199.4 the deposit of such proceeds in the debt retirement fund of the district in an amount sufficient  
199.5 to meet, when due, that percentage of the principal and interest payments for outstanding  
199.6 bonds that is ascribable to the payment of expenses necessary and incidental to the  
199.7 construction or purchase of the particular building or property that is leased.

199.8 (b) Notwithstanding Minnesota Statutes, section 123B.51, subdivision 6, paragraphs (c)  
199.9 to (f), or any law to the contrary, any remaining proceeds of the sale or exchange of school  
199.10 buildings or real property of Independent School District No. 191, Burnsville-Eagan-Savage,  
199.11 specifically identified in the district's open facilities action plan, may be deposited in the  
199.12 district's general unrestricted fund following application of such proceeds, as required under  
199.13 Minnesota Statutes, section 123B.51, subdivision 6, paragraph (b).

199.14 **EFFECTIVE DATE.** This section is effective upon compliance by Independent School  
199.15 District No. 191, Burnsville-Eagan-Savage, with Minnesota Statutes, section 645.021,  
199.16 subdivisions 2 and 3.

199.17 **Sec. 4. LEASE LEVY FOR TRANSPORTATION HUB FOR EASTERN CARVER**  
199.18 **COUNTY SCHOOL DISTRICT.**

199.19 Notwithstanding Minnesota Statutes, section 126C.40, subdivision 1, Independent School  
199.20 District No. 112, Eastern Carver County Schools, may lease a transportation hub under  
199.21 Minnesota Statutes, section 126C.40, subdivision 1, if the district demonstrates to the  
199.22 satisfaction of the commissioner of education that the transportation hub will result in  
199.23 significant financial savings for the school district. Levy authority under this section must  
199.24 not exceed the total levy authority under Minnesota Statutes, section 126C.40, subdivision  
199.25 1, paragraph (e).

199.26 **EFFECTIVE DATE.** This section is effective for taxes payable in 2023 and later.

## ARTICLE 8

## NUTRITION AND LIBRARIES

Section 1. [124D.1112]COMMUNITY ELIGIBILITY PROVISIONPARTICIPATION; TECHNICAL ASSISTANCE; COMPENSATORY REVENUE  
ADJUSTMENT.

Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have the meanings given.

(b) "Community eligibility provision" means the reimbursement option available for the national school lunch program and national school breakfast program, as defined under Code of Federal Regulations, title 7, section 245.9.

(c) "Community-eligibility qualifying school" means a school that, as determined by the Department of Education by April 1 of each year, meets the eligibility criteria specified in Code of Federal Regulations, title 7, section 245.9, for participation in the community eligibility provision. A school meets the eligibility criteria if the department determines it qualifies to do so as an individual school, as part of an entire local educational agency, or as part of a group of schools within a local educational agency, as defined under Code of Federal Regulations, title 7, section 245.9(f).

(d) "Full-reimbursement qualifying school" means a community-eligibility qualifying school that, as determined by the department by April 1 of each year, has an identified student percentage sufficient to allow the school to claim reimbursement through the community eligibility provision at the applicable federal free rate for all meals served within the school as part of the national school lunch program and national school breakfast program. A school satisfies this definition if the department determines that it meets the criteria as an individual school, part of an entire local educational agency, or part of a group of schools within a local educational agency, as defined under Code of Federal Regulations, title 7, section 245.9(f).

(e) "Identified student" and "identified student percentage" have the meanings as defined under Code of Federal Regulations, title 7, section 245.9.

(f) "Local educational agency" has the meaning as defined under Code of Federal Regulations, title 7, section 245.2.

(g) "National school breakfast program" means the nonprofit breakfast program established by section 4 of the Child Nutrition Act of 1966, as defined under United States Code, title 42, section 1773.

201.1 (h) "National school lunch program" means the nonprofit lunch program established  
201.2 under the Richard B. Russell National School Lunch Act, as defined under United States  
201.3 Code, title 42, section 1751, et seq.

201.4 Subd. 2. **Purpose.** The purposes of this section are to leverage federal funding through  
201.5 the community eligibility provision to support students in achieving their academic potential,  
201.6 provide students with increased access to nutritious options while they are developing  
201.7 lifelong eating habits, and reduce stigma associated with receiving free school meals and  
201.8 ensure that a school site's compensatory revenue is not negatively affected by the school's  
201.9 participation in the community eligibility provision program.

201.10 Subd. 3. **Department duties.** (a) In addition to fulfilling any other applicable state and  
201.11 federal requirements, the department must provide to each local educational agency a list  
201.12 of schools as defined under Code of Federal Regulations, title 7, section 245.9(f)(5), within  
201.13 the prescribed time frame, and must gather the information necessary to compile this list.  
201.14 A local education agency is exempt from the requirement to submit this information to the  
201.15 state.

201.16 (b) A community-eligible qualifying school, whether eligible for full or partial federal  
201.17 funding, must participate in the community eligibility provision program. Within the time  
201.18 frames established in paragraph (a), by April 1 of each year, the department must notify  
201.19 each local education agency of its qualifying school sites and, for sites eligible for partial  
201.20 federal funding, calculate and notify the local education agency of the state aid contribution  
201.21 for each site to ensure the site receives full funding for the national school breakfast and  
201.22 lunch program meals served by the site to its students.

201.23 (c) The department must ensure appropriate reimbursement rates for schools and districts  
201.24 using the community eligibility provision.

201.25 (d) If a school or district is ineligible to receive reimbursement through the community  
201.26 eligibility provision, the department must assist the school or district, if feasible, in achieving  
201.27 eligibility.

201.28 (e) The department must conduct an annual review to identify local educational agencies  
201.29 that have not fully complied with subdivision 5 and provide notification of that determination  
201.30 to the relevant local educational agencies within 30 days of making that determination.

201.31 Subd. 4. **Technical assistance.** The department must provide technical assistance to a  
201.32 local educational agency with one or more community-eligibility qualifying schools to assist  
201.33 them in meeting any state and federal requirements necessary in order to receive  
201.34 reimbursement through the community eligibility provision.

202.1 Subd. 5. **Community eligibility provision; required participation; exemption.** (a)  
202.2 Except as provided otherwise by this section, effective in the 2023-2024 school year and  
202.3 every school year thereafter, each community-eligibility qualifying school must participate  
202.4 in the community eligibility provision in the subsequent school year and throughout the  
202.5 duration of the community eligibility provision's four-year cycle.

202.6 (b) Schools that, through an arrangement with a local entity, provide meals to all students  
202.7 and at no cost to the students are exempt from the requirements of this section.

202.8 Subd. 6. **Reporting obligations for noncompliant full-reimbursement qualifying**  
202.9 **schools.** A local agency with one or more schools that qualify for full reimbursement that  
202.10 fails to comply with subdivision 5 must respond to a notification of noncompliance from  
202.11 the department within 60 days of receipt of the notification. The response must include a  
202.12 report available to the local school board and the public on any obstacles to participation  
202.13 that contributed to the noncompliance and plans to ensure compliance for the following  
202.14 school year.

202.15 Sec. 2. Minnesota Statutes 2020, section 124D.119, is amended to read:

202.16 **124D.119 SUMMER FOOD SERVICE REPLACEMENT AID PROGRAM AND**  
202.17 **CHILD AND ADULT CARE FOOD PROGRAM.**

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

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

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

202.32 Subd. 4. **Summer Food Service Program locations.** Consistent with Code of Federal  
202.33 Regulations, title 7, section 225.6(d)(1)(ii), the Department of Education must not approve

203.1 a new Summer Food Service Program open site that is within a half-mile radius of an existing  
203.2 Summer Food Service Program open site, except the department may approve a new Summer  
203.3 Food Service Program open site within a half-mile radius if the new program will not be  
203.4 servicing the same group of children for the same meal type.

203.5 Sec. 3. [124D.901] SCHOOL LIBRARIES AND MEDIA CENTERS.

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

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

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

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

203.16 (4) has technology and Internet access; and

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

203.18 Sec. 4. Minnesota Statutes 2021 Supplement, section 126C.05, subdivision 3, is amended  
203.19 to read:

203.20 Subd. 3. **Compensation revenue pupil units.** Compensation revenue pupil units must  
203.21 be computed according to this subdivision.

203.22 (a) The compensation revenue concentration percentage for each building in a district  
203.23 equals the product of 100 times the ratio of:

203.24 (1) the sum of the number of pupils enrolled in the building eligible to receive free ~~lunch~~  
203.25 meals plus one-half of the pupils eligible to receive ~~reduced-priced lunch~~ reduced-price  
203.26 meals on October 1 of the previous fiscal year; to

203.27 (2) the number of pupils enrolled in the building on October 1 of the previous fiscal  
203.28 year.

203.29 (b) The compensation revenue pupil weighting factor for a building equals the lesser of  
203.30 one or the quotient obtained by dividing the building's compensation revenue concentration  
203.31 percentage by 80.0.

204.1 (c) The compensation revenue pupil units for a building equals the product of:

204.2 (1) the sum of the number of pupils enrolled in the building eligible to receive free ~~lunch~~  
204.3 meals and one-half of the pupils eligible to receive ~~reduced-priced lunch~~ reduced-price  
204.4 meals on October 1 of the previous fiscal year; times

204.5 (2) the compensation revenue pupil weighting factor for the building; times

204.6 (3) .60.

204.7 (d) Notwithstanding paragraphs (a) to (c), for voluntary prekindergarten programs under  
204.8 section 124D.151, charter schools, and contracted alternative programs in the first year of  
204.9 operation, compensation revenue pupil units shall be computed using data for the current  
204.10 fiscal year. If the voluntary prekindergarten program, charter school, or contracted alternative  
204.11 program begins operation after October 1, compensatory revenue pupil units shall be  
204.12 computed based on pupils enrolled on an alternate date determined by the commissioner,  
204.13 and the compensation revenue pupil units shall be prorated based on the ratio of the number  
204.14 of days of student instruction to 170 days.

204.15 ~~(e) Notwithstanding paragraphs (a) to (c), for voluntary prekindergarten seats discontinued~~  
204.16 ~~in fiscal year 2024 due to the reduction in the participation limit under section 124D.151,~~  
204.17 ~~subdivision 6, those discontinued seats must not be used to calculate compensation revenue~~  
204.18 ~~pupil units for fiscal year 2024.~~

204.19 ~~(f)~~ (e) The percentages in this subdivision must be based on the count of individual  
204.20 pupils and not on a building average or minimum.

204.21 (f) For fiscal year 2023 and later, for a school participating in the community eligibility  
204.22 provision program or special assistance program under section 11(a)(1) of the Richard B.  
204.23 Russell National School Lunch Act, United States Code, title 42, section 1759a, compensatory  
204.24 revenue under section 126C.10, subdivision 3, equals the greatest of the amount determined  
204.25 using:

204.26 (1) the pupil counts according to paragraphs (a) to (f) for the year specified;

204.27 (2) the pupil counts for the year specified in paragraphs (b) to (f) and the compensation  
204.28 revenue concentration percentages from paragraph (a) for the pupil count from the fall of  
204.29 2019; or

204.30 (3) the pupil counts for the year specified in paragraphs (b) to (f) and the compensation  
204.31 revenue concentration percentages from paragraph (a) for the pupil count from the fall of  
204.32 the year preceding the school's participation in the four-year community eligibility provision  
204.33 program.

205.1 Sec. 5. Minnesota Statutes 2020, section 134.31, subdivision 1, is amended to read:

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

205.7 Sec. 6. Minnesota Statutes 2020, section 134.31, subdivision 4a, is amended to read:

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

205.13 Sec. 7. Minnesota Statutes 2020, section 134.32, subdivision 4, is amended to read:

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

205.19 Sec. 8. Minnesota Statutes 2020, section 134.34, subdivision 1, is amended to read:

205.20 Subdivision 1. **Local support levels.** (a) Regional library basic system support aid shall  
205.21 be provided to any regional public library system where there are at least three participating  
205.22 counties and where each participating city and county is providing for public library service  
205.23 support the lesser of (a) an amount equivalent to .82 percent of the average of the adjusted  
205.24 net tax capacity of the taxable property of that city or county, as determined by the  
205.25 commissioner of revenue for the second, third, and fourth year preceding that calendar year  
205.26 or (b) a per capita amount calculated under the provisions of this subdivision. The per capita  
205.27 amount is established for calendar year 1993 as \$7.62. In succeeding calendar years, the  
205.28 per capita amount shall be increased by a percentage equal to one-half of the percentage by  
205.29 which the total state adjusted net tax capacity of property as determined by the commissioner  
205.30 of revenue for the second year preceding that calendar year increases over that total adjusted  
205.31 net tax capacity for the third year preceding that calendar year.

206.1 (b) The minimum level of support specified under this subdivision or subdivision 4 shall  
206.2 be certified annually to the participating cities and counties by the Department of Education.  
206.3 If a city or county chooses to reduce its local support in accordance with subdivision 4,  
206.4 paragraph (b) or (c), it shall notify its regional public library system. The regional public  
206.5 library system shall notify the Department of Education that a revised certification is required.  
206.6 The revised minimum level of support shall be certified to the city or county by the  
206.7 Department of Education.

206.8 (c) A city which is a part of a regional public library system shall not be required to  
206.9 provide this level of support if the property of that city is already taxable by the county for  
206.10 the support of that regional public library system. In no event shall the Department of  
206.11 Education require any city or county to provide a higher level of support than the level of  
206.12 support specified in this section in order for a system to qualify for regional library basic  
206.13 system support aid. This section shall not be construed to prohibit a city or county from  
206.14 providing a higher level of support for public libraries than the level of support specified  
206.15 in this section.

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

206.18 Sec. 9. Minnesota Statutes 2020, section 134.355, subdivision 5, is amended to read:

206.19 Subd. 5. **Base aid distribution.** ~~Five~~ Fifteen percent of the available aid funds shall be  
206.20 paid to each system as base aid for basic system services.

206.21 **EFFECTIVE DATE.** This section is effective for state aid for fiscal year 2023 and  
206.22 later.

206.23 Sec. 10. Minnesota Statutes 2020, section 134.355, subdivision 6, is amended to read:

206.24 Subd. 6. **Adjusted net tax capacity per capita distribution.** ~~Twenty-five~~ Fifteen percent  
206.25 of the available aid funds shall be distributed to regional public library systems based upon  
206.26 the adjusted net tax capacity per capita for each member county or participating portion of  
206.27 a county as calculated for the ~~second~~ third year preceding the fiscal year for which aid is  
206.28 provided. Each system's entitlement shall be calculated as follows:

206.29 ~~(a)~~ (1) multiply the adjusted net tax capacity per capita for each county or participating  
206.30 portion of a county by .0082-;

206.31 ~~(b)~~ (2) add sufficient aid funds that are available under this subdivision to raise the  
206.32 amount of the county or participating portion of a county with the lowest value calculated

207.1 according to ~~paragraph (a)~~ clause (1) to the amount of the county or participating portion  
207.2 of a county with the next highest value calculated according to ~~paragraph (a)~~ clause (1).  
207.3 Multiply the amount of the additional aid funds by the population of the county or  
207.4 participating portion of a county;

207.5 ~~(e)~~ (3) continue the process described in ~~paragraph (b)~~ clause (2) by adding sufficient  
207.6 aid funds that are available under this subdivision to the amount of a county or participating  
207.7 portion of a county with the next highest value calculated in ~~paragraph (a)~~ clause (1) to raise  
207.8 it and the amount of counties and participating portions of counties with lower values  
207.9 calculated in ~~paragraph (a)~~ clause (1) up to the amount of the county or participating portion  
207.10 of a county with the next highest value, until reaching an amount where funds available  
207.11 under this subdivision are no longer sufficient to raise the amount of a county or participating  
207.12 portion of a county and the amount of counties and participating portions of counties with  
207.13 lower values up to the amount of the next highest county or participating portion of a county;  
207.14 and

207.15 ~~(d)~~ (4) if the point is reached using the process in ~~paragraphs (b) and (e)~~ clauses (2) and  
207.16 (3) at which the remaining aid funds under this subdivision are not adequate for raising the  
207.17 amount of a county or participating portion of a county and all counties and participating  
207.18 portions of counties with amounts of lower value to the amount of the county or participating  
207.19 portion of a county with the next highest value, those funds are to be divided on a per capita  
207.20 basis for all counties or participating portions of counties that received aid funds under the  
207.21 calculation in ~~paragraphs (b) and (e)~~ clauses (2) and (3).

207.22 **EFFECTIVE DATE.** This section is effective for state aid for fiscal year 2023 and  
207.23 later.

207.24 Sec. 11. Minnesota Statutes 2020, section 134.355, subdivision 7, is amended to read:

207.25 Subd. 7. **Population determination.** A regional public library system's population shall  
207.26 be determined according to must be calculated using the most recent estimate available  
207.27 under section 477A.011, subdivision 3, at the time the aid amounts are calculated, which  
207.28 must be by April 1 in the year the calculation is made.

207.29 **EFFECTIVE DATE.** This section is effective for state aid for fiscal year 2023 and  
207.30 later.

208.1 Sec. 12. Laws 2021, First Special Session chapter 13, article 8, section 3, subdivision 2,  
 208.2 is amended to read:

208.3 Subd. 2. **School lunch.** For school lunch aid under Minnesota Statutes, section 124D.111,  
 208.4 and Code of Federal Regulations, title 7, section 210.17:

208.5		<del>16,661,000</del>		
208.6	\$	<u>14,187,000</u>	.....	2022
208.7		<del>16,954,000</del>		
208.8	\$	<u>16,194,000</u>	.....	2023

208.9 Sec. 13. Laws 2021, First Special Session chapter 13, article 8, section 3, subdivision 3,  
 208.10 is amended to read:

208.11 Subd. 3. **School breakfast.** For traditional school breakfast aid under Minnesota Statutes,  
 208.12 section 124D.1158:

208.13		<del>11,848,000</del>		
208.14	\$	<u>20,000</u>	.....	2022
208.15		<del>12,200,000</del>		
208.16	\$	<u>10,981,000</u>	.....	2023

208.17 Sec. 14. Laws 2021, First Special Session chapter 13, article 8, section 3, subdivision 6,  
 208.18 is amended to read:

208.19 Subd. 6. **Basic system support.** For basic system support aid under Minnesota Statutes,  
 208.20 section 134.355:

208.21	\$	13,570,000	.....	2022
208.22		<del>13,570,000</del>		
208.23	\$	<u>15,370,000</u>	.....	2023

208.24 The 2022 appropriation includes \$1,357,000 for 2021 and \$12,213,000 for 2022.

208.25 The 2023 appropriation includes \$1,357,000 for 2022 and ~~\$12,213,000~~ \$14,013,000 for  
 208.26 2023.

208.27 Sec. 15. **APPROPRIATION; COMMUNITY ELIGIBILITY PROVISION FUNDING.**

208.28 (a) \$18,456,000 in fiscal year 2023 is appropriated from the general fund to the  
 208.29 Department of Education for additional funding for school meals.

208.30 (b) For each school participating in the Community Eligibility Provision program, the  
 208.31 commissioner must calculate the difference between the federal reimbursement for the  
 208.32 school breakfasts and school lunches served at the site and the average cost of the school

209.1 breakfasts and school lunches as annually defined by the United States Department of  
209.2 Agriculture and pay that amount to the school in the form and manner designated by the  
209.3 commissioner.

209.4 (c) If the appropriation for school meals under this section exceeds the amount necessary  
209.5 for payments under paragraph (b), the commissioner may award grants to other schools to  
209.6 provide free breakfast and free lunch to all students at the school site. A school participating  
209.7 in the school meals program must apply for a grant in the form and manner specified by the  
209.8 commissioner. The commissioner must prioritize grants applications based on the number  
209.9 of free and reduced-price meal eligible students at each applicant school site.

209.10 (d) The commissioner may retain up to two percent of the appropriation in this section  
209.11 for administrative purposes.

209.12 (e) The budget base is \$14,146,000 for fiscal year 2024 and \$13,792,000 for fiscal year  
209.13 2025.

209.14 Sec. 16. **REVISOR INSTRUCTION.**

209.15 The revisor of statutes shall replace the phrases "free lunch," "reduced price lunch,"  
209.16 "reduced priced lunch," "reduced-price lunch," and "free or reduced price lunch" with "free  
209.17 meals," "reduced-price meals," and "free or reduced-price meals" wherever they appear in  
209.18 statute when used in context with the national school lunch and breakfast program.

209.19

## ARTICLE 9

209.20

### EARLY EDUCATION

209.21 Section 1. Minnesota Statutes 2020, section 120A.20, subdivision 1, is amended to read:

209.22 Subdivision 1. **Age limitations; pupils.** (a) All schools supported in whole or in part  
209.23 by state funds are public schools. Admission to a public school is free to any person who:  
209.24 (1) resides within the district that operates the school; (2) is under 21 years of age or who  
209.25 meets the requirements of paragraph (c); and (3) satisfies the minimum age requirements  
209.26 imposed by this section. Notwithstanding the provisions of any law to the contrary, the  
209.27 conduct of all students under 21 years of age attending a public secondary school is governed  
209.28 by a single set of reasonable rules and regulations promulgated by the school board.

209.29 (b) A person shall not be admitted to a public school: (1) as a prekindergarten pupil,  
209.30 unless the pupil is at least four years of age as of September 1 of the calendar year in which  
209.31 the school year for which the pupil seeks admission commences; (2) as a kindergarten pupil,  
209.32 unless the pupil is at least five years of age on September 1 of the calendar year in which

210.1 the school year for which the pupil seeks admission commences; or ~~(2)~~ (3) as a 1st grade  
210.2 student, unless the pupil is at least six years of age on September 1 of the calendar year in  
210.3 which the school year for which the pupil seeks admission commences or has completed  
210.4 kindergarten; except that any school board may establish a policy for admission of selected  
210.5 pupils at an earlier age under section 124D.02.

210.6 (c) A pupil who becomes age 21 after enrollment is eligible for continued free public  
210.7 school enrollment until at least one of the following occurs: (1) the first September 1 after  
210.8 the pupil's 21st birthday; (2) the pupil's completion of the graduation requirements; (3) the  
210.9 pupil's withdrawal with no subsequent enrollment within 21 calendar days; or (4) the end  
210.10 of the school year.

210.11 Sec. 2. Minnesota Statutes 2020, section 120A.41, is amended to read:

210.12 **120A.41 LENGTH OF SCHOOL YEAR; HOURS OF INSTRUCTION.**

210.13 (a) A school board's annual school calendar must include at least 425 hours of instruction  
210.14 for a kindergarten student without a disability, 935 hours of instruction for a student in  
210.15 grades 1 through 6, and 1,020 hours of instruction for a student in grades 7 through 12, not  
210.16 including summer school. The school calendar for a prekindergarten student without a  
210.17 disability and a student in an all-day kindergarten must include at least 850 hours of  
210.18 instruction for the school year. ~~The school calendar for a prekindergarten student under~~  
210.19 ~~section 124D.151, if offered by the district, must include at least 350 hours of instruction~~  
210.20 ~~for the school year.~~ A school board's annual calendar must include at least 165 days of  
210.21 instruction for a student in grades 1 through 11 unless a four-day week schedule has been  
210.22 approved by the commissioner under section 124D.126.

210.23 (b) A school board's annual school calendar may include plans for up to five days of  
210.24 instruction provided through online instruction due to inclement weather. The inclement  
210.25 weather plans must be developed according to section 120A.414.

210.26 Sec. 3. Minnesota Statutes 2020, section 121A.19, is amended to read:

210.27 **121A.19 DEVELOPMENTAL SCREENING AID.**

210.28 Each school year, the state must pay a district for each child or student screened by the  
210.29 district according to the requirements of section 121A.17. The amount of state aid for each  
210.30 child or student screened shall be: (1) ~~\$75~~ \$98 for a child screened at age three; (2) ~~\$50~~ \$65  
210.31 for a child screened at age four; (3) ~~\$40~~ \$52 for a child screened at age five or six prior to  
210.32 kindergarten; and (4) ~~\$30~~ \$39 for a student screened within 30 days after first enrolling in  
210.33 a public school kindergarten if the student has not previously been screened according to

211.1 the requirements of section 121A.17. If this amount of aid is insufficient, the district may  
211.2 permanently transfer from the general fund an amount that, when added to the aid, is  
211.3 sufficient. Developmental screening aid shall not be paid for any student who is screened  
211.4 more than 30 days after the first day of attendance at a public school kindergarten, except  
211.5 if a student transfers to another public school kindergarten within 30 days after first enrolling  
211.6 in a Minnesota public school kindergarten program. In this case, if the student has not been  
211.7 screened, the district to which the student transfers may receive developmental screening  
211.8 aid for screening that student when the screening is performed within 30 days of the transfer  
211.9 date.

211.10 Sec. 4. Minnesota Statutes 2020, section 124D.151, as amended by Laws 2021, First  
211.11 Special Session chapter 13, article 9, section 1, is amended to read:

211.12 **124D.151 VOLUNTARY PREKINDERGARTEN PROGRAM FOR ELIGIBLE**  
211.13 **FOUR-YEAR-OLD CHILDREN.**

211.14 Subdivision 1. **Establishment; purpose.** A ~~district, a charter school, a group of districts,~~  
211.15 ~~a group of charter schools, or a group of districts and charter schools~~ school district or  
211.16 charter school, a child care center or family child care provider licensed under section  
211.17 245A.03, or a Head Start agency licensed under section 245A.03 that meets program  
211.18 requirements under subdivision 2, may establish a voluntary prekindergarten program for  
211.19 eligible four-year-old children. The purpose of a voluntary prekindergarten program is to  
211.20 prepare children for success as they enter kindergarten in the following year.

211.21 Subd. 1a. **Definition.** For purposes of this section, a "lead teacher" is an individual with  
211.22 primary responsibility for the instruction and care of eligible children in a voluntary  
211.23 prekindergarten classroom. A lead teacher employed by a school district is a teacher for  
211.24 purposes of sections 122A.40, subdivision 1; 122A.41, subdivision 1, clause (a); and  
211.25 179A.03, subdivision 18.

211.26 Subd. 2. **Program requirements.** ~~(a)~~ A voluntary prekindergarten program provider  
211.27 must:

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

211.32 (2) ~~measure each child's cognitive and social skills~~ assess each child's progress toward  
211.33 the state's early learning standards at program entrance and exit using a

212.1 ~~commissioner-approved, formative measure aligned to the state's early learning standards~~  
212.2 ~~when the child enters and again before the child leaves the program, screening and progress~~  
212.3 ~~monitoring measures, and other age-appropriate versions from the state-approved menu of~~  
212.4 ~~kindergarten entry profile measures;~~ age-appropriate assessment that must be submitted to  
212.5 the department in the form and manner prescribed by the commissioner;

212.6 (3) provide comprehensive program content aligned with the state early learning  
212.7 standards, including the implementation of curriculum, assessment, and intentional  
212.8 ~~instructional strategies aligned with the state early learning standards, and kindergarten~~  
212.9 ~~through grade 3 academic standards;~~

212.10 (4) provide instructional content and activities that are of sufficient length and intensity  
212.11 to address learning needs including offering a program with at least ~~350~~ 850 hours of  
212.12 instruction per school year for a prekindergarten student;

212.13 (5) provide voluntary prekindergarten ~~instructional~~ staff salaries comparable and set  
212.14 salary schedules equivalent to the salaries of local kindergarten through grade 12 instructional  
212.15 staff, public school district elementary school staff with similar credentials and experience  
212.16 for school district and charter prekindergarten program sites and, to the extent practicable,  
212.17 for Head Start, child care center, and family child care sites;

212.18 (6) employ a lead teacher for each voluntary prekindergarten classroom who has at least  
212.19 a bachelor's degree in early education or a related field no later than July 1, 2028. Teachers  
212.20 employed by an eligible provider for at least three of the last five years immediately preceding  
212.21 July 1, 2022, who meet the necessary content knowledge and teaching skills for early  
212.22 childhood educators, as demonstrated through measures determined by the state, may be  
212.23 employed as a lead teacher;

212.24 ~~(6)~~ (7) coordinate appropriate kindergarten transition with families, community-based  
212.25 prekindergarten programs, and school district kindergarten programs; and all mixed-delivery  
212.26 partners within the school district;

212.27 ~~(7)~~ (8) involve parents in program planning decision-making and transition planning by  
212.28 implementing parent engagement strategies that include culturally and linguistically  
212.29 responsive activities in prekindergarten through third grade that are aligned with early  
212.30 childhood family education under section 124D.13;

212.31 ~~(8)~~ (9) coordinate with relevant community-based services, including health and social  
212.32 service agencies, to ensure children have access to comprehensive services;

213.1 ~~(9)~~ (10) coordinate with all relevant school district programs and services including  
 213.2 early childhood special education, homeless students, and English learners;

213.3 ~~(10)~~ (11) ensure staff-to-child ratios of one-to-ten and a maximum group size of 20  
 213.4 children; in school-based programs, staff-to-child ratios and group size as required for child  
 213.5 care center and family child care licensing in programs offered in child care centers and by  
 213.6 family child care providers, and staff-to-child ratios and group size as determined by Head  
 213.7 Start standards in programs offered by Head Start agencies; and

213.8 ~~(11)~~ (12) provide high-quality coordinated professional development, training, and  
 213.9 coaching for ~~both school district and community-based early learning,~~ Head Start, child  
 213.10 care center, and family child care providers that is informed by a measure of adult-child  
 213.11 interactions and enables teachers to be highly knowledgeable in early childhood curriculum  
 213.12 content, assessment, native and English language development programs, and instruction;  
 213.13 and.

213.14 ~~(12)~~ implement strategies that support the alignment of professional development,  
 213.15 instruction, assessments, and prekindergarten through grade 3 curricula.

213.16 ~~(b) A voluntary prekindergarten program must have teachers knowledgeable in early~~  
 213.17 ~~childhood curriculum content, assessment, native and English language programs, and~~  
 213.18 ~~instruction.~~

213.19 ~~(c) Districts and charter schools must include their strategy for implementing and~~  
 213.20 ~~measuring the impact of their voluntary prekindergarten program under section 120B.11~~  
 213.21 ~~and provide results in their world's best workforce annual summary to the commissioner of~~  
 213.22 ~~education.~~

213.23 Subd. 3. **Mixed delivery of services program plan.** ~~A district or charter school may~~  
 213.24 ~~contract with a charter school, Head Start or child care centers, family child care programs~~  
 213.25 ~~licensed under section 245A.03, or a community-based organization to provide eligible~~  
 213.26 ~~children with developmentally appropriate services that meet the program requirements in~~  
 213.27 ~~subdivision 2. Components of a mixed-delivery plan include strategies for recruitment,~~  
 213.28 ~~contracting, and monitoring of fiscal compliance and program quality. School districts and~~  
 213.29 charter schools that receive funding for voluntary prekindergarten programs must develop  
 213.30 and submit a mixed-delivery program plan to the Department of Education annually by July  
 213.31 1, 2023, and every year thereafter, in a manner and format prescribed by the commissioner.  
 213.32 The plan must ensure alignment of all voluntary prekindergarten program providers within  
 213.33 the school district boundaries in meeting the program requirements in subdivision 2 and  
 213.34 must include:

214.1 (1) a description of the process used to convene and obtain group agreement among all  
214.2 voluntary prekindergarten program providers within the district boundaries in order to  
214.3 coordinate efforts regarding the requirements in subdivision 2;

214.4 (2) a description of the voluntary prekindergarten program providers within the school  
214.5 district boundaries, including but not limited to the name and location of partners and the  
214.6 number of hours and days per week the program will be offered at each program site;

214.7 (3) an estimate of the number of eligible children to be served in the program at each  
214.8 school site or mixed-delivery location;

214.9 (4) a plan for recruitment, outreach, and communication regarding the availability of  
214.10 public prekindergarten programming within the community;

214.11 (5) a plan for coordinating and offering professional development opportunities, as  
214.12 needed;

214.13 (6) a plan for coordinating the required child assessments, as needed, and continuous  
214.14 quality improvement efforts to ensure quality instruction;

214.15 (7) a plan for meeting the needs for any child with an individualized education plan;

214.16 (8) a plan to ensure salaries equivalent to school staff with comparable credentials and  
214.17 experience;

214.18 (9) a detailed plan for transitioning children and families to kindergarten; and

214.19 (10) a statement of assurances signed by the superintendent, charter school director,  
214.20 Head Start director, child care center director, and family child care license holder that the  
214.21 proposed program meets the requirements of subdivision 2. A statement of assurances must  
214.22 be submitted in the mixed-delivery program plan and must be signed by an individual from  
214.23 each voluntary prekindergarten program provider with authority to enter into the agreement.

214.24 Subd. 3a. **Funding.** (a) School district and charter school voluntary prekindergarten  
214.25 providers are funded based on the number of eligible pupils enrolled as authorized under  
214.26 chapters 124D, 124E, and 126C.

214.27 (b) Head Start voluntary prekindergarten providers that are licensed under section  
214.28 245A.03 and meet the requirements of subdivisions 2 and 3 must receive \$11,000 per child  
214.29 served per year.

214.30 (c) Licensed child care center and family child care voluntary prekindergarten providers  
214.31 that are licensed under section 245A.03 and meet the requirements of subdivisions 2 and 3  
214.32 must receive \$11,000 per child served per year.

215.1 (d) The commissioner must establish a process for allocating the seats under paragraphs  
 215.2 (b) and (c) that match community strengths, capacity, and needs. The number of seats per  
 215.3 year is subject to the availability of appropriations.

215.4 (e) Up to 2.5 percent of the amounts appropriated for paragraphs (b) and (c) may be  
 215.5 used for distribution of funds.

215.6 Subd. 4. **Eligibility.** ~~A~~ (a) An eligible child means a child who:

215.7 (1) is four years of age as of September 1 in the calendar year in which the school year  
 215.8 commences is; and

215.9 (2) meets at least one of the following criteria:

215.10 (i) qualifies for free or reduced-price meals;

215.11 (ii) is an English learner as defined by section 124D.59, subdivision 2;

215.12 (iii) is American Indian;

215.13 (iv) is experiencing homelessness;

215.14 (v) has an individualized education plan under section 125A.08;

215.15 (vi) was identified as having a potential risk factor that may influence learning through  
 215.16 health and developmental screening under sections 121A.16 to 121.19;

215.17 (vii) is in foster care, in need of child protection services, or in kinship care, including  
 215.18 children receiving Northstar kinship assistance under chapter 256N;

215.19 (viii) has a parent who is a migrant or seasonal agriculture laborer under section 181.85;  
 215.20 or

215.21 (ix) has a parent who is incarcerated.

215.22 (b) An eligible ~~to~~ child is eligible to participate in a voluntary prekindergarten program  
 215.23 free of charge. ~~An eligible four-year-old child served in a mixed-delivery system by a child~~  
 215.24 ~~care center, family child care program licensed under section 245A.03, or community-based~~  
 215.25 ~~organization~~ Programs may charge a sliding fee for the instructional hours that exceed 850  
 215.26 hours during the school year, any hours that provide before- or after-school child care during  
 215.27 the school year, or any hours that provide child care during the summer. A child that does  
 215.28 not meet the eligibility requirements in paragraph (a), clause (2), may participate in the  
 215.29 same classroom as eligible children and may be charged a sliding fee as long as ~~the~~  
 215.30 ~~mixed-delivery partner~~ state funding was not awarded a seat for that child.

216.1 (c) Each eligible child must complete a health and developmental screening within 90  
216.2 days of program enrollment under sections 121A.16 to 121A.19, and provide documentation  
216.3 of required immunizations under section 121A.15.

216.4 Subd. 5. **Application process; priority for high poverty schools.** (a) To qualify for  
216.5 program approval for fiscal year 2017, a district or charter school must submit an application  
216.6 to the commissioner by July 1, 2016. To qualify for program approval for fiscal year 2018  
216.7 and later, a district or charter school must submit an application to the commissioner by  
216.8 January 30 of the fiscal year prior to the fiscal year in which the program will be  
216.9 implemented. The application must include:

216.10 (1) a description of the proposed program, including the number of hours per week the  
216.11 program will be offered at each school site or mixed-delivery location;

216.12 (2) an estimate of the number of eligible children to be served in the program at each  
216.13 school site or mixed-delivery location; and

216.14 (3) a statement of assurances signed by the superintendent or charter school director that  
216.15 the proposed program meets the requirements of subdivision 2.

216.16 (b) The commissioner must review all applications submitted for fiscal year 2017 by  
216.17 August 1, 2016, and must review all applications submitted for fiscal year 2018 and later  
216.18 by March 1 of the fiscal year in which the applications are received and determine whether  
216.19 each application meets the requirements of paragraph (a).

216.20 (c) The commissioner must divide all applications for new or expanded voluntary  
216.21 prekindergarten programs under this section meeting the requirements of paragraph (a) and  
216.22 school readiness plus programs into four groups as follows: the Minneapolis and St. Paul  
216.23 school districts; other school districts located in the metropolitan equity region as defined  
216.24 in section 126C.10, subdivision 28; school districts located in the rural equity region as  
216.25 defined in section 126C.10, subdivision 28; and charter schools. Within each group, the  
216.26 applications must be ordered by rank using a sliding scale based on the following criteria:

216.27 (1) concentration of kindergarten students eligible for free or reduced-price lunches by  
216.28 school site on October 1 of the previous school year. A school site may contract to partner  
216.29 with a community-based provider or Head Start under subdivision 3 or establish an early  
216.30 childhood center and use the concentration of kindergarten students eligible for free or  
216.31 reduced-price meals from a specific school site as long as those eligible children are  
216.32 prioritized and guaranteed services at the mixed-delivery site or early education center. For  
216.33 school district programs to be operated at locations that do not have free and reduced-price  
216.34 lunch concentration data for kindergarten programs for October 1 of the previous school

217.1 year, including mixed-delivery programs, the school district average concentration of  
217.2 kindergarten students eligible for free or reduced-price lunches must be used for the rank  
217.3 ordering;

217.4 (2) presence or absence of a three- or four-star Parent Aware rated program within the  
217.5 school district or close proximity of the district. School sites with the highest concentration  
217.6 of kindergarten students eligible for free or reduced-price lunches that do not have a three-  
217.7 or four-star Parent Aware program within the district or close proximity of the district shall  
217.8 receive the highest priority, and school sites with the lowest concentration of kindergarten  
217.9 students eligible for free or reduced-price lunches that have a three- or four-star Parent  
217.10 Aware rated program within the district or close proximity of the district shall receive the  
217.11 lowest priority; and

217.12 (3) whether the district has implemented a mixed delivery system.

217.13 (d) The limit on participation for the programs as specified in subdivision 6 must initially  
217.14 be allocated among the four groups based on each group's percentage share of the statewide  
217.15 kindergarten enrollment on October 1 of the previous school year. Within each group, the  
217.16 participation limit for fiscal years 2018 and 2019 must first be allocated to school sites  
217.17 approved for aid in the previous year to ensure that those sites are funded for the same  
217.18 number of participants as approved for the previous year. The remainder of the participation  
217.19 limit for each group must be allocated among school sites in priority order until that region's  
217.20 share of the participation limit is reached. If the participation limit is not reached for all  
217.21 groups, the remaining amount must be allocated to the highest priority school sites, as  
217.22 designated under this section, not funded in the initial allocation on a statewide basis. For  
217.23 fiscal year 2020 and later, the participation limit must first be allocated to school sites  
217.24 approved for aid in fiscal year 2017, and then to school sites approved for aid in fiscal year  
217.25 2018 based on the statewide rankings under paragraph (c).

217.26 (e) Once a school site or a mixed delivery site under subdivision 3 is approved for aid  
217.27 under this subdivision, it shall remain eligible for aid if it continues to meet program  
217.28 requirements, regardless of changes in the concentration of students eligible for free or  
217.29 reduced-price lunches.

217.30 (f) If the total number of participants approved based on applications submitted under  
217.31 paragraph (a) is less than the participation limit under subdivision 6, the commissioner must  
217.32 notify all school districts and charter schools of the amount that remains available within  
217.33 30 days of the initial application deadline under paragraph (a), and complete a second round  
217.34 of allocations based on applications received within 60 days of the initial application deadline.

218.1 (g) Procedures for approving applications submitted under paragraph (f) shall be the  
218.2 same as specified in paragraphs (a) to (d), except that the allocations shall be made to the  
218.3 highest priority school sites not funded in the initial allocation on a statewide basis.

218.4 Subd. 6. **Participation limits.** (a) Notwithstanding section 126C.05, subdivision 1,  
218.5 paragraph (d), the pupil units for a voluntary prekindergarten program for an eligible school  
218.6 district or charter school must not exceed 60 percent of the kindergarten pupil units for that  
218.7 school district or charter school under section 126C.05, subdivision 1, paragraph (e).

218.8 (b) In reviewing applications under subdivision 5, the commissioner must limit the total  
218.9 number of participants in the voluntary prekindergarten and school readiness plus programs  
218.10 under Laws 2017, First Special Session chapter 5, article 8, section 9, to not more than 7,160  
218.11 participants for fiscal years 2019, 2020, 2021, 2022, and 2023, and 3,160 participants for  
218.12 fiscal years 2024 and later.

218.13 Subd. 7. **Financial accounting.** An eligible school district or charter school must record  
218.14 expenditures attributable to voluntary prekindergarten pupils according to guidelines prepared  
218.15 by the commissioner under section 127A.17. Child care centers, family child care providers,  
218.16 and Head Start agencies must record expenditures attributable to voluntary prekindergarten  
218.17 pupils according to guidelines developed and approved by the commissioner of education.

218.18 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

218.19 Sec. 5. Minnesota Statutes 2021 Supplement, section 126C.05, subdivision 1, is amended  
218.20 to read:

218.21 Subdivision 1. **Pupil unit.** Pupil units for each Minnesota resident pupil under the age  
218.22 of 21 or who meets the requirements of section 120A.20, subdivision 1, paragraph (c), in  
218.23 average daily membership enrolled in the district of residence, in another district under  
218.24 sections 123A.05 to 123A.08, 124D.03, 124D.08, or 124D.68; in a charter school under  
218.25 chapter 124E; or for whom the resident district pays tuition under section 123A.18, 123A.22,  
218.26 123A.30, 123A.32, 123A.44, 123A.488, 123B.88, subdivision 4, 124D.04, 124D.05, 125A.03  
218.27 to 125A.24, 125A.51, or 125A.65, shall be counted according to this subdivision.

218.28 (a) A prekindergarten pupil with a disability who is enrolled in a program approved by  
218.29 the commissioner and has an individualized education program is counted as the ratio of  
218.30 the number of hours of assessment and education service to 825 times 1.0 with a minimum  
218.31 average daily membership of 0.28, but not more than 1.0 pupil unit.

218.32 (b) A prekindergarten pupil who is assessed but determined not to be disabled is counted  
218.33 as the ratio of the number of hours of assessment service to 825 times 1.0.

219.1 ~~(e) A kindergarten pupil with a disability who is enrolled in a program approved by the~~  
219.2 ~~commissioner is counted as the ratio of the number of hours of assessment and education~~  
219.3 ~~services required in the fiscal year by the pupil's individualized education program to 875,~~  
219.4 ~~but not more than one.~~

219.5 ~~(d)~~ (c) A prekindergarten pupil who is not included in paragraph (a) or (b) and is enrolled  
219.6 in an approved a voluntary prekindergarten program under section 124D.151 is counted as  
219.7 ~~the ratio of the number of hours of instruction to 850 times 1.0, but not more than 0.6 pupil~~  
219.8 ~~units~~ that meets the minimum hours required in section 120A.41 is counted as 1.0 pupil  
219.9 unit.

219.10 ~~(e)~~ (d) A kindergarten pupil ~~who is not included in paragraph (e)~~ is counted as 1.0 pupil  
219.11 unit if the pupil is enrolled in a free all-day, every day kindergarten program available to  
219.12 all kindergarten pupils at the pupil's school that meets the minimum hours requirement in  
219.13 section 120A.41, or is counted as .55 pupil unit, if the pupil is not enrolled in a free all-day,  
219.14 every day kindergarten program available to all kindergarten pupils at the pupil's school.

219.15 ~~(f)~~ (e) A pupil who is in any of grades 1 to 6 is counted as 1.0 pupil unit.

219.16 ~~(g)~~ (f) A pupil who is in any of grades 7 to 12 is counted as 1.2 pupil units.

219.17 ~~(h)~~ (g) A pupil who is in the postsecondary enrollment options program is counted as  
219.18 1.2 pupil units.

219.19 ~~(i) For fiscal years 2018 through 2023, a prekindergarten pupil who:~~

219.20 ~~(1) is not included in paragraph (a), (b), or (d);~~

219.21 ~~(2) is enrolled in a school readiness plus program under Laws 2017, First Special Session~~  
219.22 ~~chapter 5, article 8, section 9; and~~

219.23 ~~(3) has one or more of the risk factors specified by the eligibility requirements for a~~  
219.24 ~~school readiness plus program;~~

219.25 ~~is counted as the ratio of the number of hours of instruction to 850 times 1.0, but not more~~  
219.26 ~~than 0.6 pupil units. A pupil qualifying under this paragraph must be counted in the same~~  
219.27 ~~manner as a voluntary prekindergarten student for all general education and other school~~  
219.28 ~~funding formulas.~~

219.29 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

220.1 Sec. 6. Minnesota Statutes 2021 Supplement, section 126C.10, subdivision 2d, is amended  
 220.2 to read:

220.3 Subd. 2d. **Declining enrollment revenue.** (a) A school district's declining enrollment  
 220.4 revenue equals the greater of zero or the product of: (1) 28 percent of the formula allowance  
 220.5 for that year and (2) the difference between the adjusted pupil units for the preceding year  
 220.6 and the adjusted pupil units for the current year.

220.7 (b) Notwithstanding paragraph (a), for prekindergarten programs for fiscal year 2024  
 220.8 2023 only, prekindergarten pupil units under section 126C.05, subdivision 1, paragraph (d)  
 220.9 (c), must be excluded from the calculation of declining enrollment revenue.

220.10 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

220.11 Sec. 7. Laws 2021, First Special Session chapter 13, article 9, section 4, subdivision 3, is  
 220.12 amended to read:

220.13 Subd. 3. **Early learning scholarships.** (a) For the early learning scholarship program  
 220.14 under Minnesota Statutes, section 124D.165:

220.15 \$ 70,709,000 ..... 2022

220.16 \$ 70,709,000 ..... 2023

220.17 (b) This appropriation is subject to the requirements under Minnesota Statutes, section  
 220.18 124D.165, subdivision 6.

220.19 (c) Notwithstanding section 124D.165, for fiscal year 2023 only, the commissioner may  
 220.20 allocate funds to Head Start agencies, child care centers, and family child care providers as  
 220.21 necessary to implement the voluntary prekindergarten transition year, including allocating  
 220.22 funds under section 124D.165 as they existed prior to the date of enactment of this act.

220.23 Sec. 8. Laws 2021, First Special Session chapter 13, article 9, section 4, subdivision 6, is  
 220.24 amended to read:

220.25 Subd. 6. **Developmental screening aid.** (a) For developmental screening aid under  
 220.26 Minnesota Statutes, sections 121A.17 and 121A.19:

220.27 ~~3,582,000~~

220.28 \$ 3,655,000 ..... 2022

220.29 ~~3,476,000~~

220.30 \$ 4,560,000 ..... 2023

220.31 (b) The 2022 appropriation includes \$360,000 for 2021 and ~~\$3,222,000~~ \$3,295,000 for  
 220.32 2022.

221.1 (c) The 2023 appropriation includes ~~\$357,000~~ \$366,000 for 2022 and ~~\$3,119,000~~  
 221.2 \$4,194,000 for 2023.

221.3 Sec. 9. **TRANSITION YEAR IN 2023.**

221.4 (a) Fiscal year 2023 may serve as a transition year in order to give current voluntary  
 221.5 prekindergarten programs, school readiness plus programs, and early learning scholarships  
 221.6 pathway II programs a year to transition to the new voluntary prekindergarten program for  
 221.7 eligible four-year-old children and to make the necessary adjustments to meet the additional  
 221.8 program requirements and facilitate relationships with all voluntary prekindergarten program  
 221.9 providers within the school district boundaries.

221.10 (b) For fiscal year 2023 only, school districts operating a voluntary prekindergarten  
 221.11 program under Minnesota Statutes, section 124D.151, or school readiness plus program  
 221.12 under Laws 2017, First Special Session chapter 5, article 8, section 9, may apply to the  
 221.13 Department of Education to allow the program to continue to operate under the provisions  
 221.14 of Minnesota Statutes, sections 124D.151 and 126C.05, subdivision 1, as they existed prior  
 221.15 to the date of enactment of this act.

221.16 Sec. 10. **APPROPRIATIONS.**

221.17 Subdivision 1. Department of Education. The sums indicated in this section are  
 221.18 appropriated from the general fund to the Department of Education for the fiscal years  
 221.19 designated.

221.20 Subd. 2. Voluntary prekindergarten through mixed delivery. For voluntary  
 221.21 prekindergarten provided by Head Start agencies, child care centers, and family child care  
 221.22 providers under Minnesota Statutes, section 124D.151, subdivision 3a, paragraphs (b) and  
 221.23 (c).

221.24	\$	<u>0</u>	.....	<u>2022</u>
221.25	\$	<u>96,920,000</u>	.....	<u>2023</u>

221.26 Sec. 11. **REPEALER.**

221.27 (a) Minnesota Statutes 2020, section 124D.151, subdivision 5, is repealed.

221.28 (b) Minnesota Statutes 2021 Supplement, section 124D.151, subdivision 6, is repealed.

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

## ARTICLE 10

## COMMUNITY EDUCATION AND LIFELONG LEARNING

222.1  
222.2  
222.3 Section 1. Minnesota Statutes 2020, section 124D.531, subdivision 1, is amended to read:

222.4 Subdivision 1. **State total adult basic education aid.** (a) The state total adult basic  
222.5 education aid for fiscal year ~~2011~~ 2023 equals ~~\$44,419,000~~ \$52,781,000, plus any amount  
222.6 that is not paid during the previous fiscal year as a result of adjustments under subdivision  
222.7 4, paragraph (a), or section 124D.52, subdivision 3. The state total adult basic education  
222.8 aid for later fiscal years equals:

222.9 (1) the state total adult basic education aid for the preceding fiscal year plus any amount  
222.10 that is not paid for during the previous fiscal year, as a result of adjustments under subdivision  
222.11 4, paragraph (a), or section 124D.52, subdivision 3; times

222.12 (2) the lesser of 1.03, or the greater of:

222.13 (i) ~~1.03~~ one plus the percent change in the formula allowance under section 126C.10,  
222.14 subdivision 2, from the previous fiscal year to the current fiscal year; or

222.15 (ii) the average growth in state total contact hours over the prior ten program years.

222.16 Three percent of the state total adult basic education aid must be set aside for adult basic  
222.17 education supplemental service grants under section 124D.522.

222.18 (b) The state total adult basic education aid, excluding basic population aid, equals the  
222.19 difference between the amount computed in paragraph (a), and the state total basic population  
222.20 aid under subdivision 2.

222.21 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2023 and later.

222.22 Sec. 2. Minnesota Statutes 2020, section 124D.531, subdivision 4, is amended to read:

222.23 Subd. 4. **Adult basic education program aid limit.** (a) Notwithstanding subdivisions  
222.24 2 and 3, the total adult basic education aid for a program per prior year contact hour must  
222.25 not exceed ~~\$22~~ \$28 per prior year contact hour computed under subdivision 3, clause (2).

222.26 (b) The aid for a program under subdivision 3, clause (2), adjusted for changes in program  
222.27 membership, must not exceed the aid for that program under subdivision 3, clause (2), for  
222.28 the first preceding fiscal year by more than the greater of 11 percent or \$10,000.

222.29 (c) Adult basic education aid is payable to a program for unreimbursed costs occurring  
222.30 in the program year as defined in section 124D.52, subdivision 3.

223.1 (d) Any adult basic education aid that is not paid to a program because of the program  
 223.2 aid limitation under paragraph (a) must be added to the state total adult basic education aid  
 223.3 for the next fiscal year under subdivision 1. Any adult basic education aid that is not paid  
 223.4 to a program because of the program aid limitations under paragraph (b) must be reallocated  
 223.5 among programs by adjusting the rate per contact hour under subdivision 3, clause (2).

223.6 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2023 and later.

223.7 Sec. 3. Minnesota Statutes 2020, section 124D.55, is amended to read:

223.8 **124D.55 COMMISSIONER-SELECTED HIGH SCHOOL EQUIVALENCY TEST**  
 223.9 **FEES.**

223.10 ~~(a) The commissioner shall pay 60 percent of the fee that is charged to an eligible~~  
 223.11 ~~individual for the full battery of the commissioner-selected high school equivalency tests,~~  
 223.12 ~~but not more than \$40 for an eligible individual.~~

223.13 ~~(b) Notwithstanding paragraph (a), for fiscal years 2020 and 2021 only,~~ The commissioner  
 223.14 shall pay 100 percent of the fee charged to an eligible individual for the full battery of the  
 223.15 commissioner-selected high school equivalency tests, but not more than the cost of one full  
 223.16 battery of tests per year for any individual.

223.17 Sec. 4. Laws 2021, First Special Session chapter 13, article 10, section 1, subdivision 8,  
 223.18 is amended to read:

223.19 Subd. 8. **Adult basic education aid.** For adult basic education aid under Minnesota  
 223.20 Statutes, section 124D.531:

223.21 ~~53,191,000~~  
 223.22 \$ 51,764,000 ..... 2022

223.23 ~~54,768,000~~  
 223.24 \$ 52,760,000 ..... 2023

223.25 The 2022 appropriation includes \$5,177,000 for 2021 and ~~\$48,014,000~~ \$46,587,000 for  
 223.26 2022.

223.27 The 2023 appropriation includes ~~\$5,334,000~~ \$5,176,000 for 2022 and ~~\$49,434,000~~  
 223.28 \$47,584,000 for 2023.

224.1 Sec. 5. Laws 2021, First Special Session chapter 13, article 10, section 1, subdivision 9,  
224.2 is amended to read:

224.3 Subd. 9. **High school equivalency tests.** For payment of the costs of the  
224.4 commissioner-selected high school equivalency tests under Minnesota Statutes, section  
224.5 124D.55:

224.6 \$ 125,000 ..... 2022

224.7 ~~125,000~~

224.8 \$ 470,000 ..... 2023

224.9 **ARTICLE 11**  
224.10 **STATE AGENCIES**

224.11 Section 1. Minnesota Statutes 2020, section 125A.71, subdivision 1, is amended to read:

224.12 Subdivision 1. **Rental income; appropriation.** Rental income, ~~excluding rent for land~~  
224.13 ~~and living residences,~~ must be deposited in the state treasury and credited to a revolving  
224.14 fund of the academies. Money in the revolving fund for rental income is annually  
224.15 appropriated to the academies for staff development purposes. Payment from the revolving  
224.16 fund for rental income may be made only according to vouchers authorized by the  
224.17 administrator of the academies.

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

224.19 Sec. 2. Minnesota Statutes 2020, section 127A.353, subdivision 2, is amended to read:

224.20 Subd. 2. **Qualifications.** The governor shall select the school trust lands director on the  
224.21 basis of outstanding professional qualifications and knowledge of finance, business practices,  
224.22 minerals, forest and real estate management, and the fiduciary responsibilities of a trustee  
224.23 to the beneficiaries of a trust. The school trust lands director serves in the unclassified service  
224.24 for a term of four years. ~~The first term shall end on December 31, 2020.~~ The governor may  
224.25 remove the school trust lands director for cause. If a director resigns or is removed for cause,  
224.26 the governor shall appoint a director for the remainder of the term.

224.27 Sec. 3. Minnesota Statutes 2021 Supplement, section 127A.353, subdivision 4, is amended  
224.28 to read:

224.29 Subd. 4. **Duties; powers.** (a) The school trust lands director shall:

224.30 (1) ~~take an oath of office before assuming any duties as the director~~ act in a fiduciary  
224.31 capacity for trust beneficiaries in accordance with the principles under section 127A.351;

- 225.1 (2) evaluate the school trust land asset position;
- 225.2 (3) determine the estimated current and potential market value of school trust lands;
- 225.3 (4) advise and provide recommendations to the governor, Executive Council,
- 225.4 commissioner of natural resources, and the Legislative Permanent School Fund Commission
- 225.5 on the management of school trust lands, including: on school trust land management policies
- 225.6 and other policies that may affect the goal of the permanent school fund under section
- 225.7 127A.31;
- 225.8 (5) advise and provide recommendations to the Executive Council and Land Exchange
- 225.9 Board on all matters regarding school trust lands presented to either body;
- 225.10 (6) advise and provide recommendations to the commissioner of natural resources on
- 225.11 managing school trust lands, including but not limited to advice and recommendations on:
- 225.12 (i) Department of Natural Resources school trust land management plans;
- 225.13 (ii) leases of school trust lands;
- 225.14 (iii) royalty agreements on school trust lands;
- 225.15 (iv) land sales and exchanges;
- 225.16 (v) cost certification; and
- 225.17 (vi) revenue generating options;
- 225.18 (7) serve as temporary trustee of school trust lands for school trust lands subject to
- 225.19 proposed or active eminent domain proceedings;
- 225.20 (8) serve as temporary trustee of school trust lands pursuant to section 94.342, subdivision
- 225.21 5;
- 225.22 ~~(5) propose~~ (9) submit to the Legislative Permanent School Fund Commission for review
- 225.23 an annual budget and management plan for the director that includes proposed legislative
- 225.24 changes that will improve the asset allocation of the school trust lands;
- 225.25 ~~(6)~~ (10) develop and implement a ten-year strategic plan and a 25-year framework for
- 225.26 management of school trust lands, in conjunction with the commissioner of natural resources,
- 225.27 that is updated every five years and implemented by the commissioner, with goals to:
- 225.28 (i) retain core real estate assets;
- 225.29 (ii) increase the value of the real estate assets and the cash flow from those assets;

226.1 (iii) rebalance the portfolio in assets with high performance potential and the strategic  
226.2 disposal of selected assets;

226.3 (iv) establish priorities for management actions;

226.4 (v) balance revenue enhancement and resource stewardship; and

226.5 (vi) advance strategies on school trust lands to capitalize on ecosystem services markets;

226.6 and

226.7 ~~(7) submit to the Legislative Permanent School Fund Commission for review an annual~~  
226.8 ~~budget and management plan for the director; and~~

226.9 ~~(8)~~ (11) keep the beneficiaries, governor, legislature, and the public informed about the  
226.10 work of the director by reporting to the Legislative Permanent School Fund Commission  
226.11 in a public meeting at least once during each calendar quarter.

226.12 (b) In carrying out the duties under paragraph (a), the school trust lands director ~~shall~~  
226.13 ~~have the authority to~~ may:

226.14 (1) direct and control money appropriated to the director;

226.15 (2) establish job descriptions and employ ~~up to five employees in the unclassified service,~~  
226.16 staff within the limitations of money appropriated to the director;

226.17 (3) enter into interdepartmental agreements with any other state agency;

226.18 (4) enter into joint powers agreements under chapter 471;

226.19 (5) evaluate and initiate real estate development projects on school trust lands in  
226.20 conjunction with the commissioner of natural resources and with the advice of the Legislative  
226.21 Permanent School Fund Commission ~~in order~~ to generate long-term economic return to the  
226.22 permanent school fund; and

226.23 ~~(6) serve as temporary trustee of school trust land for school trust lands subject to~~  
226.24 ~~proposed or active eminent domain proceedings; and~~

226.25 ~~(7)~~ (6) submit recommendations on strategies for school trust land leases, sales, or  
226.26 exchanges to the commissioner of natural resources and the Legislative Permanent School  
226.27 Fund Commission.

226.28 Sec. 4. Laws 2021, First Special Session chapter 13, article 11, section 4, subdivision 2,  
226.29 is amended to read:

226.30 Subd. 2. **Department.** (a) For the Department of Education:

227.1 \$ 30,837,000 ..... 2022

227.2 ~~26,287,000~~

227.3 \$ 29,411,000 ..... 2023

227.4 Of these amounts:

227.5 (1) \$319,000 each year is for the Board of School Administrators;

227.6 (2) \$1,000,000 each year is for regional centers of excellence under Minnesota Statutes,  
227.7 section 120B.115;

227.8 (3) \$250,000 each year is for the School Finance Division to enhance financial data  
227.9 analysis;

227.10 (4) \$720,000 each year is for implementing Minnesota's Learning for English Academic  
227.11 Proficiency and Success Act under Laws 2014, chapter 272, article 1, as amended;

227.12 (5) \$123,000 each year is for a dyslexia specialist;

227.13 (6) \$480,000 each year is for the Department of Education's mainframe update;

227.14 (7) \$4,500,000 in fiscal year 2022 only is for legal fees and costs associated with  
227.15 litigation; ~~and~~

227.16 (8) \$340,000 in fiscal ~~years~~ year 2022 and \$2,924,000 in 2023 ~~only~~ are for administration  
227.17 and monitoring of voluntary prekindergarten programs, including data collection, analysis,  
227.18 and support for providers implementing the assessment required under Minnesota Statutes,  
227.19 section 124D.151. The base for this item is \$2,674,000 in fiscal year 2024 and \$2,784,000  
227.20 in fiscal year 2025; and

227.21 (9) \$540,000 in fiscal year 2023 is for costs associated with implementing the specific  
227.22 learning disability criteria change, which may include grants for training.

227.23 (b) None of the amounts appropriated under this subdivision may be used for Minnesota's  
227.24 Washington, D.C., office.

227.25 (c) The expenditures of federal grants and aids as shown in the biennial budget document  
227.26 and its supplements are approved and appropriated and must be spent as indicated.

227.27 (d) This appropriation includes funds for information technology project services and  
227.28 support subject to the provisions of Minnesota Statutes, section 16E.21. Any ongoing  
227.29 information technology costs will be incorporated into the service level agreement and will  
227.30 be paid to the Office of MN.IT Services by the Department of Education under the rates  
227.31 and mechanisms specified in that agreement.

228.1 (e) To account for the base adjustments provided in Laws 2018, chapter 211, article 21,  
 228.2 section 1, paragraph (a), and section 3, paragraph (a), as well as the adjustments in paragraph  
 228.3 (a), clauses (8) and (9), the base for fiscal year 2024 and later is \$25,965,000 \$29,179,000.  
 228.4 The base for fiscal year 2025 is \$29,289,000.

228.5 Sec. 5. Laws 2021, First Special Session chapter 13, article 11, section 7, subdivision 1,  
 228.6 is amended to read:

228.7 Subdivision 1. **Professional Educator Licensing and Standards Board.** (a) The sums  
 228.8 indicated in this section are appropriated from the general fund to the Professional Educator  
 228.9 Licensing and Standards Board for the fiscal years designated:

228.10	\$	2,792,000	.....	2022
228.11		<del>2,839,000</del>		
228.12	\$	<u>3,499,000</u>	.....	2023

228.13 (b) Any balance in the first year does not cancel but is available in the second year.

228.14 (c) \$660,000 in fiscal year 2023 is for enhancements to the educator licensing system  
 228.15 to ensure the Professional Educator Licensing and Standards Board may review and approve  
 228.16 educator licensing applications in a timely and effective manner.

228.17 ~~(e)~~ (d) This appropriation includes funds for information technology project services  
 228.18 and support subject to Minnesota Statutes, section 16E.21. Any ongoing information  
 228.19 technology costs will be incorporated into an interagency agreement and will be paid to the  
 228.20 Office of MN.IT Services by the Professional Educator Licensing and Standards Board  
 228.21 under the mechanism specified in that agreement.

228.22 (e) The base for fiscal year 2024 and later is \$3,203,000.

228.23 **ARTICLE 12**

228.24 **FORECAST ADJUSTMENTS**

228.25 **A. GENERAL EDUCATION**

228.26 Section 1. Laws 2021, First Special Session chapter 13, article 1, section 10, subdivision  
 228.27 3, is amended to read:

228.28 Subd. 3. **Enrollment options transportation.** For transportation of pupils attending  
 228.29 postsecondary institutions under Minnesota Statutes, section 124D.09, or for transportation  
 228.30 of pupils attending nonresident districts under Minnesota Statutes, section 124D.03:

228.31	\$	<del>12,000</del> <u>1,000</u>	.....	2022
228.32	\$	<del>13,000</del> <u>1,000</u>	.....	2023

229.1 Sec. 2. Laws 2021, First Special Session chapter 13, article 1, section 10, subdivision 4,  
 229.2 is amended to read:

229.3 Subd. 4. **Abatement aid.** For abatement aid under Minnesota Statutes, section 127A.49:

229.4		<del>2,897,000</del>		
229.5	\$	<u>2,042,000</u>	.....	2022
229.6		<del>3,558,000</del>		
229.7	\$	<u>2,003,000</u>	.....	2023

229.8 The 2022 appropriation includes \$269,000 for 2021 and ~~\$2,628,000~~ \$1,773,000 for  
 229.9 2022.

229.10 The 2023 appropriation includes ~~\$291,000~~ \$197,000 for 2022 and ~~\$3,267,000~~ \$1,806,000  
 229.11 for 2023.

229.12 **B. EDUCATION EXCELLENCE**

229.13 Sec. 3. Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 12,  
 229.14 is amended to read:

229.15 Subd. 12. **Interdistrict desegregation or integration transportation grants.** For  
 229.16 interdistrict desegregation or integration transportation grants under Minnesota Statutes,  
 229.17 section 124D.87:

229.18		<del>12,310,000</del>		
229.19	\$	<u>9,900,000</u>	.....	2022
229.20		<del>14,823,000</del>		
229.21	\$	<u>10,974,000</u>	.....	2023

229.22 **C. SPECIAL EDUCATION**

229.23 Sec. 4. Laws 2021, First Special Session chapter 13, article 5, section 3, subdivision 3, is  
 229.24 amended to read:

229.25 Subd. 3. **Aid for children with disabilities.** For aid under Minnesota Statutes, section  
 229.26 125A.75, subdivision 3, for children with disabilities placed in residential facilities within  
 229.27 the district boundaries for whom no district of residence can be determined:

229.28		<del>1,818,000</del>		
229.29	\$	<u>1,674,000</u>	.....	2022
229.30		<del>2,010,000</del>		
229.31	\$	<u>1,887,000</u>	.....	2023

229.32 If the appropriation for either year is insufficient, the appropriation for the other year is  
 229.33 available.

230.1 Sec. 5. Laws 2021, First Special Session chapter 13, article 5, section 3, subdivision 4, is  
 230.2 amended to read:

230.3 Subd. 4. **Travel for home-based services.** For aid for teacher travel for home-based  
 230.4 services under Minnesota Statutes, section 125A.75, subdivision 1:

230.5		<del>465,000</del>		
230.6	\$	<u>356,000</u>	.....	2022
230.7		<del>512,000</del>		
230.8	\$	<u>384,000</u>	.....	2023

230.9 The 2022 appropriation includes \$23,000 for 2021 and ~~\$442,000~~ \$333,000 for 2022.

230.10 The 2023 appropriation includes ~~\$49,000~~ \$36,000 for 2022 and ~~\$463,000~~ \$348,000 for  
 230.11 2023.

230.12 Sec. 6. Laws 2021, First Special Session chapter 13, article 5, section 3, subdivision 5, is  
 230.13 amended to read:

230.14 Subd. 5. **Court-placed special education revenue.** For reimbursing serving school  
 230.15 districts for unreimbursed eligible expenditures attributable to children placed in the serving  
 230.16 school district by court action under Minnesota Statutes, section 125A.79, subdivision 4:

230.17		<del>24,000</del>		
230.18	\$	<u>0</u>	.....	2022
230.19	\$	25,000	.....	2023

230.20 **D. FACILITIES**

230.21 Sec. 7. Laws 2021, First Special Session chapter 13, article 7, section 2, subdivision 2, is  
 230.22 amended to read:

230.23 Subd. 2. **Debt service equalization aid.** For debt service equalization aid under  
 230.24 Minnesota Statutes, section 123B.53, subdivision 6:

230.25	\$	25,001,000	.....	2022
230.26		<del>24,286,000</del>		
230.27	\$	<u>24,315,000</u>	.....	2023

230.28 The 2022 appropriation includes \$2,588,000 for 2021 and \$22,413,000 for 2022.

230.29 The 2023 appropriation includes \$2,490,000 for 2022 and ~~\$21,796,000~~ \$21,825,000 for  
 230.30 2023.

231.1

**E. NUTRITION**

231.2 Sec. 8. Laws 2021, First Special Session chapter 13, article 8, section 3, subdivision 4, is  
 231.3 amended to read:

231.4 Subd. 4. **Kindergarten milk.** For kindergarten milk aid under Minnesota Statutes,  
 231.5 section 124D.118:

231.6		<del>656,000</del>		
231.7	\$	<u>566,000</u>	.....	2022
231.8		<del>658,000</del>		
231.9	\$	<u>659,000</u>	.....	2023

231.10

**F. EARLY EDUCATION**

231.11 Sec. 9. Laws 2021, First Special Session chapter 13, article 9, section 4, subdivision 5, is  
 231.12 amended to read:

231.13 Subd. 5. **Early childhood family education aid.** (a) For early childhood family education  
 231.14 aid under Minnesota Statutes, section 124D.135:

231.15		<del>35,003,000</del>		
231.16	\$	<u>34,160,000</u>	.....	2022
231.17		<del>36,478,000</del>		
231.18	\$	<u>35,126,000</u>	.....	2023

231.19 (b) The 2022 appropriation includes \$3,341,000 for 2021 and ~~\$31,662,000~~ \$30,819,000  
 231.20 for 2022.

231.21 (c) The 2023 appropriation includes ~~\$3,518,000~~ \$3,424,000 for 2022 and ~~\$32,960,000~~  
 231.22 \$31,702,000 for 2023.

231.23 Sec. 10. Laws 2021, First Special Session chapter 13, article 9, section 4, subdivision 12,  
 231.24 is amended to read:

231.25 Subd. 12. **Home visiting aid.** (a) For home visiting aid under Minnesota Statutes, section  
 231.26 124D.135:

231.27		<del>462,000</del>		
231.28	\$	<u>455,000</u>	.....	2022
231.29		<del>444,000</del>		
231.30	\$	<u>426,000</u>	.....	2023

231.31 (b) The 2022 appropriation includes \$47,000 for 2021 and ~~\$415,000~~ \$408,000 for 2022.

231.32 (c) The 2023 appropriation includes ~~\$46,000~~ \$45,000 for 2022 and ~~\$398,000~~ \$381,000  
 231.33 for 2023.

232.1 **G. COMMUNITY EDUCATION AND LIFELONG LEARNING**

232.2 Sec. 11. Laws 2021, First Special Session chapter 13, article 10, section 1, subdivision 2,  
 232.3 is amended to read:

232.4 Subd. 2. **Community education aid.** For community education aid under Minnesota  
 232.5 Statutes, section 124D.20:

232.6	\$	180,000	.....	2022
232.7		<del>155,000</del>		
232.8	\$	<u>175,000</u>	.....	2023

232.9 The 2022 appropriation includes \$22,000 for 2021 and \$158,000 for 2022.

232.10 The 2023 appropriation includes \$17,000 for 2022 and ~~\$138,000~~ \$158,000 for 2023.

232.11 Sec. 12. Laws 2021, First Special Session chapter 13, article 10, section 1, subdivision 5,  
 232.12 is amended to read:

232.13 Subd. 5. **School-age care aid.** For school-age care aid under Minnesota Statutes, section  
 232.14 124D.22:

232.15		<del>1,000</del>		
232.16	\$	<u>0</u>	.....	2022
232.17	\$	1,000	.....	2023

232.18 The 2022 appropriation includes \$0 for 2021 and ~~\$1,000~~ \$0 for 2022.

232.19 The 2023 appropriation includes \$0 for 2022 and \$1,000 for 2023.

**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.

**124D.151 VOLUNTARY PREKINDERGARTEN PROGRAM.**

**Subd. 5. Application process; priority for high poverty schools.** (a) To qualify for program approval for fiscal year 2017, a district or charter school must submit an application to the commissioner by July 1, 2016. To qualify for program approval for fiscal year 2018 and later, a district or charter school must submit an application to the commissioner by January 30 of the fiscal year prior to the fiscal year in which the program will be implemented. The application must include:

(1) a description of the proposed program, including the number of hours per week the program will be offered at each school site or mixed-delivery location;

(2) an estimate of the number of eligible children to be served in the program at each school site or mixed-delivery location; and

(3) a statement of assurances signed by the superintendent or charter school director that the proposed program meets the requirements of subdivision 2.

(b) The commissioner must review all applications submitted for fiscal year 2017 by August 1, 2016, and must review all applications submitted for fiscal year 2018 and later by March 1 of the fiscal year in which the applications are received and determine whether each application meets the requirements of paragraph (a).

(c) The commissioner must divide all applications for new or expanded voluntary prekindergarten programs under this section meeting the requirements of paragraph (a) and school readiness plus programs into four groups as follows: the Minneapolis and St. Paul school districts; other school districts located in the metropolitan equity region as defined in section 126C.10, subdivision 28; school districts located in the rural equity region as defined in section 126C.10, subdivision 28; and charter schools. Within each group, the applications must be ordered by rank using a sliding scale based on the following criteria:

(1) concentration of kindergarten students eligible for free or reduced-price lunches by school site on October 1 of the previous school year. A school site may contract to partner with a community-based provider or Head Start under subdivision 3 or establish an early childhood center and use the concentration of kindergarten students eligible for free or reduced-price meals from a specific school site as long as those eligible children are prioritized and guaranteed services at the mixed-delivery site or early education center. For school district programs to be operated at locations that do not have free and reduced-price lunch concentration data for kindergarten programs for October 1 of the previous school year, including mixed-delivery programs, the school district average concentration of kindergarten students eligible for free or reduced-price lunches must be used for the rank ordering;

(2) presence or absence of a three- or four-star Parent Aware rated program within the school district or close proximity of the district. School sites with the highest concentration of kindergarten students eligible for free or reduced-price lunches that do not have a three- or four-star Parent Aware program within the district or close proximity of the district shall receive the highest priority, and school sites with the lowest concentration of kindergarten students eligible for free or reduced-price lunches that have a three- or four-star Parent Aware rated program within the district or close proximity of the district shall receive the lowest priority; and

(3) whether the district has implemented a mixed delivery system.

(d) The limit on participation for the programs as specified in subdivision 6 must initially be allocated among the four groups based on each group's percentage share of the statewide kindergarten enrollment on October 1 of the previous school year. Within each group, the participation limit for fiscal years 2018 and 2019 must first be allocated to school sites approved for aid in the previous

APPENDIX  
Repealed Minnesota Statutes: H4300-2

year to ensure that those sites are funded for the same number of participants as approved for the previous year. The remainder of the participation limit for each group must be allocated among school sites in priority order until that region's share of the participation limit is reached. If the participation limit is not reached for all groups, the remaining amount must be allocated to the highest priority school sites, as designated under this section, not funded in the initial allocation on a statewide basis. For fiscal year 2020 and later, the participation limit must first be allocated to school sites approved for aid in fiscal year 2017, and then to school sites approved for aid in fiscal year 2018 based on the statewide rankings under paragraph (c).

(e) Once a school site or a mixed delivery site under subdivision 3 is approved for aid under this subdivision, it shall remain eligible for aid if it continues to meet program requirements, regardless of changes in the concentration of students eligible for free or reduced-price lunches.

(f) If the total number of participants approved based on applications submitted under paragraph (a) is less than the participation limit under subdivision 6, the commissioner must notify all school districts and charter schools of the amount that remains available within 30 days of the initial application deadline under paragraph (a), and complete a second round of allocations based on applications received within 60 days of the initial application deadline.

(g) Procedures for approving applications submitted under paragraph (f) shall be the same as specified in paragraphs (a) to (d), except that the allocations shall be made to the highest priority school sites not funded in the initial allocation on a statewide basis.

**Subd. 6. Participation limits.** (a) Notwithstanding section 126C.05, subdivision 1, paragraph (d), the pupil units for a voluntary prekindergarten program for an eligible school district or charter school must not exceed 60 percent of the kindergarten pupil units for that school district or charter school under section 126C.05, subdivision 1, paragraph (e).

(b) In reviewing applications under subdivision 5, the commissioner must limit the total number of participants in the voluntary prekindergarten and school readiness plus programs under Laws 2017, First Special Session chapter 5, article 8, section 9, to not more than 7,160 participants for fiscal years 2019, 2020, 2021, 2022, and 2023, and 3,160 participants for fiscal years 2024 and later.

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

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