

CHAPTER 126

CURRICULUM; AMERICAN INDIANS; PER PROCESS

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126.036 LAW ENFORCEMENT RECORDS.

A law enforcement agency shall provide notice of any drug incident occurring within the agency's jurisdiction, in which the agency has probable cause to believe a student violated section 152.021, 152.022, 152.023, 152.024, 152.025, 152.027, 152.097, or 340A.503, subdivision 1, 2, or 3. The notice shall be in writing and shall be provided, within two weeks after an incident occurs, to the chemical abuse preassessment team in the school where the student is enrolled.

History: 1991 c 199 art 1 s 33

126.071 BRAILLE INSTRUCTION.

Subdivision 1. **Availability.** A school district shall make available, to a blind pupil, instruction in Braille reading and writing as specified under subdivisions 2 and 3. A pupil is blind only if the pupil's central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if the pupil's visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

[For text of subs 2 to 4, see M.S.1990]

History: 1991 c 199 art 1 s 34

126.113 EDUCATION IN AGRICULTURE LEADERSHIP COUNCIL.

Subdivision 1. **Establishment.** The Minnesota education in agriculture leadership council is established to promote education about agriculture.

Subd. 2. **Governance.** The council must be appointed by the governor and has 12 members. One member must be appointed from each congressional district and the remaining members must be appointed at large. Council terms and removal of members are as provided in section 15.0575. The council is governed by an executive board of directors. The council may organize and appoint committees as it considers necessary.

History: 1991 c 265 art 8 s 8,9

126.12 SCHOOL CALENDAR.

Subdivision 1. Except for learning programs during summer, flexible learning year programs authorized under sections 120.59 to 120.67, and learning year programs under section 121.585, a school district shall not commence an elementary or secondary school year prior to Labor Day. Days which are devoted to teachers' workshops may be held before Labor Day. Districts that enter into cooperative agreements are encouraged to adopt similar school calendars.

[For text of subd 2, see M.S.1990]

History: 1991 c 265 art 9 s 57

126.22 HIGH SCHOOL GRADUATION INCENTIVES PROGRAM.

[For text of subd 1, see M.S.1990]

Subd. 2. Eligible pupils. The following pupils are eligible to participate in the high school graduation incentives program:

(a) any pupil who is between the ages of 12 and 16, except as indicated in clause (6), and who:

(1) is at least two grade levels below the performance level for pupils of the same age in a locally determined achievement test; or

(2) is at least one year behind in satisfactorily completing coursework or obtaining credits for graduation; or

(3) is pregnant or is a parent; or

(4) has been assessed as chemically dependent; or

(5) has been excluded or expelled according to sections 127.26 to 127.39; or

(6) is between the ages of 12 and 21 and has been referred by a school district for enrollment in an eligible program or a program pursuant to section 126.23; or

(b) any pupil who is between the ages of 16 and 19 who is attending school, and who is at least two grade levels below the performance level for pupils of the same age in a locally determined achievement test, or is at least one year behind in obtaining credits for graduation, or is pregnant or is a parent, or has been assessed as chemically dependent; or

(c) any person between 16 and 21 years of age who has not attended a high school program for at least 15 consecutive school days, excluding those days when school is not in session, and who is at least two grade levels below the performance level for pupils of the same age in a locally determined achievement test, or is at least one year behind in obtaining credits for graduation, or is pregnant or is a parent, or has been assessed as chemically dependent; or

(d) any person who is at least 21 years of age and who:

(1) has received fewer than 14 years of public or nonpublic education, beginning at age 5;

(2) has not completed the requirements for a high school diploma; and

(3) at the time of application, (i) is eligible for unemployment compensation benefits or has exhausted the benefits, (ii) is eligible for or is receiving income maintenance and support services, as defined in section 268.0111, subdivision 5, or (iii) is eligible for services under the displaced homemaker program, state wage-subsidy program, or any programs under the federal Jobs Training Partnership Act or its successor.

(e) an elementary school pupil who is determined by the district of attendance to be at risk of not succeeding in school is eligible to participate in the program.

Notwithstanding section 127.27, subdivision 7, the provisions of section 127.29, subdivision 1, do not apply to a pupil under age 21 who participates in the high school graduation incentives program.

Subd. 3. Eligible programs. (a) A pupil who is eligible according to subdivision 2, clause (a), (b), (c), (d), or (e), may enroll in any program approved by the state board of education under Minnesota Rules, part 3500.3500, or area learning centers under sections 124C.45 to 124C.48, or according to section 121.11, subdivision 12.

(b) A pupil who is eligible according to subdivision 2, clause (b), (c), or (d), may enroll in post-secondary courses under section 123.3514.

(c) A pupil who is eligible under subdivision 2, clause (a), (b), (c), (d), or (e), may enroll in any public elementary or secondary education program. However, a person who is eligible according to subdivision 2, clause (d), may enroll only if the school board has adopted a resolution approving the enrollment.

(d) A pupil who is eligible under subdivision 2, clause (a), (b), (c), or (e), may enroll part time or full time in any nonprofit, nonpublic, nonsectarian school that has contracted with the school district of residence to provide educational services.

(e) A pupil who is eligible under subdivision 2, clause (c) or (d), may enroll in any adult basic education programs approved under section 124.26 and operated under the community education program contained in section 121.88.

Subd. 3a. Additional eligible program. A pupil who is at least 16 years of age, who is eligible under subdivision 2, clause (a), (b), or (c), and who has been enrolled only in a public school, if the pupil has been enrolled in any school, during the year immediately before transferring under this subdivision, may transfer to any nonprofit, nonpublic school that has contracted with the school district of residence to provide nonsectarian educational services. Such a school must enroll every eligible pupil who seeks to transfer to the school under this program subject to available space.

Subd. 4. Pupil enrollment. Any eligible pupil may apply to enroll in an eligible program. Approval of the resident district is not required for:

(1) an eligible pupil to enroll in any eligible program in a nonresident district under subdivision 3 or an area learning center established under section 124C.45; or

(2) an eligible pupil under subdivision 2, clause (c) or (d), to enroll in an adult basic education program approved under section 124.26.

[For text of subds 5 to 7, see M.S.1990]

Subd. 8. Enrollment verification. For a pupil attending an eligible program under subdivision 3, paragraph (d), the department of education shall pay 88 percent of the basic revenue of the district to the eligible program and 12 percent of the basic revenue to the resident district within 30 days after the eligible program verifies enrollment using the form provided by the department. A pupil for whom payment is made according to this section may not be counted by any district for any purpose other than computation of basic revenue, according to section 124A.22, subdivision 2. If payment is made for a pupil under this subdivision, a school district shall not reimburse a program under section 126.23 for the same pupil.

Subd. 9. Severability. If for any reason any portion of this section is found by a court to be unconstitutional, the remaining portions of the section shall remain in effect.

History: 1991 c 265 art 4 s 20-25

NOTE: Subdivision 3a, as added by Laws 1991, chapter 265, article 4, section 22, expires July 1, 1993. See Laws 1991, chapter 265, article 4, section 29.

126.23 AID FOR PRIVATE ALTERNATIVE PROGRAMS.

If a pupil enrolls in a nonsectarian alternative program operated by a private organization that has contracted with a school district to provide educational services for eligible pupils under section 126.22, subdivision 2, the resident district must reimburse the provider an amount equal to at least 88 percent of the basic revenue of the district for each pupil attending the program full time. For a pupil attending the program part time, basic revenue paid to the program shall be reduced proportionately, according to the amount of time the pupil attends the program, and basic revenue paid to the district shall be reduced accordingly. Pupils for whom a district provides reimbursement may not be counted by the district for any purpose other than computation of basic revenue, according to section 124A.22, subdivision 2. If payment is made to a district or program for a pupil under this section, the department of education shall not make a payment for the same pupil under section 126.22, subdivision 8.

History: 1991 c 265 art 7 s 21

126.266 EXEMPTION FROM TEACHING LICENSURE.

[For text of subd 1, see M.S.1990]

Subd. 2. A teacher serving under an exemption as provided in subdivision 1 shall be granted a license as soon as that teacher qualifies for it. Not more than one year of service by a teacher under an exemption shall be credited to the teacher for the purposes

of section 125.12. For purposes of section 125.17, a teacher shall receive credit equal to the number of years the teacher served under an exemption.

History: 1991 c 265 art 9 s 58

126.51 PARENT AND COMMUNITY PARTICIPATION.

[For text of subd 1, see M.S.1990]

Subd. 1a. Resolution of concurrence. Each year by December 1, the school board or American Indian school shall submit to the department of education a copy of a resolution adopted by the parent committee. The copy must be signed by the chair of the committee and must state whether the committee concurs with the educational programs for American Indian children offered by the school board or American Indian school. If the committee does not concur with the educational programs, the reasons for nonconcurrence and recommendations shall be submitted with the resolution. By resolution, the school board shall respond, in cases of nonconcurrence, to each recommendation made by the committee and state its reasons for not implementing the recommendations.

[For text of subds 2 and 4, see M.S.1990]

History: 1991 c 265 art 3 s 18

126.661 PER DEFINITIONS.

[For text of subds 1 to 4, see M.S.1990]

Subd. 5. Essential learner outcomes. "Essential learner outcomes" means the specific basic learning experiences that are provided for all students and are used as the basis for assessing educational progress statewide.

[For text of subd 6, see M.S.1990]

Subd. 7. Outcome-based education. Outcome-based education is a pupil-centered, results-oriented system premised on the belief that all individuals can learn. In this system:

- (1) what a pupil is to learn is clearly identified;
- (2) each pupil's progress is based on the pupil's demonstrated achievement;
- (3) each pupil's needs are accommodated through multiple instructional strategies and assessment tools; and
- (4) each pupil is provided time and assistance to realize the pupil's potential.

History: 1991 c 265 art 7 s 22,23

126.663 PER CURRICULUM ACCOUNTABILITY AND IMPROVEMENT PROCESS.

[For text of subd 1, see M.S.1990]

Subd. 2. State learner outcomes. The state board of education, with the assistance of the state curriculum advisory committee, shall identify and adopt learner goals, essential learner outcomes, and integrated learner outcomes for curriculum areas, under section 120.101, subdivision 6, including the curriculum areas of communication skills, fine arts, mathematics, science, social studies, and health and physical education, and for career vocational curricula. Learner outcomes shall include thinking and problem solving skills. Learner outcomes shall consist of a sequence of outcomes beginning with early childhood programs through secondary education programs.

Subd. 3. Model learner outcomes. The department shall develop and maintain model learner outcomes in state board identified subject areas, including career vocational learner outcomes. The department shall make learner outcomes available upon

request by a district. Learner outcomes shall be for pupils in early childhood through grade 12. The department shall consult with each of the public post-secondary systems and with the higher education coordinating board in developing model learner outcomes appropriate for entry into post-secondary institutions. Learner outcomes shall include thinking and problem solving skills.

History: 1991 c 265 art 7 s 24,25

126.665 STATE CURRICULUM ADVISORY COMMITTEE.

The commissioner shall appoint a state curriculum advisory committee of 11 members to advise the state board and the department on the PER process. Nine members shall be from each of the educational cooperative service units and two members shall be at-large. The committee shall include representatives from the state board of education, parents, teachers, administrators, and school board members. Each member shall be a present or past member of a district curriculum advisory committee. The state committee shall provide information and recommendations about at least the following:

- (1) department procedures for reviewing and approving reports and disseminating information;
- (2) exemplary PER processes;
- (3) recommendations for improving the PER process and reports; and
- (4) developing a continuous process for identifying and attaining essential learner outcomes.

The committee expires as provided in section 15.059, subdivision 5.

History: 1991 c 265 art 11 s 10

126.666 SCHOOL DISTRICT PROCESS.

[For text of subd 1, see M.S.1990]

Subd. 2. Curriculum advisory committee. Each school board shall establish a curriculum advisory committee to permit active community participation in all phases of the PER process. The district advisory committee, to the extent possible, shall be representative of the diversity of the community served by the district and the learning sites within the district, and include principals, teachers, parents, support staff, pupils, and other community residents. The district may establish building teams as subcommittees of the district advisory committee. The district committee shall retain responsibility for recommending to the school board districtwide learner outcomes, assessments, and program evaluations. Learning sites may establish expanded curriculum, assessments, and program evaluations. Whenever possible, parents and other community residents shall comprise at least two-thirds of the advisory committee. The committee shall make recommendations to the board about the programs enumerated in section 124A.27, that the committee determines should be offered. The recommendations shall be based on district and learning site needs and priorities.

[For text of subs 3 and 4, see M.S.1990]

Subd. 4a. Student evaluation. The school board shall annually provide high school graduates or GED recipients who received a diploma or its equivalent from the school district with an opportunity to report to the board on the following:

- (1) the quality of district instruction and services;
- (2) the quality of district delivery of instruction and services;
- (3) the utility of district facilities; and
- (4) the effectiveness of district administration.

Subd. 4b. Periodic report. Each school district at least once per six school years shall collect consumers' opinions, including the opinions of currently enrolled students, parents, and other district residents, regarding their level of satisfaction with their

school experience. The district shall report the results of the consumer evaluation according to the requirements of subdivision 4.

[For text of subd 5, see M.S.1990]

History: 1991 c 265 art 7 s 26-28

126.67 SCHOOL DISTRICT ASSESSMENT PROGRAMS.

Subd. 2b. **District assessments.** As part of the PER process, each year a district shall, in at least three grades or for three age levels, conduct assessments among at least a sample of pupils for each subject area in that year of the curriculum review cycle. The district's curriculum review cycle shall not exceed six years. Assessments may not be conducted in the same curriculum area for two consecutive years. The district may use tests from the assessment item bank, the local assessment program developed by the department, or other tests. As they become available, districts shall use state developed measures to assure state progress toward achieving the state board adopted essential learner outcomes in each subject area at least once during the curriculum review cycle. Funds are provided for districts that choose to use the local assessment program or the assessment item bank.

[For text of subds 3 to 8, see M.S.1990]

History: 1991 c 265 art 7 s 29

126.70 STAFF DEVELOPMENT PLAN.

Subdivision 1. **Eligibility for revenue.** A school board may use the revenue authorized in section 124A.29 for staff time for peer review under section 125.12 or 125.17, or if it establishes an outcome-based staff development advisory committee and adopts a staff development plan on outcome-based education according to this subdivision. A majority of the advisory committee must be teachers representing various grade levels and subject areas. The advisory committee must also include parents and administrators. The advisory committee shall develop a staff development plan containing proposed outcome-based education activities and related expenditures and shall submit the plan to the school board. If the school board approves the plan, the district may use the staff development revenue authorized in section 124A.29. Copies of approved plans must be submitted to the commissioner.

Subd. 2. **Contents of the plan.** The plan may include:

- (1) procedures the district will use to analyze outcome-based education needs;
- (2) integration with in-service and curricular efforts already in progress;
- (3) goals to be achieved and the means to be used; and
- (4) procedures for evaluating progress.

Subd. 2a. **Permitted uses.** A school board may approve a plan to accomplish any of the following purposes:

- (1) foster readiness for outcome-based education by increasing knowledge and understanding of and commitment to outcome-based education;
- (2) facilitate organizational changes by enabling a site-based team composed of pupils, parents, school personnel, and community members to address pupils' needs through outcome-based education;
- (3) develop programs to increase pupils' educational progress by developing appropriate outcomes and personal learning plans and by encouraging pupils and their parents to assume responsibility for their education;
- (4) design and develop outcome-based education programs containing various instructional opportunities that recognize pupils' individual needs and utilize family and community resources;
- (5) evaluate the effectiveness of outcome-based education policies, processes, and products through appropriate evaluation procedures that include multiple criteria and indicators; and

(6) provide staff time for peer review of probationary, continuing contract, and nonprobationary teachers.

History: *1991 c 265 art 7 s 30-32*