

CHAPTER 126

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126.01 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.01 DEFINITIONS.

For purposes of this chapter, the words defined in section 120.02 have the same meaning.

History: *Ex1959 c 71 art 7 s 1*

126.015 [Repealed, 1984 c 463 art 7 s 26 subd 3]

126.02 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.02 PHYSICAL AND HEALTH EDUCATION.

Subdivision 1. **Instruction required in public schools.** There shall be established and provided in all the public schools of this state, physical and health education, training, and instruction of pupils of both sexes. Every pupil attending any such school, to the extent physically fit and able to do so, shall participate in the physical training program. Suitable modified courses shall be provided for pupils physically or mentally unable or unfit to take the courses prescribed for normal pupils. No pupil shall be required to undergo a physical or medical examination or treatment if the parent or legal guardian of the person of such pupil shall in writing notify the teacher or principal or other person in charge of such pupil of an objection to such physical or medical examination or treatment; provided that secondary school pupils in junior and senior years need not take the course unless required by the local school board.

Subd. 2. **Teacher education programs.** All post-secondary institutions offering teacher education programs shall provide courses in health education, training, and instruction. Every student in a teacher education program shall take health courses.

History: *Ex1959 c 71 art 7 s 2; 1963 c 48 s 1; 1986 c 444; 1987 c 398 art 7 s 33*

126.021 [Repealed, 1977 c 447 art 6 s 13]

126.022 [Repealed, 1977 c 447 art 6 s 13]

126.023 [Repealed, 1976 c 149 s 63]

126.024 [Repealed, 1977 c 447 art 6 s 13]

126.025 CARDIOPULMONARY RESUSCITATION INSTRUCTION.

Subdivision 1. **Authorization.** Pupils attending public senior high schools may receive a course of instruction in the techniques of cardiopulmonary resuscitation, sufficient to enable the pupils to give emergency assistance to victims of cardiac arrest. The instruction may be offered as a separate course or as part of another course. The instruction shall be given by a person certified as a cardiopulmonary resuscitation instructor by either the American Red Cross or the American Heart Association, but that person need not be a licensed teacher. Districts are encouraged to use equipment, teaching materials, and training courses provided by public or private agencies, educational cooperative service units, or organizations such as the American Red Cross, American Heart Association.

Subd. 2. **Assistance.** The department of education shall provide technical assistance to educational cooperative service units and school districts to implement the provisions of subdivision 1.

History: *1983 c 314 art 6 s 18*

126.03 [Repealed, 1989 c 329 art 9 s 34]

126.03 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.031 CHEMICAL ABUSE PROGRAMS.

Subdivision 1. **Instruction required.** Every public elementary and secondary school shall provide an instructional program in chemical abuse and the prevention of chemical dependency. The school districts shall involve parents, students, health care professionals, state department staff, and other members of the community with a particular interest in chemical dependency prevention in developing the curriculum.

Subd. 2. [Repealed, 1987 c 398 art 1 s 27 subd 3]

History: *1982 c 605 s 2*

CHEMICAL ABUSE PREASSESSMENT TEAMS**126.033 DEFINITIONS.**

Subdivision 1. **Applicability.** The definitions in this section apply to Laws 1987, chapter 295.

Subd. 2. **Controlled substances.** "Controlled substances" means the term as defined in section 152.01, subdivision 4, and "marijuana" as defined in section 152.01, subdivision 9.

Subd. 3. **Chemical abuse.** "Chemical abuse" means use of any psychoactive or mood-altering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that the minor's normal functioning in academic, school, or social activities is chronically impaired.

Subd. 4. [Repealed, 1988 c 691 s 6]

Subd. 5. **Teachers.** "Teachers" has the meaning given it in section 125.03, subdivision 1.

History: 1987 c 295 s 1

126.034 SCHOOL PREASSESSMENT TEAMS.

Every public school, and every nonpublic school that participates in a school district chemical abuse program shall establish a chemical abuse preassessment team. The preassessment team must be composed of classroom teachers, administrators, and to the extent they exist in each school, school nurse, school counselor or psychologist, social worker, chemical abuse specialist, and other appropriate professional staff. The superintendents or their designees shall designate the team members in the public schools. The preassessment team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.

Within 45 days after receiving an individual reported case, the preassessment team shall make a determination whether to provide the student and, in the case of a minor, the student's parents with information about school and community services in connection with chemical abuse. Data may be disclosed without consent in health and safety emergencies pursuant to section 13.32 and applicable federal law and regulations.

Notwithstanding section 138.163, destruction of records identifying individual students shall be governed by this section. If the preassessment team decides not to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the preassessment team about the student shall be destroyed not later than six months after the determination is made. If the preassessment team decides to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the preassessment team about the student shall be destroyed not later than six months after the student is no longer enrolled in the district.

History: 1987 c 295 s 2; 1988 c 691 s 1

126.035 SCHOOL AND COMMUNITY ADVISORY TEAM.

The superintendent, with the advice of the school board, shall establish a school and community advisory team to address chemical abuse problems in the district. The school and community advisory team must be composed of representatives from the school preassessment team established in section 126.034, to the extent possible, law enforcement agencies, county attorney's office, social service agencies, chemical abuse treatment programs, parents, and the business community. The community advisory team shall:

(1) build awareness of the problem within the community, identify available treatment and counseling programs for students and develop good working relationships and enhance communication between the schools and other community agencies; and

(2) develop a written procedure clarifying the notification process to be used by the chemical abuse preassessment team established under section 126.034 when a student is believed to be in possession of or under the influence of alcohol or a controlled substance. The procedure must include contact with the student, and the student's parents or guardian in the case of a minor student.

History: 1987 c 295 s 3; 1988 c 691 s 2

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: 1988 c 691 s 3; 1991 c 199 art 1 s 33

126.037 REPORTING; CHEMICAL ABUSE.

Subdivision 1. Teacher's duty. A teacher in a nonpublic school participating in a school district chemical use program, or a public school teacher, who knows or has reason to believe that a student is using, possessing, or transferring alcohol or a controlled substance while on the school premises or involved in school-related activities, shall immediately notify the school's chemical abuse preassessment team of this information. A teacher who complies with this section shall be defended and indemnified under section 466.07, subdivision 1, in any action for damages arising out of the compliance.

Subd. 2. Other reports. Nothing in this section prevents a teacher or any other school employee from reporting to a law enforcement agency any violation of law occurring on school premises or at school sponsored events.

History: 1987 c 295 s 4; 1988 c 691 s 4

126.04 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.04 MS 1971 [Repealed, 1973 c 572 s 18]

126.05 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.05 TEACHER TRAINING, EFFECTS OF DRUGS AND ALCOHOL.

All educational institutions providing teacher education shall offer a program in the personal use and misuse of and dependency on tobacco, alcohol, drugs and other chemicals, and every student attending such institution in preparation for teaching service shall be required to take and to satisfactorily complete such a program. Every student who graduates after June, 1974, shall complete such a course.

History: Ex1959 c 71 art 7 s 5; 1971 c 892 s 12

126.06 MS 1953 [Repealed, 1955 c 650 s 1]

126.06 DECLARATION OF INDEPENDENCE AND CONSTITUTION.

In the 8th grade and in the secondary school grades of all public schools and in the corresponding grades in all other schools within the state, and in the educational departments of state and municipal institutions, there shall be given regular courses of instruction in the Declaration of Independence and the Constitution of the United States, to the extent to be determined by the commissioner.

History: Ex1959 c 71 art 7 s 6

126.07 [Repealed, 1989 c 329 art 9 s 34]

126.07 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.071 [Repealed, 1992 c 499 art 3 s 18]

126.08 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.08 PATRIOTIC EXERCISES.

In all of the schools in this state it shall be the duty of the superintendent or teachers in charge of such schools to teach and require the teaching therein, on at least one day out of each week, of subjects and exercises tending and calculated to encourage and inculcate a spirit of patriotism in the students.

Such exercises shall consist of the singing of patriotic songs, readings from American history and from the biographies of American statesmen and patriots, and such other patriotic exercises as the superintendent or teachers of such schools may determine.

The time to be spent thereon on each of these days shall not exceed one-half hour.

History: *Ex1959 c 71 art 7 s 8*

126.09 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.09 MINNESOTA DAY.

May 11 is hereby designated as Minnesota Day and when it does not fall on a school day, the school day nearest such day is designated as Minnesota Day. On that day all the public schools of this state shall give special attention to exercises devoted to matters of interest pertaining to the state of Minnesota and its geography, history, industries, and resources.

History: *Ex1959 c 71 art 7 s 9*

126.10 [Repealed, 1989 c 329 art 9 s 34]

126.10 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.11 [Repealed, 1989 c 329 art 9 s 34]

126.11 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.111 ENVIRONMENTAL CONSERVATION EDUCATION.

Subdivision 1. The state department of education with the cooperation of the department of natural resources shall prepare an interdisciplinary program of instruction for elementary and secondary schools in the field of environmental conservation education. The program shall provide integrated approaches to environmental management consistent with socioecological principles, the production of appropriate curriculum materials and implementation in the public schools in the state. The program may also provide for a program of instruction to be developed and implemented for residents throughout the state. Any program of instruction developed under this subdivision shall be voluntary for any adult participating in the program.

Subd. 2. The commissioner of education in consultation with the commissioner of public service shall prepare an interdisciplinary program in the field of energy sources, uses, conservation, and management. The first phase shall be an assessment of available curriculum materials, the amount and type of energy curriculum already being taught, and what needs to be developed to provide an integrated approach to energy education consistent with socioeconomic and ecological principles. Subsequent phases shall include development of curriculum guidelines and materials and a plan for their implementation as money becomes available.

History: *1969 c 1025 s 1; 1969 c 1129 art 3 s 2; 1977 c 381 s 20; 1978 c 578 s 2; 1981 c 356 s 168; 1983 c 289 s 115 subd 1; 1987 c 186 s 15; 1987 c 312 art 1 s 10 subd 2*

126.112 AUTOMOBILE SAFETY AWARENESS WEEK.

Subdivision 1. **Special observances.** The third week in March is automobile safety awareness week. During that week there may be special observances throughout the state emphasizing the importance of automobile safety. Public schools are encouraged

to devote time to appropriate instruction in the use of seat belts, the hazards of drinking and driving, courtesy to pedestrians, and safety measures that can make travel by automobile safer.

Subd. 2. State agencies' involvement. The department of education, with the cooperation of the department of public safety, must assist and encourage the observance of automobile safety awareness week by any public school, group, or association requesting assistance.

Subd. 3. Governor's involvement. The governor shall in any way considered necessary encourage the observances set forth in this section and shall by proclamation call the public's attention to the importance of automobile safety.

History: 1990 c 428 s 1

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: 1990 c 562 art 8 s 32; 1991 c 265 art 8 s 8,9

126.115 MOTORCYCLE SAFETY EDUCATION PROGRAM.

Subdivision 1. Established; administration; rules. A motorcycle safety education program is established. The program shall be administered by the commissioners of public safety and education. The program shall include but is not limited to training and coordination of motorcycle safety instructors, motorcycle safety promotion and public information, and reimbursement for the cost of approved courses offered by schools and organizations.

Subd. 2. Reimbursements. The commissioner of education, to the extent that funds are available, may reimburse schools and other approved organizations offering approved motorcycle safety education courses for up to 50 percent of the actual cost of the courses. If sufficient funds are not available, reimbursements shall be prorated. The commissioner may conduct audits and otherwise examine the records and accounts of schools and approved organizations offering the courses to insure the accuracy of the costs.

Subd. 3. Appropriation. All funds in the motorcycle safety fund created by section 171.06, subdivision 2a, are hereby annually appropriated to the commissioner of public safety to carry out the purposes of subdivisions 1 and 2. The commissioner of public safety may make grants from the fund to the commissioner of education at such times and in such amounts as the commissioner deems necessary to carry out the purposes of subdivisions 1 and 2. Not more than five percent of the funds so appropriated shall be expended to defray the administrative costs of carrying out the purposes of subdivisions 1 and 2, and not more than 60 percent of the money so appropriated shall be expended for the combined purpose of training and coordinating the activities of motorcycle safety instructors and making reimbursements to schools and other approved organizations.

History: 1982 c 583 s 3; 1986 c 444; 1988 c 715 s 1

126.12 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

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.

Subd. 2. The school board shall determine the number of school days of each school year on or before April 1 of the calendar year in which such school year commences. The board shall offer all elementary, middle, and secondary school subjects required by the board or the curriculum rules of the state board of education on days other than Saturdays, Sundays, and holidays. On any day of the week the board may provide:

- (1) classes or courses at technical colleges;
- (2) classes or courses at area learning centers;
- (3) classes or courses if necessary to meet the requirement in section 124.19 of making a good faith attempt to make up time lost because of circumstances beyond the control of the school board;
- (4) remedial courses;
- (5) courses previously taken, but not successfully completed by the pupil for whom the course is being provided;
- (6) staff development programs; and
- (7) other educational opportunities approved by the commissioner of education.

History: *Ex1959 c 71 art 7 s 12; 1967 c 890 s 2; 1974 c 326 s 15; 1978 c 764 s 89; 1985 c 51 s 1; 1987 c 258 s 7; 1990 c 562 art 8 s 33; 1991 c 265 art 9 s 57*

126.13 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.13 CONDUCT OF SCHOOL ON CERTAIN HOLIDAYS.

The governing body of any district may contract with any of the teachers thereof for the conduct of schools, and may conduct schools, on either, or any, of the following holidays, provided that a clause to this effect is inserted in the teacher's contract: Martin Luther King's birthday, Lincoln's and Washington's birthdays, Columbus Day and Veterans' Day, provided that on Martin Luther King's birthday, Washington's birthday, Lincoln's birthday, and Veterans' Day at least one hour of the school program be devoted to a patriotic observance of the day.

History: *Ex1959 c 71 art 7 s 13; 1984 c 656 s 2*

126.14 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.14 UNITED STATES FLAG.

Subdivision 1. **Displayed by schools.** There shall be displayed at every public school in Minnesota when in session an appropriate United States flag. Such display shall be upon the school grounds or outside the school building, upon a proper staff, on every legal holiday occurring during the school term and at such other times as the respective boards of such districts may direct and within the principal rooms of such school building at all other times while the same is in session.

Subd. 2. **School boards to provide flags and staffs.** It shall be the duty of each board to provide such flag for each of the school buildings of their respective districts, together with a suitable staff for the display thereof outside of such school building and proper arrangement for the display thereof within such building, and a suitable receptacle for the safekeeping of such flag when not in use, as by this section directed, at all times.

History: *Ex1959 c 71 art 7 s 14*

126.15 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.15 SCHOOL SAFETY PATROLS.

Subdivision 1. **Establishment.** In the exercise of authorized control and supervision over pupils attending schools and other educational institutions, both public and private, the governing board or other directing authority of any such school or institution is empowered to authorize the organization and supervision of school safety patrols for the purpose of influencing and encouraging other pupils to refrain from crossing public highways at points other than regular crossings and for the purpose of directing pupils when and where to cross highways.

Subd. 2. **Appointment of members.** Unless the parents or guardian of a pupil object in writing to the school authorities to the appointment of the pupil on a school safety patrol, it is lawful for any pupil over nine years of age to be appointed and designated as a member thereof, provided that in any school in which there are no pupils who have attained such age any pupil in the highest grade therein may be so appointed and designated.

Subd. 3. **Liability not to attach.** No liability shall attach either to the school, educational institution, governing board, directing authority, or any individual director, board member, superintendent, principal, teacher, or other school authority by virtue of the organization, maintenance, or operation of such a school safety patrol because of injuries sustained by any pupil, whether a member of the patrol or otherwise by reason of the operation and maintenance thereof.

Subd. 4. **Identify, operation.** Identification and operation of school safety patrols shall be uniform throughout the state and the method of identification and signals to be used shall be as prescribed by the commissioner of public safety.

History: *Ex1959 c 71 art 7 s 15; 1971 c 491 s 4*

126.151 VOCATIONAL EDUCATION STUDENT ORGANIZATIONS.

Subdivision 1. **Activities of the organization.** Any student enrolled in a vocational technical education program approved by the state boards of education and technical colleges may belong to a vocational student organization that is operated as an integral part of the vocational program. The commissioner of education and the chancellor of technical colleges may provide necessary technical assistance and leadership at the state level for administration of approved vocational student organizations and fiscal accounts, including administration of state and national conferences.

Subd. 2. **Accounts of the organization.** The state boards of education and technical colleges may retain dues and other money collected on behalf of students participating in approved vocational student organizations and may deposit the money in separate accounts. The money in these accounts shall be available for expenditures for state and national activities related to specific organizations. Administration of money collected under this section is not subject to the provisions of chapters 15, 16A, and 16B, and may be deposited outside the state treasury. Money shall be administered under the policies of the applicable state board or agency relating to post-secondary and secondary vocational student organizations and is subject to audit by the legislative auditor. Any unexpended money shall not cancel but may be carried forward to the next fiscal year.

History: *1975 c 432 s 71; 1988 c 718 art 3 s 4; 1989 c 329 art 3 s 20; 1990 c 375 s 3*

126.16 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.16 MS 1978 [Repealed, 1979 c 334 art 6 s 34]

126.17 [Repealed, 1973 c 386 s 3]

126.18 [Repealed, 1979 c 334 art 6 s 34]

126.19 [Repealed, 1974 c 92 s 1]

126.1995 SAFETY REQUIREMENT GUIDELINES.

The department of education, in cooperation with the Minnesota fire marshal's

division, shall develop guidelines for school lab safety. The guidelines shall include a list of safety requirements and an explanation of the minimum state and national laws, codes, and standards affecting school lab safety the Minnesota fire marshal considers necessary for schools to implement. The district superintendent must ensure that every school lab within the district complies with the school lab safety requirements. Lack of funding is not an excuse for noncompliance.

History: 1989 c 329 art 9 s 13

126.20 EYE PROTECTIVE DEVICES.

Subdivision 1. Every person shall wear industrial quality eye protective devices when participating in, observing or performing any function in connection with, any courses or activities taking place in eye protection areas, as defined in subdivision 3, of any school, college, university or other educational institution in the state.

Subd. 2. Any student failing to comply with such requirements may be temporarily suspended from participation in said course and the registration of a student for such course may be canceled for willful, flagrant, or repeated failure to observe the above requirements.

Subd. 3. Eye protection areas shall include, but not to be limited to, vocational or industrial art shops, science or other school laboratories, or school or institutional facilities in which activities are taking place and materials are being used involving:

- (a) Hot molten metals;
- (b) Milling, sawing, turning, shaping, cutting, grinding or stamping of any solid materials;
- (c) Heat treatment, tempering or kiln firing of any metal or other materials;
- (d) Gas or electric arc welding;
- (e) Repair or servicing of any vehicle or mechanical equipment;
- (f) Any other activity or operation involving work in any area that is potentially hazardous to the eye.

Subd. 4. The governing body of a public educational institution referred to in subdivision 1 may purchase such devices in large quantities for the use of pupils, teachers and visitors.

Subd. 5. Any person desiring protective-corrective lenses instead of the protective devices supplied by the educational institution shall pay for, procure, keep, and use industrial quality eye protective devices.

Subd. 6. "Industrial quality eye protective devices," as used in this section, shall mean devices meeting the standards of the American National Standard Institute, currently identified as Z87.1-1968.

History: Ex1967 c 14 s 1 subds 1-6; 1976 c 40 s 1; 1986 c 444

126.201 [Repealed, 1988 c 626 s 3]

126.202 ADMINISTRATION OF DRUGS AND MEDICINE.

Subdivision 1. **Applicability.** This section applies only:

- (1) when the parent of a pupil requests school personnel to administer drugs or medicine to the pupil; or
- (2) when administration is allowed by the individual education plan of a child with a disability.

The request of a parent may be oral or in writing. An oral request must be reduced to writing within two school days, provided that the district may rely on an oral request until a written request is received.

Subd. 2. **Exclusions.** In addition, this section does not apply to drugs or medicine:

- (1) that can be purchased without a prescription;
- (2) that are used by a pupil who is 18 years old or older;

(3) that are used in connection with services for which a minor may give effective consent, including section 144.343, subdivision 1, and any other law;

(4) that are used in situations in which, in the judgment of the school personnel who are present or available, the risk to the pupil's life or health is of such a nature that drugs or medicine should be given without delay;

(5) that are used off the school grounds;

(6) that are used in connection with athletics or extra curricular activities;

(7) that are used in connection with activities that occur before or after the regular school day; or

(8) that are provided or administered by a public health agency in order to prevent or control an illness or a disease outbreak as provided for in sections 144.05 and 144.12.

Subd. 3. Labeling. Drugs or medicine subject to this section must be in a container with a label prepared by a pharmacist according to section 151.212 and applicable rules.

Subd. 4. Administration. Drugs and medicine subject to this section must be administered in a manner consistent with instructions on the label. Drugs and medicine subject to this section must be administered, to the extent possible, according to school board procedures that must be developed in consultation:

(1) with a school nurse, in a district that employs a school nurse;

(2) with a licensed school nurse, in a district that employs a licensed school nurse;

(3) with a public or private health or health-related organization, in a district that contracts with a public or private health or health-related organization, according to section 123.35, subdivision 17; or

(4) with the appropriate party, in a district that has an arrangement approved by the state board of education, according to section 123.35, subdivision 17.

Subd. 5. Children with a disability. For drugs or medicine used by children with a disability, administration may be as provided in the individual education plan.

Subd. 6. Health treatments. For the purpose of this section, special health treatments and health functions, such as catheterization, tracheostomy suctioning, and gastrostomy feedings, do not constitute administration of drugs or medicine.

History: 1988 c 626 s 2; 1991 c 265 art 3 s 38

126.21 ATHLETIC PROGRAMS; SEX DISCRIMINATION.

Subdivision 1. The legislature recognizes certain past inequities in access to athletic programs and in the various degrees of athletic opportunity previously afforded members of each sex. The purpose of this section is to provide an equal opportunity for members of both sexes to participate in athletic programs.

Subd. 2. Each educational institution or public service shall provide equal opportunity for members of both sexes to participate in its athletic program. In determining whether equal opportunity to participate in athletic programs is available for the purposes of this section, at least the following factors shall be considered to the extent that they are applicable to a given situation: whether the opportunity for males and females to participate in the athletic program reflects the demonstrated interest in athletics of the males and females in the student body of the educational institution or the population served by the public service; whether the variety and selection of sports and levels of competition effectively accommodate the demonstrated interests of members of both sexes; the provision of equipment and supplies; scheduling of games and practice times; assignment of coaches; provision of locker rooms; practice and competitive facilities; and the provision of necessary funds for teams of one sex.

Subd. 3. (1) Notwithstanding any other state law to the contrary, in athletic programs operated by educational institutions or public services and designed for participants 12 years old or older or in the 7th grade or above, it is not an unfair discriminatory practice to restrict membership on an athletic team to participants of one sex whose overall athletic opportunities have previously been limited.

(2) When an educational institution or a public service provides athletic teams for children 11 years old or younger or in the 6th grade or below, those teams shall be operated without restrictions on the basis of sex, except that when overall athletic opportunities for one sex have previously been limited and there is a demonstrated interest by members of that sex to participate on a team restricted to members of that sex, the educational institution or public service may provide a team restricted to members of that sex.

(3) When two teams in the same sport are in fact separated or substantially separated according to sex, the two teams shall be provided with substantially equal budgets per participant, exclusive of gate receipts and other revenues generated by that sport, and in all other respects shall be treated in a substantially equal manner. However, nothing in this section shall be construed to require the two teams to conduct combined practice sessions or any other combined activities related to athletics.

(4) If two teams are provided in the same sport, one of these teams may be restricted to members of a sex whose overall athletic opportunities have previously been limited, and members of either sex shall be permitted to try out for the other team.

(5) Notwithstanding the provisions of clauses (1), (2) and (4), any wrestling team may be restricted to members of one sex whether or not the overall athletic opportunities of that sex have previously been limited, provided that programs or events are provided for each sex to the extent the educational institution or public service determines that these programs or events are necessary to accommodate the demonstrated interest of each sex to participate in wrestling.

Subd. 4. When an equal opportunity to participate in the elementary or secondary school level athletic program of an educational institution or public service is not provided to members of a sex whose overall athletic opportunities have previously been limited, that educational institution or public service shall, where there is demonstrated interest, provide separate teams for members of the excluded sex in sports which it determines will provide members of that excluded sex with an equal opportunity to participate in its athletic program and which will attempt to accommodate their demonstrated interests.

Subd. 5. The state board of education, after consultation with the commissioner of human rights shall promulgate rules in accordance with chapter 14 to implement this section to prevent discrimination in elementary and secondary school athletic programs operated by educational institutions. The rules promulgated by the state board pursuant to this section shall not require athletic competition or tournaments for teams whose membership may be restricted to members of a sex whose overall athletic opportunities have previously been limited to be scheduled in conjunction with the scheduling of athletic competition or tournaments for teams whose membership is not so restricted by this section. Any organization, association or league entered into by elementary or secondary schools or public services for the purpose of promoting sports or adopting rules and regulations for the conduct of athletic contests between members shall provide rules and regulations and conduct its activities so as to permit its members to comply fully with this section. The rules of that organization, association or league may provide separate seasons for athletic competition or tournaments in a sport for teams whose membership may be restricted to members of a sex whose overall athletic opportunities have previously been limited from athletic competition or tournaments established for teams in that same sport whose membership is not so restricted by this section, and its rules may prohibit a participating student from competing on more than one school team in a given sport during a single school year.

History: 1975 c 338 s 1; 1980 c 355 s 1; 1981 c 339 s 1; 1982 c 424 s 130

126.22 HIGH SCHOOL GRADUATION INCENTIVES PROGRAM.

Subdivision 1. **Purpose.** The legislature finds that it is critical for persons to obtain at least a high school education to function in today's society. Therefore, the purpose of this section is to provide incentives for and encourage all Minnesota students who have experienced or are experiencing difficulty in the traditional education system to enroll in alternative programs in order to complete their high school education.

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. 2a. **Additional eligible pupils.** In addition to the eligible pupils under subdivision 2, clauses (a), (b), and (c), the following pupils are eligible:

(1) victims of physical or sexual abuse;

(2) pupils who have experienced mental health problems; and

(3) pupils who have experienced homelessness any time within a six-month period prior to the date of requesting a transfer to an eligible 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.

Subd. 5. Dissemination of information. A school district shall disseminate information, developed by the department of education, about the high school graduation incentives program to residents in the district who are under the age of 21.

Subd. 6. Desegregation plans. Notwithstanding any provision to the contrary, students may not enroll in a nonresident district under this section if their enrollment in another school district would result in a violation of a district's desegregation plan, as mandated and approved by the state board of education.

Subd. 7. Aid adjustments. General education aid, capital expenditure aid, and transportation aid attributable to a pupil covered by programs under this section must be paid according to sections 124A.036, subdivision 5, 124.245, subdivision 6, and 124.225, subdivision 81, respectively.

Subd. 8. Enrollment verification. For a pupil attending an eligible program full time 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. For a pupil attending an eligible program part time, basic revenue shall be reduced proportionately, according to the amount of time the pupil attends the program, and the payments to the eligible program and the resident district shall be reduced accordingly. 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: 1987 c 398 art 8 s 15; 1988 c 718 art 6 s 12,13; art 7 s 37-40; 1989 c 222 s 30,31; 1989 c 329 art 7 s 8,9; art 9 s 14; 1990 c 562 art 4 s 4-6; 1991 c 265 art 4 s 20-25; 1992 c 363 art 2 s 3; 1992 c 499 art 9 s 12

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 an alternative program, eligible under section 126.22, subdivision 3, paragraph (d), or subdivision 3a, 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: 1987 c 398 art 8 s 16; 1988 c 486 s 70; 1988 c 718 art 7 s 41; 1989 c 329 art 7 s 10; 1990 c 562 art 4 s 7; 1991 c 265 art 7 s 21; 1992 c 499 art 9 s 13

126.235 EDUCATIONAL PROGRAM FOR PREGNANT MINORS AND MINOR PARENTS.

Upon request, a school district must make available to a pregnant minor or a minor custodial parent an educational program to enable the minor to earn a high school diploma. The department of education shall develop program designs and provide districts with technical assistance. A district's educational program must use appropriate community services and must recognize each pupil's individual needs and parental responsibilities. The district shall designate at least one person to review quarterly each pupil's progress in the program.

If a pupil receives social services according to section 257.33 or employment and training services according to section 256.736, the district shall develop the pupil's educational program in consultation with the providers of the services and shall provide a liaison when necessary. The pupil may request that an adult, selected by the pupil, assist in developing the educational program.

History: 1988 c 718 art 7 s 42

126.237 ALTERNATE INSTRUCTION REQUIRED.

Before a pupil is referred for a special education assessment, the district must conduct and document at least two instructional strategies, alternatives, or interventions while the pupil is in the regular classroom. The pupil's teacher must provide the documentation. A special education assessment team may waive this requirement when they determine the pupil's need for the assessment is urgent. This section may not be used to deny a pupil's right to a special education assessment.

History: 1989 c 329 art 3 s 21

126.239 ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE PROGRAMS.

Subdivision 1. Training programs for teachers. A secondary teacher assigned by a school district to teach an advanced placement or international baccalaureate course may participate in a training program offered by the college board or International Baccalaureate North America, Inc. The state may pay a portion of the tuition, room, and board costs a teacher incurs in participating in a training program. The commissioner of education shall determine application procedures and deadlines, and select teachers to participate in the training program. The procedures determined by the commissioner shall, to the extent possible, ensure that advanced placement and international baccalaureate courses become available in all parts of the state and that a variety of course offerings are available in school districts. This subdivision does not prevent teacher participation in training programs offered by the college board or International Baccalaureate North America, Inc., when tuition is paid by a source other than the state.

Subd. 2. Support programs. The commissioner shall provide support programs during the school year for teachers who attended the training programs and teachers experienced in teaching advanced placement or international baccalaureate courses.

The support programs shall provide teachers with opportunities to share instructional ideas with other teachers. The state may pay the costs of participating in the support programs, including substitute teachers, if necessary, and program affiliation costs.

Subd. 3. Subsidy for examination fees. The state may pay all or part of the fee for advanced placement or international baccalaureate examinations for pupils in public and nonpublic schools whose circumstances make state payment advisable. The state board of education shall adopt a schedule for fee subsidies that may allow payment of the entire fee for low-income families, as defined by the state board. The state board may also determine the circumstances under which the fee is subsidized, in whole or in part. The state board shall determine procedures for state payments of fees.

Subd. 4. Information. The commissioner shall submit the following information to the education committees of the legislature each year by January 1:

- (1) the number of pupils enrolled in advanced placement and international baccalaureate courses in each school district;
- (2) the number of teachers in each district attending training programs offered by the college board or International Baccalaureate North America, Inc.;
- (3) the number of teachers in each district participating in support programs;
- (4) recent trends in the field of advanced placement and international baccalaureate programs;
- (5) expenditures for each category in this section; and
- (6) other recommendations for the state program.

History: 1992 c 499 art 7 s 10

126.24 CAREER OPTIONS AND DROPOUT PREVENTION INFORMATION.

Subdivision 1. Sale of materials. The department of education may provide career options and dropout prevention materials and services developed by the secondary vocational education section to school districts and educational agencies in Minnesota and other states. The department may collect reasonable fees for the materials and services.

Subd. 2. Appropriation. There is annually appropriated from the general fund to the department of education any and all amounts received by the department under subdivision 1. Any amount received under this section must be used exclusively for the purpose of developing and distributing materials and services relating to career options and dropout prevention programs.

History: 1987 c 398 art 8 s 17

EDUCATION FOR LIMITED ENGLISH PROFICIENT STUDENTS ACT

126.261 CITATION.

Sections 126.261 to 126.269 may be cited as the education for limited English proficient students act.

History: 1980 c 609 art 3 s 14

126.262 DEFINITIONS.

Subdivision 1. Generally. For purposes of sections 124.273 and 126.261 to 126.269, the terms defined in this section shall have the meanings given them.

Subd. 2. "Pupil of limited English proficiency" means a pupil in any of the grades of kindergarten through 12 who meets the following requirements:

- (a) The pupil, as declared by a parent or guardian (1) first learned a language other than English, (2) comes from a home where the language usually spoken is other than English, or (3) usually speaks a language other than English; and

(b) The pupil's score is significantly below the average district score for pupils of the same age on a nationally normed English reading or English language arts achievement test. A pupil's score shall be considered significantly below the average district score for pupils of the same age if it is one-third of a standard deviation below that average score.

Subd. 3. "Essential instructional personnel" means the following:

(a) A teacher licensed by the state board of teaching to teach bilingual education or English as a second language;

(b) A teacher with an exemption from a teaching license requirement pursuant to section 126.266 who is employed in a school district's English as a second language or bilingual education program;

(c) Any teacher as defined in section 125.03 who holds a valid license from the state board of teaching, if the district assures the state department of education that the teacher will obtain the preservice and in-service training the department considers necessary to enable the teacher to provide appropriate service to pupils of limited English proficiency.

Subd. 4. "English as a second language program" means a program for the instruction of pupils of limited English proficiency in the following English language skills: reading, writing, listening and speaking.

Subd. 5. "Bilingual education program" means an educational program in which instruction is given in both English and the primary language of the pupil of limited English proficiency to the extent necessary to allow the pupil to progress effectively through the educational system and to attain the basic skills of reading, writing, listening, and speaking in the English language so that the pupil will be able to perform ordinary classwork successfully in English.

Subd. 6. "Primary language" is a language other than English which is the language normally used by the child or the language which is spoken in the child's home environment.

Subd. 7. "Parent" includes a child's legal guardian.

Subd. 8. "Educational program for pupils of limited English proficiency" means an English as a second language program, bilingual education program, or both an English as a second language and a bilingual education program.

History: 1980 c 609 art 3 s 15; 1981 c 358 art 3 s 18; 1982 c 548 art 3 s 22; 1986 c 444

126.263 [Repealed, 1981 c 358 art 3 s 20]

126.264 RIGHTS OF PARENTS.

Subdivision 1. No later than ten days after the enrollment of any pupil in an instructional program for limited English proficient students, the school district in which the pupil resides shall notify the parent or guardian by mail. This notice shall:

(a) Be in writing in English and in the primary language of the pupil's parents;

(b) Inform the parents that their child has been enrolled in an instructional program for limited English proficient students;

(c) Contain a simple, nontechnical description of the purposes, method and content of the program;

(d) Inform the parents that they have the right to visit the educational program for limited English proficient students in which their child is enrolled;

(e) Inform the parents of the time and manner in which to request and receive a conference for the purpose of explaining the nature and purpose of the program; and

(f) Inform the parents of their rights to withdraw their child from an educational program for limited English proficient students and the time and manner in which to do so.

The department of education shall, at the request of the school district, prepare the notice in the primary language of the parent or guardian.

Subd. 2. Any parent whose child is enrolled in an educational program for limited English proficient students shall have the right, either at the time of the original notification of enrollment or at the close of any semester thereafter, to withdraw the child from the program by providing written notice of this intent to the principal of the school in which the child is enrolled or to the superintendent of the school district in which the child resides. Nothing herein shall preclude a parent from reenrolling a child of limited English proficiency in an educational program for limited English proficient students.

Subd. 3. **Parental involvement.** A district which receives moneys pursuant to section 124.273 shall encourage involvement of parents of pupils enrolled in the educational program for limited English proficient students in this program. The district shall solicit the views of parents about the program and its effects upon their children.

History: 1980 c 609 art 3 s 17; 1982 c 548 art 3 s 23; 1986 c 444

126.265 GENERAL REQUIREMENTS FOR PROGRAMS.

A district which receives aid pursuant to section 124.273 shall comply with the following program requirements:

(a) To the extent possible, the district shall avoid isolating children of limited English proficiency for a substantial part of the school day; and

(b) In predominantly nonverbal subjects, such as art, music, and physical education, pupils of limited English proficiency shall be permitted to participate fully and on an equal basis with their contemporaries in public school classes provided for these subjects. To the extent possible, the school district shall assure to pupils enrolled in a program for limited English proficient students an equal and meaningful opportunity to participate fully with other pupils in all extracurricular activities.

History: 1980 c 609 art 3 s 18; 1982 c 548 art 3 s 24

126.266 EXEMPTION FROM TEACHING LICENSURE.

Subdivision 1. The commissioner of education may grant an exemption from the licensure requirement in the hiring of teachers of English as a second language or bilingual education teachers to a school district if the commissioner finds that compliance would impose a hardship upon the district in the securing of teachers for its educational programs for limited English proficient students. The commissioner of education shall notify the board of teaching of any exemptions granted pursuant to this section.

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: 1980 c 609 art 3 s 19; 1991 c 265 art 9 s 58

126.267 TECHNICAL ASSISTANCE.

The state board of education shall provide technical assistance to school districts receiving aid pursuant to section 124.273 and to post-secondary institutions for preservice and in-service training for bilingual education teachers and English as a second language teachers employed in educational programs for limited English proficient students, teaching methods, curriculum development, testing and testing mechanisms, and the development of instructional materials for these educational programs.

History: 1980 c 609 art 3 s 20; 1982 c 548 art 3 s 25

126.268 DEPARTMENT OF EDUCATION; MONEY FROM OTHER SOURCES.

Subdivision 1. [Repealed, 1981 c 358 art 3 s 20]

Subd. 2. The state board of education may apply for moneys which are or may become available under federal refugee assistance and other programs for administra-

tion, demonstration projects, training, technical assistance, planning, and evaluation of programs for limited English proficient students.

History: 1980 c 609 art 3 s 21

126.269 CONSTRUCTION.

Nothing in the provisions of sections 126.261 to 126.268 shall be construed to violate the provisions of section 127.08 or chapter 363. Programs and activities pursuant to sections 126.261 to 126.268 shall be deemed to be positive action programs to combat discrimination.

History: 1980 c 609 art 3 s 22

BILINGUAL EDUCATION

126.31 [Repealed, 1980 c 609 art 3 s 24]

126.32 [Repealed, 1980 c 609 art 3 s 24]

126.33 [Repealed, 1980 c 609 art 3 s 24]

126.34 [Repealed, 1980 c 609 art 3 s 24]

126.35 [Repealed, 1980 c 609 art 3 s 24]

126.36 TEACHERS; LICENSES.

Subdivision 1. **Bilingual and English as a second language licenses.** The board of teaching, hereinafter the board, shall grant teaching licenses in bilingual education and English as a second language to persons who present satisfactory evidence that they:

(a) Possess competence and communicative skills in English and in another language;

(b) Possess a bachelor's degree or other academic degree approved by the board, and meet such requirements as to course of study and training as the board may prescribe.

Subd. 2. **Persons holding general teaching licenses.** A person holding a general teaching license who presents the board with satisfactory evidence of competence and communicative skills in a language other than English may be licensed under this section.

Subd. 3. **Employment of teachers.** Teachers employed in a bilingual education or English as a second language program established pursuant to sections 126.261 to 126.269 shall not be employed to replace any presently employed teacher who otherwise would not be replaced.

Subd. 4. **Teacher preparation programs.** For the purpose of licensing bilingual and English as a second language teachers, the board may approve programs at colleges or universities designed for their training subject to the approval of the state board of education.

Subd. 5. **Persons eligible for employment.** Any person licensed under this section shall be eligible for employment by a school board as a teacher in a bilingual education or English as a second language program in which the language for which the person is licensed is taught or used as a medium of instruction. A school board may prescribe only those additional qualifications for teachers licensed under this section as are approved by the board of teaching.

Subd. 6. [Repealed, 1980 c 609 art 3 s 24]

Subd. 7. **Affirmative efforts in hiring.** In hiring for all positions in bilingual education programs school districts shall give preference to and make affirmative efforts to seek, recruit, and employ persons who are (a) native speakers of the language which is the medium of instruction in the bilingual education program, and (b) who share the culture of the limited English speaking children who are enrolled in the program. The district shall provide procedures for the involvement of the parent advisory committees in designing the procedures for the recruitment, screening and selection of applicants,

provided that nothing herein shall be construed to limit the school board's authority to hire and discharge personnel.

History: 1977 c 306 s 6; 1980 c 609 art 3 s 4-7; 1986 c 444

126.37 [Repealed, 1980 c 609 art 3 s 24]

126.38 [Repealed, 1980 c 609 art 3 s 24]

126.39 Subdivision 1. MS 1978 [Repealed, 1980 c 609 art 3 s 24]

Subd. 2. MS 1978 [Repealed, 1980 c 609 art 3 s 24]

Subd. 3. MS 1978 [Repealed, 1980 c 609 art 3 s 24]

Subd. 4. MS 1978 [Repealed, 1980 c 609 art 3 s 24]

Subd. 5. MS 1978 [Repealed, 1980 c 609 art 3 s 24]

Subd. 6. MS 1978 [Repealed, 1980 c 609 art 3 s 24]

Subd. 7. MS 1978 [Repealed, 1980 c 609 art 3 s 24]

Subd. 8. MS 1978 [Repealed, 1980 c 609 art 3 s 24]

Subd. 9. MS 1978 [Repealed, 1980 c 609 art 3 s 24]

Subd. 10. MS 1978 [Repealed, 1980 c 609 art 3 s 24]

Subd. 11. MS 1988 [Repealed, 1989 c 329 art 9 s 34]

126.40 [Repealed, 1980 c 609 art 3 s 24]

126.41 [Repealed, 1980 c 609 art 3 s 24]

126.42 [Repealed, 1980 c 609 art 3 s 24]

AMERICAN INDIAN EDUCATION ACT OF 1988

126.45 CITATION.

Sections 126.45 to 126.55 may be cited as the American Indian education act of 1988.

History: 1977 c 312 s 1; 1988 c 718 art 3 s 5

126.46 DECLARATION OF POLICY.

The legislature finds that a more adequate education is needed for American Indian people in the state of Minnesota. The legislature recognizes the unique educational and culturally-related academic needs of American Indian people. The legislature also is concerned about the lack of American Indian teachers in the state. Therefore, pursuant to the policy of the state to ensure equal educational opportunity to every individual, it is the purpose of sections 126.45 to 126.55 to provide for American Indian education programs specially designed to meet these unique educational or culturally-related academic needs or both.

History: 1977 c 312 s 2; 1978 c 706 s 43; 1988 c 718 art 3 s 6

126.47 DEFINITIONS.

Subdivision 1. For the purposes of sections 126.45 to 126.55, the terms defined in this section have the meanings given them.

Subd. 2. "American Indian child" means any child, living on or off a reservation, who is enrolled or eligible for enrollment in a federally recognized tribe.

Subd. 3. "Advisory task force" means the state advisory task force on American Indian education programs.

Subd. 4. "Participating school" and "American Indian school" mean a school that:

(1) is not operated by a school district; and

(2) is eligible for a grant under Title IV of the Indian Education Act for the education of American Indian children.

History: 1977 c 312 s 3; 1979 c 219 s 1; 1988 c 718 art 3 s 7

126.48 AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION PROGRAMS.

Subdivision 1. **Program described.** American Indian language and culture education programs shall be programs in elementary and secondary schools enrolling American Indian children designed:

(1) To make the curriculum more relevant to the needs, interests, and cultural heritage of American Indian pupils;

(2) To provide positive reinforcement of the self-image of American Indian pupils; and

(3) To develop intercultural awareness among pupils, parents, and staff. Program components may include: instruction in American Indian language, literature, history, and culture; development of support components for staff, including in-service training and technical assistance in methods of teaching American Indian pupils; research projects, including experimentation with and evaluation of methods of relating to American Indian pupils; provision of personal and vocational counseling to American Indian pupils; modification of curriculum, instructional methods, and administrative procedures to meet the needs of American Indian pupils; and establishment of cooperative liaisons with nonsectarian nonpublic, community, tribal or alternative schools offering curricula which reflect American Indian culture. Districts offering programs may make contracts for the provision of program components by nonsectarian nonpublic, community, tribal or alternative schools. These programs may also be provided as components of early childhood and family education programs.

Subd. 2. **Voluntary enrollment.** Enrollment in American Indian language and culture education programs shall be voluntary. School districts and participating schools shall make affirmative efforts to encourage participation. They shall encourage parents to visit classes or come to school for a conference explaining the nature of the program and provide visits by school staff to parents' homes to explain the nature of the program.

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

Subd. 4. **Location of programs.** American Indian language and culture education programs shall be located in facilities in which regular classes in a variety of subjects are offered on a daily basis.

Subd. 5. **Assignment of students.** No school district or participating school shall in providing these programs assign students to schools in a way which will have the effect of promoting segregation of students by race, sex, color, or national origin.

Subd. 6. **Nonverbal courses and extracurricular activities.** In predominantly nonverbal subjects, such as art, music, and physical education, American Indian children shall participate fully and on an equal basis with their contemporaries in school classes provided for these subjects. Every school district or participating school shall ensure to children enrolled in American Indian language and culture education programs an equal and meaningful opportunity to participate fully with other children in all extracurricular activities. This subdivision shall not be construed to prohibit instruction in nonverbal subjects or extracurricular activities which relate to the cultural heritage of the American Indian children, or which are otherwise necessary to accomplish the objectives described in sections 126.45 to 126.55.

History: 1977 c 312 s 4

126.49 TEACHERS; LICENSES; EXEMPTIONS.

Subdivision 1. **American Indian language and culture education licenses.** The board of teaching shall grant initial and continuing teaching licenses in American Indian language and culture education that bear the same duration as other initial and continuing licenses. The board shall grant licenses to persons who present satisfactory evidence that they:

(a) Possess competence in an American Indian language or possess unique qualifications relative to or knowledge and understanding of American Indian history and culture; or

(b) Possess a bachelor's degree or other academic degree approved by the board or meet such requirements as to course of study and training as the board may prescribe, or possess such relevant experience as the board may prescribe.

This evidence may be presented by affidavits, resolutions, or by such other methods as the board may prescribe. Individuals may present applications for licensure on their own behalf or these applications may be submitted by the superintendent or other authorized official of a school district, participating school, or an American Indian school.

Subd. 2. **Persons holding general teaching licenses.** A person holding a general teaching license who presents the board with satisfactory evidence of competence in an American Indian language, or knowledge and understanding of American Indian history and culture may be licensed under this section.

Subd. 3. **Employment of teachers.** Teachers employed in an American Indian language and culture education program pursuant to sections 126.45 to 126.55 shall not be employed to replace any presently employed teacher who otherwise would not be replaced.

Subd. 4. **Teacher preparation programs.** For the purpose of licensing American Indian language and culture education teachers, the board may approve programs at colleges or universities designed for their training subject to the approval of the state board of education.

Subd. 5. **Persons eligible for employment; exemptions.** Any person licensed under this section shall be eligible for employment by a school board or a participating school as a teacher in an American Indian language and culture education program in which the American Indian language or culture in which the person is licensed is taught. A school district or participating school may prescribe only those additional qualifications for teachers licensed under this section as are approved by the board of teaching. Any school board or participating school upon request may be exempted from the licensure requirements of this section in the hiring of one or more American Indian language and culture education teachers for any school year in which compliance would, in the opinion of the commissioner of education, create a hardship in the securing of the teachers.

Subd. 6. **Persons serving under exemptions; licensure; tenure.** An American Indian language and culture education teacher serving under an exemption as provided in subdivision 5 shall be granted a license as soon as that teacher achieves the qualifications for it. Not more than one year of service by an American Indian language and culture education teacher under an exemption shall be credited to the teacher for the purposes of section 125.12 and not more than two years shall be credited for the purposes of section 125.17; and the one or two years shall be deemed to precede immediately and be consecutive with the year in which a teacher becomes licensed.

Subd. 7. **Compensation.** A teacher holding a license or exemption under this section shall be compensated according to a schedule which is at least equivalent to that applicable to teachers holding general licenses.

Subd. 8. **Affirmative efforts in hiring.** In hiring for all positions in these programs, school districts and participating schools shall give preference to and make affirmative efforts to seek, recruit, and employ persons who share the culture of the American Indian children who are enrolled in the program. The district or participating school

shall provide procedures for the involvement of the parent advisory committees in designing the procedures for the recruitment, screening and selection of applicants, provided that nothing herein shall be construed to limit the school board's authority to hire and discharge personnel.

History: 1977 c 312 s 5; 1986 c 444; 1988 c 718 art 3 s 8

126.50 TEACHERS AIDES; COMMUNITY COORDINATORS.

In addition to employing American Indian language and culture education teachers, each district or participating school providing programs pursuant to sections 126.45 to 126.55 may employ teachers' aides. Teachers' aides shall not be employed for the purpose of supplanting American Indian language and culture education teachers.

Any district or participating school which conducts American Indian language and culture education programs pursuant to sections 126.45 to 126.55 shall employ one or more full time or part time community coordinators if there are 100 or more students enrolled in the program. Community coordinators shall promote communication understanding, and cooperation between the schools and the community and shall visit the homes of children who are to be enrolled in an American Indian language and culture education program in order to convey information about the program.

History: 1977 c 312 s 6

126.501 RECRUITING AND RETAINING INDIAN TEACHERS.

This section applies to a school board of a school district in which there are at least ten American Indian children enrolled. The school board shall actively recruit teacher applicants who are American Indian from the time it is reasonably expected that a position will become available until the position is filled or September 1, whichever is earlier. Notwithstanding section 125.12, subdivision 4, 6a, or 6b, 125.17, subdivisions 3 and 11, any other law to the contrary, or any provision of a contract entered into after May 7, 1988, to the contrary, when placing a teacher on unrequested leave of absence, the board may retain a probationary teacher or a teacher with less seniority in order to retain an American Indian teacher.

History: 1988 c 718 art 3 s 9

126.51 PARENT AND COMMUNITY PARTICIPATION.

Subdivision 1. **Parent committee.** School boards and American Indian schools shall provide for the maximum involvement of parents of children enrolled in education programs, including language and culture education programs, programs for elementary and secondary grades, special education programs, and support services. Accordingly, the school board of a school district in which there are ten or more American Indian children enrolled and each American Indian school shall establish a parent committee. If a committee of parents of American Indian children has been or is established according to federal, tribal, or other state law, that committee shall serve as the committee required by this section and shall be subject to, at least, the requirements of this section.

The parent committee shall develop its recommendations in consultation with the curriculum advisory committee required by section 126.666, subdivision 2. This committee shall afford parents the necessary information and the opportunity effectively to express their views concerning all aspects of American Indian education and the educational needs of the American Indian children enrolled in the school or program. The committee shall also address the need for adult education programs for American Indian people in the community. The school board or American Indian school shall ensure that programs are planned, operated, and evaluated with the involvement of and in consultation with parents of children served by the programs.

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 reso-

lution 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.

Subd. 2. Membership. The committee shall be composed of parents of children eligible to be enrolled in American Indian education programs; secondary students eligible to be served; American Indian language and culture education teachers and aides; American Indian teachers; counselors; adult American Indian people enrolled in educational programs; and representatives from community groups. A majority of each committee shall be parents of children enrolled or eligible to be enrolled in the programs. The number of parents of American Indian and non-American Indian children shall reflect approximately the proportion of children of those groups enrolled in the programs.

Subd. 3. [Repealed, 1988 c 718 art 3 s 22]

Subd. 4. Alternate committee. If the organizational membership or the board of directors of an American Indian school consists of parents of children attending the school, that membership or board may serve also as the parent committee.

History: 1977 c 312 s 7; 1988 c 718 art 3 s 10-13; 1991 c 265 art 3 s 18

126.52 STATE BOARD OF EDUCATION DUTIES.

Subdivision 1. [Repealed, 1980 c 609 art 3 s 24]

Subd. 2. [Repealed, 1980 c 609 art 3 s 24]

Subd. 3. [Repealed, 1980 c 609 art 3 s 24]

Subd. 4. [Repealed, 1980 c 609 art 3 s 24]

Subd. 5. Community involvement. The state board shall provide for the maximum involvement of the state committees on American Indian education, parents of American Indian children, secondary students eligible to be served, American Indian language and culture education teachers, American Indian teachers, teachers' aides, representatives of community groups, and persons knowledgeable in the field of American Indian education, in the formulation of policy and procedures relating to the administration of sections 126.45 to 126.55.

Subd. 6. [Repealed, 1980 c 609 art 3 s 24]

Subd. 7. [Repealed, 1980 c 609 art 3 s 24]

Subd. 8. Technical assistance. The state board shall provide technical assistance to school districts, schools and post-secondary institutions for preservice and in-service training for American Indian education teachers and teacher's aides, teaching methods, curriculum development, testing and testing mechanisms, and the development of materials for American Indian education programs.

Subd. 9. Application for funds. The state board shall apply for money which may be available under federal programs for American Indian education, including funds for administration, demonstration projects, training, technical assistance, planning and evaluation.

Subd. 10. [Repealed, 1980 c 609 art 3 s 24]

Subd. 11. [Repealed, 1989 c 329 art 9 s 34]

Subd. 12. [Repealed, 1981 c 356 s 247; 1981 c 358 art 3 s 20]

History: 1977 c 312 s 8; 1979 c 334 art 3 s 14; 1980 c 609 art 3 s 8,9; 1988 c 718 art 3 s 14

126.53 [Repealed, 1979 c 219 s 3]

126.531 COMMITTEES ON AMERICAN INDIAN EDUCATION PROGRAMS.

Subdivision 1. The state board of education shall create one or more American Indian education committees. Members shall include representatives of tribal bodies, community groups, parents of children eligible to be served by the programs, American Indian administrators and teachers, persons experienced in the training of teachers for American Indian education programs, persons involved in programs for American Indian children in American Indian schools, and persons knowledgeable in the field of American Indian education. Members shall be appointed so as to be representative of significant segments of the population of American Indians.

Subd. 2. Each committee on American Indian education programs shall advise the state board in the administration of its duties under sections 126.45 to 126.55 and other programs for the education of American Indian people, as determined by the state board.

Subd. 3. Each committee shall be reimbursed for expenses according to section 15.059, subdivision 6. The state board shall determine the membership terms and the duration of each committee.

History: 1979 c 219 s 2; 1983 c 260 s 27; 1988 c 718 art 3 s 15

126.54 CONTINUATION OF INDIAN EDUCATION PILOT PROJECT GRANTS.

Subdivision 1. **Grants; procedures.** Each fiscal year the state board of education shall make grants to no fewer than six American Indian language and culture education programs. At least three programs shall be in urban areas and at least three shall be on or near reservations. The board of a local district, a participating school or a group of boards may develop a proposal for grants in support of American Indian language and culture education programs. Proposals may provide for contracts for the provision of program components by nonsectarian nonpublic, community, tribal, or alternative schools. The state board shall prescribe the form and manner of application for grants, and no grant shall be made for a proposal not complying with the requirements of sections 126.45 to 126.55. The state board shall submit all proposals to the state advisory task force on American Indian language and culture education programs for its recommendations concerning approval, modification, or disapproval and the amounts of grants to approved programs.

Subd. 2. **Plans.** Each school district or participating school submitting a proposal under subdivision 1 shall develop and submit with the proposal a plan which shall:

(a) Identify the measures to be used to meet the requirements of sections 126.45 to 126.55;

(b) Identify the activities, methods and programs to meet the identified educational needs of the children to be enrolled in the program;

(c) Describe how district goals and objectives as well as the objectives of sections 126.45 to 126.55 are to be achieved;

(d) Demonstrate that required and elective courses as structured do not have a discriminatory effect within the meaning of section 126.48, subdivision 5;

(e) Describe how each school program will be organized, staffed, coordinated, and monitored; and

(f) Project expenditures for programs under sections 126.45 to 126.55.

Subd. 3. **Additional requirements.** Each school district receiving a grant under this section shall each year conduct a count of American Indian children in the schools of the district; test for achievement; identify the extent of other educational needs of the children to be enrolled in the American Indian language and culture education program; and classify the American Indian children by grade, level of educational attainment, age and achievement. This count may be part of the school census required pursuant to section 120.095. Participating schools shall maintain records concerning the needs and achievements of American Indian children served.

Subd. 4. Nondiscrimination; testing. In accordance with recognized professional standards, all testing and evaluation materials and procedures utilized for the identification, testing, assessment and classification of American Indian children shall be selected and administered so as not to be racially or culturally discriminatory and shall be valid for the purpose of identifying, testing, assessing, and classifying American Indian children.

Subd. 5. Records. Participating schools and school districts shall keep records and afford access to them as the commissioner finds necessary to ensure that American Indian language and culture education programs are implemented in conformity with sections 126.45 to 126.55. Each school district or participating school shall keep accurate, detailed, and separate revenue and expenditure accounts for pilot American Indian language and culture education programs funded under this section.

Subd. 6. Money from other sources. A school district or participating school providing American Indian language and culture education programs shall be eligible to receive moneys for these programs from other government agencies and from private sources when the moneys are available.

Subd. 7. Exceptions. Nothing in sections 126.45 to 126.55 shall be construed as prohibiting a district or school from implementing an American Indian language and culture education program which is not in compliance with sections 126.45 to 126.55 if the proposal and plan for that program is not funded pursuant to this section.

History: 1977 c 312 s 10; 1979 c 334 art 3 s 16; 1980 c 609 art 3 s 10-12; 1981 c 358 art 3 s 19; 1983 c 314 art 3 s 12; 1987 c 398 art 3 s 26

126.55 CONSTRUCTION.

Nothing in the provisions of sections 126.45 to 126.55 shall be construed to violate the provisions of section 127.08 or chapter 363. Programs and activities pursuant to sections 126.45 to 126.55 shall be deemed to be positive action programs to combat discrimination.

History: 1977 c 312 s 11

126.56 SUMMER SCHOLARSHIPS FOR ACADEMIC ENRICHMENT.

Subdivision 1. Establishment. A scholarship program is established to enable secondary students to attend summer programs sponsored by post-secondary institutions.

Subd. 2. Eligible student. To be eligible for a scholarship, a student shall:

- (1) be a United States citizen or permanent resident of the United States;
- (2) be a resident of Minnesota;
- (3) attend an eligible program;
- (4) have completed at least one year of secondary school but not have graduated from high school;
- (5) have earned at least a B average during the semester or quarter prior to application, or have earned at least a B average during the semester or quarter prior to application in the academic subject area applicable to the summer program the student wishes to attend; and
- (6) demonstrate need for financial assistance.

Subd. 3. Financial need. Need for financial assistance shall be based on family income, family size, and special necessary expenditures of the family. The higher education coordinating board shall review the financial need of each pupil to meet the actual costs of attending the summer program, as determined by the institution sponsoring the summer program. The board shall award scholarships within the limits of the appropriation for this section. If the amount appropriated is insufficient, the board shall allocate the amount appropriated in the manner it determines. A scholarship shall not exceed \$1,000.

Subd. 4. Eligible institutions. A scholarship may be used only at an eligible institution. A Minnesota public post-secondary institution is an eligible institution. A private post-secondary institution is eligible if it:

- (1) is accredited by the North Central Association of Colleges;
- (2) offers an associate or baccalaureate degree program approved under section 136A.65, subdivision 1; and
- (3) is located in Minnesota.

Subd. 4a. **Eligible programs.** A scholarship may be used only for an eligible program. To be eligible, a program must:

- (1) provide, as its primary purpose, academic instruction for student enrichment in curricular areas including, but not limited to, communications, humanities, social studies, social science, science, mathematics, art, or foreign languages;
- (2) not be offered for credit to post-secondary students;
- (3) not provide remedial instruction;
- (4) meet any other program requirements established by the state board of education and the higher education coordinating board; and
- (5) be approved by the state board of education.

Subd. 5. **Advisory committee.** An advisory committee shall assist the state board of education in approving eligible programs and shall assist the higher education coordinating board in planning, implementing, and evaluating the scholarship program. The committee shall consist of 11 members, to include the executive director of the higher education coordinating board or a representative, the commissioner of education or a representative, two secondary school administrators and two secondary teachers appointed by the commissioner of education, the executive director of the academic excellence foundation, a private college representative appointed by the president of the Minnesota private college council, a community college representative appointed by the community college chancellor, a state university representative appointed by the state university chancellor, and a University of Minnesota representative appointed by the president of the University of Minnesota. The committee expires June 30, 1993.

Subd. 6. **Information.** The higher education coordinating board, in cooperation with the academic excellence foundation, shall assemble and distribute information about scholarships and eligible programs.

Subd. 7. **Administration.** The state board of education and the higher education coordinating board shall determine the time and manner for scholarship applications, awards, and program approval.

Subd. 8. **Exemption from rulemaking.** Sections 14.01 to 14.47 do not apply to this section.

History: *1Sp1985 c 12 art 8 s 22; 1987 c 398 art 7 s 35,36; 1988 c 629 s 29; 1988 c 718 art 7 s 43; 1989 c 293 s 12; 1989 c 329 art 11 s 9,10*

126.60 [Repealed, 1987 c 398 art 1 s 27 subd 3]

126.62 [Repealed, 1987 c 398 art 1 s 27 subd 3]

126.64 Subdivision 1. [Repealed, 1Sp1985 c 12 art 1 s 37 subd 1; 1987 c 398 art 1 s 27 subd 3]

Subd. 2. [Repealed, 1987 c 398 art 1 s 27 subd 3]

126.65 [Repealed, 1987 c 398 art 8 s 45]

126.66 [Repealed, 1987 c 398 art 8 s 45]

PLANNING, EVALUATION, AND REPORTING PROCESS

126.661 PER DEFINITIONS.

Subdivision 1. **Applicability.** For the purposes of sections 126.661 to 126.67, the following terms have the meanings given them.

Subd. 2. **Curriculum.** "Curriculum" means written plans for providing learning experiences that lead to the acquisition of knowledge, skills, and attitudes.

Subd. 3. **Learner outcome.** "Learner outcome" means a specific educational goal of the curriculum.

Subd. 3a. **State learner goals.** "State learner goals" means the knowledge, skills, processes, values, and attitudes pupils can expect to attain.

Subd. 4. **Instruction.** "Instruction" means methods of providing learning experiences that facilitate pupil progress in attaining outcomes.

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.

Subd. 6. **PER process.** "Planning, evaluating, and reporting process" or "PER process" means a process, described in sections 126.661 to 126.67, to establish a cycle for curriculum identification, implementation, review, and improvement that is reported to the community and the state.

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: 1987 c 398 art 8 s 18; 1Sp1987 c 4 art 1 s 10; 1988 c 486 s 71; 1989 c 329 art 7 s 11; 1991 c 265 art 7 s 22,23

126.662 PER FINDINGS.

The legislature finds that a process is needed to facilitate decisions by school boards and communities concerning education curriculum planning, evaluation of curriculum, evaluation for improvement of instruction, and determination of the services that can or should be provided by institutions, such as the family, private or public organizations and agencies, in addition to being provided by public education.

History: 1987 c 398 art 8 s 19

126.663 PER CURRICULUM ACCOUNTABILITY AND IMPROVEMENT PROCESS.

Subdivision 1. **State process.** The state board, with the advice of the state curriculum advisory committee, shall adopt a state PER process and standard procedures for district planning, evaluating, and reporting.

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: 1987 c 398 art 8 s 20; 1989 c 329 art 7 s 12,13; 1991 c 265 art 7 s 24,25

126.664 TECHNICAL ASSISTANCE.

The commissioner of education shall make technical assistance for planning and evaluation available to school districts. The department shall collect the annual reports from districts, as provided in section 126.666, subdivision 4, and shall make these reports available, upon request, to any person. If requested, the department shall provide technical assistance to a district developing methods for measuring group or individual pupil progress.

History: 1987 c 398 art 8 s 21

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: 1987 c 398 art 8 s 22; 1988 c 629 s 30; 1991 c 265 art 11 s 10

126.666 SCHOOL DISTRICT PROCESS.

Subdivision 1. **Adopting policies.** (a) A school board shall adopt each year a written PER policy that includes the following:

- (1) district curriculum goals;
- (2) learner outcomes for each subject area at each grade level that include the essential learner outcomes adopted by the state board under section 126.663, subdivision 2;
- (3) a process for evaluating each student's progress toward attaining learner outcomes and for identifying strengths and weaknesses of the curriculum;
- (4) a system for establishing a review cycle for all curriculum;
- (5) curriculum and instruction improvement plans;
- (6) an instruction plan that includes education effectiveness processes developed according to section 121.608 and integration of curriculum and technology; and
- (7) a procedure for a parent, guardian, or an adult student, 18 years of age or older, to review the content of the instructional materials to be provided to a minor child or to an adult student and, if the parent, guardian, or adult student objects to the content, to make reasonable arrangements with school personnel for alternative instruction. Alternative instruction may be provided by the parent, guardian, or adult student if the alternative instruction, if any, offered by the school board does not meet the concerns of the parent, guardian, or adult student. The school board is not required to pay for the costs of alternative instruction provided by a parent, guardian, or adult student.

(b) School personnel may not impose an academic or other penalty upon a student merely for arranging alternative instruction under paragraph (a), clause (7). School personnel may evaluate and assess the quality of the student's work.

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.

Subd. 3. **Building team.** A team may be established at each school building to develop and implement an education effectiveness plan to improve curriculum and instruction. The team shall advise the board and the advisory committee about the development of an instruction improvement plan that aligns curriculum, assessment of student progress, and instruction.

Subd. 4. **Report.** (a) By October 1 of each year, the school board shall adopt, using state board standard reporting procedures, a report that includes the following:

- (1) learner outcomes adopted for that year;
- (2) results of local assessment data, and any additional test data;
- (3) the annual school district improvement plans;
- (4) information about progress that has been made toward the improvement plans that were previously adopted by the board; and
- (5) the procedure adopted under subdivision 1, paragraph (a), clause (7).

(b) The school board shall publish the report in the local newspaper with the largest circulation in the district or by mail. The report shall be available for inspection by the public. A copy of the report shall be sent to the commissioner of education by October 15 of each year.

(c) The title of the report shall contain the name and number of the school district and read "Annual Report on Curriculum and Student Performance." The report must include at least the following information about curriculum advisory committee membership:

- (1) the name of each committee member and the date when that member's term expires;
- (2) the method and criteria the school board uses to select committee members; and
- (3) the date by which a community resident must apply to next serve on the committee.

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.

Subd. 5. **Biennial evaluation; assessment program.** At least once every two years the report shall include an evaluation of the district testing programs, according to the following:

- (1) written objectives of the assessment program;
- (2) names of tests and grade levels tested;
- (3) use of test results; and
- (4) implementation of assurance of mastery program.

History: 1987 c 398 art 8 s 23; 1988 c 486 s 72; 1991 c 265 art 7 s 26-28; 1992 c 496 s 1,2

126.67 SCHOOL DISTRICT ASSESSMENT PROGRAMS.

Subdivision 1. [Repealed, 1987 c 398 art 8 s 45]

Subd. 1a. [Repealed, 1987 c 398 art 8 s 45]

Subd. 2. [Repealed, 1Sp1985 c 12 art 8 s 65]

Subd. 2a. [Repealed, 1987 c 398 art 8 s 45]

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.

Subd. 3. **Participation in statewide assessment program.** Each district shall participate in the statewide assessment sampling process at least once every three years to provide normative data. Each year the department shall determine which districts shall participate and which curriculum areas shall be assessed.

Subd. 3a. **Assurance of mastery.** Each school board shall adopt a policy establishing a process to assure individual pupil mastery in communications and mathematics. This process shall include at least the following:

(1) procedures, which may include multiple or separate criteria, for the evaluation and identification of nonspecial education pupils and pupils with limited English proficiency who are not making sufficient progress in the mastery of communications and mathematics;

(2) procedures for implementation in grades kindergarten to 12 and requiring evaluation of progress toward mastery at least once during grades K to 3, once during grades 4 to 6, once during grades 7 to 9, and once during grades 10 to 12;

(3) procedures for parent conferences to establish an individualized remediation or modified instruction plan for each pupil who is not making sufficient progress toward mastery of communication or mathematic skills; and

(4) procedures which shall consider and address the special needs of pupils with a disability and pupils with limited English proficiency.

Subd. 4. **Needs of pupils with a disability.** School boards are encouraged to consider the needs of pupils with a disability in determining the extent of their participation in the assessment programs in subdivisions 2a and 3. The district policy may provide for modifications in the testing procedures for pupils with a disability.

Subd. 5. **Assessment item bank.** The department shall maintain an assessment item bank to provide assessment items that are designed to measure pupils' attainment of state essential learner outcomes and specific learner outcomes of an individual school or district.

Subd. 5a. **Additional tests.** The department shall maintain additional tests for at least three grade levels. The tests shall be designed to measure the progress of individual pupils toward the core curriculum areas of communications, mathematics, science, and social studies. The department shall make the tests available for a district to use, at the option of the district, as a part of the department's local assessment program.

Subd. 5b. [Repealed, 1Sp1985 c 12 art 8 s 65; 1987 c 398 art 8 s 45]

Subd. 6. **Additional testing.** The department upon written agreement with school districts may perform additional testing and evaluation of students. The department may collect a reasonable fee not to exceed the actual cost of services. The department may also sell products and services as a part of the assessment item bank program to public and private entities outside of the state. Money from the sale of these products and services is annually appropriated to the department for the improvement of assessment measures within Minnesota.

Subd. 7. **Curriculum information.** The department may provide available curriculum information for improving teaching practices at public elementary, secondary and technical colleges. The information may be provided upon the request of a school district or an educational cooperative service unit with which the department has a written agreement. The department may collect reasonable fees not to exceed its actual costs for this service. The department may also accept money from any public or private source to defray the cost of this service.

Subd. 8. **Career information; appropriation.** The department of education may provide career information to school districts and other educational organizations, employment and training services, human service agencies, libraries, and families. The department shall collect fees necessary to recover all expenditures related to the operation of the Minnesota career information service. Grants may be accepted and used for the improvement or operation of the program.

Subd. 9. [Repealed, 1987 c 398 art 8 s 45]

History: 1976 c 271 s 3; 1977 c 447 art 6 s 1; 1981 c 359 s 13; 1983 c 258 s 26; 1984 c 463 art 8 s 6; 1Sp1985 c 12 art 8 s 7-15,45,61; 1987 c 258 s 12; 1987 c 398 art 8 s 24-26; 1Sp1987 c 4 art 1 s 2; 1988 c 718 art 7 s 44; 1989 c 246 s 2; 1989 c 329 art 7 s 14; art 9 s 15; 1991 c 265 art 3 s 38; art 7 s 29

126.68 APPROPRIATION.

There is annually appropriated from the general fund to the department of education any and all amounts received by the department pursuant to section 126.67, subdivisions 6, 7, and 8.

History: 1976 c 271 s 7; 1981 c 359 s 14; 1983 c 258 s 27; 1984 c 463 art 8 s 7; 1Sp1985 c 12 art 8 s 61

PARENTAL INVOLVEMENT PROGRAMS

126.69 PARENTAL INVOLVEMENT PROGRAMS.

Subdivision 1. **Program goals.** The department of education, in consultation with the state curriculum advisory committee, must develop guidelines and model plans for parental involvement programs that will:

- (1) engage the interests and talents of parents or guardians in recognizing and meeting the emotional, intellectual, and physical needs of their school-age children;
- (2) promote healthy self-concepts among parents or guardians and other family members;
- (3) offer parents or guardians a chance to share and learn about educational skills, techniques, and ideas;
- (4) provide creative learning experiences for parents or guardians and their school-age children, including involvement from parents or guardians of color; and
- (5) encourage parents to actively participate in their district's curriculum advisory committee under section 126.666 in order to assist the school board in improving children's education programs.

Subd. 2. **Plan contents.** Model plans for a parental involvement program must include at least the following:

- (1) program goals;

- (2) means for achieving program goals;
- (3) methods for informing parents or guardians, in a timely way, about the program;
- (4) strategies for ensuring the full participation of parents or guardians, including those parents or guardians who lack literacy skills or whose native language is not English, including involvement from parents or guardians of color;
- (5) procedures for coordinating the program with kindergarten through grade 12 curriculum, with parental involvement programs currently available in the community, with the PER process under sections 126.661 to 126.67, and with other education facilities located in the community;
- (6) strategies for training teachers and other school staff to work effectively with parents and guardians;
- (7) procedures for parents or guardians and educators to evaluate and report progress toward program goals; and
- (8) a mechanism for convening a local community advisory committee composed primarily of parents or guardians to advise a district on implementing a parental involvement program.

Subd. 3. Plan activities. Activities contained in the model plans must include:

- (1) educational opportunities for families that enhance children's learning development;
- (2) educational programs for parents or guardians on families' educational responsibilities and resources;
- (3) the hiring, training, and use of parental involvement liaison workers to coordinate family involvement activities and to foster communication among families, educators, and students;
- (4) curriculum materials and assistance in implementing home and community-based learning activities that reinforce and extend classroom instruction and student motivation;
- (5) technical assistance, including training to design and carry out family involvement programs;
- (6) parent resource centers;
- (7) parent training programs and reasonable and necessary expenditures associated with parents' attendance at training sessions;
- (8) reports to parents on children's progress;
- (9) use of parents as classroom volunteers, tutors, and aides;
- (10) soliciting parents' suggestions in planning, developing, and implementing school programs;
- (11) educational programs and opportunities for parents or guardians that are multicultural, gender fair, and disability sensitive; and
- (12) involvement in a district's curriculum advisory committee or a school building team under section 126.666.

History: 1990 c 562 art 8 s 34; 1991 c 130 s 37; 1992 c 499 art 8 s 7

126.70 STAFF DEVELOPMENT PLAN.

Subdivision 1. Eligibility for revenue. A school board may use the revenue authorized in section 124A.29 for in-service education for violence prevention programs under section 126.77, subdivision 2, or if it establishes a staff development advisory committee and adopts a staff development plan under 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 that includes 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. Districts must submit approved plans to the commissioner.

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

- (1) procedures the district will use to analyze education needs;
- (2) methods for integrating education needs with in-service and curricular efforts already in progress;
- (3) education goals and the means to achieve the goals; and
- (4) procedures for evaluating progress toward meeting education needs and goals.

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

- (1) foster readiness for learning;
- (2) facilitate organizational changes by enabling a site-based team composed of pupils, parents, school personnel, and community members to address pupils' needs;
- (3) develop programs to increase pupils' educational progress by developing appropriate outcomes and personal learning goals and by encouraging pupils and their parents to assume responsibility for their education;
- (4) design and develop programs containing various instructional opportunities that recognize pupils' individual needs and utilize family and community resources;
- (5) evaluate the effectiveness of education policies, processes, and products through appropriate evaluation procedures that include multiple criteria and indicators;
- (6) provide staff time for peer review of probationary, continuing contract, and nonprobationary teachers;
- (7) train elementary and secondary staff to help students learn to resolve conflicts in effective, nonviolent ways; and
- (8) encourage staff to teach and model violence prevention policy and curricula that address issues of sexual and racial harassment.

Subd. 3. [Repealed, 1989 c 329 art 9 s 34]

History: *1Sp1985 c 12 art 8 s 23,61; 1987 c 398 art 8 s 27,28; 1Sp1987 c 4 art 1 s 3; 1988 c 486 s 73,74; 1990 c 562 art 4 s 8; 1991 c 265 art 7 s 30-32; 1992 c 499 art 1 s 19; 1992 c 571 art 10 s 4,5*

126.71 [Repealed, 1987 c 398 art 8 s 45]

126.72 CONTRACTS.

Subdivision 1. **Authorization.** A school board may enter into short-term, limited contracts with classroom teachers employed by the district.

Subd. 2. **Purpose.** The school board shall determine the needs of its classroom teachers and the need for changes in its curriculum. In determining these needs, the school board shall obtain recommendations from classroom teachers, staff responsible for curriculum, and the curriculum advisory committee. It shall consider assessment results, other test results, the need for mentor teachers, and the district improvement plan portion of the report adopted according to section 126.666, subdivision 4. Contracts executed under this section shall relate directly to the identified needs.

Subd. 3. **Selection committee.** A committee of six members appointed by the school board shall recommend teachers to receive contracts. Three members of the committee shall be classroom teachers. Three members shall be administrators, parents, members of the school board, or members of the community. The committee shall consider only classroom teachers who have background, knowledge, or expertise needed to perform duties in the areas of need identified by the school board. Years of service in the district shall not be a factor for consideration by the committee. No teacher shall have a right to a contract under this section based on seniority or order of employment in the district. The committee shall recommend to the school board names of individual teachers. The number of individual teachers recommended shall be approximately the number designated by the school board to meet the identified needs. The school board may award contracts to any of the recommended teachers but

not to any others. The board may request the committee to recommend additional names of teachers.

Subd. 4. Short-term, limited contracts. Contracts executed under this section shall provide classroom teachers any one or a combination of the following:

- (1) released time during the school day;
- (2) additional hours in a school day; or
- (3) additional days or weeks of employment during the summer.

Contracts executed under this section shall terminate within one year of the date of execution. During the term of a contract under this section a teacher may be discharged for cause from duties under this contract; a hearing shall be held on the discharge upon request of the teacher. A teacher has no rights in a subsequent year to a contract under this subdivision.

Subd. 5. Application of other laws. The provisions of section 125.12 or 125.17 shall not apply to initial awards, renewal, or termination of contracts under this section. The provisions of this section concerning short-term, limited contracts shall not be construed to alter any aspect of other contracts executed by a school board.

Subd. 6. Report. Each district awarding contracts under this section is encouraged to submit a report to the commissioner of education. The report shall indicate the number of contracts awarded, whether duties are to be performed before, during, or after the school day or during the summer, the total cost of all contracts, and a general description of the duties. The statement shall also describe how the recommendations required by subdivision 2 were obtained. Any problems associated with implementing this section may be included.

History: *1Sp1985 c 12 art 8 s 25,61; 1987 c 398 art 8 s 29; 1988 c 486 s 101 subd 2*

126.77 VIOLENCE PREVENTION EDUCATION.

Subdivision 1. Violence prevention curriculum. (a) The commissioner of education, in consultation with the commissioners of health and human services, state minority councils, battered women's programs, sexual assault centers, representatives of religious communities, and the assistant commissioner of the office of drug policy and violence prevention, shall assist districts on request in developing or implementing a violence prevention program for students in kindergarten to grade 12 that can be integrated into existing curriculum. The purpose of the program is to help students learn how to resolve conflicts within their families and communities in nonviolent, effective ways.

(b) Each district is encouraged to integrate into its existing curriculum a program for violence prevention that includes at least:

(1) a comprehensive, accurate, and age appropriate curriculum on violence prevention, nonviolent conflict resolution, and sexual, racial, and cultural harassment that promotes equality, respect, understanding, effective communication, individual responsibility, thoughtful decision making, positive conflict resolution, useful coping skills, critical thinking, listening and watching skills, and personal safety;

(2) planning materials, guidelines, and other accurate information on preventing physical and emotional violence, identifying and reducing the incidence of sexual, racial, and cultural harassment, and reducing child abuse and neglect;

(3) a special parent education component of early childhood family education programs to prevent child abuse and neglect and to promote positive parenting skills, giving priority to services and outreach programs for at-risk families;

(4) involvement of parents and other community members, including the clergy, business representatives, civic leaders, local elected officials, law enforcement officials, and the county attorney;

(5) collaboration with local community services, agencies, and organizations that assist in violence intervention or prevention, including family-based services, crisis ser-

vices, life management skills services, case coordination services, mental health services, and early intervention services;

(6) collaboration among districts and ECSUs;

(7) targeting early adolescents for prevention efforts, especially early adolescents whose personal circumstances may lead to violent or harassing behavior; and

(8) administrative policies that reflect, and a staff that models, nonviolent behaviors that do not display or condone sexual, racial, or cultural harassment.

(c) The department may provide assistance at a neutral site to a nonpublic school participating in a district's program.

Subd. 2. In-service training. Each district is encouraged to provide training for district staff and school board members to help students identify violence in the family and the community so that students may learn to resolve conflicts in effective, nonviolent ways. The in-service training must be ongoing and involve experts familiar with domestic violence and personal safety issues.

Subd. 3. Funding sources. Districts may accept funds from public and private sources for violence prevention programs developed and implemented under this section.

History: 1992 c 571 art 10 s 6

126.78 VIOLENCE PREVENTION EDUCATION GRANTS.

Subdivision 1. Grant program established. The commissioner of education, after consulting with the assistant commissioner of the office of drug policy and violence prevention, shall establish a violence prevention education grant program to enable a school district, an education district, or a group of districts that cooperate for a particular purpose to develop and implement a violence prevention program for students in kindergarten through grade 12 that can be integrated into existing curriculum. A district or group of districts that elects to develop and implement a violence prevention program under section 126.77 is eligible to apply for a grant under this section.

Subd. 2. Grant application. To be eligible to receive a grant, a school district, an education district, or a group of districts that cooperate for a particular purpose must submit an application to the commissioner in the form and manner and according to the timeline established by the commissioner. The application must describe how the applicant will: (1) integrate into its existing K-12 curriculum a program for violence prevention that contains the program components listed in section 126.77; (2) collaborate with local organizations involved in violence prevention and intervention; and (3) structure the program to reflect the characteristics of the children, their families and the community involved in the program. The commissioner may require additional information from the applicant. When reviewing the applications, the commissioner shall determine whether the applicant has met the requirements of this subdivision.

Subd. 3. Grant awards. The commissioner may award grants for a violence prevention education program to eligible applicants as defined in subdivision 2. Grant amounts may not exceed \$3 per actual pupil unit in the district or group of districts in the prior school year. Grant recipients should be geographically distributed throughout the state.

Subd. 4. Grant proceeds. A successful applicant shall use the grant money to develop and implement a violence prevention program according to the terms of the grant application.

History: 1992 c 571 art 10 s 30

126.80 [Repealed, 1989 c 329 art 9 s 34]

126.81 [Repealed, 1989 c 329 art 11 s 18]