

CHAPTER 126

CURRICULUM; AMERICAN INDIANS

126.01	Definitions. CHEMICAL ABUSE	126.266	Exemption from teaching licensure.
126.033	Chemical abuse preassessment teams; definitions.	126.267	Technical assistance.
126.034	School preassessment teams.	126.269	Construction.
126.035	School and community advisory team.	126.36	BILINGUAL EDUCATION Teachers; licenses.
126.036	Law enforcement records.	126.43	CULTURAL EXCHANGE Summer cultural exchange grant program.
126.037	Reporting; chemical abuse.		AMERICAN INDIAN EDUCATION ACT OF 1988
126.05	Teacher training, effects of drugs and alcohol.	126.45	Citation.
	MISCELLANEOUS PROVISIONS	126.46	Declaration of policy.
126.091	Moment of silence.	126.47	Definitions.
126.113	Education in agriculture leadership council.	126.48	American Indian language and culture education programs.
126.115	Motorcycle safety education program.	126.49	Teachers; licenses; exemptions.
126.12	School calendar.	126.50	Teachers aides; community coordinators.
126.13	Conduct of school on certain holidays.	126.501	Recruiting and retaining Indian teachers.
126.14	United States flag.	126.51	Parent and community participation.
126.15	School safety patrols.	126.52	State board of education duties.
126.151	Vocational education student organizations.	126.531	Committees on American Indian education programs.
126.1995	Safety requirement guidelines.	126.54	Continuation of Indian education grants.
126.20	Eye protective devices.	126.55	Construction.
126.202	Administration of drugs and medicine.		ACADEMIC ENRICHMENT SCHOLARSHIPS
126.21	Athletic programs; sex discrimination.	126.56	Summer scholarships for academic enrichment.
126.22	Graduation incentives program.		MISCELLANEOUS PROVISIONS
126.23	Aid for contracted alternative programs.	126.681	Evaluation of pupil growth and progress; permanent records.
126.235	Educational program for pregnant minors and minor parents.	126.69	Parental involvement programs.
126.237	Alternate instruction required.	126.699	Parental curriculum review.
126.239	Advanced placement and international baccalaureate programs.	126.70	Staff development program.
	EDUCATION FOR LIMITED ENGLISH PROFICIENT STUDENTS ACT	126.72	Contracts.
126.261	Citation.	126.77	Violence prevention education.
126.262	Definitions.	126.78	Violence prevention education grants.
126.264	Rights of parents.	126.82	State multicultural education advisory committee.
126.265	General requirements for programs.	126.83	Secondary credit for students.
		126.84	Male responsibility and fathering grants.

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]

126.019 Subdivision 1. MS 1995 Supp [Repealed, 1Sp1995 c 3 art 1 s 63 subd 2; 1996 c 412 art 1 s 30]

Subd. 2. MS 1994 [Repealed, 1Sp1995 c 3 art 1 s 63 subd 2; 1996 c 412 art 1 s 30]

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

126.02 MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

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 Subdivision 1. MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 2. MS 1995 Supp [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

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

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

CHEMICAL ABUSE

126.031 Subdivision 1. MS 1995 Supp [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 2. MS 1986 [Repealed, 1987 c 398 art 1 s 27 subd 3; 1993 c 224 art 12 s 32; 1993 c 374 s 22]

126.033 CHEMICAL ABUSE PREASSESSMENT TEAMS; 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

MISCELLANEOUS PROVISIONS

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

126.06 MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

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 MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

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

126.09 MS 1992 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

126.091 MOMENT OF SILENCE.

A moment of silence may be observed.

History: 1996 c 412 art 9 s 10

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 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

126.112 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

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 children, families, and learning. 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 children, families, and learning, 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.** (a) 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 children, families, and learning at such times and in such amounts as the commissioner deems necessary to carry out the purposes of subdivisions 1 and 2.

(b) Of the money appropriated under paragraph (a):

(1) In each of fiscal years 1997, 1998, and 1999, not more than \$25,000, and in subsequent years not more than five percent, shall be expended to defray the administrative costs of carrying out the purposes of subdivisions 1 and 2.

(2) In each of fiscal years 1997, 1998, and 1999, not more than 65 percent, and in subsequent years not more than 60 percent, 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; 1Sp1995 c 3 art 16 s 13; 1996 c 329 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. [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

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; 1Sp1995 c 3 art 16 s 13

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. School authorities may also appoint and designate nonpupil adults as members of a school safety patrol on a voluntary or for-hire basis.

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. School safety patrol members may wear fluorescent reflective vests.

History: *Ex1959 c 71 art 7 s 15; 1971 c 491 s 4; 1994 c 647 art 12 s 10; 1995 c 103 s 1; 1Sp1995 c 3 art 2 s 29*

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 board of education or the board of trustees of the Minnesota state colleges and universities may belong to a vocational student organization that is operated as an integral part of the vocational program. The commissioner of children, families, and learning and the board of trustees of the Minnesota state colleges and universities 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 commissioner and the board of trustees of the Minnesota state colleges and universities 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; 1993 c 224 art 13 s 45; 1Sp1995 c 3 art 16 s 13; 1996 c 412 art 13 s 25,26*

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 children, families, and learning, 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; 1Sp1995 c 3 art 16 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. [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

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 subs 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 partic-

ipant, 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 GRADUATION INCENTIVES PROGRAM.

Subdivision 1. **Purpose.** The legislature finds that it is critical to provide options for children to succeed in school. 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.

Subd. 2. **Eligible pupils.** The following pupils are eligible to participate in the education options program:

- (a) any pupil under the age of 21 who:
 - (1) performs substantially 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) has been referred by a school district for enrollment in an eligible program or a program pursuant to section 126.23; or

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

(8) has experienced mental health problems; or

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

(10) speaks English as a second language or has limited English proficiency; or

(b) 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 reemployment insurance 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.

Subd. 2a. [Repealed, 1993 c 224 art 4 s 45]

Subd. 3. **Eligible programs.** (a) A pupil who is eligible according to subdivision 2 may enroll in 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 and who is between the ages of 16 and 21 may enroll in post-secondary courses under section 123.3514.

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

(d) A pupil who is eligible under subdivision 2, may enroll in any nonprofit, nonpublic, nonsectarian school that has contracted with the serving school district to provide educational services.

(e) A pupil who is between the ages of 16 and 21 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), 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 serving school district 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 3a or an area learning center established under section 124C.45; or

(2) an eligible pupil under subdivision 2, 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 children, families, and learning, about the 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 ac-

ording to sections 124A.036, subdivision 5, 124.245, subdivision 6, and 124.225, subdivision 8l, respectively.

Subd. 8. Enrollment verification. (a) For a pupil attending an eligible program full time under subdivision 3, paragraph (d), the department of children, families, and learning shall pay 90 percent of the basic revenue of the district to the eligible program and ten 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.

(b) The department of children, families, and learning shall pay up to 100 percent of the basic revenue to the eligible program if there is an agreement to that effect between the school district and the eligible program.

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; 1993 c 224 art 4 s 34-37; art 7 s 23; art 9 s 54; 1994 c 488 s 8; 1994 c 647 art 4 s 28-30; 1Sp1995 c 3 art 1 s 51; art 8 s 8; art 16 s 13; 1996 c 412 art 4 s 18-22

126.23 AID FOR CONTRACTED ALTERNATIVE PROGRAMS.

Subdivision 1. Aid. 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 district contracting with the private organization must reimburse the provider an amount equal to at least 90 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 children, families, and learning shall not make a payment for the same pupil under section 126.22, subdivision 8.

Subd. 2. Reserve account. During the term of the contract to provide educational services under subdivision 1, all state aid under subdivision 1 accrues to the account assigned to the alternative program site and is reserved for that site.

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; 1994 c 647 art 4 s 31; 1Sp1995 c 3 art 16 s 13; 1996 c 412 art 4 s 23

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 children, families, and learning 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; 1Sp1995 c 3 art 16 s 13

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 children, families, and learning 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 non-public schools. The commissioner shall adopt a schedule for fee subsidies that may allow payment of the entire fee for low-income families, as defined by the commissioner. The commissioner may also determine the circumstances under which the fee is subsidized, in whole or in part. The commissioner 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; 1993 c 224 art 13 s 46; 1994 c 647 art 7 s 9; 1Sp1995 c 3 art 16 s 13

126.24 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

126.25 [Repealed, 1995 c 226 art 3 s 64]

**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 department of children, families, and learning 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; 1Sp1995 c 3 art 16 s 13

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 children, families, and learning 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; 1Sp1995 c 3 art 16 s 13

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 children, families, and learning 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 children, families, and learning 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; 1Sp1995 c 3 art 16 s 13

126.267 TECHNICAL ASSISTANCE.

The commissioner 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; 1993 c 224 art 13 s 47

126.268 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

126.269 CONSTRUCTION.

Nothing in the provisions of sections 126.261 to 126.267 shall be construed to violate the provisions of section 127.08 or chapter 363. Programs and activities pursuant to sections 126.261 to 126.267 shall be deemed to be positive action programs to combat discrimination.

History: 1980 c 609 art 3 s 22; 1993 c 224 art 14 s 16; 1994 c 465 art 2 s 1

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]

CULTURAL EXCHANGE

126.43 SUMMER CULTURAL EXCHANGE GRANT PROGRAM.

Subdivision 1. **Cultural exchange program goals.** A cultural exchange grant program is established to develop and create opportunities for children and staff of different ethnic, racial, and other cultural backgrounds to experience educational and social exchange. Student and staff exchanges under this section may only take place between a district with a desegregation plan approved by the state board of education and a district without a desegregation plan. Participating school districts shall offer summer programs for credit with the goals set forth in paragraphs (a) to (d).

(a) The program shall develop curriculum reflective of particular ethnic, racial, and other cultural aspects of various demographic groups in the state.

(b) The program shall develop immersion programs that are coordinated with the programs offered in paragraph (a).

(c) The program shall create opportunities for students from across the state to enroll in summer programs in school districts other than the one of residence, or in other schools within their district of residence.

(d) The program shall create opportunities for staff exchanges on a cultural basis.

Subd. 2. **Cultural exchange grants.** A school district together with a group of school districts, a cooperative governmental unit, the center for arts and education, or a post-secondary institution may apply for cultural exchange grants. The commissioner of children, families, and learning shall determine grant recipients and may adopt application guidelines. The grants must be competitively determined and applicants must demonstrate:

(1) the capacity to develop a focused curriculum that reflects the particular ethnic, racial, and other cultural aspects of the community in which the school where the program is offered is located;

(2) the capacity to develop immersion programs coordinated with the curriculum developed in clause (1);

(3) the capacity to coordinate a cultural exchange program with other curriculum programs to assure continuity in a pupil's education;

(4) the capacity to maximize diversity of ethnic, racial, and other cultural backgrounds of participants;

(5) that the application is jointly developed by participants; and

(6) that the outcomes of the exchange program are clearly articulated.

Subd. 3. **Grant use.** The grants may be used for staff time including salary and benefit expenses and costs for substitute staff, travel expenses, curriculum materials, and any other expense needed to meet the goals of the program. Grant proceeds also may be used for transportation, board, and lodging expenses for students.

History: 1994 c 647 art 8 s 23; 1Sp1995 c 3 art 16 s 13

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 cul-

ture; 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. 2a. Resolution or letter. All persons applying for a license under this section must submit to the board a resolution or letter of support signed by an American Indian tribal government or its designee. All persons holding a license under this section on July 1, 1995, must have on file with the board a resolution or letter of support signed by a tribal government or its designee by January 1, 1996, or the next renewal date of the license thereafter.

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 children, families, and learning, 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; 1Sp1995 c 3 art 3 s 9; art 16 s 13

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 whose membership consists of a majority of parents of American Indian children has been or is established according to federal, tribal, or other state law, that committee may serve as the committee required by this section and shall be subject to, at least, the requirements of this subdivision and subdivision 1a.

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 children, families, and learning a copy of a resolution adopted by the parent committee. The copy must be signed by the chair of the committee and must state whether the committee concurs with the educational programs for American Indian children offered by the school board or American Indian school. If the committee does not concur with the educational programs, the reasons for nonconcurrency and recommendations shall be submitted with the resolution. By resolution, the school board shall respond, in cases of nonconcurrency, 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; 1994 c 647 art 3 s 19; 1Sp1995 c 3 art 16 s 13

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 commissioner 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 commissioner 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; 1993 c 224 art 13 s 48,49

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, which expire no later than June 30, 1997.

History: 1979 c 219 s 2; 1983 c 260 s 27; 1988 c 718 art 3 s 15; 1996 c 412 art 3 s 32

126.54 CONTINUATION OF INDIAN EDUCATION 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 commissioner 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. 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; 1993 c 224 art 13 s 50; art 14 s 13

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

ACADEMIC ENRICHMENT SCHOLARSHIPS**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 services office 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 office shall award scholarships within the limits of the appropriation for this section. If the amount appropriated is insufficient, the office 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 services office; and
- (5) be approved by the commissioner.

Subd. 5. Advisory committee. An advisory committee shall assist the state board of education in approving eligible programs and shall assist the higher education services office in planning, implementing, and evaluating the scholarship program. The committee shall consist of 11 members, to include the executive director of the higher education services office or a representative, the commissioner of children, families, and learning or a representative, two secondary school administrators and two secondary teachers appointed by the commissioner of children, families, and learning, the executive director of the academic excel-

lence foundation, a private college representative appointed by the president of the Minnesota private college council, a community college representative and a state university representative appointed by the chancellor of the Minnesota state colleges and universities, and a University of Minnesota representative appointed by the president of the University of Minnesota. The committee expires June 30, 1997.

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

Subd. 7. Administration. The higher education services office and commissioner 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; 1993 c 224 art 13 s 51,52; 1Sp1993 c 2 art 3 s 3; 1995 c 212 art 3 s 1; 1Sp1995 c 3 art 16 s 13*

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]

126.661 Subdivision 1. MS 1995 Supp [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 2. MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 3. MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 3a. MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 4. MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 5. MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 6. MS 1995 Supp [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

126.662 MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

126.663 Subdivision 1. MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 2. MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 3. MS 1995 Supp [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

126.664 MS 1995 Supp [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

126.665 MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

126.666 Subdivision 1. MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 2. MS 1995 Supp [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 3. MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 4. MS 1995 Supp [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 4a. MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 4b. MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 5. MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

126.67 Subdivision 1. MS 1986 [Repealed, 1987 c 398 art 8 s 45; 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 1a. MS 1986 [Repealed, 1987 c 398 art 8 s 45; 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 2. MS 1984 [Repealed, 1Sp1985 c 12 art 8 s 65; 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 2a. MS 1986 [Repealed, 1987 c 398 art 8 s 45; 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 2b. MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 3. MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 3a. MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 4. MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 5. MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 5a. MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 5b. MS 1984 [Repealed, 1Sp1985 c 12 art 8 s 65; 1987 c 398 art 8 s 45; 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 6. MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 7. MS 1994 [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

Subd. 8. MS 1995 Supp [Repealed, 1993 c 224 art 12 s 32]

Subd. 9. MS 1986 [Repealed, 1987 c 398 art 8 s 45; 1993 c 224 art 12 s 32]

126.68 MS 1995 Supp [Repealed, 1993 c 224 art 12 s 32; 1993 c 374 s 22]

MISCELLANEOUS PROVISIONS

126.681 EVALUATION OF PUPIL GROWTH AND PROGRESS; PERMANENT RECORDS.

Each school district shall provide a testing program for the purpose of measuring pupil growth and for curriculum evaluation, as well as a system for grading and making reports to parents. Each district shall develop an appropriate program of pupil progress and promotion for its elementary, middle, and secondary schools. Each district shall keep accurate and complete individual, permanent, cumulative personal records for all pupils.

History: 1993 c 224 art 12 s 28

126.69 PARENTAL INVOLVEMENT PROGRAMS.

Subdivision 1. **Program goals.** The department of children, families, and learning, 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;

(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; and

(6) encourage parents to help in promoting school desegregation/integration.

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, or as volunteers in before and after school programs for school-age children, 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;

(12) involvement in a district's curriculum advisory committee or a school building team under section 126.666; and

(13) opportunities for parent involvement in developing, implementing, or evaluating school and district desegregation/integration plans.

History: 1990 c 562 art 8 s 34; 1991 c 130 s 37; 1992 c 499 art 8 s 7; 1994 c 647 art 4 s 32,33; 1Sp1995 c 3 art 16 s 13

126.699 PARENTAL CURRICULUM REVIEW.

Each school district shall have 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. School personnel may not impose an academic or other penalty upon a student merely for arranging alternative instruction under this section. School personnel may evaluate and assess the quality of the student's work.

History: 1993 c 224 art 12 s 29

126.70 STAFF DEVELOPMENT PROGRAM.

Subdivision 1. **Staff development committee.** A school board shall use the revenue authorized in section 124A.29 for in-service education for programs under section 126.77, subdivision 2, or for staff development plans under this section. The board must establish a staff development committee to develop the plan, assist site decision-making teams in developing a site plan consistent with the goals of the plan, and evaluate staff development efforts at the site level. A majority of the advisory committee must be teachers representing various grade levels, subject areas, and special education. The advisory committee must also include nonteaching staff, parents, and administrators. Districts shall report staff development results and expenditures to the commissioner in the form and manner determined by the commissioner. The expenditure report shall include expenditures by the school board for district level activities and expenditures made by the staff. The report shall provide a breakdown of expenditures for (1) curriculum development and programs, (2) in-service education, workshops, and conferences, and (3) the cost of teachers or substitute teachers for staff development purposes. Within each of these categories, the report shall also indicate whether the expenditures were incurred at the district level or the school site level, and whether the school site expenditures were made possible by the grants to school sites that demonstrate exemplary use of allocated staff development revenue. These expenditures are to be reported using the UFARS system. The commissioner shall report the staff development expenditure data to the education committees of the legislature by February 15 each year.

Subd. 2. **Contents of the plan.** The plan must include the staff development outcomes under subdivision 2a, the means to achieve the outcomes, and procedures for evaluating progress at each school site toward meeting education outcomes.

Subd. 2a. **Staff development outcomes.** The staff development committee shall adopt a staff development plan for improving student achievement of education outcomes. The plan must be consistent with education outcomes that the school board determines. The plan shall include ongoing staff development activities that contribute toward continuous improvement in achievement of the following goals:

(1) improve student achievement of state and local education standards in all areas of the curriculum;

(2) effectively meet the needs of a diverse student population, including at-risk children, children with disabilities, and gifted children, within the regular classroom and other settings;

(3) provide an inclusive curriculum for a racially, ethnically, and culturally diverse student population that is consistent with the state education diversity rule and the district's education diversity plan;

(4) improve staff ability to collaborate and consult with one another and to resolve conflicts;

(5) effectively teach and model violence prevention policy and curriculum that address issues of harassment and teach nonviolent alternatives for conflict resolution; and

(6) provide teachers and other members of site-based management teams with appropriate management and financial management skills.

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; 1993 c 224 art 7 s 24; 1994 c 647 art 7 s 10,11; 1Sp1995 c 3 art 8 s 9; 1996 c 412 art 9 s 11*

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 children, families, and learning. 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; 1Sp1995 c 3 art 16 s 13*

126.77 VIOLENCE PREVENTION EDUCATION.

Subdivision 1. Violence prevention curriculum. (a) The commissioner of children, families, and learning, 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 services, life management skills services, case coordination services, mental health services, and early intervention services;

(6) collaboration among districts and SCs;

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

(8) opportunities for teachers to receive in-service training or attend other programs on strategies or curriculum designed to assist students in intervening in or preventing violence in school and at home; and

(9) 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; 1994 c 647 art 4 s 34; 1Sp1995 c 3 art 16 s 13; 1996 c 305 art 1 s 138

126.78 VIOLENCE PREVENTION EDUCATION GRANTS.

Subdivision 1. Grant program established. The commissioner of children, families, and learning, 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 or to continue 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 or to continue 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, a service cooperative, 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) continue or 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 or to continue a violence prevention program according to the terms of the grant application.

Subd. 5. Report. A report detailing the costs and results of programs funded under this section must be submitted to the chairs of the committees in the senate and house of representatives with jurisdiction over crime prevention funding and criminal justice policy by February 15 each year.

History: 1992 c 571 art 10 s 30; 1994 c 576 s 2; 1994 c 647 art 4 s 35; 1Sp1995 c 3 art 9 s 29; art 16 s 13

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

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

126.82 STATE MULTICULTURAL EDUCATION ADVISORY COMMITTEE.

(a) The commissioner shall appoint a state multicultural education advisory committee to advise the department and the state board on multicultural education. The committee must have 12 members and be composed of representatives from among the following groups and community organizations: African-American, Asian-Pacific, Hispanic, and American Indian.

(b) The state committee shall provide information and recommendations on:

(1) department procedures for reviewing and approving district plans and disseminating information on multicultural education;

(2) department procedures for improving inclusive education plans, curriculum and instruction improvement plans, and performance-based assessments;

(3) developing learner outcomes which are multicultural; and

(4) other recommendations that will further inclusive, multicultural education.

(c) The committee shall also participate in determining the criteria for and awarding the grants established under Laws 1993, chapter 224, article 8, section 22, subdivision 8.

History: 1993 c 224 art 8 s 10

126.83 SECONDARY CREDIT FOR STUDENTS.

A student who satisfactorily completes a high school course shall receive secondary course credit and the credit shall count toward the student's graduation requirements.

History: 1993 c 224 art 9 s 35; 1996 c 412 art 7 s 12

126.84 MALE RESPONSIBILITY AND FATHERING GRANTS.

Subdivision 1. Establishment. The commissioner of children, families, and learning, in consultation with the commissioner of human services, shall make male responsibility and fathering grants to youth or parenting programs that collaborate with school districts to educate young people, particularly males ages ten to 21, on the responsibilities of parenthood.

Subd. 2. Matching money. Each dollar of state money must be matched with at least 50 cents of nonstate money including in-kind contributions. Those programs with a higher match will have a greater chance of receiving a grant.

Subd. 3. Expected outcomes. Grant recipients shall use the funds for programs designed to prevent teen pregnancy and to prevent crime in the long term. Recipient programs must assist youth to:

(1) understand the connection between sexual behavior, adolescent pregnancy, and the roles and responsibilities of marriage and parenting;

(2) understand the long-term responsibility of fatherhood;

(3) understand the importance of fathers in the lives of children;

(4) acquire parenting skills and knowledge of child development; and

(5) find community support for their roles as fathers and nurturers of children.

Subd. 4. Grant applications. (a) An application for a grant may be submitted by a youth or parenting program whose purpose is to reduce teen pregnancy or teach child development and parenting skills in collaboration with a school district. Each grant application must include a description of the program's structure and components, including collaborative and outreach efforts; an implementation and evaluation plan to measure the program's success; a plan for using males as instructors and mentors; and a cultural diversity plan to ensure that staff or teachers will reflect the cultural backgrounds of the population served and that the program content is culturally sensitive.

(b) Grant recipients must, at a minimum, provide education in responsible parenting and child development, responsible decision-making related to marriage and relationships, and the legal implications of paternity. Grant recipients also must provide public awareness efforts in the collaborating school district. Grant recipients may offer support groups, health and nutrition education, and mentoring and peer teaching.

(c) A grant applicant must establish an advisory committee to assist the applicant in planning and implementation of a grant. The advisory committee must include student representatives, adult males from the community, representatives of community organizations, teachers, parent educators, and representatives of family social service agencies.

Subd. 5. Administration. The commissioner of children, families, and learning shall administer male responsibility and fathering grants. The commissioner shall establish a grant review committee composed of teachers and representatives of community organizations, student organizations, and education or family social service agencies that offer parent education programs.

Subd. 6. Report. The commissioner shall report to the legislature on the progress of the male responsibility and fathering programs by January 15, 1996.

History: 1994 c 647 art 8 s 24; 1Sp1995 c 3 art 16 s 13