

CHAPTER 125B

EDUCATION AND TECHNOLOGY

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125B 01 DEFINITIONS

For the purpose of this chapter, the terms defined in section 120A 05 have the same meaning

History *Ex1959 c 71 art 2 s 1, 1998 c 397 art 11 s 3*

125B 02 STATE GOALS FOR TECHNOLOGICAL ADVANCES IN EDUCATION

The general framework outcomes for technology use in education are

(1) all Minnesota educational institutions, libraries, and communities will have access to local, state, and worldwide instructional resources databases,

(2) development of policies and procedures that assure instructional resource availability to help students successfully achieve education excellence and state standards,

(3) databases are accessible withm each district and on the Internet, and

(4) development of policies, procedures, and systems that stimulate and promote teacher and student curriculum and learning collaboration

History *1Sp1995 c 3 art 12 s 2, 1998 c 397 art 1 s 58*

125B 022 CONTRACTS FOR COMPUTERS OR RELATED EQUIPMENT OR SERVICE

(a) The school board of a school district may not enter into a contract or permit a school within the district to enter into a contract for the use of a computer or related equipment or service that requires advertising to be disseminated to students unless the school board

(1) enters into the contract at a public hearing of the school board,

(2) makes a finding that the offered electronic product or service is an integral component of students' education,

(3) provides written notice to students' parents that advertising will be used in the classroom, media center, computer lab, or other areas of learning, whether data will be collected on students, and how that data will be used,

(4) as part of normal, ongoing district communications with parents, allows parents to request in writing that (i) their student not be exposed to the program that contains the advertising for the current school year, or that (ii) any or all data relating to the student that is collected as a result of this contract is not disclosed, and

(5) honors parents' request, under clause (4), that their student not be exposed to the advertising program or that data relating to the student is not disclosed and allows parents to withdraw their request at any time

(b) Advertising under this section does not include

(1) the identification of the source of the document or information, and

(2) advertising that is generally available to the public viewing a particular site or application and is not directed specifically to students benefiting from a contract under paragraph (a)

History 2000 c 489 art 6 s 7

125B 05 STATE INFORMATION SYSTEM

Subdivision 1 **Information system** The department of children, families, and learning shall develop and maintain a computerized information system for state information needs

Subd 2 **Purposes** The purposes of the computerized information system shall be

(a) To provide comparable and accurate educational information in a manner which is timely and economical,

(b) To ensure accountability for state appropriations,

(c) To collect data to assess the needs of learners and children,

(d) To provide school districts with an educational information system capability which will meet school district management needs, and

(e) To provide for computerized analysis of educational information to meet the management needs of the state of Minnesota

Subd 3 **Software development** A school district, charter school, or cooperative unit may not implement a financial, student, or staff software system until the system has been reviewed by the department to ensure that it provides the required data elements and format

History 1980 c 609 art 7 s 10, 1981 c 193 s 1 3, 1981 c 253 s 24, 1981 c 358 art 5 s 2, 1982 c 424 s 130, 1983 c 258 s 24, 1Sp1985 c 12 art 7 s 9, 1987 c 258 s 12, 1987 c 384 art 2 s 1, 1988 c 486 s 11, 1989 c 329 art 11 s 2 4, 1990 c 562 art 8 s 9,10, 1991 c 265 art 9 s 15 17, 1993 c 224 art 6 s 3, 1994 c 465 art 2 s 1, 1994 c 647 art 6 s 1, 1Sp1995 c 3 art 9 s 9, art 16 s 13, 1998 c 397 art 4 s 51, 1999 c 241 art 5 s 15

125B 07 DEPARTMENT DUTIES

Subdivision 1 **Data acquisition calendar** The department of children, families, and learning shall maintain a current annual data acquisition calendar specifying the reports which districts are required to provide to the department and the dates these reports are due

Subd 2 **Exemption from chapter 14** The annual data acquisition calendar and the essential data elements are exempt from the Administrative Procedure Act

Subd 3 **Data system** The department shall develop and operate a computerized data system. The system shall include (1) information required by federal or state law or rule, and (2) information needed by the divisions of the department in order to disburse funds, to implement research or special projects approved by the commissioner, and to meet goals or provide information required by the commissioner, the governor, the legislature or the federal government

Subd 4 **Certification of software vendors** The commissioner shall maintain a list of certified service providers for administrative data processing software and support. To be certified, a service provider must provide the commissioner with a written statement identifying software products and support functions that will be provided to school districts and stating its intent to meet state standards for software, data elements, edits, and support services. The standards must ensure the quality of the data reported to the state. The commissioner must conduct regular training sessions for service providers on the standards. If a service provider fails to meet the standards, the commissioner must notify the service provider of areas of noncompliance and assist the service provider in correcting the problem. If the provider fails to comply with standards within two months of being notified of noncompliance, the commissioner may remove the service provider from the list of certified providers. The commissioner

may recertify a service provider when the commissioner determines that the areas of noncompliance have been corrected

Subd 5 Information on certified service providers The commissioner must include the list of certified service providers in the annual data acquisition calendar. The commissioner must notify school districts if a service provider is removed from the list and of the areas of noncompliance.

Subd 6 Essential data The department shall maintain a list of essential data elements which must be recorded and stored about each pupil, licensed and nonlicensed staff member, and educational program. Each school district must provide the essential data to the department in the form and format prescribed by the department.

Subd 7 Contracting The department may provide by contract for the technical support of and the development of applications software by a regional management information center or by any other appropriate provider.

History 1980 c 609 art 7 s 11, 1981 c 253 s 25, 1982 c 424 s 130, 1987 c 398 art 7 s 14,15, 1991 c 265 art 9 s 18 20, 1992 c 499 art 6 s 1,2, 1993 c 224 art 14 s 6, 1Sp1995 c 3 art 9 s 10, art 16 s 13, 1998 c 397 art 4 s 51, 1998 c 398 art 5 s 55

125B 09 DEPARTMENT POWERS AND DUTIES DELEGATED

The department may provide, by the delegation of powers and duties or by contract, for the implementation and technical support of a computerized information reporting system, including the development of applications software pursuant to section 125B 05, subdivision 3, by any appropriate provider.

History 1980 c 609 art 7 s 12, 1987 c 258 s 3, 1990 c 375 s 3, 1991 c 265 art 9 s 21, 1Sp1995 c 3 art 9 s 11, 1998 c 397 art 4 s 51, art 11 s 3

125B 11 REGIONAL CLEARINGHOUSES FOR IMPROVING EDUCATION TECHNOLOGY

Subdivision 1 Establishment The commissioner of children, families, and learning shall establish a grant program for regional clearinghouses for school districts. The grants must be used to upgrade and refurbish computers that are donated to schools and provide opportunities for student involvement. The purposes of the enterprises are to

(1) serve as centers where business or others may donate new or used computer and other technology for use by Minnesota schools,

(2) provide an opportunity for students to upgrade donated and existing school owned computers so that they are capable of being connected to the Internet and local networks, and

(3) provide a means of informing schools of available technology and distributing donated and upgraded computers to schools for technology improvements in support of learning.

Each clearinghouse must encourage opportunities for students to learn skills, including the technical skills needed to retrofit and upgrade computers. The clearinghouse shall retain the ability to review equipment for suitability and refuse equipment that does not meet the standards or is not suitable for use in schools. At a minimum, all donated computers must be suitable for upgrade so that the retrofitted computer can be connected to the Internet and a local computer network.

Subd 2 Grants The commissioner shall establish procedures and develop forms for applying for grants under this section. The grants may be used to purchase needed technology for upgrading donated computers and other donated technology, for the cost of computer distribution, and for the cost of informing businesses and others about technology donations to the clearinghouse. The commissioner shall develop guidelines for the use and distribution of any computers donated and upgraded through this grant.

program The commissioner may establish priorities and prorate grants to match appropriations for the grant program

History 1996 c 412 art 12 s 1, 1998 c 397 art 4 s 51

125B 15 INTERNET ACCESS FOR STUDENTS

(a) Recognizing the difference between school libraries, school computer labs, and school media centers, which serve unique educational purposes, and public libraries, which are designed for public inquiry, all computers at a school site with access to the Internet available for student use must be equipped to restrict, including by use of available software filtering technology or other effective methods, all student access to material that is reasonably believed to be obscene or child pornography or material harmful to minors under federal or state law

(b) A school site is not required to purchase filtering technology if the school site would incur more than incidental expense in making the purchase

(c) A school district receiving technology revenue under section 125B 25 must prohibit, including through use of available software filtering technology or other effective methods, adult access to material that under federal or state law is reasonably believed to be obscene or child pornography

(d) A school district, its agents or employees, are immune from liability for failure to comply with this section if they have made a good faith effort to comply with the requirements of this section

(e) "School site" means an education site as defined in section 123B 04, subdivision 1, or charter school under section 124D 10

History 2000 c 489 art 6 s 25

125B 20 TELECOMMUNICATION ACCESS GRANT AND STATEWIDE COORDINATION

Subdivision 1 Establishment, purpose The purpose of developing a statewide school district telecommunications network is to expand the availability of a broad range of courses and degrees to students throughout the state, to share information resources to improve access, quality, and efficiency, to improve learning, and distance cooperative learning opportunities, and to promote the exchange of ideas among students, parents, teachers, media generalists, librarians, and the public In addition through the development of this statewide telecommunications network emphasizing cost-effective, competitive connections, all Minnesotans will benefit by enhancing access to telecommunications technology throughout the state Network connections for school districts and public libraries are coordinated and fully integrated into the existing state telecommunications and interactive television networks to achieve comprehensive and efficient interconnectivity of school districts and libraries to higher education institutions, state agencies, other governmental units, agencies, and institutions throughout Minnesota A school district may apply to the commissioner for a grant under subdivision 2, and a regional public library may apply under subdivision 3 The Minnesota education telecommunications council established in Laws 1995, First Special Session chapter 3, article 12, section 7, shall establish priorities for awarding grants, making grant awards, and being responsible for the coordination of networks

Subd 2 School district telecommunications grant (a) Priority will be given to a school district that has not received access to interactive video, data connection, or both under the telecommunications access grant program Districts may apply for a grant under this subdivision to (1) establish connections among school districts, and between school districts and the state information infrastructure administered by the department of administration under section 16B 465, or (2) if such a connection meeting minimum electronic connectivity standards is already established, enhance telecommunications capacity for a school district A district may submit a grant application for interactive television with higher capacity connections in order to maintain multiple simultaneous connections To ensure coordination among school

districts, a school district must submit its grant application to the council through the telecommunications access grant cluster of which the district is a member

(b) The application must, at a minimum, contain information to document for each applicant school district the following

(1) that the proposed connection meets the minimum standards and employs an open network architecture that will ensure interconnectivity and interoperability with other education institutions and libraries,

(2) that the proposed connection and system will be connected to the state information infrastructure through the department of administration under section 16B 465,

(3) that the proposed connection and system will be connected to the higher education telecommunication network and that a governance agreement has been adopted which includes agreements between the school district system, a higher education regional council, libraries, and coordinating entities,

(4) the telecommunication vendor selected to provide service from the district to a state information infrastructure hub or to a more cost-effective connection point to the state information infrastructure, and

(5) other information, as determined by the commissioner in consultation with the education telecommunications council, to ensure that connections are coordinated, meet state standards and are cost-effective, and that service is provided in an efficient and cost effective manner

(c) A school district may include, in its grant application, telecommunications access for collaboration with nonprofit arts organizations for the purpose of educational programs, or access for a secondary media center that (1) is a member of a multitype library system, (2) is open during periods of the year when classroom instruction is occurring, and (3) has licensed school media staff on site

(d) The Minnesota education telecommunications council shall award grants and the funds shall be dispersed by the commissioner. Grant applications must be submitted to the commissioner by a telecommunications access grant cluster organization. For the purposes of the grant, a school district may include a charter school under section 124D 10, or the Minnesota state academies. Based on the award made by the council, all grants under this subdivision shall be paid by the commissioner directly to a school district (unless this application requests that the funds be paid to the coordinating agency). Nonpublic schools as defined in section 237 065, subdivision 2 located within the district may access the network. The nonpublic school is responsible for actual costs for connection from the school to the access site.

(e) Money awarded under this section may be used only for the purposes explicitly stated in the grant application.

Subd 3 Regional library telecommunication grant (a) A regional public library system may apply for a telecommunication access grant. Priority will be given to public libraries that have not received access to data connection under the telecommunications access grant program. The grant must be used to create or expand the capacity of electronic data access and connect the library system with the state information infrastructure administered by the department of administration under section 16B 465. To be eligible for a telecommunications access grant, a regional public library system must meet the level of local support required under section 134 34.

(b) Any grant award under this subdivision may not be used to substitute for any existing local funds allocated to provide electronic access, or equipment for library staff or the public, or local funds previously dedicated to other library operations.

(c) An application for a regional public library telecommunications access grant must, at a minimum, contain information to document the following

(1) that the connection meets the minimum standards and employs an open network architecture that will ensure interconnectivity and interoperability with other libraries and the educational system,

(2) that the connection is being established through the most cost-effective means and that the public library has explored and coordinated connections through school districts or other governmental agencies,

(3) that the proposed connection and system will be connected to the state information infrastructure through the department of administration under section 16B 465,

(4) that the proposed connection and system will be connected to the higher education and to the school district telecommunication networks subject to a governance agreement with one or more school districts and a higher education regional council specifying how the system will be coordinated,

(5) the telecommunication vendor selected to provide service from the library to a state information infrastructure hub or through a more cost effective connection point to the state information infrastructure, and

(6) other information, as determined by the commissioner, to ensure that connections are coordinated, meet state standards, are cost effective, and that service is provided in an efficient and cost-effective manner so that libraries throughout the state are connected in as seamless a manner as technically possible

Subd 4 Award of grants The council shall develop application forms and procedures for telecommunication access grants. The council shall select the grant recipient and shall promptly notify any applicant that is found not to be qualified. The commissioner shall make the grant payments directly to the school district or regional library system. At the request of the district or regional library system, the commissioner may make the grant payment directly to the coordinating organization.

Subd 5 E rates The telecommunication access grant clusters are required to file e-rate applications for telecommunication access grant-related expenditures on behalf of grant participants in their clusters. Discounts received on telecommunication access grant expenditures shall be used to offset or reduce operations funding provided by the state.

History *1Sp1995 c 3 art 12 s 4, 1996 c 412 art 12 s 2,3, 1998 c 359 s 17,18, 1998 c 397 art 11 s 3, 1999 c 241 art 2 s 61, art 4 s 11*

NOTE This section is repealed by Laws 1997 First Special Session chapter 4 article 9 section 13 as amended by Laws 1999 chapter 241 article 4 section 19 effective July 1 2001

125B 21 MINNESOTA EDUCATION TELECOMMUNICATIONS COUNCIL

Subdivision 1 State council membership The membership of the Minnesota education telecommunications council established in Laws 1993, First Special Session chapter 2, is expanded to include representatives of elementary and secondary education. The membership shall consist of three representatives from the University of Minnesota, three representatives of the board of trustees for Minnesota state colleges and universities, one representative of the higher education services offices, one representative appointed by the private college council, one representative selected by the commissioner of administration, eight representatives selected by the commissioner of children, families, and learning, at least one of which must come from each of the six higher education telecommunication regions, a representative from the office of technology, two members each from the senate and the house of representatives selected by the subcommittee on committees of the committee on rules and administration of the senate and the speaker of the house, one member from each body must be a member of the minority party, and three representatives of libraries, one representing regional public libraries, one representing multitype libraries, and one representing community libraries, selected by the governor. The council shall

(1) develop a statewide vision and plans for the use of distance learning technologies and provide leadership in implementing the use of such technologies,

(2) recommend educational policy relating to telecommunications,

(3) determine priorities for use,

(4) oversee coordination of networks for post-secondary campuses, kindergarten through grade 12 education, and regional and community libraries,

(5) review application for telecommunications access grants under Minnesota Statutes, section 125B 20, and recommend to the department grants for funding,

(6) determine priorities for grant funding proposals, and

(7) work with the information policy office to ensure consistency of the operation of the learning network with standards of an open system architecture

The council shall consult with representatives of the telecommunication industry implementing this section

Subd 2 District council membership District organizations that coordinate applications for telecommunication access grants are encouraged to become members of the regional higher education telecommunication council in their area

Subd 3 Criteria In addition to responsibilities of the council under Laws 1993, First Special Session chapter 2, as amended, the telecommunications council shall evaluate grant applications under section 125B 20 and applications from district organizations using the following criteria

(1) evidence of cooperative arrangements with other post secondary institutions, school districts, and community and regional libraries in the geographic region,

(2) plans for shared classes and programs,

(3) avoidance of network duplication,

(4) evidence of efficiencies to be achieved in delivery of instruction due to use of telecommunications,

(5) a plan for development of a list of all courses available in the region for delivery at a distance,

(6) a plan for coordinating and scheduling courses, and

(7) a plan for evaluation of costs, access, and outcomes

History *1Sp1995 c 3 art 12 s 7, 1Sp1997 c 4 art 9 s 12, 1998 c 270 s 4, 1998 c 359 s 20, 1999 c 241 art 4 s 18,28, 2000 c 489 art 10 s 13*

125B 25 TELECOMMUNICATIONS ACCESS REVENUE

Subdivision 1 Costs to be submitted A district shall submit its outstanding ongoing or recurring telecommunications access costs associated with data lines and video links to the department of children, families, and learning. Costs of telecommunications hardware or equipment must not be included in the costs submitted by districts to the department. A district may include installation charges associated with new lines or upgraded lines, but may not include costs of hardware or equipment.

Subd 2 Guaranteed minimum access (a) The ongoing or recurring telecommunications access costs submitted to the department by each district under this section are limited to the operation costs equal to the greater of

(1) one data line or video link that relies on a transport medium that operates at a minimum speed of 1 544 megabytes per second for each elementary school, middle school, or high school under section 120A 05, subdivisions 9, 11, and 13, or

(2) one data line or video link that relies on a transport medium that operates at a minimum speed of 1 544 megabytes per second for each district

(b) A district may include costs associated with cooperative arrangements with other post-secondary institutions, school districts, and community and regional libraries in its geographic region. A district may continue to purchase its ongoing or recurring telecommunications access services through existing contracts.

Subd 3 E rates To be eligible for revenue under this section, a district is required to file an e-rate application either separately or through their telecommunications grant cluster. Discounts received on telecommunications expenditures shall be used to offset the amount submitted to the department for per pupil revenue under this section.

Subd 4 Calculation of costs By December 15 of each year, the commissioner shall calculate the ongoing or recurring telecommunications access cost per adjusted marginal cost pupil unit submitted by each school district under subdivisions 1 and 2 for the year in which the data is submitted minus the reserved revenue under section 126C 10, subdivision 13, paragraph (d). Districts shall submit their anticipated ongoing or recurring telecommunications access costs, adjusted for any e rate revenue received to the department based on contracts entered into by the district for that school year. Districts shall also submit their actual telecommunications access costs by August 15 of each year and adjusted for any e rate revenue received to the department as prescribed by the commissioner.

Subd 5 District revenue A district shall receive an amount equal to the amount as calculated by the commissioner under subdivision 4, times the adjusted marginal cost pupil units for that year, times 65 percent.

Subd 6 Revenue for charter schools (a) Each charter school shall receive revenue equal to the greater of

- (1) the per marginal cost pupil unit amount for the district in which the charter school is located as determined by the commissioner according to subdivision 4, or
- (2) \$5,

times the adjusted marginal cost pupil units for that year, times 65 percent.

(b) A charter school's revenue under this subdivision must be used to pay for ongoing or recurring telecommunication access costs, including access to data lines, video lines, or Internet access.

Subd 7 Telecommunication access services for nonpublic schools (a) Districts shall provide each year upon formal request by or on behalf of a nonpublic school, not including home schools, located in that district or area, ongoing or recurring telecommunication access services to the nonpublic school either through existing district providers or through separate providers.

(b) The amount of district revenue for telecommunication access services for each nonpublic school under this subdivision is equal to

- (1) \$5 plus
- (2) the per marginal cost pupil unit amount for the district as determined in subdivision 5, times the number of pupils who are enrolled at the nonpublic school as of October 1 of the current school year.

(c) Each year, a district providing services under paragraph (a) may claim up to five percent of the revenue determined in paragraph (b) for costs of administering this subdivision. No district may expend an amount for these telecommunication access services which exceeds the amount allocated under this subdivision. The nonpublic school is responsible for the telecommunications access costs not covered by this section.

(d) At the request of a nonpublic school, districts may allocate the amount determined in paragraph (b) directly to the nonpublic school to pay for or offset the nonpublic school's costs for telecommunication access services, however, the amount allocated directly to the nonpublic school may not exceed the actual amount of the school's ongoing or recurring telecommunication access costs.

Subd 8 Reimbursement criteria The commissioner, working with the commissioner of administration and the Minnesota education telecommunications council, shall develop reimbursement criteria that schools must address when submitting ongoing or recurring telecommunications costs as determined in subdivisions 1 and 2. The criteria must assist schools to procure telecommunications access services in the most efficient and cost-effective manner possible.

Subd 9 Expiration This section expires on July 1, 2002.

Subd 10 Severability If any portion of this section is found by a court to be unconstitutional, the remaining portions of the section shall remain in effect.

History 2000 c 489 art 5 s 8