

1.1 moves to amend H.F. No. 3315 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 **"ARTICLE 1**

1.4 **GENERAL EDUCATION**

1.5 Section 1. Minnesota Statutes 2017 Supplement, section 123B.41, subdivision 2, is amended
1.6 to read:

1.7 Subd. 2. **Textbook.** (a) "Textbook" means any book or book substitute, including
1.8 electronic books as well as other printed materials delivered electronically, which a pupil
1.9 uses as a text or text substitute in a particular class or program in the school regularly
1.10 attended and a copy of which is expected to be available for the individual use of each pupil
1.11 in this class or program. Textbook includes an online book with an annual subscription cost.
1.12 Textbook includes a teacher's edition or teacher's guide that accompanies a textbook that a
1.13 pupil uses.

1.14 (b) For purposes of calculating the annual nonpublic pupil aid entitlement for textbooks,
1.15 the term shall be limited to books, workbooks, or manuals, whether bound or in loose-leaf
1.16 form, as well as electronic books and other printed materials delivered electronically,
1.17 intended for use as a principal source of study material for a given class or a group of
1.18 students.

1.19 (c) For purposes of sections 123B.40 to 123B.48, the terms "textbook" and "software
1.20 or other educational technology" include only such secular, neutral, and nonideological
1.21 materials as are available, used by, or of benefit to Minnesota public school pupils.

1.22 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2019 and later.

2.1 Sec. 2. Minnesota Statutes 2016, section 123B.41, subdivision 5, is amended to read:

2.2 Subd. 5. **Individualized instructional or cooperative learning materials.**

2.3 "Individualized instructional or cooperative learning materials" means educational materials
2.4 which:

2.5 ~~(a)~~ (1) are designed primarily for individual pupil use or use by pupils in a cooperative
2.6 learning group in a particular class or program in the school the pupil regularly attends,
2.7 including a teacher's edition or teacher's guide that accompanies materials that a pupil uses;

2.8 ~~(b)~~ (2) are secular, neutral, nonideological and not capable of diversion for religious
2.9 use; and

2.10 ~~(c)~~ (3) are available, used by, or of benefit to Minnesota public school pupils.

2.11 Subject to the requirements in clauses ~~(a)~~ (1), ~~(b)~~ (2), and ~~(c)~~ (3), "individualized
2.12 instructional or cooperative learning materials" include, but are not limited to, the following
2.13 if they do not fall within the definition of "textbook" in subdivision 2: published materials;
2.14 periodicals; documents; pamphlets; photographs; reproductions; pictorial or graphic works;
2.15 prerecorded video programs; prerecorded tapes, cassettes and other sound recordings;
2.16 manipulative materials; desk charts; games; study prints and pictures; desk maps; models;
2.17 learning kits; blocks or cubes; flash cards; individualized multimedia systems; prepared
2.18 instructional computer software programs; choral and band sheet music; electronic books
2.19 and other printed materials delivered electronically; and CD-Rom.

2.20 "Individualized instructional or cooperative learning materials" do not include
2.21 instructional equipment, instructional hardware, or ordinary daily consumable classroom
2.22 supplies.

2.23 Sec. 3. Minnesota Statutes 2016, section 127A.45, subdivision 11, is amended to read:

2.24 Subd. 11. **Payment percentage for reimbursement aids.** One hundred percent of the
2.25 aid for the previous fiscal year must be paid in the current year for the following aids:
2.26 telecommunications/Internet access equity and according to section 125B.26, special
2.27 education special pupil aid according to section 125A.75, subdivision 3, ~~aid for litigation~~
2.28 ~~costs according to section 125A.75, subdivision 9,~~ aid for court-placed special education
2.29 expenses according to section 125A.79, subdivision 4, and aid for special education
2.30 out-of-state tuition according to section 125A.79, subdivision 8, and shared time aid
2.31 according to section 126C.01, subdivision 7.

3.1 Sec. 4. Minnesota Statutes 2016, section 127A.45, subdivision 16, is amended to read:

3.2 Subd. 16. **Payments to third parties.** Notwithstanding subdivision 3, the current year
3.3 aid payment percentage of the ~~amounts~~ amount under ~~sections 123A.26, subdivision 3, and~~
3.4 section 124D.041; shall be paid in equal installments on August 30, December 30, and
3.5 March 30, with a final adjustment payment on October 30 of the next fiscal year of the
3.6 remaining amount.

3.7 ARTICLE 2

3.8 EDUCATION EXCELLENCE

3.9 Section 1. Minnesota Statutes 2016, section 120A.20, subdivision 2, is amended to read:

3.10 Subd. 2. **Education, residence, and transportation of homeless.** (a) Notwithstanding
3.11 subdivision 1, a district must not deny free admission to a homeless pupil solely because
3.12 the district cannot determine that the pupil is a resident of the district.

3.13 (b) The school district of residence for a homeless pupil shall be the school district in
3.14 which the parent or legal guardian resides, unless: (1) parental rights have been terminated
3.15 by court order; (2) the parent or guardian is not living within the state; or (3) the parent or
3.16 guardian having legal custody of the child is an inmate of a Minnesota correctional facility
3.17 or is a resident of a halfway house under the supervision of the commissioner of corrections.
3.18 If any of clauses (1) to (3) apply, the school district of residence shall be the school district
3.19 in which the pupil resided when the qualifying event occurred. If no other district of residence
3.20 can be established, the school district of residence shall be the school district in which the
3.21 pupil currently resides. If there is a dispute between school districts regarding residency,
3.22 the district of residence is the district designated by the commissioner of education.

3.23 (c) Except as provided in paragraph (d), the serving district is responsible for transporting
3.24 a homeless pupil to and from the pupil's district of residence. The district may transport
3.25 from a permanent home in another district but only through the end of the academic school
3.26 year. When a pupil is enrolled in a charter school, the district or school that provides
3.27 transportation for other pupils enrolled in the charter school is responsible for providing
3.28 transportation. When a homeless student with or without an individualized education program
3.29 attends a public school other than an independent or special school district or charter school,
3.30 the district of residence is responsible for transportation.

3.31 (d) For a homeless pupil with an individualized education plan enrolled in a program
3.32 authorized by an intermediate school district, special education cooperative, service
3.33 cooperative, or education district, the serving district at the time of the pupil's enrollment

4.1 in the program remains responsible for transporting that pupil for the remainder of the school
4.2 year, unless the initial serving district and the current serving district mutually agree that
4.3 the current serving district is responsible for transporting the homeless pupil.

4.4 **EFFECTIVE DATE.** This section is effective July 1, 2018.

4.5 Sec. 2. Minnesota Statutes 2016, section 120A.22, subdivision 7, is amended to read:

4.6 Subd. 7. **Education records.** (a) A district, a charter school, or a nonpublic school that
4.7 receives services or aid under sections 123B.40 to 123B.48 from which a student is
4.8 transferring must transmit the student's educational records, within ten business days of a
4.9 request, to the district, the charter school, or the nonpublic school in which the student is
4.10 enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under
4.11 sections 123B.40 to 123B.48 must make reasonable efforts to determine the district, the
4.12 charter school, or the nonpublic school in which a transferring student is next enrolling in
4.13 order to comply with this subdivision.

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

4.17 (c) A school district, a charter school, or a nonpublic school that receives services or aid
4.18 under sections 123B.40 to 123B.48 that transmits a student's educational records to another
4.19 school district or other educational entity, charter school, or nonpublic school to which the
4.20 student is transferring must include in the transmitted records information about any formal
4.21 suspension, expulsion, and exclusion disciplinary action or pupil withdrawal under sections
4.22 121A.40 to 121A.56. The transmitted records must include services a pupil needs to prevent
4.23 the inappropriate behavior from recurring. The district, the charter school, or the nonpublic
4.24 school that receives services or aid under sections 123B.40 to 123B.48 must provide notice
4.25 to a student and the student's parent or guardian that formal disciplinary records will be
4.26 transferred as part of the student's educational record, in accordance with data practices
4.27 under chapter 13 and the Family Educational Rights and Privacy Act of 1974, United States
4.28 Code, title 20, section 1232(g).

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

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

5.5 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

5.6 Sec. 3. Minnesota Statutes 2016, section 120A.22, subdivision 12, is amended to read:

5.7 Subd. 12. **Legitimate exemptions.** (a) A parent, guardian, or other person having control
 5.8 of a child may apply to a school district to have the child excused from attendance for the
 5.9 whole or any part of the time school is in session during any school year. Application may
 5.10 be made to any member of the board, a truant officer, a principal, or the superintendent.
 5.11 The school district may state in its school attendance policy that it may ask the student's
 5.12 parent or legal guardian to verify in writing the reason for the child's absence from school.
 5.13 A note from a physician or a licensed mental health professional stating that the child cannot
 5.14 attend school is a valid excuse. The board of the district in which the child resides may
 5.15 approve the application upon the following being demonstrated to the satisfaction of that
 5.16 board:

5.17 (1) that the child's physical or mental health is such as to prevent attendance at school
 5.18 or application to study for the period required, which includes:

5.19 (i) child illness, medical, dental, orthodontic, or counseling appointments;

5.20 (ii) family emergencies;

5.21 (iii) the death or serious illness or funeral of an immediate family member;

5.22 ~~(iv) active duty in any military branch of the United States;~~

5.23 ~~(v)~~ (iv) the child has a condition that requires ongoing treatment for a mental health
 5.24 diagnosis; or

5.25 ~~(vi)~~ (v) other exemptions included in the district's school attendance policy;

5.26 (2) that the child's parent, guardian, or other person having control of the child is in
 5.27 active duty in any branch of the United States armed forces;

5.28 (3) that the child is participating in any activity necessary for the child to join any branch
 5.29 of the United States armed forces and may be excused for up to three days for such purpose;

5.30 ~~(2)~~ (4) that the child has already completed state and district standards required for
 5.31 graduation from high school; or

6.1 ~~(3)~~ (5) that it is the wish of the parent, guardian, or other person having control of the
6.2 child, that the child attend for a period or periods not exceeding in the aggregate three hours
6.3 in any week, a school for religious instruction conducted and maintained by some church,
6.4 or association of churches, or any Sunday school association incorporated under the laws
6.5 of this state, or any auxiliary thereof. This school for religious instruction must be conducted
6.6 and maintained in a place other than a public school building, and it must not, in whole or
6.7 in part, be conducted and maintained at public expense. However, a child may be absent
6.8 from school on such days as the child attends upon instruction according to the ordinances
6.9 of some church.

6.10 (b) Notwithstanding subdivision 6, paragraph (a), a parent may withdraw a child from
6.11 an all-day, every day kindergarten program and put their child in a half-day program, if
6.12 offered, or an alternate-day program without being truant. A school board must excuse a
6.13 kindergarten child from a part of a school day at the request of the child's parent.

6.14 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

6.15 Sec. 4. Minnesota Statutes 2017 Supplement, section 120B.021, subdivision 1, is amended
6.16 to read:

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

6.19 (1) language arts;

6.20 (2) mathematics;

6.21 (3) science;

6.22 (4) social studies, including history, geography, economics, and government and
6.23 citizenship that includes civics consistent with section 120B.02, subdivision 3;

6.24 (5) physical education;

6.25 (6) health, for which locally developed academic standards apply consistent with
6.26 paragraphs (d) and (e); and

6.27 (7) the arts, for which statewide or locally developed academic standards apply, as
6.28 determined by the school district. Public elementary and middle schools must offer at least
6.29 three and require at least two of the following four arts areas: dance; music; theater; and
6.30 visual arts. Public high schools must offer at least three and require at least one of the
6.31 following five arts areas: media arts; dance; music; theater; and visual arts.

7.1 (b) For purposes of applicable federal law, the academic standards for language arts,
7.2 mathematics, and science apply to all public school students, except the very few students
7.3 with extreme cognitive or physical impairments for whom an individualized education
7.4 program team has determined that the required academic standards are inappropriate. An
7.5 individualized education program team that makes this determination must establish
7.6 alternative standards.

7.7 (c) The department must adopt the most recent SHAPE America (Society of Health and
7.8 Physical Educators) kindergarten through grade 12 standards and benchmarks for physical
7.9 education as the required physical education academic standards. The department may
7.10 modify and adapt the national standards to accommodate state interest. The modification
7.11 and adaptations must maintain the purpose and integrity of the national standards. The
7.12 department must make available sample assessments, which school districts may use as an
7.13 alternative to local assessments, to assess students' mastery of the physical education
7.14 standards beginning in the 2018-2019 school year.

7.15 (d) A school district ~~may~~ must include child sexual abuse and sexual exploitation
7.16 prevention instruction in a health curriculum, consistent with paragraph (a), clause (6). Child
7.17 sexual abuse and sexual exploitation prevention instruction ~~may~~ must include age-appropriate
7.18 instruction on recognizing sexual abuse ~~and~~, assault, and sexual exploitation; boundary
7.19 violations; and ways offenders identify, groom, or desensitize victims, as well as strategies
7.20 to promote disclosure, reduce self-blame, and mobilize bystanders. A school district may
7.21 consult with other federal, state, or local agencies and community-based organizations to
7.22 identify research-based tools, curricula, and programs to prevent child sexual abuse and
7.23 sexual exploitation. A school district may provide instruction under this paragraph in a
7.24 variety of ways, including at an annual assembly or classroom presentation. A school district
7.25 may also provide parents information on the warning signs of child sexual abuse and sexual
7.26 exploitation and available resources. Child sexual exploitation prevention instruction must
7.27 be consistent with the definition of sexually exploited youth under section 260C.007,
7.28 subdivision 31.

7.29 (e) A school district must include instruction in a health curriculum for students in grades
7.30 5, 6, 8, 10, and 12 on substance misuse prevention, including opioids, controlled substances
7.31 as defined in section 152.01, subdivision 4, prescription and nonprescription medications,
7.32 and illegal drugs. A school district is not required to use a specific methodology or
7.33 curriculum.

8.1 (f) District efforts to develop, implement, or improve instruction or curriculum as a result
8.2 of the provisions of this section must be consistent with sections 120B.10, 120B.11, and
8.3 120B.20.

8.4 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

8.5 Sec. 5. Minnesota Statutes 2016, section 120B.11, subdivision 1, is amended to read:

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

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

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

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

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

8.23 (e) "State plan" means the plan submitted by the commissioner in accordance with the
8.24 Elementary and Secondary Education Act, as most recently authorized, and approved by
8.25 the United States Department of Education, including state goals.

8.26 (f) "Ineffective teacher" means a teacher whose most recent summative teacher evaluation
8.27 resulted in placing or otherwise keeping the teacher on an improvement process pursuant
8.28 to section 122A.40, subdivision 8, or section 122A.41, subdivision 5.

8.29 (g) "Inexperienced teacher" means a licensed teacher who has been employed as a teacher
8.30 for three years or less.

8.31 (h) "Out-of-field teacher" means a licensed teacher who is providing instruction in an
8.32 area in which he or she is not licensed.

9.1 Sec. 6. Minnesota Statutes 2016, section 120B.11, subdivision 1a, is amended to read:

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

9.4 (1) the size of the academic achievement gap as measured on the Minnesota
9.5 Comprehensive Assessments, rigorous course taking under section 120B.35, subdivision
9.6 3, paragraph (c), clause (2), and enrichment experiences by student subgroup;

9.7 (2) student performance on the Minnesota Comprehensive Assessments in reading and
9.8 mathematics;

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

9.10 (4) career and college readiness under section 120B.30, subdivision 1, paragraph (p),
9.11 as measured by student performance on the high school Minnesota Comprehensive
9.12 Assessments in reading and mathematics; and

9.13 (5) performance measures consistent with the state plan, not otherwise required by this
9.14 subdivision.

9.15 Sec. 7. Minnesota Statutes 2016, section 120B.11, subdivision 2, is amended to read:

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

9.19 (1) clearly defined district and school site ~~goals and benchmarks for~~ toward meeting
9.20 statewide goals for instruction and student achievement for all student subgroups identified
9.21 in section 120B.35, subdivision 3, paragraph (b), clause (2);

9.22 (2) a process to assess and evaluate each student's progress toward meeting state and
9.23 local academic standards, assess and identify students to participate in gifted and talented
9.24 programs and accelerate their instruction, and adopt early-admission procedures consistent
9.25 with section 120B.15, and identifying the strengths and weaknesses of instruction in pursuit
9.26 of student and school success and curriculum affecting students' progress and growth toward
9.27 career and college readiness and leading to the world's best workforce;

9.28 (3) a system to periodically review and evaluate the effectiveness of all instruction and
9.29 curriculum, taking into account strategies and best practices, student outcomes, school
9.30 principal evaluations under section 123B.147, subdivision 3, students' access to effective
9.31 teachers who are members of populations underrepresented among the licensed teachers in
9.32 the district or school and who reflect the diversity of enrolled students under section 120B.35,

10.1 subdivision 3, paragraph (b), clause (2), and teacher evaluations under section 122A.40,
10.2 subdivision 8, or 122A.41, subdivision 5;

10.3 (4) strategies for improving instruction, curriculum, and student achievement, including
10.4 the English and, where practicable, the native language development and the academic
10.5 achievement of English learners;

10.6 (5) a process to examine the equitable distribution of teachers and strategies to ensure
10.7 low-income and minority children are not taught at higher rates than other children by
10.8 inexperienced, ineffective, or out-of-field teachers;

10.9 (6) education effectiveness practices that integrate high-quality instruction, rigorous
10.10 curriculum, technology, and a collaborative professional culture that develops and supports
10.11 teacher quality, performance, and effectiveness; and

10.12 (7) an annual budget for continuing to implement the district plan.

10.13 Sec. 8. Minnesota Statutes 2016, section 120B.11, subdivision 5, is amended to read:

10.14 Subd. 5. **Report.** ~~Consistent with requirements for school performance reports under~~
10.15 ~~section 120B.36, subdivision 1, the school board shall publish a report in the local newspaper~~
10.16 ~~with the largest circulation in the district, by mail, or by electronic means on the district~~
10.17 ~~Web site.~~ (a) The school board shall must hold an annual public meeting to review, and
10.18 revise where appropriate, student achievement goals, local assessment outcomes, plans,
10.19 strategies, and practices for improving curriculum and instruction and cultural competency,
10.20 and efforts to equitably distribute diverse, effective, experienced, and in-field teachers, and
10.21 to review district success in realizing the previously adopted student achievement goals and
10.22 related benchmarks and the improvement plans leading to the world's best workforce. The
10.23 school board must transmit an electronic summary of its report to the commissioner in the
10.24 form and manner the commissioner determines.

10.25 (b) The commissioner must annually include in the school performance reports required
10.26 under section 120B.36, subdivision 1, student performance at each school district and school
10.27 site using the performance measures in subdivision 1a, and other information required under
10.28 this subdivision. The school board must post a copy of the school performance report for
10.29 the district and each school site on the district's Web site, or provide a link to the district
10.30 and school site performance reports on the Department of Education's Web site.

11.1 Sec. 9. Minnesota Statutes 2016, section 120B.11, subdivision 9, is amended to read:

11.2 Subd. 9. **Annual evaluation.** (a) The commissioner must identify effective strategies,
11.3 practices, and use of resources by districts and school sites in striving for the world's best
11.4 workforce. The commissioner must assist districts and sites throughout the state in
11.5 implementing these effective strategies, practices, and use of resources.

11.6 (b) The commissioner must use the performance measures in subdivision 1a to identify
11.7 ~~those districts in any consecutive three-year period~~ and school sites not making sufficient
11.8 progress in any consecutive three-year period toward ~~improving teaching and learning~~
11.9 meeting performance goals for all students, including English learners with varied needs,
11.10 consistent with section 124D.59, subdivisions 2 and 2a, and striving for the world's best
11.11 workforce.

11.12 (c) The commissioner must review the curricula of all identified districts in all subject
11.13 areas included in the statewide testing and reporting system under section 120B.30 to ensure
11.14 the curricula are aligned with statewide standards.

11.15 (d) The commissioner, in collaboration with the identified district, may require the
11.16 district to use up to two percent of its basic general education revenue per fiscal year during
11.17 the proximate three school years to implement ~~commissioner-specified~~ evidence-based
11.18 strategies and best practices, consistent with paragraph (a), to improve and accelerate its
11.19 progress in realizing its goals under this section. In implementing this section, the
11.20 commissioner must consider districts' budget constraints and legal obligations.

11.21 ~~(e)~~ (e) The commissioner ~~shall~~ must report by January 25 of each year to the committees
11.22 of the legislature having jurisdiction over kindergarten through grade 12 education the list
11.23 of school districts that have not submitted their report to the commissioner under subdivision
11.24 5 and the list of school districts ~~not achieving their performance goals established in their~~
11.25 ~~plan under subdivision 2~~ identified as not making sufficient progress toward meeting world's
11.26 best workforce goals under subdivision 1, paragraph (b).

11.27 Sec. 10. Minnesota Statutes 2017 Supplement, section 120B.12, subdivision 2, is amended
11.28 to read:

11.29 Subd. 2. **Identification; report.** (a) Each school district ~~shall~~ must identify before the
11.30 end of kindergarten, grade 1, and grade 2 students who are not reading at grade level before
11.31 the end of the current school year and ~~shall~~ must identify students in grade 3 or higher who
11.32 demonstrate a reading difficulty to a classroom teacher. A school district must screen for
11.33 dyslexia (1) all students between the beginning of kindergarten and the beginning of grade

12.1 2, and (2) any student in grade 2 or higher who is identified as exhibiting characteristics
 12.2 associated with dyslexia

12.3 (b) Reading assessments in English, and in the predominant languages of district students
 12.4 where practicable, must identify and evaluate students' areas of academic need related to
 12.5 literacy. The district also must monitor the progress and provide reading instruction
 12.6 appropriate to the specific needs of English learners. The district must use a locally adopted,
 12.7 developmentally appropriate, and culturally responsive assessment and annually report
 12.8 summary assessment results to the commissioner by July 1.

12.9 (c) The district ~~also~~ must annually report to the commissioner by July 1 a summary of
 12.10 the district's efforts to screen and identify students with:

12.11 (1) dyslexia, using screening tools such as those recommended by the department's
 12.12 dyslexia and literacy specialist; or

12.13 (2) convergence insufficiency disorder.

12.14 ~~(b)~~ (d) A student identified under this subdivision must be provided with alternate
 12.15 instruction under section 125A.56, subdivision 1.

12.16 **EFFECTIVE DATE.** This section is effective July 1, 2019.

12.17 Sec. 11. Minnesota Statutes 2017 Supplement, section 120B.122, subdivision 1, is amended
 12.18 to read:

12.19 Subdivision 1. **Purpose Duties.** (a) The department must employ a dyslexia specialist
 12.20 to provide technical assistance for dyslexia and related disorders and to serve as the primary
 12.21 source of information and support for schools in addressing the needs of students with
 12.22 dyslexia and related disorders.

12.23 (b) The dyslexia specialist ~~shall also~~ must act to increase professional awareness and
 12.24 instructional competencies to meet the educational needs of students with dyslexia or
 12.25 identified with risk characteristics associated with dyslexia and ~~shall~~ must develop
 12.26 implementation guidance and make recommendations to the commissioner consistent with
 12.27 section 122A.06, subdivision 4, to be used to assist general education teachers and special
 12.28 education teachers to recognize educational needs and to improve literacy outcomes for
 12.29 students with dyslexia or identified with risk characteristics associated with dyslexia,
 12.30 including recommendations related to increasing the availability of online and asynchronous
 12.31 professional development programs and materials.

13.1 (c) The dyslexia specialist must provide guidance to school districts and charter schools
13.2 on how to:

13.3 (1) access tools to screen and identify students showing characteristics associated with
13.4 dyslexia in accordance with section 120B.12, subdivision 2, paragraph (a);

13.5 (2) implement screening for characteristics associated with dyslexia in accordance with
13.6 section 120B.12, subdivision 2, paragraph (a), and in coordination with other early childhood
13.7 screenings; and

13.8 (3) participate in professional development opportunities on intervention strategies and
13.9 accommodations for students with dyslexia or characteristics associated with dyslexia.

13.10 Sec. 12. Minnesota Statutes 2017 Supplement, section 120B.125, is amended to read:

13.11 **120B.125 PLANNING FOR STUDENTS' SUCCESSFUL TRANSITION TO**
13.12 **POSTSECONDARY EDUCATION AND EMPLOYMENT; PERSONAL LEARNING**
13.13 **PLANS.**

13.14 (a) Consistent with sections 120B.13, 120B.131, 120B.132, 120B.14, 120B.15, 120B.30,
13.15 subdivision 1, paragraph (c), 125A.08, and other related sections, school districts, beginning
13.16 in the 2013-2014 school year, must assist all students by no later than grade 9 to explore
13.17 their educational, college, and career interests, aptitudes, and aspirations and develop a plan
13.18 for a smooth and successful transition to postsecondary education or employment. All
13.19 students' plans must:

13.20 (1) provide a comprehensive plan to prepare for and complete a career and college ready
13.21 curriculum by meeting state and local academic standards and developing career and
13.22 employment-related skills such as team work, collaboration, creativity, communication,
13.23 critical thinking, and good work habits;

13.24 (2) emphasize academic rigor and high expectations and inform the student, and the
13.25 student's parent or guardian if the student is a minor, of the student's achievement level
13.26 score on the Minnesota Comprehensive Assessments that are administered during high
13.27 school;

13.28 (3) help students identify interests, aptitudes, aspirations, and personal learning styles
13.29 that may affect their career and college ready goals and postsecondary education and
13.30 employment choices;

13.31 (4) set appropriate career and college ready goals with timelines that identify effective
13.32 means for achieving those goals;

14.1 (5) help students access education and career options, including armed forces career
14.2 options;

14.3 (6) integrate strong academic content into career-focused courses and applied and
14.4 experiential learning opportunities and integrate relevant career-focused courses and applied
14.5 and experiential learning opportunities into strong academic content;

14.6 (7) help identify and access appropriate counseling and other supports and assistance
14.7 that enable students to complete required coursework, prepare for postsecondary education
14.8 and careers, and obtain information about postsecondary education costs and eligibility for
14.9 financial aid and scholarship;

14.10 (8) help identify collaborative partnerships among prekindergarten through grade 12
14.11 schools, postsecondary institutions, economic development agencies, and local and regional
14.12 employers that support students' transition to postsecondary education and employment and
14.13 provide students with applied and experiential learning opportunities; and

14.14 (9) be reviewed and revised at least annually by the student, the student's parent or
14.15 guardian, and the school or district to ensure that the student's course-taking schedule keeps
14.16 the student making adequate progress to meet state and local academic standards and high
14.17 school graduation requirements and with a reasonable chance to succeed with employment
14.18 or postsecondary education without the need to first complete remedial course work.

14.19 (b) A school district may develop grade-level curricula or provide instruction that
14.20 introduces students to various careers, but must not require any curriculum, instruction, or
14.21 employment-related activity that obligates an elementary or secondary student to involuntarily
14.22 select or pursue a career, career interest, employment goals, or related job training.

14.23 (c) Educators must possess the knowledge and skills to effectively teach all English
14.24 learners in their classrooms. School districts must provide appropriate curriculum, targeted
14.25 materials, professional development opportunities for educators, and sufficient resources
14.26 to enable English learners to become career and college ready.

14.27 (d) When assisting students in developing a plan for a smooth and successful transition
14.28 to postsecondary education and employment, districts must recognize the unique possibilities
14.29 of each student and ensure that the contents of each student's plan reflect the student's unique
14.30 talents, skills, and abilities as the student grows, develops, and learns.

14.31 (e) If a student with a disability has an individualized education program (IEP) or
14.32 standardized written plan that meets the plan components of this section, the IEP satisfies
14.33 the requirement and no additional transition plan is needed.

15.1 (f) Students who do not meet or exceed Minnesota academic standards, as measured by
15.2 the Minnesota Comprehensive Assessments that are administered during high school, shall
15.3 be informed that admission to a public school is free and available to any resident under 21
15.4 years of age or who meets the requirements of section 120A.20, subdivision 1, paragraph
15.5 (c). A student's plan under this section shall continue while the student is enrolled.

15.6 (g) A school district must provide military recruiters and representatives of organizations
15.7 promoting careers in the skilled trades the same access to secondary school students as the
15.8 district provides to institutions of higher education or to prospective employers of students.

15.9 (h) School districts are encouraged to sponsor an armed forces career opportunity day
15.10 each school year prior to the third Thursday of November. A school district that sponsors
15.11 an armed forces career opportunity day shall extend invitations to recruiters from each
15.12 branch of the United States armed forces and allow the recruiters to make presentations to
15.13 all interested secondary school students.

15.14 Sec. 13. [120B.215] SUBSTANCE MISUSE PREVENTION.

15.15 (a) This section may be cited as "Jake's Law."

15.16 (b) School districts and charter schools must include substance misuse prevention
15.17 instruction in a health curriculum for students in grades 5, 6, 8, 10, and 12, in accordance
15.18 with section 120B.021, subdivision 1, paragraph (e).

15.19 (c) School districts and charter schools are encouraged to provide substance misuse
15.20 prevention instruction for students in grades 5 through 12 integrated into existing programs,
15.21 curriculum, or the general school environment of a district or charter school. The
15.22 commissioner of education, in consultation with the director of the Alcohol and Other Drug
15.23 Abuse Section under section 254A.03 and substance misuse prevention and treatment
15.24 organizations, must, upon request, provide districts and charter schools with:

15.25 (1) information regarding substance misuse prevention services; and

15.26 (2) assistance in using high-quality research to develop evidence-based prevention
15.27 programs.

15.28 **EFFECTIVE DATE.** This section is effective July 1, 2018.

16.1 Sec. 14. Minnesota Statutes 2017 Supplement, section 120B.30, subdivision 1, is amended
16.2 to read:

16.3 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts with
16.4 appropriate technical qualifications and experience and stakeholders, consistent with
16.5 subdivision 1a, ~~shall~~ must include in the comprehensive assessment system, for each grade
16.6 level to be tested, state-constructed tests developed as computer-adaptive reading and
16.7 mathematics assessments for students that are aligned with the state's required academic
16.8 standards under section 120B.021, include multiple choice questions, and are administered
16.9 annually to all students in grades 3 through 8. State-developed high school tests aligned
16.10 with the state's required academic standards under section 120B.021 and administered to
16.11 all high school students in a subject other than writing must include multiple choice questions.
16.12 The commissioner ~~shall~~ must establish one or more months ~~during which schools shall~~
16.13 ~~administer the tests to students~~ as late as possible each school year during which schools
16.14 must administer the Minnesota comprehensive assessments to students. The commissioner
16.15 must publish the testing schedule at least two years before the beginning of the testing
16.16 period.

16.17 ~~(1) Students enrolled in grade 8 through the 2009-2010 school year are eligible to be~~
16.18 ~~assessed under (i) the graduation required assessment for diploma in reading, mathematics,~~
16.19 ~~or writing under Minnesota Statutes 2012, section 120B.30, subdivision 1, paragraphs (e),~~
16.20 ~~clauses (1) and (2), and (d), (ii) the WorkKeys job skills assessment, (iii) the Compass~~
16.21 ~~college placement test, (iv) the ACT assessment for college admission, (v) a nationally~~
16.22 ~~recognized armed services vocational aptitude test.~~

16.23 ~~(2) Students enrolled in grade 8 in the 2010-2011 or 2011-2012 school year are eligible~~
16.24 ~~to be assessed under (i) the graduation required assessment for diploma in reading,~~
16.25 ~~mathematics, or writing under Minnesota Statutes 2012, section 120B.30, subdivision 1,~~
16.26 ~~paragraph (e), clauses (1) and (2), (ii) the WorkKeys job skills assessment, (iii) the Compass~~
16.27 ~~college placement test, (iv) the ACT assessment for college admission, (v) a nationally~~
16.28 ~~recognized armed services vocational aptitude test.~~

16.29 ~~(3) For students under clause (1) or (2), a school district may substitute a score from an~~
16.30 ~~alternative, equivalent assessment to satisfy the requirements of this paragraph.~~

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

16.33 (1) mathematics;

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

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

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

17.4 (3) language arts and reading; grades 3 through 8 and high school level beginning in the
17.5 2012-2013 school year.

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

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

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

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

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

17.29 A student under paragraph (c), clause (1), must receive targeted, relevant, academically
17.30 rigorous, and resourced instruction, which may include a targeted instruction and intervention
17.31 plan focused on improving the student's knowledge and skills in core subjects so that the
17.32 student has a reasonable chance to succeed in a career or college without need for
17.33 postsecondary remediation. Consistent with sections 120B.13, 124D.09, 124D.091, 124D.49,

18.1 and related sections, an enrolling school or district must actively encourage a student in
18.2 grade 11 or 12 who is identified as academically ready for a career or college to participate
18.3 in courses and programs awarding college credit to high school students. Students are not
18.4 required to achieve a specified score or level of proficiency on an assessment under this
18.5 subdivision to graduate from high school.

18.6 (e) Though not a high school graduation requirement, students are encouraged to
18.7 participate in a nationally recognized college entrance exam. To the extent state funding
18.8 for college entrance exam fees is available, a district must pay the cost, one time, for an
18.9 interested student in grade 11 or 12 who is eligible for a free or reduced-price meal, to take
18.10 a nationally recognized college entrance exam before graduating. A student must be able
18.11 to take the exam under this paragraph at the student's high school during the school day and
18.12 at any one of the multiple exam administrations available to students in the district. A district
18.13 may administer the ACT or SAT or both the ACT and SAT to comply with this paragraph.
18.14 If the district administers only one of these two tests and a free or reduced-price meal eligible
18.15 student opts not to take that test and chooses instead to take the other of the two tests, the
18.16 student may take the other test at a different time or location and remains eligible for the
18.17 examination fee reimbursement. Notwithstanding sections 123B.34 to 123B.39, a school
18.18 district may require a student that is not eligible for a free or reduced-price meal to pay the
18.19 cost of taking a nationally recognized college entrance exam. The district must waive the
18.20 cost for a student unable to pay.

18.21 (f) The commissioner and the chancellor of the Minnesota State Colleges and Universities
18.22 must collaborate in aligning instruction and assessments for adult basic education students
18.23 and English learners to provide the students with diagnostic information about any targeted
18.24 interventions, accommodations, modifications, and supports they need so that assessments
18.25 and other performance measures are accessible to them and they may seek postsecondary
18.26 education or employment without need for postsecondary remediation. When administering
18.27 formative or summative assessments used to measure the academic progress, including the
18.28 oral academic development, of English learners and inform their instruction, schools must
18.29 ensure that the assessments are accessible to the students and students have the modifications
18.30 and supports they need to sufficiently understand the assessments.

18.31 (g) Districts and schools, on an annual basis, must use career exploration elements to
18.32 help students, beginning no later than grade 9, and their families explore and plan for
18.33 postsecondary education or careers based on the students' interests, aptitudes, and aspirations.
18.34 Districts and schools must use timely regional labor market information and partnerships,
18.35 among other resources, to help students and their families successfully develop, pursue,

19.1 review, and revise an individualized plan for postsecondary education or a career. This
19.2 process must help increase students' engagement in and connection to school, improve
19.3 students' knowledge and skills, and deepen students' understanding of career pathways as
19.4 a sequence of academic and career courses that lead to an industry-recognized credential,
19.5 an associate's degree, or a bachelor's degree and are available to all students, whatever their
19.6 interests and career goals.

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

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

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

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

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

19.33 (m) The 3rd through 8th grade computer-adaptive assessment results and high school
19.34 test results shall be available to districts for diagnostic purposes affecting student learning

20.1 and district instruction and curriculum, and for establishing educational accountability. The
20.2 commissioner must establish empirically derived benchmarks on adaptive assessments in
20.3 grades 3 through 8. The commissioner, in consultation with the chancellor of the Minnesota
20.4 State Colleges and Universities, must establish empirically derived benchmarks on the high
20.5 school tests that reveal a trajectory toward career and college readiness consistent with
20.6 section 136F.302, subdivision 1a. The commissioner must disseminate to the public the
20.7 computer-adaptive assessments and high school test results upon receiving those results.

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

20.12 (o) The commissioner ~~shall~~ must include the following components in the statewide
20.13 public reporting system:

20.14 (1) uniform statewide computer-adaptive assessments of all students in grades 3 through
20.15 8 and testing at the high school levels that provides appropriate, technically sound
20.16 accommodations or alternate assessments;

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

20.20 (3) state results on the American College Test; and

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

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

20.31 (q) For purposes of statewide accountability, "cultural competence," "cultural
20.32 competency," or "culturally competent" means the ability of families and educators to

21.1 interact effectively with people of different cultures, native languages, and socioeconomic
21.2 backgrounds.

21.3 **EFFECTIVE DATE.** This section is effective for testing calendars in the 2020-2021
21.4 school year and later.

21.5 Sec. 15. Minnesota Statutes 2016, section 120B.30, subdivision 1a, is amended to read:

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

21.8 (1) "Computer-adaptive assessments" means fully adaptive assessments.

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

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

21.13 (4) "Above-grade level" test items contain subject area content that is above the grade
21.14 level of the student taking the assessment and is considered aligned with state academic
21.15 standards to the extent it is aligned with content represented in state academic standards
21.16 above the grade level of the student taking the assessment. Notwithstanding the student's
21.17 grade level, administering above-grade level test items to a student does not violate the
21.18 requirement that state assessments must be aligned with state standards.

21.19 (5) "Below-grade level" test items contain subject area content that is below the grade
21.20 level of the student taking the test and is considered aligned with state academic standards
21.21 to the extent it is aligned with content represented in state academic standards below the
21.22 student's current grade level. Notwithstanding the student's grade level, administering
21.23 below-grade level test items to a student does not violate the requirement that state
21.24 assessments must be aligned with state standards.

21.25 (b) The commissioner must use fully adaptive mathematics and reading assessments for
21.26 grades 3 through 8.

21.27 (c) For purposes of conforming with existing federal educational accountability
21.28 requirements, the commissioner must develop and implement computer-adaptive reading
21.29 and mathematics assessments for grades 3 through 8, state-developed high school reading
21.30 and mathematics tests aligned with state academic standards, a high school writing test
21.31 aligned with state standards when it becomes available, and science assessments under
21.32 clause (2) that districts and sites must use to monitor student growth toward achieving those

22.1 standards. The commissioner must not develop statewide assessments for academic standards
22.2 in social studies, health and physical education, and the arts. The commissioner must require:

22.3 (1) annual computer-adaptive reading and mathematics assessments in grades 3 through
22.4 8, and high school reading, writing, and mathematics tests; and

22.5 (2) annual science assessments in one grade in the grades 3 through 5 span, the grades
22.6 6 through 8 span, and a life sciences assessment in the grades 9 through 12 span, and the
22.7 commissioner must not require students to achieve a passing score on high school science
22.8 assessments as a condition of receiving a high school diploma.

22.9 (d) The commissioner must ensure that for annual computer-adaptive assessments:

22.10 (1) individual student performance data and achievement reports are available to school
22.11 districts and teachers within three school days of when students take an assessment except
22.12 in a year when an assessment reflects new performance standards;

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

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

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

22.23 (e) The commissioner must ensure that all state tests administered to elementary and
22.24 secondary students measure students' academic knowledge and skills and not students'
22.25 values, attitudes, and beliefs.

22.26 (f) Reporting of state assessment results must:

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

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

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

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

23.4 (h) A school, school district, and charter school must administer statewide assessments
23.5 under this section, as the assessments become available, to evaluate student progress toward
23.6 career and college readiness in the context of the state's academic standards. A school,
23.7 school district, or charter school may use a student's performance on a statewide assessment
23.8 as one of multiple criteria to determine grade promotion or retention. A school, school
23.9 district, or charter school may use a high school student's performance on a statewide
23.10 assessment as a percentage of the student's final grade in a course, or place a student's
23.11 assessment score on the student's transcript.

23.12 **EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and later.

23.13 Sec. 16. Minnesota Statutes 2016, section 120B.30, subdivision 3, is amended to read:

23.14 Subd. 3. **Reporting.** (a) The commissioner ~~shall~~ must report test results publicly and to
23.15 stakeholders, including the performance achievement levels developed from students'
23.16 unweighted test scores in each tested subject and a listing of demographic factors that
23.17 strongly correlate with student performance, including student homelessness, as data are
23.18 available, among other factors. The test results must not include personally identifiable
23.19 information as defined in Code of Federal Regulations, title 34, section 99.3. The
23.20 commissioner ~~shall~~ must also report data that compares performance results among school
23.21 sites, school districts, Minnesota and other states, and Minnesota and other nations.

23.22 (b) The commissioner ~~shall~~ must disseminate to schools and school districts a more
23.23 comprehensive report containing testing information that meets local needs for evaluating
23.24 instruction and curriculum. The commissioner ~~shall~~ must disseminate to charter school
23.25 authorizers a more comprehensive report containing testing information that contains
23.26 anonymized data where cell count data are sufficient to protect student identity and that
23.27 meets the authorizer's needs in fulfilling its obligations under chapter 124E.

23.28 (c) A school district must disseminate the individual student performance data and
23.29 achievement report required under section 120B.30, subdivision 1a, paragraph (d), clause
23.30 (1), to the parent and teacher of each student no more than 30 days after the district has
23.31 administered the test to a student. The district must notify the parent and teacher that the
23.32 data and report are preliminary and subject to validation.

24.1 (d) A school district must disseminate a testing report to the teacher and to the parent
 24.2 of each student before the beginning of the following school year. The testing report must:

24.3 (1) identify the student's achievement level in each content area; and

24.4 (2) track the student's performance history.

24.5 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

24.6 Sec. 17. Minnesota Statutes 2017 Supplement, section 120B.35, subdivision 3, is amended
 24.7 to read:

24.8 Subd. 3. **State growth target; other state measures.** (a)(1) The state's educational
 24.9 assessment system measuring individual students' educational growth is based on indicators
 24.10 of achievement growth that show an individual student's prior achievement. Indicators of
 24.11 achievement and prior achievement must be based on highly reliable statewide ~~or districtwide~~
 24.12 assessments.

24.13 (2) For purposes of paragraphs (b), (c), and (d), the commissioner must analyze and
 24.14 report separate categories of information using the student categories identified under the
 24.15 federal Elementary and Secondary Education Act, as most recently reauthorized, and, in
 24.16 addition to "other" for each race and ethnicity, and the Karen community, seven of the most
 24.17 populous Asian and Pacific Islander groups, three of the most populous Native groups,
 24.18 seven of the most populous Hispanic/Latino groups, and five of the most populous Black
 24.19 and African Heritage groups as determined by the total Minnesota population based on the
 24.20 most recent American Community Survey in consultation with the state demographer;
 24.21 English learners under section 124D.59; home language; free or reduced-price lunch; and
 24.22 all students enrolled in a Minnesota public school who are currently or were previously in
 24.23 foster care, except that such disaggregation and cross tabulation is not required if the number
 24.24 of students in a category is insufficient to yield statistically reliable information or the results
 24.25 would reveal personally identifiable information about an individual student.

24.26 (b) The commissioner, ~~in consultation with a stakeholder group that includes assessment~~
 24.27 ~~and evaluation directors, district staff, experts in culturally responsive teaching, and~~
 24.28 ~~researchers, must implement a model that uses a value-added growth indicator and includes~~
 24.29 ~~criteria for identifying schools and school districts that demonstrate medium and high growth~~
 24.30 ~~under section 120B.299, subdivisions 8 and 9, and may recommend other value-added~~
 24.31 ~~measures under section 120B.299, subdivision 3. The model may be used to advance~~
 24.32 ~~educators' professional development and replicate programs that succeed in meeting students'~~

25.1 ~~diverse learning needs. Data on individual teachers generated under the model are personnel~~
25.2 ~~data under section 13.43. The model must allow users to:~~

25.3 (1) report ~~student~~ the academic growth consistent with this paragraph rate, as defined
25.4 in section 120B.355; and

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

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

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

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

25.26 (2) a rigorous coursework measure indicating the number and percentage of high school
25.27 graduates in the most recent school year who successfully completed one or more
25.28 college-level advanced placement, international baccalaureate, postsecondary enrollment
25.29 options including concurrent enrollment, other rigorous courses of study under section
25.30 120B.021, subdivision 1a, or industry certification courses or programs.

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

26.1 (d) When reporting student performance under section 120B.36, subdivision 1, the
26.2 commissioner annually, beginning July 1, 2014, must report summary data on school safety
26.3 and students' engagement and connection at school, consistent with the student categories
26.4 identified under paragraph (a), clause (2). The summary data under this paragraph are
26.5 separate from and must not be used for any purpose related to measuring or evaluating the
26.6 performance of classroom teachers. The commissioner, in consultation with qualified experts
26.7 on student engagement and connection and classroom teachers, must identify highly reliable
26.8 variables that generate summary data under this paragraph. The summary data may be used
26.9 at school, district, and state levels only. Any data on individuals received, collected, or
26.10 created that are used to generate the summary data under this paragraph are nonpublic data
26.11 under section 13.02, subdivision 9.

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

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

26.18 (2) the percent of students under this paragraph whose progress and performance levels
26.19 are meeting career and college readiness benchmarks under section 120B.30, subdivision
26.20 1; and

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

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

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

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

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

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

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

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

27.3 (g) When reporting ~~four- and six-year~~ graduation rates, the commissioner or school
27.4 district must disaggregate the data by student categories according to paragraph (a), clause
27.5 (2).

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

27.11 Sec. 18. 120B.355] ACADEMIC ACHIEVEMENT RATING SYSTEM.

27.12 Subdivision 1. Commissioner duties. (a) The commissioner of education must develop
27.13 an academic achievement rating system consistent with this section to provide parents and
27.14 students with a brief overview of student performance and growth in districts, school sites,
27.15 and charter schools across the state.

27.16 (b) Each district, school site, and charter school must be assigned a star rating based on
27.17 the criteria provided in this section. Star ratings must range from one star for the lowest
27.18 performing schools and districts to five stars for the highest performing schools and districts.

27.19 (c) Each district, school site, and charter school must be assigned an academic
27.20 achievement score on a scale of zero to 100 that equals the average of the equally weighted
27.21 factors used to determine a school's or district's star rating under subdivisions 3 to 5.

27.22 (d) The star rating and academic achievement score of each district, school site, and
27.23 charter school must be reported annually on the Department of Education's Web site as part
27.24 of the commissioner's school performance reports pursuant to section 120B.36.

27.25 (e) The commissioner must examine how revisions to statewide assessments under
27.26 section 120B.30 impact school and district ratings under this section. The commissioner
27.27 may adjust district, school site, and charter school ratings accordingly to maintain consistency
27.28 in reporting.

27.29 Subd. 2. Definitions. (a) For purposes of this section, the following terms have the
27.30 meanings given them.

27.31 (b) "Academic growth rate" means the average level of improvement in statewide test
27.32 results for the current year over the previous year across all student groups in a school.

28.1 Student improvement shall be quantified in a form and manner prescribed by the
28.2 commissioner consistent with the approved state Every Student Succeeds Act plan to
28.3 standardize this measurement across all schools and districts. The commissioner must
28.4 convert a school's academic growth rate to a score on a scale of zero to 100 for purposes of
28.5 determining a school's star rating under subdivision 3.

28.6 (c) "Low-income student achievement gap score" means 100 minus the average of: (1)
28.7 the statewide percentage of non-low-income students who are rated proficient on the
28.8 statewide reading test minus a school's percentage of low-income students who are rated
28.9 proficient on the statewide reading test; and (2) the statewide percentage of non-low-income
28.10 students who are rated proficient on the statewide math test minus a school's percentage of
28.11 low-income students who are rated proficient on the statewide math test.

28.12 (d) "Students of color achievement gap score" means 100 minus the average of: (1) the
28.13 statewide percentage of white students who are rated proficient on the statewide reading
28.14 test minus a school's percentage of students of color who are rated proficient on the statewide
28.15 reading test; and (2) the statewide percentage of white students who are rated proficient on
28.16 the statewide math test minus a school's percentage of students of color who are rated
28.17 proficient on the statewide math test.

28.18 (e) "Four-year graduation rate gap score" means 100 minus the difference between the
28.19 statewide four-year high school graduation rate for non-low-income students and a school's
28.20 four-year high school graduation rate for low-income students.

28.21 (f) "Low-income students" means students who qualify for free or reduced-price lunch
28.22 pursuant to section 126C.05, subdivision 16.

28.23 (g) "Proficient" means a student meets or exceeds federal accountability standards on
28.24 statewide assessments in reading and math consistent with the approved state Every Student
28.25 Succeeds Act plan.

28.26 (h) "Statewide reading test" and "statewide math test" mean the statewide reading and
28.27 mathematics assessments developed and administered pursuant to section 120B.30.

28.28 (i) "Students of color" means students who are American Indian, Asian, Pacific Islander,
28.29 Hispanic, Black, or two or more races consistent with section 120B.35, subdivision 3,
28.30 paragraph (a), clause (2).

28.31 Subd. 3. **Primary school rating components.** The commissioner must assign all
28.32 elementary and middle schools a star rating based on the following equally weighted factors
28.33 unique to each school:

- 29.1 (1) the percentage of students rated proficient on the statewide reading test;
- 29.2 (2) the percentage of students rated proficient on the statewide math test;
- 29.3 (3) the academic growth rate for the statewide reading test;
- 29.4 (4) the academic growth rate for the statewide math test;
- 29.5 (5) the low-income student achievement gap score;
- 29.6 (6) the students of color achievement gap score;
- 29.7 (7) the English learner proficiency rate, as defined in the approved state Every Student
- 29.8 Succeeds Act plan; and
- 29.9 (8) the consistent attendance rate, as defined in the approved state Every Student Succeeds
- 29.10 Act plan.

29.11 Subd. 4. **Secondary school rating components.** The commissioner must assign all high

29.12 schools a star rating based on the following equally weighted factors unique to each school:

- 29.13 (1) the percentage of students rated proficient on the statewide reading test;
- 29.14 (2) the percentage of students rated proficient on the statewide math test;
- 29.15 (3) the four-year graduation rate gap score;
- 29.16 (4) the low-income student achievement gap score;
- 29.17 (5) the students of color achievement gap score;
- 29.18 (6) the English learner proficiency rate, as defined in the approved state Every Student
- 29.19 Succeeds Act plan; and
- 29.20 (7) the consistent attendance rate, as defined in the approved state Every Student Succeeds
- 29.21 Act plan.

29.22 Subd. 5. **District rating components.** The commissioner must assign all districts a star

29.23 rating based on the following equally weighted factors unique to each district:

- 29.24 (1) the percentage of third grade students rated proficient on the statewide reading test;
- 29.25 (2) the low-income student achievement gap score, as applied at the district level;
- 29.26 (3) the students of color achievement gap score, as applied at the district level;
- 29.27 (4) the percentage of high school students rated proficient on the statewide reading test;
- 29.28 (5) the percentage of high school students rated proficient on the statewide math test;
- 29.29 and

30.1 (6) the district's four-year high school graduation rate.

30.2 Sec. 19. Minnesota Statutes 2017 Supplement, section 120B.36, subdivision 1, is amended
30.3 to read:

30.4 Subdivision 1. **School performance reports and public reporting.** (a) The commissioner
30.5 shall report: student academic performance data under section 120B.35, subdivisions 2 and
30.6 3; district, school site, and charter school academic achievement ratings under section
30.7 120B.355; the percentages of students showing low, medium, and high growth under section
30.8 120B.35, subdivision 3, paragraph (b); school safety and student engagement and connection
30.9 under section 120B.35, subdivision 3, paragraph (d); rigorous coursework under section
30.10 120B.35, subdivision 3, paragraph (c); the percentage of students under section 120B.35,
30.11 subdivision 3, paragraph (b), clause (2), whose progress and performance levels are meeting
30.12 career and college readiness benchmarks under sections 120B.30, subdivision 1, and 120B.35,
30.13 subdivision 3, paragraph (e); longitudinal data on the progress of eligible districts in reducing
30.14 disparities in students' academic achievement and realizing racial and economic integration
30.15 under section 124D.861; the acquisition of English, and where practicable, native language
30.16 academic literacy, including oral academic language, and the academic progress of all
30.17 English learners enrolled in a Minnesota public school course or program who are currently
30.18 or were previously counted as English learners under section 124D.59; two separate
30.19 student-to-teacher ratios that clearly indicate the definition of teacher consistent with sections
30.20 122A.06 and 122A.15 for purposes of determining these ratios; staff characteristics excluding
30.21 salaries; student enrollment demographics; foster care status, including all students enrolled
30.22 in a Minnesota public school course or program who are currently or were previously in
30.23 foster care, student homelessness, and district mobility; and extracurricular activities.

30.24 (b) The school performance report for a ~~school site and a school~~ district, school site, or
30.25 charter school must include school performance reporting information, including a prominent
30.26 display of both the district's, school site's, or charter school's star rating and academic
30.27 achievement score assigned by the commissioner under section 120B.355 and must calculate
30.28 proficiency and growth rates as required by the most recently reauthorized Elementary and
30.29 Secondary Education Act.

30.30 (c) The commissioner shall develop, annually update, and post on the department Web
30.31 site school performance reports consistent with paragraph (a) and section 120B.11.

30.32 (d) The commissioner must make available performance reports by the beginning of
30.33 each school year.

31.1 (e) A school or district may appeal its results in a form and manner determined by the
31.2 commissioner and consistent with federal law. The commissioner's decision to uphold or
31.3 deny an appeal is final.

31.4 (f) School performance data are nonpublic data under section 13.02, subdivision 9, until
31.5 the commissioner publicly releases the data. The commissioner ~~shall~~ must annually post
31.6 school performance reports to the department's public Web site no later than September 1,
31.7 except that in years when the reports reflect new performance standards, the commissioner
31.8 ~~shall~~ must post the school performance reports no later than October 1.

31.9 Sec. 20. Minnesota Statutes 2016, section 120B.36, subdivision 2, is amended to read:

31.10 Subd. 2. **Student progress and other data.** (a) All data the department receives, collects,
31.11 or creates under section 120B.11, governing the world's best workforce, or uses to determine
31.12 and set goals for federal expectations under the most recently reauthorized Elementary and
31.13 Secondary Education Act, set state growth targets, and determine student growth, learning,
31.14 and outcomes under section 120B.35 are nonpublic data under section 13.02, subdivision
31.15 9, until the commissioner publicly releases the data.

31.16 (b) Districts must provide parents sufficiently detailed summary data to permit parents
31.17 to appeal under the most recently reauthorized federal Elementary and Secondary Education
31.18 Act. The commissioner shall annually post federal expectations and state student growth,
31.19 learning, and outcome data to the department's public Web site no later than September 1,
31.20 except that in years when data or federal expectations reflect new performance standards,
31.21 the commissioner shall post data on federal expectations and state student growth data no
31.22 later than October 1.

31.23 Sec. 21. Minnesota Statutes 2016, section 121A.41, is amended by adding a subdivision
31.24 to read:

31.25 Subd. 12. **Nonexclusionary disciplinary policies and practices; alternatives to pupil**
31.26 **dismissal.** "Nonexclusionary disciplinary policies and practices" means policies and practices
31.27 that require school officials to intervene in, redirect, and support a pupil's behavior before
31.28 dismissing a pupil from school. Nonexclusionary disciplinary policies and practices include
31.29 evidence-based positive behavioral interventions and supports, social and emotional services,
31.30 school-linked mental health services, counseling services, social work services, referrals
31.31 for special education or 504 evaluations, academic screening for Title I services or reading
31.32 interventions, and alternative education services.

31.33 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

32.1 Sec. 22. Minnesota Statutes 2016, section 121A.41, is amended by adding a subdivision
32.2 to read:

32.3 Subd. 14. **Pupil withdrawal agreements.** "Pupil withdrawal agreements" means a verbal
32.4 or written agreement between a school or district administrator and a pupil's parent or
32.5 guardian to withdraw a student from the school district to avoid expulsion or exclusion
32.6 dismissal proceedings. The duration of the withdrawal agreement may be no longer than
32.7 12 months.

32.8 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

32.9 Sec. 23. Minnesota Statutes 2016, section 121A.45, subdivision 1, is amended to read:

32.10 Subdivision 1. **Provision of alternative programs.** No school shall dismiss any pupil
32.11 without attempting to ~~provide alternative educational services~~ use nonexclusionary
32.12 disciplinary policies and practices before dismissal proceedings or pupil withdrawal
32.13 agreements, except where it appears that the pupil will create an immediate and substantial
32.14 danger to self or to surrounding persons or property.

32.15 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

32.16 Sec. 24. Minnesota Statutes 2016, section 121A.46, is amended by adding a subdivision
32.17 to read:

32.18 Subd. 5. **Suspensions exceeding five consecutive school days.** The school administrator
32.19 must ensure that when a pupil is suspended for more than five consecutive school days,
32.20 alternative education services are provided.

32.21 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

32.22 Sec. 25. Minnesota Statutes 2016, section 121A.46, is amended by adding a subdivision
32.23 to read:

32.24 Subd. 6. **Minimum education services.** School officials must give a suspended pupil
32.25 the opportunity to complete all school work assigned during the pupil's suspension and to
32.26 receive full credit for satisfactorily completing the assignments. The school principal or
32.27 other person having administrative control of the school building or program is encouraged
32.28 to designate a district or school employee as a liaison to work with the pupil's teachers to
32.29 allow the suspended pupil to (1) receive timely course materials and other information, and
32.30 (2) complete daily and weekly assignments and receive teachers' feedback.

32.31 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

33.1 Sec. 26. Minnesota Statutes 2016, section 121A.47, subdivision 2, is amended to read:

33.2 Subd. 2. **Written notice.** Written notice of intent to take action ~~shall~~ must:

33.3 ~~(a)~~ (1) be served upon the pupil and the pupil's parent or guardian personally or by mail;

33.4 ~~(b)~~ (2) contain a complete statement of the facts, a list of the witnesses and a description
33.5 of their testimony;

33.6 ~~(c)~~ (3) state the date, time, and place of the hearing;

33.7 ~~(d)~~ (4) be accompanied by a copy of sections 121A.40 to 121A.56;

33.8 ~~(e)~~ (5) describe ~~alternative educational services~~ the nonexclusionary disciplinary policies
33.9 and practices accorded the pupil in an attempt to avoid the expulsion proceedings; and

33.10 ~~(f)~~ (6) inform the pupil and parent or guardian of the right to:

33.11 ~~(1)~~ (i) have a representative of the pupil's own choosing, including legal counsel, at the
33.12 hearing. The district ~~shall~~ must advise the pupil's parent or guardian that free or low-cost
33.13 legal assistance may be available and that a legal assistance resource list is available from
33.14 the Department of Education and is posted on its Web site;

33.15 ~~(2)~~ (ii) examine the pupil's records before the hearing;

33.16 ~~(3)~~ (iii) present evidence; and

33.17 ~~(4)~~ (iv) confront and cross-examine witnesses.

33.18 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

33.19 Sec. 27. Minnesota Statutes 2016, section 121A.47, subdivision 14, is amended to read:

33.20 Subd. 14. **Admission or readmission plan.** (a) A school administrator ~~shall~~ must prepare
33.21 and enforce an admission or readmission plan for any pupil who is excluded or expelled
33.22 from school. The plan ~~may~~ must include measures to improve the pupil's behavior, ~~including~~
33.23 which may include completing a character education program, consistent with section
33.24 120B.232, subdivision 1, ~~and~~ social and emotional learning, counseling, social work services,
33.25 mental health services, referrals for special education or 504 evaluation, and evidence-based
33.26 academic interventions. The plan must require parental involvement in the admission or
33.27 readmission process, and may indicate the consequences to the pupil of not improving the
33.28 pupil's behavior.

33.29 (b) The definition of suspension under section 121A.41, subdivision 10, does not apply
33.30 to a student's dismissal from school for one school day or less, except as provided under
33.31 federal law for a student with a disability. Each suspension action may include a readmission

34.1 plan. A readmission plan must provide, where appropriate, alternative education services,
 34.2 which must not be used to extend the student's current suspension period. Consistent with
 34.3 section 125A.091, subdivision 5, a readmission plan must not obligate a parent or guardian
 34.4 to provide psychotropic drugs to their student as a condition of readmission. School officials
 34.5 must not use the refusal of a parent or guardian to consent to the administration of
 34.6 psychotropic drugs to their student or to consent to a psychiatric evaluation, screening or
 34.7 examination of the student as a ground, by itself, to prohibit the student from attending class
 34.8 or participating in a school-related activity, or as a basis of a charge of child abuse, child
 34.9 neglect or medical or educational neglect.

34.10 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

34.11 Sec. 28. Minnesota Statutes 2016, section 121A.53, subdivision 1, is amended to read:

34.12 Subdivision 1. **Exclusions and expulsions; student withdrawals; physical assaults.**
 34.13 Consistent with subdivision 2, the school board must report through the department electronic
 34.14 reporting system each exclusion or expulsion ~~and,~~ each physical assault of a district employee
 34.15 by a ~~student~~ pupil, and each pupil withdrawal agreement within 30 days of the effective
 34.16 date of the dismissal action, pupil withdrawal, or assault to the commissioner of education.
 34.17 This report must include a statement of ~~alternative educational services~~ nonexclusionary
 34.18 disciplinary policies and practices, or other sanction, intervention, or resolution in response
 34.19 to the assault given the pupil and the reason for, the effective date, and the duration of the
 34.20 exclusion or expulsion or other sanction, intervention, or resolution. The report must also
 34.21 include the ~~student's~~ pupil's age, grade, gender, race, and special education status.

34.22 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

34.23 Sec. 29. Minnesota Statutes 2016, section 121A.55, is amended to read:

34.24 **121A.55 POLICIES TO BE ESTABLISHED.**

34.25 (a) The commissioner of education shall promulgate guidelines to assist each school
 34.26 board. Each school board ~~shall~~ must establish uniform criteria for dismissal and adopt written
 34.27 policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies
 34.28 ~~shall~~ must include nonexclusionary disciplinary policies and practices consistent with section
 34.29 121A.41, subdivision 12, and emphasize preventing dismissals through early detection of
 34.30 problems and shall. The policies must be designed to address students' inappropriate behavior
 34.31 from recurring.

35.1 (b) The policies shall recognize the continuing responsibility of the school for the
35.2 education of the pupil during the dismissal period. The school is responsible to ensure that
35.3 the alternative educational services, if to be provided to the pupil wishes to take advantage
35.4 of them, must be adequate to allow the pupil to make progress towards meeting the graduation
35.5 standards adopted under section 120B.02 ~~and~~, help prepare the pupil for readmission, and
35.6 are consistent with section 121A.46, subdivision 6.

35.7 (c) For expulsion and exclusion dismissals, as well as pupil withdrawal agreements as
35.8 defined in section 121A.41, subdivision 14:

35.9 (1) the school district's continuing responsibility includes reviewing the pupil's school
35.10 work and grades on a quarterly basis to ensure the pupil is on track for readmission with
35.11 the pupil's peers. School districts must communicate on a regular basis with the pupil's
35.12 parent or guardian to ensure the pupil is completing the work assigned through the alternative
35.13 educational services;

35.14 (2) if school-based mental health services are provided in the district under section
35.15 245.4889, pupils continue to be eligible for those services until they are enrolled in a new
35.16 district; and

35.17 (3) The school district must provide to the pupil's parent or guardian a list of mental
35.18 health and counseling services available to the pupil after expulsion. The list must also be
35.19 posted on the district's Web site.

35.20 (d) The school district must provide to the pupil's parent or guardian information regarding
35.21 how a pupil withdrawal agreement is recorded or reported under sections 120A.22,
35.22 subdivision 7, and 121A.53, subdivision 1.

35.23 ~~(b)~~ (e) An area learning center under section 123A.05 may not prohibit an expelled or
35.24 excluded pupil from enrolling solely because a district expelled or excluded the pupil. The
35.25 board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to
35.26 exclude a pupil or to require an admission plan.

35.27 ~~(e)~~ (f) Each school district shall develop a policy and report it to the commissioner on
35.28 the appropriate use of peace officers and crisis teams to remove students who have an
35.29 individualized education program from school grounds.

35.30 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

36.1 Sec. 30. Minnesota Statutes 2017 Supplement, section 122A.09, is amended by adding a
36.2 subdivision to read:

36.3 Subd. 4b. **Essential data.** The Professional Educator Licensing and Standards Board
36.4 must maintain a list of essential data elements which must be recorded and stored about
36.5 each licensed and nonlicensed staff member. Each school district must provide the essential
36.6 data to the board in the form and manner prescribed by the board.

36.7 Sec. 31. Minnesota Statutes 2016, section 123B.14, subdivision 7, is amended to read:

36.8 Subd. 7. **Clerk records.** The clerk ~~shall~~ must keep a record of all meetings of the district
36.9 and the board in books provided by the district for that purpose. The clerk ~~shall~~ must, within
36.10 three days after an election, notify all persons elected of their election. By September 15 of
36.11 each year the clerk ~~shall~~ must file with the board a report of the revenues, expenditures and
36.12 balances in each fund for the preceding fiscal year. The report together with vouchers and
36.13 supporting documents ~~shall~~ must subsequently be examined by a public accountant or the
36.14 state auditor, either of whom ~~shall~~ must be paid by the district, as provided in section
36.15 123B.77, subdivision 3. The board ~~shall~~ must by resolution approve the report or require a
36.16 further or amended report. ~~By September 15 of each year, the clerk shall make and transmit~~
36.17 ~~to the commissioner certified reports, showing:~~

36.18 ~~(1) the revenues and expenditures in detail, and such other financial information required~~
36.19 ~~by law, rule, or as may be called for by the commissioner;~~

36.20 ~~(2) the length of school term and the enrollment and attendance by grades; and~~

36.21 ~~(3) such other items of information as may be called for by the commissioner.~~

36.22 The clerk ~~shall~~ must enter in the clerk's record book copies of all reports and of the
36.23 teachers' term reports, as they appear in the registers, and of the proceedings of any meeting
36.24 as furnished by the clerk pro tem, and keep an itemized account of all the expenses of the
36.25 district. The clerk ~~shall~~ must furnish to the auditor of the proper county, by September 30
36.26 of each year, an attested copy of the clerk's record, showing the amount of proposed property
36.27 tax voted by the district or the board for school purposes; draw and sign all orders upon the
36.28 treasurer for the payment of money for bills allowed by the board for salaries of officers
36.29 and for teachers' wages and all claims, to be countersigned by the chair. Such orders must
36.30 state the consideration, payee, and the fund and the clerk shall take a receipt therefor.
36.31 Teachers' wages shall have preference in the order in which they become due, and no money
36.32 applicable for teachers' wages shall be used for any other purpose, nor shall teachers' wages
36.33 be paid from any fund except that raised or apportioned for that purpose.

37.1 Sec. 32. Minnesota Statutes 2016, section 124D.09, subdivision 4, is amended to read:

37.2 Subd. 4. **Alternative pupil.** (a) "Alternative pupil" means an a 10th, 11th, or 12th grade
37.3 student, subject to paragraph (b), who is not enrolled in a public school district, and includes.
37.4 Alternative pupils includes students attending nonpublic schools and students who are home
37.5 schooled. An alternative pupil is considered a pupil for purposes of this section only. An
37.6 alternative pupil must register with the commissioner of education before participating in
37.7 the postsecondary enrollment options program. The commissioner ~~shall~~ must prescribe the
37.8 form and manner of the registration, in consultation with the Nonpublic Education Council
37.9 under section 123B.445, and may request any necessary information from the alternative
37.10 pupil.

37.11 (b) A 10th grade student qualifies as an alternative pupil if the student (1) is enrolled in
37.12 a career or technical education course offered by an eligible institution and (2) received a
37.13 passing score on the 8th grade Minnesota Comprehensive Assessment, or another reading
37.14 assessment accepted by the enrolling postsecondary institution. A career or technical
37.15 education course must meet the requirements under subdivision 5a. If an alternative pupil
37.16 in 10th grade receives a grade of "C" or better in the career or technical education course
37.17 taken under this subdivision, the postsecondary institution must allow the student to take
37.18 additional postsecondary courses for credit at that institution, not to exceed the limits in
37.19 subdivision 8.

37.20 **EFFECTIVE DATE.** This section is effective for applications submitted on or after
37.21 July 1, 2018.

37.22 Sec. 33. Minnesota Statutes 2016, section 124D.128, subdivision 1, is amended to read:

37.23 Subdivision 1. **Program established.** A learning year program provides instruction
37.24 throughout the year on an extended year calendar, extended school day calendar, or both.
37.25 ~~A pupil may participate in the program and accelerate attainment of grade level requirements~~
37.26 ~~or graduation requirements.~~ A learning year program may begin after the close of the regular
37.27 school year in June. The program may be for students in one or more grade levels from
37.28 kindergarten through grade 12.

37.29 Sec. 34. Minnesota Statutes 2016, section 124D.78, subdivision 2, is amended to read:

37.30 Subd. 2. **Resolution of concurrence.** Prior to March 1, the school board or American
37.31 Indian school must submit to the department a copy of a resolution adopted by the American
37.32 Indian education parent advisory committee. The copy must be signed by the chair of the
37.33 committee and must state whether the committee concurs with the educational programs

38.1 for American Indian students offered by the school board or American Indian school. If the
38.2 committee does not concur with the educational programs, the reasons for nonconcurrence
38.3 and recommendations ~~shall~~ must be submitted directly to the school board with the resolution.
38.4 By resolution, the board must respond in writing within 60 days, in cases of nonconcurrence,
38.5 to each recommendation made by the committee and state its reasons for not implementing
38.6 the recommendations.

38.7 Sec. 35. Minnesota Statutes 2016, section 124E.05, subdivision 4, is amended to read:

38.8 Subd. 4. **Application content.** (a) To be approved as an authorizer, an applicant must
38.9 include in its application to the commissioner at least the following:

38.10 (1) how the organization carries out its mission by chartering schools;

38.11 (2) a description of the capacity of the organization to serve as an authorizer, including
38.12 the positions allocated to authorizing duties, the qualifications for those positions, the
38.13 full-time equivalencies of those positions, and the financial resources available to fund the
38.14 positions;

38.15 (3) the application and review process the authorizer uses to decide whether to grant
38.16 charters;

38.17 (4) the type of contract it arranges with the schools it charters to meet the provisions of
38.18 section 124E.10;

38.19 (5) the process for overseeing the school, consistent with clause (4), to ensure that the
38.20 schools chartered comply with applicable law and rules and the contract;

38.21 (6) the criteria and process the authorizer uses to approve applications adding grades or
38.22 sites under section 124E.06, subdivision 5; and

38.23 (7) the process for renewing or terminating the school's charter based on evidence
38.24 showing the academic, organizational, and financial competency of the school, including
38.25 its success in increasing student achievement and meeting the goals of the charter school
38.26 agreement; ~~and.~~

38.27 ~~(8) an assurance specifying that the organization is committed to serving as an authorizer~~
38.28 ~~for the full five-year term.~~

38.29 (b) Notwithstanding paragraph (a), an authorizer that is a school district may satisfy the
38.30 requirements of paragraph (a), clauses (1) and (2), and any requirement governing a conflict
38.31 of interest between an authorizer and its charter schools or ongoing evaluation or continuing

39.1 education of an administrator or other professional support staff by submitting to the
39.2 commissioner a written promise to comply with the requirements.

39.3 Sec. 36. Minnesota Statutes 2016, section 124E.07, subdivision 2, is amended to read:

39.4 Subd. 2. **Ongoing board of directors.** The ongoing board must be elected before the
39.5 school completes its ~~third~~ second year of operation. Board elections must be held during
39.6 the school year but may not be conducted on days when the school is closed. The term of
39.7 office for the initial ongoing board members begins July 1.

39.8 Sec. 37. Minnesota Statutes 2016, section 124E.07, subdivision 3, is amended to read:

39.9 Subd. 3. **Membership criteria.** (a) The ongoing charter school board of directors ~~shall~~
39.10 must have at least five nonrelated members and include: (1) at least one licensed teacher
39.11 who is employed ~~as a teacher at~~ by the school ~~or provides as a teacher to provide instruction~~
39.12 to students or a licensed teacher who is engaged as a teacher to provide instruction to students
39.13 under contract between the charter school and a cooperative; (2) at least one parent or legal
39.14 guardian of a student enrolled in the charter school who is not an employee of the charter
39.15 school ~~or an immediate family member of a school employee~~; and (3) at least one interested
39.16 community member who resides in Minnesota, is not employed by or under contract to the
39.17 charter school, and does not have a child enrolled in the school. The board structure may
39.18 include a majority of teachers under this paragraph or parents or community members, or
39.19 it may have no clear majority. The board structure shall be stated in the school corporation's
39.20 bylaws. ~~The chief financial officer and the chief administrator may only serve as an ex-officio~~
39.21 nonvoting board ~~members~~ member. No charter school employees shall serve on the board
39.22 other than teachers under clause (1). Contractors providing facilities, goods, or services to
39.23 a charter school shall not serve on the board of directors of the charter school.

39.24 (b) An individual is prohibited from serving as a member of the charter school board of
39.25 directors if: (1) the individual, an immediate family member, or the individual's partner is
39.26 a full or part owner or principal with a for-profit or nonprofit entity or independent contractor
39.27 with whom the charter school contracts, directly or indirectly, for professional services,
39.28 goods, or facilities; or (2) an immediate family member is an employee of the school. An
39.29 individual may serve as a member of the board of directors if no conflict of interest exists
39.30 under this paragraph, consistent with this section.

39.31 (c) A violation of paragraph (b) renders a contract voidable at the option of the
39.32 commissioner or the charter school board of directors. A member of a charter school board

40.1 of directors who violates paragraph (b) is individually liable to the charter school for any
40.2 damage caused by the violation.

40.3 (d) Any employee, agent, or board member of the authorizer who participates in initially
40.4 reviewing, approving, overseeing, evaluating, renewing, or not renewing the charter school
40.5 is ineligible to serve on the board of directors of a school chartered by that authorizer.

40.6 Sec. 38. Minnesota Statutes 2016, section 124E.07, subdivision 7, is amended to read:

40.7 Subd. 7. **Training.** (a) Every charter school board member shall, including the ex-officio
40.8 member, must attend annual training throughout the member's term. All new board members
40.9 shall attend initial training on the board's role and responsibilities, employment policies and
40.10 practices, and financial management. A new board member who does not begin the required
40.11 initial training within six months after being seated and complete that training within 12
40.12 months after being seated is automatically ineligible to continue to serve as a board member.
40.13 The school shall include in its annual report the training each board member attended during
40.14 the previous year.

40.15 (b) All newly elected board members must attend training on the board's role,
40.16 responsibilities, and procedures before being seated on the board. An individual shall not
40.17 be seated on the board until the training required in this paragraph is completed.

40.18 (c) All newly seated board members must attend training on public school finances and
40.19 financial management; employment law, policies, and practices; and student performance,
40.20 achievement, and outcomes. Any member who fails to complete the training required in
40.21 this paragraph within 12 months of being seated on the board is automatically removed
40.22 from the board and may not be elected or appointed to the board for a period of at least 12
40.23 months after vacating the seat.

40.24 (d) The school must include in its annual report the training each board member attended
40.25 during the previous year.

40.26 Sec. 39. Minnesota Statutes 2016, section 124E.10, subdivision 4, is amended to read:

40.27 Subd. 4. **Causes for nonrenewal or termination of charter school contract.** (a) The
40.28 duration of the contract with an authorizer must be for the term contained in the contract
40.29 according to subdivision 1, paragraph (a). The authorizer may or may not renew a contract
40.30 at the end of the term for any ground listed in paragraph (b). An authorizer may unilaterally
40.31 terminate a contract during the term of the contract for any ground listed in paragraph (b).
40.32 At least 60 business days before not renewing or terminating a contract, the authorizer shall

41.1 must notify the board of directors of the charter school of the proposed action in writing.

41.2 The notice ~~shall~~ must state the grounds for the proposed action in reasonable detail and
41.3 describe the informal hearing process, consistent with this paragraph. The charter school's
41.4 board of directors may request in writing an informal hearing before the authorizer within
41.5 15 business days after receiving notice of nonrenewal or termination of the contract. Failure
41.6 by the board of directors to make a written request for an informal hearing within the
41.7 15-business-day period shall be treated as acquiescence to the proposed action. Upon
41.8 receiving a timely written request for a hearing, the authorizer ~~shall~~ must give ten business
41.9 days' notice to the charter school's board of directors of the hearing date. The authorizer
41.10 ~~shall~~ must conduct an informal hearing before taking final action. The hearing must be
41.11 recorded by tape recording, video, or a court reporter at the expense of the authorizer. The
41.12 recording must be preserved for three years and must be made available to the public. The
41.13 authorizer ~~shall~~ must take final action to renew or not renew a contract no later than 20
41.14 business days before the proposed date for terminating the contract or the end date of the
41.15 contract.

41.16 (b) An authorizer may terminate or not renew a contract upon any of the following
41.17 grounds:

41.18 (1) failure to demonstrate satisfactory academic achievement for all students, including
41.19 the requirements for pupil performance contained in the contract;

41.20 (2) failure to meet generally accepted standards of fiscal management;

41.21 (3) violations of law; or

41.22 (4) other good cause shown.

41.23 If the authorizer terminates or does not renew a contract under this paragraph, the school
41.24 must be dissolved according to the applicable provisions of chapter 317A.

41.25 (c) The commissioner, after providing reasonable notice to the board of directors of a
41.26 charter school and the existing authorizer, and after providing an opportunity for a public
41.27 hearing, may terminate the existing contract between the authorizer and the charter school
41.28 board if the charter school has a history of:

41.29 (1) failure to meet pupil performance requirements, consistent with state law;

41.30 (2) financial mismanagement or failure to meet generally accepted standards of fiscal
41.31 management; or

41.32 (3) repeated or major violations of the law.

42.1 Sec. 40. Minnesota Statutes 2017 Supplement, section 124E.11, is amended to read:

42.2 **124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.**

42.3 Subdivision 1. Limits on enrollment. (a) A charter school, including its preschool or
42.4 prekindergarten program established under section 124E.06, subdivision 3, paragraph (b),
42.5 may limit admission to:

42.6 (1) pupils within an age group or grade level;

42.7 (2) pupils who are eligible to participate in the graduation incentives program under
42.8 section 124D.68; or

42.9 (3) residents of a specific geographic area in which the school is located when the
42.10 majority of students served by the school are members of underserved populations.

42.11 Subd. 2. Timely application; lottery; enrollment preference. (b) A charter school,
42.12 including its preschool or prekindergarten program established under section 124E.06,
42.13 subdivision 3, paragraph (b), ~~shall~~ must enroll an eligible pupil who submits a timely
42.14 application, unless the number of applications exceeds the capacity of a program, class,
42.15 grade level, or building. In this case, pupils must be accepted by lot. The charter school
42.16 must develop and publish, including on its Web site, a lottery policy and process that it must
42.17 use when accepting pupils by lot.

42.18 Subd. 3. Lottery exceptions. (e) (a) A charter school ~~shall~~ must give enrollment
42.19 preference to a sibling of an enrolled pupil and to a foster child of that pupil's parents and
42.20 may give preference for enrolling children of the school's staff before accepting other pupils
42.21 by lot.

42.22 (b) A charter school may give enrollment preference to children currently enrolled in
42.23 the school's free preschool or prekindergarten program under section 124E.06, subdivision
42.24 3, paragraph (b), who are eligible to enroll in kindergarten in the next school year.

42.25 (c) A charter school that is located in Duluth township in St. Louis County or in the city
42.26 of Nerstrand in Rice County, and admits students in kindergarten through grade 6 must give
42.27 enrollment preference to students residing within a five-mile radius of the school and to the
42.28 siblings of enrolled children.

42.29 ~~A charter school may give enrollment preference to children currently enrolled in the~~
42.30 ~~school's free preschool or prekindergarten program under section 124E.06, subdivision 3,~~
42.31 ~~paragraph (a), who are eligible to enroll in kindergarten in the next school year.~~

43.1 (d) A charter school that is located in Castle Rock Township in Dakota County must
43.2 give enrollment preference to students residing within a two-mile radius of the school and
43.3 to the siblings of enrolled children.

43.4 Subd. 4. Age of enrollment. ~~(d)~~ A person ~~shall~~ must not be admitted to a charter school
43.5 (1) as a kindergarten pupil, unless the pupil is at least five years of age on September 1 of
43.6 the calendar year in which the school year for which the pupil seeks admission commences;
43.7 or (2) as a first grade student, unless the pupil is at least six years of age on September 1 of
43.8 the calendar year in which the school year for which the pupil seeks admission commences
43.9 or has completed kindergarten; except that a charter school may establish and publish on
43.10 its Web site a policy for admission of selected pupils at an earlier age, consistent with the
43.11 enrollment process in ~~paragraphs (b) and (c)~~ subdivisions 2 and 3.

43.12 Subd. 5. Admission limits not allowed. ~~(e)~~ Except as permitted in ~~paragraph (d)~~
43.13 subdivision 4, a charter school, including its preschool or prekindergarten program established
43.14 under section 124E.06, subdivision 3, paragraph (b), may not limit admission to pupils on
43.15 the basis of intellectual ability, measures of achievement or aptitude, or athletic ability and
43.16 may not establish any criteria or requirements for admission that are inconsistent with this
43.17 section.

43.18 Subd. 6. Enrollment incentives prohibited. ~~(f)~~ The A charter school shall or any agent
43.19 of the school must not distribute any services, or goods, payments, or other incentives of
43.20 value to students, parents, or guardians as an inducement, term, or condition of enrolling a
43.21 student in a charter school.

43.22 Subd. 7. Enrollment continues. ~~(g)~~ Once a student is enrolled in ~~the~~ a charter school,
43.23 the student is considered enrolled in the school until the student formally withdraws school
43.24 receives a request for the transfer of educational records form another school, or a written
43.25 election by the parent or guardian of the student withdrawing the student or is expelled
43.26 under the Pupil Fair Dismissal Act in sections 121A.40 to 121A.56.

43.27 Subd. 8. Prekindergarten pupils. ~~(h)~~ A charter school with at least 90 percent of enrolled
43.28 students who are eligible for special education services and have a primary disability of
43.29 deaf or hard-of-hearing may enroll prekindergarten pupils with a disability under section
43.30 126C.05, subdivision 1, paragraph (a), and must comply with the federal Individuals with
43.31 Disabilities Education Act under Code of Federal Regulations, title 34, section 300.324,
43.32 subsection (2), clause (iv).

43.33 EFFECTIVE DATE. This section is effective for enrollment decisions made on or
43.34 after July 1, 2018.

44.1 Sec. 41. Minnesota Statutes 2016, section 124E.17, subdivision 1, is amended to read:

44.2 Subdivision 1. **Charter school information.** (a) Charter schools must disseminate
44.3 information about how to use the charter school offerings to targeted groups, among others.
44.4 Targeted groups include low-income families and communities, students of color, and
44.5 students who are at risk of academic failure.

44.6 (b) Authorizers and the commissioner must disseminate information to the public on
44.7 how to form and operate a charter school. Authorizers, operators, and the commissioner
44.8 also may disseminate information to interested stakeholders about the successful best
44.9 practices in teaching and learning demonstrated by charter schools.

44.10 (c) A charter school must document its dissemination efforts in its annual report.

44.11 Sec. 42. Minnesota Statutes 2016, section 125B.07, subdivision 6, is amended to read:

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

44.16 Sec. 43. Minnesota Statutes 2016, section 126C.15, subdivision 5, is amended to read:

44.17 Subd. 5. **Annual expenditure report.** Each year a district that receives basic skills
44.18 revenue must submit a report identifying the expenditures it incurred to meet the needs of
44.19 eligible learners under subdivision 1. The report must conform to uniform financial and
44.20 reporting standards established for this purpose. Using valid and reliable data and
44.21 measurement criteria, ~~the a report also must determine~~ that determines whether increased
44.22 expenditures raised student achievement levels must be reported under section 120B.11.

44.23 Sec. 44. Minnesota Statutes 2016, section 128D.06, subdivision 1, is amended to read:

44.24 Subdivision 1. **Board's annual report.** The board of education ~~shall~~ must, as soon as
44.25 practicable after the close of each fiscal year, cause to be printed, published, and distributed
44.26 a report of the condition of the public school program under its charge, and of all the property
44.27 under its control, ~~with full and accurate account of all receipts and of all expenditures of~~
44.28 ~~the school district during the preceding year including operating and maintenance expenses~~
44.29 ~~as well as all expenses for capital outlay and building site improvement.~~

45.1 Sec. 45. Minnesota Statutes 2017 Supplement, section 609A.03, subdivision 7a, is amended
45.2 to read:

45.3 Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance
45.4 of an expungement order related to a charge supported by probable cause, the DNA samples
45.5 and DNA records held by the Bureau of Criminal Apprehension and collected under authority
45.6 other than section 299C.105 shall not be sealed, returned to the subject of the record, or
45.7 destroyed.

45.8 (b) Notwithstanding the issuance of an expungement order:

45.9 (1) except as provided in clause (2), an expunged record may be opened, used, or
45.10 exchanged between criminal justice agencies without a court order for the purposes of
45.11 initiating, furthering, or completing a criminal investigation or prosecution or for sentencing
45.12 purposes or providing probation or other correctional services;

45.13 (2) when a criminal justice agency seeks access to a record that was sealed under section
45.14 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing
45.15 for lack of probable cause, for purposes of a criminal investigation, prosecution, or
45.16 sentencing, the requesting agency must obtain an ex parte court order after stating a
45.17 good-faith basis to believe that opening the record may lead to relevant information;

45.18 (3) an expunged record of a conviction may be opened for purposes of evaluating a
45.19 prospective employee in a criminal justice agency without a court order;

45.20 (4) an expunged record of a conviction may be opened for purposes of a background
45.21 study under section 245C.08 unless the commissioner had been properly served with notice
45.22 of the petition for expungement and the court order for expungement is directed specifically
45.23 to the commissioner of human services;

45.24 (5) an expunged record of a conviction may be opened for purposes of a background
45.25 check required under section 122A.18, subdivision 8, unless the court order for expungement
45.26 is directed specifically to the Professional Educator Licensing and Standards Board or the
45.27 licensing division of the Department of Education; and

45.28 (6) the court may order an expunged record opened upon request by the victim of the
45.29 underlying offense if the court determines that the record is substantially related to a matter
45.30 for which the victim is before the court.

45.31 (c) An agency or jurisdiction subject to an expungement order shall maintain the record
45.32 in a manner that provides access to the record by a criminal justice agency under paragraph
45.33 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau

46.1 of Criminal Apprehension shall notify the commissioner of human services, and the
46.2 Professional Educator Licensing and Standards Board, ~~or the licensing division of the~~
46.3 ~~Department of Education~~ of the existence of a sealed record and of the right to obtain access
46.4 under paragraph (b), clause (4) or (5). Upon request, the agency or jurisdiction subject to
46.5 the expungement order shall provide access to the record to the commissioner of human
46.6 services, the Professional Educator Licensing and Standards Board, or the licensing division
46.7 of the Department of Education under paragraph (b), clause (4) or (5).

46.8 (d) An expunged record that is opened or exchanged under this subdivision remains
46.9 subject to the expungement order in the hands of the person receiving the record.

46.10 (e) A criminal justice agency that receives an expunged record under paragraph (b),
46.11 clause (1) or (2), must maintain and store the record in a manner that restricts the use of the
46.12 record to the investigation, prosecution, or sentencing for which it was obtained.

46.13 (f) For purposes of this section, a "criminal justice agency" means a court or government
46.14 agency that performs the administration of criminal justice under statutory authority.

46.15 (g) This subdivision applies to expungement orders subject to its limitations and effective
46.16 on or after January 1, 2015.

46.17 Sec. 46. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 2, is amended
46.18 to read:

46.19 Subd. 2. **Definitions.** As used in this section, the following terms have the meanings
46.20 given them unless the specific content indicates otherwise:

46.21 (a) "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence
46.22 or event which:

46.23 (1) is not likely to occur and could not have been prevented by exercise of due care; and

46.24 (2) if occurring while a child is receiving services from a facility, happens when the
46.25 facility and the employee or person providing services in the facility are in compliance with
46.26 the laws and rules relevant to the occurrence or event.

46.27 (b) "Commissioner" means the commissioner of human services.

46.28 (c) "Facility" means:

46.29 (1) a licensed or unlicensed day care facility, certified license-exempt child care center,
46.30 residential facility, agency, hospital, sanitarium, or other facility or institution required to
46.31 be licensed under sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter
46.32 144H, 245D, or 245H;

47.1 (2) a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E;
47.2 or

47.3 (3) a nonlicensed personal care provider organization as defined in section 256B.0625,
47.4 subdivision 19a.

47.5 (d) "Family assessment" means a comprehensive assessment of child safety, risk of
47.6 subsequent child maltreatment, and family strengths and needs that is applied to a child
47.7 maltreatment report that does not allege sexual abuse or substantial child endangerment.
47.8 Family assessment does not include a determination as to whether child maltreatment
47.9 occurred but does determine the need for services to address the safety of family members
47.10 and the risk of subsequent maltreatment.

47.11 (e) "Investigation" means fact gathering related to the current safety of a child and the
47.12 risk of subsequent maltreatment that determines whether child maltreatment occurred and
47.13 whether child protective services are needed. An investigation must be used when reports
47.14 involve sexual abuse or substantial child endangerment, and for reports of maltreatment in
47.15 facilities required to be licensed or certified under chapter 245A, 245D, or 245H; under
47.16 sections 144.50 to 144.58 and 241.021; in a school as defined in section 120A.05,
47.17 subdivisions 9, 11, and 13, and chapter 124E; or in a nonlicensed personal care provider
47.18 association as defined in section 256B.0625, subdivision 19a.

47.19 (f) "Mental injury" means an injury to the psychological capacity or emotional stability
47.20 of a child as evidenced by an observable or substantial impairment in the child's ability to
47.21 function within a normal range of performance and behavior with due regard to the child's
47.22 culture.

47.23 (g) "Neglect" means the commission or omission of any of the acts specified under
47.24 clauses (1) to (9), other than by accidental means:

47.25 (1) failure by a person responsible for a child's care to supply a child with necessary
47.26 food, clothing, shelter, health, medical, or other care required for the child's physical or
47.27 mental health when reasonably able to do so;

47.28 (2) failure to protect a child from conditions or actions that seriously endanger the child's
47.29 physical or mental health when reasonably able to do so, including a growth delay, which
47.30 may be referred to as a failure to thrive, that has been diagnosed by a physician and is due
47.31 to parental neglect;

47.32 (3) failure to provide for necessary supervision or child care arrangements appropriate
47.33 for a child after considering factors as the child's age, mental ability, physical condition,

48.1 length of absence, or environment, when the child is unable to care for the child's own basic
48.2 needs or safety, or the basic needs or safety of another child in their care;

48.3 (4) failure to ensure that the child is educated as defined in sections 120A.22 and
48.4 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's
48.5 child with sympathomimetic medications, consistent with section 125A.091, subdivision
48.6 5;

48.7 (5) nothing in this section shall be construed to mean that a child is neglected solely
48.8 because the child's parent, guardian, or other person responsible for the child's care in good
48.9 faith selects and depends upon spiritual means or prayer for treatment or care of disease or
48.10 remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker,
48.11 or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of
48.12 medical care may cause serious danger to the child's health. This section does not impose
48.13 upon persons, not otherwise legally responsible for providing a child with necessary food,
48.14 clothing, shelter, education, or medical care, a duty to provide that care;

48.15 (6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision
48.16 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in
48.17 the child at birth, results of a toxicology test performed on the mother at delivery or the
48.18 child at birth, medical effects or developmental delays during the child's first year of life
48.19 that medically indicate prenatal exposure to a controlled substance, or the presence of a
48.20 fetal alcohol spectrum disorder;

48.21 (7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

48.22 (8) chronic and severe use of alcohol or a controlled substance by a parent or person
48.23 responsible for the care of the child that adversely affects the child's basic needs and safety;
48.24 or

48.25 (9) emotional harm from a pattern of behavior which contributes to impaired emotional
48.26 functioning of the child which may be demonstrated by a substantial and observable effect
48.27 in the child's behavior, emotional response, or cognition that is not within the normal range
48.28 for the child's age and stage of development, with due regard to the child's culture.

48.29 (h) "Nonmaltreatment mistake" means:

48.30 (1) at the time of the incident, the individual was performing duties identified in the
48.31 center's child care program plan required under Minnesota Rules, part 9503.0045;

48.32 (2) the individual has not been determined responsible for a similar incident that resulted
48.33 in a finding of maltreatment for at least seven years;

49.1 (3) the individual has not been determined to have committed a similar nonmaltreatment
49.2 mistake under this paragraph for at least four years;

49.3 (4) any injury to a child resulting from the incident, if treated, is treated only with
49.4 remedies that are available over the counter, whether ordered by a medical professional or
49.5 not; and

49.6 (5) except for the period when the incident occurred, the facility and the individual
49.7 providing services were both in compliance with all licensing requirements relevant to the
49.8 incident.

49.9 This definition only applies to child care centers licensed under Minnesota Rules, chapter
49.10 9503. If clauses (1) to (5) apply, rather than making a determination of substantiated
49.11 maltreatment by the individual, the commissioner of human services shall determine that a
49.12 nonmaltreatment mistake was made by the individual.

49.13 (i) "Operator" means an operator or agency as defined in section 245A.02.

49.14 (j) "Person responsible for the child's care" means (1) an individual functioning within
49.15 the family unit and having responsibilities for the care of the child such as a parent, guardian,
49.16 or other person having similar care responsibilities, or (2) an individual functioning outside
49.17 the family unit and having responsibilities for the care of the child such as a teacher, school
49.18 administrator, other school employees or agents, or other lawful custodian of a child having
49.19 either full-time or short-term care responsibilities including, but not limited to, day care,
49.20 babysitting whether paid or unpaid, counseling, teaching, and coaching.

49.21 (k) "Physical abuse" means any physical injury, mental injury, or threatened injury,
49.22 inflicted by a person responsible for the child's care on a child other than by accidental
49.23 means, or any physical or mental injury that cannot reasonably be explained by the child's
49.24 history of injuries, or any aversive or deprivation procedures, or regulated interventions,
49.25 that have not been authorized under section 125A.0942 or 245.825.

49.26 Abuse does not include reasonable and moderate physical discipline of a child
49.27 administered by a parent or legal guardian which does not result in an injury. Abuse does
49.28 not include the use of reasonable force by a teacher, principal, or school employee as allowed
49.29 by section 121A.582. Actions which are not reasonable and moderate include, but are not
49.30 limited to, any of the following:

49.31 (1) throwing, kicking, burning, biting, or cutting a child;

49.32 (2) striking a child with a closed fist;

49.33 (3) shaking a child under age three;

50.1 (4) striking or other actions which result in any nonaccidental injury to a child under 18
50.2 months of age;

50.3 (5) unreasonable interference with a child's breathing;

50.4 (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;

50.5 (7) striking a child under age one on the face or head;

50.6 (8) striking a child who is at least age one but under age four on the face or head, which
50.7 results in an injury;

50.8 (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled
50.9 substances which were not prescribed for the child by a practitioner, in order to control or
50.10 punish the child; or other substances that substantially affect the child's behavior, motor
50.11 coordination, or judgment or that results in sickness or internal injury, or subjects the child
50.12 to medical procedures that would be unnecessary if the child were not exposed to the
50.13 substances;

50.14 (10) unreasonable physical confinement or restraint not permitted under section 609.379,
50.15 including but not limited to tying, caging, or chaining; or

50.16 (11) in a school facility or school zone, an act by a person responsible for the child's
50.17 care that is a violation under section 121A.58.

50.18 (l) "Practice of social services," for the purposes of subdivision 3, includes but is not
50.19 limited to employee assistance counseling and the provision of guardian ad litem and
50.20 parenting time expeditor services.

50.21 (m) "Report" means any communication received by the local welfare agency, police
50.22 department, county sheriff, or agency responsible for child protection pursuant to this section
50.23 that describes neglect or physical or sexual abuse of a child and contains sufficient content
50.24 to identify the child and any person believed to be responsible for the neglect or abuse, if
50.25 known.

50.26 (n) "Sexual abuse" means the subjection of a child by a person responsible for the child's
50.27 care, by a person who has a significant relationship to the child, as defined in section 609.341,
50.28 or by a person in a position of authority, as defined in section 609.341, subdivision 10, to
50.29 any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first
50.30 degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual
50.31 conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), or
50.32 609.3451 (criminal sexual conduct in the fifth degree), or 609.352 (solicitation of children
50.33 to engage in sexual conduct; communication of sexually explicit materials to children).

51.1 Sexual abuse also includes any act which involves a minor which constitutes a violation of
51.2 prostitution offenses under sections 609.321 to 609.324 or 617.246. Effective May 29, 2017,
51.3 sexual abuse includes all reports of known or suspected child sex trafficking involving a
51.4 child who is identified as a victim of sex trafficking. Sexual abuse includes child sex
51.5 trafficking as defined in section 609.321, subdivisions 7a and 7b. Sexual abuse includes
51.6 threatened sexual abuse which includes the status of a parent or household member who
51.7 has committed a violation which requires registration as an offender under section 243.166,
51.8 subdivision 1b, paragraph (a) or (b), or required registration under section 243.166,
51.9 subdivision 1b, paragraph (a) or (b).

51.10 (o) "Substantial child endangerment" means a person responsible for a child's care, by
51.11 act or omission, commits or attempts to commit an act against a child under their care that
51.12 constitutes any of the following:

51.13 (1) egregious harm as defined in section 260C.007, subdivision 14;

51.14 (2) abandonment under section 260C.301, subdivision 2;

51.15 (3) neglect as defined in paragraph (g), clause (2), that substantially endangers the child's
51.16 physical or mental health, including a growth delay, which may be referred to as failure to
51.17 thrive, that has been diagnosed by a physician and is due to parental neglect;

51.18 (4) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

51.19 (5) manslaughter in the first or second degree under section 609.20 or 609.205;

51.20 (6) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;

51.21 (7) solicitation, inducement, and promotion of prostitution under section 609.322;

51.22 (8) criminal sexual conduct under sections 609.342 to 609.3451;

51.23 (9) solicitation of children to engage in sexual conduct under section 609.352;

51.24 (10) malicious punishment or neglect or endangerment of a child under section 609.377
51.25 or 609.378;

51.26 (11) use of a minor in sexual performance under section 617.246; or

51.27 (12) parental behavior, status, or condition which mandates that the county attorney file
51.28 a termination of parental rights petition under section 260C.503, subdivision 2.

51.29 (p) "Threatened injury" means a statement, overt act, condition, or status that represents
51.30 a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes,

52.1 but is not limited to, exposing a child to a person responsible for the child's care, as defined
52.2 in paragraph (j), clause (1), who has:

52.3 (1) subjected a child to, or failed to protect a child from, an overt act or condition that
52.4 constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a similar law
52.5 of another jurisdiction;

52.6 (2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph
52.7 (b), clause (4), or a similar law of another jurisdiction;

52.8 (3) committed an act that has resulted in an involuntary termination of parental rights
52.9 under section 260C.301, or a similar law of another jurisdiction; or

52.10 (4) committed an act that has resulted in the involuntary transfer of permanent legal and
52.11 physical custody of a child to a relative under Minnesota Statutes 2010, section 260C.201,
52.12 subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a similar law
52.13 of another jurisdiction.

52.14 A child is the subject of a report of threatened injury when the responsible social services
52.15 agency receives birth match data under paragraph (q) from the Department of Human
52.16 Services.

52.17 (q) Upon receiving data under section 144.225, subdivision 2b, contained in a birth
52.18 record or recognition of parentage identifying a child who is subject to threatened injury
52.19 under paragraph (p), the Department of Human Services shall send the data to the responsible
52.20 social services agency. The data is known as "birth match" data. Unless the responsible
52.21 social services agency has already begun an investigation or assessment of the report due
52.22 to the birth of the child or execution of the recognition of parentage and the parent's previous
52.23 history with child protection, the agency shall accept the birth match data as a report under
52.24 this section. The agency may use either a family assessment or investigation to determine
52.25 whether the child is safe. All of the provisions of this section apply. If the child is determined
52.26 to be safe, the agency shall consult with the county attorney to determine the appropriateness
52.27 of filing a petition alleging the child is in need of protection or services under section
52.28 260C.007, subdivision 6, clause (16), in order to deliver needed services. If the child is
52.29 determined not to be safe, the agency and the county attorney shall take appropriate action
52.30 as required under section 260C.503, subdivision 2.

52.31 (r) Persons who conduct assessments or investigations under this section shall take into
52.32 account accepted child-rearing practices of the culture in which a child participates and
52.33 accepted teacher discipline practices, which are not injurious to the child's health, welfare,
52.34 and safety.

53.1 Sec. 47. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 23,
53.2 is amended to read:

53.3 Subd. 23. **Paraprofessional pathway to teacher licensure.** (a) For grants to school
53.4 districts for Grow Your Own new teacher programs:

53.5 \$ 1,500,000 2018

53.6 \$ 1,500,000 2019

53.7 (b) The grants are for school districts and charter schools with more than 30 percent
53.8 minority students for a ~~Board of Teaching-approved~~ Professional Educator Licensing and
53.9 Standards Board-approved nonconventional teacher residency pilot program. The program
53.10 must provide tuition scholarships or stipends to enable school district and charter school
53.11 employees or community members affiliated with a school district or charter school who
53.12 seek an education license to participate in a nonconventional teacher preparation program.
53.13 School districts and charter schools that receive funds under this subdivision are strongly
53.14 encouraged to recruit candidates of color and American Indian candidates to participate in
53.15 the Grow Your Own new teacher programs. Districts or schools providing financial support
53.16 may require a commitment as determined by the district to teach in the district or school
53.17 for a reasonable amount of time that does not exceed five years.

53.18 (c) School districts and charter schools may also apply for grants to develop innovative
53.19 expanded Grow Your Own programs that encourage secondary school students to pursue
53.20 teaching, including developing and offering dual-credit postsecondary course options in
53.21 schools for "Introduction to Teaching" or "Introduction to Education" courses consistent
53.22 with Minnesota Statutes, section 124D.09, subdivision 10.

53.23 (d) Programs must annually report to the commissioner by the date determined by the
53.24 commissioner on their activities under this section, including the number of participants,
53.25 the percentage of participants who are of color or who are American Indian, and an
53.26 assessment of program effectiveness, including participant feedback, areas for improvement,
53.27 the percentage of participants continuing to pursue teacher licensure, and the number of
53.28 participants hired in the school or district as teachers after completing preparation programs.

53.29 (e) The department may retain up to three percent of the appropriation amount to monitor
53.30 and administer the grant program.

53.31 (f) Any balance in the first year does not cancel but is available in the second year.

54.1 Sec. 48. **REVISOR'S INSTRUCTION.**

54.2 (a) The revisor of statutes shall renumber the provisions of Minnesota Statutes listed in
 54.3 column A to the references listed in column B.

54.4	<u>Column A</u>	<u>Column B</u>
54.5	<u>136D.01</u>	<u>123C.01</u>
54.6	<u>136D.21</u>	<u>123C.21</u>
54.7	<u>136D.22</u>	<u>123C.22</u>
54.8	<u>136D.23</u>	<u>123C.23</u>
54.9	<u>136D.24</u>	<u>123C.24</u>
54.10	<u>136D.25</u>	<u>123C.25</u>
54.11	<u>136D.26</u>	<u>123C.26</u>
54.12	<u>136D.281</u>	<u>123C.27</u>
54.13	<u>136D.29</u>	<u>123C.28</u>
54.14	<u>136D.31</u>	<u>123C.29</u>
54.15	<u>136D.41</u>	<u>123C.41</u>
54.16	<u>136D.42</u>	<u>123C.42</u>
54.17	<u>136D.43</u>	<u>123C.43</u>
54.18	<u>136D.44</u>	<u>123C.44</u>
54.19	<u>136D.45</u>	<u>123C.45</u>
54.20	<u>136D.46</u>	<u>123C.46</u>
54.21	<u>136D.47</u>	<u>123C.47</u>
54.22	<u>136D.48</u>	<u>123C.48</u>
54.23	<u>136D.49</u>	<u>123C.49</u>
54.24	<u>136D.71</u>	<u>123C.71</u>
54.25	<u>136D.72</u>	<u>123C.72</u>
54.26	<u>136D.73</u>	<u>123C.73</u>
54.27	<u>136D.74</u>	<u>123C.74</u>
54.28	<u>136D.741</u>	<u>123C.75</u>
54.29	<u>136D.76</u>	<u>123C.76</u>
54.30	<u>136D.81</u>	<u>123C.81</u>
54.31	<u>136D.82</u>	<u>123C.82</u>
54.32	<u>136D.83</u>	<u>123C.83</u>
54.33	<u>136D.84</u>	<u>123C.84</u>
54.34	<u>136D.85</u>	<u>123C.85</u>
54.35	<u>136D.86</u>	<u>123C.86</u>
54.36	<u>136D.88</u>	<u>123C.87</u>
54.37	<u>136D.90</u>	<u>123C.88</u>

55.1 136D.92 123C.89

55.2 136D.93 123C.90

55.3 136D.94 123C.91

55.4 (b) The revisor of statutes shall make necessary cross-reference changes in Minnesota
 55.5 Statutes and Minnesota Rules consistent with renumbering of Minnesota Statutes, chapter
 55.6 136D in this act, and if Minnesota Statutes, chapter 136D, is further amended in the 2018
 55.7 legislative session, shall codify the amendments in a manner consistent with this act. The
 55.8 revisor may make necessary changes to sentence structure to preserve the meaning of the
 55.9 text.

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

55.11 Sec. 49. **REPEALER.**

55.12 Minnesota Statutes 2016, sections 120B.35, subdivisions 4 and 5; 123A.26, subdivision
 55.13 3; 125A.75, subdivision 9; and 128D.06, subdivision 3, are repealed.

55.14 **ARTICLE 3**

55.15 **TEACHERS**

55.16 Section 1. Minnesota Statutes 2016, section 121A.39, is amended to read:

55.17 **121A.39 SCHOOL COUNSELORS.**

55.18 (a) A school district is strongly encouraged to have an adequate student-to-counselor
 55.19 ratio for its students beginning in the 2015-2016 school year and later.

55.20 (b) A school counselor ~~shall~~ must assist a student in meeting the requirements for high
 55.21 school graduation, college and career exploration, and selection, college affordability
 55.22 planning, and successful transitions into postsecondary education or training. As part of
 55.23 college and career exploration, a counselor is encouraged to present and explain the career
 55.24 opportunities and benefits offered by the United States armed forces and share information
 55.25 provided to the counselor by armed forces recruiters. In discussing military service with a
 55.26 student or a student's parent, a school counselor is encouraged to provide the student or
 55.27 parent information concerning the military enlistment test. A counselor may consult with
 55.28 the Department of Labor and Industry to identify resources for students interested in exploring
 55.29 career opportunities in high-wage, high-demand occupations in the skilled trades.

55.30 (c) A school counselor must not discourage or otherwise interfere with a student's
 55.31 enlistment, or intention to enlist, in the armed forces.

56.1 Sec. 2. Minnesota Statutes 2017 Supplement, section 122A.187, subdivision 3, is amended
56.2 to read:

56.3 Subd. 3. **Professional growth.** (a) Applicants for license renewal for a Tier 3 or Tier 4
56.4 license under sections 122A.183 and 122A.184, respectively, who have been employed as
56.5 a teacher during the renewal period of the expiring license, as a condition of license renewal,
56.6 must present to their local continuing education and relicensure committee or other local
56.7 relicensure committee evidence of work that demonstrates professional reflection and growth
56.8 in best teaching practices, including among other things, cultural competence in accordance
56.9 with section 120B.30, subdivision 1, paragraph (q), and practices in meeting the varied
56.10 needs of English learners, from young children to adults under section 124D.59, subdivisions
56.11 2 and 2a. A teacher may satisfy the requirements of this paragraph by submitting the teacher's
56.12 most recent summative evaluation or improvement plan under section 122A.40, subdivision
56.13 8, or 122A.41, subdivision 5. Counselors, school social workers, and teachers who do not
56.14 provide direct instruction but who provide academic, college, and career planning and
56.15 support to students, may submit proof of training on armed forces career options or careers
56.16 in the skilled trades as evidence of professional growth.

56.17 (b) The Professional Educator Licensing and Standards Board must ensure that its teacher
56.18 relicensing requirements include paragraph (a).

56.19 Sec. 3. Minnesota Statutes 2016, section 122A.71, subdivision 2, is amended to read:

56.20 Subd. 2. **Responsibility.** ~~By July 1, 1989, The Board of Teaching~~ Professional Educator
56.21 Licensing and Standards Board must ~~begin to~~ evaluate the effectiveness of prebaccalaureate,
56.22 postbaccalaureate, and other alternative program structures for preparing candidates for
56.23 entrance into the teaching profession. The evaluation ~~shall~~ must be conducted by independent
56.24 research centers or evaluators who are not associated with a Minnesota teacher education
56.25 institution and ~~shall~~ must be longitudinal in nature.

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

56.27 ARTICLE 4

56.28 SPECIAL EDUCATION

56.29 Section 1. **SPECIAL EDUCATION WORKING GROUP.**

56.30 Subdivision 1. **Duties.** (a) A working group on special education is created to review
56.31 special education delivery and costs in Minnesota and submit a written report to the
56.32 legislature recommending changes to reduce costs, if warranted. The report must:

57.1 (1) review how school districts, charter schools, intermediate school districts, special
57.2 education cooperatives, education districts, and service cooperatives deliver special education
57.3 services, and the costs and benefits associated with each model;

57.4 (2) compare relevant state and federal special education laws and regulations;

57.5 (3) analyze trends in special education enrollment and the reasons for the increased
57.6 proportion of Minnesota students receiving special education, including identifying disparities
57.7 in student identification;

57.8 (4) identify strategies or programs that would be effective in reducing the need for special
57.9 education services;

57.10 (5) analyze funding for nonresident children in accordance with Minnesota Statutes,
57.11 sections 125A.11 and 127A.47;

57.12 (6) analyze the effect of the 2013 statutory changes to the state special education funding
57.13 formula, including interactions and conformity with federal funding formulas;

57.14 (7) describe how school districts and charter schools use section 504 plans, including
57.15 criteria used to determine when a section 504 plan is appropriate and the prevalence of
57.16 section 504 plans in school districts and charter schools; and

57.17 (8) review the 2013 evaluation report by the Office of the Legislative Auditor on special
57.18 education and whether any recommendations have been enacted or implemented.

57.19 (b) In making its recommendations, the special education working group must develop
57.20 a ten-year strategic plan informed by the findings in paragraph (a) to help reduce the costs
57.21 contributing to the special education cross-subsidy and overall special education funding.

57.22 Subd. 2. **Members.** (a) By June 1, 2018, the executive director of the following
57.23 organizations may appoint one representative of that organization to serve as a member of
57.24 the working group:

57.25 (1) the National Alliance on Mental Illness Minnesota;

57.26 (2) the Parent Advocacy Coalition for Educational Rights;

57.27 (3) the Minnesota School Boards Association;

57.28 (4) the Minnesota Administrators for Special Education;

57.29 (5) the Minnesota Association of Charter Schools;

57.30 (6) Education Minnesota;

57.31 (7) the Minnesota Rural Education Association;

- 58.1 (8) the Association of Metropolitan School Districts;
- 58.2 (9) The Arc Minnesota;
- 58.3 (10) the Autism Society of Minnesota;
- 58.4 (11) the Disability Law Center;
- 58.5 (12) the Minnesota Alliance with Youth;
- 58.6 (13) the Minnesota Education Equity Partnership;
- 58.7 (14) Service Employees International Union Local 284;
- 58.8 (15) the Minnesota Association of School Administrators;
- 58.9 (16) the Minnesota Association of School Business Officials;
- 58.10 (17) the Minnesota Association of Alternative Programs;
- 58.11 (18) Schools for Equity in Education; and
- 58.12 (19) Decoding Dyslexia: Minnesota.
- 58.13 (b) The commissioner of education must solicit applications for membership in the
- 58.14 working group, and based on the applications received, designate by June 25, 2018, the
- 58.15 following individuals to serve as members of the working group:
- 58.16 (1) a representative from an intermediate school district;
- 58.17 (2) a representative from a special education cooperative, education district, or service
- 58.18 cooperative;
- 58.19 (3) a representative from the Governor's Council on Developmental Disabilities;
- 58.20 (4) a representative from the Commission of Deaf, DeafBlind, and Hard of Hearing
- 58.21 Minnesotans;
- 58.22 (5) a representative from a school district in a city of the first class;
- 58.23 (6) two students receiving special education services and a parent of a student receiving
- 58.24 special education services; and
- 58.25 (7) one representative of a nonprofit organization specializing in early childhood
- 58.26 education issues.
- 58.27 Subd. 3. **Meetings.** The commissioner of education, or the commissioner's designee,
- 58.28 must convene the first meeting of the working group no later than July 15, 2018. The working
- 58.29 group must select a chair or cochairs from among its members at the first meeting. The

59.1 working group must meet periodically. Meetings of the working group must be open to the
 59.2 public.

59.3 Subd. 4. **Compensation.** Working group members are not eligible to receive expenses
 59.4 or per diem payments for serving on the working group.

59.5 Subd. 5. **Administrative support.** The commissioner of education must provide technical
 59.6 and administrative assistance to the working group upon request.

59.7 Subd. 6. **Report.** (a) By January 15, 2019, the working group must submit a report
 59.8 providing its findings and recommendations to the chairs and ranking minority members
 59.9 of the legislative committees with jurisdiction over kindergarten through grade 12 education.

59.10 (b) The legislature convening in January 2019 is encouraged to convene a legislative
 59.11 study group to review the recommendations and ten-year strategic plan to develop its own
 59.12 recommendations for legislative changes, as necessary.

59.13 Subd. 7. **Expiration.** The working group expires on January 16, 2019, unless extended
 59.14 by law.

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

59.16 **ARTICLE 5**

59.17 **FACILITIES AND TECHNOLOGY**

59.18 Section 1. Minnesota Statutes 2016, section 124E.03, subdivision 5, is amended to read:

59.19 **Subd. 5. **Records and data requirements.**** (a) A charter school must comply with
 59.20 chapter 13 governing government data; and sections 121A.75 governing access to juvenile
 59.21 justice records, and 260B.171, subdivisions 3 and 5, governing juvenile justice records.

59.22 (b) A charter school must comply with section 120A.22, subdivision 7, governing the
 59.23 transfer of students' educational records and sections 138.163 and 138.17 governing the
 59.24 management of local records.

59.25 (c) A charter school must comply with sections 125B.27 to 125B.29, governing
 59.26 technology providers, school-issued devices and educational data. A technology provider
 59.27 contracting with a charter school must comply with sections 125B.27 to 125B.29.

59.28 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

60.1 Sec. 2. **[125B.27] TECHNOLOGY PROVIDER REQUIREMENTS.**

60.2 Subdivision 1. Technology provider definition. (a) "Technology provider" means a
60.3 person who:

60.4 (1) contracts with a school district, as part of a one-to-one program or otherwise, to
60.5 provide technological devices for student use or to provide access to a software or online
60.6 application; and

60.7 (2) creates, receives, or maintains educational data pursuant or incidental to a contract
60.8 with a school district.

60.9 (b) A technology provider does not include a not-for-profit organization that has the
60.10 primary purpose of expanding student access to postsecondary education, and that obtains
60.11 a student's consent to utilize a student's educational data for that purpose.

60.12 Subd. 2. Educational data. (a) A technology provider is subject to the provisions of
60.13 section 13.05, subdivision 11. An assignee or delegee that creates, receives, or maintains
60.14 educational data is subject to the same restrictions and obligations under this section as the
60.15 technology provider.

60.16 (b) Educational data created, received, or maintained by a technology provider pursuant
60.17 or incidental to a contract with a school district are not the technology provider's property.

60.18 (c) If educational data maintained by the technology provider are subject to a breach of
60.19 the security of the data, as defined in section 13.055, the technology provider must, following
60.20 discovery of the breach, disclose to the school district all information necessary to fulfill
60.21 the requirements of section 13.055.

60.22 (d) Unless renewal of the contract is reasonably anticipated, within 30 days of the
60.23 expiration of the contract, a technology provider must destroy or return to the appropriate
60.24 school district all educational data created, received, or maintained pursuant or incidental
60.25 to the contract.

60.26 (e) A technology provider must not:

60.27 (1) sell, share, or disseminate educational data, except as provided by this section or as
60.28 part of a valid delegation or assignment of its contract with a school district; or

60.29 (2) use educational data for any commercial purpose, including, but not limited to,
60.30 marketing or advertising to a student or parent.

61.1 Subd. 3. **Procedures.** (a) A technology provider must establish written procedures to
61.2 ensure appropriate security safeguards for educational data. A technology provider's written
61.3 procedures must require that:

61.4 (1) only authorized employees or contractors can access the educational data;

61.5 (2) a person is authorized to access educational data only if access is necessary to fulfill
61.6 official duties; and

61.7 (3) all actions in which educational data are entered, updated, accessed, shared, or
61.8 disseminated, are recorded in a log-of-use that includes the identity of the person interacting
61.9 with the data, and what action was performed. Information recorded in the log-of-use must
61.10 be retained for at least one year.

61.11 (b) A technology provider's written procedures establishing security safeguards for
61.12 educational data are public data, unless classified as not public under any other applicable
61.13 law.

61.14 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

61.15 Sec. 3. **[125B.28] SCHOOL DISTRICT REQUIREMENTS.**

61.16 Subdivision 1. **Notice.** (a) Within 30 days of the start of each school year, a school
61.17 district must give parents and students notice by United States mail, e-mail, or other direct
61.18 form of communication, of any technology provider contract affecting a student's educational
61.19 data. The notice must:

61.20 (1) identify each technology provider with access to educational data;

61.21 (2) identify the educational data affected by the technology provider contract; and

61.22 (3) include information about the opt-out rights provided in subdivision 2 and how to
61.23 access a copy of the contract in accordance with paragraph (b).

61.24 (b) A school district must publish a complete copy of any contract with a technology
61.25 provider on the district Web site for the duration of the contract.

61.26 Subd. 2. **Opt-out request.** (a) A contract between a school district and a technology
61.27 provider may include an opt-out provision allowing a student to opt out of any program or
61.28 activity that allows the technology provider to access a student's educational data. If a
61.29 contract includes an opt-out provision, the school district must provide parents and students
61.30 an opportunity to submit a written opt-out request. A parent or student must renew a request
61.31 to opt out under this subdivision at least annually.

62.1 (b) A school district must not penalize a parent or student who requests to opt out of a
62.2 program or activity that allows a technology provider to access a student's educational data.

62.3 Subd. 3. **Audit trail.** (a) A school district must establish written procedures to ensure
62.4 appropriate security safeguards for educational data stored on a school district's electronic
62.5 database, software application, or cloud-based service. These procedures must require that:

62.6 (1) only authorized persons can access the educational data;

62.7 (2) a person is authorized to access educational data only if access is necessary to fulfill
62.8 official duties; and

62.9 (3) all actions in which educational data are entered, updated, accessed, shared, or
62.10 disseminated, are recorded in a log-of-use that includes the identity of the person interacting
62.11 with the data, the identify of the student whose data is affected, the date and time of the
62.12 action, and what action was performed. Information recorded in the log-of-use must be
62.13 retained for at least one year.

62.14 (b) The written procedures required by paragraph (a) are public data unless classified
62.15 as not public under any other applicable law.

62.16 (c) Paragraph (a), clause (3), does not apply to technology systems that were in use prior
62.17 to January 1, 2019, and that lack the capacity to automatically record actions in a log-of-use.

62.18 Subd. 4. **Training.** In order to ensure understanding of, and compliance with, applicable
62.19 provisions of this section, section 121A.065, and the Family Educational Rights and Privacy
62.20 Act, United States Code, title 20, section 1232g, and its regulations as provided by Code
62.21 of Federal Regulations, title 34, part 99, a school district must:

62.22 (1) provide training for all administrative staff, information technology directors, teachers,
62.23 and any other employee with access to educational data within 30 days of hire on compliance
62.24 with applicable provisions of law under this subdivision, and related district procedures;
62.25 and

62.26 (2) provide all employees and independent contractors with access to educational data
62.27 written materials on compliance with applicable provisions of law under this subdivision.

62.28 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

62.29 Sec. 4. **[125B.29] SCHOOL-ISSUED DEVICES.**

62.30 Subdivision 1. **Definition; school-issued device.** "School-issued device" means a
62.31 technological device that a school district, acting independently or with a technology provider,

63.1 provides to an individual student for that student's dedicated personal use. A school-issued
63.2 device includes a device issued through a one-to-one program.

63.3 Subd. 2. **Prohibition on access.** Except as provided in subdivision 3, a government
63.4 entity or technology provider, as defined in section 125B.27, must not access or monitor:

63.5 (1) any location-tracking feature of a school-issued device;

63.6 (2) any audio or visual receiving, transmitting, or recording features of a school-issued
63.7 device; or

63.8 (3) student interactions with a school-issued device, including, but not limited to,
63.9 keystrokes and Web browsing activity.

63.10 Subd. 3. **Exceptions.** A government entity or technology provider, as defined in section
63.11 125B.28, may engage in activities prohibited under subdivision 2 only if:

63.12 (1) the student to whom the school-issued device was issued initiates and agrees to the
63.13 activity, and the activity is limited to a noncommercial educational purpose;

63.14 (2) the activity is permitted under a judicial warrant;

63.15 (3) the student to whom the school-issued device was provided or that student's parent
63.16 notifies the school district or a law enforcement agency that the device is missing or stolen;

63.17 (4) the activity is necessary to protect the health and safety of the student; and

63.18 (5) the activity is limited to that which is prohibited by subdivision 2, clause (3), and is
63.19 necessary to investigate compliance with a school district's acceptable use policy.

63.20 Subd. 4. **Notice.** If a government entity or technology provider interacts with a
63.21 school-issued device as provided in subdivision 3, clause (4), it must, within 72 hours of
63.22 the access, notify the student to whom the device was provided or that student's parent and
63.23 provide a written description of the interaction, including which features of the device were
63.24 accessed and a description of the threat. This notice is not required if the notice itself would
63.25 endanger the health or safety of a student.

63.26 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

63.27 Sec. 5. **[125B.30] NONPUBLIC SCHOOLS.**

63.28 (a) Notwithstanding any law to the contrary, an accredited nonpublic school recognized
63.29 by the Minnesota Council on Nonpublic Education under section 123B.445, excluding home
63.30 schools, must comply with sections 125B.27 to 125B.29 as if it were a school district.

64.1 (b) A technology provider contracting with an accredited nonpublic school recognized
64.2 by the Minnesota Council on Nonpublic Education under section 123B.445, excluding home
64.3 schools, must comply with sections 125B.27 to 125B.29 as if that school were a school
64.4 district.

64.5 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

64.6 **ARTICLE 6**

64.7 **NUTRITION**

64.8 Section 1. Minnesota Statutes 2017 Supplement, section 123B.52, subdivision 7, is amended
64.9 to read:

64.10 Subd. 7. **Food service contracts.** A contract between a school board and a food service
64.11 management company that complies with Code of Federal Regulations, title 7, section
64.12 210.16, 225.15, paragraph (m), or 226.21 may be renewed annually after its initial term for
64.13 not more than four additional years.

64.14 Sec. 2. Minnesota Statutes 2016, section 124D.111, is amended to read:

64.15 **124D.111 RESPECTFUL SCHOOL MEALS POLICY; LUNCH AID; FOOD**
64.16 **SERVICE ACCOUNTING.**

64.17 Subdivision 1. **School lunch aid computation.** Each school year, the state must pay
64.18 participants in the national school lunch program the amount of 12.5 cents for each full paid
64.19 and free student lunch and 52.5 cents for each reduced-price lunch served to students.

64.20 Subd. 2. **Application.** A school district, charter school, nonpublic school, or other
64.21 participant in the national school lunch program shall apply to the department for this
64.22 payment on forms provided by the department.

64.23 Subd. 2a. **Federal child and adult care food program; criteria and notice.** The
64.24 commissioner must post on the department's Web site eligibility criteria and application
64.25 information for nonprofit organizations interested in applying to the commissioner for
64.26 approval as a multisite sponsoring organization under the federal child and adult care food
64.27 program. The posted criteria and information must inform interested nonprofit organizations
64.28 about:

64.29 (1) the criteria the commissioner uses to approve or disapprove an application, including
64.30 how an applicant demonstrates financial viability for the Minnesota program, among other
64.31 criteria;

65.1 (2) the commissioner's process and time line for notifying an applicant when its
65.2 application is approved or disapproved and, if the application is disapproved, the explanation
65.3 the commissioner provides to the applicant; and

65.4 (3) any appeal or other recourse available to a disapproved applicant.

65.5 Subd. 3. **School food service fund.** (a) The expenses described in this subdivision must
65.6 be recorded as provided in this subdivision.

65.7 (b) In each district, the expenses for a school food service program for pupils must be
65.8 attributed to a school food service fund. Under a food service program, the school food
65.9 service may prepare or serve milk, meals, or snacks in connection with school or community
65.10 service activities.

65.11 (c) Revenues and expenditures for food service activities must be recorded in the food
65.12 service fund. The costs of processing applications, accounting for meals, preparing and
65.13 serving food, providing kitchen custodial services, and other expenses involving the preparing
65.14 of meals or the kitchen section of the lunchroom may be charged to the food service fund
65.15 or to the general fund of the district. The costs of lunchroom supervision, lunchroom custodial
65.16 services, lunchroom utilities, and other administrative costs of the food service program
65.17 must be charged to the general fund.

65.18 That portion of superintendent and fiscal manager costs that can be documented as
65.19 attributable to the food service program may be charged to the food service fund provided
65.20 that the school district does not employ or contract with a food service director or other
65.21 individual who manages the food service program, or food service management company.
65.22 If the cost of the superintendent or fiscal manager is charged to the food service fund, the
65.23 charge must be at a wage rate not to exceed the statewide average for food service directors
65.24 as determined by the department.

65.25 (d) Capital expenditures for the purchase of food service equipment must be made from
65.26 the general fund and not the food service fund, unless the restricted balance in the food
65.27 service fund at the end of the last fiscal year is greater than the cost of the equipment to be
65.28 purchased.

65.29 (e) If the condition set out in paragraph (d) applies, the equipment may be purchased
65.30 from the food service fund.

65.31 (f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit
65.32 is not eliminated by revenues from food service operations in the next fiscal year, then the
65.33 deficit must be eliminated by a permanent fund transfer from the general fund at the end of

66.1 that second fiscal year. However, if a district contracts with a food service management
66.2 company during the period in which the deficit has accrued, the deficit must be eliminated
66.3 by a payment from the food service management company. A district's meal charge policy
66.4 may allow a district to collect unpaid meal debt that contributes to a food service fund
66.5 deficit. Such collection efforts must be consistent with subdivisions 4 and 5.

66.6 (g) Notwithstanding paragraph (f), a district may incur a deficit in the food service fund
66.7 for up to three years without making the permanent transfer if the district submits to the
66.8 commissioner by January 1 of the second fiscal year a plan for eliminating that deficit at
66.9 the end of the third fiscal year.

66.10 (h) If a surplus in the food service fund exists at the end of a fiscal year for three
66.11 successive years, a district may recode for that fiscal year the costs of lunchroom supervision,
66.12 lunchroom custodial services, lunchroom utilities, and other administrative costs of the food
66.13 service program charged to the general fund according to paragraph (c) and charge those
66.14 costs to the food service fund in a total amount not to exceed the amount of surplus in the
66.15 food service fund.

66.16 Subd. 4. **No fees.** A participant that receives school lunch aid under this section must
66.17 make lunch available without charge and must not deny a school lunch to all participating
66.18 students who qualify for free or reduced-price meals, whether or not that student has an
66.19 outstanding balance in the student's meals account attributable to a la carte purchases or for
66.20 any other reason.

66.21 Subd. 5. **Respectful treatment.** (a) The participant must also provide meals to
66.22 participating students in a respectful manner and ensure that any reminders for payment of
66.23 outstanding student meal balances do not demean or stigmatize any child participating in
66.24 the school lunch program and conform to the participant's school meals policy.

66.25 (b) Once a participant has placed a meal on a tray or otherwise served the meal to a
66.26 student, the meal must not be subsequently withdrawn from the student by the cashier or
66.27 other school official whether or not the student has an outstanding meals balance.

66.28 **EFFECTIVE DATE.** This section is effective July 1, 2018.

66.29 **ARTICLE 7**

66.30 **EARLY CHILDHOOD AND FAMILY SUPPORT**

66.31 Section 1. Minnesota Statutes 2017 Supplement, section 124D.165, subdivision 2, is
66.32 amended to read:

67.1 Subd. 2. **Family eligibility.** (a) For a family to receive an early learning scholarship,
67.2 parents or guardians must meet the following eligibility requirements:

67.3 (1) have an eligible child; and

67.4 (2) have income equal to or less than 185 percent of federal poverty level income in the
67.5 current calendar year, or be able to document their child's current participation in the free
67.6 and reduced-price lunch program or Child and Adult Care Food Program, National School
67.7 Lunch Act, United States Code, title 42, sections 1751 and 1766; the Food Distribution
67.8 Program on Indian Reservations, Food and Nutrition Act, United States Code, title 7, sections
67.9 2011-2036; Head Start under the federal Improving Head Start for School Readiness Act
67.10 of 2007; Minnesota family investment program under chapter 256J; child care assistance
67.11 programs under chapter 119B; the supplemental nutrition assistance program; or placement
67.12 in foster care under section 260C.212. Parents or guardians are not required to provide
67.13 income verification under this clause if the child is an eligible child under paragraph (b),
67.14 clause (4) or (5).

67.15 (b) An "eligible child" means a child who has not yet enrolled in kindergarten and is:

67.16 (1) at least three but not yet five years of age on September 1 of the current school year;

67.17 (2) a sibling from birth to age five of a child who has been awarded a scholarship under
67.18 this section provided the sibling attends the same program as long as funds are available;

67.19 (3) the child of a parent under age 21 who is pursuing a high school degree or a course
67.20 of study for a high school equivalency test; ~~or~~

67.21 ~~(4) homeless, in foster care, or in need of child protective services.~~

67.22 (4) designated as a child in need of child protective services as defined under section
67.23 260C.007; or

67.24 (5) designated as homeless under the federal McKinney-Vento Homeless Assistance
67.25 Act, United States Code, title 42, section 11434a.

67.26 (c) A child who has received a scholarship under this section must continue to receive
67.27 a scholarship each year until that child is eligible for kindergarten under section 120A.20
67.28 and as long as funds are available.

67.29 (d) Early learning scholarships may not be counted as earned income for the purposes
67.30 of medical assistance under chapter 256B, MinnesotaCare under chapter 256L, Minnesota
67.31 family investment program under chapter 256J, child care assistance programs under chapter

68.1 119B, or Head Start under the federal Improving Head Start for School Readiness Act of
68.2 2007.

68.3 (e) A child from an adjoining state whose family resides at a Minnesota address as
68.4 assigned by the United States Postal Service, who has received developmental screening
68.5 under sections 121A.16 to 121A.19, who intends to enroll in a Minnesota school district,
68.6 and whose family meets the criteria of paragraph (a) is eligible for an early learning
68.7 scholarship under this section.

68.8 Sec. 2. Minnesota Statutes 2017 Supplement, section 124D.165, subdivision 3, is amended
68.9 to read:

68.10 Subd. 3. **Administration.** (a) The commissioner shall establish application timelines
68.11 and determine the schedule for awarding scholarships that meets operational needs of eligible
68.12 families and programs. The commissioner must give highest priority to applications from
68.13 children who:

68.14 (1) have a parent under age 21 who is pursuing a high school diploma or a course of
68.15 study for a high school equivalency test;

68.16 (2) are in foster care or otherwise in need of protection or services; or

68.17 (3) have experienced homelessness in the last 24 months, as defined under the federal
68.18 McKinney-Vento Homeless Assistance Act, United States Code, title 42, section 11434a.

68.19 The commissioner may prioritize applications on additional factors including family
68.20 income, geographic location, and whether the child's family is on a waiting list for a publicly
68.21 funded program providing early education or child care services.

68.22 (b) The commissioner shall establish a target for the average scholarship amount per
68.23 child based on the results of the rate survey conducted under section 119B.02.

68.24 (c) A four-star rated program that has children eligible for a scholarship enrolled in or
68.25 on a waiting list for a program beginning in July, August, or September may notify the
68.26 commissioner, in the form and manner prescribed by the commissioner, each year of the
68.27 program's desire to enhance program services or to serve more children than current funding
68.28 provides. The commissioner may designate a predetermined number of scholarship slots
68.29 for that program and notify the program of that number. For fiscal year 2018 and later, the
68.30 statewide amount of funding directly designated by the commissioner must not exceed the
68.31 funding directly designated for fiscal year 2017. Beginning July 1, 2016, a school district
68.32 or Head Start program qualifying under this paragraph may use its established registration

69.1 process to enroll scholarship recipients and may verify a scholarship recipient's family
69.2 income in the same manner as for other program participants.

69.3 (d) A scholarship is awarded for a 12-month period. If the scholarship recipient has not
69.4 been accepted and subsequently enrolled in a rated program within ten months of the
69.5 awarding of the scholarship, the scholarship cancels and the recipient must reapply in order
69.6 to be eligible for another scholarship. A child may not be awarded more than one scholarship
69.7 in a 12-month period.

69.8 (e) A child over the age of three who receives a scholarship ~~who~~ and has not completed
69.9 development screening under sections 121A.16 to 121A.19 must complete that screening
69.10 within 90 days of first attending an eligible program. A child who receives a scholarship
69.11 before the age of three must complete the developmental screening no later than 90 days
69.12 after the child's third birthday.

69.13 (f) For fiscal year 2017 and later, a school district or Head Start program enrolling
69.14 scholarship recipients under paragraph (c) may apply to the commissioner, in the form and
69.15 manner prescribed by the commissioner, for direct payment of state aid. Upon receipt of
69.16 the application, the commissioner must pay each program directly for each approved
69.17 scholarship recipient enrolled under paragraph (c) according to the metered payment system
69.18 or another schedule established by the commissioner.

69.19 Sec. 3. Minnesota Statutes 2017 Supplement, section 124D.165, subdivision 4, is amended
69.20 to read:

69.21 Subd. 4. **Early childhood program eligibility.** (a) In order to be eligible to accept an
69.22 early learning scholarship, a program must:

69.23 (1) participate in the quality rating and improvement system under section 124D.142;
69.24 and

69.25 (2) beginning July 1, 2020, have a three- or four-star rating in the quality rating and
69.26 improvement system.

69.27 (b) Any program accepting scholarships must use the revenue to supplement and not
69.28 supplant federal funding.

69.29 ~~(c) Notwithstanding paragraph (a), all Minnesota early learning foundation scholarship~~
69.30 ~~program pilot sites are eligible to accept an early learning scholarship under this section.~~

70.1

ARTICLE 8

70.2

SELF-SUFFICIENCY AND LIFELONG LEARNING

70.3 Section 1. Minnesota Statutes 2017 Supplement, section 124D.549, is amended to read:

70.4 **124D.549 COMMISSIONER-SELECTED HIGH SCHOOL EQUIVALENCY**70.5 **TEST TESTS.**

70.6 The commissioner, in consultation with adult basic education stakeholders, must select
 70.7 ~~a~~ at least one high school equivalency test. The commissioner may issue a high school
 70.8 equivalency diploma to a Minnesota resident 19 years of age or older who has not earned
 70.9 a high school diploma, who has not previously been issued a ~~general education development~~
 70.10 ~~(GED) certification~~ high school equivalency diploma, and who has exceeded or achieved
 70.11 a minimum passing score on ~~the~~ an approved equivalency test established by the publisher.
 70.12 The commissioner of education may waive the minimum age requirement if supportive
 70.13 evidence is provided by an employer or a recognized education or rehabilitation provider.

70.14 Sec. 2. Minnesota Statutes 2017 Supplement, section 136A.246, subdivision 4, is amended
 70.15 to read:

70.16 Subd. 4. **Application.** Applications must be made to the commissioner on a form provided
 70.17 by the commissioner. The commissioner must, to the extent possible, make the application
 70.18 form as short and simple to complete as is reasonably possible. The commissioner shall
 70.19 establish a schedule for applications and grants. The application must include, without
 70.20 limitation:

70.21 (1) the projected number of employee trainees;

70.22 (2) the number of projected employee trainees who graduated from high school or passed
 70.23 ~~the~~ a commissioner of education-selected high school equivalency test in the current or
 70.24 immediately preceding calendar year;

70.25 (3) the competency standard for which training will be provided;

70.26 (4) the credential the employee will receive upon completion of training;

70.27 (5) the name and address of the training institution or program and a signed statement
 70.28 by the institution or program that it is able and agrees to provide the training;

70.29 (6) the period of the training; and

71.1 (7) the cost of the training charged by the training institution or program and certified
71.2 by the institution or program. The cost of training includes tuition, fees, and required books
71.3 and materials.

71.4 An application may be made for training of employees of multiple employers either by
71.5 the employers or by an organization on their behalf.

71.6 Sec. 3. Minnesota Statutes 2017 Supplement, section 155A.30, subdivision 12, is amended
71.7 to read:

71.8 Subd. 12. **Minnesota state authorization.** A cosmetology school licensed or applying
71.9 for licensure under this section shall maintain recognition as an institution of postsecondary
71.10 study by meeting the following conditions, in addition to the provisions of Minnesota Rules,
71.11 ~~parts~~ part 2110.0310 ~~and 2110.0370~~:

71.12 (1) the school must admit as regular students only those individuals who have a high
71.13 school diploma or a diploma based on passing a commissioner of education-selected high
71.14 school equivalency ~~tests or their equivalent~~ test, or who are beyond the age of compulsory
71.15 education as prescribed by section 120A.22; and

71.16 (2) the school must be licensed by name and authorized by the Office of Higher Education
71.17 and the board to offer one or more training programs beyond the secondary level."

71.18 Amend the title accordingly