

1.1 moves to amend H.F. No. 3401 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 2020, section 120A.42, is amended to read:

1.6 **120A.42 CONDUCT OF SCHOOL ON CERTAIN HOLIDAYS.**

1.7 (a) The governing body of any district may contract with any of the teachers of the
1.8 district for the conduct of schools, and may conduct schools, on either, or any, of the
1.9 following holidays, provided that a clause to this effect is inserted in the teacher's contract:

1.10 Martin Luther King's birthday, Lincoln's and Washington's birthdays, ~~Columbus Day~~
1.11 Indigenous Peoples' Day, and Veterans' Day. On Martin Luther King's birthday, Washington's
1.12 birthday, Lincoln's birthday, and Veterans' Day at least one hour of the school program
1.13 must be devoted to a patriotic observance of the day. On Indigenous Peoples' Day, at least
1.14 one hour of the school program must be devoted to observance of the day. As part of its
1.15 observance of Indigenous Peoples' Day, a district may provide professional development
1.16 to teachers and staff, or instruction to students, on the following topics:

- 1.17 (1) the history of treaties between the United States and Indigenous peoples;
- 1.18 (2) the history of federal boarding schools for Indigenous children;
- 1.19 (3) Indigenous languages;
- 1.20 (4) Indigenous traditional medicines and cultural or spiritual practices;
- 1.21 (5) the sovereignty of Tribal nations;
- 1.22 (6) the contributions of Indigenous people to American culture, literature, and society;
- 1.23 and

2.1 (7) current issues affecting Indigenous communities.

2.2 (b) A district may conduct a school program to honor Constitution Day and Citizenship
2.3 Day by providing opportunities for students to learn about the principles of American
2.4 democracy, the American system of government, American citizens' rights and
2.5 responsibilities, American history, and American geography, symbols, and holidays. Among
2.6 other activities under this paragraph, districts may administer to students the test questions
2.7 United States Citizenship and Immigration Services officers pose to applicants for
2.8 naturalization.

2.9 Sec. 2. Minnesota Statutes 2020, section 123B.04, subdivision 1, is amended to read:

2.10 Subdivision 1. **Definition.** "Education site" means a separate facility ~~or~~ or program
2.11 within a facility or within a district ~~is an education site~~ if the school board recognizes it as
2.12 a site.

2.13 Sec. 3. Minnesota Statutes 2020, section 123B.195, is amended to read:

2.14 **123B.195 BOARD MEMBERS' RIGHT TO EMPLOYMENT.**

2.15 Notwithstanding section 471.88, subdivision 5, a school board member may be newly
2.16 employed or may continue to be employed by a school district as an employee only if there
2.17 is a reasonable expectation at the beginning of the fiscal year or at the time the contract is
2.18 entered into or extended that the amount to be earned by that officer under that contract or
2.19 employment relationship will not exceed ~~\$8,000~~ \$20,000 in that fiscal year. Notwithstanding
2.20 section 122A.40 or 122A.41 or other law, if the officer does not receive majority approval
2.21 to be initially employed or to continue in employment at a meeting at which all board
2.22 members are present, that employment is immediately terminated and that officer has no
2.23 further rights to employment while serving as a school board member in the district.

2.24 **EFFECTIVE DATE.** This section is effective July 1, 2022.

2.25 Sec. 4. Minnesota Statutes 2020, section 124D.095, subdivision 2, is amended to read:

2.26 Subd. 2. **Definitions.** For purposes of this section, the following terms have the meanings
2.27 given them.

2.28 (a) "Digital learning" is learning facilitated by technology that offers students an element
2.29 of control over the time, place, path, or pace of their learning ~~and includes blended and~~
2.30 ~~online learning.~~

3.1 (b) "Blended learning" is a form of digital learning that occurs when a student learns
 3.2 part time in a supervised physical setting and part time through digital delivery of instruction,
 3.3 or a student learns in a supervised physical setting where technology is used as a primary
 3.4 method to deliver instruction.

3.5 (c) "Online learning" is a form of digital learning ~~delivered by an approved online~~
 3.6 ~~learning provider under paragraph (d)~~ that occurs when a student learns primarily through
 3.7 digital delivery of instruction in a location other than a school building.

3.8 (d) "Supplemental online learning" means an online learning course taken in place of a
 3.9 course period at a local district school provided by a supplemental online learning provider.

3.10 ~~(d)~~ (e) "Supplemental online learning provider" is a school district, an intermediate
 3.11 school district, an organization of two or more school districts operating under a joint powers
 3.12 agreement, or a charter school located in Minnesota that provides online learning courses
 3.13 or programs to students other than their own enrolled students and is approved by the
 3.14 department to provide supplemental online learning courses.

3.15 ~~(e)~~ (f) "Student" is a Minnesota resident enrolled in a school under section 120A.22,
 3.16 subdivision 4, or in a school authorized to receive Tribal contract or grant aid under section
 3.17 124D.83, in kindergarten through grade 12.

3.18 ~~(f)~~ (g) "Supplemental online learning student" is a student enrolled in an a supplemental
 3.19 online learning course or program delivered by an a supplemental online learning provider
 3.20 under paragraph ~~(d)~~ (e).

3.21 (h) "Teacher" is a public employee as defined in section 179A.03, subdivision 18,
 3.22 employed by a charter school or district providing online instruction. The contract of a
 3.23 teacher employed by a charter school or district must meet the requirements of section
 3.24 122A.40 or 122A.41 and a charter school must employ or contract with a licensed teacher
 3.25 as defined in section 122A.06, subdivision 2. A teacher must perform all duties described
 3.26 in Minnesota Rules, part 8710.0310, defining teacher of record.

3.27 ~~(g)~~ (i) "Enrolling district" means the school district or, charter school, American
 3.28 Indian-controlled Tribal contract or grant school, or nonpublic school in which a student is
 3.29 enrolled under section 120A.22, subdivision 4, for purposes of compulsory attendance.

3.30 ~~(h)~~ "Supplemental online learning" means an online learning course taken in place of a
 3.31 course period at a local district school.

4.1 ~~(i) "Full-time online learning provider" means an enrolling school authorized by the~~
 4.2 ~~department to deliver comprehensive public education at any or all of the elementary, middle,~~
 4.3 ~~or high school levels.~~

4.4 (j) "Online learning course syllabus" is a written document that ~~an~~ a supplemental online
 4.5 learning provider transmits to the enrolling district using a format prescribed by the
 4.6 commissioner to identify the state academic standards embedded in an online course, the
 4.7 course content outline, required course assessments, expectations for actual teacher contact
 4.8 time and other student-to-teacher communications, and the academic support available to
 4.9 the online learning student.

4.10 **EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

4.11 Sec. 5. Minnesota Statutes 2020, section 124D.095, subdivision 3, is amended to read:

4.12 Subd. 3. **Authorization; notice; limitations on enrollment.** (a) An enrolling district
 4.13 may offer digital learning, blended learning, or online learning as instructional modalities
 4.14 to enrolled students. Digital learning, blended learning, or online learning do not generate
 4.15 online learning funds under this section. An enrolling district that offers digital learning,
 4.16 blended learning, or online learning only to its enrolled students is not subject to the reporting
 4.17 requirements or review criteria under subdivision 7, unless the enrolling district is a
 4.18 supplemental online learning provider. A teacher providing instruction via digital learning,
 4.19 blended learning, or online learning must hold the appropriate Minnesota license as defined
 4.20 in section 124D.095, subdivision 2, paragraph (h). Digital learning, blended learning, and
 4.21 online learning courses must be reported and identified in the Minnesota Common Course
 4.22 Catalog.

4.23 ~~(a) A~~ (b) Any student may apply for ~~full-time~~ supplemental online enrollment in an
 4.24 approved supplemental online learning program ~~under section 124D.03 or 124D.08 or~~
 4.25 ~~chapter 124E. Notwithstanding sections 124D.03 and 124D.08 and chapter 124E, procedures~~
 4.26 ~~for enrolling in supplemental online learning are as provided in this subdivision.~~ A student
 4.27 age 17 or younger must have the written consent of a parent or guardian to apply. ~~No school~~
 4.28 ~~district or charter school may prohibit a student from applying to enroll in online learning.~~
 4.29 In order to enroll in online learning, the student and the student's parents must submit an
 4.30 application to the supplemental online learning provider ~~and identify the student's reason~~
 4.31 ~~for enrolling.~~ An A supplemental online learning provider that accepts a student under this
 4.32 section must notify the student and the enrolling district in writing within ten days if the
 4.33 enrolling district is not the supplemental online learning provider. The student and the
 4.34 student's parent must notify the supplemental online learning provider of the student's intent

5.1 to enroll in online learning within ten days of being accepted, at which time the student and
5.2 the student's parent must sign a statement indicating that they have reviewed the online
5.3 course or program and understand the expectations of enrolling in online learning. The
5.4 supplemental online learning provider must use a form provided by the department to notify
5.5 the enrolling district of the student's application to enroll in online learning.

5.6 ~~(b)~~ (c) The supplemental online learning notice to the enrolling district when a student
5.7 applies to the supplemental online learning provider ~~will~~ must include the courses or program,
5.8 credits to be awarded, and the start date of the online course or program. ~~An~~ A supplemental
5.9 online learning provider must make available the supplemental online course syllabus to
5.10 the enrolling district. ~~Within 15 days after the online learning provider makes information~~
5.11 ~~in this paragraph available to the enrolling district, the enrolling district must notify the~~
5.12 ~~online provider whether the student, the student's parent, and the enrolling district agree or~~
5.13 ~~disagree that the course meets the enrolling district's graduation requirements. A supplemental~~
5.14 online learning provider that accepts a student under this section must notify the student
5.15 and the enrolling district in writing within ten days if the enrolling district is not the
5.16 supplemental online learning provider. A student may enroll in a supplemental online
5.17 learning course up to the midpoint of the enrolling district's term. The enrolling district may
5.18 waive this requirement for special circumstances and with the agreement of the online
5.19 provider. ~~An online learning course or program that meets or exceeds a graduation standard~~
5.20 ~~or the grade progression requirement of the enrolling district as described in the provider's~~
5.21 ~~online course syllabus meets the corresponding graduation requirements applicable to the~~
5.22 ~~student in the enrolling district. If the enrolling district does not agree that the course or~~
5.23 ~~program meets its graduation requirements, then:~~

5.24 ~~(1) the enrolling district must make available an explanation of its decision to the student,~~
5.25 ~~the student's parent, and the online provider; and~~

5.26 ~~(2) the online provider may make available a response to the enrolling district, showing~~
5.27 ~~how the course or program meets the graduation requirements of the enrolling district.~~

5.28 ~~(e) An online learning provider must notify the commissioner that it is delivering online~~
5.29 ~~learning and report the number of online learning students it accepts and the online learning~~
5.30 ~~courses and programs it delivers.~~

5.31 ~~(d) An online learning provider may limit enrollment if the provider's school board or~~
5.32 ~~board of directors adopts by resolution specific standards for accepting and rejecting students'~~
5.33 ~~applications.~~

6.1 ~~(e) An enrolling district may reduce an online learning student's regular classroom~~
6.2 ~~instructional membership in proportion to the student's membership in online learning~~
6.3 ~~courses.~~

6.4 ~~(f) The online provider must report or make available information on an individual~~
6.5 ~~student's progress and accumulated credit to the student, the student's parent, and the enrolling~~
6.6 ~~district in a manner specified by the commissioner unless the enrolling district and the online~~
6.7 ~~provider agree to a different form of notice and notify the commissioner. The enrolling~~
6.8 ~~district must designate a contact person to help facilitate and monitor the student's academic~~
6.9 ~~progress and accumulated credits towards graduation.~~

6.10 (d) A school district or charter school must allow an enrolled student to apply to enroll
6.11 in supplemental online learning. A supplemental online learning provider must notify the
6.12 enrolling district that the student has been accepted into the supplemental online learning
6.13 program. Within 15 days of receiving the notification from the supplemental online learning
6.14 program, the enrolling district must notify the supplemental online provider whether the
6.15 student, the student's parent, and the enrolling district agree or disagree that the proposed
6.16 course meets the enrolling district's graduation requirements.

6.17 (e) The enrolling district must communicate a student's individualized education program
6.18 to the supplemental online provider upon accepting the enrollment and must coordinate
6.19 services for students with disabilities unless a written agreement exists between the enrolling
6.20 district and the supplemental online provider.

6.21 (f) An online learning course or program that meets or exceeds a graduation standard
6.22 or the grade progression requirement of the enrolling district as described in the supplemental
6.23 online provider's online course syllabus meets the corresponding graduation requirements
6.24 applicable to the student in the enrolling district. The enrolling district must use the same
6.25 criteria for accepting online learning credits or courses as it does for accepting credits or
6.26 courses for transfer students under section 124D.03, subdivision 9. If the enrolling district
6.27 does not agree that the course or program meets its graduation requirements, then:

6.28 (1) the enrolling district must make available an explanation of its decision to the student,
6.29 the student's parent, and the supplemental online provider; and

6.30 (2) the supplemental online provider may make available a response to the enrolling
6.31 district showing how the course or program meets the graduation requirements of the
6.32 enrolling district.

7.1 (g) An enrolling district may reduce a supplemental online learning student's regular
 7.2 classroom instructional enrollment in proportion to the student's enrollment in online learning
 7.3 courses.

7.4 **EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

7.5 Sec. 6. Minnesota Statutes 2020, section 124D.095, subdivision 4, is amended to read:

7.6 Subd. 4. **Online learning parameters.** (a) ~~An~~ A supplemental online learning student
 7.7 must receive academic credit for completing the requirements of an online learning course
 7.8 or program. Secondary credits granted to ~~an~~ a supplemental online learning student count
 7.9 toward the graduation and credit requirements of the enrolling district. ~~The enrolling district~~
 7.10 ~~must apply the same graduation requirements to all students, including online learning~~
 7.11 ~~students, and must continue to provide nonacademic services to online learning students.~~

7.12 If a student completes an online learning course or program that meets or exceeds a
 7.13 graduation standard or the grade progression requirement at the enrolling district, that
 7.14 standard or requirement is met. ~~The enrolling district must use the same criteria for accepting~~
 7.15 ~~online learning credits or courses as it does for accepting credits or courses for transfer~~
 7.16 ~~students under section 124D.03, subdivision 9. The enrolling district may reduce the course~~
 7.17 ~~schedule of an online learning student in proportion to the number of online learning courses~~
 7.18 ~~the student takes from an online learning provider that is not the enrolling district.~~

7.19 (b) ~~An~~ A supplemental online learning student may:

7.20 (1) enroll in supplemental online learning courses equal to a maximum of 50 percent of
 7.21 the student's full schedule of courses per term during a single school year and the student
 7.22 may exceed the supplemental online learning registration limit if the enrolling district permits
 7.23 supplemental online learning enrollment above the limit, or if the enrolling district and the
 7.24 supplemental online learning provider agree to the instructional services;

7.25 (2) complete course work at a grade level that is different from the student's current
 7.26 grade level; and

7.27 (3) enroll in additional supplemental courses with the online learning provider under a
 7.28 separate agreement that includes terms for paying any tuition or course fees.

7.29 (c) An online learning student has the same access to ~~the~~ computer hardware and
 7.30 education software available in a school as all other students in the enrolling district. ~~An~~
 7.31 ~~online learning provider must assist an online learning student whose family qualifies for~~
 7.32 ~~the education tax credit under section 290.0674 to acquire computer hardware and educational~~
 7.33 ~~software for online learning purposes.~~ Supplemental online learning students may use the

8.1 enrolling district's computer hardware and educational software to access supplemental
8.2 online courses. Supplemental online learning students may participate in supplemental
8.3 online courses from a scheduled study hall or other suitable location in the district in which
8.4 the student is enrolled if the enrolling district is able to provide a space and supervision.

8.5 ~~(d) An enrolling district may offer digital learning to its enrolled students. Such digital~~
8.6 ~~learning does not generate online learning funds under this section. An enrolling district~~
8.7 ~~that offers digital learning only to its enrolled students is not subject to the reporting~~
8.8 ~~requirements or review criteria under subdivision 7, unless the enrolling district is a full-time~~
8.9 ~~online learning provider. A teacher with a Minnesota license must assemble and deliver~~
8.10 ~~instruction to enrolled students receiving online learning from an enrolling district. The~~
8.11 ~~delivery of instruction occurs when the student interacts with the computer or the teacher~~
8.12 ~~and receives ongoing assistance and assessment of learning. The instruction may include~~
8.13 ~~curriculum developed by persons other than a teacher holding a Minnesota license.~~

8.14 (d) A supplemental online learning provider must assist a supplemental online learning
8.15 student whose family qualifies for the education tax credit under section 290.0674 to acquire
8.16 computer hardware and educational software for online learning purposes and must provide
8.17 information about broadband connectivity options and programs.

8.18 (e) A supplemental online learning provider may limit enrollment if the provider's school
8.19 board or board of directors adopts by resolution specific standards for accepting and rejecting
8.20 students' applications.

8.21 (f) A supplemental online learning provider must report or make available information
8.22 on an individual student's progress and accumulated credit to the student, the student's
8.23 parent, and the enrolling district in a manner specified by the commissioner unless the
8.24 enrolling district and the supplemental online learning provider agree to a different form of
8.25 reporting and notify the commissioner.

8.26 (g) An enrolling district must apply the same graduation requirements to all students,
8.27 including supplemental online learning students, and must continue to provide nonacademic
8.28 services to supplemental online learning students. An enrolling district must designate a
8.29 contact person to help facilitate and monitor the academic progress and accumulated credits
8.30 toward graduation for each supplemental online learning student enrolled in the district.

8.31 ~~(e) Both full-time and (h) Supplemental online learning providers are subject to the~~
8.32 ~~reporting requirements and review criteria under subdivision 7. A teacher holding a~~
8.33 ~~Minnesota license must assemble and deliver instruction to online learning students. The~~
8.34 ~~delivery of instruction occurs when the student interacts with the computer or the teacher~~

9.1 ~~and receives ongoing assistance and assessment of learning. The instruction may include~~
9.2 ~~curriculum developed by persons other than a teacher holding a Minnesota license. A teacher~~
9.3 ~~providing instruction via supplemental online learning must use a curriculum aligned with~~
9.4 ~~standards as described in section 120B.021 and must hold the appropriate Minnesota license~~
9.5 ~~as defined in section 124D.095, subdivision 2, paragraph (h).~~

9.6 (i) Unless the commissioner grants a waiver, a teacher providing online learning
9.7 instruction must not instruct more than 40 students in any one online learning course or
9.8 program.

9.9 ~~(f) To enroll in more than 50 percent of the student's full schedule of courses per term~~
9.10 ~~in online learning, the student must qualify to exceed the supplemental online learning~~
9.11 ~~registration limit under paragraph (b) or apply to enroll in an approved full-time online~~
9.12 ~~learning program, consistent with subdivision 3, paragraph (a). Full-time online learning~~
9.13 ~~students may enroll in classes at a local school under a contract for instructional services~~
9.14 ~~between the online learning provider and the school district.~~

9.15 **EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

9.16 Sec. 7. Minnesota Statutes 2020, section 124D.095, subdivision 7, is amended to read:

9.17 Subd. 7. **Department of Education.** (a) The department must review and approve or
9.18 disapprove supplemental online learning providers applications within 90 calendar days of
9.19 receiving ~~an~~ a supplemental online learning provider's completed application. The
9.20 commissioner, using research-based standards of quality for online learning programs, must
9.21 review all approved supplemental online learning providers on a cyclical three-year basis.
9.22 Approved supplemental online learning providers annually must submit program data to,
9.23 confirm statements of assurances for, and provide program updates including a current
9.24 course list to the commissioner.

9.25 (b) A supplemental online learning provider must notify the commissioner that it is
9.26 delivering online learning and must report the number of online learning students it accepts
9.27 and the online learning courses and programs it delivers.

9.28 (c) An enrolling district that offers online learning under section 124D.095, subdivision
9.29 2, paragraph (c), must create an online site or sites that is classified as an online learning
9.30 site, and report student enrollments in the online school site or sites. Online and blended
9.31 learning courses must be reported in the Minnesota Common Course Catalog.

9.32 ~~(b)~~ (d) The online learning courses and programs must be rigorous, aligned with state
9.33 academic standards, and contribute to grade progression in a single subject. The supplemental

10.1 online learning provider, ~~other than a digital learning provider offering digital learning to~~
 10.2 ~~its enrolled students only under subdivision 4, paragraph (d)~~, must give the commissioner
 10.3 written assurance that: (1) all courses meet state academic standards; and (2) the online
 10.4 learning curriculum, instruction, and assessment, expectations for actual teacher-contact
 10.5 time or other student-to-teacher communication, and academic support meet nationally
 10.6 recognized professional standards and are described as such in an online learning course
 10.7 syllabus that meets the commissioner's requirements. Once ~~an~~ a supplemental online learning
 10.8 provider is approved under this paragraph, all of its online learning course offerings are
 10.9 eligible for payment under this section unless a course is successfully challenged by an
 10.10 enrolling district or the department under paragraph ~~(e)~~ (e).

10.11 ~~(e)~~ (e) An enrolling district may challenge the validity of a course offered by ~~an~~ a
 10.12 supplemental online learning provider. The department must review such challenges based
 10.13 on the approval procedures under paragraph ~~(b)~~ (d). The department may initiate its own
 10.14 review of the validity of an online learning course offered by ~~an~~ a supplemental online
 10.15 learning provider.

10.16 ~~(d)~~ (f) The department may collect a fee not to exceed \$250 for approving online learning
 10.17 providers or \$50 per course for reviewing a challenge by an enrolling district.

10.18 ~~(e)~~ (g) The department must develop, publish, and maintain a list of supplemental online
 10.19 learning providers that it has reviewed and approved.

10.20 ~~(f)~~ (h) The department may review a complaint about ~~an~~ a supplemental online learning
 10.21 provider, or a complaint about a provider based on the provider's response to notice of a
 10.22 violation. If the department determines that ~~an~~ a supplemental online learning provider
 10.23 violated a law or rule, the department may:

10.24 (1) create a compliance plan for the provider; or

10.25 (2) withhold funds from the provider under sections 124D.095, 124E.25, and 127A.42.

10.26 The department must notify ~~an~~ a supplemental online learning provider in writing about
 10.27 withholding funds and provide detailed calculations.

10.28 **EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

10.29 Sec. 8. Minnesota Statutes 2020, section 124D.095, is amended by adding a subdivision
 10.30 to read:

10.31 **Subd. 11. Crisis online learning.** (a) "Crisis online learning" means online learning
 10.32 under this section as the primary mode of instruction for all students in a school building
 10.33 during a crisis learning period.

11.1 (b) "Crisis learning period" means a period of time that is the result of an unforeseeable
11.2 incident or situation such as a natural disaster, pandemic, or other catastrophic event that
11.3 creates an unsafe or untenable in-person learning environment as declared by a school
11.4 district or charter school.

11.5 (c) "Crisis online learning plan" means a plan adopted by a school board or board of
11.6 directors that describes the implementation of crisis online learning and how critical
11.7 components of education are provided during the crisis learning period. Critical components
11.8 of education include but are not limited to nutrition services in accordance with United
11.9 States Department of Agriculture regulations, how teachers will be accessible online and
11.10 by telephone during regular school hours each crisis online learning day to assist students,
11.11 accommodations for students without Internet access or insufficient digital device access
11.12 in a household, and accessible options for students with disabilities under chapter 125A and
11.13 the Individuals with Disabilities Education Act. A crisis online learning plan may only be
11.14 adopted by a school district after consulting with the exclusive representative of the teachers
11.15 or by a charter school after consulting with its teachers, and may include up to one
11.16 instructional day to prepare for crisis online learning and one instructional day upon the
11.17 conclusion of the crisis online learning period, not to exceed four days per school year
11.18 without approval from the commissioner. Students and families must be notified of the
11.19 crisis online learning plan before the beginning of the school year. Consistent with applicable
11.20 labor agreements, districts must utilize available staff who are able to work during the crisis
11.21 online learning period.

11.22 (d) Upon declaring a crisis learning period and providing notice to students and families
11.23 at least one day prior to the regular school start time, a school district or charter school may
11.24 implement the crisis online learning plan.

11.25 **EFFECTIVE DATE.** This section is effective the day following final enactment. For
11.26 school year 2021-2022 the student and family notification requirement in subdivision 11,
11.27 paragraph (c), does not apply.

11.28 Sec. 9. Minnesota Statutes 2020, section 124D.59, subdivision 2a, is amended to read:

11.29 Subd. 2a. **English learner; limited or interrupted formal education.** Consistent with
11.30 subdivision 2, an English learner ~~includes~~ with limited or interrupted formal education is
11.31 an English learner with an interrupted formal education who meets three of the following
11.32 five requirements: defined by subdivision 2 who has at least two years less schooling than
11.33 the English learner's peers when entering school in the United States.

- 12.1 ~~(1) comes from a home where the language usually spoken is other than English, or~~
 12.2 ~~usually speaks a language other than English;~~
- 12.3 ~~(2) enters school in the United States after grade 6;~~
- 12.4 ~~(3) has at least two years less schooling than the English learner's peers;~~
- 12.5 ~~(4) functions at least two years below expected grade level in reading and mathematics;~~
 12.6 ~~and~~
- 12.7 ~~(5) may be preliterate in the English learner's native language.~~

12.8 Sec. 10. Minnesota Statutes 2020, section 124D.68, subdivision 2, is amended to read:

12.9 Subd. 2. **Eligible pupils.** (a) A pupil under the age of 21 or who meets the requirements
 12.10 of section 120A.20, subdivision 1, paragraph (c), is eligible to participate in the graduation
 12.11 incentives program, if the pupil:

- 12.12 (1) performs substantially below the performance level for pupils of the same age in a
 12.13 locally determined achievement test;
- 12.14 (2) is behind in satisfactorily completing coursework or obtaining credits for graduation;
- 12.15 (3) is pregnant or is a parent;
- 12.16 (4) has been assessed as chemically dependent;
- 12.17 (5) has been excluded or expelled according to sections 121A.40 to 121A.56;
- 12.18 (6) has been referred by a school district for enrollment in an eligible program or a
 12.19 program pursuant to section 124D.69;
- 12.20 (7) is a victim of physical or sexual abuse;
- 12.21 (8) has experienced mental health problems;
- 12.22 (9) has experienced homelessness sometime within six months before requesting a
 12.23 transfer to an eligible program;
- 12.24 (10) speaks English as a second language or is an English learner;
- 12.25 (11) has withdrawn from school or has been chronically truant; or
- 12.26 (12) is being treated in a hospital in the seven-county metropolitan area for cancer or
 12.27 other life threatening illness or is the sibling of an eligible pupil who is being currently
 12.28 treated, and resides with the pupil's family at least 60 miles beyond the outside boundary
 12.29 of the seven-county metropolitan area.

13.1 (b) A pupil ~~otherwise qualifying under paragraph (a) who is at least 21 years of age and~~
 13.2 ~~not yet 22 years of age, and is an English learner with an interrupted formal education~~
 13.3 ~~according to section 124D.59, subdivision 2a,~~ is eligible to participate in the graduation
 13.4 incentives program under section 124D.68 and in concurrent enrollment courses offered
 13.5 under section 124D.09, subdivision 10, and is funded in the same manner as other pupils
 13.6 under this section: if the pupil otherwise qualifies under paragraph (a), is at least 21 years
 13.7 of age and not yet 22 years of age, and:

13.8 (1) is an English learner with a limited or interrupted formal education according to
 13.9 section 124D.59, subdivision 2a; or

13.10 (2) meets three of the following four requirements:

13.11 (i) comes from a home where the language usually spoken is other than English, or
 13.12 usually speaks a language other than English;

13.13 (ii) enters school in the United States after grade 6;

13.14 (iii) functions at least two years below expected grade level in reading and mathematics;

13.15 and

13.16 (iv) may be preliterate in the English learner's native language.

13.17 Sec. 11. Minnesota Statutes 2020, section 124D.73, is amended by adding a subdivision
 13.18 to read:

13.19 Subd. 5. **American Indian student.** "American Indian student" means a student who
 13.20 identifies as American Indian or Alaska Native, using the state definition in effect on October
 13.21 1 of the previous school year.

13.22 Sec. 12. Minnesota Statutes 2020, section 124D.79, subdivision 2, is amended to read:

13.23 Subd. 2. **Technical assistance.** The commissioner shall provide technical assistance,
 13.24 including an annual report of American Indian student data using the state count, to districts,
 13.25 schools and postsecondary institutions for preservice and in-service training for teachers,
 13.26 American Indian education teachers and paraprofessionals specifically designed to implement
 13.27 culturally responsive teaching methods, culturally based curriculum development, testing
 13.28 and testing mechanisms, and the development of materials for American Indian education
 13.29 programs.

14.1 Sec. 13. Minnesota Statutes 2020, section 124D.81, subdivision 1, is amended to read:

14.2 Subdivision 1. **Procedures.** A school district, charter school, or American
14.3 Indian-controlled tribal contract or grant school enrolling at least 20 American Indian
14.4 students identified by the state count on October 1 of the previous school year and operating
14.5 an American Indian education program according to section 124D.74 is eligible for American
14.6 Indian education aid if it meets the requirements of this section. Programs may provide for
14.7 contracts for the provision of program components by nonsectarian nonpublic, community,
14.8 tribal, charter, or alternative schools. The commissioner shall prescribe the form and manner
14.9 of application for aids, and no aid shall be made for a program not complying with the
14.10 requirements of sections 124D.71 to 124D.82.

14.11 Sec. 14. Minnesota Statutes 2020, section 124D.81, is amended by adding a subdivision
14.12 to read:

14.13 Subd. 8. **State-identified American Indian.** For the purposes of sections 124D.71 to
14.14 124D.82, students who identify as American Indian or Alaska Native, as defined by the
14.15 state of Minnesota on October 1 of the previous school year, will be used to determine the
14.16 state-identified American Indian student counts for districts, charter schools, and Tribal
14.17 contract schools for the subsequent school year.

14.18 Sec. 15. Minnesota Statutes 2020, section 125A.15, is amended to read:

14.19 **125A.15 PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.**

14.20 The responsibility for special instruction and services for a child with a disability
14.21 temporarily placed in another district for care and treatment shall be determined in the
14.22 following manner:

14.23 (a) The district of residence of a child shall be the district in which the child's parent
14.24 resides, if living, or the child's guardian. If there is a dispute between school districts
14.25 regarding residency, the district of residence is the district designated by the commissioner.

14.26 (b) If a district other than the resident district places a pupil for care and treatment, the
14.27 district placing the pupil must notify and give the resident district an opportunity to participate
14.28 in the placement decision. When an immediate emergency placement of a pupil is necessary
14.29 and time constraints foreclose a resident district from participating in the emergency
14.30 placement decision, the district in which the pupil is temporarily placed must notify the
14.31 resident district of the emergency placement within 15 days. The resident district has up to
14.32 five business days after receiving notice of the emergency placement to request an

15.1 opportunity to participate in the placement decision, which the placing district must then
15.2 provide.

15.3 (c) When a child is temporarily placed for care and treatment in a day program located
15.4 in another district and the child continues to live within the district of residence during the
15.5 care and treatment, the district of residence is responsible for providing transportation to
15.6 and from the care and treatment program and an appropriate educational program for the
15.7 child. The resident district may establish reasonable restrictions on transportation, except
15.8 if a Minnesota court or agency orders the child placed at a day care and treatment program
15.9 and the resident district receives a copy of the order, then the resident district must provide
15.10 transportation to and from the program unless the court or agency orders otherwise.
15.11 Transportation shall only be provided by the resident district during regular operating hours
15.12 of the resident district. The resident district may provide the educational program at a school
15.13 within the district of residence, at the child's residence, or in the district in which the day
15.14 treatment center is located by paying tuition to that district. A district or charter school may
15.15 utilize online learning under section 124D.095 to fulfill its educational program responsibility
15.16 under this chapter if the child or child's parent or guardian, for a child under the age of 18,
15.17 agrees to that form of instruction.

15.18 (d) When a child is temporarily placed in a residential program for care and treatment,
15.19 the nonresident district in which the child is placed is responsible for providing an appropriate
15.20 educational program for the child and necessary transportation while the child is attending
15.21 the educational program; and must bill the district of the child's residence for the actual cost
15.22 of providing the program, as outlined in section 125A.11, except as provided in paragraph
15.23 (e). However, the board, lodging, and treatment costs incurred in behalf of a child with a
15.24 disability placed outside of the school district of residence by the commissioner of human
15.25 services or the commissioner of corrections or their agents, for reasons other than providing
15.26 for the child's special educational needs must not become the responsibility of either the
15.27 district providing the instruction or the district of the child's residence. For the purposes of
15.28 this section, the state correctional facilities operated on a fee-for-service basis are considered
15.29 to be residential programs for care and treatment. A district or charter school may utilize
15.30 online learning under section 124D.095 to fulfill its educational program responsibility
15.31 under this chapter if the child or child's parent or guardian, for a child under the age of 18,
15.32 agrees to that form of instruction.

15.33 (e) A privately owned and operated residential facility may enter into a contract to obtain
15.34 appropriate educational programs for special education children and services with a joint
15.35 powers entity. The entity with which the private facility contracts for special education

16.1 services shall be the district responsible for providing students placed in that facility an
16.2 appropriate educational program in place of the district in which the facility is located. If a
16.3 privately owned and operated residential facility does not enter into a contract under this
16.4 paragraph, then paragraph (d) applies.

16.5 (f) The district of residence shall pay tuition and other program costs, not including
16.6 transportation costs, to the district providing the instruction and services. The district of
16.7 residence may claim general education aid for the child as provided by law. Transportation
16.8 costs must be paid by the district responsible for providing the transportation and the state
16.9 must pay transportation aid to that district.

16.10 Sec. 16. Minnesota Statutes 2020, section 125A.51, is amended to read:

16.11 **125A.51 PLACEMENT OF CHILDREN WITHOUT DISABILITIES; EDUCATION**
16.12 **AND TRANSPORTATION.**

16.13 The responsibility for providing instruction and transportation for a pupil without a
16.14 disability who has a short-term or temporary physical or emotional illness or disability, as
16.15 determined by the standards of the commissioner, and who is temporarily placed for care
16.16 and treatment for that illness or disability, must be determined as provided in this section.

16.17 (a) The school district of residence of the pupil is the district in which the pupil's parent
16.18 or guardian resides. If there is a dispute between school districts regarding residency, the
16.19 district of residence is the district designated by the commissioner.

16.20 (b) When parental rights have been terminated by court order, the legal residence of a
16.21 child placed in a residential or foster facility for care and treatment is the district in which
16.22 the child resides.

16.23 (c) Before the placement of a pupil for care and treatment, the district of residence must
16.24 be notified and provided an opportunity to participate in the placement decision. When an
16.25 immediate emergency placement is necessary and time does not permit resident district
16.26 participation in the placement decision, the district in which the pupil is temporarily placed,
16.27 if different from the district of residence, must notify the district of residence of the
16.28 emergency placement within 15 days of the placement. When a nonresident district makes
16.29 an emergency placement without first consulting with the resident district, the resident
16.30 district has up to five business days after receiving notice of the emergency placement to
16.31 request an opportunity to participate in the placement decision, which the placing district
16.32 must then provide.

17.1 (d) When a pupil without a disability is temporarily placed for care and treatment in a
17.2 day program and the pupil continues to live within the district of residence during the care
17.3 and treatment, the district of residence must provide instruction and necessary transportation
17.4 to and from the care and treatment program for the pupil. The resident district may establish
17.5 reasonable restrictions on transportation, except if a Minnesota court or agency orders the
17.6 child placed at a day care and treatment program and the resident district receives a copy
17.7 of the order, then the resident district must provide transportation to and from the program
17.8 unless the court or agency orders otherwise. Transportation shall only be provided by the
17.9 resident district during regular operating hours of the resident district. The resident district
17.10 may provide the instruction at a school within the district of residence, at the pupil's residence,
17.11 through an online learning program under section 124D.095, provided by the pupil's resident
17.12 district, district of open enrollment under section 124D.03, or charter school of enrollment
17.13 under section 124E.11, or in the case of a placement outside of the resident district, in the
17.14 district in which the day treatment program is located by paying tuition to that district. The
17.15 district of placement may contract with a facility to provide instruction by teachers licensed
17.16 by the Professional Educator Licensing and Standards Board.

17.17 (e) When a pupil without a disability is temporarily placed in a residential program for
17.18 care and treatment, the district in which the pupil is placed must provide instruction for the
17.19 pupil and necessary transportation while the pupil is receiving instruction, and in the case
17.20 of a placement outside of the district of residence, the nonresident district must bill the
17.21 district of residence for the actual cost of providing the instruction for the regular school
17.22 year and for summer school, excluding transportation costs. A district or charter school may
17.23 utilize online learning under section 124D.095 to fulfill its educational program responsibility
17.24 under this chapter if the pupil or pupil's parent or guardian, for a pupil under the age of 18,
17.25 agrees to that form of instruction.

17.26 (f) Notwithstanding paragraph (e), if the pupil is homeless and placed in a public or
17.27 private homeless shelter, then the district that enrolls the pupil under section 120A.20,
17.28 subdivision 2, paragraph (b), shall provide the transportation, unless the district that enrolls
17.29 the pupil and the district in which the pupil is temporarily placed agree that the district in
17.30 which the pupil is temporarily placed shall provide transportation. When a pupil without a
17.31 disability is temporarily placed in a residential program outside the district of residence,
17.32 the administrator of the court placing the pupil must send timely written notice of the
17.33 placement to the district of residence. The district of placement may contract with a
17.34 residential facility to provide instruction by teachers licensed by the Professional Educator
17.35 Licensing and Standards Board. For purposes of this section, the state correctional facilities

18.1 operated on a fee-for-service basis are considered to be residential programs for care and
18.2 treatment.

18.3 (g) The district of residence must include the pupil in its residence count of pupil units
18.4 and pay tuition as provided in section 123A.488 to the district providing the instruction.
18.5 Transportation costs must be paid by the district providing the transportation and the state
18.6 must pay transportation aid to that district. For purposes of computing state transportation
18.7 aid, pupils governed by this subdivision must be included in the disabled transportation
18.8 category if the pupils cannot be transported on a regular school bus route without special
18.9 accommodations.

18.10 Sec. 17. Minnesota Statutes 2020, section 125A.515, subdivision 3, is amended to read:

18.11 Subd. 3. **Responsibilities for providing education.** (a) The district in which the children's
18.12 residential facility is located must provide education services, including special education
18.13 if eligible, to all students placed in a facility. If a child's district of residence, district of open
18.14 enrollment under section 124D.03, or charter school of enrollment under section 124E.11
18.15 is a state-approved online learning provider under section 124D.095, subdivision 2, paragraph
18.16 (d), the district in which the children's residential facility is located may utilize that
18.17 state-approved online learning program in fulfilling its education services responsibility
18.18 under this section.

18.19 (b) For education programs operated by the Department of Corrections, the providing
18.20 district shall be the Department of Corrections. For students remanded to the commissioner
18.21 of corrections, the providing and resident district shall be the Department of Corrections.

18.22 ARTICLE 2

18.23 EDUCATION EXCELLENCE

18.24 Section 1. Minnesota Statutes 2020, section 13.32, subdivision 3, is amended to read:

18.25 Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision
18.26 5, educational data is private data on individuals and shall not be disclosed except as follows:

18.27 (a) pursuant to section 13.05;

18.28 (b) pursuant to a valid court order;

18.29 (c) pursuant to a statute specifically authorizing access to the private data;

19.1 (d) to disclose information in health, including mental health, and safety emergencies
19.2 pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code
19.3 of Federal Regulations, title 34, section 99.36;

19.4 (e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1),
19.5 (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations,
19.6 title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

19.7 (f) to appropriate health authorities to the extent necessary to administer immunization
19.8 programs and for bona fide epidemiologic investigations which the commissioner of health
19.9 determines are necessary to prevent disease or disability to individuals in the public
19.10 educational agency or institution in which the investigation is being conducted;

19.11 (g) when disclosure is required for institutions that participate in a program under title
19.12 IV of the Higher Education Act, United States Code, title 20, section 1092;

19.13 (h) to the appropriate school district officials to the extent necessary under subdivision
19.14 6, annually to indicate the extent and content of remedial instruction, including the results
19.15 of assessment testing and academic performance at a postsecondary institution during the
19.16 previous academic year by a student who graduated from a Minnesota school district within
19.17 two years before receiving the remedial instruction;

19.18 (i) to appropriate authorities as provided in United States Code, title 20, section
19.19 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the
19.20 system to effectively serve, prior to adjudication, the student whose records are released;
19.21 provided that the authorities to whom the data are released submit a written request for the
19.22 data that certifies that the data will not be disclosed to any other person except as authorized
19.23 by law without the written consent of the parent of the student and the request and a record
19.24 of the release are maintained in the student's file;

19.25 (j) to volunteers who are determined to have a legitimate educational interest in the data
19.26 and who are conducting activities and events sponsored by or endorsed by the educational
19.27 agency or institution for students or former students;

19.28 (k) to provide student recruiting information, from educational data held by colleges
19.29 and universities, as required by and subject to Code of Federal Regulations, title 32, section
19.30 216;

19.31 (l) to the juvenile justice system if information about the behavior of a student who poses
19.32 a risk of harm is reasonably necessary to protect the health or safety of the student or other
19.33 individuals;

20.1 (m) with respect to Social Security numbers of students in the adult basic education
20.2 system, to Minnesota State Colleges and Universities and the Department of Employment
20.3 and Economic Development for the purpose and in the manner described in section 124D.52,
20.4 subdivision 7;

20.5 (n) to the commissioner of education for purposes of an assessment or investigation of
20.6 a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request
20.7 by the commissioner of education, data that are relevant to a report of maltreatment and are
20.8 from charter school and school district investigations of alleged maltreatment of a student
20.9 must be disclosed to the commissioner, including, but not limited to, the following:

20.10 (1) information regarding the student alleged to have been maltreated;

20.11 (2) information regarding student and employee witnesses;

20.12 (3) information regarding the alleged perpetrator; and

20.13 (4) what corrective or protective action was taken, if any, by the school facility in response
20.14 to a report of maltreatment by an employee or agent of the school or school district;

20.15 (o) when the disclosure is of the final results of a disciplinary proceeding on a charge
20.16 of a crime of violence or nonforcible sex offense to the extent authorized under United
20.17 States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title
20.18 34, sections 99.31 (a)(13) and (14);

20.19 (p) when the disclosure is information provided to the institution under United States
20.20 Code, title 42, section 14071, concerning registered sex offenders to the extent authorized
20.21 under United States Code, title 20, section 1232g(b)(7); ~~or~~

20.22 (q) when the disclosure is to a parent of a student at an institution of postsecondary
20.23 education regarding the student's violation of any federal, state, or local law or of any rule
20.24 or policy of the institution, governing the use or possession of alcohol or of a controlled
20.25 substance, to the extent authorized under United States Code, title 20, section 1232g(i), and
20.26 Code of Federal Regulations, title 34, section 99.31 (a)(15), and provided the institution
20.27 has an information release form signed by the student authorizing disclosure to a parent.
20.28 The institution must notify parents and students about the purpose and availability of the
20.29 information release forms. At a minimum, the institution must distribute the information
20.30 release forms at parent and student orientation meetings; or

20.31 (r) with Tribal nations about Tribally enrolled or descendant students so that the Tribal
20.32 nation and school district or charter school can support the educational attainment of the
20.33 student.

21.1 Sec. 2. Minnesota Statutes 2020, section 120A.22, subdivision 7, is amended to read:

21.2 Subd. 7. **Education records.** (a) A district, a charter school, or a nonpublic school that
21.3 receives services or aid under sections 123B.40 to 123B.48 from which a student is
21.4 transferring must transmit the student's educational records, within ten business days of a
21.5 request, to the district, the charter school, or the nonpublic school in which the student is
21.6 enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under
21.7 sections 123B.40 to 123B.48 must make reasonable efforts to determine the district, the
21.8 charter school, or the nonpublic school in which a transferring student is next enrolling in
21.9 order to comply with this subdivision.

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

21.13 (c) A school district, a charter school, or a nonpublic school that receives services or aid
21.14 under sections 123B.40 to 123B.48 that transmits a student's educational records to another
21.15 school district or other educational entity, charter school, or nonpublic school to which the
21.16 student is transferring must include in the transmitted records information about any formal
21.17 suspension, expulsion, and exclusion disciplinary action, as well as pupil withdrawals, under
21.18 sections 121A.40 to 121A.56. The transmitted records must include services a pupil needs
21.19 to prevent the inappropriate behavior from recurring. The district, the charter school, or the
21.20 nonpublic school that receives services or aid under sections 123B.40 to 123B.48 must
21.21 provide notice to a student and the student's parent or guardian that formal disciplinary
21.22 records will be transferred as part of the student's educational record, in accordance with
21.23 data practices under chapter 13 and the Family Educational Rights and Privacy Act of 1974,
21.24 United States Code, title 20, section 1232(g).

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

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

22.1 Sec. 3. Minnesota Statutes 2020, section 120A.22, subdivision 9, is amended to read:

22.2 Subd. 9. **Knowledge and skills.** Instruction must be provided in at least the following
22.3 subject areas:

22.4 (1) basic communication skills including reading and writing, literature, and fine arts;

22.5 (2) mathematics and science;

22.6 (3) social studies including history, geography, economics, government, and citizenship;

22.7 ~~and~~

22.8 (4) health and physical education; and

22.9 (5) ethnic studies.

22.10 Instruction, textbooks, and materials must be in the English language. Another language
22.11 may be used pursuant to sections 124D.59 to 124D.61.

22.12 Sec. 4. Minnesota Statutes 2020, section 120B.018, subdivision 6, is amended to read:

22.13 Subd. 6. **Required standard.** "Required standard" means (1) a statewide adopted
22.14 expectation for student learning in the content areas of language arts, mathematics, science,
22.15 social studies, physical education, and the arts, or (2) a locally adopted expectation for
22.16 student learning in health ~~or the arts.~~

22.17 Sec. 5. Minnesota Statutes 2020, section 120B.021, subdivision 1, is amended to read:

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

22.20 (1) language arts;

22.21 (2) mathematics;

22.22 (3) science;

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

22.25 (5) physical education;

22.26 (6) health, for which locally developed academic standards apply; and

22.27 (7) the arts, ~~for which statewide or locally developed academic standards apply, as~~

22.28 ~~determined by the school district.~~ Public elementary and middle schools must offer at least

22.29 three and require at least two of the following ~~four~~ five arts areas: media arts, dance, music,

23.1 theater, and visual arts. Public high schools must offer at least three and require at least
23.2 one of the following five arts areas: media arts, dance, music, theater, and visual arts.

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

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

23.17 (d) A school district may include child sexual abuse prevention instruction in a health
23.18 curriculum, consistent with paragraph (a), clause (6). Child sexual abuse prevention
23.19 instruction may include age-appropriate instruction on recognizing sexual abuse and assault,
23.20 boundary violations, and ways offenders groom or desensitize victims, as well as strategies
23.21 to promote disclosure, reduce self-blame, and mobilize bystanders. A school district may
23.22 provide instruction under this paragraph in a variety of ways, including at an annual assembly
23.23 or classroom presentation. A school district may also provide parents information on the
23.24 warning signs of child sexual abuse and available resources.

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

23.28 Sec. 6. Minnesota Statutes 2020, section 120B.021, subdivision 2, is amended to read:

23.29 Subd. 2. **Standards development.** (a) The commissioner must consider advice from at
23.30 least the following stakeholders in developing statewide rigorous core academic standards
23.31 in language arts, mathematics, science, social studies, including history, geography,
23.32 economics, government and citizenship, and the arts:

23.33 (1) parents of school-age children and members of the public throughout the state;

24.1 (2) teachers throughout the state currently licensed and providing instruction in language
 24.2 arts, mathematics, science, social studies, or the arts and licensed elementary and secondary
 24.3 school principals throughout the state currently administering a school site;

24.4 (3) currently serving members of local school boards and charter school boards throughout
 24.5 the state;

24.6 (4) faculty teaching core subjects at postsecondary institutions in Minnesota; ~~and~~

24.7 (5) representatives of the Minnesota business community;

24.8 (6) representatives from the Tribal Nations Education Committee and Minnesota's Tribal
 24.9 Nations and communities, including both Anishinaabe and Dakota;

24.10 (7) youth currently enrolled in kindergarten through grade 12 school districts and charter
 24.11 schools in Minnesota; and

24.12 (8) other stakeholders that represent the ethnic, racial, and geographic diversity of
 24.13 Minnesota, including diversity of gender and sexual orientation, immigrant status, and
 24.14 religious and linguistic background.

24.15 (b) Academic standards must:

24.16 (1) be clear, concise, objective, measurable, and grade-level appropriate;

24.17 (2) not require a specific teaching methodology or curriculum; and

24.18 (3) be consistent with the Constitutions of the United States and the state of Minnesota.

24.19 Sec. 7. Minnesota Statutes 2020, section 120B.021, subdivision 3, is amended to read:

24.20 Subd. 3. **Rulemaking.** The commissioner, consistent with the requirements of this section
 24.21 and section 120B.022, must adopt statewide rules under section 14.389 for implementing
 24.22 statewide rigorous core academic standards in language arts, mathematics, science, social
 24.23 studies, physical education, and the arts. After the rules authorized under this subdivision
 24.24 are initially adopted, the commissioner may not amend or repeal these rules nor adopt new
 24.25 rules on the same topic without specific legislative authorization unless done pursuant to
 24.26 subdivision 4.

24.27 Sec. 8. Minnesota Statutes 2020, section 120B.021, subdivision 4, is amended to read:

24.28 Subd. 4. **Revisions and reviews required.** (a) The commissioner of education must
 24.29 revise and ~~appropriately~~ embed Indigenous education standards that include the contributions
 24.30 of American Indian Tribes and communities into the state's academic standards and

25.1 graduation requirements. These standards must be consistent with recommendations from
25.2 the Tribal Nations Education Committee.

25.3 (b) The commissioner of education must revise and embed technology and information
25.4 literacy standards consistent with recommendations from school media specialists into the
25.5 state's academic standards and graduation requirements and implement a ten-year cycle to
25.6 review and, consistent with the review, revise state academic standards and related
25.7 benchmarks, consistent with this subdivision. During each ten-year review and revision
25.8 cycle, the commissioner also must examine the alignment of each required academic standard
25.9 and related benchmark with the knowledge and skills students need for career and college
25.10 readiness and advanced work in the particular subject area.

25.11 (c) The commissioner must include the contributions of Minnesota American Indian
25.12 tribes and communities as related to the embed ethnic studies into the state's academic
25.13 standards during the review and revision of the required academic standards.

25.14 ~~(b)~~ (d) The commissioner must ensure that the statewide mathematics assessments
25.15 administered to students in grades 3 through 8 and 11 are aligned with the state academic
25.16 standards in mathematics, consistent with section 120B.30, subdivision 1, paragraph (b).
25.17 The commissioner must implement a review of the academic standards and related
25.18 benchmarks in mathematics beginning in the 2021-2022 school year and every ten years
25.19 thereafter.

25.20 ~~(e)~~ (e) The commissioner must implement a review of the academic standards and related
25.21 benchmarks in arts beginning in the 2017-2018 school year and every ten years thereafter.

25.22 ~~(d)~~ (f) The commissioner must implement a review of the academic standards and related
25.23 benchmarks in science beginning in the 2018-2019 school year and every ten years thereafter.

25.24 ~~(e)~~ (g) The commissioner must implement a review of the academic standards and related
25.25 benchmarks in language arts beginning in the 2019-2020 school year and every ten years
25.26 thereafter.

25.27 ~~(f)~~ (h) The commissioner must implement a review of the academic standards and related
25.28 benchmarks in social studies beginning in the 2020-2021 school year and every ten years
25.29 thereafter.

25.30 ~~(g)~~ (i) The commissioner must implement a review of the academic standards and related
25.31 benchmarks in physical education beginning in the ~~2022-2023~~ 2026-2027 school year and
25.32 every ten years thereafter.

26.1 ~~(h)~~ (j) School districts and charter schools must revise and align local academic standards
26.2 and high school graduation requirements in health, world languages, and career and technical
26.3 education to require students to complete the revised standards beginning in a school year
26.4 determined by the school district or charter school. School districts and charter schools must
26.5 formally establish a periodic review cycle for the academic standards and related benchmarks
26.6 in health, world languages, and career and technical education.

26.7 Sec. 9. Minnesota Statutes 2020, section 120B.022, subdivision 1, is amended to read:

26.8 Subdivision 1. **Elective standards.** A district must establish and regularly review its
26.9 own standards ~~in~~ for career and technical education programs. Standards must align with
26.10 Minnesota career and technical education frameworks, standards developed by national
26.11 career and technical education organizations, or recognized industry standards. A district
26.12 must use the current world languages standards developed by the American Council on the
26.13 Teaching of Foreign Languages. A school district must offer courses in all elective subject
26.14 areas.

26.15 Sec. 10. Minnesota Statutes 2020, section 120B.024, subdivision 1, is amended to read:

26.16 Subdivision 1. **Graduation requirements.** (a) Students ~~beginning 9th grade in the~~
26.17 ~~2011-2012 school year and later~~ must successfully complete the following high school level
26.18 credits for graduation:

26.19 (1) four credits of language arts sufficient to satisfy all of the academic standards in
26.20 English language arts;

26.21 (2) three credits of mathematics, including an algebra II credit or its equivalent, sufficient
26.22 to satisfy all of the academic standards in mathematics;

26.23 (3) an algebra I credit by the end of 8th grade sufficient to satisfy all of the 8th grade
26.24 standards in mathematics;

26.25 (4) three credits of science, including at least one credit of biology, one credit of chemistry
26.26 or physics, and one elective credit of science. The combination of credits under this clause
26.27 must be sufficient to satisfy (i) all of the academic standards in either chemistry or physics
26.28 and (ii) all other academic standards in science;

26.29 (5) three and one-half credits of social studies, including credit for a course in government
26.30 and citizenship in either 11th or 12th grade for students beginning 9th grade in the 2023-2024
26.31 school year and later or an advanced placement, international baccalaureate, or other rigorous
26.32 course on government and citizenship under section 120B.021, subdivision 1a, and a

27.1 combination of other credits encompassing at least United States history, geography,
27.2 government and citizenship, world history, and economics sufficient to satisfy all of the
27.3 academic standards in social studies;

27.4 (6) one credit of the arts sufficient to satisfy all of the ~~state or local~~ academic standards
27.5 in the arts; and

27.6 (7) a minimum of seven elective credits.

27.7 (b) A school district is encouraged to offer a course for credit in government and
27.8 citizenship to 11th or 12th grade students who begin 9th grade in the 2020-2021 school year
27.9 and later, that satisfies the government and citizenship requirement in paragraph (a), clause
27.10 (5). A school district must offer the course starting in the 2023-2024 school year.

27.11 (c) Students beginning 9th grade in the 2023-2024 school year and later must successfully
27.12 complete a personal finance course for credit during their senior year of high school. The
27.13 course must include but is not limited to the following topics: creating a household budget;
27.14 taking out loans and accruing debt, including how interest works; home mortgages; how to
27.15 file taxes; the impact of student loan debt; and how to read a paycheck and payroll deductions.
27.16 A district may provide a personal finance course through in-person instruction, distance
27.17 instruction, or a combination of in-person and distance instruction.

27.18 Sec. 11. Minnesota Statutes 2020, section 120B.024, subdivision 2, is amended to read:

27.19 Subd. 2. **Credit equivalencies.** (a) A one-half credit of economics taught in a school's
27.20 ~~agriculture~~ agricultural, food, and natural resources education or business ~~department~~
27.21 education program may fulfill a one-half credit in social studies under subdivision 1, clause
27.22 (5), if the credit is sufficient to satisfy all of the academic standards in economics.

27.23 (b) An agriculture science or career and technical education credit may fulfill the elective
27.24 science credit required under subdivision 1, clause (4), if the credit meets the state physical
27.25 science, life science, earth and space science, chemistry, or physics academic standards or
27.26 a combination of these academic standards as approved by the district. An agriculture or
27.27 career and technical education credit may fulfill the credit in chemistry or physics required
27.28 under subdivision 1, clause (4), if the credit meets the state chemistry or physics academic
27.29 standards as approved by the district. A student must satisfy either all of the chemistry
27.30 academic standards or all of the physics academic standards prior to graduation. An
27.31 agriculture science or career and technical education credit may not fulfill the required
27.32 biology credit under subdivision 1, clause (4).

28.1 (c) A career and technical education credit may fulfill a mathematics or arts credit
28.2 requirement under subdivision 1, clause (2) or (6).

28.3 (d) An ~~agriculture~~ agricultural, food, and natural resources education teacher is not
28.4 required to meet the requirements of Minnesota Rules, part 3505.1150, subpart ~~1~~ 2, item
28.5 B, to meet the credit equivalency requirements of paragraph (b) above.

28.6 (e) A computer science credit may fulfill a mathematics credit requirement under
28.7 subdivision 1, clause (2), if the credit meets state academic standards in mathematics.

28.8 (f) A Project Lead the Way credit may fulfill a science or mathematics credit requirement
28.9 under subdivision 1, clause (2) or (4), if the credit meets the state academic standards in
28.10 science or mathematics.

28.11 Sec. 12. **[120B.025] ETHNIC STUDIES CURRICULUM.**

28.12 "Ethnic studies curriculum" means the critical and interdisciplinary study of race,
28.13 ethnicity, and indigeneity with a focus on the experiences and perspectives of people of
28.14 color within and beyond the United States. Ethnic studies analyzes the ways in which race
28.15 and racism have been and continue to be powerful social, cultural, and political forces, and
28.16 the connections of race to the stratification of other groups, including stratification based
28.17 on gender, class, sexual orientation, gender identity, disability, and legal status. The ethnic
28.18 studies curriculum may be integrated into existing curricular opportunities or provided
28.19 through additional curricular offerings.

28.20 Sec. 13. Minnesota Statutes 2020, section 120B.026, is amended to read:

28.21 **120B.026 PHYSICAL EDUCATION; ~~EXCLUSION~~ EXCUSAL FROM CLASS;**
28.22 **RECESS.**

28.23 A student may be excused from a physical education class if the student submits written
28.24 information signed by a physician stating that physical activity will jeopardize the student's
28.25 health. A student may be excused from a physical education class if being excused meets
28.26 the child's unique and individualized needs according to the child's individualized education
28.27 program, federal 504 plan, or individualized health plan. A student may be excused if a
28.28 parent or guardian requests an exemption on religious grounds. A student with a disability
28.29 must be provided with modifications or adaptations that allow physical education class to
28.30 meet their needs. ~~Schools are strongly encouraged not to exclude students in kindergarten~~
28.31 ~~through grade 5 from recess due to punishment or disciplinary action.~~

28.32 **EFFECTIVE DATE.** This section is effective July 1, 2022.

29.1 Sec. 14. Minnesota Statutes 2020, section 120B.11, subdivision 1, is amended to read:

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

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

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

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

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

29.19 (e) "Ethnic studies curriculum" means the critical and interdisciplinary study of race,
29.20 ethnicity, and indigeneity with a focus on the experiences and perspectives of People of
29.21 Color within and beyond the United States. Ethnic studies analyzes the ways in which race
29.22 and racism have been and continue to be powerful social, cultural, and political forces, and
29.23 the connection of race to the stratification of other groups, including stratification based on
29.24 gender, class, sexual orientation, gender identity, disability, and legal status. The ethnic
29.25 studies curriculum may be integrated in existing curricular opportunities or provided through
29.26 additional curricular offerings.

29.27 (f) "Antiracist" means actively working to identify and eliminate racism in all forms so
29.28 that power and resources are redistributed and shared equitably among racial groups.

29.29 (g) "Culturally sustaining" means integrating content and practices that infuse the culture
29.30 and language of Black, Indigenous, and People of Color communities who have been and
29.31 continue to be harmed and erased through schooling.

30.1 (h) "Institutional racism" means structures, policies, and practices within and across
30.2 institutions that produce outcomes that chronically favor white people and disadvantage
30.3 those who are Black, Indigenous, and People of Color.

30.4 (i) "On track for graduation" means that at the end of grade 9, a student has earned at
30.5 least five credits and has received no more than one failing grade in a language
30.6 arts, mathematics, science, or social studies course that fulfills a credit requirement under
30.7 section 120B.024. A student is off track for graduation if the student fails to meet either of
30.8 these criteria.

30.9 Sec. 15. Minnesota Statutes 2020, section 120B.11, subdivision 1a, is amended to read:

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

30.12 (1) the size of the academic achievement gap, rigorous course taking under section
30.13 120B.35, subdivision 3, paragraph (c), clause (2), participation in honors or gifted and
30.14 talented programming, and enrichment experiences by student subgroup;

30.15 (2) student performance on the Minnesota Comprehensive Assessments;

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

30.17 (4) career and college readiness under section 120B.30, subdivision 1-; and

30.18 (5) the number and percentage of students, by student subgroup, who are on track for
30.19 graduation.

30.20 (b) A school district that offers advanced placement, international baccalaureate, or dual
30.21 enrollment programs must report on the following performance measures starting in the
30.22 2023-2024 school year:

30.23 (1) participation in postsecondary enrollment options and concurrent enrollment programs;

30.24 (2) the number of students who took an advanced placement exam and the number of
30.25 students who passed the exam; and

30.26 (3) the number of students who took the international baccalaureate exam and the number
30.27 of students who passed the exam.

30.28 (c) Performance measures under this subdivision must be reported for all student
30.29 subgroups identified in section 120B.35, subdivision 3, paragraph (b), clause (2).

30.30 **EFFECTIVE DATE.** This section is effective July 1, 2022.

31.1 Sec. 16. Minnesota Statutes 2020, section 120B.11, subdivision 2, is amended to read:

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

31.5 (1) clearly defined district and school site goals and benchmarks for instruction and
31.6 student achievement for all student subgroups identified in section 120B.35, subdivision 3,
31.7 paragraph (b), clause (2);

31.8 (2) a process to: assess and evaluate each student's progress toward meeting state and
31.9 local academic standards; ~~2~~ assess and identify students to participate in gifted and talented
31.10 programs and accelerate their instruction, ~~and~~ ~~2~~ adopt early-admission procedures consistent
31.11 with section 120B.15; assess ethnic studies curriculum needs to determine priorities for
31.12 integrating ethnic studies into existing courses or developing new courses; and ~~identifying~~
31.13 identify the strengths and weaknesses of instruction in pursuit of student and school success
31.14 and curriculum affecting students' progress and growth toward career and college readiness
31.15 and leading to the world's best workforce;

31.16 (3) a system to periodically review and evaluate the effectiveness of all instruction and
31.17 curriculum, including ethnic studies curriculum, taking into account strategies and best
31.18 practices, student outcomes, school principal evaluations under section 123B.147, subdivision
31.19 3, students' access to effective teachers who are members of populations underrepresented
31.20 among the licensed teachers in the district or school and who reflect the diversity of enrolled
31.21 students under section 120B.35, subdivision 3, paragraph (b), clause (2), and teacher
31.22 evaluations under section 122A.40, subdivision 8, or 122A.41, subdivision 5;

31.23 (4) strategies for improving instruction, curriculum, and student achievement, including:

31.24 (i) the English and, where practicable, the native language development and the academic
31.25 achievement of English learners; and

31.26 (ii) access to ethnic studies curriculum using culturally responsive methodologies for
31.27 all learners;

31.28 (5) a process to examine the equitable distribution of teachers and strategies to ensure
31.29 children in low-income and minority families, children in families of people of color, and
31.30 children in American Indian families are not taught at higher rates than other children by
31.31 inexperienced, ineffective, or out-of-field teachers;

31.32 (6) education effectiveness practices that:

32.1 (i) integrate high-quality instruction, ~~rigorous curriculum~~, technology, and curriculum
 32.2 that is rigorous, accurate, antiracist, and culturally sustaining;

32.3 (ii) ensure learning and work environments validate, affirm, embrace, and integrate
 32.4 cultural and community strengths for all students, families, and employees; and

32.5 (iii) provide a collaborative professional culture that ~~develops and supports~~ seeks to
 32.6 retain qualified, racially and ethnically diverse staff effective at working with diverse students
 32.7 while developing and supporting teacher quality, performance, and effectiveness; and

32.8 (7) an annual budget for continuing to implement the district plan; and

32.9 (8) identifying a list of suggested and required materials, resources, sample curricula,
 32.10 and pedagogical skills for use in kindergarten through grade 12 that accurately reflect the
 32.11 diversity of the state of Minnesota.

32.12 **EFFECTIVE DATE.** This section is effective for all strategic plans reviewed and
 32.13 updated after June 30, 2023.

32.14 Sec. 17. Minnesota Statutes 2020, section 120B.11, subdivision 3, is amended to read:

32.15 Subd. 3. **District advisory committee.** Each school board ~~shall~~ must establish an advisory
 32.16 committee to ensure active community participation in all phases of planning and improving
 32.17 the instruction and curriculum affecting state and district academic standards, consistent
 32.18 with subdivision 2. A district advisory committee, to the extent possible, ~~shall~~ must reflect
 32.19 the diversity of the district and its school sites, include teachers, parents, support staff,
 32.20 students, and other community residents, and provide translation to the extent appropriate
 32.21 and practicable. The district advisory committee ~~shall~~ must pursue community support to
 32.22 accelerate the academic and native literacy and achievement of English learners with varied
 32.23 needs, from young children to adults, consistent with section 124D.59, subdivisions 2 and
 32.24 2a. The district may establish site teams as subcommittees of the district advisory committee
 32.25 under subdivision 4. The district advisory committee ~~shall~~ must recommend to the school
 32.26 board: rigorous academic standards; student achievement goals and measures consistent
 32.27 with subdivision 1a and sections 120B.022, subdivisions 1a and 1b, and 120B.35; district
 32.28 assessments; means to improve students' equitable access to effective and more diverse
 32.29 teachers; strategies to ensure the curriculum is rigorous, accurate, antiracist, and culturally
 32.30 sustaining; strategies to ensure that curriculum and learning and work environments validate,
 32.31 affirm, embrace, and integrate the cultural and community strengths of all racial and ethnic
 32.32 groups; and program evaluations. School sites may expand upon district evaluations of

33.1 instruction, curriculum, assessments, or programs. Whenever possible, parents and other
33.2 community residents ~~shall~~ must comprise at least two-thirds of advisory committee members.

33.3 Sec. 18. [120B.113] CLOSING EDUCATIONAL OPPORTUNITY GAPS GRANTS.

33.4 Subdivision 1. Grant program established. The commissioner of education must
33.5 establish a grant program to support implementation of world's best workforce strategies
33.6 under section 120B.11, subdivision 2, clauses (4) and (6), and collaborative efforts that
33.7 address opportunity gaps resulting from curricular, environmental, and structural inequities
33.8 in schools experienced by students, families, and staff who are of color or who are American
33.9 Indian.

33.10 Subd. 2. Definitions. (a) For purposes of this section, the following terms have the
33.11 meanings given.

33.12 (b) "Antiracist" means actively working to identify and eliminate racism in all forms so
33.13 that power and resources are redistributed and shared equitably among racial groups.

33.14 (c) "Curricular" means curriculum resources used and content taught as well as access
33.15 to levels of coursework or types of learning opportunities.

33.16 (d) "Environmental" means relating to the climate and culture of a school.

33.17 (e) "Equitable" means fairness by providing curriculum, instruction, support, and other
33.18 resources for learning based on the needs of individual students and groups of students to
33.19 succeed at school rather than treating all students the same despite the students having
33.20 different needs.

33.21 (f) "Institutional racism" means policies and practices within and across institutions that
33.22 produce outcomes that chronically favor white people and disadvantage those who are
33.23 Black, Indigenous, and People of Color.

33.24 (g) "Opportunity gap" means the inequitable distribution of resources that impacts
33.25 inequitable opportunities that contribute to or perpetuate learning gaps for certain groups
33.26 of students.

33.27 (h) "Structural" means relating to the organization and systems of a school that have
33.28 been created to manage a school.

33.29 Subd. 3. Applications and grant awards. The commissioner must determine application
33.30 procedures and deadlines, select districts and charter schools to participate in the grant
33.31 program, and determine the award amount and payment process of the grants. To the extent
33.32 that there are sufficient applications, the commissioner must award an approximately equal

34.1 number of grants between districts in greater Minnesota and those in the Twin Cities
 34.2 metropolitan area. If there are an insufficient number of applications received for either
 34.3 geographic area, then the commissioner may award grants to meet the requests for funds
 34.4 wherever a district is located.

34.5 Subd. 4. **Description.** The grant program must provide funding that supports collaborative
 34.6 efforts that close opportunity gaps by:

34.7 (1) ensuring school environments and curriculum validate, affirm, embrace, and integrate
 34.8 cultural and community strengths of students, families, and employees from all racial and
 34.9 ethnic backgrounds; and

34.10 (2) addressing institutional racism with equitable school policies, structures, practices,
 34.11 and curricular offerings, consistent with the requirements for long-term plans under section
 34.12 124D.861, subdivision 2, paragraph (c).

34.13 Subd. 5. **Report.** Grant recipients must annually report to the commissioner by a date
 34.14 and in a form and manner determined by the commissioner on efforts planned and
 34.15 implemented that engaged students, families, educators, and community members of diverse
 34.16 racial and ethnic backgrounds in making improvements to school climate and curriculum.
 34.17 The report must assess the impact of those efforts as perceived by racially and ethnically
 34.18 diverse stakeholders, and must identify any areas needed for further continuous improvement.
 34.19 The commissioner must publish a report for the public summarizing the activities of grant
 34.20 recipients and what was done to promote sharing of effective practices among grant recipients
 34.21 and potential grant applicants.

34.22 **EFFECTIVE DATE.** This section is effective July 1, 2022.

34.23 Sec. 19. Minnesota Statutes 2020, section 120B.15, is amended to read:

34.24 **120B.15 GIFTED AND TALENTED STUDENTS PROGRAMS AND SERVICES.**

34.25 (a) School districts may identify students, locally develop programs and services
 34.26 addressing instructional and affective needs, provide staff development, and evaluate
 34.27 programs and services to provide gifted and talented students with challenging and
 34.28 appropriate educational programs and services.

34.29 (b) School districts must adopt guidelines for assessing and identifying students for
 34.30 participation in gifted and talented programs and services consistent with section 120B.11,
 34.31 subdivision 2, clause (2). The guidelines should include the use of:

34.32 (1) multiple and objective criteria; and

35.1 (2) assessments and procedures that are valid and reliable, fair, and based on current
35.2 theory and research. Assessments and procedures ~~should~~ must be sensitive and equitable
35.3 to underrepresented groups, including, but not limited to, low-income students, ~~minority~~
35.4 students of color and American Indian students, twice-exceptional students, students with
35.5 504 plans, and English learners. Assessments and procedures must be coordinated to allow
35.6 for optimal identification of programs or services for underrepresented groups.

35.7 (c) School districts must adopt procedures for the academic acceleration of gifted and
35.8 talented students consistent with section 120B.11, subdivision 2, clause (2). These procedures
35.9 must include how the district will:

35.10 (1) assess a student's readiness and motivation for acceleration; and

35.11 (2) match the level, complexity, and pace of the curriculum to a student to achieve the
35.12 best type of academic acceleration for that student.

35.13 (d) School districts must adopt procedures consistent with section 124D.02, subdivision
35.14 1, for early admission to kindergarten or first grade of gifted and talented learners consistent
35.15 with section 120B.11, subdivision 2, clause (2). The procedures must be sensitive to
35.16 underrepresented groups.

35.17 Sec. 20. Minnesota Statutes 2020, section 120B.30, subdivision 1, is amended to read:

35.18 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts with
35.19 appropriate technical qualifications and experience and stakeholders, consistent with
35.20 subdivision 1a, must include in the comprehensive assessment system, for each grade level
35.21 to be tested, state-constructed tests developed as computer-adaptive reading and mathematics
35.22 assessments for students that are aligned with the state's required academic standards under
35.23 section 120B.021, include multiple choice questions, and are administered annually to all
35.24 students in grades 3 through 8. State-developed high school tests aligned with the state's
35.25 required academic standards under section 120B.021 and administered to all high school
35.26 students in a subject other than writing must include multiple choice questions. The
35.27 commissioner must establish a testing period as late as possible each school year during
35.28 which schools must administer the Minnesota Comprehensive Assessments to students. The
35.29 commissioner must publish the testing schedule at least two years before the beginning of
35.30 the testing period.

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

35.33 (1) mathematics;

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

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

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

36.5 (3) language arts and reading; grades 3 through 8 and high school level beginning in the
36.6 2012-2013 school year.

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

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

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

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

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

36.30 A student under paragraph (c), clause (1), must receive targeted, relevant, academically
36.31 rigorous, and resourced instruction, which may include a targeted instruction and intervention
36.32 plan focused on improving the student's knowledge and skills in core subjects so that the
36.33 student has a reasonable chance to succeed in a career or college without need for

37.1 postsecondary remediation. Consistent with sections 120B.13, 124D.09, 124D.091, 124D.49,
37.2 and related sections, an enrolling school or district must actively encourage a student in
37.3 grade 11 or 12 who is identified as academically ready for a career or college to participate
37.4 in courses and programs awarding college credit to high school students. Students are not
37.5 required to achieve a specified score or level of proficiency on an assessment under this
37.6 subdivision to graduate from high school.

37.7 (e) Though not a high school graduation requirement, students are encouraged to
37.8 participate in a nationally recognized college entrance exam. To the extent state funding
37.9 for college entrance exam fees is available, a district must pay the cost, one time, for an
37.10 interested student in grade 11 or 12 who is eligible for a free or reduced-price meal, to take
37.11 a nationally recognized college entrance exam before graduating. A student must be able
37.12 to take the exam under this paragraph at the student's high school during the school day and
37.13 at any one of the multiple exam administrations available to students in the district. A district
37.14 may administer the ACT or SAT or both the ACT and SAT to comply with this paragraph.
37.15 If the district administers only one of these two tests and a free or reduced-price meal eligible
37.16 student opts not to take that test and chooses instead to take the other of the two tests, the
37.17 student may take the other test at a different time or location and remains eligible for the
37.18 examination fee reimbursement. Notwithstanding sections 123B.34 to 123B.39, a school
37.19 district may require a student that is not eligible for a free or reduced-price meal to pay the
37.20 cost of taking a nationally recognized college entrance exam. The district must waive the
37.21 cost for a student unable to pay.

37.22 (f) The commissioner and the chancellor of the Minnesota State Colleges and Universities
37.23 must collaborate in aligning instruction and assessments for adult basic education students
37.24 and English learners to provide the students with diagnostic information about any targeted
37.25 interventions, accommodations, modifications, and supports they need so that assessments
37.26 and other performance measures are accessible to them and they may seek postsecondary
37.27 education or employment without need for postsecondary remediation. When administering
37.28 formative or summative assessments used to measure the academic progress, including the
37.29 oral academic development, of English learners and inform their instruction, schools must
37.30 ensure that the assessments are accessible to the students and students have the modifications
37.31 and supports they need to sufficiently understand the assessments.

37.32 (g) Districts and schools, on an annual basis, must use career exploration elements to
37.33 help students, beginning no later than grade 9, and their families explore and plan for
37.34 postsecondary education or careers based on the students' interests, aptitudes, and aspirations.
37.35 Districts and schools must use timely regional labor market information and partnerships,

38.1 among other resources, to help students and their families successfully develop, pursue,
38.2 review, and revise an individualized plan for postsecondary education or a career. This
38.3 process must help increase students' engagement in and connection to school, improve
38.4 students' knowledge and skills, and deepen students' understanding of career pathways as
38.5 a sequence of academic and career courses that lead to an industry-recognized credential,
38.6 an associate's degree, or a bachelor's degree and are available to all students, whatever their
38.7 interests and career goals.

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

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

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

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

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

39.1 (m) The 3rd through 8th grade computer-adaptive assessment results and high school
39.2 test results must be available to districts for diagnostic purposes affecting student learning
39.3 and district instruction and curriculum, and for establishing educational accountability. The
39.4 commissioner, in consultation with the chancellor of the Minnesota State Colleges and
39.5 Universities, must establish empirically derived benchmarks on the high school tests that
39.6 reveal a trajectory toward career and college readiness consistent with section 136F.302,
39.7 subdivision 1a. The commissioner must disseminate to the public the computer-adaptive
39.8 assessments and high school test results upon receiving those results.

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

39.13 (o) The commissioner must include the following components in the statewide public
39.14 reporting system:

39.15 (1) uniform statewide computer-adaptive assessments of all students in grades 3 through
39.16 8 and testing at the high school levels that provides appropriate, technically sound
39.17 accommodations or alternate assessments;

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

39.21 (3) state results on the ~~American College Test~~ ACT test; and

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

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

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

40.1 interact effectively with people of different cultures, native languages, and socioeconomic
40.2 backgrounds.

40.3 Sec. 21. Minnesota Statutes 2020, section 120B.30, subdivision 1a, is amended to read:

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

40.6 ~~(1) "Computer adaptive assessments" means fully adaptive assessments.~~

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

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

40.11 ~~(4) "Above-grade level" test items contain subject area content that is above the grade~~
40.12 ~~level of the student taking the assessment and is considered aligned with state academic~~
40.13 ~~standards to the extent it is aligned with content represented in state academic standards~~
40.14 ~~above the grade level of the student taking the assessment. Notwithstanding the student's~~
40.15 ~~grade level, administering above-grade level test items to a student does not violate the~~
40.16 ~~requirement that state assessments must be aligned with state standards.~~

40.17 ~~(5) "Below-grade level" test items contain subject area content that is below the grade~~
40.18 ~~level of the student taking the test and is considered aligned with state academic standards~~
40.19 ~~to the extent it is aligned with content represented in state academic standards below the~~
40.20 ~~student's current grade level. Notwithstanding the student's grade level, administering~~
40.21 ~~below-grade level test items to a student does not violate the requirement that state~~
40.22 ~~assessments must be aligned with state standards.~~

40.23 ~~(b) The commissioner must use fully adaptive mathematics and reading assessments for~~
40.24 ~~grades 3 through 8.~~

40.25 ~~(e)~~ (a) For purposes of conforming with existing federal educational accountability
40.26 requirements, the commissioner must develop and implement computer-adaptive reading
40.27 and mathematics assessments for grades 3 through 8, state-developed high school reading
40.28 and mathematics tests aligned with state academic standards, a high school writing test
40.29 aligned with state standards when it becomes available, and science assessments under
40.30 clause (2) that districts and sites must use to monitor student growth toward achieving those
40.31 standards. The commissioner must not develop statewide assessments for academic standards
40.32 in social studies, health and physical education, and the arts. The commissioner must require:

41.1 (1) annual computer-adaptive reading and mathematics assessments in grades 3 through
41.2 8, and high school reading, writing, and mathematics tests; and

41.3 (2) annual science assessments in one grade in the grades 3 through 5 span, the grades
41.4 6 through 8 span, and a life sciences assessment in the grades 9 through 12 span, and the
41.5 commissioner must not require students to achieve a passing score on high school science
41.6 assessments as a condition of receiving a high school diploma.

41.7 ~~(d)~~ (b) The commissioner must ensure that for annual computer-adaptive assessments:

41.8 (1) individual student performance data and achievement reports are available within
41.9 three school days of when students take an assessment except in a year when an assessment
41.10 reflects new performance standards;

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

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

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

41.21 ~~(e)~~ (c) The commissioner must ensure that all state tests administered to elementary and
41.22 secondary students measure students' academic knowledge and skills and not students'
41.23 values, attitudes, and beliefs.

41.24 ~~(f)~~ (d) Reporting of state assessment results must:

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

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

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

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

42.1 ~~(h)~~ (f) A school, school district, and charter school must administer statewide assessments
 42.2 under this section, as the assessments become available, to evaluate student progress toward
 42.3 career and college readiness in the context of the state's academic standards. A school,
 42.4 school district, or charter school may use a student's performance on a statewide assessment
 42.5 as one of multiple criteria to determine grade promotion or retention. A school, school
 42.6 district, or charter school may use a high school student's performance on a statewide
 42.7 assessment as a percentage of the student's final grade in a course, or place a student's
 42.8 assessment score on the student's transcript.

42.9 Sec. 22. Minnesota Statutes 2020, section 120B.301, is amended to read:

42.10 **120B.301 LIMITS ON LOCAL TESTING.**

42.11 (a) For students in grades 1 through 6, the cumulative total amount of time spent taking
 42.12 locally adopted districtwide or schoolwide assessments must not exceed ten hours per school
 42.13 year. For students in grades 7 through 12, the cumulative total amount of time spent taking
 42.14 locally adopted districtwide or schoolwide assessments must not exceed 11 hours per school
 42.15 year. For purposes of this paragraph, international baccalaureate and advanced placement
 42.16 exams are not considered locally adopted assessments.

42.17 (b) A district or charter school is exempt from the requirements of paragraph (a), if the
 42.18 district or charter school, in consultation with the exclusive representative of the teachers
 42.19 or other teachers if there is no exclusive representative of the teachers, decides to exceed a
 42.20 time limit in paragraph (a) and includes the information in the report required under section
 42.21 120B.11, subdivision 5.

42.22 (c) A district or charter school, ~~before the first day of each school year,~~ must publish on
 42.23 its website a comprehensive calendar of standardized tests to be administered in the district
 42.24 or charter school during that school year. The calendar must provide the rationale for
 42.25 administering each assessment and indicate whether the assessment is a local option or
 42.26 required by state or federal law. The calendar must be published at least one week prior to
 42.27 any eligible assessments being administered and no later than October 1.

42.28 Sec. 23. Minnesota Statutes 2020, section 120B.35, subdivision 3, is amended to read:

42.29 Subd. 3. **State growth ~~target~~ measures; other state measures.** (a)(1) The state's
 42.30 educational assessment system measuring individual students' educational growth is based
 42.31 on indicators of current achievement ~~growth~~ that show growth from an individual student's
 42.32 prior achievement. Indicators of achievement and prior achievement must be based on highly
 42.33 reliable statewide or districtwide assessments. Indicators that take into account a student's

43.1 prior achievement must not be used to disregard a school's low achievement or to exclude
 43.2 a school from a program to improve low-achievement levels.

43.3 (2) For purposes of paragraphs (b), (c), and (d), the commissioner must analyze and
 43.4 report, as soon as practicable, separate categories of information using the student categories
 43.5 identified under the federal Elementary and Secondary Education Act, as most recently
 43.6 reauthorized, and, in addition to "other" for each race and ethnicity, and the Karen
 43.7 community, seven of the most populous Asian ~~and Pacific Islander~~ groups, three of the most
 43.8 populous Native groups, seven of the most populous Hispanic/Latino groups, and five of
 43.9 the most populous Black and African Heritage groups ~~as determined by the total Minnesota~~
 43.10 ~~population based on the most recent American Community Survey~~; These groups must be
 43.11 determined by a ten-year cycle using the American Community Survey of the total Minnesota
 43.12 population. The determination must be based on the most recent five-year dataset starting
 43.13 with the 2021-2025 dataset. Additional categories must include English learners under
 43.14 section 124D.59; home language; free or reduced-price ~~lunch~~ meals; and all students enrolled
 43.15 in a Minnesota public school who are currently or were previously in foster care, except
 43.16 that such disaggregation and cross tabulation is not required if the number of students in a
 43.17 category is insufficient to yield statistically reliable information or the results would reveal
 43.18 personally identifiable information about an individual student.

43.19 (b) The commissioner, in consultation with a stakeholder group that includes assessment
 43.20 and evaluation directors, district staff, experts in culturally responsive teaching, and
 43.21 researchers, must implement ~~a~~ an appropriate growth model that compares the difference
 43.22 in students' achievement scores over time, and includes criteria for identifying schools and
 43.23 school districts that demonstrate academic progress or progress toward English language
 43.24 proficiency. The model may be used to advance educators' professional development and
 43.25 replicate programs that succeed in meeting students' diverse learning needs. Data on
 43.26 individual teachers generated under the model are personnel data under section 13.43. The
 43.27 model must allow users to:

43.28 (1) report student growth consistent with this paragraph; and

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

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

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

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

44.17 (2) a rigorous coursework measure indicating the number and percentage of high school
44.18 graduates in the most recent school year who successfully completed one or more
44.19 college-level advanced placement, international baccalaureate, postsecondary enrollment
44.20 options including concurrent enrollment, other rigorous courses of study under section
44.21 120B.021, subdivision 1a, or industry certification courses or programs.

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

44.26 (d) When reporting student performance under section 120B.36, subdivision 1, the
44.27 commissioner annually, beginning July 1, 2014, must report summary data on school safety
44.28 and students' engagement and connection at school, consistent with the student categories
44.29 identified under paragraph (a), clause (2). The summary data under this paragraph are
44.30 separate from and must not be used for any purpose related to measuring or evaluating the
44.31 performance of classroom teachers. The commissioner, in consultation with qualified experts
44.32 on student engagement and connection and classroom teachers, must identify highly reliable
44.33 variables that generate summary data under this paragraph. The summary data may be used
44.34 at school, district, and state levels only. Any data on individuals received, collected, or

45.1 created that are used to generate the summary data under this paragraph are nonpublic data
45.2 under section 13.02, subdivision 9.

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

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

45.9 (2) the percent of students under this paragraph whose progress and performance levels
45.10 are meeting career and college readiness benchmarks under section 120B.30, subdivision
45.11 1; and

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

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

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

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

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

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

45.20 (f) The commissioner, in consultation with recognized experts with knowledge and
45.21 experience in assessing the language proficiency and academic performance of all English
45.22 learners enrolled in a Minnesota public school course or program who are currently or were
45.23 previously counted as an English learner under section 124D.59, must identify and report
45.24 appropriate and effective measures to improve current categories of language difficulty and
45.25 assessments, and monitor and report data on students' English proficiency levels, program
45.26 placement, and academic language development, including oral academic language.

45.27 (g) When reporting four- and six-year graduation rates, the commissioner or school
45.28 district must disaggregate the data by student categories according to paragraph (a), clause
45.29 (2).

45.30 (h) A school district must inform parents and guardians that volunteering information
45.31 on student categories not required by the most recent reauthorization of the Elementary and
45.32 Secondary Education Act is optional and will not violate the privacy of students or their

46.1 families, parents, or guardians. The notice must state the purpose for collecting the student
46.2 data.

46.3 **EFFECTIVE DATE.** This section is effective the day following final enactment. The
46.4 next update to the data used to determine the most populous groups must be implemented
46.5 in 2026 using the 2021-2025 dataset.

46.6 Sec. 24. Minnesota Statutes 2020, section 120B.36, subdivision 2, is amended to read:

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

46.13 (b) Districts must provide parents sufficiently detailed summary data to permit parents
46.14 to appeal under the most recently reauthorized federal Elementary and Secondary Education
46.15 Act. The commissioner shall annually post federal expectations and state student growth,
46.16 learning, and outcome data to the department's public website no later than September 1,
46.17 except that in years when data or federal expectations reflect new performance standards,
46.18 the commissioner shall post data on federal expectations and state student growth data no
46.19 later than October 1.

46.20 Sec. 25. **[121A.041] AMERICAN INDIAN MASCOTS PROHIBITED.**

46.21 Subdivision 1. **Prohibition.** (a) A public school may not have or adopt a name, symbol,
46.22 or image that depicts or refers to an American Indian Tribe, individual, custom, or tradition
46.23 to be used as a mascot, nickname, logo, letterhead, or team name of the district or school
46.24 within the district.

46.25 (b) A public school may seek an exemption to paragraph (a) by submitting a request in
46.26 writing to the Tribal Nations Education Committee and the Indian Affairs Council, which
46.27 jointly shall have discretion to grant such an exemption. A public school that has a mascot
46.28 prohibited by this section must request an exemption by January 1, 2023.

46.29 Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the
46.30 meanings given.

46.31 (b) "American Indian" means an individual who is:

47.1 (1) a member of an Indian Tribe or Band, as membership is defined by the Tribe or
47.2 Band, including:

47.3 (i) any Tribe or Band terminated since 1940; and

47.4 (ii) any Tribe or Band recognized by the state in which the Tribe or Band resides;

47.5 (2) a descendant, in the first or second degree, of an individual described in clause (1);

47.6 (3) considered by the Secretary of the Interior to be an Indian for any purpose;

47.7 (4) an Eskimo, Aleut, or other Alaska Native; or

47.8 (5) a member of an organized Indian group that received a grant under the Indian

47.9 Education Act of 1988 as in effect the day preceding October 20, 1994.

47.10 (c) "District" means a district under section 120A.05, subdivision 8.

47.11 (d) "Mascot" means any human, nonhuman animal, or object used to represent a school

47.12 and its population.

47.13 (e) "Public school" or "school" means a public school under section 120A.05, subdivisions

47.14 9, 11, 13, and 17, and a charter school under chapter 124E.

47.15 Sec. 26. **[121A.201] MULTI-TIERED SYSTEM OF SUPPORT.**

47.16 The Minnesota Multi-Tiered System of Supports (MnMTSS) is a systemic, continuous

47.17 improvement framework for ensuring positive social, emotional, behavioral, developmental,

47.18 and academic outcomes for every student. MnMTSS provides access to layered tiers of

47.19 culturally and linguistically responsive, evidence-based practices. The MnMTSS framework

47.20 relies on the understanding and belief that every student can learn and thrive, and it engages

47.21 an anti-racist approach to examining policies and practices and ensuring equitable distribution

47.22 of resources and opportunity. This systemic framework requires:

47.23 (1) design and delivery of culturally and linguistically responsive, effective,

47.24 standards-based core instruction in safe, supportive environments inclusive of every student

47.25 as a necessary foundation for tiered supports;

47.26 (2) layered tiers of culturally and linguistically responsive supplemental and intensive

47.27 supports to meet each student's needs;

47.28 (3) developing collective knowledge and experience through engagement in representative

47.29 partnerships with students, education professionals, families, and communities;

48.1 (4) multidisciplinary teams of education professionals that review and use data to prevent
48.2 and solve problems, inform instruction and supports, and ensure effective implementation
48.3 in partnership with students and families;

48.4 (5) effective and timely use of meaningful, culturally relevant data disaggregated by
48.5 student groups identified in section 121A.031 that includes but is not limited to universal
48.6 screening, frequent progress monitoring, implementation fidelity, and multiple qualitative
48.7 and quantitative sources; and

48.8 (6) ongoing professional learning on the MnMTSS systemic framework using anti-racist
48.9 approaches to training and coaching.

48.10 Sec. 27. Minnesota Statutes 2020, section 121A.41, subdivision 2, is amended to read:

48.11 Subd. 2. **Dismissal.** "Dismissal" means the denial of the current educational program to
48.12 any pupil, including exclusion, expulsion, and out-of-school suspension. It does not include
48.13 removal from class.

48.14 Sec. 28. Minnesota Statutes 2020, section 121A.41, subdivision 10, is amended to read:

48.15 Subd. 10. **In-school suspension; out-of-school suspension.** (a) "In-school suspension"
48.16 means an instance in which a pupil is temporarily removed from the pupil's regular classroom
48.17 for at least half a day for disciplinary purposes, but remains under the direct supervision of
48.18 school personnel. For purposes of this paragraph, "direct supervision" means school personnel
48.19 are physically in the same location as students under supervision.

48.20 (b) "Out-of-school suspension" means an action by the school administration, under
48.21 rules promulgated by the school board, prohibiting a pupil from attending school for a period
48.22 of no more than ten school days. If a suspension is longer than five days, the suspending
48.23 administrator must provide the superintendent with a reason for the longer suspension. This
48.24 definition does not apply to dismissal from school for ~~one school day or less~~ than one school
48.25 day, except as provided in federal law for a student with a disability. Each suspension action
48.26 may include a readmission plan. The readmission plan shall include, where appropriate, a
48.27 provision for implementing alternative educational services upon readmission and may not
48.28 be used to extend the current suspension. Consistent with section 125A.091, subdivision 5,
48.29 the readmission plan must not obligate a parent to provide a sympathomimetic medication
48.30 for the parent's child as a condition of readmission. The school administration may not
48.31 impose consecutive suspensions against the same pupil for the same course of conduct, or
48.32 incident of misconduct, except where the pupil will create an immediate and substantial
48.33 danger to self or to surrounding persons or property, or where the district is in the process

49.1 of initiating an expulsion, in which case the school administration may extend the suspension
49.2 to a total of 15 school days.

49.3 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

49.4 Sec. 29. Minnesota Statutes 2020, section 121A.41, is amended by adding a subdivision
49.5 to read:

49.6 **Subd. 12. Nonexclusionary disciplinary policies and practices; alternatives to pupil**
49.7 **removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means
49.8 policies and practices that are alternatives to removing a pupil from class or dismissing a
49.9 pupil from school, including evidence-based positive behavior interventions and supports,
49.10 social and emotional services, school-linked mental health services, counseling services,
49.11 social work services, referrals for special education or 504 evaluations, academic screening
49.12 for Title 1 services or reading interventions, and alternative education services.

49.13 Nonexclusionary disciplinary policies and practices require school officials to intervene in,
49.14 redirect, and support a pupil's behavior before removing a pupil from class or beginning
49.15 dismissal proceedings. Nonexclusionary disciplinary policies and practices include but are
49.16 not limited to the policies and practices under sections 120B.12; 121A.575, clauses (1) and
49.17 (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph
49.18 (r); and 122A.627, clause (3).

49.19 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

49.20 Sec. 30. Minnesota Statutes 2020, section 121A.41, is amended by adding a subdivision
49.21 to read:

49.22 **Subd. 13. Pupil withdrawal agreement.** "Pupil withdrawal agreement" means a verbal
49.23 or written agreement between a school administrator or district administrator and a pupil's
49.24 parent to withdraw a student from the school district to avoid expulsion or exclusion dismissal
49.25 proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month
49.26 period.

49.27 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

50.1 Sec. 31. Minnesota Statutes 2020, section 121A.425, is amended to read:

50.2 **121A.425 FULL AND EQUITABLE PARTICIPATION IN ~~PRESCHOOL AND~~**
 50.3 **PREKINDERGARTEN EARLY LEARNING.**

50.4 Subdivision 1. **Disciplinary dismissals prohibited.** (a) A pupil enrolled in the following
 50.5 is not subject to dismissals under this chapter:

50.6 (1) a preschool or prekindergarten program, including ~~a child participating in~~ early
 50.7 childhood family education, school readiness, school readiness plus, voluntary
 50.8 prekindergarten, Head Start, or other school-based preschool or prekindergarten program;
 50.9 ~~may not be subject to dismissals under this chapter;~~ or

50.10 (2) kindergarten through grade 3.

50.11 (b) Notwithstanding this subdivision, expulsions and exclusions may be used only after
 50.12 resources outlined in subdivision 2 have been exhausted, and only in circumstances where
 50.13 there is an ongoing serious safety threat to the child or others.

50.14 Subd. 2. **Nonexclusionary discipline.** For purposes of this section, nonexclusionary
 50.15 discipline must include at least one of the following:

50.16 (1) collaborating with the pupil's family or guardian, child mental health consultant or
 50.17 provider, education specialist, or other community-based support;

50.18 (2) creating a plan, written with the parent or guardian, that details the action and support
 50.19 needed for the pupil to fully participate in the current educational program, including a
 50.20 preschool or prekindergarten program; or

50.21 (3) providing a referral for needed support services, including parenting education, home
 50.22 visits, other supportive education interventions, or, where appropriate, an evaluation to
 50.23 determine if the pupil is eligible for special education services or section 504 services.

50.24 **EFFECTIVE DATE.** This section is effective July 1, 2022.

50.25 Sec. 32. Minnesota Statutes 2020, section 121A.45, subdivision 1, is amended to read:

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

50.31 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

51.1 Sec. 33. Minnesota Statutes 2020, section 121A.46, subdivision 4, is amended to read:

51.2 Subd. 4. **Provision of alternative education services; suspension pending expulsion**
51.3 **or exclusion hearing.** (a) Alternative education services must be provided to a pupil who
51.4 is suspended for more than five consecutive school days.

51.5 (b) Notwithstanding the provisions of subdivisions 1 and 3, the pupil may be suspended
51.6 pending the school board's decision in the expulsion or exclusion hearing; provided that
51.7 alternative educational services are implemented to the extent that suspension exceeds five
51.8 consecutive school days.

51.9 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

51.10 Sec. 34. Minnesota Statutes 2020, section 121A.46, is amended by adding a subdivision
51.11 to read:

51.12 Subd. 5. **Minimum education services.** School administration must allow a suspended
51.13 pupil the opportunity to complete all school work assigned during the period of the pupil's
51.14 suspension and to receive full credit for satisfactorily completing the assignments. The
51.15 school principal or other person having administrative control of the school building or
51.16 program is encouraged to designate a district or school employee as a liaison to work with
51.17 the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and
51.18 other information, and (2) complete daily and weekly assignments and receive teachers'
51.19 feedback.

51.20 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

51.21 Sec. 35. Minnesota Statutes 2020, section 121A.47, subdivision 2, is amended to read:

51.22 Subd. 2. **Written notice.** Written notice of intent to take action shall:

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

51.24 (b) contain a complete statement of the facts, a list of the witnesses and a description of
51.25 their testimony;

51.26 (c) state the date, time, and place of the hearing;

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

51.28 (e) describe ~~alternative educational services~~ the nonexclusionary disciplinary practices
51.29 accorded the pupil in an attempt to avoid the expulsion proceedings; and

51.30 (f) inform the pupil and parent or guardian of the right to:

52.1 (1) have a representative of the pupil's own choosing, including legal counsel, at the
52.2 hearing. The district ~~shall~~ must advise the pupil's parent or guardian that free or low-cost
52.3 legal assistance may be available and that a legal assistance resource list is available from
52.4 the Department of Education and is posted on their website;

52.5 (2) examine the pupil's records before the hearing;

52.6 (3) present evidence; and

52.7 (4) confront and cross-examine witnesses.

52.8 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

52.9 Sec. 36. Minnesota Statutes 2020, section 121A.47, subdivision 14, is amended to read:

52.10 Subd. 14. **Admission or readmission plan.** (a) A school administrator ~~shall~~ must prepare
52.11 and enforce an admission or readmission plan for any pupil who is excluded or expelled
52.12 from school. The plan ~~may~~ must include measures to improve the pupil's behavior, ~~including~~
52.13 which may include completing a character education program, consistent with section
52.14 120B.232, subdivision 1, ~~and~~ social and emotional learning, counseling, social work services,
52.15 mental health services, referrals for special education or 504 evaluation, and evidence-based
52.16 academic interventions. The plan must require parental involvement in the admission or
52.17 readmission process, and may indicate the consequences to the pupil of not improving the
52.18 pupil's behavior.

52.19 (b) The definition of suspension under section 121A.41, subdivision 10, does not apply
52.20 to a student's dismissal from school for ~~one school day or less than one school day~~, except
52.21 as provided under federal law for a student with a disability. Each suspension action may
52.22 include a readmission plan. A readmission plan must provide, where appropriate, alternative
52.23 education services, which must not be used to extend the student's current suspension period.
52.24 Consistent with section 125A.091, subdivision 5, a readmission plan must not obligate a
52.25 parent or guardian to provide psychotropic drugs to their student as a condition of
52.26 readmission. School officials must not use the refusal of a parent or guardian to consent to
52.27 the administration of psychotropic drugs to their student or to consent to a psychiatric
52.28 evaluation, screening or examination of the student as a ground, by itself, to prohibit the
52.29 student from attending class or participating in a school-related activity, or as a basis of a
52.30 charge of child abuse, child neglect or medical or educational neglect.

52.31 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

53.1 Sec. 37. Minnesota Statutes 2020, section 121A.53, subdivision 1, is amended to read:

53.2 Subdivision 1. **Exclusions and expulsions; student withdrawals; physical**
 53.3 **assaults.** Consistent with subdivision 2, the school board must report through the department
 53.4 electronic reporting system each exclusion or expulsion ~~and~~₂ each physical assault of a
 53.5 district employee by a ~~student~~ pupil, and each pupil withdrawal agreement within 30 days
 53.6 of the effective date of the dismissal action, pupil withdrawal, or assault₂ to the commissioner
 53.7 of education. This report must include a statement of ~~alternative educational services~~
 53.8 nonexclusionary disciplinary practices, or other sanction, intervention, or resolution in
 53.9 response to the assault given the pupil and the reason for, the effective date, and the duration
 53.10 of the exclusion or expulsion or other sanction, intervention, or resolution. The report must
 53.11 also include the ~~student's~~ pupil's age, grade, gender, race, and special education status.

53.12 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

53.13 Sec. 38. Minnesota Statutes 2020, section 121A.55, is amended to read:

53.14 **121A.55 POLICIES TO BE ESTABLISHED.**

53.15 (a) The commissioner of education ~~shall~~ must promulgate guidelines to assist each school
 53.16 board. Each school board ~~shall~~ must establish uniform criteria for dismissal and adopt written
 53.17 policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies
 53.18 ~~shall~~ must include nonexclusionary disciplinary policies and practices consistent with section
 53.19 121A.41, subdivision 12, and must emphasize preventing dismissals through early detection
 53.20 of problems and shall. The policies must be designed to address students' inappropriate
 53.21 behavior from recurring.

53.22 (b) The policies ~~shall~~ must recognize the continuing responsibility of the school for the
 53.23 education of the pupil during the dismissal period.

53.24 (c) The school is responsible for ensuring that alternative educational services, if the
 53.25 pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress
 53.26 ~~towards~~ toward meeting the graduation standards adopted under section 120B.02 and help
 53.27 prepare the pupil for readmission in accordance with section 121A.46, subdivision 5.

53.28 (d) For expulsion and exclusion dismissals and pupil withdrawal agreements as defined
 53.29 in section 121A.41, subdivision 13:

53.30 (1) a school district's continuing responsibility includes reviewing the pupil's school
 53.31 work and grades on a quarterly basis to ensure the pupil is on track for readmission with
 53.32 the pupil's peers. School districts must communicate on a regular basis with the pupil's

54.1 parent or guardian to ensure the pupil is completing the work assigned through the alternative
54.2 educational services;

54.3 (2) a pupil receiving school-based or school-linked mental health services in the district
54.4 under section 245.4889 continues to be eligible for those services until the pupil is enrolled
54.5 in a new district; and

54.6 (3) a school district must provide to the pupil's parent or guardian information on
54.7 accessing mental health services, including any free or sliding fee providers in the
54.8 community. The information must also be posted on the district or charter school website.

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

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

54.16 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

54.17 Sec. 39. Minnesota Statutes 2020, section 121A.61, subdivision 1, is amended to read:

54.18 Subdivision 1. **Required policy.** Each school board must adopt a written districtwide
54.19 school discipline policy which includes written rules of conduct for students, minimum
54.20 consequences for violations of the rules, and grounds and procedures for removal of a student
54.21 from class. The policy must contain the discipline complaint procedure that any member
54.22 of the school community may use to file a complaint regarding the application of discipline
54.23 policies and seek corrective action. The policy must be developed in consultation with
54.24 administrators, teachers, employees, pupils, parents, community members, law enforcement
54.25 agencies, county attorney offices, social service agencies, and such other individuals or
54.26 organizations as the board determines appropriate. A school site council may adopt additional
54.27 provisions to the policy subject to the approval of the school board.

54.28 Sec. 40. Minnesota Statutes 2020, section 121A.61, subdivision 3, is amended to read:

54.29 Subd. 3. **Policy components.** The policy must include at least the following components:

54.30 (a) rules governing student conduct and procedures for informing students of the rules;

54.31 (b) the grounds for removal of a student from a class;

- 55.1 (c) the authority of the classroom teacher to remove students from the classroom pursuant
55.2 to procedures and rules established in the district's policy;
- 55.3 (d) the procedures for removal of a student from a class by a teacher, school administrator,
55.4 or other school district employee;
- 55.5 (e) the period of time for which a student may be removed from a class, which may not
55.6 exceed five class periods for a violation of a rule of conduct;
- 55.7 (f) provisions relating to the responsibility for and custody of a student removed from
55.8 a class;
- 55.9 (g) the procedures for return of a student to the specified class from which the student
55.10 has been removed;
- 55.11 (h) the procedures for notifying a student and the student's parents or guardian of
55.12 violations of the rules of conduct and of resulting disciplinary actions;
- 55.13 (i) any procedures determined appropriate for encouraging early involvement of parents
55.14 or guardians in attempts to improve a student's behavior;
- 55.15 (j) any procedures determined appropriate for encouraging early detection of behavioral
55.16 problems;
- 55.17 (k) any procedures determined appropriate for referring a student in need of special
55.18 education services to those services;
- 55.19 (l) any procedures determined appropriate for ensuring victims of bullying who respond
55.20 with behavior not allowed under the school's behavior policies have access to a remedial
55.21 response, consistent with section 121A.031;
- 55.22 ~~(m)~~ (m) the procedures for consideration of whether there is a need for a further assessment
55.23 or of whether there is a need for a review of the adequacy of a current individualized
55.24 education program of a student with a disability who is removed from class;
- 55.25 ~~(n)~~ (n) procedures for detecting and addressing chemical abuse problems of a student
55.26 while on the school premises;
- 55.27 ~~(o)~~ (o) the minimum consequences for violations of the code of conduct;
- 55.28 ~~(p)~~ (p) procedures for immediate and appropriate interventions tied to violations of the
55.29 code;

56.1 ~~(p)~~ (q) a provision that states that a teacher, school employee, school bus driver, or other
56.2 agent of a district may use reasonable force in compliance with section 121A.582 and other
56.3 laws;

56.4 ~~(q)~~ (r) an agreement regarding procedures to coordinate crisis services to the extent funds
56.5 are available with the county board responsible for implementing sections 245.487 to
56.6 245.4889 for students with a serious emotional disturbance or other students who have an
56.7 individualized education program whose behavior may be addressed by crisis intervention;
56.8 ~~and~~

56.9 ~~(r)~~ (s) a provision that states a student must be removed from class immediately if the
56.10 student engages in assault or violent behavior. For purposes of this paragraph, "assault" has
56.11 the meaning given it in section 609.02, subdivision 10. The removal shall be for a period
56.12 of time deemed appropriate by the principal, in consultation with the teacher;

56.13 (t) a prohibition on the use of exclusionary practices for early learners as defined in
56.14 section 121A.425; and

56.15 (u) a prohibition on the use of exclusionary practices to address attendance and truancy
56.16 issues.

56.17 Sec. 41. Minnesota Statutes 2020, section 121A.61, is amended by adding a subdivision
56.18 to read:

56.19 Subd. 4. **Discipline complaint procedure.** The discipline policy must contain procedures
56.20 for students, parents and other guardians, and school staff to file a complaint and seek
56.21 corrective action when the requirements of sections 121A.40 to 121A.61, including the
56.22 implementation of the local behavior and discipline policies, are not being implemented
56.23 appropriately or are being discriminately applied. Each district and school policy implemented
56.24 under this section must, at a minimum:

56.25 (1) provide procedures for communicating this policy including the ability for a parent
56.26 to appeal a decision under section 121A.49 that contains explicit instructions for filing the
56.27 complaint;

56.28 (2) provide an opportunity for involved parties to submit additional information related
56.29 to the complaint;

56.30 (3) provide a procedure to begin to investigate complaints within three school days of
56.31 receipt, and identify personnel who will manage the investigation and any resulting record
56.32 and are responsible for keeping and regulating access to any record;

57.1 (4) provide procedures for issuing a written determination to the complainant that
57.2 addresses each allegation and contains findings and conclusions;

57.3 (5) if the investigation finds the requirements of sections 121A.40 to 121A.61, including
57.4 any local policies that were not implemented appropriately, contain procedures that require
57.5 a corrective action plan to correct a student's record and provide relevant staff with training,
57.6 coaching, or other accountability practices to ensure appropriate compliance with policies
57.7 in the future; and

57.8 (6) prohibit reprisals or retaliation against any person who asserts, alleges, or reports a
57.9 complaint, and provide procedures for applying appropriate consequences for a person who
57.10 engages in reprisal or retaliation.

57.11 Sec. 42. [121A.611] RECESS.

57.12 A teacher, school employee, or other agent of a district or charter school must not exclude
57.13 a student in elementary school from participation in recess to punish or otherwise discipline
57.14 the student.

57.15 **EFFECTIVE DATE.** This section is effective July 1, 2022.

57.16 Sec. 43. Minnesota Statutes 2020, section 124D.09, subdivision 3, is amended to read:

57.17 Subd. 3. **Definitions.** For purposes of this section, the following terms have the meanings
57.18 given to them.

57.19 (a) "Eligible institution" means a Minnesota public postsecondary institution, a private,
57.20 nonprofit two-year trade and technical school granting associate degrees, an opportunities
57.21 industrialization center accredited by an accreditor recognized by the United States
57.22 Department of Education, or a private, residential, two-year or four-year, liberal arts,
57.23 degree-granting college or university located in Minnesota. An eligible institution cannot
57.24 require a faith statement during the application process or base any part of the admission
57.25 decision on a student's race, creed, ethnicity, disability, gender, or sexual orientation or
57.26 religious beliefs or affiliations.

57.27 (b) "Course" means a course or program.

57.28 (c) "Concurrent enrollment" means nonsectarian courses in which an eligible pupil under
57.29 subdivision 5 or 5b enrolls to earn both secondary and postsecondary credits, are taught by
57.30 a secondary teacher or a postsecondary faculty member, and are offered at a high school
57.31 for which the district is eligible to receive concurrent enrollment program aid under section
57.32 124D.091.

58.1 Sec. 44. Minnesota Statutes 2020, section 124D.09, subdivision 9, is amended to read:

58.2 Subd. 9. **Enrollment priority.** (a) A postsecondary institution must give priority to its
58.3 postsecondary students when enrolling pupils in grades 10, 11, and 12 in its courses. A
58.4 postsecondary institution may provide information about its programs to a secondary school
58.5 or to a pupil or parent and it may advertise or otherwise recruit or solicit a secondary pupil
58.6 to enroll in its programs ~~on educational and programmatic grounds only except,~~
58.7 ~~notwithstanding other law to the contrary, and for the 2014-2015 through 2019-2020 school~~
58.8 ~~years only, an eligible postsecondary institution may advertise or otherwise recruit or solicit~~
58.9 ~~a secondary pupil residing in a school district with 700 students or more in grades 10, 11,~~
58.10 ~~and 12, to enroll in its programs on educational, programmatic, or financial grounds.~~

58.11 (b) An institution must not enroll secondary pupils, for postsecondary enrollment options
58.12 purposes, in remedial, developmental, or other courses that are not college level except
58.13 when a student eligible to participate and enrolled in the graduation incentives program
58.14 under section 124D.68 enrolls full time in a middle or early college program. A middle or
58.15 early college program must be specifically designed to allow the student to earn dual high
58.16 school and college credit with a well-defined pathway to allow the student to earn a
58.17 postsecondary degree or credential. In this case, the student must receive developmental
58.18 college credit and not college credit for completing remedial or developmental courses.

58.19 (c) Once a pupil has been enrolled in any postsecondary course under this section, the
58.20 pupil must not be displaced by another student.

58.21 (d) If a postsecondary institution enrolls a secondary school pupil in a course under this
58.22 section, the postsecondary institution also must enroll in the same course an otherwise
58.23 enrolled and qualified postsecondary student who qualifies as a veteran under section
58.24 197.447, and demonstrates to the postsecondary institution's satisfaction that the institution's
58.25 established enrollment timelines were not practicable for that student.

58.26 (e) A postsecondary institution must allow secondary pupils to enroll in online courses
58.27 under this section consistent with the institution's policy regarding postsecondary pupil
58.28 enrollment in online courses.

58.29 Sec. 45. Minnesota Statutes 2020, section 124D.09, subdivision 10, is amended to read:

58.30 Subd. 10. **Courses according to agreements.** (a) An eligible pupil, according to
58.31 subdivision 5, may enroll in a nonsectarian course taught by a secondary teacher or a
58.32 postsecondary faculty member and offered at a secondary school, or another location,
58.33 according to an agreement between a public school board and the governing body of an

59.1 eligible public postsecondary system or an eligible private postsecondary institution, as
59.2 defined in subdivision 3. All provisions of this section apply to a pupil, public school board,
59.3 district, and the governing body of a postsecondary institution, except as otherwise provided.
59.4 A secondary school and a postsecondary institution who enroll eligible pupils in courses
59.5 according to agreements must annually report to the commissioner the participation rates
59.6 of pupils enrolled in courses according to agreements, including the number of pupils
59.7 enrolled and the number of courses taken for postsecondary credit.

59.8 (b) To encourage students, especially American Indian students and students of color,
59.9 to consider teaching as a profession, participating schools, school districts, and postsecondary
59.10 institutions are encouraged to develop and offer an "Introduction to Teaching" or
59.11 "Introduction to Education" course under this subdivision. For the purpose of applying for
59.12 grants under this paragraph, "eligible institution" includes schools and districts that partner
59.13 with an accredited college or university in addition to postsecondary institutions identified
59.14 in subdivision 3, paragraph (a). Grant recipients under this paragraph must annually report
59.15 to the commissioner in a form and manner determined by the commissioner on the
59.16 participation rates of students in courses under this paragraph, including the number of
59.17 students who apply for admission to colleges or universities with teacher preparation
59.18 programs and the number of students of color and American Indian students who earned
59.19 postsecondary credit. Grant recipients must also describe recruiting efforts intended to
59.20 ensure that the percentage of participating students who are of color or American Indian
59.21 meets or exceeds the overall percentage of students of color or American Indian students
59.22 in the school.

59.23 Sec. 46. Minnesota Statutes 2020, section 124D.09, subdivision 12, is amended to read:

59.24 Subd. 12. **Credits; grade point average weighting policy.** (a) A pupil must not audit
59.25 a course under this section.

59.26 (b) A district shall grant academic credit to a pupil enrolled in a course for secondary
59.27 credit if the pupil successfully completes the course. Seven quarter or four semester college
59.28 credits equal at least one full year of high school credit. Fewer college credits may be
59.29 prorated. A district must also grant academic credit to a pupil enrolled in a course for
59.30 postsecondary credit if secondary credit is requested by a pupil. If no comparable course is
59.31 offered by the district, the district must, as soon as possible, notify the commissioner, who
59.32 shall determine the number of credits that shall be granted to a pupil who successfully
59.33 completes a course. If a comparable course is offered by the district, the school board shall
59.34 grant a comparable number of credits to the pupil. If there is a dispute between the district

60.1 and the pupil regarding the number of credits granted for a particular course, the pupil may
60.2 appeal the board's decision to the commissioner. The commissioner's decision regarding
60.3 the number of credits shall be final.

60.4 (c) A school board must adopt a policy regarding weighted grade point averages for any
60.5 high school or dual enrollment course. A school board must adopt an identical policy
60.6 regarding weighted grade point averages for credits earned via postsecondary coursework
60.7 as it gives to credits earned via concurrent enrollment coursework. The policy must state
60.8 whether the district offers weighted grades. A school board must annually publish on its
60.9 website a list of courses for which a student may earn a weighted grade.

60.10 (d) The secondary credits granted to a pupil must be counted toward the graduation
60.11 requirements and subject area requirements of the district. Evidence of successful completion
60.12 of each course and secondary credits granted must be included in the pupil's secondary
60.13 school record. A pupil shall provide the school with a copy of the pupil's grade in each
60.14 course taken for secondary credit under this section. Upon the request of a pupil, the pupil's
60.15 secondary school record must also include evidence of successful completion and credits
60.16 granted for a course taken for postsecondary credit. In either case, the record must indicate
60.17 that the credits were earned at a postsecondary institution.

60.18 (e) If a pupil enrolls in a postsecondary institution after leaving secondary school, the
60.19 postsecondary institution must award postsecondary credit for any course successfully
60.20 completed for secondary credit at that institution. Other postsecondary institutions may
60.21 award, after a pupil leaves secondary school, postsecondary credit for any courses
60.22 successfully completed under this section. An institution may not charge a pupil for the
60.23 award of credit.

60.24 (f) The Board of Trustees of the Minnesota State Colleges and Universities and the
60.25 Board of Regents of the University of Minnesota must, and private nonprofit and proprietary
60.26 postsecondary institutions should, award postsecondary credit for any successfully completed
60.27 courses in a program certified by the National Alliance of Concurrent Enrollment Partnerships
60.28 offered according to an agreement under subdivision 10. Consistent with section 135A.101,
60.29 subdivision 3, all MnSCU institutions must give full credit to a secondary pupil who
60.30 completes for postsecondary credit a postsecondary course or program that is part or all of
60.31 a goal area or a transfer curriculum at a MnSCU institution when the pupil enrolls in a
60.32 MnSCU institution after leaving secondary school. Once one MnSCU institution certifies
60.33 as completed a secondary student's postsecondary course or program that is part or all of a
60.34 goal area or a transfer curriculum, every MnSCU institution must consider the student's
60.35 course or program for that goal area or the transfer curriculum as completed.

61.1 Sec. 47. Minnesota Statutes 2020, section 124D.09, subdivision 13, is amended to read:

61.2 Subd. 13. **Financial arrangements.** For a pupil enrolled in a course under this section,
61.3 the department must make payments according to this subdivision for courses that were
61.4 taken for secondary credit.

61.5 The department must not make payments to a school district or postsecondary institution
61.6 for a course taken for postsecondary credit only. The department must not make payments
61.7 to a postsecondary institution for a course from which a student officially withdraws during
61.8 the first ~~14~~ ten business days of the postsecondary institution's quarter or semester or who
61.9 has been absent from the postsecondary institution for the first ~~15 consecutive school~~ ten
61.10 business days of the postsecondary institution's quarter or semester and is not receiving
61.11 instruction in the home or hospital.

61.12 A postsecondary institution shall receive the following:

61.13 (1) for an institution granting quarter credit, the reimbursement per credit hour shall be
61.14 an amount equal to 88 percent of the product of the formula allowance minus \$425, multiplied
61.15 by 1.2, and divided by 45; or

61.16 (2) for an institution granting semester credit, the reimbursement per credit hour shall
61.17 be an amount equal to 88 percent of the product of the general revenue formula allowance
61.18 minus \$425, multiplied by 1.2, and divided by 30.

61.19 The department must pay to each postsecondary institution 100 percent of the amount
61.20 in clause (1) or (2) within 45 days of receiving initial enrollment information each quarter
61.21 or semester. If changes in enrollment occur during a quarter or semester, the change shall
61.22 be reported by the postsecondary institution at the time the enrollment information for the
61.23 succeeding quarter or semester is submitted. At any time the department notifies a
61.24 postsecondary institution that an overpayment has been made, the institution shall promptly
61.25 remit the amount due.

61.26 Sec. 48. Minnesota Statutes 2020, section 124D.128, subdivision 1, is amended to read:

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

62.1 Sec. 49. Minnesota Statutes 2020, section 124D.74, subdivision 1, is amended to read:

62.2 Subdivision 1. **Program described.** American Indian education programs are programs
62.3 in public elementary and secondary schools, nonsectarian nonpublic, community, Tribal,
62.4 charter, or alternative schools enrolling American Indian children designed to:

62.5 (1) support postsecondary preparation for American Indian pupils;

62.6 (2) support the academic achievement of American Indian ~~students~~ pupils;

62.7 (3) make the curriculum relevant to the needs, interests, and cultural heritage of American
62.8 Indian pupils;

62.9 (4) provide positive reinforcement of the self-image of American Indian pupils;

62.10 (5) develop intercultural awareness among pupils, parents, and staff; and

62.11 (6) supplement, not supplant, state and federal educational and cocurricular programs.

62.12 Program services designed to increase completion and graduation rates of American Indian
62.13 students must emphasize academic achievement, retention, and attendance; development
62.14 of support services for staff, including in-service training and technical assistance in methods
62.15 of teaching American Indian pupils; research projects, including innovative teaching
62.16 approaches and evaluation of methods of relating to American Indian pupils; provision of
62.17 career counseling to American Indian pupils; modification of curriculum, instructional
62.18 methods, and administrative procedures to meet the needs of American Indian pupils; and
62.19 ~~supplemental~~ instruction in American Indian language, literature, history, and culture.

62.20 Districts offering programs may make contracts for the provision of program services by
62.21 establishing cooperative liaisons with Tribal programs and American Indian social service
62.22 agencies. These programs may also be provided as components of early childhood and
62.23 family education programs.

62.24 Sec. 50. Minnesota Statutes 2020, section 124D.74, subdivision 3, is amended to read:

62.25 Subd. 3. **Enrollment of other children; shared time enrollment.** To the extent it is
62.26 economically feasible, a district or participating school may make provision for the voluntary
62.27 enrollment of non-American Indian children in the instructional components of an American
62.28 Indian education program in order that they may acquire an understanding of the cultural
62.29 heritage of the American Indian children for whom that particular program is designed.

62.30 However, in determining eligibility to participate in a program, priority must be given to
62.31 American Indian children. American Indian children ~~and other children~~ enrolled in an

63.1 existing nonpublic school system may be enrolled on a shared time basis in American Indian
63.2 education programs.

63.3 Sec. 51. Minnesota Statutes 2020, section 124D.74, subdivision 4, is amended to read:

63.4 Subd. 4. **Location of programs.** American Indian education programs must be located
63.5 in ~~facilities~~ educational settings in which regular classes in a variety of subjects are offered
63.6 on a daily basis, including district schools, charter schools, and Tribal contract schools that
63.7 offer virtual learning environments. Programs may operate on an extended day or extended
63.8 year basis.

63.9 Sec. 52. Minnesota Statutes 2020, section 124D.74, is amended by adding a subdivision
63.10 to read:

63.11 Subd. 7. **American Indian culture and language classes.** Any district or participating
63.12 school that conducts American Indian education programs pursuant to sections 124D.71 to
63.13 124D.82 and serves 100 or more state-identified American Indian students enrolled in the
63.14 district must provide American Indian culture and language classes.

63.15 Sec. 53. Minnesota Statutes 2020, section 124D.76, is amended to read:

63.16 ~~**124D.76 COMMUNITY COORDINATORS, INDIAN HOME/SCHOOL LIAISONS**~~
63.17 **AMERICAN INDIAN EDUCATION PROGRAM COORDINATORS,**
63.18 **PARAPROFESSIONALS.**

63.19 In addition to employing American Indian language and culture education teachers, each
63.20 district or participating school providing programs pursuant to sections 124D.71 to 124D.82
63.21 may employ paraprofessionals. Paraprofessionals must not be employed for the purpose of
63.22 supplanting American Indian language and culture education teachers.

63.23 Any district or participating school ~~which~~ that conducts American Indian education
63.24 programs pursuant to sections 124D.71 to 124D.82 must employ one or more full-time or
63.25 part-time ~~community coordinators or Indian home/school liaisons if there are~~ dedicated
63.26 American Indian education program coordinators in a district with 100 or more
63.27 state-identified American Indian students enrolled in the district. ~~Community coordinators~~
63.28 ~~shall~~ A dedicated American Indian education program coordinator must promote
63.29 communication, understanding, and cooperation between the schools and the community
63.30 and shall must visit the homes of children who are to be enrolled in an American Indian
63.31 education program in order to convey information about the program.

64.1 Sec. 54. Minnesota Statutes 2020, section 124D.78, is amended to read:

64.2 **124D.78 PARENT AND COMMUNITY PARTICIPATION.**

64.3 Subdivision 1. **Parent committee.** School districts, charter schools, Tribal contract
 64.4 schools, and their respective school boards and American Indian schools must provide for
 64.5 the maximum involvement of parents of American Indian children enrolled in American
 64.6 Indian education programs, programs for elementary and secondary grades, special education
 64.7 programs, and support services. Accordingly, ~~the board of a school district~~ districts, charter
 64.8 schools, and Tribal contract schools in which there are ten or more state-identified American
 64.9 Indian students enrolled ~~and each American Indian school~~ must establish an American
 64.10 Indian ~~education~~ Parent Advisory Committee. If a committee whose membership consists
 64.11 of a majority of parents of American Indian children has been or is established according
 64.12 to federal, tribal, or other state law, that committee may serve as the committee required by
 64.13 this section and is subject to, at least, the requirements of this subdivision and subdivision
 64.14 2.

64.15 The American Indian ~~education~~ Parent Advisory Committee must develop its
 64.16 recommendations in consultation with the curriculum advisory committee required by
 64.17 section 120B.11, subdivision 3. This committee must afford parents the necessary information
 64.18 and the opportunity effectively to express their views concerning all aspects of American
 64.19 Indian education and the educational needs of the American Indian children enrolled in the
 64.20 school or program. ~~The school board or American Indian school~~ Districts, charter schools,
 64.21 and Tribal contract schools must ensure that programs are planned, operated, and evaluated
 64.22 with the involvement of and in consultation with parents of the American Indian students
 64.23 served by the programs.

64.24 Subd. 2. ~~Resolution of concurrence~~ **Annual compliance.** Prior to March 1 of each
 64.25 year, ~~the school board or American Indian school~~ must submit to the department a copy of
 64.26 ~~a resolution adopted by the American Indian education~~ Parent Advisory Committee. ~~The~~
 64.27 ~~copy must be signed by the chair of the committee and must state whether the committee~~
 64.28 ~~concur with the educational programs for American Indian students offered by the school~~
 64.29 ~~board or American Indian school. If the committee does not concur with the educational~~
 64.30 ~~programs, the reasons for nonconcurrence and recommendations shall be submitted directly~~
 64.31 ~~to the school board with the resolution. By resolution, the board must respond in writing~~
 64.32 ~~within 60 days, in cases of nonconcurrence, to each recommendation made by the committee~~
 64.33 ~~and state its reasons for not implementing the recommendations.~~ must meet to discuss
 64.34 whether or not they concur with the educational offerings that have been extended by the
 64.35 district to American Indian students. If the committee finds that the district, charter school,

65.1 Tribal contract school, and the school board have been meeting the needs of American
65.2 Indian students, the committee must issue a vote and resolution of concurrence. If the
65.3 committee finds that the needs of American Indian students are not being met, the committee
65.4 must issue a vote and resolution of nonconcurrence. The vote and resolution must be
65.5 presented to the school board by one or more members of the American Indian Parent
65.6 Advisory Committee. The vote must be formally reflected on documentation provided by
65.7 the Department of Education and must be submitted annually on March 1. If the vote is one
65.8 of nonconcurrence, the committee must provide written recommendations for improvement
65.9 to the school board at the time of the presentation. In the case of nonconcurrence, the school
65.10 board is given 60 days in which to respond, in writing, to the committee's recommendations.
65.11 The board response must be signed by the entire school board and submitted to both the
65.12 American Indian Parent Advisory Committee and to the Department of Education.

65.13 Subd. 3. **Membership.** The American Indian ~~education~~ Parent Advisory Committee
65.14 must be composed of parents or guardians of American Indian children eligible to be enrolled
65.15 in American Indian education programs; American Indian secondary students ~~eligible to~~
65.16 ~~be served~~; American Indian family members of students eligible to be enrolled in American
65.17 Indian education programs; American Indian language and culture education teachers and
65.18 paraprofessionals; American Indian teachers; American Indian district employees; American
65.19 Indian counselors; adult American Indian people enrolled in educational programs; and
65.20 ~~representatives from community groups~~ American Indian community members. ~~A~~ The
65.21 majority of each committee must be parents or guardians of American Indian children
65.22 enrolled or eligible to be enrolled in the programs. ~~The number of parents of American~~
65.23 ~~Indian and non-American Indian children shall reflect approximately the proportion of~~
65.24 ~~children of those groups enrolled in the programs.~~

65.25 Subd. 4. **Alternate committee.** If the organizational membership or the board of directors
65.26 ~~of an American Indian~~ a Tribal contract school consists of parents of children attending the
65.27 school, that membership or board may serve also as the American Indian ~~education~~ Parent
65.28 Advisory Committee.

65.29 Subd. 5. **State-identified American Indian.** For the purposes of sections 124D.71 to
65.30 124D.82, students who identify as American Indian or Alaska Native, using the state
65.31 definition in effect on October 1 of the previous school year, will be used to determine the
65.32 state-identified American Indian student counts for districts, charter schools, and Tribal
65.33 contract schools for the subsequent school year.

66.1 Sec. 55. Minnesota Statutes 2020, section 124D.791, subdivision 4, is amended to read:

66.2 Subd. 4. **Duties; powers.** The American Indian education director shall:

66.3 (1) ~~serve as the liaison for the department~~ work collaboratively and in conjunction with
66.4 the Tribal Liaison, the Tribal Nations Education Committee, the 11 Tribal communities
66.5 Nations in Minnesota, the Minnesota Chippewa Tribe, and the Minnesota Indian Affairs
66.6 Council;

66.7 (2) evaluate the state of American Indian education in Minnesota;

66.8 (3) engage the tribal bodies, community groups, parents of children eligible to be served
66.9 by American Indian education programs, American Indian administrators and teachers,
66.10 persons experienced in the training of teachers for American Indian education programs,
66.11 the tribally controlled schools, and other persons knowledgeable in the field of American
66.12 Indian education and seek their advice on policies that can improve the quality of American
66.13 Indian education;

66.14 (4) advise the commissioner on American Indian education issues, including:

66.15 (i) issues facing American Indian students;

66.16 (ii) policies for American Indian education;

66.17 (iii) awarding scholarships to eligible American Indian students and in administering
66.18 the commissioner's duties regarding awarding of American Indian education grants to school
66.19 districts; and

66.20 (iv) administration of the commissioner's duties under sections 124D.71 to 124D.82 and
66.21 other programs for the education of American Indian people;

66.22 (5) propose to the commissioner legislative changes that will improve the quality of
66.23 American Indian education;

66.24 (6) develop a strategic plan and a long-term framework for American Indian education,
66.25 in conjunction with the Minnesota Indian Affairs Council, that is updated every five years
66.26 and implemented by the commissioner, with goals to:

66.27 (i) increase American Indian student achievement, including increased levels of
66.28 proficiency and growth on statewide accountability assessments;

66.29 (ii) increase the number of American Indian teachers in public schools;

66.30 (iii) close the achievement gap between American Indian students and their more
66.31 advantaged peers;

67.1 (iv) increase the statewide graduation rate for American Indian students; and

67.2 (v) increase American Indian student placement in postsecondary programs and the
67.3 workforce; and

67.4 (7) keep the American Indian community informed about the work of the department
67.5 by reporting to the Tribal Nations Education Committee at each committee meeting.

67.6 **Sec. 56. [124D.792] GRADUATION CEREMONIES; TRIBAL REGALIA AND**
67.7 **OBJECTS OF CULTURAL SIGNIFICANCE.**

67.8 A school district or charter school must not prohibit an American Indian student from
67.9 wearing American Indian regalia, Tribal regalia, or objects of cultural significance at
67.10 graduation ceremonies.

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

67.12 Sec. 57. Minnesota Statutes 2020, section 124D.81, subdivision 2a, is amended to read:

67.13 Subd. 2a. **American Indian education aid.** (a) The American Indian education aid for
67.14 an eligible district, charter school, or Tribal contract school equals the greater of (1) the
67.15 sum of \$20,000 plus the product of \$358 times the difference between the number of
67.16 American Indian students enrolled on October 1 of the previous school year and 20; or (2)
67.17 if the district or school received a grant under this section for fiscal year 2015, the amount
67.18 of the grant for fiscal year 2015.

67.19 (b) Notwithstanding paragraph (a), the American Indian education aid must not exceed
67.20 the district, charter school, or Tribal contract school's actual expenditure according to the
67.21 approved plan under subdivision 2.

67.22 Sec. 58. Minnesota Statutes 2020, section 124D.81, subdivision 5, is amended to read:

67.23 Subd. 5. **Records.** Participating schools and districts must keep records and afford access
67.24 to them as the commissioner finds necessary to ensure that American Indian education
67.25 programs are implemented in conformity with sections 124D.71 to 124D.82. Each school
67.26 district or participating school must keep accurate, detailed, and separate revenue and
67.27 expenditure accounts for ~~pilot~~ American Indian education programs funded under this
67.28 section.

68.1 Sec. 59. Minnesota Statutes 2020, section 124D.861, subdivision 2, is amended to read:

68.2 Subd. 2. **Plan implementation; components.** (a) The school board of each eligible
68.3 district must formally develop and implement a long-term plan under this section. The plan
68.4 must be incorporated into the district's comprehensive strategic plan under section 120B.11.
68.5 ~~Plan components may include: innovative and integrated prekindergarten through grade 12~~
68.6 ~~learning environments that offer students school enrollment choices; family engagement~~
68.7 ~~initiatives that involve families in their students' academic life and success; professional~~
68.8 ~~development opportunities for teachers and administrators focused on improving the academic~~
68.9 ~~achievement of all students, including teachers and administrators who are members of~~
68.10 ~~populations underrepresented among the licensed teachers or administrators in the district~~
68.11 ~~or school and who reflect the diversity of students under section 120B.35, subdivision 3,~~
68.12 ~~paragraph (b), clause (2), who are enrolled in the district or school; increased programmatic~~
68.13 ~~opportunities and effective and more diverse instructors focused on rigor and college and~~
68.14 ~~career readiness for underserved students, including students enrolled in alternative learning~~
68.15 ~~centers under section 123A.05, public alternative programs under section 126C.05,~~
68.16 ~~subdivision 15, and contract alternative programs under section 124D.69, among other~~
68.17 ~~underserved students; or recruitment and retention of teachers and administrators with~~
68.18 ~~diverse racial and ethnic backgrounds.~~

68.19 (b) The plan must contain goals for:

68.20 (1) reducing the disparities in academic achievement and in equitable access to effective
68.21 and more diverse teachers among all students and specific categories of students under
68.22 section 120B.35, subdivision 3, paragraph (b), excluding the student categories of gender,
68.23 disability, and English learners; and

68.24 (2) increasing racial and economic diversity and integration in schools and districts.

68.25 (c) The plan must include strategies to validate, affirm, embrace, and integrate cultural
68.26 and community strengths of all students, families, and employees in the district's curriculum
68.27 as well as learning and work environments. The plan must address issues of institutional
68.28 racism as defined in section 120B.11, subdivision 1, in schools that create opportunity and
68.29 achievement gaps for students, families, and staff who are of color or who are American
68.30 Indian. Examples of institutional racism experienced by students who are of color or who
68.31 are American Indian include policies and practices that intentionally or unintentionally
68.32 result in disparate discipline referrals and suspension, inequitable access to advanced
68.33 coursework, overrepresentation in lower-level coursework, inequitable participation in
68.34 cocurricular activities, inequitable parent involvement, and lack of equitable access to

69.1 racially and ethnically diverse teachers who reflect the racial or ethnic diversity of students
69.2 because it has not been a priority to hire or retain such teachers.

69.3 (d) School districts must use local data, to the extent practicable, to develop plan
69.4 components and strategies. Plans may include:

69.5 (1) innovative and integrated prekindergarten through grade 12 learning environments
69.6 that offer students school enrollment choices;

69.7 (2) family engagement initiatives that involve families in their students' academic life
69.8 and success and improve relations between home and school;

69.9 (3) opportunities for students, families, staff, and community members who are of color
69.10 or American Indian to share their experiences in the school setting with school staff and
69.11 administration and to inform the development of specific proposals for making school
69.12 environments more validating, affirming, embracing, and integrating of their cultural and
69.13 community strengths;

69.14 (4) professional development opportunities for teachers and administrators focused on
69.15 improving the academic achievement of all students, including knowledge, skills, and
69.16 dispositions needed to be antiracist and culturally sustaining as defined in section 120B.11,
69.17 subdivision 1, for serving students who are from racially and ethnically diverse backgrounds;

69.18 (5) recruitment and retention of teachers, administrators, cultural and family liaisons,
69.19 paraprofessionals, and other staff from racial, ethnic, and linguistic backgrounds represented
69.20 in the student population to strengthen relationships with all students, families, and other
69.21 members of the community;

69.22 (6) collection, examination, and evaluation of academic and discipline data for
69.23 institutional racism as defined in section 120B.11, subdivision 1, in structures, policies, and
69.24 practices that result in the education disparities, in order to propose antiracist changes as
69.25 defined in section 120B.11, subdivision 1, that increase access, meaningful participation,
69.26 representation, and positive outcomes for students of color and American Indian students;

69.27 (7) increased programmatic opportunities and effective and more diverse instructors
69.28 focused on rigor and college and career readiness for students who are impacted by racial,
69.29 gender, linguistic, and economic disparities, including students enrolled in area learning
69.30 centers or alternative learning programs under section 123A.05, state-approved alternative
69.31 programs under section 126C.05, subdivision 15, and contract alternative programs under
69.32 section 124D.69, among other underserved students;

70.1 (8) ethnic studies curriculum as defined in section 120B.11, subdivision 1, to provide
 70.2 all students with opportunities to learn about their own and others' cultures and historical
 70.3 experiences; or

70.4 (9) examination and revision of district curricula in all subjects to be inclusive of diverse
 70.5 racial and ethnic groups while meeting state academic standards and being culturally
 70.6 sustaining as defined in section 120B.11, subdivision 1, ensuring content being studied
 70.7 about any group is accurate and based in knowledge from that group.

70.8 ~~(b)~~ (e) Among other requirements, an eligible district must implement effective,
 70.9 research-based interventions that include ~~formative~~ multiple measures of assessment practices
 70.10 and engagement in order to reduce the eliminate academic disparities in student academic
 70.11 performance among the specific categories of students as measured by student progress and
 70.12 growth on state reading and math assessments and for students impacted by racial, gender,
 70.13 linguistic, and economic inequities as aligned with section 120B.11.

70.14 ~~(e)~~ (f) Eligible districts must create efficiencies and eliminate duplicative programs and
 70.15 services under this section, which may include forming collaborations or a single,
 70.16 seven-county metropolitan areawide partnership of eligible districts for this purpose.

70.17 **EFFECTIVE DATE.** This section is effective for all plans reviewed and updated after
 70.18 the day following final enactment.

70.19 Sec. 60. Minnesota Statutes 2020, section 125A.094, is amended to read:

70.20 **125A.094 RESTRICTIVE PROCEDURES FOR CHILDREN WITH**
 70.21 **DISABILITIES.**

70.22 The use of restrictive procedures ~~for children with disabilities~~ for all pupils attending
 70.23 public school is governed by sections 125A.0941 and 125A.0942.

70.24 Sec. 61. Minnesota Statutes 2020, section 125A.0942, subdivision 1, is amended to read:

70.25 Subdivision 1. **Restrictive procedures plan.** (a) Schools that intend to use restrictive
 70.26 procedures shall maintain and make publicly accessible in an electronic format on a school
 70.27 or district website or make a paper copy available upon request describing a restrictive
 70.28 procedures plan for children with disabilities that at least:

70.29 (1) lists the restrictive procedures the school intends to use;

70.30 (2) describes how the school will implement a range of positive behavior strategies and
 70.31 provide links to mental health services;

71.1 (3) describes how the school will provide training on de-escalation techniques, consistent
71.2 with section 122A.187, subdivision 4;

71.3 (4) describes how the school will monitor and review the use of restrictive procedures,
71.4 including:

71.5 (i) conducting post-use debriefings, consistent with subdivision 3, paragraph (a), clause
71.6 (5); and

71.7 (ii) convening an oversight committee to undertake a quarterly review of the use of
71.8 restrictive procedures based on patterns or problems indicated by similarities in the time of
71.9 day, day of the week, duration of the use of a procedure, the individuals involved, or other
71.10 factors associated with the use of restrictive procedures; the number of times a restrictive
71.11 procedure is used schoolwide and for individual children; the number and types of injuries,
71.12 if any, resulting from the use of restrictive procedures; whether restrictive procedures are
71.13 used in nonemergency situations; the need for additional staff training; the use of restrictive
71.14 procedures for disproportionality, racial disparities, in the usage of restrictive procedures;
71.15 the usage of school resource officer's handling of the behaviors; student documentation to
71.16 determine if the staff followed the standards for using restrictive procedures and if there is
71.17 updated information about whether the restrictive procedures are contraindicated for the
71.18 particular student; and proposed actions to minimize the use of restrictive procedures; and

71.19 (5) includes a written description and documentation of the training staff completed
71.20 under subdivision 5.

71.21 (b) Schools annually must publicly identify oversight committee members who must at
71.22 least include:

71.23 (1) a mental health professional, school psychologist, or school social worker;

71.24 (2) an expert in positive behavior strategies;

71.25 (3) a special education administrator; and

71.26 (4) a general education administrator.

71.27 Sec. 62. Minnesota Statutes 2020, section 125A.0942, subdivision 2, is amended to read:

71.28 Subd. 2. **Restrictive procedures.** (a) Restrictive procedures may be used only by a
71.29 licensed special education teacher, school social worker, school psychologist, behavior
71.30 analyst certified by the National Behavior Analyst Certification Board, a person with a
71.31 master's degree in behavior analysis, other licensed education professional, paraprofessional

72.1 under section 120B.363, or mental health professional under section 245.4871, subdivision
72.2 27, who has completed the training program under subdivision 5.

72.3 (b) A school shall make reasonable efforts to notify the parent on the same day a
72.4 restrictive procedure is used on the child, or if the school is unable to provide same-day
72.5 notice, notice is sent within two days by written or electronic means or as otherwise indicated
72.6 by the child's parent under paragraph (f).

72.7 (c) The district must hold a meeting of the individualized education program team, if
72.8 the student is a student with a disability, or a meeting of relevant members of the student's
72.9 team, including the parent, if the student is not a student with a disability, conduct or review
72.10 a functional behavioral analysis, review data, consider developing additional or revised
72.11 positive behavioral interventions and supports, consider actions to reduce the use of restrictive
72.12 procedures, and modify the individualized education program or behavior intervention plan
72.13 as appropriate. The district must hold the meeting: within ten calendar days after district
72.14 staff use restrictive procedures on two separate school days within 30 calendar days or a
72.15 pattern of use emerges and the child's individualized education program or behavior
72.16 intervention plan does not provide for using restrictive procedures in an emergency; or at
72.17 the request of a parent or the district after restrictive procedures are used. The district must
72.18 review use of restrictive procedures at a child's annual individualized education program
72.19 meeting when the child's individualized education program provides for using restrictive
72.20 procedures in an emergency.

72.21 (d) If the ~~individualized education program~~ meeting team under paragraph (c) determines
72.22 that existing interventions and supports are ineffective in reducing the use of restrictive
72.23 procedures or the district uses restrictive procedures on a child on ten or more school days
72.24 during the same school year, the team, as appropriate, either must consult with other
72.25 professionals working with the child; consult with experts in behavior analysis, mental
72.26 health, communication, or autism; consult with culturally competent professionals; review
72.27 existing evaluations, resources, and successful strategies; or consider whether to reevaluate
72.28 the child.

72.29 (e) At the ~~individualized education program~~ meeting under paragraph (c), the team must
72.30 review any known medical or psychological limitations, including any medical information
72.31 the parent provides voluntarily, that contraindicate the use of a restrictive procedure, consider
72.32 whether to prohibit that restrictive procedure, and document any prohibition in the
72.33 individualized education program or behavior intervention plan.

73.1 (f) An individualized education program team may plan for using restrictive procedures
73.2 and may include these procedures in a child's individualized education program or behavior
73.3 intervention plan; however, the restrictive procedures may be used only in response to
73.4 behavior that constitutes an emergency, consistent with this section. The individualized
73.5 education program or behavior intervention plan shall indicate how the parent wants to be
73.6 notified when a restrictive procedure is used.

73.7 Sec. 63. Minnesota Statutes 2020, section 125A.0942, subdivision 3, is amended to read:

73.8 Subd. 3. **Physical holding or seclusion.** (a) Physical holding or seclusion may be used
73.9 only in an emergency. A school that uses physical holding or seclusion shall meet the
73.10 following requirements:

73.11 (1) physical holding or seclusion is the least intrusive intervention that effectively
73.12 responds to the emergency;

73.13 (2) physical holding or seclusion is not used to discipline a noncompliant child;

73.14 (3) physical holding or seclusion ends when the threat of harm ends and the staff
73.15 determines the child can safely return to the classroom or activity;

73.16 (4) staff directly observes the child while physical holding or seclusion is being used;

73.17 (5) each time physical holding or seclusion is used, the staff person who implements or
73.18 oversees the physical holding or seclusion documents, as soon as possible after the incident
73.19 concludes, the following information:

73.20 (i) a description of the incident that led to the physical holding or seclusion;

73.21 (ii) why a less restrictive measure failed or was determined by staff to be inappropriate
73.22 or impractical;

73.23 (iii) the time the physical holding or seclusion began and the time the child was released;
73.24 ~~and~~

73.25 (iv) a brief record of the child's behavioral and physical status; and

73.26 (v) a brief description of the post-use debriefing process that occurred following the use
73.27 of the restrictive procedure;

73.28 (6) the room used for seclusion must:

73.29 (i) be at least six feet by five feet;

73.30 (ii) be well lit, well ventilated, adequately heated, and clean;

- 74.1 (iii) have a window that allows staff to directly observe a child in seclusion;
- 74.2 (iv) have tamperproof fixtures, electrical switches located immediately outside the door,
74.3 and secure ceilings;
- 74.4 (v) have doors that open out and are unlocked, locked with keyless locks that have
74.5 immediate release mechanisms, or locked with locks that have immediate release mechanisms
74.6 connected with a fire and emergency system; and
- 74.7 (vi) not contain objects that a child may use to injure the child or others; and
- 74.8 (7) before using a room for seclusion, a school must:
- 74.9 (i) receive written notice from local authorities that the room and the locking mechanisms
74.10 comply with applicable building, fire, and safety codes; and
- 74.11 (ii) register the room with the commissioner, who may view that room.
- 74.12 (b) By February 1, 2015, and annually thereafter, stakeholders may, as necessary,
74.13 recommend to the commissioner specific and measurable implementation and outcome
74.14 goals for reducing the use of restrictive procedures and the commissioner must submit to
74.15 the legislature a report on districts' progress in reducing the use of restrictive procedures
74.16 that recommends how to further reduce these procedures and eliminate the use of seclusion.
74.17 The statewide plan includes the following components: measurable goals; the resources,
74.18 training, technical assistance, mental health services, and collaborative efforts needed to
74.19 significantly reduce districts' use of seclusion; and recommendations to clarify and improve
74.20 the law governing districts' use of restrictive procedures. The commissioner must consult
74.21 with interested stakeholders when preparing the report, including representatives of advocacy
74.22 organizations, special education directors, teachers, paraprofessionals, intermediate school
74.23 districts, school boards, day treatment providers, county social services, state human services
74.24 department staff, mental health professionals, and autism experts. Beginning with the
74.25 2016-2017 school year, in a form and manner determined by the commissioner, districts
74.26 must report data quarterly to the department by January 15, April 15, July 15, and October
74.27 15 about individual students who have been secluded. By July 15 each year, districts must
74.28 report summary data on their use of restrictive procedures to the department for the prior
74.29 school year, July 1 through June 30, in a form and manner determined by the commissioner.
74.30 The summary data must include information about the use of restrictive procedures, including
74.31 use of reasonable force under section 121A.582.

75.1 Sec. 64. Minnesota Statutes 2020, section 144.4165, is amended to read:

75.2 **144.4165 TOBACCO PRODUCTS PROHIBITED IN PUBLIC SCHOOLS.**

75.3 (a) No person shall at any time smoke, chew, or otherwise ingest tobacco, or carry or
 75.4 use an activated electronic delivery device as defined in section 609.685, subdivision 1, in
 75.5 a public school, as defined in section 120A.05, subdivisions 9, 11, and 13, or in a charter
 75.6 school governed by chapter 124E. This prohibition extends to all facilities, whether owned,
 75.7 rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or
 75.8 controls.

75.9 (b) Nothing in this section shall prohibit the lighting of tobacco by an adult as a part of
 75.10 a traditional Indian spiritual or cultural ceremony. An American Indian student may carry
 75.11 a medicine pouch containing loose tobacco intended in observance of traditional spiritual
 75.12 or cultural practices. For purposes of this section, an American Indian is a person who is a
 75.13 member of an Indian tribe as defined in section 260.755, subdivision 12 having origins in
 75.14 any of the original peoples of North America who maintain cultural identification through
 75.15 Tribal affiliation or community recognition.

75.16 Sec. 65. **NATIONAL AND INTERNATIONAL EDUCATION COMPARISONS.**

75.17 Each public district and school selected to participate in the national assessment of
 75.18 educational progress shall do so pursuant to United States Code, title 20, section 6312(c)(2),
 75.19 as in effect on December 10, 2015, or similar national or international assessments, both
 75.20 for the national sample and for any state-by-state comparison programs that may be initiated,
 75.21 as directed by the commissioner. The assessments must be conducted using the data collection
 75.22 procedures, student surveys, educator surveys, and other instruments included in the National
 75.23 Assessment of Educational Progress or similar national or international assessments being
 75.24 administered in Minnesota. The administration of such assessments shall be in addition to
 75.25 and separate from the administration of the statewide, standardized assessments.

75.26 Sec. 66. **REVISOR INSTRUCTION.**

75.27 The revisor of statutes shall renumber each section of Minnesota Statutes listed in column
 75.28 A with the number listed in column B. The revisor shall also make necessary cross-reference
 75.29 changes consistent with the renumbering. The revisor shall also make any technical language
 75.30 and other changes necessitated by the renumbering and cross-reference changes in this act.

75.31 Column A

Column B

75.32 General Requirements Statewide Assessments

75.33 120B.30, subdivision 1a, paragraph (h) 120B.30, subdivision 1

76.1	<u>120B.30, subdivision 1, paragraph (q)</u>	<u>120B.30, subdivision 2</u>
76.2	<u>120B.30, subdivision 1a, paragraph (g)</u>	<u>120B.30, subdivision 3</u>
76.3	<u>120B.30, subdivision 1b</u>	<u>120B.30, subdivision 4</u>
76.4	<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.30, subdivision 5, paragraph (a)</u>
76.5	<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.30, subdivision 5, paragraph (b)</u>
76.6	<u>120B.30, subdivision 1a, paragraph (e)</u>	<u>120B.30, subdivision 6, paragraph (a)</u>
76.7	<u>120B.30, subdivision 2, paragraph (a)</u>	<u>120B.30, subdivision 6, paragraph (b)</u>
76.8	<u>120B.30, subdivision 2, paragraph (b),</u>	<u>120B.30, subdivision 6, paragraph (c)</u>
76.9	<u>clauses (1) and (2)</u>	
76.10	<u>120B.30, subdivision 2</u>	<u>120B.30, subdivision 6, paragraph (d)</u>
76.11	<u>120B.30, subdivision 4</u>	<u>120B.30, subdivision 7</u>
76.12	<u>120B.30, subdivision 5</u>	<u>120B.30, subdivision 8</u>
76.13	<u>120B.30, subdivision 6</u>	<u>120B.30, subdivision 9</u>
76.14	<u>120B.30, subdivision 1, paragraph (e)</u>	<u>120B.30, subdivision 10</u>
76.15	<u>General Requirements Test Design</u>	
76.16	<u>120B.30, subdivision 1a, paragraph (a),</u>	<u>120B.301, subdivision 1</u>
76.17	<u>clauses (1) to (5)</u>	
76.18	<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.301, subdivision 2</u>
76.19	<u>120B.30, subdivision 1, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (a)</u>
76.20	<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.301, subdivision 3, paragraph (b)</u>
76.21	<u>120B.30, subdivision 1a, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (c)</u>
76.22	<u>120B.30, subdivision 1a, paragraph (c),</u>	<u>120B.301, subdivision 3, paragraph (d)</u>
76.23	<u>clauses (1) and (2)</u>	
76.24	<u>Assessment Graduation Requirements</u>	
76.25	<u>120B.30, subdivision 1, paragraph (c),</u>	<u>120B.304, subdivision 1</u>
76.26	<u>clauses (1) and (2)</u>	
76.27	<u>120B.30, subdivision 1, paragraph (d)</u>	<u>120B.304, subdivision 2</u>
76.28	<u>120B.30, subdivision 1, paragraph (i)</u>	<u>120B.304, subdivision 3</u>
76.29	<u>Assessment Reporting Requirements</u>	
76.30	<u>120B.30, subdivision 1a, paragraph (f),</u>	<u>120B.305, subdivision 1</u>
76.31	<u>clauses (1) to (3)</u>	
76.32	<u>120B.30, subdivision 1a, paragraph (d),</u>	<u>120B.305, subdivision 2, paragraph (a)</u>
76.33	<u>clauses (1) to (4)</u>	
76.34	<u>120B.30, subdivision 1, paragraph (m)</u>	<u>120B.305, subdivision 2, paragraph (b)</u>
76.35	<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.305, subdivision 2, paragraph (c)</u>
76.36	<u>120B.30, subdivision 1, paragraph (o),</u>	<u>120B.305, subdivision 3, paragraph (a)</u>
76.37	<u>clauses (1) to (4)</u>	
76.38	<u>120B.30, subdivision 3</u>	<u>120B.305, subdivision 3, paragraph (b)</u>
76.39	<u>District Assessment Requirements</u>	
76.40	<u>120B.301, paragraphs (a) to (c)</u>	<u>120B.306, subdivision 1</u>

77.1	<u>120B.304, paragraphs (a) and (b)</u>	<u>120B.306, subdivision 2</u>
77.2	<u>College and Career Readiness</u>	
77.3	<u>120B.30, subdivision 1, paragraph (p)</u>	<u>120B.307, subdivision 1</u>
77.4	<u>120B.30, subdivision 1, paragraph (d)</u>	<u>120B.307, subdivision 2</u>
77.5	<u>120B.30, subdivision 1, paragraph (f)</u>	<u>120B.307, subdivision 3</u>
77.6	<u>120B.30, subdivision 1, paragraph (g)</u>	<u>120B.307, subdivision 4, paragraph (a)</u>
77.7	<u>120B.30, subdivision 1, paragraph (h)</u>	<u>120B.307, subdivision 4, paragraph (b)</u>
77.8	<u>120B.30, subdivision 1, paragraph (j)</u>	<u>120B.307, subdivision 4, paragraph (c)</u>
77.9	<u>120B.30, subdivision 1, paragraph (k)</u>	<u>120B.307, subdivision 4, paragraph (d)</u>
77.10	<u>120B.30, subdivision 1, paragraph (l)</u>	<u>120B.307, subdivision 4, paragraph (e)</u>

77.11 **Sec. 67. REPEALER.**

77.12 Minnesota Statutes 2020, section 120B.35, subdivision 5, is repealed.

77.13 **ARTICLE 3**

77.14 **TEACHERS**

77.15 **Section 1. [120B.117] INCREASING PERCENTAGE OF TEACHERS OF COLOR**
 77.16 **AND AMERICAN INDIAN TEACHERS IN MINNESOTA.**

77.17 Subdivision 1. **Purpose.** This section sets short-term and long-term attainment goals for
 77.18 increasing the percentage of teachers of color and who are American Indian teachers in
 77.19 Minnesota and for ensuring all students have equitable access to effective and racially and
 77.20 ethnically diverse teachers who reflect the diversity of students. The goals and report required
 77.21 under this section are important for meeting attainment goals for the world's best workforce
 77.22 under section 120B.11, achievement and integration under section 124D.861, and higher
 77.23 education attainment under section 135A.012, all of which have been established to close
 77.24 persistent opportunity and achievement gaps that limit students' success in school and life
 77.25 and impede the state's economic growth.

77.26 Subd. 2. **Equitable access to racially and ethnically diverse teachers.** The percentage
 77.27 of teachers in Minnesota who are of color or who are American Indian should increase at
 77.28 least two percentage points per year to have a teaching workforce that more closely reflects
 77.29 the state's increasingly diverse student population and to ensure all students have equitable
 77.30 access to effective and diverse teachers by 2040.

77.31 Subd. 3. **Rights not created.** The attainment goal in this section is not to the exclusion
 77.32 of any other goals and does not confer a right or create a claim for any person.

78.1 Subd. 4. **Reporting.** Beginning in 2022 and every even-numbered year thereafter, the
78.2 Professional Educator Licensing and Standards Board must collaborate with the Department
78.3 of Education and the Office of Higher Education to publish a summary report of each of
78.4 the programs they administer and any other programs receiving state appropriations that
78.5 have or include an explicit purpose of increasing the racial and ethnic diversity of the state's
78.6 teacher workforce to more closely reflect the diversity of students. The report must include
78.7 programs under sections 122A.59, 122A.63, 122A.635, 122A.70, 122A.73, 124D.09,
78.8 124D.861, 136A.1274, 136A.1276, and 136A.1791, along with any other programs or
78.9 initiatives that receive state appropriations to address the shortage of teachers of color and
78.10 American Indian teachers. The board must, in coordination with the Office of Higher
78.11 Education and Department of Education, provide policy and funding recommendations
78.12 related to state-funded programs to increase the recruitment, preparation, licensing, hiring,
78.13 and retention of racially and ethnically diverse teachers and the state's progress toward
78.14 meeting or exceeding the goals of this section. The report must include recommendations
78.15 for state policy and funding needed to achieve the goals of this section, plans for sharing
78.16 the report and activities of grant recipients, and opportunities among grant recipients of
78.17 various programs to share effective practices with each other. The 2022 report must include
78.18 a recommendation of whether a state advisory council should be established to address the
78.19 shortage of racially and ethnically diverse teachers and what the composition and charge
78.20 of such an advisory council would be if established. The board must consult with the Indian
78.21 Affairs Council and other ethnic councils along with other community partners, including
78.22 students of color and American Indian students, in developing the report. By November 1
78.23 of each even-numbered year, the board must submit the report to the chairs and ranking
78.24 minority members of the legislative committees with jurisdiction over education and higher
78.25 education policy and finance. The report must be available to the public on the board's
78.26 website.

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

78.28 Sec. 2. **[120B.25] CURRICULUM POLICY.**

78.29 A school board must adopt a written policy that prohibits discrimination or discipline
78.30 for a teacher or principal on the basis of incorporating into curriculum contributions by
78.31 persons in a federally protected class or protected class under sections 121A.031 and
78.32 363A.13, consistent with local collective bargaining agreements and sections 121A.41 to
78.33 121A.56.

79.1 Sec. 3. Minnesota Statutes 2020, section 122A.06, subdivision 6, is amended to read:

79.2 Subd. 6. **Shortage area.** "Shortage area" means:

79.3 (1) licensure fields and economic development regions reported by the commissioner
79.4 of education or the Professional Educator Licensing and Standards Board as experiencing
79.5 a teacher shortage includes the number of assignments a school district is unable to fill with
79.6 a licensed teacher by November 1 of every even-numbered year, the number of out of field
79.7 permissions issued, and the number of Tier 1 licenses issued in license fields with
79.8 board-approved preparation programs; and

79.9 (2) economic development regions where there is a shortage of licensed teachers who
79.10 reflect the racial or ethnic diversity of students in the region.

79.11 **EFFECTIVE DATE.** This section is effective July 1, 2022.

79.12 Sec. 4. Minnesota Statutes 2020, section 122A.091, subdivision 5, is amended to read:

79.13 Subd. 5. **Survey of districts.** (a) The Professional Educator Licensing and Standards
79.14 Board must survey the state's school districts and teacher preparation programs and report
79.15 to the education committees of the legislature by February 1, 2019, and each odd-numbered
79.16 year thereafter, on the status of teacher early retirement patterns, the access to effective and
79.17 more diverse teachers who reflect the students under section 120B.35, subdivision 3,
79.18 paragraph (b), clause (2), enrolled in a district or school, the teacher shortage, and the
79.19 substitute teacher shortage, including patterns and shortages in licensure field areas and the
79.20 economic development regions of the state.

79.21 (b) The report must also include:

79.22 (1) aggregate data on teachers' self-reported race and ethnicity;

79.23 (2) data on how districts are making progress in hiring teachers and substitute teachers
79.24 in the areas of shortage, including the number of teachers hired in the preceding two years,
79.25 the number of teachers hired holding a license at each tier level, the number of assignments
79.26 the school district was unable to fill with a licensed teacher, and licenses and permissions
79.27 for license fields without a board-approved preparation program by economic development
79.28 regions; and

79.29 (3) a five-year projection of teacher demand for each district, taking into account the
79.30 students under section 120B.35, subdivision 3, paragraph (b), clause (2), expected to enroll
79.31 in the district during that five-year period.

79.32 **EFFECTIVE DATE.** This section is effective July 1, 2022.

80.1 Sec. 5. Minnesota Statutes 2020, section 122A.14, is amended by adding a subdivision to
80.2 read:

80.3 Subd. 11. **Mental illness.** The board must adopt rules that require all school administrators
80.4 renewing a license to include in the renewal requirements at least two hours of mental illness
80.5 training. The training must include at least one hour of suicide prevention training in each
80.6 licensure renewal period that is a nationally recognized evidence-based program. At least
80.7 one additional hour of training must include understanding the key warning signs of
80.8 early-onset mental illness in children and adolescents, trauma, accommodations for students'
80.9 mental illness, parents' roles in addressing students' mental illness, fetal alcohol spectrum
80.10 disorders, autism, and de-escalation methods, among other similar topics.

80.11 Sec. 6. Minnesota Statutes 2020, section 122A.181, subdivision 5, is amended to read:

80.12 Subd. 5. **Limitations on license.** (a) A Tier 1 license is limited to the content matter
80.13 indicated on the application for the initial Tier 1 license under subdivision 1, clause (2), and
80.14 limited to the district or charter school that requested the initial Tier 1 license.

80.15 (b) A Tier 1 license does not bring an individual within the definition of a teacher for
80.16 purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1, clause (a).

80.17 ~~(c) A Tier 1 license does not bring an individual within the definition of a teacher under~~
80.18 ~~section 179A.03, subdivision 18.~~

80.19 Sec. 7. Minnesota Statutes 2020, section 122A.183, subdivision 1, is amended to read:

80.20 Subdivision 1. **Requirements.** (a) The Professional Educator Licensing and Standards
80.21 Board must issue a Tier 3 license to a candidate who provides information sufficient to
80.22 demonstrate all of the following:

80.23 (1) the candidate meets the educational or professional requirements in paragraphs (b)
80.24 and (c);

80.25 (2) the candidate has obtained a passing score on the required licensure exams under
80.26 section 122A.185; and

80.27 (3) the candidate has completed the coursework required under subdivision 2.

80.28 (b) A candidate for a Tier 3 license must have a bachelor's degree to teach a class or
80.29 course outside a career and technical education or career pathways course of study.

81.1 (c) A candidate for a Tier 3 license must have one of the following credentials in a
81.2 relevant content area to teach a class or course in a career and technical education or career
81.3 pathways course of study:

81.4 (1) an associate's degree;

81.5 (2) a professional certification; or

81.6 (3) five years of relevant work experience.

81.7 In consultation with the governor's Workforce Development Board established under section
81.8 116L.665, the board must establish a list of qualifying certifications, and may add additional
81.9 professional certifications in consultation with school administrators, teachers, and other
81.10 stakeholders.

81.11 (d) The board must issue a Tier 3 license to a candidate who provides information
81.12 sufficient to demonstrate the following, regardless of whether the candidate meets other
81.13 requirements in this section:

81.14 (1) the candidate has completed a teacher preparation program from a culturally specific
81.15 Minority Serving Institution in the United States, such as Historically Black Colleges and
81.16 Universities, Tribal Colleges and Universities, or Hispanic-Serving Institutions, including
81.17 those in Puerto Rico, and is eligible for a teacher license in another state; or

81.18 (2) the candidate has completed a university teacher preparation program in another
81.19 country and has taught at least two years.

81.20 The candidate must have completed student teaching comparable to the student teaching
81.21 expectations in Minnesota.

81.22 Sec. 8. Minnesota Statutes 2020, section 122A.184, subdivision 1, is amended to read:

81.23 Subdivision 1. **Requirements.** The Professional Educator Licensing and Standards
81.24 Board must issue a Tier 4 license to a candidate who provides information sufficient to
81.25 demonstrate all of the following:

81.26 (1) the candidate meets all requirements for a Tier 3 license under section 122A.183,
81.27 and has completed a teacher preparation program under section 122A.183, subdivision 2,
81.28 clause (1) or (2);

81.29 (2) the candidate has at least three years of teaching experience in Minnesota or another
81.30 state;

82.1 (3) the candidate has obtained a passing score on all required licensure exams under
82.2 section 122A.185; and

82.3 (4) the candidate's most recent summative teacher evaluation did not result in placing
82.4 or otherwise keeping the teacher in an improvement process pursuant to section 122A.40,
82.5 subdivision 8, or 122A.41, subdivision 5.

82.6 Sec. 9. Minnesota Statutes 2020, section 122A.185, subdivision 1, is amended to read:

82.7 Subdivision 1. **Tests.** ~~(a) The Professional Educator Licensing and Standards Board~~
82.8 ~~must adopt rules requiring a candidate to demonstrate a passing score on a board-adopted~~
82.9 ~~examination of skills in reading, writing, and mathematics before being granted a Tier 4~~
82.10 ~~teaching license under section 122A.184 to provide direct instruction to pupils in elementary,~~
82.11 ~~secondary, or special education programs. Candidates may obtain a Tier 1, Tier 2, or Tier~~
82.12 ~~3 license to provide direct instruction to pupils in elementary, secondary, or special education~~
82.13 ~~programs if candidates meet the other requirements in section 122A.181, 122A.182, or~~
82.14 ~~122A.183, respectively.~~

82.15 ~~(b)~~ (a) The board must adopt and revise rules requiring candidates applicants for Tier 3
82.16 and Tier 4 licenses to pass an examination or performance assessment of general pedagogical
82.17 knowledge and examinations of licensure field specific content: if the applicant has not
82.18 completed a board-approved preparation program assuring that candidates from the program
82.19 recommended for licensure meet content and pedagogy licensure standards in Minnesota.
82.20 Candidates who have satisfactorily completed board-approved programs in Minnesota with
82.21 required coursework and clinical field experiences that include learning opportunities and
82.22 assessments aligned to content and pedagogy licensure standards are not additionally required
82.23 to pass content and pedagogy exams for Tier 3 licensure. Applicants who have satisfactorily
82.24 completed a preparation program in another state and passed licensure examinations in that
82.25 state are not additionally required to pass similar examinations required in Minnesota. The
82.26 content examination requirement does not apply if no relevant content exam exists.

82.27 ~~(e)~~ (b) Candidates for initial Tier 3 and Tier 4 licenses to teach elementary students must
82.28 pass test items assessing the candidates' knowledge, skill, and ability in comprehensive,
82.29 scientifically based reading instruction under section 122A.06, subdivision 4, knowledge
82.30 and understanding of the foundations of reading development, development of reading
82.31 comprehension and reading assessment and instruction, and the ability to integrate that
82.32 knowledge and understanding into instruction strategies under section 122A.06, subdivision
82.33 4.

83.1 (c) All testing centers in the state must provide monthly opportunities for untimed content
83.2 and pedagogy examinations. These opportunities must be advertised on the test registration
83.3 website. The board must require the exam vendor to provide other equitable opportunities
83.4 to pass exams, including:

83.5 (1) waiving testing fees for test takers who qualify for federal grants;

83.6 (2) providing free, multiple, full-length practice tests for each exam and free,
83.7 comprehensive study guides on the test registration website;

83.8 (3) making content and pedagogy exams available in languages other than English for
83.9 teachers seeking licensure to teach in language immersion programs; and

83.10 (4) providing free, detailed exam results analysis by test objective to assist candidates
83.11 who do not pass an exam in identifying areas for improvement.

83.12 Any candidate who has not passed a required exam after two attempts must be allowed to
83.13 retake the exam, including new versions of the exam, without being charged an additional
83.14 fee.

83.15 (d) The requirement to pass a board-adopted reading, writing, and mathematics skills
83.16 examination does not apply to nonnative English speakers, as verified by qualified Minnesota
83.17 school district personnel or Minnesota higher education faculty, who, after meeting the
83.18 content and pedagogy requirements under this subdivision, apply for a teaching license to
83.19 provide direct instruction in their native language or world language instruction under section
83.20 120B.022, subdivision 1.

83.21 **EFFECTIVE DATE.** This section is effective July 1, 2022.

83.22 Sec. 10. Minnesota Statutes 2020, section 122A.40, subdivision 3, is amended to read:

83.23 Subd. 3. **Hiring, dismissing.** (a) School boards must hire or dismiss teachers at duly
83.24 called meetings. Where a husband and wife, brother and sister, or two brothers or sisters,
83.25 constitute a quorum, no contract employing a teacher shall be made or authorized except
83.26 upon the unanimous vote of the full board. A teacher related by blood or marriage, within
83.27 the fourth degree, computed by the civil law, to a board member shall not be employed
83.28 except by a unanimous vote of the full board. The initial employment of the teacher in the
83.29 district must be by written contract, signed by the teacher and by the chair and clerk. All
83.30 subsequent employment of the teacher in the district must be by written contract, signed by
83.31 the teacher and by the chair and clerk, except where there is a master agreement covering
83.32 the employment of the teacher. Contracts for teaching or supervision of teaching can be

84.1 made only with qualified teachers. A teacher shall not be required to reside within the
84.2 employing district as a condition to teaching employment or continued teaching employment.

84.3 (b) A school district must report all new teacher hires and terminations, including layoffs,
84.4 by race and ethnicity annually to the Department of Education. The report must not include
84.5 data that would personally identify individuals.

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

84.7 Sec. 11. Minnesota Statutes 2020, section 122A.40, subdivision 5, is amended to read:

84.8 Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's first
84.9 teaching experience in Minnesota in a single district is deemed to be a probationary period
84.10 of employment, and, the probationary period in each district in which the teacher is thereafter
84.11 employed shall be one year. The school board must adopt a plan for written evaluation of
84.12 teachers during the probationary period that is consistent with subdivision 8. Evaluation
84.13 must occur at least three times periodically throughout each school year for a teacher
84.14 performing services during that school year; the first evaluation must occur within the first
84.15 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops,
84.16 and other staff development opportunities and days on which a teacher is absent from school
84.17 must not be included in determining the number of school days on which a teacher performs
84.18 services. Except as otherwise provided in paragraph (b), during the probationary period any
84.19 annual contract with any teacher may or may not be renewed as the school board shall see
84.20 fit. However, the board must give any such teacher whose contract it declines to renew for
84.21 the following school year written notice to that effect before July 1. If the teacher requests
84.22 reasons for any nonrenewal of a teaching contract, the board must give the teacher its reason
84.23 in writing, including a statement that appropriate supervision was furnished describing the
84.24 nature and the extent of such supervision furnished the teacher during the employment by
84.25 the board, within ten days after receiving such request. The school board may, after a hearing
84.26 held upon due notice, discharge a teacher during the probationary period for cause, effective
84.27 immediately, under section 122A.44.

84.28 (b) A board must discharge a probationary teacher, effective immediately, upon receipt
84.29 of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has
84.30 been revoked due to a conviction for child abuse or sexual abuse.

84.31 (c) A probationary teacher whose first three years of consecutive employment are
84.32 interrupted for active military service and who promptly resumes teaching consistent with
84.33 federal reemployment timelines for uniformed service personnel under United States Code,

85.1 title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes
85.2 of paragraph (a).

85.3 (d) A probationary teacher whose first three years of consecutive employment are
85.4 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12
85.5 months of when the leave began is considered to have a consecutive teaching experience
85.6 for purposes of paragraph (a) if the probationary teacher completes a combined total of
85.7 three years of teaching service immediately before and after the leave.

85.8 (e) A probationary teacher must complete at least 120 days of teaching service each year
85.9 during the probationary period. Days devoted to parent-teacher conferences, teachers'
85.10 workshops, and other staff development opportunities and days on which a teacher is absent
85.11 from school do not count as days of teaching service under this paragraph.

85.12 (f) Notwithstanding any law to the contrary, a teacher who has taught for three
85.13 consecutive years in a single school district or charter school in Minnesota or another state
85.14 must serve a probationary period no longer than one year in a Minnesota school district.

85.15 **EFFECTIVE DATE.** This section is effective for collective bargaining agreements
85.16 effective July 1, 2023, and thereafter.

85.17 Sec. 12. Minnesota Statutes 2020, section 122A.40, subdivision 8, is amended to read:

85.18 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**
85.19 **teachers.** (a) To improve student learning and success, a school board and an exclusive
85.20 representative of the teachers in the district, consistent with paragraph (b), may develop a
85.21 teacher evaluation and peer review process for probationary and continuing contract teachers
85.22 through joint agreement. If a school board and the exclusive representative of the teachers
85.23 do not agree to an annual teacher evaluation and peer review process, then the school board
85.24 and the exclusive representative of the teachers must implement the state teacher evaluation
85.25 plan under paragraph (c). The process must include having trained observers serve as peer
85.26 coaches or having teachers participate in professional learning communities, consistent with
85.27 paragraph (b).

85.28 (b) To develop, improve, and support qualified teachers and effective teaching practices,
85.29 improve student learning and success, and provide all enrolled students in a district or school
85.30 with improved and equitable access to more effective and diverse teachers, the annual
85.31 evaluation process for teachers:

85.32 (1) must, for probationary teachers, provide for all evaluations required under subdivision
85.33 5;

86.1 (2) must establish a three-year professional review cycle for each teacher that includes
86.2 an individual growth and development plan, a peer review process, and at least one
86.3 summative evaluation performed by a qualified and trained evaluator such as a school
86.4 administrator. For the years when a tenured teacher is not evaluated by a qualified and
86.5 trained evaluator, the teacher must be evaluated by a peer review;

86.6 (3) ~~must be based on professional teaching standards established in rule~~ create, adopt,
86.7 or revise a rubric of performance standards for teacher practice that (i) is based on
86.8 professional teaching standards established in rule, (ii) includes culturally responsive
86.9 methodologies, and (iii) provides common descriptions of effectiveness using at least three
86.10 levels of performance;

86.11 (4) must coordinate staff development activities under sections 122A.60 and 122A.61
86.12 with this evaluation process and teachers' evaluation outcomes;

86.13 (5) may provide time during the school day and school year for peer coaching and teacher
86.14 collaboration;

86.15 (6) may include job-embedded learning opportunities such as professional learning
86.16 communities;

86.17 (7) may include mentoring and induction programs for teachers, including teachers who
86.18 are members of populations underrepresented among the licensed teachers in the district or
86.19 school and who reflect the diversity of students under section 120B.35, subdivision 3,
86.20 paragraph (b), clause (2), who are enrolled in the district or school;

86.21 (8) must include an option for teachers to develop and present a portfolio demonstrating
86.22 evidence of reflection and professional growth, consistent with section 122A.187, subdivision
86.23 3, and include teachers' own performance assessment based on student work samples and
86.24 examples of teachers' work, which may include video among other activities for the
86.25 summative evaluation;

86.26 (9) must use data from valid and reliable assessments aligned to state and local academic
86.27 standards and must use state and local measures of student growth and literacy that may
86.28 include value-added models or student learning goals to determine 35 percent of teacher
86.29 evaluation results;

86.30 (10) must use longitudinal data on student engagement and connection, and other student
86.31 outcome measures explicitly aligned with the elements of curriculum for which teachers
86.32 are responsible, including academic literacy, oral academic language, and achievement of
86.33 content areas of English learners;

87.1 (11) must require qualified and trained evaluators such as school administrators to
87.2 perform summative evaluations and ensure school districts and charter schools provide for
87.3 effective evaluator training specific to teacher development and evaluation;

87.4 (12) must give teachers not meeting professional teaching standards under clauses (3)
87.5 through (11) support to improve through a teacher improvement process that includes
87.6 established goals and timelines; and

87.7 (13) must discipline a teacher for not making adequate progress in the teacher
87.8 improvement process under clause (12) that may include a last chance warning, termination,
87.9 discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline
87.10 a school administrator determines is appropriate.

87.11 Data on individual teachers generated under this subdivision are personnel data under
87.12 section 13.43. The observation and interview notes of peer coaches may only be disclosed
87.13 to other school officials with the consent of the teacher being coached.

87.14 (c) The department, in consultation with parents who may represent parent organizations
87.15 and teacher and administrator representatives appointed by their respective organizations,
87.16 representing the Professional Educator Licensing and Standards Board, the Minnesota
87.17 Association of School Administrators, the Minnesota School Boards Association, the
87.18 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and
87.19 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,
87.20 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with
87.21 research expertise in teacher evaluation, must create and publish a teacher evaluation process
87.22 that complies with the requirements in paragraph (b) and applies to all teachers under this
87.23 section and section 122A.41 for whom no agreement exists under paragraph (a) for an annual
87.24 teacher evaluation and peer review process. The teacher evaluation process created under
87.25 this subdivision does not create additional due process rights for probationary teachers under
87.26 subdivision 5.

87.27 (d) Consistent with the measures of teacher effectiveness under this subdivision:

87.28 (1) for students in kindergarten through grade 4, a school administrator must not place
87.29 or approve the placement of a student in the classroom of a teacher who is in the improvement
87.30 process referenced in paragraph (b), clause (12), or has not had a summative evaluation if,
87.31 in the prior year, that student was in the classroom of a teacher who received discipline
87.32 pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that
87.33 grade; and

88.1 (2) for students in grades 5 through 12, a school administrator must not place or approve
88.2 the placement of a student in the classroom of a teacher who is in the improvement process
88.3 referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the
88.4 prior year, that student was in the classroom of a teacher who received discipline pursuant
88.5 to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area
88.6 and grade.

88.7 All data created and used under this paragraph retains its classification under chapter 13.

88.8 Sec. 13. Minnesota Statutes 2020, section 122A.41, subdivision 2, is amended to read:

88.9 Subd. 2. **Probationary period; discharge or demotion.** (a) All teachers in the public
88.10 schools in cities of the first class during the first three years of consecutive employment
88.11 shall be deemed to be in a probationary period of employment during which period any
88.12 annual contract with any teacher may, or may not, be renewed as the school board, after
88.13 consulting with the peer review committee charged with evaluating the probationary teachers
88.14 under subdivision 3, shall see fit. The school site management team or the school board if
88.15 there is no school site management team, shall adopt a plan for a written evaluation of
88.16 teachers during the probationary period according to subdivisions 3 and 5. Evaluation by
88.17 the peer review committee charged with evaluating probationary teachers under subdivision
88.18 3 shall occur at least three times periodically throughout each school year for a teacher
88.19 performing services during that school year; the first evaluation must occur within the first
88.20 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops,
88.21 and other staff development opportunities and days on which a teacher is absent from school
88.22 shall not be included in determining the number of school days on which a teacher performs
88.23 services. The school board may, during such probationary period, discharge or demote a
88.24 teacher for any of the causes as specified in this code. A written statement of the cause of
88.25 such discharge or demotion shall be given to the teacher by the school board at least 30
88.26 days before such removal or demotion shall become effective, and the teacher so notified
88.27 shall have no right of appeal therefrom.

88.28 (b) A probationary teacher whose first three years of consecutive employment are
88.29 interrupted for active military service and who promptly resumes teaching consistent with
88.30 federal reemployment timelines for uniformed service personnel under United States Code,
88.31 title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes
88.32 of paragraph (a).

88.33 (c) A probationary teacher whose first three years of consecutive employment are
88.34 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12

89.1 months of when the leave began is considered to have a consecutive teaching experience
89.2 for purposes of paragraph (a) if the probationary teacher completes a combined total of
89.3 three years of teaching service immediately before and after the leave.

89.4 (d) A probationary teacher must complete at least 120 days of teaching service each year
89.5 during the probationary period. Days devoted to parent-teacher conferences, teachers'
89.6 workshops, and other staff development opportunities and days on which a teacher is absent
89.7 from school do not count as days of teaching service under this paragraph.

89.8 (e) Notwithstanding any law to the contrary, a teacher who has taught for three
89.9 consecutive years in a single school district or charter school in Minnesota or another state
89.10 must serve a probationary period no longer than one year in a Minnesota school district.

89.11 **EFFECTIVE DATE.** This section is effective for collective bargaining agreements
89.12 effective July 1, 2023, and thereafter.

89.13 Sec. 14. Minnesota Statutes 2020, section 122A.41, subdivision 5, is amended to read:

89.14 Subd. 5. **Development, evaluation, and peer coaching for continuing contract**
89.15 **teachers.** (a) To improve student learning and success, a school board and an exclusive
89.16 representative of the teachers in the district, consistent with paragraph (b), may develop an
89.17 annual teacher evaluation and peer review process for probationary and nonprobationary
89.18 teachers through joint agreement. If a school board and the exclusive representative of the
89.19 teachers in the district do not agree to an annual teacher evaluation and peer review process,
89.20 then the school board and the exclusive representative of the teachers must implement the
89.21 state teacher evaluation plan developed under paragraph (c). The process must include
89.22 having trained observers serve as peer coaches or having teachers participate in professional
89.23 learning communities, consistent with paragraph (b).

89.24 (b) To develop, improve, and support qualified teachers and effective teaching practices
89.25 and improve student learning and success, and provide all enrolled students in a district or
89.26 school with improved and equitable access to more effective and diverse teachers, the annual
89.27 evaluation process for teachers:

89.28 (1) must, for probationary teachers, provide for all evaluations required under subdivision
89.29 2;

89.30 (2) must establish a three-year professional review cycle for each teacher that includes
89.31 an individual growth and development plan, a peer review process, and at least one
89.32 summative evaluation performed by a qualified and trained evaluator such as a school
89.33 administrator;

90.1 (3) ~~must be based on professional teaching standards established in rule~~ create, adopt,
90.2 or revise a rubric of performance standards for teacher practice that (i) is based on
90.3 professional teaching standards established in rule, (ii) includes culturally responsive
90.4 methodologies, and (iii) provides common descriptions of effectiveness using at least three
90.5 levels of performance;

90.6 (4) must coordinate staff development activities under sections 122A.60 and 122A.61
90.7 with this evaluation process and teachers' evaluation outcomes;

90.8 (5) may provide time during the school day and school year for peer coaching and teacher
90.9 collaboration;

90.10 (6) may include job-embedded learning opportunities such as professional learning
90.11 communities;

90.12 (7) may include mentoring and induction programs for teachers, including teachers who
90.13 are members of populations underrepresented among the licensed teachers in the district or
90.14 school and who reflect the diversity of students under section 120B.35, subdivision 3,
90.15 paragraph (b), clause (2), who are enrolled in the district or school;

90.16 (8) must include an option for teachers to develop and present a portfolio demonstrating
90.17 evidence of reflection and professional growth, consistent with section 122A.187, subdivision
90.18 3, and include teachers' own performance assessment based on student work samples and
90.19 examples of teachers' work, which may include video among other activities for the
90.20 summative evaluation;

90.21 (9) must use data from valid and reliable assessments aligned to state and local academic
90.22 standards and must use state and local measures of student growth and literacy that may
90.23 include value-added models or student learning goals to determine 35 percent of teacher
90.24 evaluation results;

90.25 (10) must use longitudinal data on student engagement and connection and other student
90.26 outcome measures explicitly aligned with the elements of curriculum for which teachers
90.27 are responsible, including academic literacy, oral academic language, and achievement of
90.28 English learners;

90.29 (11) must require qualified and trained evaluators such as school administrators to
90.30 perform summative evaluations and ensure school districts and charter schools provide for
90.31 effective evaluator training specific to teacher development and evaluation;

91.1 (12) must give teachers not meeting professional teaching standards under clauses (3)
91.2 through (11) support to improve through a teacher improvement process that includes
91.3 established goals and timelines; and

91.4 (13) must discipline a teacher for not making adequate progress in the teacher
91.5 improvement process under clause (12) that may include a last chance warning, termination,
91.6 discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline
91.7 a school administrator determines is appropriate.

91.8 Data on individual teachers generated under this subdivision are personnel data under
91.9 section 13.43. The observation and interview notes of peer coaches may only be disclosed
91.10 to other school officials with the consent of the teacher being coached.

91.11 (c) The department, in consultation with parents who may represent parent organizations
91.12 and teacher and administrator representatives appointed by their respective organizations,
91.13 representing the Professional Educator Licensing and Standards Board, the Minnesota
91.14 Association of School Administrators, the Minnesota School Boards Association, the
91.15 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and
91.16 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,
91.17 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with
91.18 research expertise in teacher evaluation, must create and publish a teacher evaluation process
91.19 that complies with the requirements in paragraph (b) and applies to all teachers under this
91.20 section and section 122A.40 for whom no agreement exists under paragraph (a) for an annual
91.21 teacher evaluation and peer review process. The teacher evaluation process created under
91.22 this subdivision does not create additional due process rights for probationary teachers under
91.23 subdivision 2.

91.24 (d) Consistent with the measures of teacher effectiveness under this subdivision:

91.25 (1) for students in kindergarten through grade 4, a school administrator must not place
91.26 or approve the placement of a student in the classroom of a teacher who is in the improvement
91.27 process referenced in paragraph (b), clause (12), or has not had a summative evaluation if,
91.28 in the prior year, that student was in the classroom of a teacher who received discipline
91.29 pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that
91.30 grade; and

91.31 (2) for students in grades 5 through 12, a school administrator must not place or approve
91.32 the placement of a student in the classroom of a teacher who is in the improvement process
91.33 referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the
91.34 prior year, that student was in the classroom of a teacher who received discipline pursuant

92.1 to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area
92.2 and grade.

92.3 All data created and used under this paragraph retains its classification under chapter 13.

92.4 Sec. 15. Minnesota Statutes 2020, section 122A.41, is amended by adding a subdivision
92.5 to read:

92.6 Subd. 16. **Hiring and dismissal.** A school district must report all new teacher hires and
92.7 terminations, including layoffs, by race and ethnicity annually to the Department of
92.8 Education. The report must not include data that would personally identify individuals.

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

92.10 Sec. 16. Minnesota Statutes 2020, section 122A.50, is amended to read:

92.11 **122A.50 PREPARATION TIME.**

92.12 Subdivision 1. **Preparation time.** Beginning with agreements effective July 1, 1995,
92.13 and thereafter, all collective bargaining agreements for teachers provided for under chapter
92.14 179A, must include provisions for preparation time or a provision indicating that the parties
92.15 to the agreement chose not to include preparation time in the contract.

92.16 If the parties cannot agree on preparation time the following provision shall apply and
92.17 be incorporated as part of the agreement: "Within the student day for every 25 minutes of
92.18 classroom instructional time, a minimum of five additional minutes of preparation time
92.19 shall be provided to each licensed teacher. Preparation time shall be provided in one or two
92.20 uninterrupted blocks during the student day. Exceptions to this may be made by mutual
92.21 agreement between the district and the exclusive representative of the teachers."

92.22 Subd. 2. **Due process forms and procedures time.** (a) Beginning with the 2022-2023
92.23 school year, all collective bargaining agreements for teachers provided for under chapter
92.24 179A must include provisions for due process forms and procedures time for educators
92.25 assigned to teach or provide services to students with individualized family service plans
92.26 or individualized education programs. This time is in addition to the preparation time under
92.27 subdivision 1.

92.28 (b) If the parties cannot agree on due process forms and procedures time, the following
92.29 provisions shall apply and be incorporated as part of the agreement: "Within the student
92.30 day and over the course of the week, special educators must receive an average of 60 minutes
92.31 per day as time for due process forms and procedures duties in addition to the required
92.32 preparation time."

93.1 (c) If the collective bargaining agreement already provides an amount of time equivalent
 93.2 to the 300 due process forms and procedures minutes plus the required preparation time in
 93.3 subdivision 1, the district shall not be required to add additional due process forms and
 93.4 procedures time.

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

93.6 Sec. 17. Minnesota Statutes 2020, section 122A.635, is amended to read:

93.7 **122A.635 COLLABORATIVE URBAN AND GREATER MINNESOTA**
 93.8 **EDUCATORS OF COLOR GRANT PROGRAM.**

93.9 Subdivision 1. **Establishment.** The Professional Educator Licensing and Standards
 93.10 Board must award competitive grants to increase the number of teacher candidates who are
 93.11 of color or who are American Indian, complete teacher preparation programs, and meet the
 93.12 requirements for a Tier 3 license under section 122A.183. Eligibility for a grant under this
 93.13 section is limited to public or private higher education institutions that offer a teacher
 93.14 preparation program approved by the Professional Educator Licensing and Standards Board.

93.15 Subd. 2. **Competitive grants.** (a) The Professional Educator Licensing and Standards
 93.16 Board must award competitive grants to a variety of higher education institution types under
 93.17 this section. The board must require an applicant institution to submit a plan describing how
 93.18 it would use grant funds to increase the number of teachers who are of color or who are
 93.19 American Indian, and must award grants based on the following criteria, listed in descending
 93.20 order of priority:

93.21 ~~(1) the number of teacher candidates being supported in the program who are of color~~
 93.22 ~~or who are American Indian;~~

93.23 ~~(2) (1) program outcomes, including graduation or program completion rates; and~~
 93.24 ~~licensure recommendation rates, and placement rates for candidates who are of color or~~
 93.25 ~~who are American Indian compared to all candidates enrolled in a teacher preparation~~
 93.26 ~~program at the institution and, for each outcome measure, the number of those teacher~~
 93.27 ~~candidates who are of color or who are American Indian; and~~

93.28 ~~(3) the percent of racially and ethnically diverse teacher candidates enrolled in the~~
 93.29 ~~institution compared to:~~

93.30 ~~(i) the total percent of students of color and American Indian students enrolled at the~~
 93.31 ~~institution, regardless of major; and~~

94.1 ~~(ii) the percent of underrepresented racially and ethnically diverse teachers in the~~
94.2 ~~economic development region of the state where the institution is located and where a~~
94.3 ~~shortage of diverse teachers exists, as reported under section 122A.091, subdivision 5.~~

94.4 (2) the extent to which an institution's plan is clear in describing how the institution
94.5 would use grant funds for implementing explicit research-based practices to provide
94.6 programmatic support to teacher candidates who are of color or who are American Indian.
94.7 Plans for grant funds may include:

94.8 (i) recruiting more racially and ethnically diverse candidates for admission to teacher
94.9 preparation programs;

94.10 (ii) providing differentiated advising, mentoring, or other supportive community-building
94.11 activities in addition to what the institution provides to all candidates enrolled in the
94.12 institution;

94.13 (iii) providing academic tutoring or support to help teacher candidates pass required
94.14 assessments; and

94.15 (iv) providing for program staffing expenses;

94.16 (3) an institution's plan to provide direct financial assistance as scholarships or stipends
94.17 within the allowable dollar range determined by the board under subdivision 3, paragraph
94.18 (b), to teacher candidates who are of color or who are American Indian;

94.19 ~~(b) The board must give priority in awarding grants under this section to institutions that~~
94.20 ~~received grants under Laws 2017, First Special Session chapter 5, article 2, section 57,~~
94.21 ~~subdivision 27, and have demonstrated continuing success at recruiting, retaining, graduating,~~
94.22 ~~and inducting~~ (4) whether the institution has previously received a competitive grant under
94.23 this section and has demonstrated positive outcomes from the use of grant funds for efforts
94.24 helping teacher candidates who are of color or who are American Indian; to enroll in and
94.25 successfully complete teacher preparation programs and be recommended for licensure;

94.26 (5) geographic diversity among the institutions. In order to expand the number of grant
94.27 recipients throughout the state, whenever there is at least a 20 percent increase in the base
94.28 appropriation for this grant program, the board must prioritize awarding grants to institutions
94.29 outside of the Twin Cities metropolitan area. If the board awards a competitive grant based
94.30 on the criteria in paragraph (a) to a program that has not previously received funding, the
94.31 board must thereafter give priority to the program equivalent to other programs given priority
94.32 under this paragraph. that have received grants and demonstrated positive outcomes; and

95.1 (6) the percentage of racially and ethnically diverse teacher candidates enrolled in the
95.2 institution compared to:

95.3 (i) the aggregate percentage of students of color and American Indian students enrolled
95.4 in the institution, regardless of major; and

95.5 (ii) the percentage of underrepresented racially and ethnically diverse teachers in the
95.6 economic development region of the state where the institution is located and where a
95.7 shortage of diverse teachers exists, as reported under section 122A.091, subdivision 5.

95.8 (b) The board must not penalize an applicant institution in the grant review process for
95.9 using grant funds only to provide direct financial support to teacher candidates if that is the
95.10 institution's priority and the institution uses other resources to provide programmatic support
95.11 to candidates.

95.12 (c) The board must determine award amounts for development, maintenance and, or
95.13 expansion of programs based only on the degree to which applicants meet the criteria in
95.14 this subdivision, the number of candidates who are of color or who are American Indian
95.15 supported by an applicant program, ~~sustaining support for those candidates,~~ and funds
95.16 available.

95.17 (d) The board must determine grant awards in part by multiplying the number of teacher
95.18 candidates to be provided direct financial assistance by the average amount the institution
95.19 proposes per candidate that is within the allowable dollar range. After assessing an
95.20 institution's adherence to grant criteria and funds available, the board may grant an institution
95.21 a lower average amount per candidate and the institution may decide to award less per
95.22 candidate or provide financial assistance to fewer candidates within the allowable range.
95.23 Additionally, an institution may use up to 25 percent of the awarded grant funds to provide
95.24 programmatic support as described in paragraph (a), clause (3). If the board does not award
95.25 an applicant institution's full request, the board must allow the institution to modify how it
95.26 uses grant funds to maximize program outcomes consistent with the requirements of this
95.27 section.

95.28 **Subd. 3. Grant program administration.** (a) The Professional Educator Licensing and
95.29 Standards Board may enter into an interagency agreement with the Office of Higher
95.30 Education. The agreement may include a transfer of funds to the Office of Higher Education
95.31 to help establish and administer the competitive grant process. The board must award grants
95.32 to institutions located in various economic development regions throughout the state, but
95.33 must not predetermine the number of institutions to be awarded grants under this section

96.1 or set a limit for the amount that any one institution may receive as part of the competitive
96.2 grant application process.

96.3 (b) The board must establish a standard allowable dollar range for the amount of direct
96.4 financial assistance an applicant institution may provide to each candidate. To determine
96.5 the range, the board may collect de-identified data from institutions that received a grant
96.6 during the previous grant period and calculate the average scholarship amount awarded to
96.7 all candidates across all institutions using the most recent fiscal year data available. The
96.8 calculation may be used to determine a scholarship range that is no more than 25 percent
96.9 than this amount and no less than half the average of this amount. The purpose of direct
96.10 financial assistance is to assist candidates matriculating through completing licensure
96.11 programs if they demonstrate financial need after considering other grants and scholarships
96.12 provided.

96.13 (c) All grants must be awarded by August 15 of the fiscal year in which the grants are
96.14 to be used ~~except that, for initial competitive grants awarded for fiscal year 2020, grants~~
96.15 ~~must be awarded by September 15.~~ An institution that receives a grant under this section
96.16 may use the grant funds over a two- to four-year period to sustain support for teacher
96.17 candidates at any stage from recruitment and program admission to graduation and licensure
96.18 application.

96.19 Subd. 4. **Report.** (a) By ~~January~~ July 15 of each year, an institution awarded a grant
96.20 under this section must prepare for the legislature and the board a detailed report regarding
96.21 the expenditure of grant funds, including the amounts used to recruit, retain, and ~~induct~~
96.22 support teacher candidates of color or ~~who are~~ American Indian teacher candidates to
96.23 complete programs and be recommended for licensure. The report must include:

96.24 (1) the total number of teacher candidates of color, ~~disaggregated by race or ethnic group,~~
96.25 ~~who~~ and American Indian teacher candidates who:

96.26 (i) are enrolled in the institution;

96.27 (ii) are supported by grant funds with direct financial assistance during the academic
96.28 reporting year;

96.29 (iii) are supported with other programmatic supports;

96.30 (iv) are recruited ~~to the institution, are and~~ newly admitted to ~~the~~ a licensure program,
96.31 ~~are enrolled in the;~~

96.32 (v) are enrolled in a licensure program;

97.1 (vi) have completed a licensure program, have completed student teaching, have
 97.2 graduated, are licensed, and are newly employed as Minnesota teachers in their licensure
 97.3 field. A grant recipient must report; and

97.4 (vii) were recommended for licensure in the field for which they were prepared;

97.5 (2) the total number of teacher candidates of color or who are American Indian teacher
 97.6 candidates at each stage from recruitment program admission to licensed teaching licensure
 97.7 recommendation as a percentage of total all candidates seeking the same licensure at the
 97.8 institution; and

97.9 (3) a brief narrative describing the successes and challenges of efforts proposed in the
 97.10 grant application to support candidates with grant funds, and lessons learned for future
 97.11 efforts.

97.12 (b) By September 1 of each year, the board must post a report on its website summarizing
 97.13 the activities and outcomes of grant recipients and results that promote sharing of effective
 97.14 practices and lessons learned among grant recipients.

97.15 Sec. 18. Minnesota Statutes 2021 Supplement, section 122A.70, is amended to read:

97.16 **122A.70 TEACHER MENTORSHIP AND RETENTION OF EFFECTIVE**
 97.17 **TEACHERS.**

97.18 Subdivision 1. **Teacher mentoring, induction, and retention programs.** (a) School
 97.19 districts must develop teacher mentoring programs for teachers new to the profession or
 97.20 district, including teaching residents, teachers of color, teachers who are American Indian,
 97.21 teachers in license shortage areas, teachers with special needs, or experienced teachers in
 97.22 need of peer coaching.

97.23 (b) Teacher mentoring programs must be included in or aligned with districts' teacher
 97.24 evaluation and peer review processes under sections 122A.40, subdivision 8, and 122A.41,
 97.25 subdivision 5. A district may use staff development revenue under section 122A.61, special
 97.26 grant programs established by the legislature, or another funding source to pay a stipend to
 97.27 a mentor who may be a current or former teacher who has taught at least three years and is
 97.28 not on an improvement plan. ~~Other initiatives using such funds or funds available under~~
 97.29 ~~sections 124D.861 and 124D.862 may include:~~

97.30 ~~(1) additional stipends as incentives to mentors of color or who are American Indian;~~

97.31 ~~(2) financial supports for professional learning community affinity groups across schools~~
 97.32 ~~within and between districts for teachers from underrepresented racial and ethnic groups to~~

98.1 ~~come together throughout the school year. For purposes of this section, "affinity groups"~~
 98.2 ~~are groups of educators who share a common racial or ethnic identity in society as persons~~
 98.3 ~~of color or who are American Indian;~~

98.4 ~~(3) programs for induction aligned with the district or school mentorship program during~~
 98.5 ~~the first three years of teaching, especially for teachers from underrepresented racial and~~
 98.6 ~~ethnic groups; or~~

98.7 ~~(4) grants supporting licensed and nonlicensed educator participation in professional~~
 98.8 ~~development, such as workshops and graduate courses, related to increasing student~~
 98.9 ~~achievement for students of color and American Indian students in order to close opportunity~~
 98.10 ~~and achievement gaps.~~

98.11 ~~(e) A school or district that receives a grant must negotiate additional retention strategies~~
 98.12 ~~or protection from unrequested leave of absences in the beginning years of employment for~~
 98.13 ~~teachers of color and teachers who are American Indian. Retention strategies may include~~
 98.14 ~~providing financial incentives for teachers of color and teachers who are American Indian~~
 98.15 ~~to work in the school or district for at least five years and placing American Indian educators~~
 98.16 ~~at sites with other American Indian educators and educators of color at sites with other~~
 98.17 ~~educators of color to reduce isolation and increase opportunity for collegial support.~~

98.18 Subd. 2. **Board grants.** The Professional Educator Licensing and Standards Board must
 98.19 make grant application forms available to sites interested in developing, sustaining, or
 98.20 expanding a mentorship program. A school district; a or group of school districts; a coalition
 98.21 of districts, teachers, and teacher education institutions; or, a school or coalition of schools,
 98.22 or a coalition of teachers, or nonlicensed educators may apply for a program grant. A higher
 98.23 education institution or nonprofit organization may partner with a grant applicant but is not
 98.24 eligible as a sole applicant for grant funds. The Professional Educator Licensing and
 98.25 Standards Board, in consultation with the teacher mentoring task force, must approve or
 98.26 disapprove the applications. To the extent possible, the approved applications must reflect
 98.27 effective mentoring, professional development, and retention components, and be
 98.28 geographically distributed throughout the state. The Professional Educator Licensing and
 98.29 Standards Board must encourage the selected sites to consider the use of its assessment
 98.30 procedures.

98.31 Subd. 2a. **Funded work.** (a) Grant funds may be used for the following:

98.32 (1) additional stipends as incentives to mentors who are of color or who are American
 98.33 Indian;

99.1 (2) financial supports for professional learning community affinity groups across schools
 99.2 within and between districts for educators from underrepresented racial and ethnic groups
 99.3 to come together throughout the school year. For purposes of this section, "affinity groups"
 99.4 mean groups of licensed and nonlicensed educators who share a common racial or ethnic
 99.5 identity in society as persons who are of color or who are American Indian;

99.6 (3) programs for induction aligned with the district or school mentorship program during
 99.7 the first three years of teaching, especially for teachers from underrepresented racial and
 99.8 ethnic groups;

99.9 (4) professional development focused on ways to close opportunity and achievement
 99.10 gaps for students of color and American Indian students; or

99.11 (5) for teachers of color and American Indian teachers, graduate courses toward a first
 99.12 master's degree in a field related to their licensure or toward an additional license.

99.13 (b) A charter school or district that receives a grant must negotiate additional retention
 99.14 strategies or protection from unrequested leaves of absence in the beginning years of
 99.15 employment for teachers who are of color or who are American Indian. Retention strategies
 99.16 may include providing financial incentives for teachers of color and teachers who are
 99.17 American Indian to work in the school or district for at least five years and placing American
 99.18 Indian educators at sites with other American Indian educators and educators of color at
 99.19 sites with other educators of color to reduce isolation and increase opportunity for collegial
 99.20 support.

99.21 **Subd. 3. Criteria for selection.** (a) At a minimum, applicants for grants under subdivision
 99.22 2 must express commitment to:

99.23 (1) allow staff participation;

99.24 (2) assess skills of both beginning and mentor teachers;

99.25 (3) provide appropriate in-service to needs identified in the assessment;

99.26 (4) provide leadership to the effort;

99.27 (5) cooperate with higher education institutions or teacher educators;

99.28 (6) provide facilities and other resources;

99.29 (7) share findings, materials, and techniques with other school districts; and

99.30 (8) retain teachers of color and teachers who are American Indian.

100.1 (b) The Professional Educator Licensing and Standards Board must give priority to
100.2 applications to fund programs to induct, mentor, and retain Tier 2 or Tier 3 teachers who
100.3 are of color or who are American Indian, and Tier 2 or Tier 3 teachers in licensure shortage
100.4 areas within the applicant's economic development region.

100.5 Subd. 4. **Additional funding.** Grant applicants must seek additional funding and
100.6 assistance from sources such as school districts, postsecondary institutions, foundations,
100.7 and the private sector.

100.8 Subd. 5. **Program implementation.** A grant recipient may use grant funds on
100.9 implementing activities over a period of time up to 24 months. New and expanding
100.10 mentorship sites that receive a board grant under subdivision 2 to design, develop, implement,
100.11 and evaluate their program must participate in activities that support program development
100.12 and implementation.

100.13 Subd. 6. **Report.** By ~~June~~ September 30 of each year after receiving a grant, recipients
100.14 must submit a report to the Professional Educator Licensing and Standards Board on program
100.15 efforts that describes mentoring and induction activities and assesses the impact of these
100.16 programs on teacher effectiveness and retention.

100.17 **EFFECTIVE DATE.** This section is effective July 1, 2022.

100.18 Sec. 19. Minnesota Statutes 2020, section 123B.147, subdivision 3, is amended to read:

100.19 Subd. 3. **Duties; evaluation.** (a) The principal shall provide administrative, supervisory,
100.20 and instructional leadership services, under the supervision of the superintendent of schools
100.21 of the district and according to the policies, rules, and regulations of the school board, for
100.22 the planning, management, operation, and evaluation of the education program of the building
100.23 or buildings to which the principal is assigned.

100.24 (b) To enhance a principal's culturally responsive leadership skills and support and
100.25 improve teaching practices, school performance, and student achievement for diverse student
100.26 populations, including at-risk students, children with disabilities, English learners, and gifted
100.27 students, among others, a district must develop and implement a performance-based system
100.28 for annually evaluating school principals assigned to supervise a school building within the
100.29 district. The evaluation must be designed to improve teaching and learning by supporting
100.30 the principal in shaping the school's professional environment and developing teacher
100.31 quality, performance, and effectiveness. The annual evaluation must:

101.1 (1) support and improve a principal's instructional leadership, organizational management,
101.2 and professional development, and strengthen the principal's capacity in the areas of
101.3 instruction, supervision, evaluation, and teacher development;

101.4 (2) support and improve a principal's culturally responsive leadership practices that
101.5 create inclusive and respectful teaching and learning environments for all students, families,
101.6 and employees;

101.7 ~~(2)~~ (3) include formative and summative evaluations based on multiple measures of
101.8 student progress toward career and college readiness;

101.9 ~~(3)~~ (4) be consistent with a principal's job description, a district's long-term plans and
101.10 goals, and the principal's own professional multiyear growth plans and goals, all of which
101.11 must support the principal's leadership behaviors and practices, rigorous curriculum, school
101.12 performance, and high-quality instruction;

101.13 ~~(4)~~ (5) include on-the-job observations and previous evaluations;

101.14 ~~(5)~~ (6) allow surveys to help identify a principal's effectiveness, leadership skills and
101.15 processes, and strengths and weaknesses in exercising leadership in pursuit of school success;

101.16 ~~(6)~~ (7) use longitudinal data on student academic growth as 35 percent of the evaluation
101.17 and incorporate district achievement goals and targets;

101.18 ~~(7)~~ (8) be linked to professional development that emphasizes improved teaching and
101.19 learning, curriculum and instruction, student learning, culturally responsive leadership
101.20 practices, and a collaborative professional culture; and

101.21 ~~(8)~~ (9) for principals not meeting standards of professional practice or other criteria
101.22 under this subdivision, implement a plan to improve the principal's performance and specify
101.23 the procedure and consequence if the principal's performance is not improved.

101.24 The provisions of this paragraph are intended to provide districts with sufficient flexibility
101.25 to accommodate district needs and goals related to developing, supporting, and evaluating
101.26 principals.

101.27 **EFFECTIVE DATE.** This section is effective July 1, 2023.

101.28 Sec. 20. **TEACHER SUPPLY AND DEMAND REPORT.**

101.29 (a) The Professional Educator Licensing and Standards Board must include in the report
101.30 required under Minnesota Statutes, section 122A.091, subdivision 5, by February 1, 2023,
101.31 the number of teacher openings, by school district, for teachers with licenses in the following
101.32 fields:

102.1 (1) English as a second language;

102.2 (2) early childhood;

102.3 (3) special education;

102.4 (4) career and technical education;

102.5 (5) science, technology, engineering, arts, and math; and

102.6 (6) world languages.

102.7 (b) For each field listed in paragraph (a), the report must also include the number of

102.8 teachers hired, by school district, at each license tier level, and the number of teacher

102.9 assignments the school district was unable to fill with a licensed teacher.

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

102.11

ARTICLE 4

102.12

CHARTER SCHOOLS

102.13 Section 1. Minnesota Statutes 2020, section 124E.02, is amended to read:

102.14 **124E.02 DEFINITIONS.**

102.15 (a) For purposes of this chapter, the terms defined in this section have the meanings
102.16 given them.

102.17 (b) "Affidavit" means a written statement the authorizer submits to the commissioner
102.18 for approval to establish a charter school under section 124E.06, subdivision 4, attesting to
102.19 its review and approval process before chartering a school.

102.20 (c) "Affiliate" means a person that directly or indirectly, through one or more
102.21 intermediaries, controls, is controlled by, or is under common control with another person.

102.22 (d) "Charter management organization" means any nonprofit entity that contracts with
102.23 a charter school board of directors to provide, manage, or oversee all or substantially all of
102.24 the charter school's educational program design or implementation, or the charter school's
102.25 administrative, financial, business, or operational functions.

102.26 ~~(d)~~ (e) "Control" means the ability to affect the management, operations, or policy actions
102.27 or decisions of a person, whether by owning voting securities, by contract, or otherwise.

102.28 (f) "Education management organization" means any for-profit entity that contracts with
102.29 a charter school board of directors to provide, manage, or oversee all or substantially all of

103.1 the charter school's educational program design or implementation, or the charter school's
103.2 administrative, financial, business, or operational functions.

103.3 ~~(e)~~ (g) "Immediate family" means an individual whose relationship by blood, marriage,
103.4 adoption, or partnership is no more remote than first cousin.

103.5 (h) "Market need and demand study" means a study that, for the proposed locations of
103.6 the school or additional site, includes the following:

103.7 (1) current and projected demographic information of student populations in the
103.8 geographic area;

103.9 (2) current student enrollment patterns in the geographic area;

103.10 (3) information on existing schools and types of educational programs currently available;

103.11 (4) documentation of the plan for outreach to diverse and underrepresented populations;

103.12 (5) information on the availability of properly zoned and classified facilities; and

103.13 (6) quantification of existing demand for the new school or site expansion.

103.14 (i) "Online education service provider" means an organization that provides the online
103.15 learning management system, virtual learning environment, or online student management
103.16 system and services for the implementation and operation of the online education program.

103.17 ~~(f)~~ (j) "Person" means an individual or entity of any kind.

103.18 ~~(g)~~ (k) "Related party" means an affiliate or immediate relative of the other interested
103.19 party, an affiliate of an immediate relative who is the other interested party, or an immediate
103.20 relative of an affiliate who is the other interested party.

103.21 ~~(h)~~ (l) For purposes of this chapter, the terms defined in section 120A.05 have the same
103.22 meanings.

103.23 Sec. 2. Minnesota Statutes 2020, section 124E.03, subdivision 2, is amended to read:

103.24 Subd. 2. **Certain federal, state, and local requirements.** (a) A charter school shall
103.25 meet all federal, state, and local health and safety requirements applicable to school districts.

103.26 (b) A school must comply with statewide accountability requirements governing standards
103.27 and assessments in chapter 120B.

103.28 (c) A charter school must comply with the Minnesota Public School Fee Law, sections
103.29 123B.34 to 123B.39.

103.30 (d) A charter school is a district for the purposes of tort liability under chapter 466.

104.1 (e) A charter school must comply with the Pledge of Allegiance requirement under
104.2 section 121A.11, subdivision 3.

104.3 (f) A charter school and charter school board of directors must comply with chapter 181
104.4 governing requirements for employment.

104.5 (g) A charter school must comply with continuing truant notification under section
104.6 260A.03.

104.7 (h) A charter school must develop and implement a teacher evaluation and peer review
104.8 process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (13), and place
104.9 students in classrooms in accordance with section 122A.40, subdivision 8, paragraph (d).
104.10 The teacher evaluation process in this paragraph does not create any additional employment
104.11 rights for teachers.

104.12 (i) A charter school must adopt a policy, plan, budget, and process, consistent with
104.13 section 120B.11, to review curriculum, instruction, and student achievement and strive for
104.14 the world's best workforce.

104.15 (j) A charter school is subject to and must comply with the Pupil Fair Dismissal Act,
104.16 sections 121A.40 to 121A.56, and section 121A.575.

104.17 Sec. 3. Minnesota Statutes 2020, section 124E.03, is amended by adding a subdivision to
104.18 read:

104.19 Subd. 9. **English learners.** A charter school is subject to and must comply with the
104.20 Education for English Learners Act, sections 124D.58 to 124D.64 as though it were a district.

104.21 Sec. 4. Minnesota Statutes 2020, section 124E.05, subdivision 4, is amended to read:

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

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

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

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

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

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

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

105.7 (7) the process for renewing or terminating the school's charter based on evidence
105.8 showing the academic, organizational, and financial competency of the school, including
105.9 its success in increasing student achievement and meeting the goals of the charter school
105.10 agreement; and

105.11 (8) an assurance specifying that the organization is committed to serving as an authorizer
105.12 for the full five-year term until the organization formally withdraws as an approved authorizer
105.13 under subdivision 7 or the commissioner terminates the organization's ability to authorize
105.14 charter schools under subdivision 6.

105.15 (b) Notwithstanding paragraph (a), an authorizer that is a school district may satisfy the
105.16 requirements of paragraph (a), clauses (1) and (2), and any requirement governing a conflict
105.17 of interest between an authorizer and its charter schools or ongoing evaluation or continuing
105.18 education of an administrator or other professional support staff by submitting to the
105.19 commissioner a written promise to comply with the requirements.

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

105.21 Sec. 5. Minnesota Statutes 2020, section 124E.05, subdivision 7, is amended to read:

105.22 Subd. 7. **Withdrawal.** If the governing board of an approved authorizer votes to withdraw
105.23 as an approved authorizer for a reason unrelated to any cause under ~~section 124E.10,~~
105.24 ~~subdivision 4~~ subdivision 6, the authorizer must notify all its chartered schools and the
105.25 commissioner in writing by March 1 of its intent to withdraw as an authorizer on June 30
105.26 in the next calendar year, ~~regardless of when the authorizer's five-year term of approval~~
105.27 ~~ends.~~ Upon notification of the schools and commissioner, the authorizer must provide a
105.28 letter to the school for distribution to families of students enrolled in the school that explains
105.29 the decision to withdraw as an authorizer. The commissioner may approve the transfer of
105.30 a charter school to a new authorizer under section 124E.10, subdivision 5.

106.1 Sec. 6. Minnesota Statutes 2020, section 124E.06, subdivision 1, is amended to read:

106.2 Subdivision 1. **Individuals eligible to organize.** (a) An authorizer, after receiving an
106.3 application from a charter school developer, may charter either a licensed teacher under
106.4 section 122A.18, subdivision 1, or a group of individuals that includes one or more licensed
106.5 teachers under section 122A.18, subdivision 1, to operate a school subject to the
106.6 commissioner's approval of the authorizer's affidavit under subdivision 4.

106.7 (b) "Application" under this section means the charter school business plan a charter
106.8 school developer submits to an authorizer for approval to establish a charter school. This
106.9 application must include:

106.10 (1) the school developer's:

106.11 (i) mission statement;

106.12 (ii) school purposes;

106.13 (iii) program design;

106.14 (iv) market need and demand study;

106.15 ~~(iv)~~ (v) financial plan;

106.16 ~~(v)~~ (vi) governance and management structure; and

106.17 ~~(vi)~~ (vii) background and experience; and

106.18 (2) any other information the authorizer requests; ~~and.~~

106.19 ~~(3) a "statement of assurances" of legal compliance prescribed by the commissioner.~~

106.20 (c) An authorizer shall not approve an application submitted by a charter school developer
106.21 under paragraph (a) if the application does not comply with subdivision 3, paragraph (e),
106.22 and section 124E.01, subdivision 1. The commissioner shall not approve an affidavit
106.23 submitted by an authorizer under subdivision 4 if the affidavit does not comply with
106.24 subdivision 3, paragraph (e), and section 124E.01, subdivision 1.

106.25 Sec. 7. Minnesota Statutes 2020, section 124E.06, subdivision 4, is amended to read:

106.26 Subd. 4. **Authorizer's affidavit; approval process.** (a) Before an operator may establish
106.27 and operate a school, the authorizer must file an affidavit with the commissioner stating its
106.28 intent to charter a school. An authorizer must file a separate affidavit for each school it
106.29 intends to charter. An authorizer must file an affidavit at least 14 months before July 1 of
106.30 the year the new charter school plans to serve students. The affidavit must state:

107.1 (1) the terms and conditions under which the authorizer would charter a school, including
107.2 the market need and demand study; and

107.3 (2) how the authorizer intends to oversee:

107.4 (i) the fiscal and student performance of the charter school; and

107.5 (ii) compliance with the terms of the written contract between the authorizer and the
107.6 charter school board of directors under section 124E.10, subdivision 1.

107.7 (b) The commissioner must approve or disapprove the authorizer's affidavit within 60
107.8 business days of receiving the affidavit. If the commissioner disapproves the affidavit, the
107.9 commissioner shall notify the authorizer of the deficiencies in the affidavit and the authorizer
107.10 then has 20 business days to address the deficiencies. The commissioner must notify the
107.11 authorizer of the commissioner's final approval or final disapproval within 15 business days
107.12 after receiving the authorizer's response to the deficiencies in the affidavit. If the authorizer
107.13 does not address deficiencies to the commissioner's satisfaction, the commissioner's
107.14 disapproval is final. An authorizer who fails to obtain the commissioner's approval is
107.15 precluded from chartering the school that is the subject of this affidavit.

107.16 Sec. 8. Minnesota Statutes 2020, section 124E.06, subdivision 5, is amended to read:

107.17 Subd. 5. **Adding grades or sites.** (a) A charter school may apply to the authorizer to
107.18 amend the school charter to add grades or primary enrollment sites beyond those defined
107.19 in the original affidavit approved by the commissioner. After approving the school's
107.20 application, the authorizer shall submit a supplemental affidavit in the form and manner
107.21 prescribed by the commissioner. The authorizer must file a supplemental affidavit to the
107.22 commissioner by October 1 to be eligible to add grades or sites in the next school year. The
107.23 supplemental affidavit must document to the authorizer's satisfaction:

107.24 (1) the need for the additional grades or sites with supporting long-range enrollment
107.25 projections;

107.26 (2) a longitudinal record of student academic performance and growth on statewide
107.27 assessments under chapter 120B or on other academic assessments that measure longitudinal
107.28 student performance and growth approved by the charter school's board of directors and
107.29 agreed upon with the authorizer;

107.30 (3) a history of sound school finances and a plan to add grades or sites that sustains the
107.31 school's finances; ~~and~~

107.32 (4) board capacity to administer and manage the additional grades or sites; and

108.1 (5) for a site expansion, the market need and demand study.

108.2 (b) The commissioner shall have 30 business days to review and comment on the
108.3 supplemental affidavit. The commissioner shall notify the authorizer in writing of any
108.4 deficiencies in the supplemental affidavit and the authorizer then has 20 business days to
108.5 address any deficiencies in the supplemental affidavit to the commissioner's satisfaction.
108.6 The commissioner must notify the authorizer of final approval or final disapproval within
108.7 15 business days after receiving the authorizer's response to the deficiencies in the affidavit.
108.8 The school may not add grades or sites until the commissioner has approved the supplemental
108.9 affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.

108.10 Sec. 9. Minnesota Statutes 2020, section 124E.07, subdivision 3, is amended to read:

108.11 Subd. 3. **Membership criteria.** (a) The ongoing charter school board of directors shall
108.12 have at least five nonrelated members and include: (1) at least one licensed teacher, as
108.13 defined in section 122A.06, subdivision 2, who is employed as a teacher at the school or
108.14 provides instruction under contract between the charter school and a cooperative; (2) at
108.15 least one parent or legal guardian of a student enrolled in the charter school who is not an
108.16 employee of the charter school; and (3) at least one interested community member who
108.17 resides in Minnesota, is not employed by the charter school, and does not have a child
108.18 enrolled in the school. The board structure may include a majority of teachers under this
108.19 paragraph or parents or community members, or it may have no clear majority. The chief
108.20 financial officer and the chief administrator may only serve as ex-officio nonvoting board
108.21 members. No charter school employees shall serve on the board other than teachers under
108.22 clause (1). Contractors providing facilities, goods, or services to a charter school shall not
108.23 serve on the board of directors of the charter school.

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

108.31 (c) A violation of paragraph (b) renders a contract voidable at the option of the
108.32 commissioner or the charter school board of directors. A member of a charter school board
108.33 of directors who violates paragraph (b) is individually liable to the charter school for any
108.34 damage caused by the violation.

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

109.4 Sec. 10. Minnesota Statutes 2020, section 124E.11, is amended to read:

109.5 **124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.**

109.6 (a) A charter school, including its preschool or prekindergarten program established
109.7 under section 124E.06, subdivision 3, paragraph (b), may limit admission to:

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

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

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

109.13 (b) A charter school, including its preschool or prekindergarten program established
109.14 under section 124E.06, subdivision 3, paragraph (b), shall enroll an eligible pupil who
109.15 submits a timely application, unless the number of applications exceeds the capacity of a
109.16 program, class, grade level, or building. In this case, pupils must be accepted by lot. The
109.17 charter school must develop and publish, including on its website, a lottery policy and
109.18 process that it must use when accepting pupils by lot.

109.19 (c) Admission to a charter school is free to any person who resides within the state of
109.20 Minnesota and Minnesota students have enrollment preference over out-of-state residents.

109.21 A charter school shall give enrollment preference to a sibling of an enrolled pupil and to a
109.22 foster child of that pupil's parents and may give preference for enrolling children of the
109.23 school's staff before accepting other pupils by lot. A charter school that is located in Duluth
109.24 township in St. Louis County and admits students in kindergarten through grade 6 must
109.25 give enrollment preference to students residing within a five-mile radius of the school and
109.26 to the siblings of enrolled children. ~~A charter school may give enrollment preference to~~
109.27 ~~children currently enrolled in the school's free preschool or prekindergarten program under~~
109.28 ~~section 124E.06, subdivision 3, paragraph (b), who are eligible to enroll in kindergarten in~~
109.29 ~~the next school year.~~

109.30 (d) A person shall not be admitted to a charter school (1) as a kindergarten pupil, unless
109.31 the pupil is at least five years of age on September 1 of the calendar year in which the school
109.32 year for which the pupil seeks admission commences; or (2) as a first grade student, unless
109.33 the pupil is at least six years of age on September 1 of the calendar year in which the school

110.1 year for which the pupil seeks admission commences or has completed kindergarten; except
110.2 that a charter school may establish and publish on its website a policy for admission of
110.3 selected pupils at an earlier age, consistent with the enrollment process in paragraphs (b)
110.4 and (c), and section 124D.02, subdivision 1.

110.5 (e) Except as permitted in ~~paragraph~~ paragraphs (d) and (i), a charter school, including
110.6 its preschool or prekindergarten program established under section 124E.06, subdivision
110.7 3, paragraph (b), may not limit admission to pupils on the basis of intellectual ability,
110.8 measures of achievement or aptitude, or athletic ability and may not establish any criteria
110.9 or requirements for admission that are inconsistent with this section.

110.10 (f) The charter school shall not distribute any services or goods of value to students,
110.11 parents, or guardians as an inducement, term, or condition of enrolling a student in a charter
110.12 school.

110.13 (g) Once a student is enrolled in the school, the student is considered enrolled in the
110.14 school until the student formally withdraws or is expelled under the Pupil Fair Dismissal
110.15 Act in sections 121A.40 to 121A.56, except that children currently enrolled in the school's
110.16 fee-based preschool or prekindergarten program under section 124E.06, subdivision 3,
110.17 paragraph (b), who are eligible to enroll in kindergarten in the next school year must apply
110.18 for entry into kindergarten according to the provisions of this section. Out-of-state residents
110.19 must annually apply to and be admitted by the school according to the provisions of this
110.20 section.

110.21 (h) A charter school with at least 90 percent of enrolled students who are eligible for
110.22 special education services and have a primary disability of deaf or hard-of-hearing may
110.23 enroll prekindergarten pupils with a disability under section 126C.05, subdivision 1,
110.24 paragraph (a), and must comply with the federal Individuals with Disabilities Education
110.25 Act under Code of Federal Regulations, title 34, section 300.324, subsection (2), clause
110.26 (iv).

110.27 (i) A charter school serving at least 90 percent of enrolled students who are eligible for
110.28 special education services and have a primary disability of deaf, hard-of-hearing, or deafblind
110.29 may give enrollment preference to students who are eligible for special education services
110.30 and have a primary disability of deaf, hard-of-hearing, or deafblind. The charter school may
110.31 not limit admission based on the student's eligibility for additional special education services.

111.1 Sec. 11. Minnesota Statutes 2020, section 124E.13, subdivision 1, is amended to read:

111.2 Subdivision 1. **Leased space.** A charter school may lease space from: an independent
111.3 or special school board; other public organization; private, nonprofit, nonsectarian
111.4 organization; private property owner; or a sectarian organization if the leased space is
111.5 constructed as a school facility. The owner of the space must be the lessor. The commissioner
111.6 must review and approve or disapprove leases in a timely manner to determine eligibility
111.7 for lease aid under section 124E.22.

111.8 **EFFECTIVE DATE.** This section is effective for leases effective July 1, 2022, and
111.9 thereafter.

111.10 Sec. 12. Minnesota Statutes 2020, section 124E.13, subdivision 3, is amended to read:

111.11 Subd. 3. **Affiliated nonprofit building corporation.** (a) An affiliated nonprofit building
111.12 corporation may purchase, expand, or renovate an existing facility to serve as a school or
111.13 may construct a new school facility. ~~A~~ One charter school may organize an affiliated
111.14 nonprofit building corporation that serves only that charter school if the charter school:

111.15 (1) has operated for at least six consecutive years;

111.16 (2) as of June 30, has a net positive unreserved general fund balance in the preceding
111.17 three fiscal years;

111.18 (3) has long-range strategic and financial plans that include enrollment projections for
111.19 at least five years;

111.20 (4) completes a feasibility study of facility options that outlines the benefits and costs
111.21 of each option; and

111.22 (5) has a plan that describes project parameters and budget.

111.23 (b) An affiliated nonprofit building corporation under this subdivision must:

111.24 (1) be incorporated under section 317A;

111.25 (2) comply with applicable Internal Revenue Service regulations, including regulations
111.26 for "supporting organizations" as defined by the Internal Revenue Service;

111.27 (3) post on the school website the name, mailing address, bylaws, minutes of board
111.28 meetings, and names of the current board of directors of the affiliated nonprofit building
111.29 corporation;

111.30 (4) submit to the commissioner a copy of its annual audit by December 31 of each year;
111.31 and

112.1 (5) comply with government data practices law under chapter 13.

112.2 (c) An affiliated nonprofit building corporation must not serve as the leasing agent for
112.3 property ~~or~~ and facilities it does not own. A charter school that leases property and a facility
112.4 from an affiliated nonprofit building corporation that does not own the leased ~~facility~~ property
112.5 and building is ineligible to receive charter school lease aid. The state is immune from
112.6 liability resulting from a contract between a charter school and an affiliated nonprofit building
112.7 corporation.

112.8 (d) The board of directors of the charter school must ensure the affiliated nonprofit
112.9 building corporation complies with all applicable legal requirements. The charter school's
112.10 authorizer must oversee the efforts of the board of directors of the charter school to ensure
112.11 legal compliance of the affiliated building corporation. A school's board of directors that
112.12 fails to ensure the affiliated nonprofit building corporation's compliance violates its
112.13 responsibilities and an authorizer must consider that failure when evaluating the charter
112.14 school.

112.15 Sec. 13. Minnesota Statutes 2020, section 124E.16, subdivision 1, is amended to read:

112.16 Subdivision 1. **Audit report.** (a) A charter school is subject to the same financial audits,
112.17 audit procedures, and audit requirements as a district, except as required under this
112.18 subdivision. Audits must be conducted in compliance with generally accepted governmental
112.19 auditing standards, the federal Single Audit Act, if applicable, and section 6.65 governing
112.20 auditing procedures. A charter school is subject to and must comply with sections 15.054;
112.21 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06 governing government property
112.22 and financial investments; and sections 471.38; 471.391; 471.392; and 471.425 governing
112.23 municipal contracting. The audit must comply with the requirements of sections 123B.75
112.24 to 123B.83 governing school district finance, except when the commissioner and authorizer
112.25 approve a deviation made necessary because of school program finances. The commissioner,
112.26 state auditor, legislative auditor, or authorizer may conduct financial, program, or compliance
112.27 audits. A charter school in statutory operating debt under sections 123B.81 to 123B.83 must
112.28 submit a plan under section 123B.81, subdivision 4.

112.29 (b) The charter school must submit an audit report to the commissioner and its authorizer
112.30 annually by December 31. The charter school's charter management organization or
112.31 educational management organization must submit an audit report to the commissioner
112.32 annually by December 31.

112.33 (c) The charter school, with the assistance of the auditor conducting the audit, must
112.34 include with the report, as supplemental information: (1) a copy of management agreements

113.1 with a charter management organization or an educational management organization and
113.2 (2) service agreements or contracts over the lesser of \$100,000 or ten percent of the school's
113.3 most recent annual audited expenditures. The agreements must detail the terms of the
113.4 agreement, including the services provided and the annual costs for those services. If the
113.5 entity that provides the professional services to the charter school is exempt from taxation
113.6 under section 501 of the Internal Revenue Code of 1986, that entity must file with the
113.7 commissioner by February 15 a copy of the annual return required under section 6033 of
113.8 the Internal Revenue Code of 1986.

113.9 (d) A charter school independent audit report shall include audited financial data of an
113.10 affiliated building corporation under section 124E.13, subdivision 3, or other component
113.11 unit.

113.12 (e) If the audit report finds that a material weakness exists in the financial reporting
113.13 systems of a charter school, the charter school must submit a written report to the
113.14 commissioner explaining how the charter school will resolve that material weakness. An
113.15 auditor, as a condition of providing financial services to a charter school, must agree to
113.16 make available information about a charter school's financial audit to the commissioner and
113.17 authorizer upon request.

113.18 Sec. 14. Minnesota Statutes 2020, section 124E.25, subdivision 1a, is amended to read:

113.19 Subd. 1a. **School closures; payments.** (a) Notwithstanding subdivision 1 and section
113.20 127A.45, for a charter school ceasing operation on or before June 30, for the payment periods
113.21 occurring after the school ceases serving students, the commissioner shall withhold the
113.22 estimated state aid owed the school. The charter school board of directors and authorizer
113.23 must submit to the commissioner a closure plan under chapter ~~308A~~ or 317A, and financial
113.24 information about the school's liabilities and assets. After receiving the closure plan, financial
113.25 information, an audit of pupil counts, and documented lease expenditures from the charter
113.26 school and monitoring special education expenditures, the commissioner may release cash
113.27 withheld and may continue regular payments up to the current year payment percentages
113.28 if further amounts are owed. If, based on audits and monitoring, the school received state
113.29 aid in excess of the amount owed, the commissioner shall retain aid withheld sufficient to
113.30 eliminate the aid overpayment.

113.31 (b) For a charter school ceasing operations before or at the end of a school year,
113.32 notwithstanding section 127A.45, subdivision 3, the commissioner may make preliminary
113.33 final payments after the school submits the closure plan, an audit of pupil counts, documented
113.34 lease expenditures, and Uniform Financial Accounting and Reporting Standards (UFARS)

114.1 financial data and the commissioner monitors special education expenditures for the final
114.2 year of operation. The commissioner may make the final payment after receiving audited
114.3 financial statements under section 123B.77, subdivision 3.

114.4 (c) Notwithstanding sections 317A.701 to 317A.791, after closing a charter school and
114.5 satisfying creditors, remaining cash and investment balances shall be returned by the
114.6 commissioner to the state general fund.

114.7 ARTICLE 5

114.8 HEALTH AND SAFETY

114.9 Section 1. [120B.239] SUBSTANCE MISUSE AWARENESS AND PREVENTION.

114.10 Subdivision 1. Definitions. (a) For the purposes of this section, the words defined in
114.11 this subdivision have the meanings given.

114.12 (b) "Public school" means a school district or charter school.

114.13 (c) "Substance misuse" has the meaning given in section 254A.02, subdivision 6a.

114.14 Subd. 2. School instruction requirements. (a) A public school is strongly encouraged
114.15 to provide substance misuse awareness and prevention instruction at least once to students
114.16 in grades 6 through 8. A public school must use age-appropriate substance misuse prevention
114.17 instructional materials. Substance misuse awareness and prevention instruction must include
114.18 the role of social media in substance misuse and in the distribution of illegal drugs. The
114.19 instruction may be provided as part of a public school's locally developed health standards
114.20 and curriculum.

114.21 (b) A public school is strongly encouraged to provide substance misuse awareness and
114.22 prevention instruction to students in grades 9 through 12.

114.23 (c) A public school is encouraged to use a peer-to-peer education program to provide
114.24 substance misuse awareness and prevention instruction.

114.25 (d) Instruction provided under this section, including a peer-to-peer education program,
114.26 must be evidence-based.

114.27 Sec. 2. Minnesota Statutes 2020, section 121A.031, subdivision 5, is amended to read:

114.28 ~~Subd. 5. Safe and supportive schools programming. (a) Districts and schools are~~
114.29 ~~encouraged to provide developmentally appropriate programmatic instruction to help students~~
114.30 ~~identify, prevent, and reduce prohibited conduct; value diversity in school and society;~~
114.31 ~~develop and improve students' knowledge and skills for solving problems, managing conflict,~~

115.1 ~~engaging in civil discourse, and recognizing, responding to, and reporting prohibited conduct;~~
115.2 ~~and make effective prevention and intervention programs available to students. Upon request,~~
115.3 ~~the school safety technical assistance center under section 127A.052 must assist a district~~
115.4 ~~or school in helping students understand social media and cyberbullying.~~ Districts and
115.5 schools must establish strategies for creating a positive school climate and use evidence-based
115.6 social-emotional learning to prevent and reduce discrimination and other improper conduct.

115.7 (b) Districts and schools ~~are encouraged to~~ must:

115.8 (1) engage all students in creating a safe and supportive school environment;

115.9 (2) partner with parents and other community members to develop and implement
115.10 prevention and intervention programs;

115.11 (3) engage all students and adults in integrating education, intervention, and other
115.12 remedial responses into the school environment;

115.13 (4) train student bystanders to intervene in and report incidents of prohibited conduct to
115.14 the school's primary contact person;

115.15 (5) teach students to advocate for themselves and others;

115.16 (6) prevent inappropriate referrals to special education of students who may engage in
115.17 prohibited conduct; and

115.18 (7) foster student collaborations that foster a safe and supportive school climate.

115.19 Sec. 3. Minnesota Statutes 2020, section 121A.031, subdivision 6, is amended to read:

115.20 Subd. 6. **State model policy.** (a) The commissioner, in consultation with the
115.21 commissioner of human rights, shall develop and maintain a state model policy. A district
115.22 or school that does not adopt and implement a local policy under subdivisions 3 to 5 must
115.23 implement and may supplement the provisions of the state model policy. The commissioner
115.24 must assist districts and schools under this subdivision to implement the state policy. The
115.25 state model policy must:

115.26 (1) define prohibited conduct, consistent with this section;

115.27 (2) apply the prohibited conduct policy components in this section;

115.28 (3) for a child with a disability, whenever an evaluation by an individualized education
115.29 program team or a section 504 team indicates that the child's disability affects the child's
115.30 social skills development or the child is vulnerable to prohibited conduct because of the
115.31 child's disability, the child's individualized education program or section 504 plan may

116.1 address the skills and proficiencies the child needs to not engage in and respond to such
116.2 conduct; and

116.3 (4) encourage violence prevention and character development education programs under
116.4 section 120B.232, subdivision 1.

116.5 (b) The commissioner shall develop and post departmental procedures for:

116.6 (1) periodically reviewing district and school programs and policies for compliance with
116.7 this section, including evidence-based social-emotional learning;

116.8 (2) investigating, reporting, and responding to noncompliance with this section, which
116.9 may include an annual review of plans to improve and provide a safe and supportive school
116.10 climate; and

116.11 (3) allowing students, parents, and educators to file a complaint about noncompliance
116.12 with the commissioner.

116.13 (c) The commissioner must post on the department's website information indicating that
116.14 when districts and schools allow non-curriculum-related student groups access to school
116.15 facilities, the district or school must give all student groups equal access to the school
116.16 facilities regardless of the content of the group members' speech.

116.17 (d) The commissioner must develop and maintain resources to assist a district or school
116.18 in implementing strategies for creating a positive school climate and use evidence-based,
116.19 social-emotional learning to prevent and reduce discrimination and other improper conduct.

116.20 (e) The commissioner must develop and adopt state-level social-emotional learning
116.21 standards.

116.22 Sec. 4. **[121A.0312] MALICIOUS AND SADISTIC CONDUCT.**

116.23 (a) A school board must adopt a written policy to address malicious and sadistic conduct
116.24 involving race, gender, religion, disability, sexual harassment, sexual orientation, and sexual
116.25 exploitation by a district or school staff member or student enrolled in a public or charter
116.26 school against another staff member or student that occurs as described in section 121A.031,
116.27 subdivision 1.

116.28 (b) The policy shall apply to students, teachers, administrators, and other school
116.29 personnel, and include at a minimum the components under section 121A.031, subdivision
116.30 4, paragraph (a), and disciplinary actions that will be taken for violation of the policy.
116.31 Disciplinary actions must conform with collective bargaining agreements and sections
116.32 121A.41 to 121A.56.

117.1 (c) The policy must be conspicuously posted throughout each school building, given to
117.2 each district employee and independent contractor at the time of entering into the person's
117.3 employment contract, and included in each school's student handbook on school policies.
117.4 Each school must develop a process for discussing the school's policy addressing malicious
117.5 and sadistic conduct involving race, gender, religion, disability, sexual harassment, sexual
117.6 orientation, and sexual exploitation with students, parents of students, and school employees.

117.7 (d) For purposes of this section, "malicious and sadistic conduct" means creating a hostile
117.8 learning environment by acting with the intent to cause harm by intentionally injuring
117.9 another without just cause or reason or engaging in extreme or excessive cruelty or delighting
117.10 in cruelty.

117.11 **Sec. 5. [121A.07] CHILD ABUSE HOTLINE NUMBER.**

117.12 (a) To the extent funds or in-kind contributions are available under paragraph (b), a
117.13 school board or charter school must display in a conspicuous place in each school building
117.14 an easily readable durable poster of the national child abuse hotline number or otherwise
117.15 communicate to students notice of the national child abuse hotline number.

117.16 (b) A school board or charter school may accept nonpublic funds or in-kind contributions
117.17 to implement this section.

117.18 **Sec. 6. [121A.224] OPIATE ANTAGONISTS.**

117.19 (a) A school district or charter school must maintain a supply of opiate antagonists, as
117.20 defined in section 604A.04, subdivision 1, at each school site to be administered in
117.21 compliance with section 151.37, subdivision 12.

117.22 (b) A school district or charter school may enter into arrangements with suppliers of
117.23 opiate antagonists to obtain opiate antagonists at fair market, free, or reduced prices. A third
117.24 party, other than a supplier, may pay for a school's supply of opiate antagonists.

117.25 **EFFECTIVE DATE.** This section is effective July 1, 2022.

117.26

ARTICLE 6

117.27

NUTRITION AND LIBRARIES

117.28 Section 1. Minnesota Statutes 2020, section 120B.31, subdivision 4, is amended to read:

117.29 Subd. 4. **Student performance data.** In developing policies and assessment processes
117.30 to hold schools and districts accountable for high levels of academic standards under section
117.31 120B.021, the commissioner shall aggregate and disaggregate student data over time to

118.1 report summary student performance and growth levels and, under section 120B.11,
 118.2 subdivision 2, clause (2), student learning and outcome data measured at the school, school
 118.3 district, and statewide level. The commissioner shall use the student categories identified
 118.4 under the federal Elementary and Secondary Education Act, as most recently reauthorized,
 118.5 and student categories of:

118.6 (1) homelessness;

118.7 (2) ethnicity under section 120B.35, subdivision 3, paragraph (a), clause (2);

118.8 (3) race under section 120B.35, subdivision 3, paragraph (a), clause (2);

118.9 (4) home language;

118.10 (5) English learners under section 124D.59;

118.11 (6) free or reduced-price ~~lunch~~ meals; and

118.12 (7) other categories designated by federal law to organize and report the data so that
 118.13 state and local policy makers can understand the educational implications of changes in
 118.14 districts' demographic profiles over time as data are available.

118.15 Any report the commissioner disseminates containing summary data on student performance
 118.16 must integrate student performance and the demographic factors that strongly correlate with
 118.17 that performance.

118.18 Sec. 2. Minnesota Statutes 2020, section 123A.09, is amended to read:

118.19 **123A.09 DESIGNATING AND APPROVING A CENTER.**

118.20 The commissioner shall establish a process for state designation and approval of area
 118.21 learning centers that meet the provisions of sections 123A.05 to 123A.08. Any process for
 118.22 designating and approving an area learning center must emphasize the importance of having
 118.23 the area learning center serve students who have dropped out of school, are homeless, are
 118.24 eligible to receive free or ~~reduced-priced lunch~~ reduced-price meals, have been suspended
 118.25 or expelled, have been declared truant or are pregnant or parents.

118.26 Sec. 3. Minnesota Statutes 2020, section 124D.119, is amended to read:

118.27 **124D.119 SUMMER FOOD SERVICE ~~REPLACEMENT AID~~ PROGRAM AND**
 118.28 **CHILD AND ADULT CARE FOOD PROGRAM.**

118.29 Subdivision 1. Summer Food Service Program replacement aid. States State funds
 118.30 are available to compensate department-approved Summer Food Service Program sponsors.

119.1 Reimbursement shall be made on December 15 based on total meals served by each sponsor
119.2 from the end of the school year to the beginning of the next school year on a pro rata basis.

119.3 Subd. 2. **Child and Adult Care Food Program and Summer Food Service Program**
119.4 **sponsor organizations.** Legally distinct Child and Adult Care Food Program and Summer
119.5 Food Service Program sites may transfer sponsoring organizations no more than once per
119.6 year, except under extenuating circumstances including termination of the sponsoring
119.7 organization's agreement or other circumstances approved by the Department of Education.

119.8 Subd. 3. **Child and Adult Care Food Program and Summer Food Service Program**
119.9 **training.** Prior to applying to sponsor a Child and Adult Care Food Program or Summer
119.10 Food Service Program site, a nongovernmental organization applicant must provide
119.11 documentation to the Department of Education verifying that staff members have completed
119.12 program-specific training as designated by the commissioner.

119.13 Subd. 4. **Summer Food Service Program locations.** Consistent with Code of Federal
119.14 Regulations, title 7, section 225.6(d)(1)(ii), the Department of Education must not approve
119.15 a new Summer Food Service Program open site that is within a half-mile radius of an existing
119.16 Summer Food Service Program open site, except the department may approve a new Summer
119.17 Food Service Program open site within a half-mile radius if the new program will not be
119.18 serving the same group of children for the same meal type.

119.19 Sec. 4. Minnesota Statutes 2020, section 124D.15, subdivision 15, is amended to read:

119.20 Subd. 15. **Eligibility.** A child is eligible to participate in a school readiness program if
119.21 the child:

119.22 (1) is at least three years old on September 1;

119.23 (2) has completed health and developmental screening within 90 days of program
119.24 enrollment under sections 121A.16 to 121A.19; and

119.25 (3) has one or more of the following risk factors:

119.26 (i) qualifies for free or reduced-price ~~lunch~~ meals;

119.27 (ii) is an English learner;

119.28 (iii) is homeless;

119.29 (iv) has an individualized education program (IEP) or standardized written plan;

119.30 (v) is identified, through health and developmental screenings under sections 121A.16
119.31 to 121A.19, with a potential risk factor that may influence learning; or

120.1 (vi) is defined as at risk by the school district.

120.2 Sec. 5. Minnesota Statutes 2020, section 124D.151, subdivision 5, is amended to read:

120.3 Subd. 5. **Application process; priority for high poverty schools.** (a) To qualify for
120.4 program approval for fiscal year 2017, a district or charter school must submit an application
120.5 to the commissioner by July 1, 2016. To qualify for program approval for fiscal year 2018
120.6 and later, a district or charter school must submit an application to the commissioner by
120.7 January 30 of the fiscal year prior to the fiscal year in which the program will be
120.8 implemented. The application must include:

120.9 (1) a description of the proposed program, including the number of hours per week the
120.10 program will be offered at each school site or mixed-delivery location;

120.11 (2) an estimate of the number of eligible children to be served in the program at each
120.12 school site or mixed-delivery location; and

120.13 (3) a statement of assurances signed by the superintendent or charter school director that
120.14 the proposed program meets the requirements of subdivision 2.

120.15 (b) The commissioner must review all applications submitted for fiscal year 2017 by
120.16 August 1, 2016, and must review all applications submitted for fiscal year 2018 and later
120.17 by March 1 of the fiscal year in which the applications are received and determine whether
120.18 each application meets the requirements of paragraph (a).

120.19 (c) The commissioner must divide all applications for new or expanded voluntary
120.20 prekindergarten programs under this section meeting the requirements of paragraph (a) and
120.21 school readiness plus programs into four groups as follows: the Minneapolis and St. Paul
120.22 school districts; other school districts located in the metropolitan equity region as defined
120.23 in section 126C.10, subdivision 28; school districts located in the rural equity region as
120.24 defined in section 126C.10, subdivision 28; and charter schools. Within each group, the
120.25 applications must be ordered by rank using a sliding scale based on the following criteria:

120.26 (1) concentration of kindergarten students eligible for free or reduced-price ~~lunches~~
120.27 meals by school site on October 1 of the previous school year. A school site may contract
120.28 to partner with a community-based provider or Head Start under subdivision 3 or establish
120.29 an early childhood center and use the concentration of kindergarten students eligible for
120.30 free or reduced-price meals from a specific school site as long as those eligible children are
120.31 prioritized and guaranteed services at the mixed-delivery site or early education center. For
120.32 school district programs to be operated at locations that do not have free and reduced-price
120.33 ~~lunch~~ meal concentration data for kindergarten programs for October 1 of the previous

121.1 school year, including mixed-delivery programs, the school district average concentration
121.2 of kindergarten students eligible for free or reduced-price ~~lunches~~ meals must be used for
121.3 the rank ordering;

121.4 (2) presence or absence of a three- or four-star Parent Aware rated program within the
121.5 school district or close proximity of the district. School sites with the highest concentration
121.6 of kindergarten students eligible for free or reduced-price ~~lunches~~ meals that do not have a
121.7 three- or four-star Parent Aware program within the district or close proximity of the district
121.8 shall receive the highest priority, and school sites with the lowest concentration of
121.9 kindergarten students eligible for free or reduced-price ~~lunches~~ meals that have a three- or
121.10 four-star Parent Aware rated program within the district or close proximity of the district
121.11 shall receive the lowest priority; and

121.12 (3) whether the district has implemented a mixed delivery system.

121.13 (d) The limit on participation for the programs as specified in subdivision 6 must initially
121.14 be allocated among the four groups based on each group's percentage share of the statewide
121.15 kindergarten enrollment on October 1 of the previous school year. Within each group, the
121.16 participation limit for fiscal years 2018 and 2019 must first be allocated to school sites
121.17 approved for aid in the previous year to ensure that those sites are funded for the same
121.18 number of participants as approved for the previous year. The remainder of the participation
121.19 limit for each group must be allocated among school sites in priority order until that region's
121.20 share of the participation limit is reached. If the participation limit is not reached for all
121.21 groups, the remaining amount must be allocated to the highest priority school sites, as
121.22 designated under this section, not funded in the initial allocation on a statewide basis. For
121.23 fiscal year 2020 and later, the participation limit must first be allocated to school sites
121.24 approved for aid in fiscal year 2017, and then to school sites approved for aid in fiscal year
121.25 2018 based on the statewide rankings under paragraph (c).

121.26 (e) Once a school site or a mixed delivery site under subdivision 3 is approved for aid
121.27 under this subdivision, it shall remain eligible for aid if it continues to meet program
121.28 requirements, regardless of changes in the concentration of students eligible for free or
121.29 reduced-price ~~lunches~~ meals.

121.30 (f) If the total number of participants approved based on applications submitted under
121.31 paragraph (a) is less than the participation limit under subdivision 6, the commissioner must
121.32 notify all school districts and charter schools of the amount that remains available within
121.33 30 days of the initial application deadline under paragraph (a), and complete a second round
121.34 of allocations based on applications received within 60 days of the initial application deadline.

122.1 (g) Procedures for approving applications submitted under paragraph (f) shall be the
122.2 same as specified in paragraphs (a) to (d), except that the allocations shall be made to the
122.3 highest priority school sites not funded in the initial allocation on a statewide basis.

122.4 Sec. 6. Minnesota Statutes 2020, section 124D.16, subdivision 2, is amended to read:

122.5 Subd. 2. **Amount of aid.** (a) A district is eligible to receive school readiness aid for
122.6 eligible prekindergarten pupils enrolled in a school readiness program under section 124D.15
122.7 if the biennial plan required by section 124D.15, subdivision 3a, has been approved by the
122.8 commissioner.

122.9 (b) A district must receive school readiness aid equal to:

122.10 (1) the number of four-year-old children in the district on October 1 for the previous
122.11 school year times the ratio of 50 percent of the total school readiness aid for that year to the
122.12 total number of four-year-old children reported to the commissioner for the previous school
122.13 year; plus

122.14 (2) the number of pupils enrolled in the school district from families eligible for the free
122.15 or ~~reduced~~ reduced-price school ~~lunch~~ meal program for the previous school year times the
122.16 ratio of 50 percent of the total school readiness aid for that year to the total number of pupils
122.17 in the state from families eligible for the free or ~~reduced~~ reduced-price school ~~lunch~~ meal
122.18 program for the previous school year.

122.19 (c) The total school readiness aid entitlement equals \$23,558,000 for fiscal year 2016
122.20 and \$33,683,000 for fiscal year 2017 and later.

122.21 Sec. 7. Minnesota Statutes 2020, section 124D.231, subdivision 2, is amended to read:

122.22 Subd. 2. **Full-service community school program.** (a) The commissioner shall provide
122.23 funding to eligible school sites to plan, implement, and improve full-service community
122.24 schools. Eligible school sites must meet one of the following criteria:

122.25 (1) the school is on a development plan for continuous improvement under section
122.26 120B.35, subdivision 2; or

122.27 (2) the school is in a district that has an achievement and integration plan approved by
122.28 the commissioner of education under sections 124D.861 and 124D.862.

122.29 (b) An eligible school site may receive up to \$150,000 annually. School sites receiving
122.30 funding under this section shall hire or contract with a partner agency to hire a site coordinator
122.31 to coordinate services at each covered school site.

123.1 (c) Of grants awarded, implementation funding of up to \$20,000 must be available for
123.2 up to one year for planning for school sites. At the end of this period, the school must submit
123.3 a full-service community school plan, pursuant to paragraph (g). If the site decides not to
123.4 use planning funds, the plan must be submitted with the application.

123.5 (d) The commissioner shall consider additional school factors when dispensing funds
123.6 including: schools with significant populations of students receiving free or reduced-price
123.7 ~~lunches~~ meals; significant homeless and highly mobile rates; and equity among urban,
123.8 suburban, and greater Minnesota schools.

123.9 (e) A school site must establish a school leadership team responsible for developing
123.10 school-specific programming goals, assessing program needs, and overseeing the process
123.11 of implementing expanded programming at each covered site. The school leadership team
123.12 shall have between 12 to 15 members and shall meet the following requirements:

123.13 (1) at least 30 percent of the members are parents and 30 percent of the members are
123.14 teachers at the school site and must include the school principal and representatives from
123.15 partner agencies; and

123.16 (2) the school leadership team must be responsible for overseeing the baseline analyses
123.17 under paragraph (f). A school leadership team must have ongoing responsibility for
123.18 monitoring the development and implementation of full-service community school operations
123.19 and programming at the school site and shall issue recommendations to schools on a regular
123.20 basis and summarized in an annual report. These reports shall also be made available to the
123.21 public at the school site and on school and district websites.

123.22 (f) School sites must complete a baseline analysis prior to beginning programming as a
123.23 full-service community school. The analysis shall include:

123.24 (1) a baseline analysis of needs at the school site, led by the school leadership team,
123.25 which shall include the following elements:

123.26 (i) identification of challenges facing the school;

123.27 (ii) analysis of the student body, including:

123.28 (A) number and percentage of students with disabilities and needs of these students;

123.29 (B) number and percentage of students who are English learners and the needs of these
123.30 students;

123.31 (C) number of students who are homeless or highly mobile; and

- 124.1 (D) number and percentage of students receiving free or reduced-price ~~lunch~~ meals and
124.2 the needs of these students;
- 124.3 (iii) analysis of enrollment and retention rates for students with disabilities, English
124.4 learners, homeless and highly mobile students, and students receiving free or reduced-price
124.5 ~~lunch~~ meals;
- 124.6 (iv) analysis of suspension and expulsion data, including the justification for such
124.7 disciplinary actions and the degree to which particular populations, including, but not limited
124.8 to, students of color, students with disabilities, students who are English learners, and
124.9 students receiving free or reduced-price ~~lunch~~ meals are represented among students subject
124.10 to such actions;
- 124.11 (v) analysis of school achievement data disaggregated by major demographic categories,
124.12 including, but not limited to, race, ethnicity, English learner status, disability status, and
124.13 free or reduced-price ~~lunch~~ meals status;
- 124.14 (vi) analysis of current parent engagement strategies and their success; and
- 124.15 (vii) evaluation of the need for and availability of wraparound services, including, but
124.16 not limited to:
- 124.17 (A) mechanisms for meeting students' social, emotional, and physical health needs,
124.18 which may include coordination of existing services as well as the development of new
124.19 services based on student needs; and
- 124.20 (B) strategies to create a safe and secure school environment and improve school climate
124.21 and discipline, such as implementing a system of positive behavioral supports, and taking
124.22 additional steps to eliminate bullying;
- 124.23 (2) a baseline analysis of community assets and a strategic plan for utilizing and aligning
124.24 identified assets. This analysis should include, but is not limited to, a documentation of
124.25 individuals in the community, faith-based organizations, community and neighborhood
124.26 associations, colleges, hospitals, libraries, businesses, and social service agencies who may
124.27 be able to provide support and resources; and
- 124.28 (3) a baseline analysis of needs in the community surrounding the school, led by the
124.29 school leadership team, including, but not limited to:
- 124.30 (i) the need for high-quality, full-day child care and early childhood education programs;
- 124.31 (ii) the need for physical and mental health care services for children and adults; and
- 124.32 (iii) the need for job training and other adult education programming.

- 125.1 (g) Each school site receiving funding under this section must establish at least two of
125.2 the following types of programming:
- 125.3 (1) early childhood:
- 125.4 (i) early childhood education; and
- 125.5 (ii) child care services;
- 125.6 (2) academic:
- 125.7 (i) academic support and enrichment activities, including expanded learning time;
- 125.8 (ii) summer or after-school enrichment and learning experiences;
- 125.9 (iii) job training, internship opportunities, and career counseling services;
- 125.10 (iv) programs that provide assistance to students who have been truant, suspended, or
125.11 expelled; and
- 125.12 (v) specialized instructional support services;
- 125.13 (3) parental involvement:
- 125.14 (i) programs that promote parental involvement and family literacy;
- 125.15 (ii) parent leadership development activities; and
- 125.16 (iii) parenting education activities;
- 125.17 (4) mental and physical health:
- 125.18 (i) mentoring and other youth development programs, including peer mentoring and
125.19 conflict mediation;
- 125.20 (ii) juvenile crime prevention and rehabilitation programs;
- 125.21 (iii) home visitation services by teachers and other professionals;
- 125.22 (iv) developmentally appropriate physical education;
- 125.23 (v) nutrition services;
- 125.24 (vi) primary health and dental care; and
- 125.25 (vii) mental health counseling services;
- 125.26 (5) community involvement:
- 125.27 (i) service and service-learning opportunities;
- 125.28 (ii) adult education, including instruction in English as a second language; and

- 126.1 (iii) homeless prevention services;
- 126.2 (6) positive discipline practices; and
- 126.3 (7) other programming designed to meet school and community needs identified in the
- 126.4 baseline analysis and reflected in the full-service community school plan.
- 126.5 (h) The school leadership team at each school site must develop a full-service community
- 126.6 school plan detailing the steps the school leadership team will take, including:
- 126.7 (1) timely establishment and consistent operation of the school leadership team;
- 126.8 (2) maintenance of attendance records in all programming components;
- 126.9 (3) maintenance of measurable data showing annual participation and the impact of
- 126.10 programming on the participating children and adults;
- 126.11 (4) documentation of meaningful and sustained collaboration between the school and
- 126.12 community stakeholders, including local governmental units, civic engagement organizations,
- 126.13 businesses, and social service providers;
- 126.14 (5) establishment and maintenance of partnerships with institutions, such as universities,
- 126.15 hospitals, museums, or not-for-profit community organizations to further the development
- 126.16 and implementation of community school programming;
- 126.17 (6) ensuring compliance with the district nondiscrimination policy; and
- 126.18 (7) plan for school leadership team development.

126.19 Sec. 8. Minnesota Statutes 2020, section 124D.8957, subdivision 19, is amended to read:

126.20 Subd. 19. **Free or reduced-price ~~lunch~~ meal eligibility.** The parental right to opt a

126.21 child out of disclosing a child's eligibility for free or reduced-price ~~lunch~~ meals to the

126.22 Department of Education and the Department of Human Services is governed by section

126.23 124D.1115.

126.24 Sec. 9. **[124D.901] SCHOOL LIBRARIES AND MEDIA CENTERS.**

126.25 A school district or charter school library or school library media center provides equitable

126.26 and free access to students, teachers, and administrators. A school library or school library

126.27 media center is defined as having the following characteristics:

- 126.28 (1) ensures every student has equitable access to resources and is able to locate, access,
- 126.29 and use resources that are organized and cataloged;

127.1 (2) has a collection development plan that includes but is not limited to materials selection
127.2 and de-selection, a challenged materials procedure, and an intellectual and academic freedom
127.3 statement;

127.4 (3) is housed in a central location that provides an environment for expanded learning
127.5 and supports a variety of student interests;

127.6 (4) has technology and Internet access; and

127.7 (5) is served by a licensed school library media specialist or licensed school librarian.

127.8 Sec. 10. Minnesota Statutes 2020, section 125A.76, subdivision 2a, is amended to read:

127.9 Subd. 2a. **Special education initial aid.** For fiscal year 2021 and later, a district's special
127.10 education initial aid equals the sum of:

127.11 (1) the least of 62 percent of the district's old formula special education expenditures
127.12 for the prior fiscal year, excluding pupil transportation expenditures, 50 percent of the
127.13 district's nonfederal special education expenditures for the prior year, excluding pupil
127.14 transportation expenditures, or 56 percent of the product of the sum of the following amounts,
127.15 computed using prior fiscal year data, and the program growth factor:

127.16 (i) the product of the district's average daily membership served and the sum of:

127.17 (A) \$460; plus

127.18 (B) \$405 times the ratio of the sum of the number of pupils enrolled on October 1 who
127.19 are eligible to receive free ~~lunch~~ meals plus one-half of the pupils enrolled on October 1
127.20 who are eligible to receive reduced-price ~~lunch~~ meals to the total October 1 enrollment;
127.21 plus

127.22 (C) .008 times the district's average daily membership served; plus

127.23 (ii) \$13,300 times the December 1 child count for the primary disability areas of autism
127.24 spectrum disorders, developmental delay, and severely multiply impaired; plus

127.25 (iii) \$19,200 times the December 1 child count for the primary disability areas of deaf
127.26 and hard-of-hearing and emotional or behavioral disorders; plus

127.27 (iv) \$25,200 times the December 1 child count for the primary disability areas of
127.28 developmentally cognitive mild-moderate, developmentally cognitive severe-profound,
127.29 physically impaired, visually impaired, and deafblind; plus

127.30 (2) the cost of providing transportation services for children with disabilities under
127.31 section 123B.92, subdivision 1, paragraph (b), clause (4).

128.1 Sec. 11. Minnesota Statutes 2021 Supplement, section 126C.05, subdivision 3, is amended
128.2 to read:

128.3 Subd. 3. **Compensation revenue pupil units.** Compensation revenue pupil units must
128.4 be computed according to this subdivision.

128.5 (a) The compensation revenue concentration percentage for each building in a district
128.6 equals the product of 100 times the ratio of:

128.7 (1) the sum of the number of pupils enrolled in the building eligible to receive free ~~lunch~~
128.8 meals plus one-half of the pupils eligible to receive ~~reduced-priced lunch~~ reduced-price
128.9 meals on October 1 of the previous fiscal year; to

128.10 (2) the number of pupils enrolled in the building on October 1 of the previous fiscal
128.11 year.

128.12 (b) The compensation revenue pupil weighting factor for a building equals the lesser of
128.13 one or the quotient obtained by dividing the building's compensation revenue concentration
128.14 percentage by 80.0.

128.15 (c) The compensation revenue pupil units for a building equals the product of:

128.16 (1) the sum of the number of pupils enrolled in the building eligible to receive free ~~lunch~~
128.17 meals and one-half of the pupils eligible to receive ~~reduced-priced lunch~~ reduced-price
128.18 meals on October 1 of the previous fiscal year; times

128.19 (2) the compensation revenue pupil weighting factor for the building; times

128.20 (3) .60.

128.21 (d) Notwithstanding paragraphs (a) to (c), for voluntary prekindergarten programs under
128.22 section 124D.151, charter schools, and contracted alternative programs in the first year of
128.23 operation, compensation revenue pupil units shall be computed using data for the current
128.24 fiscal year. If the voluntary prekindergarten program, charter school, or contracted alternative
128.25 program begins operation after October 1, compensatory revenue pupil units shall be
128.26 computed based on pupils enrolled on an alternate date determined by the commissioner,
128.27 and the compensation revenue pupil units shall be prorated based on the ratio of the number
128.28 of days of student instruction to 170 days.

128.29 (e) Notwithstanding paragraphs (a) to (c), for voluntary prekindergarten seats discontinued
128.30 in fiscal year 2024 due to the reduction in the participation limit under section 124D.151,
128.31 subdivision 6, those discontinued seats must not be used to calculate compensation revenue
128.32 pupil units for fiscal year 2024.

129.1 (f) The percentages in this subdivision must be based on the count of individual pupils
129.2 and not on a building average or minimum.

129.3 Sec. 12. Minnesota Statutes 2020, section 126C.05, subdivision 16, is amended to read:

129.4 Subd. 16. **Free and reduced-price ~~lunches~~ meals.** The commissioner shall determine
129.5 the number of children eligible to receive either a free or reduced-price ~~lunch~~ meals on
129.6 October 1 each year. Children enrolled in a building on October 1 and determined to be
129.7 eligible to receive free or reduced-price ~~lunch~~ meals by December 15 of that school year
129.8 shall be counted as eligible on October 1 for purposes of subdivision 3. The commissioner
129.9 may use federal definitions for these purposes and may adjust these definitions as appropriate.
129.10 The commissioner may adopt reporting guidelines to assure accuracy of data counts and
129.11 eligibility. Districts shall use any guidelines adopted by the commissioner.

129.12 Sec. 13. Minnesota Statutes 2020, section 134.31, subdivision 1, is amended to read:

129.13 Subdivision 1. **Library service.** The state shall, as an integral part of its responsibility
129.14 for public education, support the provision of library service for every ~~citizen~~ resident, the
129.15 development of cooperative programs for the sharing of resources and services among all
129.16 libraries, and the establishment of jointly operated library services at a single location where
129.17 appropriate.

129.18 Sec. 14. Minnesota Statutes 2020, section 134.31, subdivision 4a, is amended to read:

129.19 Subd. 4a. **Services to people with visual and physical disabilities.** The Minnesota
129.20 Department of Education shall provide specialized services to people with visual and physical
129.21 disabilities through the Minnesota Braille and Talking Book Library under a cooperative
129.22 plan with the National Library ~~Services~~ Service for the Blind and ~~Physically Handicapped~~
129.23 ~~of the Library of Congress~~ Print Disabled.

129.24 Sec. 15. Minnesota Statutes 2020, section 134.32, subdivision 4, is amended to read:

129.25 Subd. 4. **Special project grants.** It may provide special project grants to assist innovative
129.26 and experimental library programs including, but not limited to, special services for American
129.27 Indians and ~~the Spanish-speaking~~ English language learners, delivery of library materials
129.28 to homebound persons, other extensions of library services to persons without access to
129.29 libraries and projects to strengthen and improve library services.

130.1 Sec. 16. Minnesota Statutes 2020, section 134.34, subdivision 1, is amended to read:

130.2 Subdivision 1. **Local support levels.** (a) Regional library basic system support aid shall
130.3 be provided to any regional public library system where there are at least three participating
130.4 counties and where each participating city and county is providing for public library service
130.5 support the lesser of (a) an amount equivalent to .82 percent of the average of the adjusted
130.6 net tax capacity of the taxable property of that city or county, as determined by the
130.7 commissioner of revenue for the second, third, and fourth year preceding that calendar year
130.8 or (b) a per capita amount calculated under the provisions of this subdivision. The per capita
130.9 amount is established for calendar year 1993 as \$7.62. In succeeding calendar years, the
130.10 per capita amount shall be increased by a percentage equal to one-half of the percentage by
130.11 which the total state adjusted net tax capacity of property as determined by the commissioner
130.12 of revenue for the second year preceding that calendar year increases over that total adjusted
130.13 net tax capacity for the third year preceding that calendar year.

130.14 (b) The minimum level of support specified under this subdivision or subdivision 4 shall
130.15 be certified annually to the participating cities and counties by the Department of Education.
130.16 If a city or county chooses to reduce its local support in accordance with subdivision 4,
130.17 paragraph (b) or (c), it shall notify its regional public library system. The regional public
130.18 library system shall notify the Department of Education that a revised certification is required.
130.19 The revised minimum level of support shall be certified to the city or county by the
130.20 Department of Education.

130.21 (c) A city which is a part of a regional public library system shall not be required to
130.22 provide this level of support if the property of that city is already taxable by the county for
130.23 the support of that regional public library system. In no event shall the Department of
130.24 Education require any city or county to provide a higher level of support than the level of
130.25 support specified in this section in order for a system to qualify for regional library basic
130.26 system support aid. This section shall not be construed to prohibit a city or county from
130.27 providing a higher level of support for public libraries than the level of support specified
130.28 in this section.

130.29 (d) The amounts required to be expended under this section are subject to the reduced
130.30 maintenance of effort requirements in section 275.761.

131.1 Sec. 17. Minnesota Statutes 2020, section 136A.055, is amended to read:

131.2 **136A.055 DEVELOPMENTAL EDUCATION REPORTING.**

131.3 (a) The commissioner must report on the department's website the following summary
131.4 data on students who graduated from a Minnesota high school and are attending a public
131.5 postsecondary institution in Minnesota, limited to the most recent academic school year:

131.6 (1) the number of students placed in supplemental or developmental education;

131.7 (2) the number of students who complete supplemental or developmental education
131.8 within one academic year;

131.9 (3) the number of students that complete gateway courses in one academic year; and

131.10 (4) time to complete a degree or certificate at a postsecondary institution.

131.11 (b) Summary data must be aggregated by school district, high school, and postsecondary
131.12 institution. Summary data must be disaggregated by race, ethnicity, free or reduced-price
131.13 ~~lunch~~ meal eligibility, and age.

131.14 (c) The commissioner must post the initial data on the department's website on or before
131.15 February 15, 2018, and must update the data at least annually thereafter.

131.16 Sec. 18. Minnesota Statutes 2020, section 136A.861, subdivision 2, is amended to read:

131.17 Subd. 2. **Eligible students.** (a) Eligible students include students in grades six through
131.18 12 who meet one or more of the following criteria:

131.19 (1) are counted under section 1124(c) of the Elementary and Secondary Education Act
131.20 of 1965 (Title I);

131.21 (2) are eligible for free or reduced-price ~~lunch~~ meals under the National School Lunch
131.22 Act;

131.23 (3) receive assistance under the Temporary Assistance for Needy Families Law (Title
131.24 I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996); or

131.25 (4) are a member of a group traditionally underrepresented in higher education.

131.26 (b) Eligible undergraduate students include those who met the student eligibility criteria
131.27 as 6th through 12th graders.

132.1 Sec. 19. Minnesota Statutes 2020, section 256.962, subdivision 3, is amended to read:

132.2 Subd. 3. **Application and assistance.** (a) The Minnesota health care programs application
132.3 must be made available at provider offices, local human services agencies, school districts,
132.4 public and private elementary schools in which 25 percent or more of the students receive
132.5 free or ~~reduced-price lunches~~ reduced-price meals, community health offices, Women,
132.6 Infants and Children (WIC) program sites, Head Start program sites, public housing councils,
132.7 child care centers, early childhood education and preschool program sites, legal aid offices,
132.8 and libraries. The commissioner shall ensure that applications are available in languages
132.9 other than English.

132.10 (b) Local human service agencies, hospitals, and health care community clinics receiving
132.11 state funds must provide direct assistance in completing the application form, including the
132.12 free use of a copy machine and a drop box for applications. These locations must ensure
132.13 that the drop box is checked at least weekly and any applications are submitted to the
132.14 commissioner. The commissioner shall provide these entities with an identification number
132.15 to stamp on each application to identify the entity that provided assistance. Other locations
132.16 where applications are required to be available shall either provide direct assistance in
132.17 completing the application form or provide information on where an applicant can receive
132.18 application assistance.

132.19 (c) Counties must offer applications and application assistance when providing child
132.20 support collection services.

132.21 (d) Local public health agencies and counties that provide immunization clinics must
132.22 offer applications and application assistance during these clinics.

132.23 (e) The commissioner shall coordinate with the commissioner of health to ensure that
132.24 maternal and child health outreach efforts include information on Minnesota health care
132.25 programs and application assistance, when needed.

132.26 Sec. 20. Minnesota Statutes 2020, section 256L.05, subdivision 1, is amended to read:

132.27 Subdivision 1. **Application assistance and information availability.** (a) Applicants
132.28 may submit applications online, in person, by mail, or by phone in accordance with the
132.29 Affordable Care Act, and by any other means by which medical assistance applications may
132.30 be submitted. Applicants may submit applications through MNsure or through the
132.31 MinnesotaCare program. Applications and application assistance must be made available
132.32 at provider offices, local human services agencies, school districts, public and private
132.33 elementary schools in which 25 percent or more of the students receive free or ~~reduced-price~~

133.1 ~~lunches~~ reduced-price meals, community health offices, Women, Infants and Children
133.2 (WIC) program sites, Head Start program sites, public housing councils, crisis nurseries,
133.3 child care centers, early childhood education and preschool program sites, legal aid offices,
133.4 and libraries, and at any other locations at which medical assistance applications must be
133.5 made available. These sites may accept applications and forward the forms to the
133.6 commissioner or local county human services agencies that choose to participate as an
133.7 enrollment site. Otherwise, applicants may apply directly to the commissioner or to
133.8 participating local county human services agencies.

133.9 (b) Application assistance must be available for applicants choosing to file an online
133.10 application through MNsure."

133.11 Amend the title accordingly